

Kaiser Permanente Medical Center Project

Draft Supplemental Environmental Impact Report

Environmental Impact Report (EIR20-003)

Site Development Plan (SDP19-0005)

PREPARED FOR

City of San Marcos, Planning Department

April 2020

**Kaiser Permanente Medical Center Project
Draft Supplemental Environmental Impact Report
Environmental Impact Report (EIR20-003)
Site Development Plan (SDP19-0005)**

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LIST OF ACRONYMS AND ABBREVIATIONS

Acronym/Abbreviation	Definition
ACOE	U.S. Army Corps of Engineers
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
amsl	above mean sea level
APE	area of potential effect
APN	Assessor's Parcel Number
BMP	best management practice
BP	Business Park
CAL FIRE	California Department of Forestry and Fire Protection
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CEQA	California Environmental Quality Act
City	City of San Marcos
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
dB	decibel
DOC	Department of Conservation
EIR	Environmental Impact Report
ESA	Environmental Site Assessment
FAA	Federal Aviation Administration
FAZ	Flight Activity Zone
FMMP	Farmland Mapping and Monitoring Program
FPA	Focused Planning Area
GHG	greenhouse gas
GIS	geographic information system
HC	Hospital Complex
HCSP	Heart of the City Specific Plan
HVAC	heating, ventilation, and air conditioning
I	Interstate
M&A	Merkel & Associates Inc.
MHCP	Multiple Habitat Conservation Program
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
MOB	medical office building
mya	million years ago
NAHC	Native American Heritage Commission
Natural Communities List	<i>Vegetation Alliances and Associations: Natural Communities List Arranged Alphabetically by Life Form</i>
NCCP	Natural Community Conservation Plan
NOC	Notice of Completion

Acronym/Abbreviation	Definition
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
OHWM	ordinary high water mark
proposed project	proposed Kaiser Permanente San Marcos Medical Center Expansion Project
RWQCB	Regional Water Quality Control Board
SANDAG	San Diego Association of Governments
SB	Senate Bill
SCH	State Clearinghouse
SCIC	South Coastal Information Center
SDG&E	San Diego Gas & Electric
SDNHM	San Diego Natural History Museum
SLF	Sacred Lands Files
SMFD	San Marcos Fire Department
SMUSD	San Marcos Unified School District
SPA	Specific Plan Amendment
SR	State Route
SSC	Species of Special Concern
SWPPP	stormwater pollution prevention plan
TCR	tribal cultural resources
TDM	Traffic Demand Management
USFWS	U.S. Fish and Wildlife Service
VHFHSZ	Very High Fire Hazard Severity Zone
VWD	Vallecitos Water District

EXECUTIVE SUMMARY

ES-1 INTRODUCTION

This Supplemental Environmental Impact Report (EIR) has been prepared by the City of San Marcos (City) as lead agency pursuant to the California Environmental Quality Act (CEQA) Public Resources Code 21000 et seq., and the State CEQA Guidelines (CCR Section 15000 et seq.). This Supplemental EIR has been prepared to evaluate the environmental effects of the proposed Kaiser Permanente Medical Center Project (proposed project).

The project would require certification of this Supplemental EIR and adoption of the Mitigation Monitoring and Reporting Program by the City of San Marcos. Other discretionary actions, including approval of the proposed project, may also be required by other agencies including the California Department of Fish and Wildlife (CDFW).

ES-2 PROJECT DESCRIPTION AND BACKGROUND

The proposed project would expand the existing Kaiser Permanente Medical Center campus to create a state-of-the-art hospital tower with 206 beds, including a new central utility plant. Buildout of the medical center was originally analyzed in the 1992 Supplemental EIR for the Kaiser Permanente Medical Center Project. Since the 1992 approval, the design has been revised to include less beds, and a reduced footprint. Conditions related to biological resources have also changed on the ground. For these reasons, this current Supplemental EIR has been prepared in order to disclose relevant information concerning the potential environmental effects associated with buildout of the Kaiser Permanente San Marcos Medical Center as currently proposed, compared to what was analyzed in the 1992 Supplemental EIR.

1988 Heart of the City Specific Plan

In January 1988, the City adopted the Heart of the City Specific Plan (HCSP) (GPA 09-87, SP29-87) to address the development of approximately 1,570 acres comprised of portions of three planning areas: the Barham/Discovery, Richmar, and Richland community plan areas. The HCSP was conceived when the California State University Board of Trustees selected San Marcos as the site for an adjunct campus to San Diego State University. This selection prompted the City to consider the possibility of creating a governmental, educational, and corporate center to serve as a focal point in the community through a Specific Plan for the California State University campus vicinity. The Specific Plan would ensure land use compatibility, adequate public services, and an adequate circulation system. The HCSP included a “Town Center” having mixed-use office/commercial development compatible with the California State University San Marcos. The City has had great success implementing much of the HCSP.

An EIR was prepared for the HCSP and certified by the City in 1987 (HCSP Final EIR No. 06-87/SCH No. 8702926). A copy of this document is available for public inspection at the City of San Marcos Planning Department, 1 Civic Center Drive, San Marcos, California 92069. The information contained in the HCSP Final EIR is hereby incorporated by reference into this document.

The HCSP originally designated the approximately 40-acre project site as Business Park (BP). Land to the north was also designated BP.

1992 Kaiser Permanente Medical Center

Kaiser Foundation Hospitals proposed a Specific Plan Amendment (SPA) to the HCSP to allow for the development of the Kaiser Permanente Medical Center Project on the 40-acre site that was originally designated as BP. The project included the development of a 439-bed hospital and affiliated medical offices to provide convenient medical services for Kaiser Permanente medical care members in the north San Diego County area. The project was to be constructed in three phases, with an ultimate buildout size of approximately 1,335,000 square feet and a maximum elevation of seven floors (125 feet), including the basement. The 1992 project also included the construction of a central utility plant on the north side of the site that would house boilers, chillers, and generators serving the medical center. All long-term parking was to be accommodated in an above-ground parking structure located on the west side of the site, and short-term parking for emergency vehicles and visitors was to be located in the northeast portion of the site. Access driveways to the hospital complex were envisioned to be provided along both Craven Road and “B” Street (now called Rush Drive) during phases 1 and 2, and a future entrance to the north from Discovery Street, was to be provided during Phase III. The area between the medical center, the hospital, and the parking structure was envisioned to provide pedestrian access, a plaza, outdoor dining for the cafeteria, several seating areas, landscaping and possible water features and/or art sculptures.

The Kaiser Permanente Medical Center Project required approval of a Specific Plan Amendment, a General Plan Amendment, a Rezone, a Development Agreement (Ordinance 92-945), a Site Development Plan and a Boundary Adjustment. The Specific Plan Amendment redesignated and rezoned the 40-acre project site as Hospital Complex (HC) in the HCSP, which is a designation that allows for medical offices and hospital uses.

A Supplemental EIR was prepared and adopted by the City in 1992 (Kaiser Permanente Medical Center Final Supplemental EIR (SCH No. 92011057)) to evaluate the environmental impacts of the Specific Plan Amendment. A copy of this document is available for public inspection at the City of San Marcos Planning Department, 1 Civic Center Drive, San Marcos, California 92069. The information contained in the 1992 Supplemental EIR is hereby incorporated by reference into this document.

ES-3 IMPACTS DETERMINED TO BE SIGNIFICANT

Table ES-1 provides a summary of significant impacts of the proposed project pursuant to the CEQA Guidelines Section 15123(b)(1). Impacts associated with biological resources and cultural resources were found to be less than significant with mitigation incorporated.

ES-4 EFFECTS NOT FOUND TO BE SIGNIFICANT

Several environmental topics were found not to be significant. These topic areas include aesthetics, agriculture and forestry, air quality, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfires.

ES-5 AREAS OF KNOWN CONTROVERSY

Pursuant to Section 15082 of the CEQA Guidelines, the City circulated a Notice of Preparation (NOP) dated December 3, 2019 to interested agencies, organizations, and parties. A total of 7 written comment letters were received during the scoping period and are included in Appendix A. Issues raised during the scoping process were in regard to lighting, landscaping, tribal consultation, and biological resources are addressed in Chapter 4, Environmental Analysis and Chapter 6, Effects Not Found to be Significant.

ES-6 PROJECT ALTERNATIVES

An analysis of alternatives has been provided in this document to provide decision makers with a reasonable range of possible alternatives to be considered. The discussion in this Supplemental EIR focuses on two alternatives:

- Alternative 1 – No Project
- Alternative 2 – Reduced Biological Resources Impacts

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
<i>Biological Resources</i>			
Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<p><u>Direct Impacts</u></p> <p>Remaining habitat for coastal California gnatcatchers is small, isolated, and fragmented, consisting of small, disturbed patches of native shrubs separated by large expanses of disturbed habitats; it is expected to serve merely as a “stepping stone” at this point to provide access to other areas off site. Therefore, direct impacts to coastal California gnatcatcher are not expected to occur. However, to further ensure that coastal California gnatcatchers are not impacted by initial clearing/grubbing or grading activities within 500 feet of coastal sage scrub vegetation, the project will implement MM-BIO-1 through MM-BIO-9, and impacts are assumed to be potentially significant prior to mitigation.</p> <p><u>Indirect Impacts</u></p> <p>Potential impacts, including noise, lighting, increased human presence and vehicle traffic within the site could affect nesting birds. Pre-construction nesting bird surveys during the breeding season to avoid impacts to nesting birds in accordance with the Migratory Bird Treaty Act and Fish and Game Code are a condition of project approval. While not expected to nest on site, impacts would be potentially significant prior to mitigation. Implementation of MM-BIO-7, MM-BIO-8, and MM-BIO-9 address potential impacts to nesting coastal California gnatcatcher in the event that they breed on site or within 500 feet of grading activities.</p>	<p>MM-BIO-1 TEMPORARY INSTALLATION FENCING. Kaiser Permanente, or their designee, will temporarily fence (including downslope silt barriers) the limits of project impacts (including construction staging areas and access routes) and install other appropriate sediment trapping devices to prevent additional impacts to, and the spread of silt from the construction zone into, adjacent habitat to be avoided. Fencing and sediment trapping devices will be installed in a manner that does not impact habitats to be avoided.</p> <p>If work occurs beyond the fenced limits of impact, all work will cease until the problem has been remedied to the satisfaction of the City. Any habitat impacts that occur beyond the authorized work will be offset at ratios approved by the City. Temporary construction fencing and sediment trapping devices will be removed upon project completion.</p> <p>MM-BIO-2 ENVIRONMENTAL AWARENESS TRAINING. A Workers Environmental Awareness Training Program shall be implemented with the contractor and all active construction personnel prior to construction to ensure knowledge of California gnatcatcher, its habitat, and general compliance with environmental/permit regulations and mitigation measures.</p> <p>At a minimum, training will include a discussion of the following topics: (1) the purpose for resource protection; (2) a description of the coastal California gnatcatcher and its habitat; (3) the MMs outlined in this report that should be</p>	Impacts would be reduced to less than significant.

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
	<p>Appendix F to Appendix B (Biological Resources Letter Report) includes an analysis for determining the need for an Incidental Take Permit under the FESA Section 10(a)(1)(B). The analysis concludes that no such permit would be needed for the Project.</p>	<p>implemented during project construction to conserve the sensitive resource, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); (4) environmentally responsible construction practices; (5) the protocol to resolve conflicts that may arise at any time during the construction process; and, (6) the general provisions of the FESA, the need to adhere to the provisions of the FESA, and the penalties associated with violating the FESA.</p> <p>MM-BIO-3 BREEDING SEASON AVOIDANCE. The removal of coastal sage scrub vegetation from the Project impact footprint will occur from September 1 to February 14 to avoid the coastal California gnatcatcher breeding season. Further, to the maximum extent practicable, grading activities associated with construction of the expanded medical campus will occur from September 1 to February 14 to avoid the coastal California gnatcatcher breeding season. If project construction must occur during the coastal California gnatcatcher breeding season, MMs BIO 10 and 11 will be implemented.</p> <p>MM-BIO-4 WORK HOURS. Project construction will occur during daylight hours. However, if temporary night work is required, night lighting will be of the lowest illumination necessary for human safety, selectively placed, shielded and directed away from natural habitats.</p>	

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>MM-BIO-5 GENERAL CONSTRUCTION MONITORING PRACTICES. Kaiser Permanente, or their designee, will ensure that the following conditions are implemented during project construction in order to minimize potential impacts to coastal California gnatcatcher and its habitat.</p> <ul style="list-style-type: none"> a. Employees will strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint; b. To avoid attracting predators of the coastal California gnatcatcher, the Project site will be kept as clean of debris as possible. All food related trash items will be enclosed in sealed containers and regularly removed from the site; c. Pets of project personnel will not be allowed on the Project site; and, d. Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures consistent with the Construction General Permit Order 2009-009-DWQ. <p>MM-BIO-6 BIOLOGICAL MONITOR REQUIREMENTS AND DUTIES. A qualified biologist with at least 40 hours in the field observing coastal California gnatcatchers and documented experience locating and monitoring coastal California gnatcatcher nests will be on site daily during initial clearing/grubbing and weekly during grading activities within 500 feet of coastal California gnatcatcher habitat to ensure compliance with all project-imposed mitigation measures. The biologist will be available during pre-construction and</p>	

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the Project's engineer to ensure that issues relating to the coastal California gnatcatcher and its habitat are appropriately and lawfully managed.</p> <p>The qualified biological monitor will also be responsible for the following duties:</p> <ul style="list-style-type: none"> a. Oversee installation of and inspect temporary fencing and erosion control measures within or up-slope of avoided and/or preserved areas a minimum of once per week during installation and daily during all rain events until established to ensure that any breaks in the fence or erosion control measures are repaired immediately. b. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust. c. Halt work, if necessary, and confer with the USFWS and City to ensure the proper implementation of species and habitat protection measures. The biologist will report any violation to the USFWS and City within 24 hours of its occurrence. d. Submit weekly letter reports (including photographs of impact areas) via regular or electronic mail (email) to the City during clearing/grubbing of coastal California gnatcatcher habitat and/or project construction resulting in ground disturbance within 500 feet of avoided coastal California gnatcatcher habitat. The weekly reports will document that authorized impacts 	

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>were not exceeded and general compliance with all conditions. The reports will also outline the duration of coastal California gnatcatcher monitoring, the location of construction activities, the type of construction that occurred, and equipment used. These reports will specify numbers and locations of any coastal California gnatcatchers and nests, sex of gnatcatchers, observed coastal California gnatcatchers behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to coastal California gnatcatchers and nests.</p> <p>e. Submit a final report to the City within 60 days of project completion that includes the following: (1) as-built construction drawings for grading with an overlay of any active nests; (2) photographs of habitat areas during pre-construction and post-construction conditions; and (3) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with the avoidance/minimization provisions and monitoring program as required by the USFWS were achieved.</p> <p>MM-BIO-7 PRE-CONSTRUCTION CALIFORNIA GNATCATCHER SURVEY. For initial clearing/grubbing of coastal California gnatcatcher habitat within the project development footprint, a biologist holding a Section 10(a)(1)(A) permit shall perform a minimum of three (3) focused surveys, on separate days, to determine the presence of California gnatcatchers or nests in the Project impact footprint including temporary construction areas.</p>	

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>Surveys will begin a maximum of seven (7) days prior to performing initial clearing/grubbing, and one survey will be conducted the day immediately prior to the initiation of clearing/grubbing. If any coastal California gnatcatchers are found in the Project impact footprint, the biologist will direct construction personnel to begin clearing/grubbing in an area away from the coastal California gnatcatchers and attempt to flush coastal California gnatcatchers away from clearing/grubbing so that coastal California gnatcatchers will not be injured or killed by clearing/grubbing activities. If an active coastal California gnatcatcher nest is found, the nest will be avoided until nesting is confirmed to be completed by the biologist. Kaiser Permanente, or their designee, will notify the USFWS at least seven (7) days prior to the initiation of surveys and within 24 hours of locating any California gnatcatcher and/or nest.</p> <p>MM-BIO-8 PRE-CONSTRUCTION NESTING CALIFORNIA GNATCATCHER SURVEY. A biologist holding a Section 10(a)(1)(A) permit shall perform a minimum of three (3) focused surveys, on separate days, to determine the presence of coastal California gnatcatcher nests within 500 feet of project grading activities if construction is proposed during the coastal California gnatcatcher breeding season. The surveys will begin a maximum of seven (7) days prior to project construction (including temporary fence installation required by MM-BIO-3) and one survey will be conducted the day immediately prior to the initiation of work. Additional surveys will be done once a week during project grading activities in the breeding season.</p>	

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
		MM-BIO-9 CALIFORNIA GNATCATCHER NEST AVOIDANCE AND MINIMIZATION MEASURES. Though unlikely, if an active coastal California gnatcatcher nest is found on site or within 500 feet of Project grading activities, the biologist will postpone work within 500 feet of the nest and contact the USFWS and the City to discuss: (1) the best approach to avoid/minimize impacts to nesting coastal California gnatcatchers (e.g., sound walls, noise monitoring); and (2) a nest monitoring program acceptable to the USFWS. Subsequent to these discussions, work may be initiated subject to implementation of the agreed-upon avoidance/minimization approach and monitoring program. If the biologist determines that bird breeding behavior is being disrupted, Kaiser Permanente, or their designee, shall stop work and coordinate with the USFWS to review the avoidance/minimization approach. Upon agreement as to any necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued monitoring. Success or failure of an active nest shall be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the wildlife agencies. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by the USFWS.	
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	<u>Direct Impacts</u> Implementation of the project would result in direct, permanent impacts to 0.42 acres of disturbed coyote brush scrub and 0.03 acres of deer weed scrub, both of which are considered special-status vegetation	MM-BIO-10 RESTORE TEMPORARY IMPACTS. Post-construction, proposed mitigation for direct, temporary impacts to 1.95 acres of native upland communities will be provided through on site restoration of the temporarily disturbed areas at a 1:1 ratio. All temporary impact areas must be restored to pre-	Impacts would be reduced to less than significant.

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
California Department of Fish and Game or U.S. Fish and Wildlife Service?	<p>communities. The project would also incur additional temporary impacts to 0.08 acres of disturbed California sagebrush scrub, 1.22 acres of disturbed coyote brush scrub, 0.38 acres of laurel sumac/deer weed scrub, and 0.27 acres of deer weed scrub, totaling 1.95 acres. Temporary impacts are due to construction-related access and equipment staging that needs to occur to facilitate project construction. Direct permanent and direct temporary impacts to these vegetation communities would be considered potentially significant absent mitigation. Mitigation measures MM-BIO-10 and MM-BIO-11 would help to reduce potential impacts.</p> <p><u>Indirect Impacts</u></p> <p>Indirect impacts would be limited to short-term construction impacts related to erosion, runoff, and dust. However, all project ground-disturbing activities would be subject to the typical restrictions (e.g., BMPs) and requirements that address erosion and runoff, including those of the NPDES permit program and preparation of a SWPPP. With implementation of these BMPs and permit conditions, potential indirect impacts to special-status vegetation communities would be less than significant.</p>	<p>construction contours and conditions following Project completion.</p> <p>Kaiser Permanente, or their designee, shall prepare a conceptual habitat restoration plan outlining the restoration of these communities and implement the restoration plan including monitoring and maintenance for a period of at least 3 years to ensure 80% coverage of native plants.</p> <p>The restoration plan should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. The plan should include, at a minimum: (a) a description of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.</p> <p>MM-BIO-11 PERMANENT HABITAT MITIGATION. Post-construction mitigation for direct, permanent impacts to 0.45 acre of native upland communities will be provided at a 2:1 ratio, totaling 0.90 acre. Mitigation will be accomplished through the acquisition of 0.90 acre of California gnatcatcher-occupied habitat credits from an approved mitigation bank in northern San Diego County.</p>	

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
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?	<p><u>Direct Impacts</u> No direct impacts to jurisdictional wetlands and waters will occur due to project implementation.</p> <p><u>Indirect Impacts</u> Indirect impacts would be limited to short-term construction impacts related to construction runoff. However, all project ground-disturbing activities would be subject to the typical restrictions (e.g., BMPs) and requirements that address erosion and runoff, including those of the NPDES permit program and preparation of a SWPPP. With implementation of these BMPs and permit conditions, potential indirect impacts to preserved jurisdictional aquatic resources in the project site would be less than significant.</p>	NA	NA
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?	Although the project site provides some suitable habitat for wildlife species, the utility of this habitat is expected to be low due to the extent of disturbance, the small size and discontinuity with regional open space. Therefore, impacts to wildlife corridors and linkages would not be substantial and are considered less than significant .	NA	NA
Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Impacts to active migratory bird nests, if present at the time of construction, are prohibited under the federal MBTA and California Fish and Game Code Sections 3503 and 3513. Since avian species could potentially nest in the on-site habitats, the proposed project could result in impacts to active bird and/or raptor nests, if present at the time of construction under the federal MBTA and California Fish and Game Code. Therefore, impacts would be potentially significant . Mitigation measures MM-BIO-7 through MM-BIO-9 would help to reduce potential impacts.	See MM-BIO-7 through MM-BIO-9 above.	Impacts would be reduced to less than significant.

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	The project is not located within a designated Biological Core Linkage Area or Focused Planning Area, and therefore, it is consistent with the conservation policies of the Draft San Marcos Subarea Plan. In addition, the Project would be required to conform to the goals and policies in the <i>City of San Marcos General Plan</i> (City of San Marcos 2012) related to the protection of biological resources. Following implementation of proposed mitigation measures, the Project is expected to be found to be in conformance with the Draft San Marcos Subarea Plan and the General Plan. Therefore, no impacts related to regional resource planning are anticipated.	NA	NA
<i>Cultural Resources</i>			
Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	In the event that unknown archeological or cultural resources are unearthed during grading activities, a potentially significant impact could result.	MM-CUL-1. The applicant shall ensure that the following procedures are in place in order to protect archeological resources: <ul style="list-style-type: none"> a. Prior to the issuance of a Grading Permit, or ground-disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with the San Luis Rey Band of Mission Indians, and/or another Traditionally and Culturally Affiliated Native American Tribe ("TCA Tribe"). The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas and other tribal cultural 	Impacts would be reduced to less than significant.

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>resources, located within and/or discovered during ground-disturbing and/or construction activities for the proposed project, including any additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and all other ground-disturbing activities.</p> <p>b. The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. Any burial related tribal cultural resources (as determined by the Most Likely Descendant) shall be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission pursuant to California Public Resources Code Section 5097.98. If none of the TCA Tribes accept the return of the cultural resources, then the cultural resources will be subject to the curation requirements contained herein. Additionally, in the event that curation of tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The applicant shall provide to the City</p>	

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>written documentation from the TCA Tribe, the Most Likely Descendant, and/or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.</p> <p>c. Prior to the issuance of a Grading Permit or ground-disturbing activities, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the Development Services Department stating that a Qualified Archaeologist and TCA Native American monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the Tribal Cultural Resource Treatment and Monitoring Agreement.</p> <p>d. Prior to submittal of grading and/or improvement as-built plans, or prior to the issuance of any project Certificate of Occupancy, a monitoring report, which describes the results, analysis and conclusions of the archaeological monitoring program shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments, to the Planning Division Manager for approval. A copy of any submitted monitoring report shall be provided to the San Luis Rey Band of Mission Indians and any other TCA Tribe that requests the report.</p> <p>e. The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground-disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The</p>	

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
		<p>Applicant/Owner or Grading Contractor shall notify the Planning Division, preferably through e-mail, of the start and end of all ground-disturbing activities.</p> <p>f. The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present as determined by the Qualified Archaeologist and TCA Native American Monitor during grubbing, grading and/or other ground-disturbing activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or cultural resources. All fill materials shall be absent of any and all cultural resources. The Applicant/Owner or Grading Contractor may submit written documentation to the City to substantiate if any fill material is absent of cultural resources. Should the City concur that the fill material is absent of cultural resources, in consultation with a Qualified Archaeologist and/or the TCA Native American monitor, then no monitoring of that fill material is required.</p> <p>g. The Qualified Archaeologist or the TCA Native American monitor may halt ground-disturbing activities if unknown archaeological artifact deposits or cultural features are discovered. Ground-disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits (as determined by the</p>	

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
		Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field, collected and be given to the TCA Tribe so that they may be reburied at the site on a later date. If a determination is made that the unearthed artifact deposits or tribal cultural resources are considered potentially significant, the San Luis Rey Band of Mission Indians and/or the TCA Tribe shall be notified and consulted with in regards to the respectful and dignified treatment of those resources. All sacred sites, significant tribal cultural resources and/or unique archaeological resources encountered within the project area shall be avoided and preserved as the preferred mitigation, if feasible. If however, a data recovery plan is authorized by the City as the Lead Agency under CEQA, the contracted San Luis Rey Band of Mission Indians and/or the TCA Tribe shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant artifact deposits, tribal cultural resources or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. If the Qualified Archaeologist collects such resources, the TCA Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the cultural resources that are unearthed during the ground-disturbing activities, the TCA Native American monitor, may at their discretion, collect said resources and provide them to the	

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
		contracted TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. If the Developer, the Qualified Archaeologist and the TCA Tribe cannot agree on the significance or mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act and California Public Resources Code Section 21083.2(b) with respect to archaeological resources, tribal cultural resources and shall take into account the religious beliefs, cultural beliefs, customs and practices of the TCA Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.	
Would the project disturb any human remains, including those interred outside of dedicated cemeteries?	The cultural resources field survey did not identify any human remains or find any indication that they would be expected to be found on the project site. However, MM-CUL-2 has been included to ensure potentially significant impacts associated with the discovery of human remains would not occur.	MM-CUL-2. As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected,	Impacts would be reduced to less than significant.

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
		and consultation and treatment could occur as prescribed by law. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC), by telephone, within 24 hours. The NAHC will make a determination as to the Most Likely Descendent. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the examination of the remains shall only occur on-site in the presence of a TCA Native American monitor.	
<i>Tribal Cultural Resources</i>			
<p>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:</p> <p>a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical</p>	<p>There are no resources 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). In addition, Dudek requested an NAHC search of its Sacred Lands File on July 1, 2019, for the project area. The NAHC results, received July 19, 2019, reported that the Sacred Lands File results were negative, meaning Native American sacred sites were not identified (Appendix C). The NAHC also provided a contact list of Native American representatives for tribes that are traditionally geographically affiliated with the project APE.</p> <p>In the event that unknown tribal cultural resources are uncovered during earth-moving activities, impacts would be potentially significant prior to mitigation (MM-CUL-1 and MM-CUL-2).</p>	See MM-CUL-1 and MM-CUL-2 .	Impacts would be reduced to less than significant

Table ES-1
Summary of Significant Environmental Impacts

Threshold	Impact	Mitigation Measures	Level of Significance After Mitigation
resources as defined in Public Resources Code section 5020.1(k), or b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?			

Notes: MM = Mitigation Measure; BMP = best management practice; NPDES = National Pollutant Discharge Elimination System; NA = not applicable; City = City of San Marcos; FESA = federal Endangered Species Act; CEQA = California Environmental Quality Act; NAHC = Native American Heritage Commission; APE = area of potential effect.

ES-7 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Per Section 15126.6(e)(2) of the CEQA Guidelines, an environmentally superior alternative must be identified (other than the no project alternative). CEQA also requires that the environmentally superior alternative be selected from the range of reasonable alternatives that could feasibly attain the basic objectives of the project.

As discussed in Chapter 8, Alternatives, impacts resulting from implementation of the proposed project would mostly be avoided under the No Project Alternative. However, the project objectives would not be met under this alternative. When the No Project Alternative is the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

Alternative 1, the No Project Alternative, would result in the least environmental impacts, and therefore would be considered the Environmentally Superior Alternative. However, Section 15126.6(e)(2) of the CEQA Guidelines states that if the Environmentally Superior Alternative is the No Project Alternative, the EIR shall also identify an Environmentally Superior Alternative among the other alternatives.

Alternative 2 would be environmentally superior to the proposed project because it would have the most reductions in impacts when compared to the proposed project. Under Alternative 2, fewer biological resource impacts would occur when compared to the proposed project because the relocated and reconfigured parking lot area would reduce permanent impacts to disturbed coyote brush scrub specifically within a California gnatcatcher use area from 0.42 acre to 0.18 acre, for a 0.24-acre reduction in the amount of pre-mitigation impact. It is important to note that the coyote brush scrub habitat that would be avoided with this alternative is extremely disturbed and is comprised of trash, stockpiled concrete pipes and other construction-related rubble and debris, and includes non-sensitive bushes growing in and around the void space where sediment accumulation has occurred over many years and therefore the amount by which the significant impact is reduced is actually negligible from a qualitative standpoint; hence, while the site offers foraging habitat for the California gnatcatcher, any nesting opportunities would most likely occur on the slope to the north where this habitat is less disturbed. Overall, the reduction in impact is negligible, and with mitigation the impact would be less than significant, similar to the proposed project.

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CHAPTER 1 INTRODUCTION

1.1 PURPOSE AND SCOPE OF THIS SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

This Supplemental Environmental Impact Report (EIR) updates the analysis presented in the 1992 Supplemental EIR for the proposed Kaiser Permanente Medical Center Project (the Proposed Project). Specifically, this document addresses potential biological, cultural, and tribal cultural resources impacts, as per the scoping of environmental analysis conducted via the previously-prepared Initial Study (See Appendix A of this Supplemental EIR). This Supplemental EIR has been prepared in accordance with the requirements of the City of San Marcos and the statute and guidelines of California Environmental Quality Act (CEQA) (14 CCR 15163; California PRC, Sections 21083 and 21166). The Supplemental EIR is an informational document intended for use by both decision makers and the public. It provides relevant information concerning the potential environmental effects associated with the buildout of the Kaiser Permanente San Marcos Medical Center as currently proposed. The lead agency for the Proposed Project is the City of San Marcos (City). The City has determined that an Supplemental EIR is the appropriate CEQA document in accordance with CEQA Guidelines Section 15163.

As the designated lead agency, the City has assumed responsibility for preparing this document. The decision to implement the Proposed Project is within the purview of the City's City Council. When deciding whether to approve the Proposed Project, the City Council will use the information provided in this Supplemental EIR to consider potential impacts to the physical environment associated with the Proposed Project. The City Council will consider all written comments received on the Draft Supplemental EIR during the 45-day public review period, as well as any communications received prior to the close of the administrative record in this proceeding, in making its decision to certify the Supplemental EIR as complete and in compliance with CEQA and in making its determination whether to approve or deny the Proposed Project. The Proposed Project will be subject to additional review outside of CEQA in accordance with City policies and procedures at various stages of the Proposed Project. This will likely involve planning and public works.

Trustee agencies are state agencies having discretionary approval or jurisdiction by law over natural resources that might be impacted by a project. Trustee agencies that would or may have involvement with this Proposed Project include the California Department of Fish and Wildlife.

1.2 CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS

CEQA (California PRC, Section 21000 et seq.) requires the preparation and certification of an EIR for any project that a lead agency determines may have a significant effect on the environment. According to Section 21002.1(a) of the CEQA statute, "The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to

the project and to indicate the manner in which those significant effects can be mitigated or avoided.” CEQA also establishes mechanisms whereby the public and decision makers can be informed about the nature of the project being proposed, as well as the extent and types of impacts that the project and its alternative would have on the environment if implemented.

According to CEQA Guidelines Section 15162(a)(3)(A), when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows that the project will have one or more significant effects not discussed in the previous EIR.

CEQA Guidelines Section 15163(a) states “A Lead or Responsible Agency may prepare a supplement to an EIR rather than a Subsequent EIR if: (1) any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and (2) only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.”

Furthermore, when the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the Supplemental EIR (CEQA Guidelines, Section 15163[e]). A finding under Section 15091 shall be made for each significant effect shown in the previous EIR.

1.2.1 Notice of Preparation and Scoping

CEQA establishes mechanisms whereby the public and decision makers can be informed about the nature of the project being proposed and the extent and types of impacts that the project and its alternatives would have on the environment should the project or alternatives be implemented. Pursuant to Section 15082 of the CEQA Guidelines, the City circulated a Notice of Preparation (NOP) dated December 3, 2019 to interested agencies, organizations, and parties. The NOP was also sent to the State Clearinghouse at the California Office of Planning and Research. The State Clearinghouse assigned a state identification number (SCH no. 1992011057) to this Supplemental EIR.

The NOP is intended to encourage interagency communication regarding the proposed action so that agencies, organizations, and individuals are afforded an opportunity to respond with specific comments and/or questions regarding the scope and content of the Supplemental EIR. The 30-day public scoping period ended on January 2, 2020.

Comments received during the NOP public scoping period were considered during the preparation of this Supplemental EIR. The NOP and comments are included in Appendix A. Based on the

scope of the proposed action as described in the NOP, the following issues were determined to be potentially significant:

- Biological Resources (Section 4.1 of this Supplemental EIR)
- Cultural Resources (Section 6.4 of this Supplemental EIR)
- Tribal Cultural Resources (Section 4.2 of this Supplemental EIR)

Additional CEQA-mandated environmental areas such as aesthetics, agriculture and forestry, air quality, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, utilities and service systems, and wildfires were not found to be significant. These issues are addressed in Chapter 6, Effects Not Found to be Significant, of this Supplemental EIR. Other CEQA-mandated topics such as cumulative impacts, growth inducement, alternatives, and significant irreversible changes are addressed in subsequent sections.

