

**Creekside Assisted Living**  
**SP20-0001/ GPA20-0001/ CUP20-0004 / V20-0001**

**Draft Initial Study/ Mitigated Negative Declaration**  
**ND20-008**

**Prepared For**  
City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069

**Project Applicant**  
Breakers Real Estate  
647 South Cedros  
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Appendix E	Soils/Geology Report
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## **I. INTRODUCTION**

### **I. PURPOSE**

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

### **II. CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS**

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

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

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

### **III. INTENDED USES OF INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

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

### **IV. CONTENTS OF DOCUMENT**

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

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

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

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

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

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

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

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

**VIII. MITIGATED NEGATIVE DECLARATION**

**IX. FINDINGS**

## **V. SCOPE OF ENVIRONMENTAL ANALYSIS**

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

- 1. No Impact:** A “No Impact” response is adequately supported if the referenced information sources show that the impact simply does not apply to the proposed project.
- 2. Less Than Significant Impact:** Development associated with project implementation will have the potential to impact the environment. These impacts, however, will be less than the thresholds that are considered significant and no additional analysis is required.
- 3. Less Than Significant With Mitigation Incorporated:** This applies where incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to “Less Than Significant Impact.” The Lead Agency must describe the mitigation measures and explain how the measures reduce the effect to a less than significant level.
- 4. Potentially Significant Impact:** Future implementation will have impacts that are considered significant and additional analysis and possibly an EIR are required to identify mitigation measures that could reduce these impacts to less than significant levels.

## VI. PERMITS AND ENTITLEMENTS FOR PROJECT APPROVAL

The requested entitlements for the project include the following:

- **General Plan Amendment (GPA20-0001)** - A General Plan Amendment is proposed to: 1) revise the land use map in the General Plan by changing the designation of the project site from Richmar Specific Plan to Heart of the City Specific Plan; and 2) to remove the Richmar Avenue bridge from the Mobility Element.
- **Specific Plan Amendment (SP20-0001)** - An amendment to the Heart of the City Specific Plan to remove the Richmar Specific Plan subplan designation from the property. The underlying “Commercial” designation will remain the same. The amendment includes an update to the land use tables to allow for an assisted living facility under the Commercial designation of the Heart of the City Specific Plan with approval of a Conditional Use Permit.
- **Conditional Use Permit (CUP20-0004)** - A Conditional Use Permit for the design review and to allow the operation of an assisted living facility.
- **Variance (V20-0001)** - A reduction of the building and parking setback from the prime arterial right-of-way of 50 feet to 10 feet along Twin Oaks Valley Road and 20 feet along Mission Road.



## II. PROJECT DESCRIPTION

### I. PROJECT LOCATION AND SETTING

The 3.78-acre project site is located in the Richmar Neighborhood in the City of San Marcos in North San Diego County (**Figure 1**). The Assessor Parcel Numbers (APNs) are 220-063-03-00 and 220-063-05-00. Specifically, the project site is located on the southeast corner of Twin Oaks Valley Road and Richmar Avenue. The project site is bounded by Richmar Avenue on the north, E. Mission Road to the south, Twin Oaks Valley Road on the west and Twin Oaks Valley Creek on the east.

The project site is currently vacant and is dominated by nonnative grasses with riparian habitat in the eastern portion of the site associated with Twin Oaks Valley Creek. An asphalt road, associated with a Vallecitos Water District (VWD) easement, is located on the southeast portion of the site.

The project site is relatively flat with elevations of approximately 570 to 590 feet above mean sea level (amsl). Per the Federal Emergency Management Agency (FEMA), portions of the project site are located within Zone X and Zone AE and the eastern portion of the project site is within a regulatory floodway. **Figure 2** provides the location of the project site.

### II. PROJECT DESCRIPTION

The project applicant is requesting approval of a General Plan Amendment (GPA), Specific Plan Amendment (SPA), Conditional Use Permit (CUP) and Variance to construct and operate a 138-room assisted living facility.