A total of 6 written comment letters were received during the scoping period. Issues raised during the scoping process were in regard to lighting, landscaping, tribal consultation, and biological resources.

1.2.2 Overview of Supplemental Environmental Impact Report Process

This Supplemental EIR has been made available to members of the public, agencies, and interested parties for a 45-day public review in accordance with CEQA Guidelines Section 15105. Public review of the Draft Supplemental EIR is intended to focus “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated” (CEQA Guidelines, Section 15204). The Notice of Completion of the Draft Supplemental EIR has been filed with the State Clearinghouse as required by CEQA Guidelines Section 15085. In addition, the Notice of Availability of the Draft Supplemental EIR has been distributed pursuant to CEQA Guidelines Section 15087. This Supplemental EIR is available for review during the 45-day public review period at the following locations:

The SEIR is available at the Development Services Department’s public information counter or on the City’s website at:

<https://www.san-marcos.net/departments/development-services/planning/environmental-review-sustainability/environmental-documents>

- San Marcos Public Library located at 2 Civic Center Drive, San Marcos California.

Once the 45-day public review period has concluded, the City will review all public comments on the Draft Supplemental EIR, provide a written response to comments, and authorize revisions to

the Draft Supplemental EIR text, if necessary. The final Mitigation Monitoring and Reporting Program (MMRP) will be incorporated into the Final Supplemental EIR and will include monitoring team qualifications.

1.3 ORGANIZATION AND CONTENT OF THIS SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

This Supplemental EIR is organized to provide a comprehensive project analysis of the potentially significant environmental impacts, mitigation measures, and alternatives for the proposed Kaiser Permanente Medical Center Project. This Supplemental EIR is organized as follows:

- An *Executive Summary* of the Supplemental EIR is provided at the beginning of this document. This summary outlines the conclusions of the environmental analysis, as well as a summary of the Proposed Project compared to the alternatives analyzed in the Supplemental EIR. This section also includes a table summarizing all environmental impacts identified in this Supplemental EIR along with the associated mitigation measures proposed to reduce or avoid each impact.
- *Chapter 1, Introduction*, serves as a forward to this Supplemental EIR, introducing the Proposed Project, the applicable environmental review procedures, and format of the Supplemental EIR.
- *Chapter 2, Environmental Setting*, describes the project location and physical environmental setting in and around which the Proposed Project is situated.
- *Chapter 3, Project Description*, provides a thorough description of the Proposed Project elements, the purpose and need for the Project, Project objectives, and required discretionary approvals.
- *Chapter 4, Environmental Analysis*, provides a project-level analysis of the potentially significant environmental impacts identified for the Proposed Project, as well as proposed mitigation measures to reduce or avoid any potentially significant impacts.
- *Chapter 5, Cumulative Impacts*, provides an analysis of potential cumulative impacts as it relates to the environmental issue areas included in Chapter 4.
- *Chapter 6, Effects Not Found to be Significant*, addresses the environmental impacts of the Proposed Project that would result in impacts that are considered less than significant.
- *Chapter 7, Mandatory Discussion Areas*, addresses significant environmental effects that cannot be avoided, the significant irreversible environmental changes that would result from implementation of the Proposed Project, and growth-inducing impacts associated with the Proposed Project.
- *Chapter 8, Alternatives*, discusses two alternatives to the Proposed Project, including a reduced project alternative and a no project alternative.

- *Chapter 9, Mitigation Monitoring and Reporting Program*, identifies mitigation measures required, timing, enforcement responsibility, and monitoring agency.
- *Chapter 10, References*, provides bibliographic information related to resources used during the document preparation.
- *Appendices* include various technical studies and correspondence prepared for the Proposed Project, as listed in the *Table of Contents*.

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CHAPTER 2 ENVIRONMENTAL SETTING

In accordance with Section 15125 of the California Environmental Quality Act (CEQA) Guidelines, this chapter provides a description of the general environmental setting for the project area, including existing site conditions and land uses, as well as surrounding land uses at the time the Notice of Preparation (NOP) was published. More detailed descriptions of the environmental setting for each environmental issue area are provided in the corresponding section in Chapter 4, Environmental Analysis, of this Supplemental Environmental Impact Report (EIR).

2.1 LOCATION

The City of San Marcos (City) is located in the central portion of north San Diego County, 30 miles north of downtown San Diego, and 90 miles south of Los Angeles. The City is bound on the west by the cities of Carlsbad and Vista; on the east by the City of Escondido; and on the west, north, and south by unincorporated areas of San Diego County (Figure 2-1, Regional Map). The project site for the Kaiser Permanente Medical Center Project (Proposed Project) would be located on two parcels at 400 Craven Road. The majority of the Proposed Project would be developed on the northern portion of Assessor's Parcel Number (APN) 221-091-25-00 on approximately 12 acres just to the north of four existing Kaiser medical office buildings (MOBs). The remainder of the Proposed Project would be developed on APN 221-091-24-00, which is a triangular parcel that is approximately 7.96 acres and currently is not entitled for development. The project site would be located in the Barham/Discovery Neighborhood, approximately 0.5 miles south of the State Route (SR) 78/Twin Oaks Valley Road intersection. The property is bound by Rush Drive to the east, Craven Road to the south, Echo Lane to the west, and the proposed Discovery Street extension to the north (Figure 2-2, Vicinity Map). Regional access to the site is provided by SR-78, which traverses the northern portion of the Heart of the City Specific Plan (HCSP) area and links Interstate (I) 5 to I-15. I-15 is located approximately 3 miles east of the site.

2.2 ENVIRONMENTAL SETTING AND LAND USES

The 16-acre project site and surrounding area is largely characterized as a suburban, developed commercial, and residential area. The areas surrounding the project site to the west, south, and east have undergone development and have existing commercial and residential uses. The project site is immediately bordered by residential, commercial, and office/professional uses to the east; the existing medical office buildings and surface parking lots of the existing Kaiser Permanente Medical Campus to the south; single-family residential uses in the Discovery Meadows neighborhood to the west; and the soon-to-be developed Discovery Village South Specific Plan Area to the north and northeast. The Discovery Village South Specific Plan encompasses the area located directly north of the project site and will include the development of up to 230 single-family homes and the completion of a missing segment of Discovery Street.

The 16-acre project site consists of open, undeveloped land and a portion of the campus parking facilities (asphalt parking lots). The southern part of the Proposed Project site is currently an asphalt paved parking lot. There is a drainage basin just north of a portion of the parking lot. The northern part of the project site is undeveloped.

Since the majority of the project site is largely paved, vegetation within this parcel is limited to ornamental drought tolerant landscaping associated with the existing medical campus and ornamental trees that currently buffer the site from adjacent residential and commercial uses to the east and west. The northern portion of the project site is disturbed and primarily vacant. Vegetation on this parcel includes various plants, including disturbed forms of coastal sage scrub, southern tar plant, Orcutt's brodiaea, annual brome grassland, and ruderal land cover.

Typical residential development in the area ranges from one to three stories in height. Most of the surrounding commercial structures are also one to three stories in height. Existing light sources come from both the existing medical campus and from surrounding commercial and residential uses.

Topography/Hydrology

Elevations in the study area range from approximately 620 feet above mean sea level (amsl) in the northern portion of the site to approximately 640 feet amsl in the southern portion. The northern portion of the project site is primarily upland vegetation; however, there is a brow ditch along the north half of the eastern boundary. Additionally, there is an isolated patch of southern willow scrub and a disturbed wetland mapped within the project site.

Soils

Three native soil types occur in the project site: Escondido very fine sandy loam, 5%–9% slopes; Escondido very fine sandy loam, 9%–15% slopes, eroded; and Exchequer rocky silt loam, 9%–30% slopes (USDA 2019). The most common and predominant soil series in the Proposed Project footprint is Escondido very fine sandy loam, 5%–9% slopes.

2.3 APPLICABLE GENERAL PLANS AND REGIONAL PLANS

Section 15125(d) of the CEQA Guidelines requires that an EIR include a discussion of any inconsistencies between the Proposed Project and applicable general plans and regional plans. Below is a summary of the applicable regional and general plans. Chapter 6, Effects Not Found to be Significant, discusses the Proposed Project's consistency with these plans.

2.3.1 Local Plans

2.3.1.1 City of San Marcos

General Plan

The City's General Plan shows the entire project site as being located within the City's HCSP area and designates the site as Specific Plan Area in the General Plan's Land Use Element. The HCSP is a comprehensive planning document that establishes development guidelines for the project site and would be the primary land use, policy, and regulatory document for the Proposed Project by providing a development planning review process, as authorized by California Government Code Section 65450, in conjunction with the City of San Marcos Zoning Ordinance, Chapter 20.535. Within the HCSP, both of the Proposed Project parcels are included in a 36-acre subarea designated as Hospital Complex (HC), which allows for the development of up to 1,335,000 square feet of medical and administrative offices, hospital facilities, and accessory uses incidental to operation of the hospital complex (City of San Marcos 2015). The HCSP calls for the development of campus-like medical facilities with a secure outdoor environment, inviting public spaces, well-defined points of entry, landscaping, screened outdoor storage, and other development standards for the project site.

Zoning

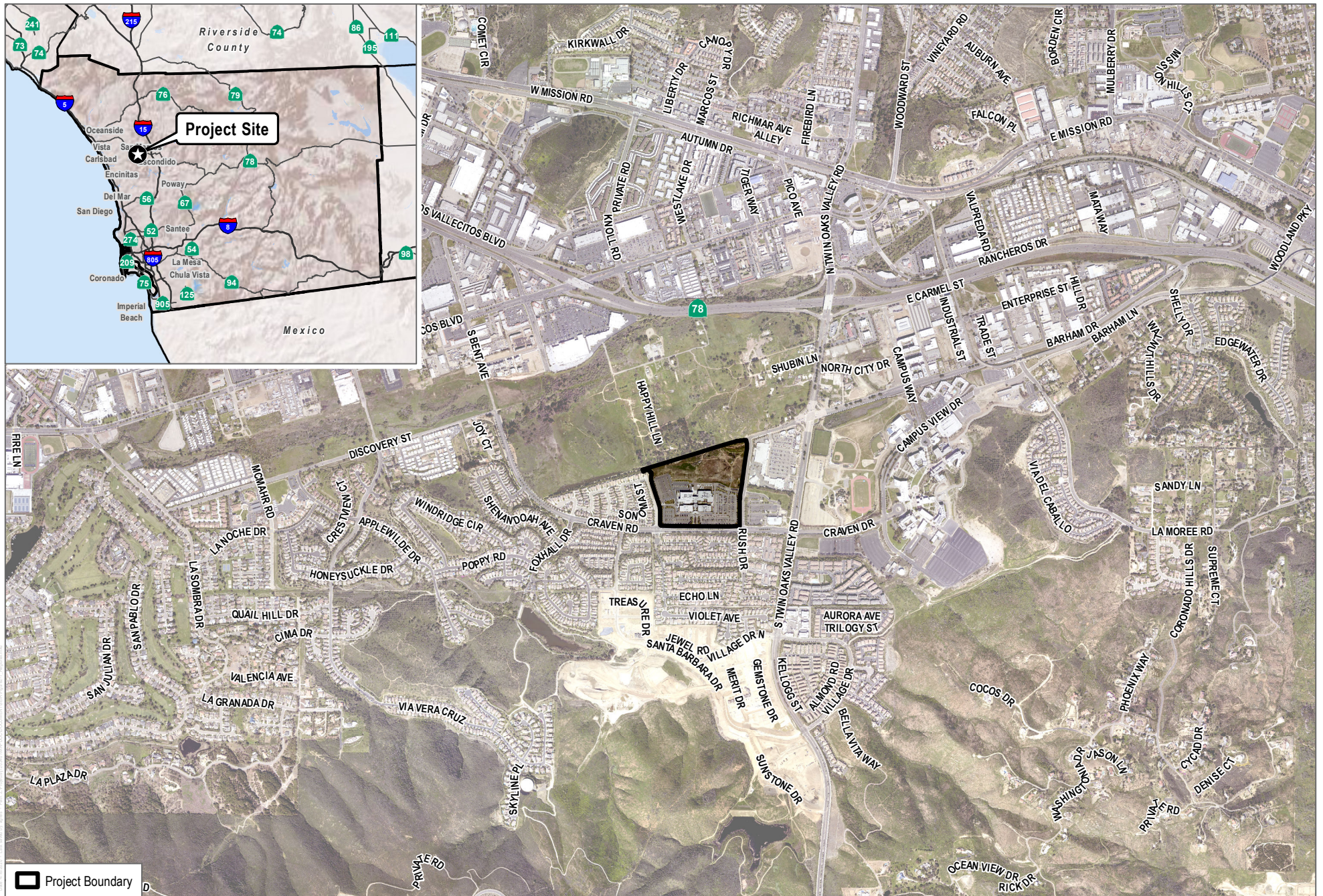
The City has zoned the project site as Specific Plan Area.

2.3.2 Regional Plans

Multiple Habitat Conservation Program

The City is no longer an active participant in the Natural Community Conservation Plan (NCCP) program under the Multiple Habitat Conservation Program (MHCP) conservation planning efforts. However, the City continues to pursue the goals of the MHCP, including habitat and species conservation and habitat connectivity. As such, the design of the Proposed Project has made use of MHCP conservation planning maps, and sensitive habitats have been considered to include those designated as such under the MHCP.

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SOURCE: SANGIS 2017, 2020

FIGURE 2-1
Regional Map

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SOURCE: SANGIS 2017, 2020

DUDEK



0 100 200 Feet

FIGURE 2-2
Vicinity Map

Kaiser Permanente Medical Center Project

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CHAPTER 3 PROJECT DESCRIPTION

This chapter describes the location, background, objectives, characteristics, design features, and discretionary actions for the proposed Kaiser Permanente Medical Center Project (Proposed Project) in the City of San Marcos (City).

3.1 INTRODUCTION

The Proposed Project would expand the existing Kaiser Permanente San Marcos Medical Center campus to create a state-of-the-art hospital tower with 206 beds, including a new central utility plant. Buildout of the medical center was originally analyzed in the 1992 Supplemental Environmental Impact Report (EIR) for the Kaiser Permanente Medical Center Project. Since the 1992 approval, the design has been revised to include less beds, and a reduced footprint. Conditions related to biological resources have also changed on the ground. For these reasons, this current Supplemental EIR has been prepared in order to disclose relevant information concerning the potential environmental effects associated with buildout of the Kaiser Permanente San Marcos Medical Center.

3.1.1 Project Background

1988 Heart of the City Specific Plan

In January 1988, the City adopted the Heart of the City Specific Plan (HCSP) (GPA 09-87, SP29-87) to address the development of approximately 1,570 acres comprised of portions of three planning areas: the Barham/Discovery, Richmar, and Richland community plan areas. The HCSP was conceived when the California State University Board of Trustees selected San Marcos as the site for an adjunct campus to San Diego State University. This selection prompted the City to consider the possibility of creating a governmental, educational, and corporate center to serve as a focal point in the community through a Specific Plan for the California State University campus vicinity. The Specific Plan would ensure land use compatibility, adequate public services, and an adequate circulation system. The HCSP included a “Town Center” having mixed-use office/commercial development compatible with California State University, San Marcos. The City has had great success implementing much of the HCSP.

An EIR was prepared for the HCSP and certified by the City in 1987 (HCSP Final EIR No. 06-87/SCH No. 8702926). A copy of this document is available for public inspection at the City of San Marcos Planning Department, 1 Civic Center Drive, San Marcos, California 92069. The information contained in the HCSP Final EIR is hereby incorporated by reference into this document.

The HCSP originally designated the approximately 40-acre project site as Business Park (BP). Land to the north was also designated BP.

1992 Kaiser Permanente Medical Center

Kaiser Foundation Hospitals proposed a Specific Plan Amendment (SPA) to the HCSP to allow for the development of the Kaiser Permanente Medical Center Project on the 40-acre site that was originally designated as BP. The Proposed Project included the development of a 439-bed hospital and affiliated medical offices to provide convenient medical services for Kaiser Permanente medical care members in the north San Diego County area. The Proposed Project was to be constructed in three phases, with an ultimate buildout size of approximately 1,335,000 square feet and a maximum elevation of seven floors (125 feet), including the basement. The 1992 project also included the construction of a central utility plant on the north side of the site that would house boilers, chillers, and generators serving the medical center. All long-term parking was to be accommodated in an above-ground parking structure located on the west side of the site, and short-term parking for emergency vehicles and visitors was to be located in the northeast portion of the site. Access driveways to the hospital complex were envisioned to be provided along both Craven Road and “B” Street (now called Rush Drive) during phases 1 and 2, and a future entrance to the north from Discovery Street, was to be provided during Phase III. The area between the medical center, the hospital, and the parking structure was envisioned to provide pedestrian access, a plaza, outdoor dining for the cafeteria, several seating areas, landscaping and possible water features and/or art sculptures.

The Kaiser Permanente Medical Center Project required approval of a Specific Plan Amendment, a General Plan Amendment, a Rezone, a Development Agreement (Ordinance 92-945), a Site Development Plan and a Boundary Adjustment. The Specific Plan Amendment redesignated and rezoned the 40-acre project site as Hospital Complex (HC) in the HCSP, which is a designation that allows for medical offices and hospital uses.

A Supplemental EIR was prepared and adopted by the City in 1992 (Kaiser Permanente Medical Center Final Supplemental EIR [SCH No. 92011057]) to evaluate the environmental impacts of the Specific Plan Amendment. A copy of this document is available for public inspection at the City of San Marcos Planning Department, 1 Civic Center Drive, San Marcos, California 92069. The information contained in the 1992 Supplemental EIR is hereby incorporated by reference into this document.

3.1.2 Project Objectives

Section 15124(b) of the CEQA Guidelines states that the project description shall contain “a statement of the objectives sought by the proposed project.” Section 15124(b) further states that “the statement of objectives should include the underlying purpose of the project and may discuss the project benefits.” The underlying purpose of the Proposed Project is to accommodate both

existing deficits and future demand for hospital space, including emergency services, in the medical center service area by expanding facilities on the current medical center site. The Proposed Project's specific objectives are provided below.

- Improve public health and safety and conveniently serve the existing and projected Kaiser Permanente membership base in San Marcos and the immediately surrounding communities by providing additional medical services on the San Marcos Medical Center campus.
- Reduce the need for Kaiser Permanente members to travel beyond north San Diego County for hospital related services by developing a hospital on the San Marcos Medical Center campus.
- Provide a comprehensive range of high-quality health care services in seismically safe, state-of-the-art, advanced-care medical center facilities for Kaiser Permanente members throughout the San Marcos region.
- Create a comprehensively planned, advanced-care medical center campus that provides community vitality, economic growth, and a wide range of employment opportunities in San Marcos and the surrounding region.
- Foster the creation of employment opportunities, including highly compensated professions, within San Marcos to improve the jobs/housing balance within the City and the surrounding area.
- Encourage additional economic activity within the City, thereby contributing indirectly to increased sales tax revenues due to additional employment and visitor traffic to area businesses.
- Maintain current services at the existing San Marcos Medical Center without interruption while simultaneously building a hospital and enhancing services available to Kaiser Permanente members based on market demand.
- Provide parking sufficient to accommodate membership and patient demands, staff parking demands during shift changes, reduce delay and improve circulation throughout the campus by alleviating vehicle queuing.
- Provide/increase the availability of emergency room services for all of the public.
- Reduce the demand on other hospitals for both emergency room and non-emergency room services.

3.2 PROJECT CHARACTERISTICS

3.2.1 Project Components

The project site is comprised of 16 acres located on the existing Kaiser Permanente San Marcos Medical Center site. The Proposed Project would include the development of a 428,500-square-foot, 125-foot-high hospital tower with 206 beds, a 26,000-square-foot central utility plant, 1,370 new surface parking spaces, and a new access road from Rush Drive. Additionally, an outdoor patio seating area would be constructed to support a café on Level 1 of the hospital tower. Support areas would also be constructed around the exterior of the hospital tower and central utility plant. A summary of the various Proposed Project elements is shown in Table 3-1.

**Table 3-1
Proposed Project Components**

Proposed Project Components	Size
Hospital Tower	428,500 square feet
Central Utility Plant	26,000 square feet
Parking Areas	1,370 spaces
Access Road	—
Café/Conference Patio Area	Included in Hospital Tower
Support Areas	—
• Loading Dock attached to Hospital Tower	5,200 square feet
• Tech Dock attached to Hospital Tower	1,100 square feet
• Decontamination Shower attached to Hospital Tower	700 square feet
• Utility Yard attached to Central Utility Plant	19,000 square feet
• Fuel Cells Yard	3,400 square feet
• Emergency Generator	5,700 square feet
• San Diego Gas & Electric Yard	2,400 square feet
• Battery Yard	2,500 square feet

Source: Appendix A.

Hospital Tower

An approximately 428,500-square-foot, 125-foot-high hospital tower would be constructed in the central area of the project site directly north of the existing medical office buildings (MOBs). A loading dock area would also be constructed to the west of the tower. An ambulance entry would also be constructed to the north of the Hospital Tower. The duration of the construction would be approximately 36 months and would include the use of construction equipment such as cranes, man hoists and forklifts.

Central Utility Plant

The central utility plant would be constructed to the west of the Hospital Tower. The central utility plant would have approximately 26,000 square feet of floor space within a footprint of approximately 12,000 square feet. The majority of the plant would be approximately 33-feet high above finish grade, except at the north side of the site above the loading dock where it would be approximately 54-feet-high. The central utility plant would include the installation of electrical distribution equipment, boilers, chillers, pumps, cooling towers, and emergency generators. Its lower level finish floor would have a loading dock that would extend out into a service loading area that would be constructed adjacent to the dock. The duration of construction would be approximately 27 months and would involve the use of construction equipment such as a crane and forklifts.

The central utility plant would provide chilled water, heating hot water, and steam to the hospital. Additional rooms within the separate building include Staff and administration areas, Normal and Emergency Power and Telephone Equipment Rooms. Individual components include (3) centrifugal chillers, (3) flexible water tube hot water boilers, (5) modular steam boilers. Associated pumps would be provided with each system. Cooling towers, dual cell units, would be located outside in the mechanical yard. The outdoor yard would also provide (2) emergency generators to service the new hospital and one existing generator serving the existing MOB building. Utility connections would be provided between the emergency center and the new hospital through direct buried chilled water, hot water and steam piping. In order to provide power, and emergency power, sub-grade electrical duct banks would connect the central utility plant to the hospital. The central utility plant west of the hospital would be screened by a solid screen wall.

Parking Areas

There are currently 1,165 parking spaces on the southern parcel. A total of 271 new surface parking spaces would be added to the southern parcel for a net addition of 94 spaces (1,165 existing spaces, minus 177 to be removed during construction, equals 988 spaces; plus 271 new spaces post-construction, equals 1,259 spaces on the southern parcel). An additional 110 new surface parking spaces would be added to the undeveloped northern parcel. The combined parking provided at the completion of the Proposed Project in the northern and southern parcels would total 1,369 spaces. The City's code requires a total of 1,259 spaces.

New Access Road

A new access road would be constructed from Rush Drive in an east/west direction along the north side of the new hospital tower. This road would provide ingress and egress to the Emergency Department, the loading dock and the central utility plant. This work would be constructed during the overall duration of the Proposed Project and would involve the use of construction equipment such as skip-loaders, graders and rollers.

New Wall Along Echo Lane

A new meandering wall would be constructed along the property line parallel to Echo Lane. The wall would be approximately 42-inches tall, would be constructed of dry-stack stones and would include landscaping.

Café/Conference Patio Areas

An outdoor patio seating area would be constructed to support a café on Level 1 of the hospital tower. The patio area would be located between the new hospital tower and the existing MOB. This work would have a duration of 6 months and would overlap with the overall duration of the Proposed Project. The work would involve the use of construction equipment such as skip-loaders and skid steer loaders. The patio areas are intended for employees, patients, and visitors.

Support Areas

Hospital support areas would be constructed around the exterior of the hospital tower and the central utility plant loading dock area. These areas would include a mechanical yard, tech docks, and disaster storage as follows:

- A 5,200-square-foot loading dock would be constructed on the northwest corner of the hospital tower, and would include dock levelers and a canopy.
- A 1,100-square-foot tech dock would be constructed on the north side of the hospital tower, and would include mobile imaging equipment.
- A 700-square-foot decontamination shower would be constructed on the north side of the hospital tower.
- A 19,000-square-foot utility yard would be constructed on the southwest corner of the central utility plant.
- A 3,400-square-foot fuel cells yard would be constructed.
- A 5,700-square-foot emergency generator yard would be constructed.
- A 2,400-square-foot San Diego Gas & Electric yard would be constructed.
- A 2,500-square-foot battery yard would be constructed.

Infrastructure Improvements

New infrastructure would include the following storm drain facilities capturing, treating and routing stormwater: storm drain main and lateral piping, inlets, gutters, riprap, swales, storage tanks and treatment best management practices (BMPs) (e.g., stormwater basins and Modular

Wetland Systems). Utilities servicing the new hospital and support areas would include gas, electric, telecommunication and fuel oil lines. Sewer and water improvements servicing the new hospital and support areas include: sewer main and lateral piping, emergency underground sewage tanks, water main and lateral piping, 40,000-gallon water tank, fire main and lateral piping, 40,000-gallon fire tank and fire hydrants.

The Proposed Project would require several on-site infrastructure improvements, including infrastructure for utilities, electrical, gas, sewer, stormwater drainage facilities, water, and communication. Off-site improvements to one sewer line would be required (see Figure 3-2, Offsite Sewer Improvements). The off-site sewer improvement (KH-8) would require a 0.34-acre work area (Appendix D, Water and Sewer Study). This work would have a duration of 12 months beginning at the start of construction.

3.2.1.1 Comparison of 1992 Supplemental Environmental Impact Report and Proposed Project

This section provides a description of how the Proposed Project differs from the project analyzed in 1992 Supplemental EIR and is prepared in conformance with Section 15163 of the CEQA Guidelines (14 CCR 15000 et seq.). As discussed in Section 3.1.1, Project Background, the HCSP is the comprehensive planning document that establishes development guidelines for the project site.

Table 3-2 is a comparison of the Proposed Project to the project analyzed in the 1992 Supplemental EIR.

Table 3-2
Comparison of the Proposed Project with the 1992 Supplemental
Environmental Impact Report Project

	1992 Supplemental EIR Project	Currently Built On Site	Proposed Project	Delta
Hospital Tower	820,000 square feet	NA	428,500 square feet	-391,500 square feet
Beds	439 beds	0 beds	206 beds	-233 beds
Medical Office Buildings	485,000 square feet	231,170 square feet	NA	-253,300 square feet
Central Utility Plant	30,000 square feet	NA	26,000 square feet	-4,000 square feet
Parking Spaces	5,000 spaces	1,165 spaces	Remove during construction: 177 spaces Add: 381 new spaces (271 on southern parcel and 110 on northern parcel) Delta: 204 spaces	-3,736 spaces

Table 3-2
Comparison of the Proposed Project with the 1992 Supplemental
Environmental Impact Report Project

	1992 Supplemental EIR Project	Currently Built On Site	Proposed Project	Delta
Employees	4,000 employees	481 employees	473 employees	- 3,046 employees

Source: Appendix A.

Note: EIR = Environmental Impact Report; NA = not applicable.

Proposed entitlements would reduce the overall project analyzed in 1992 to allow the development of a 428,500-square-foot, 206-bed, 7-story-plus-basement hospital tower, a 26,000-square-foot central utility plant, and a delta of 102 additional surface parking spaces on the 8-acre project site in the northern half of the existing Kaiser Permanente medical campus as described in more detail below (Figure 3-1, Conceptual Site Plan). As shown in Table 3-1, the modified project's hospital tower would contain 233 fewer beds than the hospital tower analyzed in the 1992 Supplemental EIR. The modified project would also include a central utility plant that would be approximately 4,000 square feet smaller than the plant analyzed in the 1992 Supplemental EIR.

The project site, surrounding land uses, and applicable land use designations of the project site are characterized in Chapter 2, Environmental Setting. This chapter characterizes the Proposed Project, including the objectives for the project and the required approvals.

3.2.2 Construction

Construction of the Proposed Project would occur in overlapping phases as outlined in Table 3-3.

Table 3-3
Construction Phases

Construction Phase	Duration
Site Demolition and Clearing	1 month
Site Excavation	5 months
Site Grading	6 months
Hospital and Central Utility Plant Construction	Concurrent construction to follow excavation with utilities and foundations.
Central Utility Plant and Loading Dock	9 months prior to hospital tower to allow transfer of medical office building operations to new loading dock and begin existing dock demolition.
Landscape and Surface Lot Construction	6 months

Source: Appendix A.

The number of construction workers estimated to be on site at peak times would be 500 workers. Construction would commence July 2020 and end December 2023. Grading and excavation would take place 7:00 a.m. to 4:30 p.m. Monday through Friday; and building construction would take place 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays.

These times and days would vary based on the needs of the Proposed Project, but would always be consistent with all City ordinances. The MOBs that are currently operational on the campus would remain in place and would be fully operational during the duration of construction.

Site Preparation

Site preparation for the Proposed Project would involve several phases as follows:

- Site Demolition or Clearing: The site north of MOBs 3 and 4 from Rush Drive to Echo Lane would be demolished, cleared and grubbed. All paving, curbs, planters, light poles, and parking on the north side of the existing MOBs would be demolished. The existing parking on the west side of the MOBs would be modified, as would the parking on the east side of the existing MOBs. The duration of the site demolition, clear and grub would be approximately 1 month. This work would require construction equipment for excavation including skid steer loaders and excavators.
- Site Grading: Approximately 90,000 cubic yards of material would be graded with construction equipment such as skid steam loaders, scrappers, and graders. Cut required would be 190,000 cubic yards and fill required would be 190,000 cubic yards. No import/export required. The duration of this work would be approximately 6 months. The operator would pull permits but no mining permit would be required.
- Site Excavation: Approximately 60,000 cubic yards of excavation would occur. This work would include the excavation to the hospital tower, loading dock, and central utility plant area. The duration of this work would be approximately 5 months.
- Development of Construction Staging and Parking Areas: Construction staging and parking would occur on the northern section of the project site. This would include a site office complex, parking for office and field staff, material laydown and staging, and stockpiles. A 12,000-square-foot construction office would be constructed on a spiral anchor and pier system over compacted soil. The construction office would be a modular, state licensed Housing and Community Development trailer. The office would be removed and the site restored following construction.

3.2.3 Operation

Once operational, the new hospital tower would accommodate 206 beds. Services that would be provided at the hospital would include the following:

- Medical/Surgical, Intensive Care Inpatients
- Perinatal, Labor and Delivery
- Operating Rooms, Prep and Recovery, C-Section
- Interventional Radiology

- Minor Procedures for inpatients ERCP, Cysto, Fluoroscopy
- CT, MRI, Nuclear Medicine, Cardiac Stress Echo, Vascular Lab, General Radiology, and Ultrasound
- Emergency Department Walk-in and Ambulance
- Ancillary Support: Food Service, EVS, Maintenance, Supply Management
- Small amount of Hospital Administration including Admitting, Financial Counseling Services, and Record Maintenance.

A maximum number of 473 additional employees would be employed at medical campus with the implementation of the Proposed Project.

Site Access

Primary access for customers would be via the existing eastern site entry at Rush Drive. Secondary entrances to the medical center complex would be at the southern site entries at Craven Road. Ambulance and service deliveries primary access to the site would be via the new service road, from Rush Drive, north of the hospital. No proposed right-of-way changes are requested. The main entry road off Rush Drive would be improved to better align with and provide fire access to the new hospital entry north of the existing MOB 3. Improvements include entry road widening, new median, modifications of existing median, and sawcut and repair of existing road. A new fire access hammerhead would be constructed west of the existing MOB 4. Improvements include: curb removal and replacement and new pavement.

The Discovery Village South Specific Plan encompasses the area located directly north of the project site and would include the development of up to 230 single-family homes and the completion of a missing segment of Discovery Street. It is assumed that this Discovery Street extension would be in place prior to project construction.

Landscaping

The site would be landscaped with water conserving native or adaptive plant materials. Landscape would conform to the requirements of the City of San Marcos Landscape Manual and the HCSP development guidelines. The hospital entry drive on Rush would be accented with specimen trees and enhanced ground plane planting. The parking areas shall be screened from the surrounding streets with berming, tree and shrub planting. The parking areas would be planted with trees to reduce solar heat gain. A courtyard is created south of the hospital at the existing medical office buildings. This space would be landscaped to provide outdoor seating, dining and conference spaces.

Lighting

Site lighting would be provided per the requirements of the City of San Marcos municipal code and Heart of the City development guidelines. Parking would be lit with fixtures that cast down on to the parking

and driving surfaces. The lights would feature cut-off capability to limit any spill on to adjacent properties. Pedestrian walkways would be lit to provide a safe environment to navigate the site at night.

3.3 ACTIONS AND APPROVALS

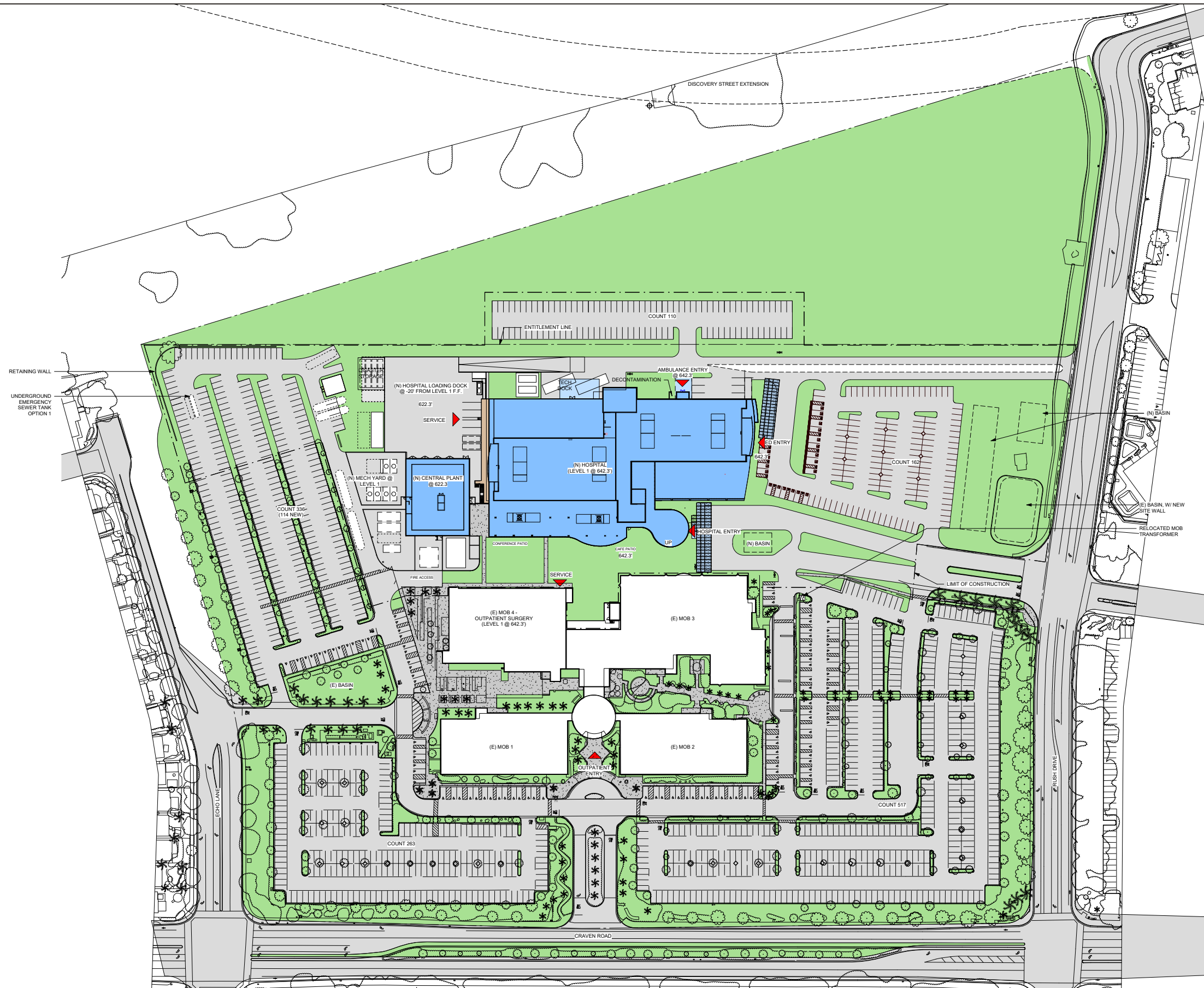
Implementation of the Proposed Project may require permits or other forms of approval from public agencies or other entities prior to construction of the Proposed Project. They include, but are not limited to, those listed in Table 3-4.

Table 3-4
Required Actions and Approvals – Other Public Agencies

Agency	Required Action/Approval
City of San Marcos	Site Development Permit
	Utility Improvement Plan for water, sewer, water quality, drainage, dry utilities, gates, signage, lighting, and road repairs.
	Grading Plan
	Building Permit
	Landscaping Plan
	Stormwater Pollution Prevention Plan
San Diego Regional Water Quality Control Board	National Pollutant Discharge Elimination System Construction General Permit (State Water Resources Control Board Order 2009-09-DWQ)
Office of Statewide Health Planning and Development	Construction Permit
Vallecitos Water District	Approval of Water and Sewer Studies
United States Fish and Wildlife Service	Potential Incidental Take Permit

Source: Appendix A.

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SOURCE: Kaiser Permanente, 2019

FIGURE 3-1

Conceptual Site Plan

Kaiser Permanente Medical Center Supplemental EIR

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SOURCE: SANGIS 2017, 2020; Merkel & Associates, 2019

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CHAPTER 4 ENVIRONMENTAL ANALYSIS

The following environmental analyses provide information relative to three environmental topics as they pertain to the proposed project. Each section of this chapter describes existing environmental and regulatory conditions, presents the criteria used to determine whether an impact would be significant, analyzes significant impacts, identifies mitigation measures for each significant impact, and discusses the significance of impacts after mitigation has been applied.

This chapter includes a separate section for each of the following issue areas:

- Section 4.1, Biological Resources
- Section 4.2, Tribal Cultural Resources
- Section 4.3, Cultural Resources

Technical Studies

Dudek prepared technical studies analyzing biological resources, cultural resources, and tribal cultural resources. Each are used in the preparation of this Supplemental Environmental Impact Report (EIR). These documents are identified in the discussions for the individual environmental issues and included as technical appendices to this Supplemental EIR.

Analysis Format

The Supplemental EIR assesses how the project would impact the issue areas. Each environmental issue addressed in this Supplemental EIR is organized as following:

- **Existing Conditions:** This portion provides information describing the existing setting on or surrounding the project site that may be subject to change as a result of the implementation of the project. This setting described the conditions that existed when the NOP was sent to the State Clearinghouse, agencies, and organizations.
- **Approach and Methodology:** This outlines the approach for analyzing potential impacts and methodology used in collecting relevant background information.
- **Regulatory Setting:** The environmental setting provides applicable federal, state, and/or local plans, policies, and/or ordinances pertaining to the environmental issue.
- **Thresholds of Significance:** This portion provides criteria for determining the significance of project impacts for each environmental issue.

- **Impacts Analysis:** A discussion is provided that includes the characteristics of the project that may have an effect on the environment, analyzes the nature and extent to which the project is expected to change the existing environment, and indicates whether the project impacts meet or exceed the levels of significance thresholds.
- **Significance of Impact Prior to Mitigation:** This section summarizes the potential impacts as disclosed in the impact analysis prior to mitigation being applied.
- **Mitigation Measures:** Mitigation measures are identified to reduce significant adverse impacts to the extent feasible.
- **Level of Significance After Mitigation:** This last section provides a discussion of the level of impact after mitigation such as significant adverse environmental impacts that cannot be feasibly mitigated or avoided, significant adverse environmental impacts that can be feasibly mitigated or avoided, adverse environmental impacts that are not significant, and beneficial impacts.

4.1 BIOLOGICAL RESOURCES

This section describes the existing biological resource environment on the project site, identifies associated regulatory requirements, evaluates potential impacts, and if necessary, identifies mitigation measures related to implementation of the proposed Kaiser Permanente Medical Center Project (proposed project).

The analysis in this section relies on the Biological Resources Letter Report, which included a literature review, field reconnaissance, vegetation mapping, protocol surveys, and jurisdictional delineation. The analysis also considers the California Environmental Quality Act (CEQA) Guidelines Appendix G and applicable state and local regulations. The Biological Resources Letter Report is included as Appendix B of this Supplemental Environmental Impact Report (EIR).

4.1.1 Approach and Methodology

Data regarding biological resources present within the project site were obtained through a review of pertinent literature and field reconnaissance; both are described in detail below.

4.1.1.1 Literature Review

To evaluate the natural resources found or potentially occurring within the project site, literature searches and database reviews were conducted by Dudek biologists. Prior to conducting the field reconnaissance, a literature review was conducted to identify listed and other special-status biological resources present or potentially present within the study area and project vicinity using the following sources: U.S. Fish and Wildlife Service (USFWS) Critical Habitat and Occurrence Data (USFWS 2019), California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CDFW 2019b, 2019c, 2019d, and 2019e), and California Native Plant Society's (CNPS) Online Inventory of Rare and Endangered Vascular Plants (CNPS 2019a). Dudek queried these sources for special-status resources within the San Marcos U.S. Geological Survey 7.5-minute quadrangle, plus the eight surrounding quadrangle maps. The surrounding quadrangles include Morro Hill, Bonsall, Pala, San Luis Rey, Valley Center, Encinitas, Rancho Santa Fe, and Escondido.

For purposes of this report, listed species include those plant and wildlife species that are listed as threatened or endangered by either the California or federal Endangered Species Act. Special-status plants include listed species, candidates for listing, and species designated with a California Rare Plant Rank by CNPS. Special-status wildlife species include listed species; candidates for listing; and species with a designation from the CDFW of Watch List, Fully Protected, or Species of Special Concern (CDFW 2019d). Other special-status biological resources include vegetation communities that are considered to support unique stands, are of particular value to special-status plant or wildlife species, or have a rank of S1–S3 on the CDFW's List of Terrestrial Communities (CDFW 2019a). Unique vegetation communities

include habitats found only in the region, local representatives of species not generally found in San Diego County, or outstanding examples of CDFW special-status vegetation communities. Additionally, riparian areas, wetlands, bays, estuaries, marshes, and wildlife corridors are generally considered special-status biological resources.

4.1.1.2 Field Reconnaissance

Between June and July 2019, Dudek conducted surveys for the following biological resources: vegetation mapping, a jurisdictional wetland delineation, a rare plant survey, and a focused wildlife survey. Table 4.1-1 lists the dates, conditions, and focus for each survey.

Table 4.1-1
Schedule of Surveys

Date	Hours	Personnel	Focus	Conditions
<i>Vegetation Mapping, Jurisdictional Wetlands, and Waters Assessment</i>				
06/21/2019	0900–1200	TW	Vegetation mapping	60°F–66°F, 0% cc, 1–4 mph wind
06/23/2019	1030–1230	TW	Vegetation mapping, jurisdictional wetland delineation	63°F–68°F, 0% cc, 0–3 mph wind
<i>Rare Plants</i>				
07/29/2019	0845–1145	KD	Rare Plants	67°F–78°F, 100–0% cc, 0–4 mph wind
<i>Coastal California Gnatcatcher</i>				
08/12/2019	0830–1030	TW/JP	CAGN Focused Survey	66°F–72°F, 100–10% cc, 1–4 mph wind
08/21/2019	0800–1000	TW/JP	CAGN Focused Survey	72°F–76°F, 0% cc, 1–5 mph wind
08/30/2019	0730–0930	TW/JP	CAGN Focused Survey	70°F–82°F, 0% cc, 0–4 mph wind

Notes: cc = cloud cover; NR = not recorded; CAGN = coastal California gnatcatcher; TW = Tricia Wotipka; JP = Jeff Priest; KD = Kathleen Dayton.

Vegetation Community and Land Cover Mapping

Vegetation communities and land covers on site were mapped in the field directly onto a 200-foot-scale (1 inch = 200 feet), aerial photograph-based field map of the project site (Bing 2019). Following completion of the fieldwork, all vegetation polygons were transferred to a topographic base and digitized using ArcGIS, and a geographic information system (GIS) coverage was created by Dudek GIS Analyst Andrew Greis. Once in ArcGIS, the acreage of each vegetation community and land cover present on site was determined.

Vegetation community classifications followed *Vegetation Alliances and Associations: Natural Communities List Arranged Alphabetically by Life Form* (Natural Communities List) (CDFW 2018a) based on the *Manual of California Vegetation*, second edition (Sawyer et al. 2009). Land covers not included in the Natural Communities List followed the *Preliminary Descriptions of the Terrestrial Natural Communities of California* Holland (1986), as modified by the County of San Diego and noted in *Draft Vegetation Communities of San Diego County* (Oberbauer et al. 2008).

Following completion of the fieldwork, all vegetation polygons were transferred to a topographic base and digitized using ArcGIS, and a GIS coverage was created by GIS Analyst Andrew Greis. Once in ArcGIS, the acreage of each vegetation community and land cover present on site was determined.

Flora

All native and naturalized plant species encountered on the project site were identified and recorded. Latin and common names for plant species with a California Rare Plant Rank (CRPR) (formerly CNPS List) follow the CNPS Online Inventory of Rare, Threatened, and Endangered Plants of California (CNPS 2019a). For plant species without a CRPR, Latin names follow the Jepson Interchange List of Currently Accepted Names of Native and Naturalized Plants of California (Jepson Flora Project 2019), and common names follow the List of Vegetation Alliances and Associations (CDFW 2010) or the U.S. Department of Agriculture Plants Database (USDA 2019b). A preliminary list of plants observed during the site visit is included in Appendix B.

Rare Plant Surveys

Focused surveys for special-status plants were conducted on July 29, 2019, by Dudek biologist Kathleen Dayton. This survey was conducted at the appropriate phenological stage to detect and identify target species with a moderate potential to occur on site, including Orcutt's brodiaea (*Brodiaea orcuttii*), CRPR 1B.1, and southern tarplant (*Centromadia parryi* ssp. *australis*), CRPR 1B.1. Prior to special-status plant surveys, Dudek evaluated plant records in the U.S. Geological Survey 7.5-minute San Marcos quadrangle and the surrounding Morro Hill, Bonsall, Pala, San Luis Rey, Valley Center, Encinitas, Rancho Santa Fe, and Escondido quadrangles (CDFW 2019; CNPS 2019a; USFWS 2019) to determine target species. In addition, Dudek's knowledge of biological resources and regional distribution of each species, as well as elevation, habitat, and soils present within the project site were evaluated to determine the potential for various special-status plant species to occur. Field survey methods conformed to CNPS Botanical Survey Guidelines (CNPS 2001); Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018b); and General Rare Plant Survey Guidelines (Cypher 2002). Surveys were conducted by walking meandering transects throughout the project site to detect special-status species. All plant species were identified and recorded in Appendix B. No special-status plants were observed.

Fauna

All wildlife species detected during the field surveys by sight, calls, tracks, scat, or other signs were recorded. Binoculars (10 by 40 magnification) were used to aid in the identification of observed wildlife. In addition to species actually detected, expected wildlife use of the project site was determined by known habitat preferences of local species and knowledge of their relative distributions in the area. Latin and common names of animals follow Crother (2012) for reptiles

and amphibians, American Ornithologists' Society (AOS 2019) for birds, Wilson and Reeder (2005) for mammals, and North American Butterfly Association (NABA 2001) or San Diego Natural History Museum (SDNHM 2002) for butterflies. All wildlife species were identified and recorded in Appendix B.

Focused Coastal California Gnatcatcher Survey

Surveys for the federally listed threatened coastal California gnatcatcher (*Poliophtila californica californica*) were conducted on the project site in 2018 by Merkel & Associates Inc. (M&A) and more recently by Dudek in 2019.

A summary of the surveys conducted by firm is provided below.

Merkel & Associates Inc. 2018

M&A conducted focused, protocol-level surveys for the coastal California gnatcatcher for the purpose of determining the presence or absence of this species on the adjacent, off-site Discovery Village South Specific Plan Project, of which a small portion overlaps the proposed project site near the northeast corner where the extension of Discovery Street is proposed (M&A 2017). It is important to note that M&A did not survey the entire project site subject to this report but rather they focused on lands within their own project site of which a portion overlaps the proposed project site.

All areas of suitable coastal sage scrub vegetation in the northern, undeveloped portion of the proposed project site were surveyed during focused surveys conducted by M&A for the Discovery Village South Specific Plan Project. Surveys were conducted in accordance with the current USFWS Coastal California Gnatcatcher Presence/Absence Survey Protocol (USFWS 1997), which included nine protocol surveys conducted during the non-breeding season (defined as July 1 through March 14) with a minimum 2-week interval between surveys (M&A 2019). This more intensive survey requirement was necessary as the City is no longer an active participant in the Natural Community Conservation Plan (NCCP) Interim Section 4(d) process under the Multiple Habitat Conservation Program (MHCP) conservation planning efforts (USFWS 2007). The surveys were conducted by slowly walking meandering transects in potentially suitable gnatcatcher habitat. Taped recordings of gnatcatcher vocalizations, as well as "pishing," were used to elicit initial vocal responses, and an approximate nine minute time interval was allowed for a response, particularly from advantageous viewpoints. Gnatcatcher presence was determined based on the detection of songs, calls, and/or direct observations. Efforts were made to determine the gender, paired or unpaired status, age, and any color band information of each observed gnatcatcher. A list of detected avian species was recorded in a field notebook, and the locations of identified gnatcatchers were recorded using a GPS unit or noted onto color aerial photographs of the BSA. Data collected from the surveys were digitized into current GIS Esri software platforms.

Dudek 2019

Focused surveys for the coastal California gnatcatcher were conducted on the project site by Dudek biologists Tricia Wotipka and Jeff Priest in August 2019 following a modified, three-visit survey protocol, as approved by the USFWS. Ms. Wotipka and Mr. Priest are authorized to survey for this species under Section 10(a)(1)(A) Permit No. TE-840619. Coastal California gnatcatchers were first located using a taped recording of coastal California gnatcatcher vocalizations, when necessary. The tape was played approximately every 50 to 100 feet depending on assumed sound attenuation related to topography to induce responses from potentially present coastal California gnatcatchers. If a coastal California gnatcatcher was detected, tape-playback was terminated to minimize potential for harassment. Once a pair or individual was located, an attempt was made to locate the other bird of the pair and determine each bird's sex. If only one bird was located and another bird of the other sex did not appear within a reasonable amount of time, a note was made to re-find and follow this bird at a later date to determine if it is paired or unpaired.

In order avoid double counting, once an individual or pair was located, the first observer followed the original gnatcatcher pair (or individual) and the second observer began searching for a second pair/individual nearby that may have been occupying an adjacent territory. With synchronized watches, the different observers communicated with each other using walkie-talkies or phones, and kept a record of the time they had birds under observation. This method helps define how many pairs are present on a site, and as an example, simultaneous observations of males and females together in two nearby locations would establish the presence of two pairs. In many cases, individual males could be recognized by unique plumage markings. Where two males were clearly recognizable by differences in their plumage, simultaneous observations would not be necessary. Once it was determined if two pairs were present in adjacent territories, polygons would be drawn on an aerial map showing the approximate separation of these two pairs. In situations where determinations of one or two pairs might be otherwise unclear (e.g., too much time had elapsed between observations), distinguishing characters about the male's cap plumage would be used to make a determination. If there were no distinguishing characters between the males' plumage, then the particular general area in question would then be revisited at the end of the initial survey pass of the entire Project site to further assess the number of pairs or individuals in the area.

Binoculars (10 by 50 magnification) were used to aid in the detection and identification of bird species. Weather conditions, time of day, and season were appropriate for the detection of this species (see Table 4.1-1).

4.1.1.3 Jurisdictional Wetland Delineation

Dudek conducted a delineation of jurisdictional aquatic resources within the project site on June 23, 2019. The entire project site was surveyed on foot for the following types of features:

- Waters of the United States, including wetlands, under the jurisdiction of the U.S. Army Corps of Engineers (ACOE), pursuant to Section 404 of the federal Clean Water Act;
- Waters of the state under the jurisdiction of the California Regional Water Quality Control Board (RWQCB), pursuant to Section 401 of the federal Clean Water Act and the Porter–Cologne Water Quality Control Act as wetlands or drainages; and,
- Streambeds under the jurisdiction of CDFW, pursuant to Section 1602 of the California Fish and Game Code.

Wetland waters of the United States are delineated based on methodology described in the 1987 ACOE *Corps of Engineers Wetlands Delineation Manual* (ACOE 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (ACOE 2008a). ACOE and RWQCB jurisdictional wetlands are determined based on the presence of all three wetlands criteria: hydrophytic vegetation, hydrology, and hydric soils.

Non-wetland waters of the United States are delineated based on the presence of an Ordinary High Water Mark (OHWM) as determined utilizing the methodology in *A Field Guide to the Identification of the Ordinary High Water Mark in the Arid West Region of the Western United States* (ACOE 2008b).

In accordance with California Fish and Game Code, streambeds are determined based on the presence of a definable bed and bank, and are delineated from top of bank to top of bank or the extent of associated riparian vegetation (CDFW jurisdiction). For shallow drainages and washes that do not support riparian vegetation, the top of bank measurement may be the same as the OHWM measurement.

The jurisdictional delineation performed within the project site included the preparation of four data stations assessed at the locations shown on Figures 4.1-1 and 4.1-2. Data stations were collected in groups along a transect line with a data point located in the generally lower, more mesic portion of the feature and another data point located upslope, or above the OHWM and where the three jurisdictional criteria would likely no longer be met (based on elevation, vegetation, soil, and/or hydrologic indicators).

Small ditches comprising less than 1 acre in size that were excavated in uplands, drain only uplands, and whose purpose is to provide stormwater runoff conveyance and treatment, such as concrete-lined brow ditches, were not considered jurisdictional and thus were not mapped as such. In the context of this report, these features are considered non-jurisdictional uplands.

Survey Limitations

Focused surveys for potentially occurring special-status plant species were conducted for the proposed project in July 2019. The timing of the survey was intended to capture the blooming period of those plant species with a more moderate to high potential to occur on site. All perennial, conspicuous shrubs would have been identified during the survey if present.

Dudek did not conduct focused surveys for special-status wildlife species other than the coastal California gnatcatcher because no other listed species have a moderate to high potential to occur on site.

To account for survey limitations, biologists identified special-status plant and wildlife species that could occur in the project site, based on pertinent literature on distribution and habitat preference, recorded off-site observations, and extensive local experience of the Dudek biologists. Special-status plant and wildlife species were analyzed based on their potential to occur, and adequate measures to avoid and minimize impacts to these species are provided in this report. Based on this, nocturnal surveys have not been conducted for the proposed project because birds represent the largest component of the vertebrate fauna, and most are active in the daytime; therefore, diurnal surveys maximize the number of observations of this portion of the fauna. In contrast, daytime surveys usually result in few observations of mammals or bats, many of which may be active at night. In addition, many species of reptiles and amphibians are nocturnal or cryptic in their habits and are difficult to observe using standard meandering transects.

4.1.2 Existing Conditions

The 35.6-acre project site and surrounding area is largely characterized as an urban, developed commercial and residential area. The areas surrounding the project site to the west, south and east have undergone extensive development and have existing commercial and residential uses. The project site is immediately bordered by neighborhood commercial and office/professional uses to the east, existing medical office buildings and surface parking lots associated with the existing Kaiser Permanente Medical Campus to the south, single family residential uses in the Discovery Meadows neighborhood to the west, and the soon-to-be developed Discovery Village South Specific Plan Area to the north and northeast. The Discovery Village South Specific Plan encompasses the area located directly north of the project site and will include the development of up to 230 single-family homes and the extension of Discovery Street to Twin Oaks Valley Road.

A majority of the project site (approximately 58%) is flat and developed, supporting a combination of existing medical facilities, parking lots, associated infrastructure and utilities, and ornamental landscaping. The project site includes an extensively disturbed, vacant lot to the north comprised of undeveloped land with varying topography, including hilltops to the north dominated by native and disturbed sage-scrub dominated vegetation, and annual brome grassland and patches of native upland vegetation scattered throughout the flatter portions of the site. The vacant lot associated

with the project site is extensively disturbed by a combination of dirt trails, trash and rubble interspersed with pockets of native and non-native vegetation. A homeless encampment is situated just north and off site of the property on lands associated with the Discovery Village South Specific Plan. Ingress/egress from this encampment occurs primarily through the project site by way of a deteriorated chain link fence off of Rush Drive. A north-south trending, unvegetated concrete-lined brow ditch designed to convey stormwater runoff parallels Rush Drive and more or less forms the eastern project boundary.

The project site also supports several isolated wetland features, including two patches of willow-dominated vegetation to the north, several scattered patches of tamarisk thickets along Rush Drive, a small pocket of earthen, open channel, and disturbed wetlands associated with a manmade detention basin near the southeast project boundary.

Topography

Elevations in the project site range from approximately 620 feet above mean sea level (amsl) in the northern portion of the site to approximately 640 feet amsl in the southern portion. The project site is comprised of a combination of developed areas, disturbed habitats, and native habitat. The majority of the project site is relatively flat within the existing medical campus with steep hillside slopes forming the north/northeast project boundary.

Soils

According to the Natural Resources Conservation Service (USDA 2019a), there are three native soil types found within the project site: Escondido very fine sandy loam, 5% to 9% slopes; Escondido very fine sandy loam, 9% to 15% slopes, eroded; and Exchequer rocky silt loam, 9% to 30% slopes. The most common and predominant soil series in the project site is Escondido very fine sandy loam, 5% to 9% slopes.

4.1.2.1 Vegetation Communities and Land Covers

A total of 13 vegetation communities and land cover types (including disturbed forms) were mapped by Dudek on site based on general physiognomy and species composition, including 9 native or naturalized vegetation types and 4 non-natural land covers. Acreages of vegetation communities and land covers are listed in Table 4.1-2, and their spatial distribution is depicted in Figure 4.1-1.

Table 4.1-2
Vegetation Communities and Land Cover Types in Project Site

Vegetation Community/Land Cover	Acreage On Site	Acreage Off Site
<i>Native Upland Communities</i>		
California Sagebrush Scrub*	0.03	0
Disturbed California Sagebrush Scrub*	0.43	0
Disturbed Coyote Brush Scrub*	1.66	0
Laurel Sumac/Deer Weed Scrub*	0.39	0
Deer Weed Scrub*	0.30	0
<i>Subtotal</i>	<i>2.81</i>	<i>0</i>
<i>Wetlands, Waters, and Riparian Communities</i>		
Arroyo Willow Thickets*	0.07	0
Disturbed Wetland*	0.08	0
Tamarisk Thickets*	0.02	0
Open Channel*	0.002	0
<i>Subtotal</i>	<i>0.172</i>	<i>0</i>
<i>Non-Native Vegetation Community/Land Cover</i>		
Annual Brome Grasslands	9.94	0
Disturbed Habitat	0.41	0
Developed	20.58	0.67
Ruderal	1.72	0
<i>Subtotal</i>	<i>32.65</i>	<i>0.67</i>
Total	35.63	0.67

Notes:

* Indicates a special-status vegetation community.

California Sagebrush Scrub (Including Disturbed Form)

California sagebrush scrub is considered a coastal scrub vegetation alliance (CDFW 2018a; 2018b). It is a native plant community characterized by a variety of soft, low, aromatic, drought-deciduous shrubs such as California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), California brittle bush (*Encelia californica*), and sages (*Salvia* spp.), with scattered evergreen shrubs, including lemonade berry (*Rhus integrifolia*), laurel sumac (*Malosma laurina*), and toyon (*Heteromeles arbutifolia*). It typically develops on steep, south-facing slopes and at times, though rarely, occurs on flooded low-gradient deposits along streams in which are scattered willows (*Salix* spp.) and mulefat (*Baccharis salicifolia*), depending on the site conditions. Soils on which this vegetation community occurs are described as alluvial or colluvial-derived and shallow (Sawyer et al. 2009). California sagebrush scrub rarely occurs as a continuous vegetation community but rather occurs in a patchy or mosaic distribution pattern throughout its range.

Within the Project study area, a small patch of California sagebrush scrub, comprising 0.03 acre, was mapped on a south-facing cut slope dominated by low-growing sage scrub species with an inclusion of taller native shrubs and rock outcrops. Predominate species in this small patch on site include California sagebrush, California brittle bush, California buckwheat, black sage (*Salvia mellifera*), white sage (*Salvia apiana*), Menzies' goldenbush (*Isocoma menziesii* var. *menziesii*), and wishbone bush (*Mirabilis californica*). Non-native species comprise roughly 10% to 15% of the total area of this community, including tocalote (*Centaurea melitensis*), short-pod mustard (*Hirschfeldia incana*), and assorted non-native grasses and herbs. Bare ground comprised up to 25% cover.

Disturbed California Sagebrush Scrub

Two patches of disturbed coastal sage scrub, comprising 0.43 acre, were identified adjacent to the small patch of undisturbed coastal sage scrub on the same south-facing cut slope near the northeast corner of the Project site. Floral species found in this area are characteristic of natural, undisturbed coastal sage scrub and include specifically California sagebrush, black sage and California buckwheat but also include at least 50% cover of short-pod mustard, tocalote, and prickly Russian thistle (*Salsola tragus*).

Disturbed Coyote Brush Scrub

Disturbed coyote brush scrub includes coyote brush as the sole or dominant shrub in the canopy, with anywhere from 30% to 50% cover of non-native annual grasses and other non-native species, including short-pod mustard, tamarisk, tree tobacco, castor bean, and fennel in the understory. Disturbed coyote brush scrub typically has an intermittent shrub canopy less than 2 meters (7 feet) in height with a variable ground layer (Sawyer and Keeler-Wolf 1995). Species associated with coyote brush scrub in general typically include black sage, California buckwheat, California blackberry (*Rubus ursinus*), California coffee berry (*Rhamnus californica*), California figwort (*Scrophularia* sp.), California sagebrush, creeping ryegrass (*Leymus triticoides*), poison oak (*Toxicodendron diversilobum*), seaside woolly sunflower (*Eriophyllum stoechadifolium*), salal (*Gaultheria shallon*), sword fern (*Polystichum munitum*), tufted hairgrass (*Deschampsia cespitosa*), yellow bush lupine (*Lupinus arboreus*), yellow sand-verbena (*Abronia latifolia*), wax myrtle (*Myrica californica*), and white sage (Sawyer et al. 2009).

Within the project study area, however, the coyote brush scrub is extensively disturbed by considerable amounts of trash, rubble, and debris. Areas mapped as disturbed coyote brush scrub on site support established stands of coyote brush with sweet fennel, short-pod mustard, prickly Russian thistle, and tocalote growing in the understory of the shrubs atop piles of concrete rubble and in the void spaces of stockpiled concrete pipes. Individual stands of tree tobacco (*Nicotiana glauca*) are occasionally emergent. Native plant cover is limited to coyote brush only.

Deer Weed Scrub

Two large patches of vegetation dominated by native deer weed (*Acmispon glaber*) exist on site and are thus classified as a native vegetation community for their potential value as habitat for native wildlife species. Although these patches are generally too small to be considered a vegetation community on their own and rather occur in patches throughout the disturbed habitat on site, these patches were mapped due to the small size of the site and the relative importance of native vegetation cover on any portion of the site. Deer weed is an early colonizer of disturbed sites (CNPS 2019b). Within the project site, deer weed scrub has formed predominantly along an existing dirt foot trail just north of the existing medical center campus.

Laurel Sumac/Deer Weed Scrub

This community refers to a large, presumably manufactured, south-facing cut slope on the Project site along the northern project boundary that is dominated by laurel sumac and deer weed. The vegetation appears to be in a state of recovery based on the height and density of the vegetation growth. The laurel sumac and deer weed occupy roughly 40% of this mapped area. The remaining 60% is composed of bare ground.

Arroyo Willow Thickets

Arroyo willow thickets refer to areas supporting more than 50% relative cover of arroyo willow (*Salix lasiolepis*) in the tall shrub or low tree canopy with a sparse to depauperate understory. This community is best characterized as a dense, broad-leafed, winter-deciduous riparian thicket comprised of several species of willow (Holland 1986). Most stands are too dense to allow much understory development (Holland 1986). Species associated with arroyo willow thickets includes scattered emergent Fremont cottonwood (*Populus fremontii*) and western sycamore (*Platanus racemosa*) (Holland 1986).

Arroyo willow thickets are often found along stream channels on loose, sandy, or fine gravelly alluvium deposits. This community is considered seral due to repeated disturbance/flooding and is therefore unable to develop into the taller southern cottonwood–willow riparian forest (Holland 1986). As a shrubland, emergent trees may be present at low cover.

Within the project site, arroyo willow thickets occur in two small, isolated patches near the northeast corner of the project site. The source of hydrology sustaining these two patches of arroyo willow is unknown but there is no visible evidence of a stream channel or seep in this location. Dominant species include arroyo willow and black willow (*Salix gooddingii*) in the canopy with tall flatsedge (*Cyperus eragrostis*), mariposa rush (*Juncus dubius*), wrinkled rush (*Juncus rugulosus*) and annual beard grass (*Polypogon monspeliensis*) in the herbaceous layer.

Disturbed Wetland

Disturbed wetland refers to areas that are dominated by exotic wetland species that invade areas that have been previously disturbed and/or undergone periodic disturbances. These non-native species become established more readily following natural or human-induced habitat disturbance than the native wetland flora. Within the project site, disturbed wetlands were mapped in an existing detention basin near the southeast corner of the project site. Dominant species include annual beard grass, curly dock (*Rumex crispus*), southern cattail (*Typha domingensis*), common knotweed (*Polygonum aviculare*), and bristly ox-tongue (*Helminthotheca echioides*).