**General Plan Amendment (GPA20-0001)** – A General Plan Amendment is proposed to: 1) revise the land use map in the General Plan by changing the designation of the project site from Richmar Specific Plan to Heart of the City Specific Plan; and 2) to remove the Richmar Avenue bridge from the Mobility Element.

**Specific Plan Amendment (SPA20-0001)** – An amendment to the Heart of the City Specific Plan to remove the Richmar Specific Plan subplan designation from the property. The underlying “Commercial” designation will remain the same. The amendment includes an update to the land use tables to allow for an assisted living facility under the Commercial designation of the Heart of the City Specific Plan with approval of a Conditional Use Permit. The proposed Specific Plan Amendment document is included as **Appendix A1**.

**Conditional Use Permit (CUP20-0004)** – A Conditional Use Permit for the design review and to allow the operation of an assisted living facility.

**Variance (V20-0001)** – A reduction of the building and parking setback from the prime arterial right-of-way of 50 feet to 10 feet along Twin Oaks Valley Road and 20 feet along Mission Road.

#### Project Components

**Residential Care Facility** – The project proposes to construct a residential care facility to offer a combination of assisted living care and memory care. Memory care is for those afflicted with Alzheimer’s disease and related memory disorders. The three-story building will have 121,566 square feet (s.f.) with 41,408 s.f. on the first floor, 40,300 s.f. on the second floor, and 39,848 s.f. on the third floor.

The project includes a mix of studios (30 units), one-bedroom (64 units), two-bedroom (30 units) configurations, in addition to 29 memory care units. When the two-bedroom units are considered, the 138-unit project will have a total of 174 beds. Unit sizes range from 275 s.f. up to 690 s.f. Some of the second-floor and third-floor units will have private deck areas. There are also communal spaces including two dining areas, theater, multiple activity areas, a library, and a salon. The building also includes spaces for staff and management areas and kitchen facilities. Outside courtyard areas are also included in the project design and include separate areas for memory care and non-memory care residents. **Figure 3** presents the project site plan, and the complete set of project plans is included as **Appendix A2**.

**Open Space/Natural Areas** – The project has been designed to avoid the riparian area associated with Twin Oaks Valley Creek and the associated sensitive vegetation within the eastern portion of the project site. As a condition of project approval, the area associated with the riparian/creek habitat will be placed within a non-buildable easement prior to issuance of a grading permit.

**Architectural Design** – The building will be three stories high and up to 39.5 feet in height. Architectural detailing/enhancements will break up the bulk and scale of the buildings. The project proposes the use of wood look exterior siding, stone veneer, wood trim, and wood louvers. **Figure 4** provides an overview of the exterior elevations and overall architectural concept.

**Landscape Concept Plan** – The proposed landscape plan includes a mix of trees, shrubs, grasses and groundcover and the plant selection emphasizes very low, low, and moderate water use species. The project will also comply with the City's Model Water Efficient Landscape Ordinance (WELO). Landscaping will cover 37,070 s.f. (22 percent) of the project site. The landscape concept plan is included as **Appendix A3**.

**Project Access** – Access to the project site would be from two 24-foot wide driveways on Richmar Avenue. With removal of the Richmar Bridge from the Mobility Element, the Richmar Avenue right-of-way would be vacated and would become a private shared driveway access between the project and the commercial center to the north. A 24-foot wide fire lane will also be constructed on the eastern edge of the project that provides access to additional parking. The fire lane is accessed at the end of Richmar Avenue and connects to a concrete driveway on E. Mission Road. The E. Mission Road driveway is only for emergency access and would be gated; operational traffic to the project site would enter via the two driveways on Richmar Avenue.

**Parking** – The project includes 65 total parking spaces, including seven Americans with Disabilities Act (ADA) spaces (five standard and two for vans). Loading zone areas are also included. Per the San Marcos Municipal Code Table 20.341-1, the project would be required to provide 58 parking spaces. The project is providing eight additional spaces than what is required per the city code.