Tamarisk Thickets

Tamarisk thickets are typically comprised of shrubs and/or small trees of exotic tamarisk species (*Tamarix* spp.), but may also contain willows (*Salix* spp.), salt bushes (*Atriplex* spp.), and catclaw acacia (*Acacia greggii*) often times with a grassy, disturbed understory. This habitat typically occurs along intermittent streams in areas where high evaporation rates increase the salinity level of the soil. Tamarisk is a phreatophyte, a plant that can obtain water from an underground water table. Because of its deep root system and high transpiration rates, tamarisk can substantially lower the water table to below the root zone of native species, thereby competitively excluding them. As a prolific seeder, it may rapidly displace native species within a drainage course (Holland 1986). In the context of the project site tamarisk thickets were mapped in small, scattered patches alongside a concrete-lined brow ditch running parallel to Rush Drive/Discovery Street. Dominant species include five-stamen tamarisk (*Tamarix chinensis*) with a non-native grassy understory comprised of red brome (*Bromus rubens*), soft chess (*Bromus hordeaceus*), slender wild oat (*Avena barbata*), Perez's marsh-rosemary (*Limonium perezii*), and African fountain grass (*Cenchrus setaceus*).

Open Channel

Open channel refers to areas that are associated with a stream channel that are sandy-bottomed, barren and/or sparsely vegetated. Open channel is typically observed below the OHWM and often represents the active, low flow channel of a waterway. In the project site, open channel refers to an earthen-bottomed storm drain inlet near the far east end of the project that receives input from the adjacent hillside slopes.

Annual Brome Grasslands

Annual brome grasslands are characterized by lands dominated by weedy, introduced annual brome grasses and non-native herbs and forbs. It may occur where disturbance by maintenance (e.g., mowing, scraping, disking, spraying), repetitive fire, agriculture, or other mechanical disruptions have altered soils and removed native seed sources from areas formerly supporting

native vegetation. This community occurs in areas with flat to gradual slopes with deep, fine-textured, typically clay soils. Most of the introduced annual species that comprise annual brome grassland originated from the Mediterranean region of Europe, an area with a climate similar to that in California and a long history of agriculture. These two factors have contributed to the successful invasion and establishment of these species and the replacement of native grasslands by annual-dominated non-native grassland (Jackson 1985). Holland (1986) states that annual brome grasslands have a sparse to dense cover of annual grasses that are typically 0.2–0.5 meter (0.7–1.6 feet) tall and can be up to 1 meter (3 feet) tall. Wildflowers are often associated with annual brome grasslands, especially in years with favorable precipitation (Holland 1986). Characteristic species that occur in annual grasslands include oats (*Avena* spp.), bromes (*Bromus* spp.), fescue (*Vulpia* spp.), and Italian ryegrass (*Lolium perenne* ssp. *multiflorum*). Forbs that occur with these grasses include California poppy (*Eschscholzia californica*), filaree (*Erodium* spp.), goldfields (*Lasthenia* spp.), phacelia (*Phacelia* spp.), gillias (*Gilia* spp.), and baby blue-eyes (*Nemophila menziesii*) (Holland 1986).

Annual brome grasslands support at least 50% cover of low-growing, annual non-native grasses on the project site including slender wild oat, soft chess, red brome, perennial rye grass (*Festuca perennis*), and rat-tail fescue (*Festuca myuros*). Other dominant non-native herbs and forbs observed on site include scarlet pimpernel (*Anagallis arvensis*), red-stem filaree (*Erodium cicutarium*), Indian sweetclover (*Melilotus indicus*), short-pod mustard, prickly Russian thistle, fasciated tarplant (*Deinandra fasciculata*), prickly lettuce (*Lactuca serriola*), and tocalote. Due to extensive, repeated disturbance on site due to transient use of the property and considerable trash deposition, the annual brome grasslands on site provide limited value to wildlife. Because no special status plant or wildlife species were recorded in these areas and no wildlife movement through the annual brome grasslands was detected during the site surveys, annual brome grasslands is not considered a sensitive vegetation community in the context of the proposed project.

Disturbed Lands

Disturbed lands refer to areas that are not developed, yet lack vegetation, and generally are the result of severe or repeated mechanical perturbation and can often have compacted soils. Within the project site, disturbed lands refer to existing unpaved foot trails and bare, unvegetated ground on the project site with less than 10% vegetative cover. These areas support limited natural ecological processes, native vegetation, and/or habitat for wildlife species and thus are not considered sensitive by local, state, and/or federal agencies.

Developed

Developed lands are described by Oberbauer (et al. 2008) as areas that have been constructed on or disturbed so severely that native vegetation is no longer supported. Developed land includes

areas with permanent or semi-permanent structures, pavement or hardscape, landscaped areas, and areas with a large amount of debris or other materials (Oberbauer et al. 2008).

Within the project site, developed land refers to the existing medical campus, parking facilities, and associated infrastructure, hardscape, and ornamental landscaping. These areas support limited natural ecological processes, native vegetation, and/or habitat for wildlife species and thus are not considered sensitive by local, state, and/or federal agencies.

Ruderal

Ruderal is a land cover type characterized by a predominance of non-native species, often introduced and established through human action with very limited bare ground. Annual non-native grasses are often present but in small numbers (less than 10% cover). Vegetation in ruderal areas is comprised of weedy herbaceous species, including, but not limited to, wild oat, short-pod mustard, black mustard (*Brassica nigra*), thistles ([*Centaurea*], [*Carduus*], and [*Cynara*] spp.), sow thistles (*Sonchus* spp.), prickly lettuce, prickly Russian thistle, telegraphweed (*Heterotheca grandiflora*), horehound (*Marrubium vulgare*), London rocket (*Sisymbrium irio*), wild radish, ice plant (*Carpobrotus edulis*), tree tobacco, castor bean, garland chrysanthemum (*Glebionis coronaria*), and fennel. Ruderal areas are generally the result of extensive disturbance such as prior grading or fire. Ruderal areas occur across a wide range of elevations, topographic orientations, and soil types.

Within the project site, ruderal areas are dominated by dove weed (*Croton setigerus*), short-pod mustard, garland chrysanthemum, fennel, prickly lettuce, prickly Russian thistle, tree tobacco, and telegraph weed.

4.1.2.2 Floral Diversity

A total of 68 vascular plant species consisting of 36 native species (60%) and 32 non-native species (40%) were recorded during general and rare plant surveys conducted for the project. A list of all plant species observed on site is presented in Appendix B.

4.1.2.3 Special-Status Plant Species

Endangered, rare, or threatened plant species, as defined in CEQA Guidelines Section 15380(b) (14 CCR 15000 et seq.), are referred to as “special-status plant species” in this report and include (1) endangered or threatened plant species recognized in the context of the California Endangered Species Act (ESA) and the federal ESA (CDFW 2018a), and (2) plant species with a CRPR 1 through 3 (CNPS 2019). This report also includes CRPR 4 plant species.

A special-status plant survey was conducted for the project on July 29, 2019, to determine the presence or absence of plant species that are considered endangered, rare, or threatened under CEQA Guidelines Section 15380 (14 CCR 15000 et seq.). A list of potentially occurring plants was generated as part of the literature review. Each species' potential to occur on site was evaluated based on the elevation, habitat, and soils present on site and Dudek's knowledge of biological resources in the area and regional distribution of each species. A number of potentially occurring plant species are conspicuous (e.g., large, woody shrubs) and readily observed if present within an open and largely disturbed site.

No special-status plant species (CRPR 1-4) were observed on site during the 2019 rare plant survey and given the extensively disturbed nature of the site special-status plant species are not expected to occur.

Special-status plant species known to occur in the surrounding region that have a low potential to occur and/or are not expected to occur on site are presented in Appendix B, Special-Status Plant Species Observed or Potentially Occurring within the Project Site.

Critical Habitat

There is no USFWS-designated critical habitat mapped for plant species within the project site (USFWS 2019).

4.1.2.4 Wildlife Diversity

A total of 25 wildlife species were recorded during 2019 surveys conducted for the project, including 1 reptile, 18 birds, 3 mammals, and 3 invertebrates. A full list of wildlife species observed on site during 2019 surveys is provided in Appendix B.

4.1.2.5 Special-Status Wildlife Species

Species defined as "special-status wildlife species" in this report include endangered and threatened wildlife species recognized in the context of the California and federal Endangered Species Acts (CDFW 2018d); Species of Special Concern assigned by CDFW to species whose population levels are declining, have limited ranges, and/or are vulnerable to extinction due to continuing threats; Fully Protected species protected by the CDFW and Watch List species candidates for higher sensitivity statuses; and Birds of Conservation Concern provided by USFWS to migratory and non-migratory bird species that adhere to the 1988 amendment to the Fish and Wildlife Conservation Act that mandates USFWS to "identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Federal Endangered Species Act of 1973" (USFWS 2008).

A total of 62 special-status wildlife species were reported in the CNDDDB and USFWS databases as occurring in the vicinity of the project site. Appendix B summarizes the special-status wildlife species that were included in these databases and evaluated as part of this assessment. For each species evaluated, a determination was made regarding the potential use of the site based on information gathered during the field reconnaissance, known habitat preferences, and knowledge of their relative distributions in the area.

Of the 62 special-status wildlife species listed in the CNDDDB and USFWS databases as occurring in the vicinity of the project site, none were determined to have at least a moderate potential of occurring on site (Appendix B) with the exception of the coastal California gnatcatcher, which was recently observed during 2019 focused surveys conducted by Dudek for the project.

Critical Habitat

There is no USFWS-designated critical habitat mapped for wildlife species within the project site (USFWS 2019).

Coastal California Gnatcatcher

The coastal California gnatcatcher is a federally listed threatened species and a CDFW Species of Special Concern (SSC). It is closely associated with California sagebrush scrub habitat and is therefore threatened primarily by loss, degradation, and fragmentation of this habitat. The coastal California gnatcatcher typically occurs below 820 feet amsl within 22 miles of the coast and 1,640 feet amsl for inland regions (Atwood and Bolsinger 1992). Studies have suggested that gnatcatchers avoid nesting on very steep slopes (greater than 40%) (Bontrager 1991). The coastal California gnatcatcher is also impacted by brown-headed cowbird (*Molothrus ater*) nest parasitism (Braden et al. 1997).

One pair plus a juvenile were observed foraging as a family unit on site by Dudek during 2019 modified focused surveys conducted for the project. This pair was also documented on site during focused surveys conducted by M&A for the Discovery Village South Specific Plan Project in 2018. This pair was consistently observed foraging in both project areas during 2018 surveys conducted for the Discovery Village South Specific Plan Project by M&A and during 2019 surveys conducted for the proposed project by Dudek (M&A 2019). Both M&A and Dudek reported a single individual foraging with the adult pair. No other coastal California gnatcatcher individuals were observed on the project site. Given the extremely disturbed nature of the habitat on site, it is possible but not confirmed that the coastal California gnatcatchers detected on site could be individuals who were previously displaced and/or dispersing from off-site lands approximately 4,500 feet southeast of the project site. Given the size, composition and disturbance of the native shrub patches on site, coastal California gnatcatcher is not expected to nest on the Project site. However, coastal California gnatcatcher may occasionally forage on site as documented during focused survey efforts in 2018 and 2019.

4.1.2.6 Wildlife Corridors and Habitat Linkages

Wildlife corridors are linear features that connect large patches of natural open space and provide avenues for the migration of animals. Wildlife corridors contribute to population viability by ensuring continual exchange of genes between populations, providing access to adjacent habitat areas for foraging and mating, and providing routes for recolonization of habitat after local extirpation or ecological catastrophes (e.g., fires).

Habitat linkages are small patches that join larger blocks of habitat and help reduce the adverse effects of habitat fragmentation. Habitat linkages provide a potential route for gene flow and long-term dispersal of plants and animals. They may also serve as primary habitat for smaller animals such as reptiles and amphibians. Habitat linkages may be continuous habitat or discrete habitat islands that function as stepping stones for dispersal.

To function effectively, a wildlife corridor must link two or more patches of habitat for which connectivity is desired, and it must be suitable for the focal target species to achieve the desired demographic and genetic exchange between populations. Movement corridors identified within the City are generally composed of relatively narrow riparian corridors, including San Marcos Creek, Las Posas Creek, Twin Oaks Valley Creek, Buena Creek, and Agua Hedionda Creek (City of San Marcos 2012). The vicinity of the project site is highly urbanized with adjacent areas consisting of a mix of low- to high-density residential development, commercial development and roadways. The site is not within a Focused Planning Area (FPA) and is isolated from areas proposed for preservation under the MHCP (e.g., FPAs). Figure 4-2 of Section 4 of the San Marcos General Plan does not identify the proposed project site as a wildlife corridor or habitat linkage.

The approximately 35.6-acre project site is not expected to provide for wildlife movement or serve as an important habitat linkage because a majority of the site supports existing urban/developed uses; however, there is potential for limited use of the vacant lot to the north by both resident and migratory species due to the presence of limited habitat features, including mature trees, California sagebrush scrub vegetation, and open areas for foraging. The project is surrounded by existing, high-density commercial and residential development. Because of regular human activity and considerable vehicle traffic in and surrounding the project site, predominantly urban-adapted wildlife species are expected to occur in this area such as raccoons (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), striped skunk (*Mephitis mephitis*), and brush rabbits (*Sylvilagus* spp.).

4.1.2.7 Jurisdictional Aquatic Resources

A wetland delineation was conducted for the project in June 2019, focusing on potential features within the development footprint. Results of the wetland delineation indicate that the site supports 0.07 acres of isolated arroyo willow thickets, 0.08 acres of disturbed wetland associated

with a detention basin, 0.02 acres of tamarisk thicket patches along Rush Drive, and 0.002 acres of open channel associated with a storm drain inlet (Table 4.1-3). The wetland determination data forms are included in Appendix B.

Table 4.1-3
Jurisdictional Aquatic Resources

Vegetation Community	Acres
Arroyo Willow Thickets	0.07
Disturbed Wetland	0.08
Tamarisk Thickets	0.02
Open Channel	0.002
Total¹	0.172

Notes:

¹ Total may not sum due to rounding.

4.1.3 Thresholds of Significance

For this analysis, the following thresholds are used for determining significance of an impact to tribal cultural resources, based on Appendix G of the CEQA Guidelines:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
3. 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?
4. 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?
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

4.1.4 Impact Analysis

This section defines the types of impacts that would occur due to project implementation, including direct, permanent impacts; direct, temporary impacts; and indirect impacts.

Direct Impacts

Direct, permanent impacts refer to the absolute and permanent physical loss of a biological resource due to clearing, grading, and construction of the proposed project. Direct, permanent impacts are analyzed in four ways: (1) permanent loss of vegetation communities and land covers, and general wildlife and their habitat; (2) permanent loss of or harm to individuals of special-status plant and wildlife species; (3) permanent loss of suitable habitat for special-status species; or (4) permanent loss of wildlife movement and habitat connectivity in the project site.

Direct, temporary impacts refer to a temporal loss of vegetation communities and land covers resulting from vegetation and land cover clearing and grading associated with implementation of the proposed project. The main criterion for direct, temporary impacts is that impacts would occur for a short period of time and would be reversible.

Indirect Impacts

Indirect impacts are reasonably foreseeable effects caused by project implementation on remaining or adjacent biological resources outside the direct disturbance zone that may occur during grading activities (i.e., short-term construction-related indirect impacts) or later in time as a result of the project (i.e., long-term, or operational, indirect impacts). Short-term indirect impacts can include dust, human activity, pollutants (including potential erosion), and noise that extend beyond the identified construction area. Long-term indirect impacts can include changes to hydrology, introduction of invasive species, dust, and noise that are operations related or occur over the long term. In most cases, indirect effects are not quantified, but in some cases, quantification might be included such as using a noise contour to quantify indirect impacts to nesting birds.

For each of the following impact sections, direct and indirect impacts for biological resources are identified and a significance determination is made for each impact. For each significant impact, mitigation measures that would reduce the impact to less than significant are proposed.

4.1.4.1 Issue 1: Special-Status Plants and/or Wildlife

Special-Status Plant Species

Direct Impact

No special-status plant species have the potential to occur within the impact footprint due to the lack of suitable habitat and substrate. Further, results of the special-status plant survey in 2019 were negative. Thus, **no impacts** to special-status plant species are anticipated.

Indirect Impacts

Because no special-status plant species were observed on site during 2019 surveys, no indirect impacts to special-status plant species are anticipated to occur within the project site. Indirect impacts to special-status plant species potentially occurring off site would be limited to short-term construction impacts related to erosion, runoff, and dust. However, all project ground-disturbing activities would be subject to the typical restrictions (e.g., best management practices [BMPs]) and requirements that address erosion and runoff, including those of the National Pollutant Discharge Elimination System (NPDES) permit program and preparation of a Stormwater Pollution Prevention Plan (SWPPP) including consistency with the Construction General Permit Order 2009-009-DWQ. With implementation of these BMPs and permit conditions, potential indirect impacts to special-status plant species would be **less than significant**.

Special-Status Wildlife Species

Direct Impacts

One federally listed wildlife species, coastal California gnatcatcher, was observed in the project site during surveys conducted for the off-site, immediately abutting Discovery Village South Specific Plan Project by M&A in 2018 and more recently by Dudek during modified focused surveys conducted for the Project in 2019. One pair plus one individual was confirmed by M&A, Dudek, and the USFWS to be co-occurring between the two project sites. Additionally, in the Biological Opinion issued by the USFWS for the Discovery Village South Specific Plan Project, dated February 21, 2020, the USFWS asserts that the co-occurring coastal California gnatcatcher individuals also occur on the North City (University District) Specific Plan Project and that when considering the suitable vegetation across all three projects there is sufficient habitat to support breeding coastal California gnatcatchers.

Further, assuming an approximately 10-acre territory size, which is the estimated territory size for projects situated roughly 10 miles inland from the coast (Preston et al. 1998), the USFWS expects that coastal California gnatcatchers could continue to expand to at least three pairs in available

suitable habitat across all three projects. However, it is our understanding that all suitable coastal sage scrub vegetation within the Discovery Village South Specific Plan and North City (University District) Specific Plan development boundaries, comprising approximately 31 acres, has already been cleared in accordance with local, state, and federal agency approvals.

The proposed project on its own supports 2.81 acres of coastal sage scrub vegetation in various stages of disturbance and patch size. This represents a very small percentage (less than 10%) of their overall use area and is not large enough on its own to support a viable breeding territory for coastal California gnatcatcher. This is especially true given the low quality of habitat on the project site that is largely characterized as extensively disturbed *Baccharis*-dominated vegetation sprouting from piles of construction-related debris. Further, the diminutive size of the site coupled with a low percent cover of native shrubs and a high percent cover of bare ground and herbaceous weeds cannot support all of the needs for these individuals during a typical annual life cycle for this species. It is assumed that coastal California gnatcatchers displaced by construction of the two adjacent, aforementioned projects to the north may move/adjust their territories into the remaining habitat on the project site. However, because the remaining habitat is small, isolated, and fragmented, consisting of small, disturbed patches of native shrubs separated by large expanses of disturbed habitats, it is expected to serve merely as a “stepping stone” at this point to provide access to other areas off site. Therefore, direct impacts to coastal California gnatcatcher are not expected to occur.

However, to further ensure that coastal California gnatcatchers are not impacted by initial clearing/grubbing, or grading activities within 500 feet of coastal sage scrub vegetation, the project will implement **MM-BIO-1** through **MM-BIO-9**, and impacts are assumed to be **potentially significant** prior to mitigation.

Indirect Impacts

Indirect effects to special-status wildlife species during project construction may include the generation of fugitive dust, changes in hydrology resulting from construction, including sedimentation and erosion, the release of chemical pollutants, and increased human presence. As noted above under indirect effects to vegetation, the potential indirect impacts from construction dust, erosion/sedimentation, and the release of chemical pollutants would be avoided and minimized through the implementation of industry standard construction-related BMPs, including consistency with the Construction General Permit Order 2009-009-DWQ, which would reduce these potential effects on special-status wildlife species to a level that is less than significant. Although increased human presence during construction may result in avoidance and/or behavioral modification by wildlife in the area, this effect would be short-term and is considered less than significant.

Noise generated during construction has the potential to indirectly impact adjacent special-status wildlife species by disrupting their normal activities, particularly breeding and nesting activities associated with special-status bird species. Special-status bird species, including federal- and state-listed species and species protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Sections 3503-3513 and 3800-3801, may occur in habitats adjacent to the Project area. Nesting birds can be affected by short-term construction-related noise, resulting in decreased reproductive success or abandonment of an area as nesting habitat. Breeding passerine and raptor species likely utilize the various habitats on site for nest construction and foraging. Indirect impacts from construction-related noise may occur to breeding birds if construction occurs during the breeding season (i.e., February 15 through September 15). Potential impacts, including noise, lighting, increased human presence and vehicle traffic within the site could affect nesting birds. Pre-construction nesting bird surveys during the breeding season to avoid impacts to nesting birds in accordance with the MBTA and Fish and Game Code are a condition of project approval.

While not expected to nest on site, impacts would be **potentially significant** prior to mitigation. Implementation of **MM-BIO-8** and **MM-BIO-9** address potential impacts to nesting coastal California gnatcatcher in the event that they do breed on site or within 500 feet of grading activities. Appendix F to Appendix B (Biological Resources Letter Report) includes an analysis for determining the need for an Incidental Take Permit under the FESA Section 10(a)(1)(B). The analysis concludes that no such permit would be needed for the Project.

4.1.4.2 Issue 2: Riparian Habitat or Sensitive Vegetation Community

Direct impacts to vegetation are shown in Table 4.1-4 below. All biological resources within the impact limits are considered directly impacted. Figure 4.1-2 illustrates the distribution of biological resources in the project site and the extent of the proposed impacts on site.

Table 4.1-4
Direct Impacts to Vegetation Communities and Land Covers

Vegetation Community/Land Cover	Impacts (acres)	
	<i>Permanent</i>	<i>Temporary</i>
<i>Native Upland Communities</i>		
Disturbed California Sagebrush Scrub*	0	0.08
Disturbed Coyote Brush Scrub*	0.42	1.22
Laurel Sumac/Deer Weed Scrub*	0	0.38
Deer Weed Scrub*	0.03	0.27
<i>Subtotal</i>	<i>0.45</i>	<i>1.95</i>

Table 4.1-4
Direct Impacts to Vegetation Communities and Land Covers

Vegetation Community/Land Cover	Impacts (acres)	
	Permanent	Temporary
<i>Non-Native Vegetation Communities/Land Covers</i>		
Annual Brome Grasslands	7.45	1.87
Ruderal	0	0.73
Urban/Developed	4.03	0.67
Disturbed Lands	0.10	0.28
<i>Subtotal</i>	<i>11.58</i>	<i>3.55</i>
Total	12.03	5.50

Note: * Indicates a special-status vegetation community

Direct Impact

Permanent and temporary impacts to non-native vegetation communities/land covers, totaling 11.58 acres and 3.55 acres, respectively, are not considered significant because these land covers are not considered sensitive; they are non-native and provide little biological resource value. Included in the temporary impacts is 0.34 acres of off-site improvements to one sewer line within the roadway (see Figure 3-2, Offsite Sewer Improvements). The off-site sewer improvement (KH-8) would require a 0.34-acre work area.

However, implementation of the project would result in direct, permanent impacts to 0.42 acres of disturbed coyote brush scrub and 0.03 acres of deer weed scrub, both of which are considered special-status vegetation communities. The project would also incur additional temporary impacts to 0.08 acres of disturbed California sagebrush scrub, 1.22 acres of disturbed coyote brush scrub, 0.38 acres of laurel sumac/deer weed scrub, and 0.27 acres of deer weed scrub, totaling 1.95 acres. Temporary impacts are due to construction-related access and equipment staging that needs to occur to facilitate project construction. Direct permanent and direct temporary impacts to these vegetation communities would be considered **potentially significant** absent mitigation.

Implementation of Mitigation Measures **MM-BIO-10** and **MM-BIO-11** would reduce potential direct, permanent and temporary impacts to less than significant. No other special-status vegetation communities would be directly impacted by the project.

Indirect Impact

Indirect impacts to vegetation during construction may include dust, which could disrupt plant vitality in the short term, construction-related soil erosion and runoff. Implementation of industry-standard construction and storm water BMPs including dust control, erosion control, and water quality protection would be required for the project to obtain a grading permit.

Implementation of these dust, erosion control, and water quality protection measures during construction, including consistency with the Construction General Permit Order 2009-009-DWQ, would reduce the potential short-term indirect impacts on adjacent vegetation communities to a level that is **less than significant**.

4.1.4.3 Issue 3: Federally Protected Wetlands

Direct Impact

No direct impacts to jurisdictional wetlands and waters will occur due to project implementation.

Indirect Impact

Indirect impacts would be limited to short-term construction impacts related to construction runoff. However, all project ground-disturbing activities would be subject to the typical restrictions (e.g., BMPs) and requirements that address erosion and runoff, including those of the NPDES permit program and preparation of a SWPPP, including consistency with the Construction General Permit Order 2009-009-DWQ. With implementation of these BMPs and permit conditions, potential indirect impacts to preserved jurisdictional aquatic resources in the project site would be **less than significant**.

4.1.4.4 Issue 4: Migratory Wildlife/Wildlife Corridors

The project site is bordered by residential and commercial development to the south, east, and west, thus limiting the effectiveness of the site as a wildlife movement corridor. As described in Section 4.1.2.6, Wildlife Corridors and Habitat Linkages, a better quality wildlife movement corridor is present to the north of the project site along San Marcos Creek from State Route 78 west to Discovery Street, which is presumed to be used by the majority of resident and migratory wildlife species. Although the project site provides some suitable habitat for wildlife species, the utility of this habitat is expected to be low due to the extent of disturbance, the small size and discontinuity with regional open space. Therefore, impacts to wildlife corridors and linkages would not be substantial and are considered **less than significant**.

4.1.4.5 Issue 5: Local Policies or Ordinances

The federal MBTA and California Fish and Game Code are applicable regulations in which the project must comply. The purpose of the MBTA is to prohibit the kill or transport of native migratory birds, or any part, nest, or egg of any such bird unless allowed by another regulation adopted in accordance with the MBTA. As previously discussed, potential direct, and indirect impacts could occur to nesting birds which may be present within the footprint of the project site during construction. Although initial vegetation clearing and grubbing would occur largely

outside of the breeding season for most avian species, early and/or late breeding avian species may still be present within the project footprint during construction.

Impacts to active migratory bird nests, if present at the time of construction, are prohibited under the federal MBTA and California Fish and Game Code Sections 3503 and 3513. Since avian species could potentially nest in the on-site habitats, the proposed project could result in impacts to active bird and/or raptor nests, if present at the time of construction under the federal MBTA and California Fish and Game Code. Therefore, impacts would be **potentially significant**.

4.1.4.6 Issue 6: Consistency with Habitat Conservation Plan or Natural Community Conservation Plan

The City of San Marcos Subarea Habitat Conservation Plan/NCCP (Subarea Plan) has not been finalized or implemented, and the City is no longer an active participant in the NCCP program and the subregional MHCP conservation planning effort. However, it is the City's policy to comply with the conservation policies identified in the Draft San Marcos Subarea Plan, including an assessment of designated Biological Core Linkage Area or MHCP FPA in the context of the proposed project. In addition, the Project will be evaluated to ensure consistency with CEQA.

The project is not located within a designated Biological Core Linkage Area or FPA, and therefore, it is consistent with the conservation policies of the Draft San Marcos Subarea Plan. In addition, the Project would be required to conform to the goals and policies in the *City of San Marcos General Plan* (City of San Marcos 2012) related to the protection of biological resources. Following implementation of proposed mitigation measures, the Project is expected to be found to be in conformance with the Draft San Marcos Subarea Plan and the General Plan. Therefore, **no impacts** related to regional resource planning are anticipated.

4.1.5 Significance of Impacts Prior to Mitigation

Direct and indirect impacts to special-status wildlife species, would be potentially significant as discussed in Section 4.1.4.1. Direct impacts to certain vegetation communities would be potentially significant as discussed in Section 4.1.4.2. All other impacts would be less than significant.

4.1.6 Mitigation

The following mitigation measures would be required in order to reduce potential impacts associated with the proposed project.

MM-BIO-1 TEMPORARY INSTALLATION FENCING. Kaiser Permanente, or their designee, will temporarily fence (including downslope silt barriers) the limits of project impacts (including construction staging areas and access routes) and install other appropriate sediment trapping devices to prevent additional impacts to, and

the spread of silt from the construction zone into, adjacent habitat to be avoided. Fencing and sediment trapping devices will be installed in a manner that does not impact habitats to be avoided.

If work occurs beyond the fenced limits of impact, all work will cease until the problem has been remedied to the satisfaction of the City. Any habitat impacts that occur beyond the authorized work will be offset at ratios approved by the City. Temporary construction fencing and sediment trapping devices will be removed upon project completion.

MM-BIO-2 ENVIRONMENTAL AWARENESS TRAINING. A Workers Environmental Awareness Training Program shall be implemented with the contractor and all active construction personnel prior to construction to ensure knowledge of coastal California gnatcatcher, its habitat, and general compliance with environmental/permit regulations and mitigation measures.

At a minimum, training will include a discussion of the following topics: (1) the purpose for resource protection; (2) a description of the coastal California gnatcatcher and its habitat; (3) the MMs outlined in this report that should be implemented during project construction to conserve the sensitive resource, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); (4) environmentally responsible construction practices; (5) the protocol to resolve conflicts that may arise at any time during the construction process; and, (6) the general provisions of the FESA, the need to adhere to the provisions of the FESA, and the penalties associated with violating the FESA.

MM-BIO-3 BREEDING SEASON AVOIDANCE. The removal of coastal sage scrub vegetation from the Project impact footprint will occur from September 1 to February 14 to avoid the coastal California gnatcatcher breeding season. Further, to the maximum extent practicable, grading activities associated with construction of the expanded medical campus will occur from September 1 to February 14 to avoid the coastal California gnatcatcher breeding season. If project construction must occur during the coastal California gnatcatcher breeding season, MMs BIO 10 and 11 will be implemented.

MM-BIO-4 WORK HOURS. Project construction will occur during daylight hours. However, if temporary night work is required, night lighting will be of the lowest illumination necessary for human safety, selectively placed, shielded and directed away from natural habitats.

MM-BIO-5 GENERAL CONSTRUCTION MONITORING PRACTICES. Kaiser Permanente, or their designee, will ensure that the following conditions are implemented during project construction in order to minimize potential impacts to coastal California gnatcatcher and its habitat.

- a. Employees will strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint;
- b. To avoid attracting predators of the coastal California gnatcatcher, the Project site will be kept as clean of debris as possible. All food related trash items will be enclosed in sealed containers and regularly removed from the site;
- c. Pets of project personnel will not be allowed on the Project site; and,
- d. Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures consistent with the Construction General Permit Order 2009-009-DWQ.

MM-BIO-6 BIOLOGICAL MONITOR REQUIREMENTS AND DUTIES. A qualified biologist with at least 40 hours in the field observing coastal California gnatcatchers and documented experience locating and monitoring coastal California gnatcatcher nests will be on site daily during initial clearing/grubbing and weekly during grading activities within 500 feet of coastal California gnatcatcher habitat to ensure compliance with all project-imposed mitigation measures. The biologist will be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the Project's engineer to ensure that issues relating to the coastal California gnatcatcher and its habitat are appropriately and lawfully managed.

The qualified biological monitor will also be responsible for the following duties:

- a. Oversee installation of and inspect temporary fencing and erosion control measures within or up-slope of avoided and/or preserved areas a minimum of once per week during installation and daily during all rain events until established to ensure that any breaks in the fence or erosion control measures are repaired immediately.
- b. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.
- c. Halt work, if necessary, and confer with the USFWS and City to ensure the proper implementation of species and habitat protection measures. The biologist will report any violation to the USFWS and City within 24 hours of its occurrence.

- d. Submit weekly letter reports (including photographs of impact areas) via regular or electronic mail (email) to the City during clearing/grubbing of coastal California gnatcatcher habitat and/or project construction resulting in ground disturbance within 500 feet of avoided coastal California gnatcatcher habitat. The weekly reports will document that authorized impacts were not exceeded and general compliance with all conditions. The reports will also outline the duration of coastal California gnatcatcher monitoring, the location of construction activities, the type of construction that occurred, and equipment used. These reports will specify numbers and locations of any coastal California gnatcatchers and nests, sex of gnatcatchers, observed coastal California gnatcatchers behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to coastal California gnatcatchers and nests.
- e. Submit a final report to the City within 60 days of project completion that includes the following: (1) as-built construction drawings for grading with an overlay of any active nests; (2) photographs of habitat areas during pre-construction and post-construction conditions; and (3) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with the avoidance/minimization provisions and monitoring program as required by the USFWS were achieved.