**Utility Improvements** – The project site is within the Vallecitos Water District (VWD) water and sewer service boundaries and service to the site and VWD has indicated they can serve the project. The domestic water and fire water connections will be to the existing VWD water main in N. Twin Oaks Valley Road. Sewer connection will be to the existing sewer lateral that runs within a VWD easement along the eastern portion of the project site. The project will pay Water Capital Facility Fees and Waste Water Capital Facility Fees consistent with VWD Ordinance No. 175 and No. 176.

**Stormwater Management** – The project site will be regraded to direct all onsite stormwater flows to new localized onsite inlets or to biofiltration basins for hydromodification and water quality treatment prior to discharging to the City's storm drain system. A concrete swale is proposed along the western property

line to collect runoff from the adjacent hillside and convey flows directly to the City's storm drain system. The two biofiltration basins would be located in the northern parking area, one near the northwest corner of the property and another in the northeast portion of the project site. Maintenance of these biofiltration basins would be the responsibility of the project owner.

**Grading** – Grading and earthwork activity will be required to prepare the site for development. Based upon information from the project applicant, the project requires 4,474 cubic yards (cy) of cut and 18,443 cy of fill, for a net import of 13,969 cy. This additional material is required to raise the site above base flood elevations. Soils import is expected to take four weeks (24 work days). Assuming a 15-cy hauling truck, this results in approximately 39 truck trips per day for soils import.

The project has been designed to be elevated above the 100-year storm event base flow elevation and the use of a private storm drain system and two biofiltration basins will meet required hydromodification requirements. The project applicant will be required to process a full CLOMR/LOMR application through the Federal Emergency Management Agency (FEMA).

**Construction Schedule** – Assuming receipt of all necessary approvals, construction is expected to start in 2021 and will have an opening date of 2022.

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

**Table 1. Project Design Features**

<b>Aesthetics</b> <ul style="list-style-type: none"> <li>• Implementation of the landscape plan.</li> </ul>
<b>Air Quality</b> <ul style="list-style-type: none"> <li>• The project shall comply with Section 87.426 of the City's Grading Ordinance and implement dust control measures. These measures include watering of active grading sites and unpaved roads a minimum of twice daily, replacement of ground cover as quickly as possible, reducing speeds on unpaved roads/surfaces to 15 miles per hour or less, and reducing dust during unloading and loading operations.</li> <li>• Heavy diesel construction equipment shall be rated Tier IV or better.</li> </ul>
<b>Biological Resources</b> <ul style="list-style-type: none"> <li>• As a condition of project approval, the area associated with the riparian/creek habitat will be placed within a non-buildable easement prior to issuance of a grading permit.</li> </ul>
<b>Greenhouse Gas</b> <ul style="list-style-type: none"> <li>• Installation of 75 percent light emitting diode (LED) lighting for both interior and exterior lighting.</li> <li>• Installation of smart meters and programmable thermostats.</li> <li>• Installation Low Flow water fixtures in all the units per Title 24.</li> <li>• Installation of ENERGY STAR qualified appliances.</li> <li>• Installation of low-maintenance and drought tolerant landscaping.</li> <li>• Use of state-of-the-art irrigation system to reduce water consumption.</li> </ul>

<ul style="list-style-type: none"> <li>• Compliance with the City's Water Efficient Landscape Ordinance (WELO).</li> <li>• Installation of shade trees.</li> <li>• No wood burning fireplaces within any of the units.</li> </ul>
<p><b>Noise</b></p> <ul style="list-style-type: none"> <li>• Comply with Section 17.32.180 of the San Marcos Municipal Code that limits grading activities to between 7:00 AM and 4:30 PM Monday through Friday. Grading extraction or related earth moving is not allowed in the City on weekends or holidays</li> <li>• Comply with Chapter 10.24 of the San Marcos Municipal Code which prohibits building construction activities to between 7:00 AM and 6:00 PM Monday through Friday or between 8:00 AM or after 5:00 PM on Saturdays.</li> </ul>
<p><b>Public Services</b></p> <ul style="list-style-type: none"> <li>• The project operator shall enter into a Business Operations Agreement with the City for Emergency Medical Services.</li> </ul>
<p><b>Utilities and Service Systems - Water and Wastewater</b></p> <ul style="list-style-type: none"> <li>• Pay Water Capital Facility Fees per VWD Ordinance No. 175.</li> <li>• Pay Wastewater Capital Facility Fees per VWD Ordinance No. 176.</li> </ul>

**Figure 1. Project Vicinity**

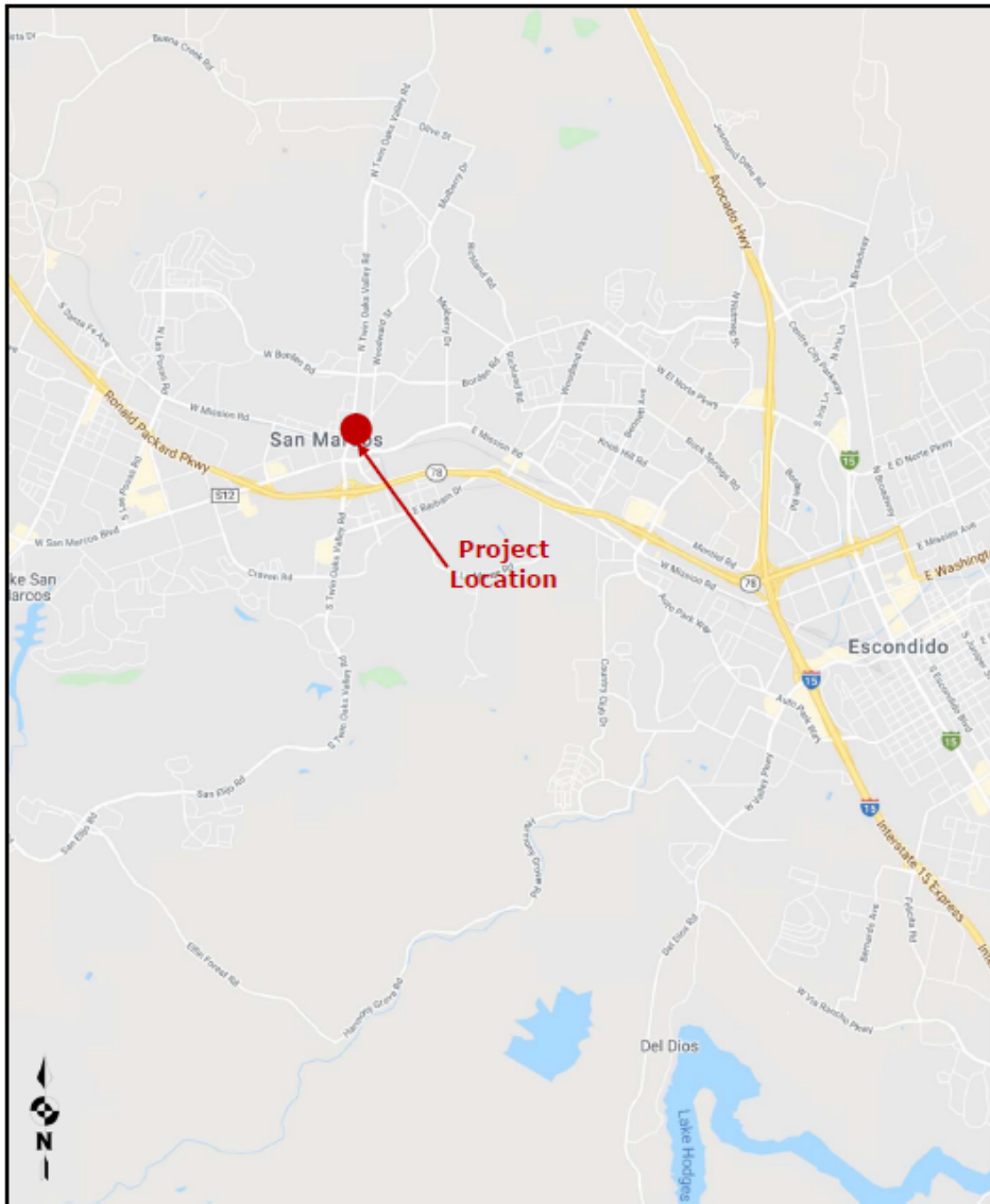


Figure 2. Project Site





Figure 3. Site Plan

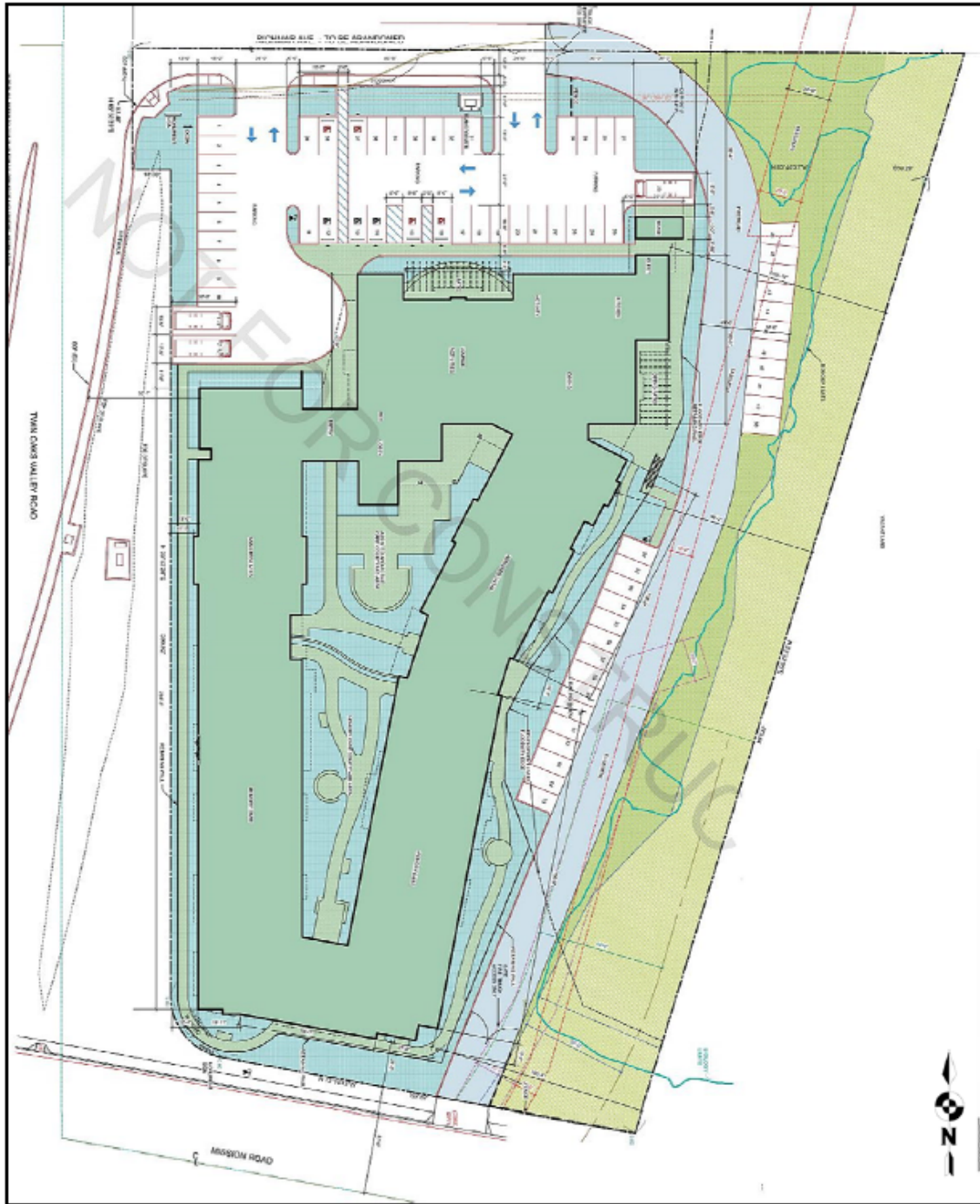


Figure 4. Exterior Elevations





### III. ENVIRONMENTAL CHECKLIST

#### I. BACKGROUND

1. **Project Title:** Creekside Assisted Living
2. **Lead Agency Name and Address:**  
City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069
3. **Contact Person and Phone Number:**  
Norm Pedersen, Associate Planner  
760-744-1050 ext. 3236  
npedersen@san-marcos.net
4. **Project Location:** The 3.78-acre site is located at the southeast corner of N. Twin Oaks Valley Road and Richmar Avenue.
5. **Project Sponsor's Name and Address:**  
Breakers Real Estate  
647 South Cedros  
Solana Beach, CA 92075