MM-BIO-7 GENERAL PRE-CONSTRUCTION COASTAL CALIFORNIA GNATCATCHER SURVEY. For initial clearing/grubbing of coastal California gnatcatcher habitat within the project development footprint, a biologist holding a Section 10(a)(1)(A) permit shall perform a minimum of three (3) focused surveys, on separate days, to determine the presence of coastal California gnatcatchers or nests in the Project impact footprint including temporary construction areas. Surveys will begin a maximum of seven (7) days prior to performing initial clearing/grubbing, and one survey will be conducted the day immediately prior to the initiation of clearing/grubbing. If any coastal California gnatcatchers are found in the Project impact footprint, the biologist will direct construction personnel to begin clearing/grubbing in an area away from the coastal California gnatcatchers and attempt to flush coastal California gnatcatchers away from clearing/grubbing so that coastal California gnatcatchers will not be injured or killed by clearing/grubbing activities. If an active coastal California gnatcatcher nest is found, the nest will be avoided until nesting is confirmed to be completed by the biologist. Kaiser Permanente, or their designee, will notify the USFWS at least seven (7) days prior to the initiation of surveys and within 24 hours of locating any coastal California gnatcatcher and/or nest.

MM-BIO-8 PRE-CONSTRUCTION NESTING COASTAL CALIFORNIA GNATCATCHER SURVEY. A biologist holding a Section 10(a)(1)(A) permit shall perform a minimum of three (3) focused surveys, on separate days, to determine the presence of coastal California gnatcatcher nests within 500 feet of project grading activities if construction is proposed during the coastal California gnatcatcher breeding season. The surveys will begin a maximum of seven (7) days prior to project construction (including temporary fence installation required by MM-BIO-1) and one survey will be conducted the day immediately prior to the initiation of work. Additional surveys will be done once a week during project grading activities in the breeding season.

MM-BIO-9 COASTAL CALIFORNIA GNATCATCHER NEST AVOIDANCE AND MINIMIZATION MEASURES. Though unlikely, if an active coastal California gnatcatcher nest is found on site or within 500 feet of Project grading activities, the biologist will postpone work within 500 feet of the nest and contact the USFWS and the City to discuss: (1) the best approach to avoid/minimize impacts to nesting coastal California gnatcatchers (e.g., sound walls, noise monitoring); and (2) a nest monitoring program acceptable to the USFWS. Subsequent to these discussions, work may be initiated subject to implementation of the agreed-upon avoidance/minimization approach and monitoring program. If the biologist determines that bird breeding behavior is being disrupted, Kaiser Permanente, or their designee, shall stop work and coordinate with the USFWS to review the avoidance/minimization approach. Upon agreement as to any necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued monitoring. Success or failure of an active nest shall be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the wildlife agencies. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by the USFWS.

MM-BIO-10 RESTORE TEMPORARY IMPACTS. Post-construction, proposed mitigation for direct, temporary impacts to 1.95 acres of native upland communities will be provided through on site restoration of the temporarily disturbed areas at a 1:1 ratio. All temporary impact areas must be restored to pre-construction contours and conditions following Project completion.

Kaiser Permanente, or their designee, shall prepare a conceptual habitat restoration plan outlining the restoration of these communities and implement the restoration plan including monitoring and maintenance for a period of at least 3 years to ensure 80% coverage of native plants.

The restoration plan should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. The plan should include, at a minimum: (a) a description of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.

MM-BIO-11 PERMANENT HABITAT MITIGATION. Post-construction mitigation for direct, permanent impacts to 0.45 acre of native upland communities will be provided at a 2:1 ratio, totaling 0.90 acre. Mitigation will be accomplished through the acquisition of 0.90 acre of coastal California gnatcatcher-occupied habitat credits from an approved mitigation bank in northern San Diego County.

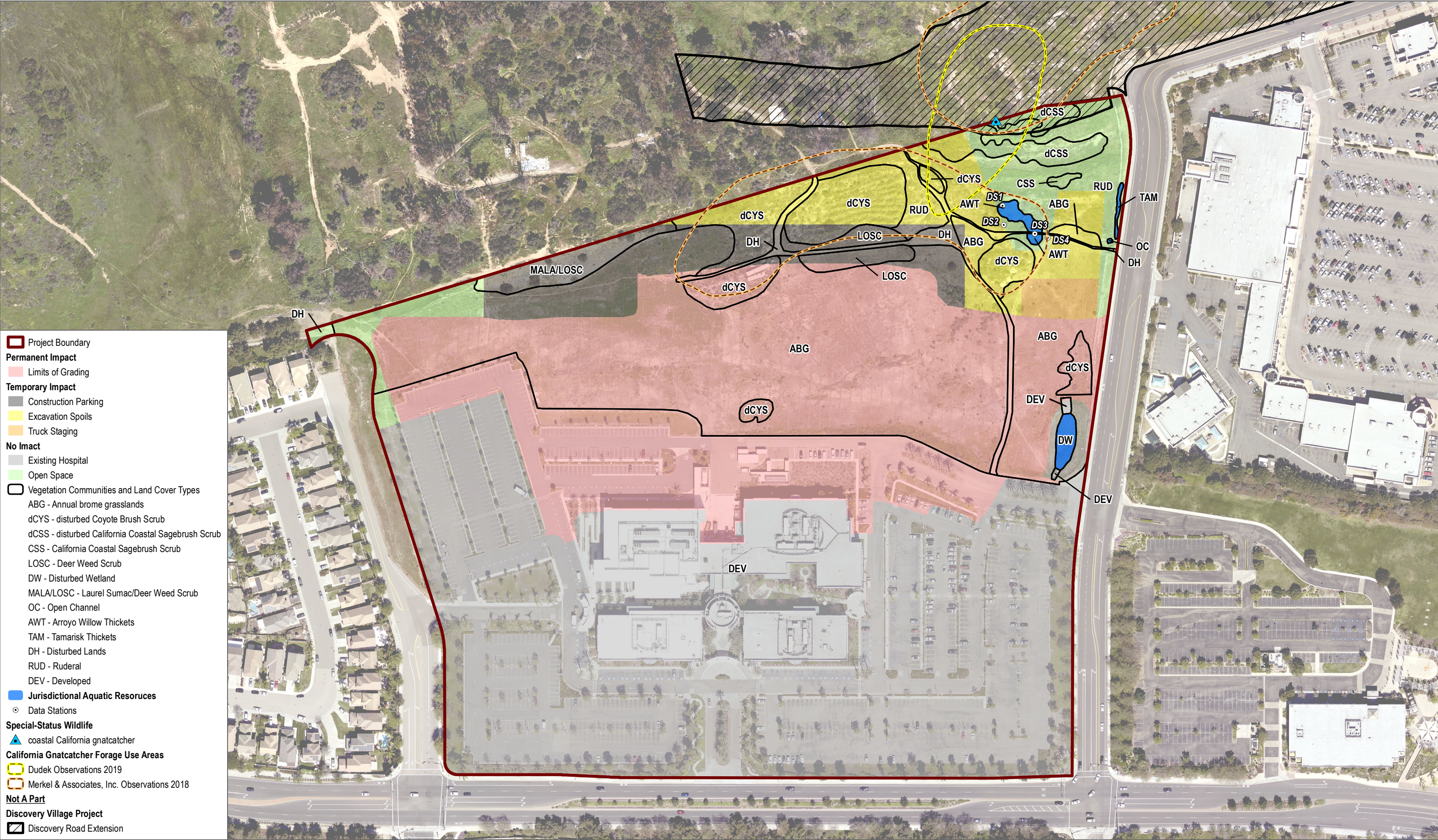
4.1.7 Significance of Impact After Mitigation

With implementation of MM-BIO1 through MM-BIO-11, impacts to biological resources would be **less than significant**.



SOURCE: SANGIS 2017; Merkel & Associates, 2019

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SOURCE: SANGIS 2017; Merkel & Associates, 2019; DPR Construction 2019

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4.2 CULTURAL RESOURCES

This section describes the existing cultural resource environment on the project site, identifies associated regulatory requirements, evaluates potential impacts, and if necessary, identifies mitigation measures related to implementation of the proposed Kaiser Permanente Medical Center Project (proposed project).

The analysis in this section relies on the Cultural Resources Report, which included a record search, literature review, correspondence with Native American contacts, and a field survey. The analysis also considers the California Environmental Quality Act (CEQA) Guidelines Appendix G and applicable state and local regulations. The cultural resources study is included as Appendix C of this Supplemental Environmental Impact Report (EIR).

4.2.1 Existing Conditions

Dudek consulted historic aerial photographs (earliest available from 1947) and topographic maps (earliest available from 1893) to understand development of the Project site and surrounding properties. The topographic maps do not show historic structures within the Project area. Aerial photographs of the Project area were available for 1947, 1953, 1964, 1967, 1980, 1989, 1994, 1996, 2002, 2003, 2005, 2009, 2010, 2012 and 2014 (NETR 2019). The 1947 and 1953 historic photographs reveal that Project area was undeveloped. The Project area was utilized for farming/agriculture by 1967 based on the presence of agricultural structures in the historic aerial, most likely chicken coops. By 1989, the agricultural structures have been removed from the Project area. The 1989 aerial also reveals grading activities have occurred within the Project area. The 1994 and 1996 historic aerials reveals that the surrounding properties have been graded and residential/commercial development is present. The historic photographs reveal that the modern street layout and development of most of the surrounding area to the Project area was present prior to 2002. A parking lot and a building was also present within the southern portion of the Project area prior to 2002. Construction of the current Kaiser Permanente medical offices and parking lot occurred prior to 2005. The aerials from 2005, 2009, and 2010 do not reveal any changes to the Project area. By 2012, all four medical buildings and surrounding parking lots have been constructed. The 2014 aerial represents the current condition of the Project area to date; Kaiser Permanente office buildings and associated parking lot. The northern portion of the Project remains undeveloped. No historic structures are located within the Project area.

The Project area is entirely disturbed by past agricultural (e.g., plow scars) and grading activities. The current Kaiser Permanente medical buildings and parking lot covers the majority of the Project area. The northern portion of the site remains undeveloped. The ground visibility for the Project area was poor (~ 10%) in areas where buildings, asphalt pavements, and dense vegetation was present. Ground visibility was excellent in areas that consisted of

exposed surface soils (100%). Modern debris (e.g., bricks, concrete fragments, concrete pipes, and discarded rock piles) and possible geotech testing pits were observed within the undeveloped portion of the Project area during the field survey.

South Coastal Information Center (SCIC) staff conducted a records search for the proposed hospital development including a one-mile radius buffer. The records search did not identify any cultural resources within the Project area; however, 33 cultural resources were identified within the one-mile radius. As part of the process of identifying cultural resources within or near the proposed project, Dudek contacted the Native American Heritage Commission (NAHC) to request a review of the Sacred Lands Files (SLF). The NAHC did not identify Native American cultural resources within the project area or surrounding larger search area. In addition, an intensive pedestrian survey of the project area did not identify any cultural or built environment resources.

Of the 33 cultural resources, 3 (P-37-027375, P-37-027377, and P-37-036501) are located approximately 50 meters north of the Project area. The 3 cultural resources are discussed in Table 4.2-1. The remaining 30 cultural resources are included in Confidential Appendix A. No historic addresses are located within the Project area, however, 2 are located within the one-mile search radius (Appendix C - Confidential Appendix A).

Table 4.2-1
Cultural Resources within One Mile of the Project area

Primary Number	Trinomial	Type	Description
<i>Outside of the Project Area</i>			
P-37-027375	CA-SDI-17896	Prehistoric	Bedrock milling
P-37-027377	CA-SDI-17898	Historic	Historic concrete foundation
P-37-036501	N/A	Historic	Historic concrete foundation

4.2.2 Regulatory Setting

The California Register of Historic Resources (PRC Section 5020 et seq.)

In California, the term “historical resource” includes but is not limited to “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (California PRC Section 5020.1[j]). In 1992, the California legislature established CRHR “to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (California PRC Section 5024.1[a]). A resource is eligible for listing in the CRHR if the

State Historical Resources Commission determines that it is a significant resource and that it meets any of the following National Register of Historic Places (NRHP) criteria:

- Associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history.
(California PRC Section 5024.1[c])

Resources less than 50 years old are not considered for listing in the CRHR but may be considered if it can be demonstrated that sufficient time has passed to understand the historical importance of the resource (see 14 CCR, Section 4852[d][2]).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing on the NRHP are automatically listed on the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys. The State Historic Preservation Officer maintains the CRHR.

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act (California Repatriation Act), enacted in 2001, required all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. The California Repatriation Act also provides a process for the identification and repatriation of these items to the appropriate tribes.

California Environmental Quality Act

As described further below, the following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological and historic resources:

1. California Public Resources Code section 21083.2(g): Defines “unique archaeological resource.”

2. California Public Resources Code section 21084.1 and CEQA Guidelines section 15064.5(a): Define historical resources. In addition, CEQA Guidelines section 15064.5(b) defines the phrase “substantial adverse change in the significance of an historical resource;” it also defines the circumstances when a project would materially impair the significance of a historical resource.
3. California Public Resources Code section 5097.98 and CEQA Guidelines section 15064.5(e): Set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
4. California Public Resources Code sections 21083.2(b)-(c) and CEQA Guidelines section 15126.4: Provide information regarding the mitigation framework for archaeological and historic resources, including options of preservation-in-place mitigation measures; preservation-in-place is the preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between artifacts and the archaeological context, and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).

Under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (California PRC Section 21084.1; CEQA Guidelines Section 15064.5[b]). If a site is either listed or eligible for listing in the CRHR, or if it is included in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of California PRC Section 5024.1[q]), it is a “historical resource” and is presumed to be historically or culturally significant for purposes of CEQA (California PRC Section 21084.1; CEQA Guidelines Section 15064.5[a]). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (California PRC Section 21084.1; CEQA Guidelines Section 15064.5[a]).

A “substantial adverse change in the significance of an historical resource” reflecting a significant effect under CEQA means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (CEQA Guidelines Section 15064.5[b][1]; California PRC Section 5020.1[q]). In turn, the significance of a historical resource is materially impaired when a project is found to effect the following:

1. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section

5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

3. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA.

See Section 4.2.3 below for a discussion of the CEQA guidelines for determining significance and mitigating impacts to unique archaeological resources.

California Health and Safety Code Section 7050.5

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the county coroner has examined the remains (Section 7050.5b). If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the NAHC within 24 hours (Section 7050.5c). The NAHC will notify the most likely descendant. With the permission of the landowner, the most likely descendant may inspect the site of discovery. The inspection must be completed within 24 hours of notification of the most likely descendant by the NAHC. The most likely descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

City of San Marcos General Plan

Chapter 4 of the City’s General Plan (adopted in 2012 and updated in 2013) describes the cultural and paleontological resources, regulatory framework, and policies and plans to protect such resources (City of San Marcos 2013). The planning goals and policies are described below. The City of San Marcos Goal COS-1, in the Goals and Policies section, consists of three policies to assist in the implementation of preserving cultural and historic resources. The City’s goal is to “continue to identify and evaluate cultural, historical, archaeological, paleontological, and architectural resources for protection from demolition and inappropriate actions” in compliance with CEQA guidelines (City of San Marcos 2013).

4.2.3 Thresholds of Significance

For this analysis, the following thresholds are used for determining significance of an impact to tribal cultural resources, based on Appendix G of the CEQA Guidelines:

1. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?
2. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
3. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Issue No. 1 above was ruled out in the Initial Study (Appendix A) from needing further review. Therefore, no additional analysis is provided below.

4.2.4 Impact Analysis

Project grading activities would result in ground disturbance in those areas of the project site proposed for development. Ground-disturbing activities could result in impacts to archaeological resources if they are present on the project site. In addition to potential resources on the project site, the analysis includes 0.34 acres of off-site improvement to one sewer lines within the roadway (see Figure 3-2, Offsite Sewer Improvements). The following analysis discusses the potential for the project to result in impacts to archeological resources.

4.2.4.1 Issue 2: Archeological Resources

Dudek archaeologists evaluated the project site for the presence/absence of cultural resources and prepared a cultural resources report, which is included as Appendix C of this Supplemental EIR. The Negative Cultural and Paleontological Resources Letter Report for the Kaiser Permanente Medical Center Project (Cultural Resources Report) included a record search, literature review, correspondence with Native American contacts, and a field survey. As discussed therein, the literature review and records search confirmed that no historic structures are located within the project site. The records search results also indicated that 82 previous cultural resources studies have been conducted within 1 mile of the project site. Of the 82 previous studies, 11 intersect the project site and are included in Appendix C. Studies located within 1 mile of the project site are also included in Appendix C. Only one study was determined to be relevant to the project site, which was the historical and archaeological study prepared by Gallegos & Associates for the Kaiser Permanente Medical Center Project in 1992, as part of the 1992 Supplemental EIR. No cultural resources were identified during the study, and therefore, it was determined that the construction of the Kaiser Permanente Medical Center would not adversely impact cultural resources. No further cultural resource work was recommended.

As stated above, SCIC staff conducted a records search for the proposed hospital development including a one-mile radius buffer. The records search did not identify any cultural resources within the Project area; however, 33 cultural resources were identified within the one-mile radius and 3 are located approximately 50 meters north of the project site (P-37-027375; P-37-027377; and P-37-036501). None of these identified cultural resources would be impacted as a result of the proposed project.

However, in the event that unknown archeological or cultural resources are unearthed during grading activities, a **potentially significant impact** could result, and mitigation (**MM-CUL-1**) would be required.

4.2.4.2 Issue 3: Human Remains

The cultural resources field survey did not identify any human remains or find any indication that they would be expected to be found on the project site. In the event that human remains are discovered during ground-disturbing activities, the project must comply with CEQA Section 15064.5 and Public Resources Code Section 5097.98. Under these statutes, if human remains are encountered, work in the area of the find must halt until the Coroner has made the necessary findings as to origin. If determined to be Native American, consultation with the Most Likely Descendant (MLD) would be required. The MLD may make recommendations and engage in consultations concerning the treatment of the remains. Therefore, the project would be in compliance with PRC Section 5097.98 and CEQA Section 15064.5. **MM-CUL-2** has been included to ensure **potentially significant** impacts associated with the discovery of human remains would not occur.

4.2.5 Significance of Impacts Prior to Mitigation

Impacts to unknown archeological resources or human remains during grading of the project site could have potentially significant impacts. Mitigation would be required.

4.2.6 Mitigation

The following mitigation measures would reduce potentially significant impacts to cultural resources and human remains to a less-than-significant level.

MM-CUL-1 The applicant shall ensure that the following procedures are in place in order to protect archeological resources:

- a. Prior to the issuance of a Grading Permit, or ground-disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with the San Luis Rey Band of Mission Indians, and/or another Traditionally and

Culturally Affiliated Native American Tribe (“TCA Tribe”). The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas and other tribal cultural resources, located within and/or discovered during ground-disturbing and/or construction activities for the proposed project, including any additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and all other ground-disturbing activities.

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

- d. Prior to submittal of grading and/or improvement as-built plans, or prior to the issuance of any project Certificate of Occupancy, a monitoring report, which describes the results, analysis and conclusions of the archaeological monitoring program shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments, to the Planning Division Manager for approval. A copy of any submitted monitoring report shall be provided to the San Luis Rey Band of Mission Indians and any other TCA Tribe that requests the report.
- e. The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground-disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the Planning Division, preferably through e-mail, of the start and end of all ground-disturbing activities.
- f. The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present as determined by the Qualified Archaeologist and TCA Native American Monitor during grubbing, grading and/or other ground-disturbing activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or cultural resources. All fill materials shall be absent of any and all cultural resources. The Applicant/Owner or Grading Contractor may submit written documentation to the City to substantiate if any fill material is absent of cultural resources. Should the City concur that the fill material is absent of cultural resources, in consultation with a Qualified Archaeologist and/or the TCA Native American monitor, then no monitoring of that fill material is required.
- g. The Qualified Archaeologist or the TCA Native American monitor may halt ground-disturbing activities if unknown archaeological artifact deposits or cultural features are discovered. Ground-disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field, collected and be given to the TCA Tribe so that they may be reburied at the site on a later date. If a determination is made that the unearthed artifact deposits or tribal cultural resources are considered

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

- MM-CUL-2** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could

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

4.2.7 Significance of Impact After Mitigation

With implementation of **MM-CUL-1** and **MM-CUL-2** impacts associated with archeological resources and discovery of human remains would be less than significant.

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4.3 TRIBAL CULTURAL RESOURCES

This section describes the existing tribal cultural resource (TCR) environment on the project site, identifies associated regulatory requirements, evaluates potential impacts, and if necessary, identifies mitigation measures related to implementation of the proposed Kaiser Permanente Medical Center Project (proposed project).

The analysis in this section relies on the Cultural Resources Report, which included a record search, literature review, correspondence with Native American contacts, and a field survey. The analysis also considers the California Environmental Quality Act (CEQA) Guidelines Appendix G and applicable state and local regulations. The cultural resources study is included as Appendix C of this Supplemental Environmental Impact Report (EIR).

4.3.1 Existing Conditions

As part of the process of identifying cultural resources within or near the proposed project, Dudek contacted the Native American Heritage Commission (NAHC) to request a review of the Sacred Lands Files (SLF). The NAHC did not identify Native American cultural resources within the project area or surrounding larger search area. In addition, an intensive pedestrian survey of the project area did not identify any cultural or built environment resources. The intensive pedestrian survey was conducted by Dudek on July 2, 2019. Saving Sacred Sites Native American monitor Ray Casteneda participated in the survey. A subsequent intensive pedestrian survey was conducted along the off-site sewer improvement alignment by Dudek on February 5, 2020. Saving Sacred Sites Native American monitor Ali'i Suiaunoa participated in the subsequent survey.

4.3.2 Regulatory Setting

The California Register of Historic Resources (PRC Section 5020 et seq.)

In California, the term “historical resource” includes but is not limited to “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (California PRC Section 5020.1[j]). In 1992, the California legislature established CRHR “to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (California PRC Section 5024.1[a]). A resource is eligible for listing in the CRHR if the State Historical Resources Commission determines that it is a significant resource and that it meets any of the following National Register of Historic Places (NRHP) criteria:

- Associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.

- Associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history. (California PRC Section 5024.1[c])

Resources less than 50 years old are not considered for listing in the CRHR but may be considered if it can be demonstrated that sufficient time has passed to understand the historical importance of the resource (see 14 CCR, Section 4852[d][2]).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing on the NRHP are automatically listed on the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys. The State Historic Preservation Officer maintains the CRHR.

Native American Historic Cultural Sites (California PRC Section 5097 et seq.)

State law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the NRHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy an Indian historic or cultural site that is listed or may be eligible for listing in the CRHR.

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act (California Repatriation Act), enacted in 2001, required all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. The California Repatriation Act also provides a process for the identification and repatriation of these items to the appropriate tribes.

California Environmental Quality Act

As described further below, the following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological and historic resources:

1. California Public Resources Code section 21083.2(g): Defines “unique archaeological resource.”
2. California Public Resources Code section 21084.1 and CEQA Guidelines section 15064.5(a): Define historical resources. In addition, CEQA Guidelines section 15064.5(b) defines the phrase “substantial adverse change in the significance of an historical resource;” it also defines the circumstances when a project would materially impair the significance of a historical resource.
3. California Public Resources Code section 5097.98 and CEQA Guidelines section 15064.5(e): Set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
4. California Public Resources Code sections 21083.2(b)-(c) and CEQA Guidelines section 15126.4: Provide information regarding the mitigation framework for archaeological and historic resources, including options of preservation-in-place mitigation measures; preservation-in-place is the preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between artifacts and the archaeological context, and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).

Under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (California PRC Section 21084.1; CEQA Guidelines Section 15064.5[b]). If a site is either listed or eligible for listing in the CRHR, or if it is included in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of California PRC Section 5024.1[q]), it is a “historical resource” and is presumed to be historically or culturally significant for purposes of CEQA (California PRC Section 21084.1; CEQA Guidelines Section 15064.5[a]). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (California PRC Section 21084.1; CEQA Guidelines Section 15064.5[a]).

A “substantial adverse change in the significance of an historical resource” reflecting a significant effect under CEQA means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (CEQA Guidelines Section 15064.5[b][1]; California PRC Section 5020.1[q]). In turn, the significance of a historical resource is materially impaired when a project is found to effect the following:

1. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
3. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA.

See Section 4.3.3 below for a discussion of the CEQA guidelines for determining significance and mitigating impacts to unique archaeological resources.

California Health and Safety Code Section 7050.5

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the county coroner has examined the remains (Section 7050.5b). If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the NAHC within 24 hours (Section 7050.5c). The NAHC will notify the most likely descendant. With the permission of the landowner, the most likely descendant may inspect the site of discovery. The inspection must be completed within 24 hours of notification of the most likely descendant by the NAHC. The most likely descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

Senate Bill 18

California Senate Bill (SB) 18, which took effect on March 1, 2005, requires local (city and county) governments to consult with California Native American tribes identified by the NAHC for the purpose of protecting and/or mitigating impacts to cultural places in creating or amending general plans, including specific plans (Government Code Section 65352.3).

Assembly Bill 52

California Assembly Bill (AB) 52, which took effect July 1, 2015, establishes a consultation process between California Native American tribes and lead agencies in order to address tribal concerns regarding project impacts and mitigation to tribal cultural resources (TCRs). Public Resources Code Section 21074(a) defines TCRs and states that a project that has the potential to cause a substantial adverse change to a TCR is a project that may have an adverse effect on the environment. A TCR is defined as a site, feature, place, cultural landscape, sacred place, and object with cultural value to a California Native American tribe that is either of the following:

- Listed or eligible for listing in the CRHR or a local register of historical resources
- Determined by a lead agency to be a TCR

4.3.3 Thresholds of Significance

For this analysis, the following thresholds are used for determining significance of an impact to tribal cultural resources, based on Appendix G of the CEQA Guidelines:

1. 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), or
 - b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

4.3.4 Impact Analysis

Project grading activities would result in ground disturbance in those areas of the project site proposed for development. Ground-disturbing activities could result in impacts to TCRs if they are present on the project site. Potential impacts could also result if the project proposes to block views to, or within, a cultural landscape. The following analysis discusses the potential for the project to result in impacts to TCRs.

4.3.4.1 Issues 1 and 2: Tribal Cultural Resources

There are no resources 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). In addition, Dudek requested a NAHC search of its Sacred Lands File on July 1, 2019, for the project area. The NAHC results, received July 19, 2019, reported that the Sacred Lands File results were negative, meaning Native American Sacred sites were not identified (Confidential Appendix C). The NAHC also provided a contact list of Native American representatives for tribes that are traditionally geographically affiliated with the project APE (Confidential Appendix C). Letters with a map and description of the proposed project were subsequently sent to these individuals and organizations on August 27, 2019.

Dudek has received three responses to date. Rincon Band of Luiseno Indians responded by letter, dated September 5, 2019, and stated that the project area is located within the territory of the Luiseno people and is also within Rincon's specific area of historic interest. The tribe has knowledge of one Luiseno Place Name located within close proximity to the proposed project area. The Rincon Band recommends that a cultural study be conducted for the project and that a copy of the report be provided to the Rincon Band (Confidential Appendix C). Agua Caliente Band of Cahuilla Indians responded by email on September 24, 2019, stating that the project is not located within the tribe's Traditional Use Area and defer to other tribes in the area (Confidential Appendix C). Viejas Band of Kumeyaay Indians responded by letter, dated September 24, 2019, stating that the project site has cultural significance to the Kumeyaay Nation and that the San Pasqual Band of Mission Indians be notified (Confidential Appendix C). Any additional responses received will be forwarded to the City.

The proposed project is also subject to compliance with AB 52 (PRC 21074), which requires consideration of impacts to TCR as part of the CEQA process. AB 52 requires the City of San Marcos, lead agency responsible for CEQA compliance for the proposed project, to notify any groups (who have requested notification) of the proposed project who are traditionally or culturally affiliated with the geographic area of the project. Because AB 52 is a government-to-government process, all records of correspondence related to AB 52 notification and any subsequent consultation are on file with the City of San Marcos and included in Confidential Appendix C.

Three of the four AB-52 notified tribes have formally requested tribal consultation: Rincon Band of Luiseno Indians, Pechanga Temecula Band of Luiseno Mission Indians, and San Luis Rey Band of Mission Indians. The consultation efforts between these tribes and the City are summarized in Table 4.3-1. In the event that previously unknown tribal cultural resources are uncovered during earth-moving activities, impacts could be **potentially significant** prior to mitigation.

Table 4.3-1
Summary of Tribal Consultation

Contact Date	Tribal Government/ Representative	Location
09/30/19	City of San Marcos Assembly Bill 52 Consultation Letter Notification	Letter mailed to official City Assembly Bill 52 tribal list
10/16/19	Rincon Band of Luiseno Indians	Letter Request for consultation
10/21/19	Rincon Band and City initiate consultation	Conference call
02/19/20	Rincon Tribal Consultation	Conference call and document sharing
03/10/20	Rincon Tribal Consultation	Conference call and document sharing
04/03/20	Rincon Tribal Consultation	Conference call and information sharing
10/18/19	Temecula Band of Luiseno Mission Indians (Pechanga)	Request for consultation letter
10/21/19	City initiates consultation response with Pechanga	Email
02/18/20	City conducted consultation call with Pechanga	Conference call and document sharing
03/23/20	City conducted consultation call with Pechanga	Conference call and document sharing
11/15/19	San Luis Rey Band of Luiseno Indians	Request for consultation
12/11/19	San Luis Rey of Luiseno Indians	Conference call and information sharing
12/18/19	San Luis Rey of Luiseno Indians	Development Services Office meeting for document sharing
01/16/20	San Luis Rey Consultation Input Letter	Consultation Continuation Letter
02/13/20	San Luis Rey of Luiseno Indians	Conference call and information sharing
03/12/20	San Luis Rey of Luiseno Indians	Conference call and information sharing
04/03/20	San Luis Rey Band of Luiseno Indians	Consultation Closure Letter

4.3.5 Significance of Impacts Prior to Mitigation

The project area is underlain with igneous and metavolcanic rocks. The project area was previously used for agriculture before 1987. Therefore, no impacts are anticipated; however, in the event that previously unknown tribal cultural resources are uncovered during earth-moving activities, impacts could be **potentially significant** prior to mitigation.

4.3.6 Mitigation

See Section 4.2, Cultural Resources, **MM-CUL-1** and **MM-CUL-2**.

4.3.7 Significance of Impact After Mitigation

Impacts to TCRs would be reduced to less than significant with implementation of **MM-CUL-1** and **MM-CUL-2**.

CHAPTER 5 CUMULATIVE IMPACTS

5.1 INTRODUCTION

Although the environmental effects of an individual project may not be significant when that project is considered independently, the combined effects of several projects may be significant when considered collectively. Such impacts are cumulative impacts. Section 15355 of the California Environmental Quality Act (CEQA) Guidelines defines cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” Section 15130 of the CEQA Guidelines provides guidance for analyzing significant cumulative impacts in an environmental impact report (EIR). According to this section of the CEQA Guidelines, the discussion of cumulative impacts “need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by standards of practicality and reasonableness.” The discussion should also focus only on significant effects resulting from the project’s incremental effects and the effects of other projects. According to Section 15130(a)(1), “An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.”

Substantial cumulative impacts more often result from the combined effect of past, present, and future projects located in proximity to the project under review. Therefore, it is important for a cumulative impacts analysis to be viewed over time and in conjunction with other related past, present, and reasonably foreseeable future developments whose impacts might compound or interrelate with those of the project under review.

5.2 CUMULATIVE METHODOLOGY

Section 15130(b)(1)(A) of the CEQA Guidelines allows for the preparation of a list of past, present, and reasonably anticipated future projects as a viable method of determining cumulative impacts. This discussion uses the following approach: an initial list and description of all related (cumulative) projects is presented, followed by a discussion of the effects that the proposed Kaiser Permanente Medical Center Project (Proposed Project) may have on each environmental category of concern, such as biological resources. Consistent with CEQA (California PRC, Section 21000 et seq.), this discussion is guided by the standards of practicality and reasonableness.

5.3 CUMULATIVE PROJECTS

Cumulative impacts are based on a list of projects within the Proposed Project’s study area that either have applications submitted or approved, are under construction, or have recently been completed. Based on information provided by the City of San Marcos (City), 54 cumulative projects were considered in this analysis. The cumulative projects identified in the study area are listed in Table 5-1, and the numbers correspond to the numbers shown on Figure 5-1, Cumulative Projects.

5.4 CUMULATIVE IMPACT ANALYSIS

The discussion below evaluates the potential for the Proposed Project to contribute to an adverse cumulative impact on the environment. For issues addressed in this Supplemental EIR, the thresholds used to determine significance are those presented in each of the sections of Chapter 4, Environmental Analysis. For each resource area, an introductory statement is made regarding what would amount to a significant cumulative impact in that resource area. Discussion is then presented regarding the potential for the identified cumulative projects to result in such a cumulative impact, followed by discussion of whether the Proposed Project's contribution to any cumulative impact would be cumulatively considerable.

5.4.1 Biological Resources

As discussed in Section 4.1, Biological Resources, implementation of the Proposed Project would result in direct, permanent impacts to 0.42 acres of disturbed coyote brush scrub and 0.03 acres of deer weed scrub, both of which are considered special-status vegetation communities. The Proposed Project would also incur additional temporary impacts to 0.08 acres of disturbed California sagebrush scrub, 1.22 acres of disturbed coyote brush scrub, 0.38 acres of laurel sumac/deer weed scrub, and 0.27 acre of deer weed scrub, totaling 1.95 acres.

Implementation of the Proposed Project would also result in direct impacts to the coastal California gnatcatcher, a special-status wildlife species, if permitted prior to the Discovery Village South Specific Plan Project because these projects would impact the same coastal California gnatcatcher habitat. The Proposed Project would also result in indirect impacts to nesting birds if construction occurs during breeding season (i.e., February 15 through August 31).

In addition, as discussed in Section 4.1, implementation of the Proposed Project would not result in impacts to regional conservation planning efforts because the City continues to pursue the goals of the Multiple Habitat Conservation Plan (MHCP), including goals pertaining to habitat and species conservation and habitat connectivity. Thus, the design of the Proposed Project has made use of MHCP conservation planning maps, sensitive habitats have been considered to include those designated as such under the MHCP, and habitat mitigation ratios have been identified to be consistent with those outlined in the MHCP.

Cumulative impacts would occur if projects listed in Table 5-1 would result in similar impacts as the Proposed Project. However, the Proposed Project would implement various mitigation measures and the MHCP goals and mitigation ratios as discussed in Section 4.1, which would reduce all potentially significant impacts to less-than-significant levels. Any projects listed in Table 5-1 that would result in similar impacts to biological resources would also be required to mitigate such impacts and utilize the MHCP goals and mitigation ratios similar to the Proposed Project. For example, the Discovery Village South Specific Plan Project would also result in direct

impacts to special-status vegetation communities and wildlife species. However, mitigation was provided in the Final Mitigated Negative Declaration prepared for the Discovery Village South Specific Plan Project, which reduced all potentially significant impacts to less-than-significant levels. Therefore, because any cumulative projects with similar impacts to biological resources would require mitigation, implementation of the Proposed Project in concert with future foreseeable projects would not result in significant cumulative impacts. Therefore, for the reasons described above, the cumulative adverse effects on biological resources of the Proposed Project would be less than cumulatively considerable and thus **less than significant**.

5.4.2 Cultural Resources

As discussed in Section 4.2, Cultural Resources, implementation of the Proposed Project would result in potentially significant impacts, and mitigation would be required to reduce impacts below a level of significance (**MM-CUL-1** and **MM-CUL-2**). The geographic context for the analysis of cumulative impacts to cultural resources, including human remains, are localized and generally unique to each site. All significant cultural resources associated with other projects would be mitigated on a project-by-project basis; therefore, regional cumulative impacts to known and yet to be discovered cultural resources would not occur.

5.4.3 Tribal Cultural Resources

As discussed in Section 4.3, Tribal Cultural Resources, implementation of the Proposed Project would result in potentially significant impacts, and mitigation would be required to reduce impacts below a level of significance (**MM-CUL-1** and **MM-CUL-2**). Each cumulative project subject to AB 52 would require tribal consultation on a case-by-case basis to identify any potential Tribal Cultural Resources (TCRs) affected by each cumulative project. It is anticipated that each cumulative project would require mitigation similar to that required of the project to reduce potentially significant impacts to TCRs to a level below significance. Therefore, the Proposed Project would not result in a cumulatively considerable impact.

**Table 5-1
Cumulative Projects List**

No.	Status	Project	Location	Land Use	Intensity	Unit	Buildout Year
1	Condos Only Under	Corner @ 2 Oaks	SW corner of San Marcos Blvd & N Twin Oaks Valley Rd	Office/retail	13,499	SF	2020
				Townhouse Condominiums	118	DU	2019
2	Under Construction	University District Block K	Campus Wy	Multi-family Condos	68	DU	2019
3	Approved	Kaiser Permanente Master Plan	Craven Rd	Medical Office/Hospital	70,700	SF	
4	Approved	Fenton North	Craven Rd	Office/Commercial/Residential	41	AC	
5	Proposed	Main Square	SE corner of San Marcos Blvd & McMahr Rd	Apartments*	468	DU	2019
				Commercial	44,007	SF	2019
6	Condos Only Under Construction	San Elijo Hills	San Elijo Rd	Single-Family DU (remaining units)	100	DU	2019
				Commerical	11,711	SF	2020
				Townhomes	24	DU	2019
7	Approved	Pacific Commercial	NE corner of Grand Ave & Pacific St	Commercial Center	29,236	SF	2019
8	Under Construction	Brookfield Residential	S Twin Oaks Valley Rd	Single-Family Residential	346	DU	2019
9	Under Construction	Brookfield Residential	S Twin Oaks Valley Rd	Multi-family Residential	220	DU	2021
10	Approved	San Marcos Highlands Highlands	North end of N Las Posas Rd	Single-Family Residential	189	DU	2023
11	Approved	The Marc (Dahvia Village)	1045 Armorlite Drive	Multi-Family Residential	416	DU	2019
				Commercial Retail	15,000	SF	2019
				Park	1.37	AC	2019
12	Approved	El Dorado II Specific Plan	SW corner of Richmar Ave & Pleasant Wy	Apartment	72	DU	
				Specialty Retail	2,000	SF	
13	Approved	Borden Rd 22	Borden Rd	Single-Family Residential	22	DU	2021

**Table 5-1
Cumulative Projects List**

No.	Status	Project	Location	Land Use	Intensity	Unit	Buildout Year
14	Approved	Villa Serena	Richmar Ave & Marcos St	Apartments	12	DU	
15	Approved	San Elijo Hills Town Center	San Elijo Rd & Elfin Forest Rd	Attached Condominiums	12	DU	2020
				Commercial	22,900	SF	2020
16	Approved	Montiel Rd Partners	Montiel Rd	9-lot Subdivision -SFR	8	DU	2019
17	Proposed	Sandy Lane Estates	Sandy Ln	9-lot Subdivision -SFR	8	DU	2019
18	Approved	Meadowlark Canyon LLC	San Marcos Blvd	Single-Family Residential	33	DU	
19	Approved	JR Legacy II, LLC/Global Carte	Montiel Rd	Hotel	128	ROOM	2019
20	Approved	Mariposa II- Affirmed Housing	Richmar Ave & Los Olivos Dr	Apartments	60	DU	2019
21	Approved	Murai-Sab	N. Las Posas Rd	Single-Family Residential	89	DU	2021
22	Proposed	Copper Hills Specific Plan	San Elijo Rd	Commercial/Light Industrial Park	139,000	SF	
				Attached Condominiums	120	DU	
				Detached Condominiums	42	DU	
				Apartments	189	DU	
23	Proposed	Pacifica San Marcos	S. Rancho Santa Fe Rd & Creek St	Apartments	31	DU	
				Commercial	4,375	SF	2019
24	Approved	Fenton South	Future Discovery St	Single-Family Residential	220	DU	2021
25	Under Construction	Windy Pointe Phase II	Windy Pointe Dr	Office	15,000	SF	2021
				Multi-tenant Industrial	18600	SF	2021
26	Under Construction	Fitzpatrick	Fitzpatrick Road	Apartments	78	DU	2019
				Single-Family Residential	2	DU	2019
27	Approved	Southlake Park Phase 1	Twin Oaks Valley Rd, South of Village Dr	Parking Lot, Fishing Dock	1.5	AC	
28	Approved	MacDonald Group	San Marcos Blvd (Former Sears site)	Apartments	82	UNITS	
				Commercial	5,000	SF	

**Table 5-1
Cumulative Projects List**

No.	Status	Project	Location	Land Use	Intensity	Unit	Buildout Year
29	Approved	Mission 24	Mission Rd at Avenida Chapala	MF Condominiums	24	DU	2020
30	Proposed	Mission 316 West	Mission Rd at Woodward St (east side)	MF Condominiums	67	DU	2021
31	Proposed	Lanikai	Mission Rd at Woodward St (west side)	Senior Living Complex	115	UNITS	
32	Approved	Mesa Rim Climbing Gym	285 Industrial St	Recreation/Entertainment	28000	SF	2020
33	Proposed	Artis Senior Housing	San Elijo Rd at Paseo Plomo	Senior Living Complex	64	BED	
34	Proposed	Sunrise	Barham Drive (near east City limit)	MF Condominiums	192	DU	2021
35	Proposed	Jump Ball LLC	W. San Marcos Blvd. at Bent Ave.	Drive-thru Restaurant	3,233	SF	2020
36	Approved	Lomas San Marcos	1601 San Elijo	Commercial	179,535	SF	2019
37	Proposed	Montiel Commercial	2355/2357 Montiel Rd	Office	32,971	SF	
38	Proposed	California Allstars	East side of Twin Oaks Valley Rd	Industrial Building	28,137	SF	2022
39	Proposed	Budhi Hill Buddhist Center	Poinsettia Ave. s/o Linda Vista Dr	Fellowship Hall	36,501	SF	2024
				Monk Dormitory	7,612	SF	2023
40	Proposed	Mercy Hill and Marian Center	Borden Rd	Christian Center	22,830		
41	Under Construction	West Health Pace	1706 Descanso Ave	Senior Center	20,156	SF	2019
42	Proposed	Karl Strauss Brewery	Las Posas Rd & Los Vallecitos Blvd.	Tasting Room, Commercial Kitchen, Entertainment Room within existing commercial building	10,528	SF	2020
43	Approved	C3 Church	1760 Descanso Ave	Assembly Use - 825 seat	74,938	SF	2019

**Table 5-1
Cumulative Projects List**

No.	Status	Project	Location	Land Use	Intensity	Unit	Buildout Year
44	Funded	San Marcos Creek Phase 1 CIP - various numbers	Via Vera Crux Bridge, Bent Avenue Bridge, Discovery Street widening, Levee construction, Promenade, and Creek Channel Wetland Restoration.	San Marcos Creek Phase 1 Infrastructure, Discovery Street (east/west segment), Bent Avenue to Discovery Street (north/south segment)	35	AC	2021
45	Funded	CIP 88179	Smilax Road/South Santa Fe Avenue Intersection	Intersection re-alignment			2020
46	Funded	CIP 86002	San Marcos Boulevard at Discovery Street Intersection.	Intersection improvements 300' west, and 920' east, of intersection.	1220	LF	2020
47	Funded	PARK CIP	Rancho Tesoro Park Improvements - 2 acres of 41 acre park	City Park - Phase 2 Multi-Use Field and Parking Lot Improvements	2	AC	2021
48	Funded	ST006	San Marcos Boulevard Slope Stabilization Project	South side of San Marcos Boulevard, 500' east of Acacia Dr.	500	LF	2020

Notes: SF: square feet; DU: dwelling unit.

*Apartments include live/work units.

Project 21: 148 Apartments replace 136 existing apartments.

Project 28: 100 Apartments replace 40 existing apartments.

Other Projects to consider outside of City jurisdiction/land use authority: CSUSM Master Plan, Palomar Master Plan and Newland Sierra (County).

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- Project Boundary

City of San Marcos

Cumulative Projects
- 1, Corner @ 2 Oaks

2, University District Block K

3, Kaiser Permanente Master Plan

4, Fenton North

5, Main Square

6, San Elijo Hills

7, Pacific Commercial

8, Brookfield Residential

9, Brookfield Residential

10, San Marcos Highlands

11, The Marc

12, El Dorado II Specific Plan

13, Borend Road 22

14, Villa Serena

15, San Elijo Hills Town Center

16, Montiel Road Partners

17, Sandy Lane Estates

18, Meadowlark Canyon LLC

19, JR Legacy II, LLC/Global Carte

20, Mariposa II

21, Murai-Sab

22, Copper Hills Specfic Plan

23, Pacifica San Marcos

24, Fenton South

25, Windy Pointe Phase II

26, Fitzpatrick

27, Southlake Park Phase I

28, MacDonald Group

29, Mission 24

30, Mission 316 West

31, Lanikai

32, Mesa Rim Climbing Gym

33, Artis Senior Housing

34, Sunrise

35, Jump Ball LLC

36, Lomas San Marcos

37, Montiel Commercial

38, California Allstars

39, Budhi Hill Buddhist Center

40, Mercy Hill and Marian Center

41, West Health Place

42, Karl Strauss Brewery

43, C3 Church

44, San Marcos Creek Phase 1 CIP

45, CIP 88179

46, CIP 86002

47, Park CIP

48, ST006



SOURCE: SANGIS 2020; Merkel & Associates, 2019; City San Marcos 2020

FIGURE 5-1

Cumulative Projects

Kaiser Permanente Medical Center Supplemental EIR

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CHAPTER 6

EFFECTS NOT FOUND TO BE SIGNIFICANT

Section 15128 of the California Environmental Quality Act (CEQA) Guidelines requires that an environmental impact report (EIR) briefly describe potential environmental effects that were determined not to be significant and therefore were not discussed in detail in the Supplemental EIR. The environmental issues discussed in the following sections are not considered significant, and the reasons for the conclusion of non-significance are discussed below. In addition, this chapter includes topics that may have been determined to be significant in the 1992 Supplemental EIR, but since that time, impacts have remained the same, and no new impacts would occur (e.g., geology and soils, and noise).

6.1 AESTHETICS

As discussed in Appendix A, no new impacts with regard to aesthetics would occur with implementation of the proposed project. Aesthetics were analyzed in Section 3.2, Landform Alteration/Visual Quality, of the 1992 Supplemental EIR. As discussed therein, it was determined a hospital building with a maximum height of 125 feet plus appurtenant structures would not have a substantial adverse effect on views. The proposed project would appear to be an extension of the existing medical office buildings (MOBs) on site and would not exceed 125 feet in height, not including appurtenant structures. Therefore, no new impact would occur with regard to scenic vistas. The central utility plant would be 24 feet to top of parapet wall from adjacent grade at Level 2, and 33 feet to top of screen wall from adjacent grade at Level 2. In 2008 the Ridgeline Protection and Management Overlay Zone was adopted by the City to protect natural viewshed and minimize impacts to ridgelines. However, the site is not located within the Ridgeline Overlay Zone.

The project site is not located adjacent to, or in the vicinity of, a designated state scenic highway (Caltrans 2011). Therefore, no new impact would occur with regard to scenic resources within a state scenic highway.

Per 2018 updates to the CEQA Guidelines, potential impacts to visual quality no longer apply to projects proposed in urbanized areas. As discussed in Appendix A, the City of San Marcos (City) would be considered an urbanized area per CEQA Statute 21071. Additionally, the proposed project would not conflict with the current SPA zoning and the project site does not have any existing zoning related to scenic quality, such as a scenic overlay zone. The proposed project is located within the Heart of the City Specific Plan (HCSP) area and the site is designated for a hospital complex. The proposed project would be subject to the HCSP development guidelines governing the visual character and aesthetics of future development of the project site. However, no new impact would occur with regard to visual quality or conflicts with applicable zoning and other regulations governing scenic quality.

The proposed project would introduce new sources of lighting to the existing medical center site, similar to existing lighting on site. The lights would feature cut-off capability to limit any spill on to adjacent properties. Pedestrian walkways would be lit to provide a safe environment to navigate the site at night. Site lighting will be provided per the requirements of the City's municipal code and HCSP development guidelines. Therefore, no new impact would occur with regard to light and glare.

6.2 AGRICULTURAL AND FORESTRY RESOURCES

As discussed in Appendix A, no new impacts to agriculture and forestry resources would occur with implementation of the proposed project. The 1992 Supplemental EIR did not identify impact related to the loss of Farmlands or forest lands. A portion of the northeast corner of the project site is located within an area designated as Farmland of Local Importance according to the Farmland Mapping and Monitoring Program (FMMP) (DOC 2018). However, the project site is not zoned for agricultural use and this Farmland of Local Importance extends north into the approved Discovery Village South Specific Plan Area, leaving only a small portion on the project site. This would preclude the project site from any potential future agricultural operations due to the small size, location in a highly urbanized area, and adjacency to incompatible land uses. Furthermore, the project site is not located on or adjacent to land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance according to the FMMP, and is not designated as land under the Williamson Act. Additionally, the City's General Plan does not identify property designated for farmland importance. Finally, the project site is also not zoned for forest land or timberland production, nor is the project site adjacent to land zoned for such uses. Therefore, the proposed project would not involve other changes to the existing environment which would result in the conversion of Farmland to non-agricultural use or forest land to non-forest use. No new impacts would occur.

6.3 AIR QUALITY

As discussed in Appendix A, air quality impacts would be the same or less than what was analyzed in the 1992 Supplemental EIR. Air quality impacts were analyzed in Section 3.4, Air Quality, of the 1992 Supplemental EIR. As discussed therein, the 1992 Supplemental EIR project would result in both short-term and long-term air quality impacts. Short-term impacts would occur during construction due to dust generation and construction vehicular emissions and long-term impacts would occur from project-related vehicular and stationary source emissions. However, mitigation was provided in the 1992 Supplemental EIR to reduce all potentially significant air quality impacts to less-than-significant levels. Mitigation included construction dust abatement, construction traffic management, and completion of all grading prior to the hospital begins accepting patients. As site grading would occur with implementation of the proposed project, this mitigation would still be applicable. Therefore, adherence to previously prescribed mitigation in the 1992 Supplemental EIR would ensure that air quality impacts would

remain less than significant. Thus, the proposed project would not conflict with or obstruct implementation of applicable air quality plans. Further, adherence to previously prescribed mitigation would ensure that the proposed project would not expose sensitive receptors to substantial pollutant concentrations or result in other emissions, such as odors, adversely affecting a substantial number of people.

The 1992 Supplemental EIR also identified cumulative impacts to air quality due to construction activities and vehicular emissions. However, adherence to previously prescribed mitigation would also ensure that cumulative air quality impacts would remain less than significant.

Additionally, the 1992 Supplemental EIR assumed an eventual total buildout of 1,335,000 square feet; including 820,000 square feet of hospital with 439 beds, 485,000 square feet of MOB, and a 30,000-square-foot central utility plant. The proposed project would develop 428,500 square feet of hospital with 206 beds and a 26,000-square-foot central utility plant for a total campus buildout of 686,200 square feet, including the existing medical center. Thus, implementation of the proposed project would result in a total buildout of 648,800 fewer square feet than assumed in the 1992 Supplemental EIR. Specifically, the proposed project would result in 391,500 fewer square feet of hospital, 253,300 fewer square feet of MOB, and a 4,000-square-foot-smaller central utility plant. Further, the proposed project would result in 3,046 fewer employees than analyzed in the 1992 Supplemental EIR, and the project site footprint is the same as what was analyzed in the 1992 Supplemental EIR. Therefore, due to the reduced campus buildout, reduced employment generation, and same project footprint, impacts would be the same or less than those analyzed in the 1992 Supplemental EIR.

6.4 ENERGY

As discussed in Appendix A, no new impacts associated with energy would occur with implementation of the proposed project. The 1992 Supplemental EIR did not identify potential impacts to energy, including the wasteful, inefficient, or unnecessary consumption of energy resources. Further, the 1992 Supplemental EIR did not identify potential conflicts with state or local renewable energy plans or energy efficiency plans. However, since energy efficiency was a recognized topic in 1992, the impacts in this regard of the 1992 Supplemental EIR project are assumed as part of the baseline for the purposes of analyzing, pursuant to CEQA Guidelines Section 15162, whether the proposed project would result in new or substantially greater significant impacts. Since 1992, substantial advances in energy efficiency, such as with internal combustion engines, building cooling and heating (e.g., Title 24 building energy efficiency standards), and with electrical equipment, means that the amount of energy necessary to construct and run the proposed project today would be much less than would have been the case in 1992. Additionally, the proposed project would comply with Title 24 building energy efficiency standards, and with the energy efficiency regulations and requirements promulgated pursuant to the Scoping Plan by the California Air Resources Board for the purposes of combating global climate change.

Furthermore, the proposed project's central utility plant would be 4,000 square feet smaller than what was proposed in the 1992 Supplemental EIR, further decreasing the level of energy impacts from that assessed in the 1992 Supplemental EIR. Additionally, the proposed hospital building would be 391,500 square feet smaller than what was proposed in the 1992 Supplemental EIR and would therefore require less energy. Thus, no new or substantially greater significant impacts would occur.

6.5 GEOLOGY AND SOILS

As discussed in Appendix A, no new impacts associated with geology and soils would occur with implementation of the proposed project. Geology and soils were analyzed in Section 3.7, Geology, of the 1992 Supplemental EIR. As discussed therein, the project site was not identified to be located within or near a known earthquake fault. Moreover, the project site footprint is the same as what was analyzed in the 1992 Supplemental EIR. Therefore, no new impacts with regard to rupture of a known earthquake fault zones would occur.

The project site could be subject to severe ground shaking in the event of a major earthquake; this hazard is common to Southern California, and the effects of ground shaking can be minimized by structural design and construction in accordance with applicable codes and standards. Mitigation was provided in the 1992 Supplemental EIR to reduce all potentially significant geotechnical impacts to less-than-significant levels. Mitigation included requirements for building foundations and on-site monitoring by the City's Engineering Department during grading and construction. As site grading and construction would occur with implementation of the proposed project, this mitigation would still be applicable. Therefore, adherence to previously prescribed mitigation in the 1992 Supplemental EIR would ensure that geotechnical impacts, including from ground shaking, would remain less than significant.

The 1992 Supplemental EIR did not identify substantial soil erosion or the loss of topsoil and there are no deep-seated landslides in the vicinity of the project site. The project site is also not located on a geologic unit that would become unstable as a result of the project. Additionally, the project site is not located on expansive soil, and the proposed project would not utilize septic tanks.

The possibility of generalized liquefaction affecting the project site is considered low. However, some localized liquefaction could occur where isolated pockets of saturated uncompacted sandy fill may exist from previous on-site activities. As previously described, mitigation was provided in the 1992 Supplemental EIR to reduce all potentially significant geotechnical impacts to less-than-significant levels. Therefore, adherence to mitigation previously prescribed in the 1992 Supplemental EIR would ensure that geotechnical impacts, including from liquefaction, would remain less than significant.

Finally, the 1992 Supplemental EIR did not identify potential impacts to paleontological resources or unique geologic features. However, as discussed in the Negative Cultural and Paleontological Resources Letter Report prepared for the project (Appendix C), Dudek requested a paleontological records search from the San Diego Natural History Museum (SDNHM) on July 10, 2019, and the results were received on July 18, 2019. According to surficial geological mapping of Kennedy et al. (2007) at a scale of 1:100,000 and the paleontological records search (McComas 2019), the project area is underlain by middle Cretaceous (approximately 100 million years ago [mya]) plutonic igneous rocks (map unit Kt), consisting of undivided tonalites and Jurassic (approximately 201–145 mya) undivided metasedimentary and metavolcanic rocks (map unit Mzu). The SDNHM did not report any fossil localities from within the project area or from the same geological units near the project area (McComas 2019).

Plutonic igneous rocks have no paleontological sensitivity, and undivided metasedimentary and metavolcanic rocks have marginal (metavolcanic rocks) to moderate (metasedimentary rocks) paleontological sensitivity per the SDNHM (McComas 2019). However, because the metasedimentary rocks do not have a record of producing significant paleontological resources near the project area, the SDNHM assigned the geological unit low paleontological sensitivity in the project vicinity and did not recommend implementing a paleontological mitigation program. Therefore, no new impact would occur to paleontological resources.

6.6 GREENHOUSE GAS EMISSIONS

As discussed in Appendix A, the 1992 Supplemental EIR did not identify greenhouse gas (GHG) generation impacts. However, since global climate change due to GHG emissions was a recognized topic in 1992 (e.g., *Citizens for Responsible Equitable Environmental Development v. City of San Diego* [2011] 196 Cal.App.4th 515), the impacts in this regard of the 1992 Supplemental EIR project are assumed as part of the baseline for the purposes of analyzing, pursuant to CEQA Guidelines Section 15162, whether the proposed project would result in new or substantially greater significant impacts. (See also CEQA Section 21162.) Moreover, the lead agency is given deference in determining if the 1992 Supplemental EIR is still relevant despite changed circumstances. With regard to the proposed project, the amount of GHGs generated would be less than those of the 1992 Supplemental EIR project. This is due to several factors. First, the proposed project would be smaller (by 648,800 square feet), resulting in fewer emissions even if the emissions per square feet are now assumed to be the same as it would have been in 1992. Second, the GHG emissions rate per square feet is now lower than it was in 1992, as Title 24 energy efficiency standards, miles per gallon standards for vehicles, and electrical equipment energy usage standards have all significantly made an impact over the past 27 years. Consequently, the proposed project would have less of a GHG generation impact than the 1992 Supplemental EIR project. Furthermore, since the proposed project would be subject to the various GHG emissions reduction measures implemented over the past 27 years at the state and local level, it would have less of an impact with regard to conflicting with GHG emissions reduction

plans, policies, or regulations than what would have occurred under the 1992 Supplemental EIR. Thus, no new or substantially greater significant impact would occur, and no further review of this impact is warranted as per CEQA Guidelines Section 15162 (e.g., *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* [2016] 1 Cal. 5th 937).

6.7 HAZARDS AND HAZARDOUS MATERIALS

Routine Handling and Transport of Hazardous Materials

As discussed in Appendix A, no new impacts associated with hazards and hazardous materials would occur with implementation of the proposed project. Hazards and hazardous materials were analyzed in Section 3.8, Public Safety, of the 1992 Supplemental EIR. As discussed therein, activities associated with hospitals and medical facilities are governed by numerous statutes and regulations pertaining to the disposal, storage, and transportation of infectious medical wastes and radioactive wastes. Prior to obtaining all necessary licenses and permits for operation, the 1992 Supplemental EIR project was required to demonstrate to all regulatory agencies that their policies and procedures for hazardous materials management were in compliance with all applicable regulations. Therefore, the proposed project would be subject to similar requirements, which would ensure that impacts associated with the routine transport, use, or disposal of hazardous materials would be less than significant.

Since the proposed project would result in the routine transport, use, or disposal of hazardous materials, the potential exists for the accidental release of hazardous materials into the environment. As previously described, activities associated with hospitals and medical facilities are governed by numerous statutes and regulations. Upon demonstration that hazardous materials management is in compliance with all applicable regulations, impacts related to the accidental release of hazardous materials would be less than significant.

The project site is located approximately 0.15 miles west of an existing preschool. Additionally, the approved Discovery Village project to the north of the project site would include the development of a school, which could be within 0.25 miles of the proposed project. However, upon demonstration that hazardous materials management is in compliance with all applicable regulations, impacts would be less than significant.

Hazardous Materials Sites

As discussed in the 1992 Supplemental EIR, a Phase I Preliminary Geotechnical Investigation and Environmental Site Assessment (ESA) was conducted in August 1991 for the project site. The results of the ESA indicated that past activities on the property may have caused soil contamination. Subsequently, a Phase II ESA was conducted in December 1991 and confirmed the existence of contaminated soil on site, which included numerous pesticides and several areas of petroleum hydrocarbons related to previous chicken ranch operations. All contamination was generally located within the top 1 foot of surface soil. As such, remediation of contaminated areas

was required of the 1992 Supplemental EIR project. A Phase III ESA was conducted in March 1992 to obtain a more detailed evaluation and delineation of soil contamination. During excavation of contaminated soils in March 1992, laboratory analysis determined that while soils were contaminated, no contaminants were detected at significant concentrations. All contaminated soils identified in the ESAs were then removed and disposed of in the appropriate manner.

Nonetheless, several other areas of potential contamination existed in 1992, as these areas could not be investigated further due to the presence of existing structures on site. Therefore, mitigation was implemented which required the 1992 Supplemental EIR project to demonstrate that all potential areas of contamination were identified and remediated and that all contaminated soils were removed and disposed of in accordance with all federal, state, and local ordinances and regulations, prior to the issuance of grading permits. As such, this mitigation was implemented prior to development of the existing medical center.

Mitigation was also provided for the remediation of any contaminated soils encountered during site grading. As site grading would occur with implementation of the proposed project, this mitigation measure would still be applicable. Adherence to this previously prescribed mitigation measure in the 1992 Supplemental EIR would ensure that potential impacts related to any encountered contaminated soil during site grading would remain less than significant.

Airport Hazards

Hazards related to air traffic were analyzed in Section 3.9.4, Air Traffic, of the 1992 Supplemental EIR. As discussed therein, P&D Technologies' aviation specialist conducted an evaluation of the project site with respect to safety issues related to aircraft operations. No safety impacts from the McClellan-Palomar Airport were determined to be expected as a result of project implementation, as the project site is located outside of the airport's Flight Activity Zone (FAZ) or Airport Influence Area (AIA).

Since 1992 the San Diego County Regional Airport Authority was established to serve as the Airport Land Use Commission (ALUC) for San Diego County. The ALUC is responsible for adopting Airport Land Use Compatibility Plans (ALUCPs) for 16 public-use and military airports in San Diego County, including the McClellan-Palomar Airport located approximately 5.75 miles west of the project site. The McClellan-Palomar ALUCP was adopted in January 2010. According to this ALUCP, the project site is not located within any Safety Zone or Noise Exposure Range Contour of the McClellan-Palomar Airport (San Diego County Regional Airport Authority 2011). As such, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area.

Nevertheless, the project site is located within the Review Area 2 of the airport's AIA (San Diego County Regional Airport Authority 2011). Limits on the heights of structures are the

only restrictions on land uses within Review Area 2. Additionally, the recordation of overflight notification documents is also required in locations within Review Area 2. Therefore, the proposed project would be required to record overflight notification documents as outlined in the McClellan-Palomar ALUCP, and in accordance with Chapter 20.265 of the City's Municipal Code.

Furthermore, the proposed project is also located within the McClellan-Palomar Part 77 Airspace Protection Zone, which requires noticing to the Federal Aviation Administration (FAA) for projects with structures over 200 feet above ground level. The proposed project would result in a maximum height of 125 feet above ground level and no construction equipment greater than 200 feet would be used. Therefore, the proposed project would not be required to file a notice with the FAA.

Finally, the P&D Technologies study conducted for the 1992 Supplemental EIR project also analyzed potential issues with aircraft operations related to helicopter operations at the then-proposed 1991 Scripps Health Care Campus/Discovery Hills EIR project northwest of the project site. This plan has subsequently been abandoned, and the proposed Discovery Village mixed-use project has been approved on this site. Therefore, potential impacts due to helicopter operations from the then proposed Scripps facility no longer apply to the proposed project. Overall, upon recordation of overflight notification documents per the McClellan-Palomar ALUCP's Review Area 2 requirements, impacts would be less than significant, and no new impact would occur.

Emergency Response and Evacuation Plans

The 1992 Supplemental EIR did not determine that the 1992 Supplemental EIR project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. As the proposed project would result in a reduced campus buildout and reduced employment generation within the same project site, no new impact would occur.

Wildland Fires

The 1992 Supplemental EIR did not determine that the 1992 Supplemental EIR project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Further, the project site is not located within or adjacent to a Very High Fire Hazard Severity Zone (VHFHSZ) as delineated by the California Department of Forestry and Fire Protection (CAL FIRE) (CAL FIRE 2009). Additionally, the project site is located in a highly developed area of the City and upon development of the approved Discovery Village Project to the north of the project site, the proposed project would not be adjacent to any wildland areas. Therefore, the proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires, and no new impact would occur.

6.8 HYDROLOGY AND WATER QUALITY

As discussed in Appendix A, no new impacts associated with hydrology and water quality would occur with implementation of the proposed project and the proposed project would comply with the most recent storm water and water quality standards. Hydrology and water quality were analyzed in Section 3.9.1, Hydrology/Water Quality, of the 1992 Supplemental EIR. As discussed therein, the 1992 Supplemental EIR did not identify violations with any water quality standards or waste discharge requirements. Additionally, the 1992 Supplemental EIR did not determine that the 1992 Supplemental EIR project would otherwise substantially degrade surface or groundwater.

The 1992 Supplemental EIR did not determine that the 1992 Supplemental EIR project would substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management of the basin.

The 1992 Supplemental EIR did not determine that the 1992 Supplemental EIR project would substantially alter the exiting drainage pattern of the site or area in a manner that would result in substantial erosion or siltation on or off site.

The 1992 Supplemental EIR did not determine that the 1992 Supplemental EIR project would substantially alter the exiting drainage pattern of the site or area in a manner that would substantially increase the rate or amount of surface runoff resulting in flooding on or off site.

The 1992 Supplemental EIR did not determine that the 1992 Supplemental EIR project would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Additionally, the 1992 Supplemental EIR determined that runoff volumes from the site could be accommodated in the existing and planned drainage system.

The 1992 Supplemental EIR did not determine that the 1992 Supplemental EIR project would substantially alter the exiting drainage pattern of the site or area in a manner that would impede or redirect flood flows. Additionally, the 1992 Supplemental EIR determined that no flooding impacts would occur.

The 1992 Supplemental EIR did not identify the project site as being located in flood hazard, tsunami, or seiche zones. Thus, the 1992 Supplemental EIR project was not determined to risk release of pollutants due to project inundation from being located in such zones.

Finally, the 1992 Supplemental EIR did not determine that the 1992 Supplemental EIR project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. As the proposed project would result in a reduced campus buildout and reduced employment generation within the same project site, no new impacts with regard to hydrology and water quality would occur.

6.9 LAND USE AND PLANNING

As discussed in Appendix A, no new impacts with regard to land use and planning would occur with implementation of the proposed project. Land use and planning were analyzed in Section 3.1, Land Use, of the 1992 Supplemental EIR. The proposed project would result in the buildout of an existing medical center and, thus, would not physically divide an established community.

Additionally, the 1992 Supplemental EIR project was analyzed for consistency with applicable planning documents, including the General Plan, Barham/Discovery Community Plan, and Heart of the City Specific Plan. The 1992 project was determined to be in conformance with the intent of all of these plans. As previously discussed, the proposed project would result in a reduced campus buildout and would occupy the same project site as analyzed in the 1992 Supplemental EIR. Therefore, no new impact would occur. Additionally, the project site is designated Hospital Complex within the HCSP, which allows for the proposed project.

6.10 MINERAL RESOURCES

As discussed in Appendix A, the 1992 Supplemental EIR did not identify impacts with regard to the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. According to the California Department of Conservation (DOC), the project site is located in an area classified as mineral resources zone MRZ-3 (DOC 1996). Zones classified as MRZ-3 are defined as areas containing mineral deposits, the significance of which cannot be evaluated from available data. Additionally, the project site is designated as a Hospital Complex within the HCSP, which thus allows for the proposed project. The project site is not located within an area that contains a known mineral resource.

Additionally, the 1992 Supplemental EIR did not identify impacts with regard to the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. The proposed project site is not designated as a locally important mineral resource recovery site on any local general plan, specific plan, or other land use plan (City of San Marcos 2013). No new impact would occur.

6.11 NOISE

As discussed in Appendix A, no new noise impacts would occur with implementation of the proposed project. Noise was analyzed in Section 3.5, Noise, of the 1992 Supplemental EIR. As discussed therein, Giroux & Associates prepared a noise technical report, which determined that both short-term and long-term noise impacts would result from implementation of the 1992 Supplemental EIR project. In the short term, temporary construction noise would comply with the City's Municipal Code regarding hours of construction; however, temporary noise impacts may occur during site preparation and building assembly. Long-term noise impacts would result

from project-generated traffic. Additionally, emergency vehicle sirens are associated with medical centers, which could create noise disturbances in the surrounding community. Finally, the proposed project could also result in noise impacts from on-site mechanical equipment such as heating, ventilation, and air conditioning (HVAC) equipment and emergency generators.

All project-related noise impacts were determined to be less than significant. The 1992 Supplemental EIR also did not identify impacts with regard to groundborne vibration or groundborne noise levels. Nonetheless, mitigation was provided in the 1992 Supplemental EIR to ensure no substantial temporary or permanent increases in ambient noise would result from implementation of the 1992 Supplemental EIR project. Mitigation included adherence to the City's noise ordinance and building codes and completion of all grading prior to the hospital begins accepting patients. As site grading would occur with implementation of the proposed project, this mitigation would still be applicable. Therefore, adherence to mitigation previously prescribed in the 1992 Supplemental EIR would ensure that noise impacts would remain less than significant.

Additionally, the proposed project is not located within the vicinity of a private airstrip. The project site is located approximately 5.75 miles east of the McClellan-Palomar Airport. According to the ALUCP for the McClellan-Palomar Airport, the project site is not located within the existing or future 60 decibels (dB) Community Noise Equivalent Level (CNEL) noise contour of the airport (San Diego County Regional Airport Authority 2011). Therefore, people residing or working in the project area would not be exposed to substantial airport noise. No new impact would occur.

Finally, as previously described in Section 6.3, the proposed project would result in a reduced campus buildout and reduced employment generation within the same footprint analyzed in the 1992 Supplemental EIR. Therefore, impacts would be the same or less than what was analyzed in the 1992 Supplemental EIR.

6.12 POPULATION AND HOUSING

As discussed in Appendix A, no new impacts with regard to population and housing would occur with implementation of the proposed project. The proposed project would result in the buildout of the existing medical facility on site. The 1992 Supplemental EIR assumed an eventual total buildout of 1,335,000 square feet and the addition of 4,000 employees, whereas the proposed project would result in the eventual total buildout of 686,200 square feet and the addition of a maximum number of 473 employees, making for a total of 954 employees on the medical campus with the employees in the existing MOBs. This represents a total campus buildout of 648,800 fewer square feet and 3,046 fewer employees than originally assumed in the 1992 Supplemental EIR. Thus, although the additional employees could result in the relocation of people to the area to fill such jobs, the proposed project would also result in reduced employment generation than anticipated in the 1992 Supplemental EIR. Therefore, due to the reduced campus

buildout, reduced employment generation, and same project footprint, impacts would be less than the project analyzed in the 1992 Supplemental EIR.

The 1992 Supplemental EIR also did not identify impacts with regard to the displacement of people or housing. There is no existing housing on the project site. The proposed project is located on both undeveloped land and the existing medical center site. Therefore, implementation would not displace any existing housing or people, necessitating the construction of replacement housing elsewhere. No new impact would occur.

6.13 PUBLIC SERVICES

Fire Protection

As discussed in Appendix A, no new impacts to public services would occur with implementation of the proposed project. Public services were analyzed in Section 3.6, Public Services and Facilities, of the 1992 Supplemental EIR. Specifically, fire protection was addressed in Section 3.6.5 of the 1992 Supplemental EIR. As discussed therein, additional development within the San Marcos Fire Department's (SMFD's) service area would result in a potentially significant impact with regard to providing adequate service. Additionally, the SMFD's lack of appropriate equipment to serve structures over three stories was also determined to be a potentially significant impact. Mitigation was provided in the 1992 Supplemental EIR to ensure that impacts to fire services would be reduced to below a level of significance. Mitigation included the contribution to a Community Facilities District for fire and paramedic service, or similar funding mechanism and payment of a fair share contribution toward fire service personnel and the acquisition of apparatus capable of protecting up to seven floors prior to the issuance of building permits. As such, mitigation was fulfilled prior to development of the existing medical center.

Mitigation also included incorporation of appropriate site and building design features specified by the SMFD, including, but not limited to, specifications for hydrant installation, incorporation of an approved automatic sprinkler system, and minimum road width of 24 feet. As construction of new buildings would occur with implementation of the proposed project, this mitigation would still be applicable. Therefore, adherence to previously prescribed mitigation in the 1992 Supplemental EIR would ensure that impacts to fire services would remain less than significant. Additionally, due to the reduced campus buildout, reduced employment generation, and same project footprint, impacts would be less than the project analyzed in the 1992 Supplemental EIR.

Police Protection

Police protection was analyzed in Section 3.6.4 of the 1992 Supplemental EIR. As discussed therein, implementation of the 1992 Supplemental EIR project was determined to result in an increased demand for law enforcement services, which would represent a significant impact.

However, mitigation was provided in the 1992 Supplemental EIR to ensure that impacts to police services would be reduced to below a level of significance. Mitigation included the contribution to a Community Facilities District for police service, or similar funding mechanism prior to the issuance of building permits. As such, mitigation was fulfilled prior to development of the existing medical center. Additionally, because the proposed project would result in a reduced campus buildout and reduced employment generation, impacts would be the same or less than what was analyzed in the 1992 Supplemental EIR. Therefore, no new impact would occur.

Schools

Schools were analyzed in Section 3.6.6 of the 1992 Supplemental EIR. As discussed therein, the 1992 Supplemental EIR project could have indirect impacts to schools as it would result in employment generation. A portion of the employees generated by the 1992 Supplemental EIR project would be expected to commute to San Marcos from other locations within San Diego County (and possibly southern Orange and Riverside Counties), and some employees may be current residents within the San Marcos Unified School District (SMUSD). However, a number of employees would be expected to relocate to the San Marcos area. Therefore, it was determined that implementation of the 1992 Supplemental EIR project could result in impacts to schools within the SMUSD. However, mitigation was provided in the 1992 Supplemental EIR to ensure that impacts to SMUSD would be reduced to below a level of significance. Mitigation included the payment of school fees prior to the issuance of building permits for the MOBs that were constructed. As such, partial mitigation would have been fulfilled prior to development of the existing medical center. The applicant would pay school fees for the remainder of the project buildout prior to issuance of building permit. Additionally, because the proposed project would result in a reduced campus buildout and reduced employment generation, impacts would be the same or less than those analyzed in the 1992 Supplemental EIR. Therefore, no new impact would occur.

Parks

The 1992 Supplemental EIR did not identify any potentially significant impacts to parks. Because the proposed project would result in a reduced campus buildout and reduced employment generation, no new impacts would occur.

6.14 RECREATION

As discussed in Appendix A, the 1992 Supplemental EIR did not determine that the 1992 Supplemental EIR project would result in increased use of existing parks or recreational facilities such that substantial physical deterioration of such facilities would occur or be accelerated. As such, the 1992 Supplemental EIR did not identify a need for the construction or expansion of recreational facilities. No new impact would occur.

6.15 TRANSPORTATION

As discussed in Appendix A, no new impacts to transportation would occur with implementation of the proposed project. Transportation was analyzed in Section 3.3, Traffic/Circulation, of the 1992 Supplemental EIR. As discussed therein, the 1993 Supplemental EIR project was determined to result in short-term and long-term impacts to street segments and intersections in the vicinity of the project site. However, both short-term and long-term mitigation were provided in the 1992 Supplemental EIR to reduce impacts. Mitigation included preparation of a Traffic Demand Management (TDM) plan, dedication of right-of-ways, construction of roadway and intersection improvements, and fair share contribution towards future intersection and roadway improvements prior to the issuance of occupancy permits. As such, mitigation was fulfilled prior to occupancy of the existing medical center. The 1992 Supplemental EIR determined that even with implementation of the recommended mitigation measures, significant unavoidable impacts would remain. No additional mitigation measures were determined to be feasible to reduce impacts any further. However, the proposed project would result in a reduced campus buildout, reduced employment generation, and same project footprint, which would result in the generation of approximately 17,014 fewer daily trips than the project analyzed in the 1992 Supplemental EIR, with 1,113 fewer trips during the AM peak hour and 2,425 fewer trips during the PM peak hour. Therefore, impacts would be less than what was analyzed in the 1992 Supplemental EIR. Additionally, the 1992 Supplemental EIR did not identify any conflicts with transit, bicycle, or pedestrian facilities.

Per CEQA Guidelines Section 15064.3, analysis criteria detailed in this CEQA Guidelines section does not apply until July 1, 2020, unless adopted earlier by the lead agency. The City of San Marcos has not elected this provision ahead of the standard schedule and therefore, this section does not yet apply. Additionally, the 1992 Supplemental EIR did not identify conflicts or inconsistencies with regard to the provisions of CEQA Guidelines Section 15064.3, subdivision (b). No new impacts would occur.

Finally, the 1992 Supplemental EIR did not identify impacts with regard to the increase in hazards due to a geometric design feature or incompatible uses of the 1992 Supplemental EIR project. The 1992 Supplemental EIR also did not identify impacts with regard to inadequate emergency access. Therefore, no new impacts would occur.

6.16 UTILITIES AND SERVICE SYSTEMS

Water and Wastewater Facilities

As discussed in Appendix A, no new impacts to utilities and service systems would occur with implementation of the proposed project. Utilities and service systems were analyzed in in Section 3.6, Public Services and Facilities, of the 1992 Supplemental EIR; specifically, water facilities were analyzed in Section 3.6.1. As discussed therein, the 1992 Supplemental EIR project was determined to result in a potentially significant impact on the Vallecitos Water District's (VWD's) existing and planned water distribution facilities. However, mitigation was provided in the 1992 Supplemental

EIR to reduce potentially significant impacts to less-than-significant levels. Mitigation included preparation of a hydraulic analysis prior to the issuance of a grading permit and payment of fair share contributions towards upgrading impacted water facilities prior to issuance of building permits. As such, mitigation would have been fulfilled prior to development of the existing medical center. Additionally, the proposed project would result in a reduced campus buildout and reduced employment generation. Therefore, no new impact to water facilities would occur.

Sewer facilities were analyzed in Section 3.6.2 of the 1992 Supplemental EIR. As discussed therein, the 1992 Supplemental EIR project was determined to result in a potentially significant impact on the VWD's existing and planned sewer facilities. However, mitigation was provided in the 1992 Supplemental EIR to reduce potentially significant impacts to less-than-significant levels. Mitigation included preparation of a sewer loading analysis prior to the issuance of a grading permit, payment of fair share contributions towards upgrading impacted sewer facilities prior to the issuance of building permits, and obtaining an industrial waste permit. As such, mitigation would have been fulfilled prior to development of the existing medical center. Additionally, the proposed project would result in a reduced campus buildout and reduced employment generation. However, off-site improvements to two sewer lines would be required as a result of the proposed project (see Figure 3-2, Offsite Sewer Improvements). The first off-site sewer improvement (KH-8) would require a 0.34-acre work area, and the second off-site sewer improvement (KH-20) would require a 0.33-acre work area. Potential impacts associated with the off-site improvements have been assumed in the analysis in the EIR, and no new significant impact to sewer facilities would occur.

Gas and Electric Facilities

Gas and electric facilities were analyzed in Section 3.6.3 of the 1992 Supplemental EIR. As discussed therein, the 1992 Supplemental EIR project would result in a potentially significant impact on San Diego Gas & Electric (SDG&E) facilities. However, mitigation was provided in the 1992 Supplemental EIR to reduce potentially significant impacts to less-than-significant levels. Mitigation included the extension of utility lines and other associated infrastructure onto the project site prior to issuance of building permits. As such, mitigation would have been fulfilled prior to development of the existing medical center. Additionally, the proposed project would result in a reduced campus buildout and reduced employment generation. Therefore, no new impact to gas and electric facilities would occur.

Solid Waste Facilities

Solid waste was analyzed in Section 3.6.7 of the 1992 Supplemental EIR. As discussed therein, the 1992 Supplemental EIR project was not determined to result in impacts to solid waste facilities at a project level, 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. However, the 1992 Supplemental EIR was determined to result in a cumulative impact to solid waste facilities. Thus, mitigation was provided in the 1992 Supplemental EIR to reduce potentially significant

cumulative impacts, which included the implementation of a recycling program prior to issuance of building permits. As such, mitigation was fulfilled prior to development of the existing medical center. Additionally, the proposed project would result in a reduced campus buildout and reduced employment generation. The 1992 Supplemental EIR did not determine that the 1992 Supplemental EIR project would conflict with federal, state, or local management and reduction statutes and regulations related to solid waste. Therefore, no new impact to solid waste facilities would occur.

Other Facilities

The 1992 Supplemental EIR did not identify impacts to stormwater drainage or telecommunications facilities. Therefore, no new impacts would occur.

Water Supply

As discussed in the 1992 Supplemental EIR, the 1992 Supplemental EIR project was determined to result in cumulative impacts to regional water supply. The proposed project would result in the buildout of the existing medical facility on site; however, the total campus buildout of the proposed project would be 648,800 square feet smaller and would employ 3,046 fewer employees than the project analyzed in the 1992 Supplemental EIR. The proposed project would result in a reduced campus buildout and reduced employment generation, which would result in reduced water consumption. Therefore, no new impact would occur.

6.17 WILDFIRE

As discussed in Appendix A, no new wildfire impacts would occur with implementation of the proposed project. The 1992 Supplemental EIR did not determine that the 1992 Supplemental EIR project would substantially impair an adopted emergency response plan or emergency evacuation plan. As the proposed project would result in a reduced campus buildout and reduced employment generation within the same project site, no new impact would occur.

The 1992 Supplemental EIR did not determine that the 1992 Supplemental EIR project would exacerbate wildfire risks due to slope, prevailing winds, or other factors, thereby exposing project occupants to pollutant concentrations from a wildfire or from the uncontrolled spread of a wildfire. Therefore, no new impact would occur.

The 1992 Supplemental EIR did not determine that the 1992 Supplemental EIR project would exacerbate fire risk or result in temporary or ongoing impacts to the environment due to the installation or maintenance of associated infrastructure. Additionally, utility infrastructure has already been extended to the project site from development of the 1992 Supplemental EIR project. Therefore, no new impact would occur.

The 1992 Supplemental EIR did not determine that the 1992 Supplemental EIR project would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, no new impact would occur.

CHAPTER 7

MANDATORY CEQA DISCUSSION TOPICS

This chapter discusses other issues for which the California Environmental Quality Act (CEQA) requires analysis in addition to the specific issue areas discussed in Chapter 4, Environmental Analysis. These additional issues include (1) significant effects that cannot be avoided, (2) significant irreversible environmental changes that would be caused by the proposed Kaiser Permanente Medical Center Project (Proposed Project) should it be implemented, and (3) growth-inducing impacts.

7.1 SIGNIFICANT EFFECTS THAT CANNOT BE AVOIDED

Section 15126.2(c) of the CEQA Guidelines requires an environmental impact report (EIR) to identify significant environmental effects that cannot be avoided if the project is implemented (14 CCR 15000 et seq.). As discussed in Chapter 4 of this Supplemental EIR, implementation of the Proposed Project would result in significant impacts to biological resources. However, all impacts to biological resources would be mitigated to less-than-significant levels. Additionally, project implementation would not result in cumulative impacts to biological resources. Therefore, the Proposed Project would not result in any significant environmental effects that cannot be avoided.

7.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES THAT WOULD BE CAUSED BY THE PROJECT SHOULD IT BE IMPLEMENTED

CEQA Guidelines Section 15126.2(d) requires the evaluation of (14 CCR 15000 et seq.):

[u]ses of nonrenewable resources during the initial and continued phases of the project [that] may be irreversible since a large commitment of such resources makes removal or non-use thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as a highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Approval of the Proposed Project would cause irreversible environmental changes consisting of the following:

- The human environment would be altered as a consequence of the buildout of the Proposed Project. The Proposed Project would irreversibly alter the previously

undeveloped portions of the site to an operating hospital and hospital-related facilities. This would constitute a permanent change. Once construction occurs, reversal of the land to its original condition is highly unlikely.

- The Proposed Project would use various new raw materials such as lumber and forest products, metals (e.g., iron, steel), sand and gravel, asphalt, petrochemicals, and other materials for construction. Some of these resources are already being depleted worldwide.
- The energy consumed in developing and maintaining the site may be considered a permanent investment that would incrementally reduce existing supplies of fossil fuels, natural gas, and gasoline.

7.3 GROWTH-INDUCING IMPACTS

Section 15126.2(e) of the CEQA Guidelines requires a discussion of how the potential growth-inducing impacts of the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Induced growth is distinguished from the direct employment, population, or housing growth of a project (14 CCR 15000 et seq.). If a project has characteristics that “may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively,” then these aspects of the project must be discussed as well. Induced growth is any growth that exceeds planned growth and results from new development that would not have taken place in the absence of the proposed project. Typically, the growth-inducing potential of a project would be considered significant if it stimulates population growth or a population concentration above what is assumed in local and regional land use plans, or in projections made by regional planning authorities, such as the San Diego Association of Governments (SANDAG).

The CEQA Guidelines also indicate that growth should not be assumed to be either beneficial or detrimental (14 CCR 15126.2[d]). According to Section 15126.2(e) of the CEQA Guidelines, a project may foster economic or population growth, or additional housing, either indirectly or directly, in a geographical area if it meets any one of the following criteria:

- The project would remove obstacles to population growth.
- The project would increase the population, which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects.
- The project would encourage and facilitate other activities that could significantly affect the environment.

The Proposed Project would involve the buildout of the existing medical center to include a new hospital, new central utility plant, surface parking, and additional hospital-related facilities (e.g., labor and delivery, radiology, emergency department, administration). The Proposed Project does

not propose any new housing or residential units and therefore would not result in a direct increase in population. The Proposed Project would provide a comprehensive range of health care services to Kaiser Permanente members in the City of San Marcos (City) and surrounding communities. As the local population grows and ages, the demand for medical services and hospital beds in the area will also increase, while more efficient means to meet these demands will also be needed to otherwise keep potentially rising costs down. The Proposed Project would also require approximately 473 additional employees to serve the Proposed Project at full buildout. However, meeting projected demands for hospital and medical services would not induce growth. Indirectly, the Proposed Project could result in an added attractive community asset that is currently not fully in existence. However, the proposed project is not expected to result in population or employment growth above City General Plan forecasts, as discussed below.

According to the SANDAG Growth Forecast, total population within the City is expected to increase from 98,915 in 2020 to 113,015 in 2050 (SANDAG 2013), and total employment is anticipated to grow from 45,783 in 2020 to 64,328 in 2050 in the City (SANDAG 2013). As such, according to SANDAG's Series 13 Regional Growth Forecast, the City is expected to add a total of 18,545 new jobs during the 30-year planning horizon. Currently, approximately 481 employees work at the existing medical center. Total employees/staff at full build-out of the hospital would add an additional 473 employees for a total employment population of 954. The 473-person increase in employment at full build-out of the Proposed Project would be represent approximately 2.5% of the anticipated increase in the number of jobs within the City according to SANDAG's Regional Growth Forecast by 2050. Therefore, the Proposed Project would not stimulate population growth or a population concentration above what is assumed in local and regional land use plans, or in projections made by regional planning authorities.

Indirect growth can also occur by a project installing infrastructure that can support further growth. The project site is served by existing public services and utilities, and no new utilities would be needed to serve the Proposed Project. Therefore, indirect growth inducement as a result of the extension of these facilities into a new area would not occur.

Overall, the Proposed Project would indirectly stimulate population growth through the addition of new hospital staff members. However, the growth would be consistent with employment growth envisioned in local and regional land use plans and in projections made by regional planning authorities, since the planned growth of the project site and its land use intensity have been factored into the underlying growth projections of the SANDAG's Regional Growth Forecast.

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CHAPTER 8 ALTERNATIVES

8.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) evaluate a “reasonable” range of alternatives. According to the CEQA Guidelines, an EIR “shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives” (14 CCR 15126.6[a]). Specifically, the CEQA Guidelines require the analysis of the No Project Alternative and alternatives that would be “capable of avoiding or substantially lessening any significant effects of the project” (14 CCR 15126.6[b]). The CEQA Guidelines also require a discussion of why other alternatives were rejected if they were considered in developing the project and still would meet the project objectives. Although an exhaustive analysis is not necessary, an EIR “must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation” (14 CCR 15126.6[a]).

Pursuant to the CEQA Guidelines, a range of alternatives to the project are considered and evaluated in this EIR. These alternatives were developed in the course of project planning, environmental review, public scoping, and public hearings. This analysis should be considered an addition to, rather than a substitute for, the alternatives analysis contained in the previous EIRs. The discussion in this chapter provides:

1. A description of alternatives considered
2. An analysis of how many objectives of the project each alternative completes
3. Per CEQA Guidelines, Section 15126.6(d), a comparative analysis of the project and the alternatives under consideration. Per CEQA Guidelines, Section 15126.6(c), the alternatives are chosen by considering whether they can meet the basic project objectives, their feasibility, and their ability to avoid the project’s significant environmental effects.

Factors that may be taken into account when addressing the feasibility of alternatives include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to alternative sites (14 CCR 15126.6[f][1]).

A range of alternatives have been considered in an effort to meet most of the basic project objectives. Alternatives that are considered and evaluated in this EIR include:

- Alternative 1 – No Project
- Alternative 2 – Reduced Biological Resources Impacts

In addition, off-site alternative locations have been considered and eliminated from detailed consideration for the reasons identified in detail in Section 8.5.

8.2 PROJECT SUMMARY

The proposed Kaiser Permanente Medical Center Project (proposed project) would buildout the existing Kaiser Permanente San Marcos Medical Center campus to create a state-of-the-art hospital tower with 206 beds, including a new central utility plant. Buildout of the medical center was originally analyzed in the 1992 Supplemental EIR for the Kaiser Permanente Medical Center Project. Since the 1992 approval, the design has been revised to include fewer beds and a reduced footprint.

8.3 PROJECT OBJECTIVES

In developing the alternatives to be addressed in this chapter, consideration was given to the ability to meet the basic objectives of the proposed project and eliminate or substantially reduce the identified significant environmental impacts. As stated in Chapter 3, Project Description, of this draft Supplemental EIR, the project objectives against which the alternatives were analyzed include the following:

- Provide convenient medical services for Kaiser Permanente medical care members located in the north San Diego County area.
- Improve public health and safety and serve the existing and projected Kaiser Permanente membership base in San Marcos and the immediately surrounding communities by providing additional medical services on the San Marcos medical center campus.
- Reduce the need for Kaiser Permanente members to travel outside the City for hospital related services by developing a hospital on the San Marcos medical center campus.
- Provide a comprehensive range of high quality health care services in seismically safe, state-of-the-art, advanced-care medical center facilities for Kaiser Permanente members throughout the San Marcos region.
- Create a comprehensively planned, advanced-care medical center campus that provides community vitality, economic growth, and a wide range of employment opportunities in San Marcos and the surrounding region.
- Foster the creation of employment opportunities within San Marcos to improve the jobs/housing balance within the City and the surrounding area.
- Maintain current services at the existing San Marcos medical center without interruption while simultaneously building a hospital and enhancing services available to Kaiser Permanente members based on market demand.
- Provide parking sufficient to accommodate membership and patient demands, staff parking demands during shift changes, reduce delay and improve circulation throughout the campus by alleviating vehicle queuing.

CEQA also requires that alternatives be feasible. “Feasible” is defined in CEQA as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors” (PRC Section 21061.1). The state CEQA Guidelines elaborate that factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, other plans or regulatory limitations, and jurisdictional boundaries and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (CEQA Guidelines Section 15126.6).

8.4 SIGNIFICANT IMPACTS

An EIR should consider a range of feasible alternatives that would attain most of the project objectives, listed above, while reducing one or more of the significant impacts of the project. As presented in Section 4.1 of this Supplemental EIR, the proposed project would result in potentially significant impacts to biological resources for which mitigation measures have been identified that would reduce potentially significant impacts to less than significant levels. Also as presented in Section 4.2 of this Supplemental EIR, impacts to tribal cultural resources (TCRs) would be less than significant, and no mitigation measures would be required. The remaining topics evaluated in Chapter 6 of this Supplemental EIR would not result in significant impacts. Hence, the focus of this alternatives analysis is to identify feasible alternatives which would reduce or avoid the significant biological resource impacts resulting from the proposed project.

Pursuant to the CEQA Guidelines previously stated, as well as the project objectives, a range of alternatives to the project are considered and evaluated in this EIR.

8.5 ALTERNATIVES CONSIDERED BUT REJECTED

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration is the alternative’s failure to meet most of the basic project objectives, the alternative’s infeasibility, or the alternative’s inability to avoid significant environmental impacts. The following discussion presents information on alternatives to the project that were considered but rejected. These alternatives are not discussed in further detail and have been eliminated from further consideration.

8.5.1 Off-Site Alternative Locations

In accordance with CEQA Guidelines, Section 15126.6(f)(2), the applicant and the City attempted to identify a comparably sized feasible alternative location within the project area and within the Heart of the City Specific Plan area that could be available for the proposed buildout of the Kaiser Permanente Medical Center. Per CEQA Guidelines, Section 15126.6 (f)(2)(A), the key question and first step in analysis of the alternative location is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location.

There are few if any similarly sized sites under single ownership in the project area. Kaiser Permanente could foreseeably assemble, lease, or purchase land for the hospital component of the proposed project in nearby office parks. However, unless the existing medical center campus were also relocated to an alternative site along with the proposed buildout, an alternative site would split the proposed medical center into two separate sites. This could result in greater automobile trips than the proposed project since this would force doctors to travel between the hospital building and the existing medical offices. Additionally, while Kaiser Permanente has an existing development agreement on the project site, it does not own any alternative sites, and thus would have to acquire new land. It is not guaranteed that Kaiser Permanente could acquire an alternative site in the future; nor is there any guarantee that the hospital use would be allowed by the City on any acquired site. It does not appear that the applicant can reasonably acquire, control, or otherwise have access to other sites in the area that would meet the project objectives while reducing the potential for significant environmental impacts. Therefore, alternate sites capable of accommodating the entire project are considered infeasible, and no off-site location alternatives were carried forward in this analysis.

Regardless, the availability of an alternate site does not in and of itself reduce impact potential. It is expected that developing a similar project at an alternative site would result in a similar array, if not more, project impacts and would simply transfer the impact potential to areas surrounding the alternate site location. For these reasons, an alternative site location was rejected from further consideration.

8.6 ALTERNATIVES UNDER CONSIDERATION

This section discusses the alternatives to the project, including the No Project Alternative, under consideration. The No Project (No Development) Alternative, which is a required element of a Supplemental EIR pursuant to Section 15126.6(e) of the CEQA Guidelines, examines the environmental effects that would occur if the project were not to proceed and no development activities were to occur. The other alternatives are discussed as part of the “reasonable range of alternatives” selected by the lead agency. The following alternatives are addressed in this section, followed by a more detailed discussion of each:

- Alternative 1 – No Project
- Alternative 2 – Reduced Biological Resource Impacts

8.6.1 Alternative 1: No Project

Under Alternative 1, the full buildout of the existing medical center as modified would not occur as discussed in Chapter 3 of this Supplemental EIR. The project site would remain unchanged. As no new development would occur on the project site, no discretionary actions would be triggered.

The following presents the impact analysis by resource area for Alternative 1, the No Project Alternative.

Environmental Analysis

Biological Resources

As discussed in Section 4.1, impacts to special-status plant species, sensitive natural communities, jurisdictional wetlands and waters, wildlife corridors and migratory routes, and consistencies with local policies and ordinances would be less than significant. Additionally, with incorporation of mitigation, direct and indirect impacts to special-status wildlife species and direct impacts to certain sensitive vegetation communities would be less than significant. **Mitigation Measure (MM) BIO-1 to MM-BIO-11** would reduce the potential direct impact to special-status wildlife species by requiring regulatory agency permitting, construction monitoring and reporting, environmental awareness training, the installation of temporary fencing, and pre-construction surveys. **MM-BIO-7** would reduce potential indirect impacts to nesting birds by requiring general nesting bird surveys. Additionally, **MM-BIO-10** and **MM-BIO-11** would reduce potential direct permanent impacts and indirect temporary impacts to certain sensitive vegetation communities by requiring a habitat restoration plan of the temporarily disturbed areas and conservation of native upland communities.

Cultural Resources

Also as discussed in Section 4.2, with incorporation of mitigation, potential impacts to archaeological resources and human remains would be less than significant. **MM-CUL-1** would reduce impacts to any unknown archaeological resources that are uncovered during ground disturbing activities by requiring all activities to be halted, a buffer established around the resource, and evaluation by a qualified archaeologist. In the event that the resources are determined to be Native American, Native American Tribes/Individuals would be notified and consulted and construction monitoring would be initiated. **MM-CUL-2** would reduce potential impacts to human remains unearthed during project construction by required the Applicant to notify the San Diego County Coroner's office for evaluation.

Under Alternative 1, no construction or operational changes would occur at the project site. As such, no new impacts to biological resources or cultural resources would occur, and Alternative 1 would avoid impacts to biological resources and cultural resources when compared to the proposed project.

Tribal Cultural Resources

Also as discussed in Section 4.3, with incorporation of mitigation, potential impacts to tribal cultural resources or Native American human remains would be less than significant. **MM-CUL-1** would reduce impacts to any unknown tribal cultural resources that are uncovered during ground-disturbing

activities by requiring all activities to be halted, a buffer established around the resource, and evaluation by a qualified archaeologist. In the event that the resources are determined to be Native American, Native American tribes/individuals would be notified and consulted and construction monitoring would be initiated. **MM-CUL-2** would reduce potential impacts to human remains unearthed during project construction by required the Applicant to notify the San Diego County Coroner's office for evaluation.

Under Alternative 1, no construction or operational changes would occur at the project site. Therefore, no new impacts to tribal cultural resources would occur, and Alternative 1 would avoid impacts to tribal cultural resources when compared to the proposed project.

Project Objectives

Under Alternative 1, the project site would remain unchanged and continue to operate in the same way as the existing medical center. Table 8-1 provides a list of the project objectives and whether Alternative 1 meets each objective.

Table 8-1
Summary of Alternative 1 Success at Meeting Project Objectives

Project Objective	Alternative Meets Objective?
Provide convenient medical services for Kaiser Permanente medical care members located in the north San Diego County area.	No. Under Alternative 1, the existing medical center, in its current condition, would remain at the project site. No new facilities or medical services would be provided for Kaiser Permanente members residing in the North San Diego County area. Alternative 1 does not meet this project objective.
Improve public health and safety and serve the existing and projected Kaiser Permanente membership base in San Marcos and the immediately surrounding communities by providing additional medical services on the San Marcos medical center campus.	No. Under Alternative 1, the existing medical center, in its current condition, would remain at the project site. No new facilities or medical services would be provided for Kaiser Permanente members residing in the City of San Marcos and the immediately surrounding communities. Alternative 1 does not meet this project objective.
Reduce the need for Kaiser Permanente members to travel outside the City for hospital related services by developing a hospital on the San Marcos medical center campus.	No. Under Alternative 1, the existing medical center, in its current condition, would remain at the project site. No additional services or supplemental support would be provided to Kaiser Permanente's existing clinics and medical facilities in the City of San Marcos. Kaiser Permanente members would need to continue to travel outside the City for medical services beyond those currently provided at the site. Alternative 1 does not meet this project objective.

Table 8-1
Summary of Alternative 1 Success at Meeting Project Objectives

Project Objective	Alternative Meets Objective?
Provide a comprehensive range of high quality health care services in seismically safe, state-of-the-art, advanced-care medical center facilities for Kaiser Permanente members throughout the San Marcos region.	No. Under Alternative 1, the existing medical center, in its current condition, would remain at the project site. The existing medical office buildings would remain in place, no seismic upgrades would occur, and no new state-of-the-art advanced care medical facilities would be introduced to the San Marcos region. Alternative 1 does not meet this project objective.
Create a comprehensively planned, advanced-care medical center campus that provides community vitality, economic growth, and a wide range of employment opportunities in San Marcos and the surrounding region.	No. Under Alternative 1, the existing medical center, in its current condition, would remain at the project site. No new, comprehensively planned advanced-care medical services would be introduced to the medical center, and no new employment opportunities in the City and surrounding region would be realized. Alternative 1 does not meet this project objective.
Foster the creation of employment opportunities within San Marcos to improve the jobs/housing balance within the City and the surrounding area.	No. Under Alternative 1, the existing medical center, in its current condition, would remain at the project site. No new employment opportunities would be created at the site, and the jobs/housing balance within the City would remain unchanged. Alternative 1 does not meet this project objective.
Maintain current services at the existing San Marcos medical center without interruption while simultaneously building a hospital and enhancing services available to Kaiser Permanente members based on market demand.	Partially. Under Alternative 1, the existing medical center, in its current condition, would remain at the project site and would continue providing the current services without interruption; however, the hospital would not be built, the existing aging infrastructure would not be upgraded, and no new services would be provided to the Kaiser Permanente members in the San Marcos region. Alternative 1 partially meets this project objective.
Provide parking sufficient to accommodate membership and patient demands, staff parking demands during shift changes, reduce delay and improve circulation throughout the campus by alleviating vehicle queuing.	Partially. Under Alternative 1, the existing medical center, in its current condition, would remain at the project site. The existing surface parking at the medical center would remain and no new parking spaces or circulation improvements would be implemented. Given that no new facilities would be introduced under Alternative 1, no additional demand would occur at the medical center; therefore, the existing parking could accommodate existing users. Alternative 1 partially meets this project objective.

8.6.2 Alternative 2: Reduced Biological Resource Impacts

Under Alternative 2, the existing medical campus would be built, but the permanent 110-space parking lot area proposed to the north of the hospital building would be reconfigured to the east and reduced in size in order to reduce permanent impacts to biological resources (see Figure 8-1, Reduced Biological Resource Impacts Alternative). This alternative would reduce permanent impacts to a sensitive vegetation community and special status wildlife as described in more detail below.

By reconfiguring the parking lot to reduce biological resource impacts, other components of hospital campus would consequently require design changes to the proposed hospital building. The 7-story hospital building would need to be moved to the west, likely perpendicular to the existing medical office buildings (MOBs). As a result, the proposed surface parking expansion would be reduced, in addition to a large portion of the existing parking lot. It is anticipated these parking reductions would result in the need for a parking structure to be incorporated into the design. Service access would need to be moved to Echo Lane.

Environmental Analysis

Biological Resources

As discussed in Section 4.1, the implementation of the proposed project would result in the direct, permanent loss of 0.42 acre of disturbed coyote brush scrub located in the center of the site plan north of the hospital building where a permanent 110-space parking lot is proposed (see Figure 8-1). Disturbed coyote brush scrub is considered a special-status vegetation community, and it is located in a California gnatcatcher use area. Direct permanent impacts to this vegetation community would be considered potentially significant absent mitigation. With incorporation of **MM-BIO-8**, potential direct permanent impacts to coyote brush scrub would be reduced to less than significant by requiring conservation of this native upland vegetation community.

Under Alternative 2, the proposed permanent 110-space parking lot to the north of the hospital building would be relocated to the east and reconfigured to avoid impacts to biological resources. Specifically, Alternative 2 would reduce impacts to the 0.42-acre area of disturbed coyote brush scrub (Figure 8-1, Reduced Biological Resource Impacts Alternative) within the California gnatcatcher use area identified by the United States Fish and Wildlife Service in coordination with the City's environmental consultant (Stuckrath, pers.comm. 2019). Development of this alternative would reduce permanent impacts to disturbed coyote brush scrub from 0.42 acre to 0.18 acre, for a 0.24-acre reduction. This represents a 57% reduction in total permanent impacts to coastal sage scrub vegetation (and recognized sub-associations) onsite. Thus, this alternative would lessen potential impacts on California gnatcatcher habitat and would lessen disruptions to the foraging behavior of this species in the event that this project is constructed prior to the Discovery Hills project. It should be noted, however, that the habitat being avoided is extremely disturbed, affecting its value from a qualitative perspective, and lessens in the degree of reduction of impact afforded by Alternative 2. As with the proposed project, the implementation of **MM-BIO-8** would still be required, with a commensurate reduction of conservation area required. Thus, Alternative 2 would reduce impacts to biological resources when compared to the proposed project's already less than significant impact after mitigation.

Cultural Resources

Under Alternative 2, the proposed permanent 110-space parking lot would be relocated to the east and reconfigured. Development of this alternative would result in slightly less ground disturbing activities during grading and construction. Thus, the potential to unearth unknown archeological resources and human remains would be slightly reduced under this alternative. As with the proposed project, the implementation of **MM-CUL-1** and **MM-CUL-2** would still be required in the event unknown archeological resources or human remains are uncovered, but the area of potential effect would be reduced.

Tribal Cultural Resources

Under Alternative 2, the proposed permanent 110-space parking lot would be relocated to the east and reconfigured. Development of this alternative would result in slightly less ground-disturbing activities during grading and construction. Thus, the potential to unearth unknown tribal cultural resources or Native American human remains would be slightly reduced under this alternative. As with the proposed project, the implementation of **MM-CUL-1** and **MM-CUL-2** would still be required in the event unknown tribal cultural resources or Native American human remains are uncovered, but the area of potential effect would be reduced.

Project Objectives

Under Alternative 2, a reconfigured parking area would be implemented to the east of the parking lot described in Chapter 3 (see Figure 8-1). Table 8-2 provides a list of the project objectives and whether Alternative 2 meets each objective.

Table 8-2
Summary of Alternative 2 Success at Meeting Project Objectives

Project Objective	Alternative Meets Objective?
Provide convenient medical services for Kaiser Permanente medical care members located in the north San Diego County area.	Partially. Under Alternative 2, the hospital building would be constructed providing convenient medical services for Kaiser Permanente medical care members located in the north San Diego County area. However, Alternative 2 would limit the number of parking spaces and new services that would be provided at the hospital. Alternative 2 only partially meets this project objective.
Improve public health and safety and serve the existing and projected Kaiser Permanente membership base in San Marcos and the immediately surrounding communities by providing additional medical services on the San Marcos medical center campus.	Yes. Under Alternative 2, the permanent parking lot area would be relocated and reconfigured, thereby reducing the number of parking spaces but still allowing for the construction of the hospital building. Therefore, public health and safety would be improved and new facilities for the existing and projected Kaiser Permanente membership base would be provided in San Marcos and the immediately surrounding communities.

Table 8-2
Summary of Alternative 2 Success at Meeting Project Objectives

Project Objective	Alternative Meets Objective?
Reduce the need for Kaiser Permanente members to travel outside the City for hospital related services by developing a hospital on the San Marcos medical center campus.	Partially. Under Alternative 2, the permanent parking lot area would be relocated and reconfigured, thereby reducing the number of parking spaces but still allowing for the construction of the hospital building. Thus, if a limited number of parking spaces limits the types of new services to be provided at the hospital, then Kaiser Permanente members would need to continue to travel outside the City for certain medical services. Alternative 2 only partially meets this project objective.
Provide a comprehensive range of high quality health care services in seismically safe, state-of-the-art, advanced-care medical center facilities for Kaiser Permanente members throughout the San Marcos region.	Yes. Under Alternative 2, the permanent parking lot area would be relocated and configured, thereby reducing the number of parking spaces available but still allowing for the construction of a seismically safe, state-of-the-art, advanced-care hospital building. Therefore, a comprehensive range of high quality health care services can still be provided for the Kaiser Permanente membership base throughout San Marcos.
Create a comprehensively planned, advanced-care medical center campus that provides community vitality, economic growth, and a wide range of employment opportunities in San Marcos and the surrounding region.	Yes. Under Alternative 2, the permanent parking lot area would be relocated and reconfigured, thereby reducing the number of parking spaces available but still allowing for the construction of a hospital building to the north of the four existing medical office buildings. Thus, this alternative allows for a comprehensively planned, advanced-care medical center campus that provides community vitality, economic growth, and a wide range of employment opportunities in San Marcos and the surrounding region.
Foster the creation of employment opportunities within San Marcos to improve the jobs/housing balance within the City and the surrounding area.	Yes. Under Alternative 2, the hospital building would be constructed. As such, new employment opportunities would be created at the site (although not to the same degree as the proposed project), and the jobs/housing balance within the City would improve. Alternative 2 meets this project objective.
Maintain current services at the existing San Marcos medical center without interruption while simultaneously building a hospital and enhancing services available to Kaiser Permanente members based on market demand.	Yes. Under Alternative 2, the permanent parking lot area would be relocated and reconfigured, thereby reducing the number of parking spaces available but still allowing for the construction of a hospital building. Current services would be maintained in the existing MOB buildings without interruption while the hospital building is built, and services to the Kaiser Permanente members would be enhanced based on market demand upon buildout.
Provide parking sufficient to accommodate membership and patient demands, staff parking demands during shift changes, reduce delay and improve circulation throughout the campus by alleviating vehicle queuing.	Partially. Under Alternative 2, the hospital building would be constructed; however, the reduced parking spaces would limit the amount of services that would be provided. As such, Alternative 2 partially meets this project objective.

8.7 EVALUATION OF ALTERNATIVES

In accordance with the CEQA Guidelines Section 15126.6(d), the discussion of the environmental effects of the alternatives may be less detailed than the discussion of the impacts of the project. Table 8-1 provides a summary of the comparison of the impacts of the alternatives with the project; an analysis of the Environmentally Superior Alternative is provided in Section 8.8, as follows.

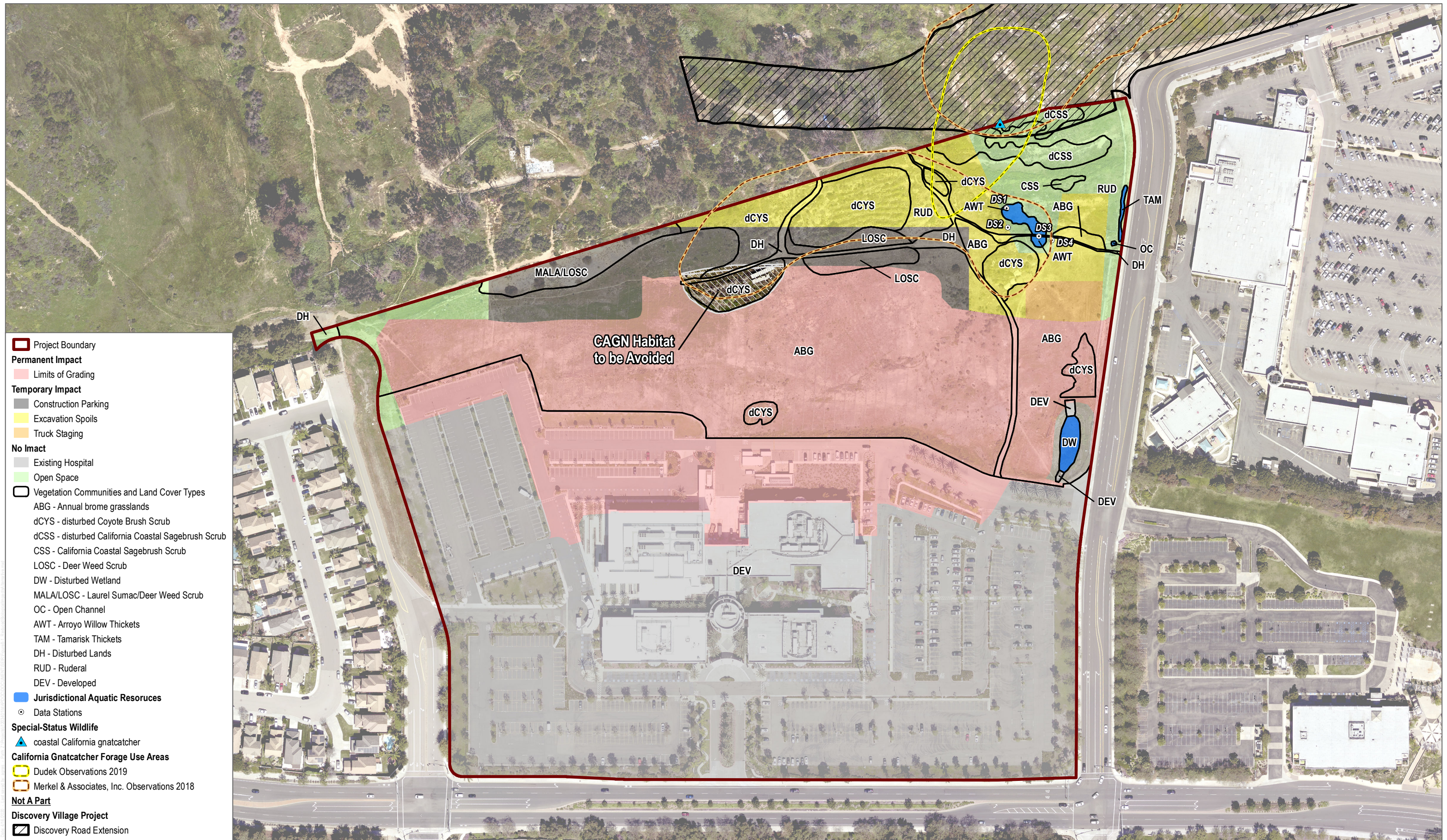
8.8 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Alternative 1, the No Project Alternative, would result in the least environmental impacts, and therefore would be considered the Environmentally Superior Alternative. However, Section 15126.6(e)(2) of the CEQA Guidelines states that if the Environmentally Superior Alternative is the No Project Alternative, the EIR shall also identify an Environmentally Superior Alternative among the other alternatives.

Alternative 2 would be environmentally superior to the proposed project because it would have the most reductions in impacts when compared to the proposed project. Under Alternative 2, fewer biological resource impacts would occur when compared to the proposed project because the relocated and reconfigured parking lot area would reduce permanent impacts to disturbed coyote brush scrub specifically within a California gnatcatcher use area from 0.42 acre to 0.18 acre, for a 0.24-acre reduction in the amount of pre-mitigation impact. It is important to note that the coyote brush scrub habitat that would be avoided with this alternative is extremely disturbed and is comprised of trash, stockpiled concrete pipes and other construction-related rubble and debris, and includes non-sensitive bushes growing in and around the void space where sediment accumulation has occurred over many years and therefore the amount by which the significant impact is reduced is actually negligible from a qualitative standpoint; hence, while the site offers foraging habitat for the California gnatcatcher, any nesting opportunities would most likely occur on the slope to the north where this habitat is less disturbed. Overall, the reduction in impact is negligible, and with mitigation the impact would be less than significant, similar to the proposed project.

In addition, under Alternative 2, there is the potential for reduced cultural resource impacts when compared to the proposed project. While Alternative 2 would be the Environmentally Superior Alternative, this alternative would not fully meet all objectives of the proposed project and would not fully develop land planned and entitled for medical center uses.

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SOURCE: SANGIS 2020; Merkel & Associates, 2019; DPR Construction 2019

FIGURE 8-1

Reduced Biological Resources Impacts Alternative

Kaiser Permanente Medical Center Supplemental EIR

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CHAPTER 9

MITIGATION MONITORING AND REPORTING PROGRAM

9.1 GENERAL

This environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to Section 21081.6 of the California Environmental Quality Act (CEQA) (PRC Section 21000 et seq.), to provide for the monitoring of mitigation measures required of the Kaiser Permanente Medical Center Project (proposed project), as set forth in this Draft Supplemental Environmental Impact Report (EIR) prepared for the project. This report will be kept on file in the offices of the City of San Marcos, 1 Civic Center Drive, San Marcos, California 92069.

9.2 FORMAT OF THE MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP on the following pages identifies the environmental issue areas for which monitoring is required, the required mitigation measures, the timeframe for monitoring, and the responsible implementing and monitoring parties (Table 9-1). If any mitigation measures are not being implemented, the agency and/or city may pursue corrective action.

Table 9-1
Draft Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Responsibility for Implementation	Mitigation Timing	Monitoring Responsibility
<p>Impact BIO-1: Remaining habitat for coastal California gnatcatchers is small, isolated, and fragmented, consisting of small, disturbed patches of native shrubs separated by large expanses of disturbed habitats; it is expected to serve merely as a “stepping stone” at this point to provide access to other areas off site. Therefore, direct impacts to coastal California gnatcatcher are not expected to occur. However, to further ensure that coastal California gnatcatchers are not impacted by initial clearing/grubbing or grading activities within 500 feet of coastal sage scrub vegetation, the project will implement MM-BIO-1 through MM-BIO-9, and impacts are assumed to be potentially significant prior to mitigation.</p> <p>Impact BIO-2: Implementation of the proposed project would result in impacts to nesting birds.</p>	<p>Implementation of the following MM-BIO-1, MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, MM-BIO-7, MM-BIO-8, and MM-BIO-9 as follows:</p> <p>MM-BIO-1 TEMPORARY INSTALLATION FENCING. Kaiser Permanente, or their designee, will temporarily fence (including downslope silt barriers) the limits of project impacts (including construction staging areas and access routes) and install other appropriate sediment trapping devices to prevent additional impacts to, and the spread of silt from the construction zone into, adjacent habitat to be avoided. Fencing and sediment trapping devices will be installed in a manner that does not impact habitats to be avoided.</p> <p>If work occurs beyond the fenced limits of impact, all work will cease until the problem has been remedied to the satisfaction of the City. Any habitat impacts that occur beyond the authorized work will be offset at ratios approved by the City. Temporary construction fencing and sediment trapping devices will be removed upon project completion.</p>	Kaiser Permanente or Designee	Prior to Construction	City of San Marcos, Planning Department
	<p>MM-BIO-2 ENVIRONMENTAL AWARENESS TRAINING. A Workers Environmental Awareness Training Program shall be implemented with the contractor and all active construction personnel prior to construction to ensure knowledge of coastal California gnatcatcher, its habitat, and general compliance with environmental/permit regulations and mitigation measures.</p> <p>At a minimum, training will include a discussion of the following topics: (1) the purpose for resource protection; (2) a description of the coastal California gnatcatcher and its habitat; (3) the MMs outlined in this report that should be implemented during project construction to conserve the sensitive resource, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); (4) environmentally responsible construction</p>	Kaiser Permanente or Designee	Prior to Construction	Project Biologist

Table 9-1
Draft Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Responsibility for Implementation	Mitigation Timing	Monitoring Responsibility
	practices; (5) the protocol to resolve conflicts that may arise at any time during the construction process; and, (6) the general provisions of the FESA, the need to adhere to the provisions of the FESA, and the penalties associated with violating the FESA.			
	MM-BIO-3 BREEDING SEASON AVOIDANCE. The removal of coastal sage scrub vegetation from the Project impact footprint will occur from September 1 to February 14 to avoid the coastal California gnatcatcher breeding season. Further, to the maximum extent practicable, grading activities associated with construction of the expanded medical campus will occur from September 1 to February 14 to avoid the coastal California gnatcatcher breeding season. If project construction must occur during the coastal California gnatcatcher breeding season, MMs BIO 8 and 9 will be implemented.	Kaiser Permanente or Designee	Prior to construction	City of San Marcos, Planning Department
	MM-BIO-4 WORK HOURS. Project construction will occur during daylight hours. However, if temporary night work is required, night lighting will be of the lowest illumination necessary for human safety, selectively placed, shielded and directed away from natural habitats.	Kaiser Permanente or Designee	During Construction	City of San Marcos
	MM-BIO-5 GENERAL CONSTRUCTION MONITORING PRACTICES. Kaiser Permanente, or their designee, will ensure that the following conditions are implemented during project construction in order to minimize potential impacts to coastal California gnatcatcher and its habitat. <ul style="list-style-type: none"> a. Employees will strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint; b. To avoid attracting predators of the coastal California gnatcatcher, the Project site will be kept as clean of debris as possible. All food related trash items will be enclosed in sealed containers and regularly removed from the site; c. Pets of project personnel will not be allowed on the Project site; and 	Kaiser Permanente or Designee	During Construction	Project Biologist

Table 9-1
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Impact	Mitigation Measure	Responsibility for Implementation	Mitigation Timing	Monitoring Responsibility
	Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures consistent with the Construction General Permit Order 2009-009-DWQ.			
	<p>MM-BIO-6 BIOLOGICAL MONITOR REQUIREMENTS AND DUTIES. A qualified biologist with at least 40 hours in the field observing coastal California gnatcatchers and documented experience locating and monitoring coastal California gnatcatcher nests will be on site daily during initial clearing/grubbing and weekly during grading activities within 500 feet of coastal California gnatcatcher habitat to ensure compliance with all project-imposed mitigation measures. The biologist will be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the Project's engineer to ensure that issues relating to the coastal California gnatcatcher and its habitat are appropriately and lawfully managed.</p> <p>The qualified biological monitor will also be responsible for the following duties:</p> <ol style="list-style-type: none"> Oversee installation of and inspect temporary fencing and erosion control measures within or up-slope of avoided and/or preserved areas a minimum of once per week during installation and daily during all rain events until established to ensure that any breaks in the fence or erosion control measures are repaired immediately. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust. Halt work, if necessary, and confer with the USFWS and City to ensure the proper implementation of species and habitat protection measures. The biologist will report any violation to the USFWS and City within 24 hours of its occurrence. Submit weekly letter reports (including photographs of impact areas) via regular or electronic mail (email) to the City during clearing/grubbing of coastal California gnatcatcher habitat and/or project construction resulting 	Kaiser Permanente or Designee	During Construction	Qualified Biologist

Table 9-1
Draft Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Responsibility for Implementation	Mitigation Timing	Monitoring Responsibility
	<p>in ground disturbance within 500 feet of avoided coastal California gnatcatcher habitat. The weekly reports will document that authorized impacts were not exceeded and general compliance with all conditions. The reports will also outline the duration of coastal California gnatcatcher monitoring, the location of construction activities, the type of construction that occurred, and equipment used. These reports will specify numbers and locations of any coastal California gnatcatchers and nests, sex of gnatcatchers, observed coastal California gnatcatchers behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to coastal California gnatcatchers and nests.</p> <p>e. Submit a final report to the City within 60 days of project completion that includes the following: (1) as-built construction drawings for grading with an overlay of any active nests; (2) photographs of habitat areas during pre-construction and post-construction conditions; and (3) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with the avoidance/minimization provisions and monitoring program as required by the USFWS were achieved.</p>			
	<p>MM-BIO-7 GENERAL PRE-CONSTRUCTION COASTAL CALIFORNIA GNATCATCHER SURVEY. For initial clearing/grubbing of coastal California gnatcatcher habitat within the project development footprint, a biologist holding a Section 10(a)(1)(A) permit shall perform a minimum of three (3) focused surveys, on separate days, to determine the presence of California gnatcatchers or nests in the Project impact footprint including temporary construction areas. Surveys will begin a maximum of seven (7) days prior to performing initial clearing/grubbing, and one survey will be conducted the day immediately prior to the initiation of clearing/grubbing. If any coastal California gnatcatchers are found in the Project impact footprint, the biologist will direct construction personnel to begin clearing/grubbing in an area away from the coastal California gnatcatchers and attempt to flush coastal California gnatcatchers away from</p>	Kaiser Permanente or Designee	Prior to Construction	Section 10(a)(1)(A) Project Biologist

Table 9-1
Draft Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Responsibility for Implementation	Mitigation Timing	Monitoring Responsibility
	clearing/grubbing so that coastal California gnatcatchers will not be injured or killed by clearing/grubbing activities. If an active coastal California gnatcatcher nest is found, the nest will be avoided until nesting is confirmed to be completed by the biologist. Kaiser Permanente, or their designee, will notify the USFWS at least seven (7) days prior to the initiation of surveys and within 24 hours of locating any California gnatcatcher and/or nest.			
	MM-BIO-8 PRE-CONSTRUCTION NESTING COASTAL CALIFORNIA GNATCATCHER SURVEY. A biologist holding a Section 10(a)(1)(A) permit shall perform a minimum of three (3) focused surveys, on separate days, to determine the presence of coastal California gnatcatcher nests within 500 feet of project grading activities if construction is proposed during the coastal California gnatcatcher breeding season. The surveys will begin a maximum of seven (7) days prior to project construction (including temporary fence installation required by MM-BIO-1) and one survey will be conducted the day immediately prior to the initiation of work. Additional surveys will be done once a week during project grading activities in the breeding season.	Kaiser Permanente or Designee	Prior to Construction if grading is to occur during the breeding season	Section 10(a)(1)(A) Project Biologist
	MM-BIO-9 COASTAL CALIFORNIA GNATCATCHER NEST AVOIDANCE AND MINIMIZATION MEASURES. Though unlikely, if an active coastal California gnatcatcher nest is found on site or within 500 feet of Project grading activities, the biologist will postpone work within 500 feet of the nest and contact the USFWS and the City to discuss: (1) the best approach to avoid/minimize impacts to nesting coastal California gnatcatchers (e.g., sound walls, noise monitoring); and (2) a nest monitoring program acceptable to the USFWS. Subsequent to these discussions, work may be initiated subject to implementation of the agreed-upon avoidance/minimization approach and monitoring program. If the biologist determines that bird breeding behavior is being disrupted, Kaiser Permanente, or their designee, shall stop work and coordinate with the USFWS to review the avoidance/minimization approach. Upon agreement as to any necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued monitoring. Success or failure of an active nest shall be established by regular and frequent	Kaiser Permanente or Designee	During Construction	Section 10(a)(1)(A) Project Biologist

Table 9-1
Draft Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Responsibility for Implementation	Mitigation Timing	Monitoring Responsibility
	trips to the site, as determined by the biologist and through a schedule approved by the wildlife agencies. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by the USFWS.			
<p>Impact BIO-3: Implementation of the project would result in direct, permanent impacts to 0.42 acres of disturbed coyote brush scrub and 0.03 acres of deer weed scrub, both of which are considered special-status vegetation communities.</p> <p>Impact BIO-4: Implementation of the project would incur additional temporary impacts to 0.08 acres of disturbed California sagebrush scrub, 1.22 acres of disturbed coyote brush scrub, 0.38 acres of laurel sumac/deer weed scrub, and 0.27 acres.</p>	<p>Implementation of MM-BIO-10, MM-BIO-11 would reduce impacts to below significance.</p> <p>MM-BIO-10 RESTORE TEMPORARY IMPACTS. Post-construction, proposed mitigation for direct, temporary impacts to 1.95 acres of native upland communities will be provided through on site restoration of the temporarily disturbed areas at a 1:1 ratio. All temporary impact areas must be restored to pre-construction contours and conditions following Project completion.</p> <p>Kaiser Permanente, or their designee, shall prepare a conceptual habitat restoration plan outlining the restoration of these communities and implement the restoration plan including monitoring and maintenance for a period of at least 3 years to ensure 80% coverage of native plants.</p> <p>The restoration plan should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. The plan should include, at a minimum: (a) a description of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity.</p>	Kaiser Permanente or Designee	Following project completion	Project Biologist

Table 9-1
Draft Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Responsibility for Implementation	Mitigation Timing	Monitoring Responsibility
	MM-BIO-11 PERMANENT HABITAT MITIGATION. Post-construction mitigation for direct, permanent impacts to 0.45 acre of native upland communities will be provided at a 2:1 ratio, totaling 0.90 acre. Mitigation will be accomplished through the acquisition of 0.90 acre of coastal California gnatcatcher-occupied habitat credits from an approved mitigation bank in northern San Diego County.			
In the event that unknown archeological or tribal cultural resources are unearthed during grading activities, a potentially significant impact could result.	MM-CUL-1 The applicant shall ensure that the following procedures are in place in order to protect archeological resources: a. Prior to the issuance of a Grading Permit, or ground-disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with the San Luis Rey Band of Mission Indians, and/or another Traditionally and Culturally Affiliated Native American Tribe ("TCA Tribe"). The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas and other tribal cultural resources, located within and/or discovered during ground-disturbing and/or construction activities for the proposed project, including any additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and all other ground-disturbing activities. b. The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. Any burial related tribal cultural resources (as determined by the Most Likely Descendant) shall be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission pursuant to California Public Resources Code Section 5097.98. If none of the TCA Tribes accept the return of the	Kaiser Permanente or Designee	During project construction	Qualified Archeologist

Table 9-1
Draft Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Responsibility for Implementation	Mitigation Timing	Monitoring Responsibility
	<p>cultural resources, then the cultural resources will be subject to the curation requirements contained herein. Additionally, in the event that curation of tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The applicant shall provide to the City written documentation from the TCA Tribe, the Most Likely Descendant, and/or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.</p> <p>c. Prior to the issuance of a Grading Permit or ground-disturbing activities, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the Development Services Department stating that a Qualified Archaeologist and TCA Native American monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the Tribal Cultural Resource Treatment and Monitoring Agreement.</p> <p>d. Prior to submittal of grading and/or improvement as-built plans, or prior to the issuance of any project Certificate of Occupancy, a monitoring report, which describes the results, analysis and conclusions of the archaeological monitoring program shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments, to the Planning Division Manager for approval. A copy of any submitted monitoring report shall be provided to the San Luis Rey Band of Mission Indians and any other TCA Tribe that requests the report.</p> <p>e. The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground-disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans,</p>			

Table 9-1
Draft Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Responsibility for Implementation	Mitigation Timing	Monitoring Responsibility
	<p>grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the Planning Division, preferably through e-mail, of the start and end of all ground-disturbing activities.</p> <p>f. The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present as determined by the Qualified Archaeologist and TCA Native American Monitor during grubbing, grading and/or other ground-disturbing activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or cultural resources. All fill materials shall be absent of any and all cultural resources. The Applicant/Owner or Grading Contractor may submit written documentation to the City to substantiate if any fill material is absent of cultural resources. Should the City concur that the fill material is absent of cultural resources, in consultation with a Qualified Archaeologist and/or the TCA Native American monitor, then no monitoring of that fill material is required.</p> <p>g. The Qualified Archaeologist or the TCA Native American monitor may halt ground-disturbing activities if unknown archaeological artifact deposits or cultural features are discovered. Ground-disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field, collected and be given to the TCA Tribe so that they may be reburied at the site on a later date. If a determination is made that the unearthed artifact deposits or tribal cultural resources are considered potentially significant, the San Luis Rey Band of Mission Indians and/or the TCA Tribe shall be notified and consulted with in regards to the respectful and dignified treatment of those resources. All sacred sites, significant tribal cultural resources</p>			

Table 9-1
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Impact	Mitigation Measure	Responsibility for Implementation	Mitigation Timing	Monitoring Responsibility
	<p>and/or unique archaeological resources encountered within the project area shall be avoided and preserved as the preferred mitigation, if feasible. If however, a data recovery plan is authorized by the City as the Lead Agency under CEQA, the contracted San Luis Rey Band of Mission Indians and/or the TCA Tribe shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant artifact deposits, tribal cultural resources or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. If the Qualified Archaeologist collects such resources, the TCA Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the cultural resources that are unearthed during the ground-disturbing activities, the TCA Native American monitor, may at their discretion, collect said resources and provide them to the contracted TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. If the Developer, the Qualified Archaeologist and the TCA Tribe cannot agree on the significance or mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act and California Public Resources Code Section 21083.2(b) with respect to archaeological resources, tribal cultural resources and shall take into account the religious beliefs, cultural beliefs, customs and practices of the TCA Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.</p>			

Table 9-1
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Impact	Mitigation Measure	Responsibility for Implementation	Mitigation Timing	Monitoring Responsibility
<p>The cultural resources field survey did not identify any human remains or find any indication that they would be expected to be found on the project site. However, MM-CUL-2 has been included to ensure potentially significant impacts associated with the discovery of human remains would not occur.</p>	<p>MM-CUL-2 As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC), by telephone, within 24 hours. The NAHC will make a determination as to the Most Likely Descendant. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the examination of the remains shall only occur on-site in the presence of a TCA Native American monitor.</p>	<p>Kaiser Permanente or Designee</p>	<p>During project construction</p>	<p>Qualified Archeologist</p>

CHAPTER 10 REFERENCES

EXECUTIVE SUMMARY

No reference material was included in this chapter.

CHAPTER 1 INTRODUCTION

No reference material was included in this chapter.

CHAPTER 2 ENVIRONMENTAL SETTING

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CHAPTER 3 PROJECT DESCRIPTION

No reference material was included in this chapter.

CHAPTER 4 ENVIRONMENTAL ANALYSIS

Section 4.1 Biological Resources

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Section 4.2 Cultural Resources

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Section 4.3 Tribal Cultural Resources

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CHAPTER 5 CUMULATIVE IMPACTS

No reference material was included in this chapter.

CHAPTER 6 EFFECTS NOT FOUND TO BE SIGNIFICANT

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CHAPTER 8 ALTERNATIVES

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CHAPTER 9 MITIGATION MONITORING AND REPORTING PROGRAM

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