6. **General Plan Designation:** The project site has a General Plan Designation of Specific Plan Area (SPA). A GPA is proposed to change the Specific Plan designation from Richmar Specific Plan to Heart of the City Specific Plan. The underlying land use designation is "Commercial".
7. **Zoning Designation:** The Zoning on the project site is Specific Plan Area (SPA).
8. **Description of Project:** Please see Section II for project description.
9. **Surrounding Land Uses and Setting:** The project site is bounded by E. Mission Road to the south, N. Twin Oaks Valley Road on the west, Richmar Avenue on the north and Twin Oaks Valley Creek to the east. Zoning in the project vicinity includes a mix of Specific Plan Area (SPA), Public-Institution (PI), Commercial (C), and Residential 3 (R-3-10). Development in the project area includes a neighborhood commercial center and funeral home to the north, the post office, Richmar Park and multifamily residential to the northwest, and the San Marcos Senior Activity Center and San Marcos Fire Station No. 1 to the west. To the south, across E. Mission Road is the San Marcos Civic Center SPRINTER station and San Marcos Civic Center.
10. **Other Public Agencies Whose Approval is Required:** Vallecitos Water District, Federal Emergency Management Agency

- 11. Have California Native American tribes traditionally or culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc?** The City has notified the tribes in accordance with Public Resources Code Section 21074. The City received AB 52 consultation requests from the San Luis Rey Band of Mission Indians (San Luis Rey Band) and the Rincon Band of Luiseño Indians (Rincon Band). The City is currently in consultation with both the San Luis Rey Band the Rincon Band.

## II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

## III. DETERMINATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

  
Norm Pedersen, Associate Planner

Date 11/30/20

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?				<b>X</b>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				<b>X</b>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with the applicable zoning and other regulations governing scenic quality?			<b>X</b>	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			<b>X</b>	
<b>II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest Legacy Assessment Project and the carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				<b>X</b>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				<b>X</b>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				<b>X</b>
d) Result in the loss of forest land or conversion of forest land to non-forest use?				<b>X</b>

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
<b>III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	
<b>IV. BIOLOGICAL RESOURCES. Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
<b>V. CULTURAL RESOURCES. Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X	
<b>VI. ENERGY. Would the project:</b>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	
<b>VII. GEOLOGY AND SOILS. Would the project:</b>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
b) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?			X	
c) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?				X
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?				X
e) Result in substantial soil erosion or the loss of topsoil?			X	
f) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?		X		
h) Have soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
i) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
<b>VIII. GREENHOUSE GAS EMISSIONS. Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			X	
<b>XI. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>X.HYDROLOGY AND WATER QUALITY. Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there the project may impede substantial groundwater management of the basin?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: create or contribute to runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: impede or redirect flood flows?			X	
g) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
h) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	
i) Result in significant alteration of receiving water quality during or following construction?			X	



Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity, and other typical storm water pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash).			X	
k) Be tributary to an already impaired water body as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?			X	
l) Be tributary to environmentally sensitive areas (e.g., MSCP, RARE, Areas of Special Biological Significance, etc.)? If so, can it exacerbate already existing sensitive conditions?			X	
m) Have a potentially significant environmental impact on surface water quality, to either marine, fresh or wetland waters?			X	
<b>XI. LAND USE AND PLANNING. Would the project:</b>				
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating and environmental effect?			X	
<b>XII. MINERAL RESOURCES. Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X
<b>XIII. NOISE. Would the project result in:</b>				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
<b>XIV. POPULATION AND HOUSING. Would the project:</b>				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X
<b>XV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</b>				
a) Fire protection?		X		
b) Police protection?		X		
c) Schools?				X
d) Parks?			X	
e) Other public facilities?			X	
<b>XVI. RECREATION.</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?			X	
<b>XVII. TRANSPORTATION/TRAFFIC. Would the project:</b>				
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?		X		
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d) Result in inadequate emergency access?				X
<b>XVIII. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</b>				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?		X		
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		
<b>XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>				
a) Require or result in relocation or the construction of new or expanded water, wastewater treatment facilities, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zone, would the project:</b>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				<b>X</b>
b) Due to slope, prevailing wind, and other factors, exacerbate wildlife risk, and thereby expose project occupants to, pollutant concentrations from a wildlife or the uncontrolled spread of wildlife?				<b>X</b>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in the temporary or ongoing impacts to the environment?				<b>X</b>
d) Expose people or structures to significant risk, including downslope or downstream flooding or landslide, as a result of runoff, post-fire slope instability, or drainage changes?				<b>X</b>
<b>V. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		<b>X</b>		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)		<b>X</b>		
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		<b>X</b>		

## IV. ENVIRONMENTAL ANALYSIS

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

### I. AESTHETICS

#### ***a. Have a substantial adverse effect on a scenic vista? No Impact***

The project site is located within the Richmar Neighborhood in a developed portion of the City. The project site is bounded by E. Mission Road to the south, N. Twin Oaks Valley Road on the west, Richmar Avenue on the north and Twin Oaks Valley Creek to the east. Development in the project area includes a neighborhood commercial center and funeral home to the north, the post office, Richmar Park and multifamily residential to the northwest, and the San Marcos Senior Activity Center and San Marcos Fire Station No. 1 to the west. To the south, across E. Mission Road is the San Marcos Civic Center SPRINTER station and San Marcos Civic Center.

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

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

The project site is located approximately 0.4 mile north of State Route 78 (SR-78). A portion of SR-78 is recognized as a Scenic Highway by Caltrans; however, that portion is not in the project vicinity. The portion identified as a Scenic Highway is approximately 50 miles east of the project site near Anza Borrego (Caltrans 2020).

At a local level, SR-78 is designated by the City as a view corridor. The highway corridor provides views of the Merriam Mountains, Mount Whitney, and Double Peak. The project would not impact views to these peaks from SR-78 since there is intervening development between the project and SR-78. Development of the proposed project is not proposed on any area identified as a primary or secondary ridgeline in the City's Ridgeline Protection and Management Overlay Zone.

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

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

The project site is located in an urbanized portion of the City. Zoning in the project vicinity includes a mix of Specific Plan Area (SPA), Public-Institution (PI), Commercial (C), and Residential 3 (R-3-10). The project site has a zoning designation of Specific Plan Area (SPA) and no change in that designation is proposed as part of the project.

The project will not conflict with any regulations governing scenic quality. As discussed in I.a and I.b, above, the project site is not located in the Ridgeline Protection and Management Overlay Zone. Further, the project site does not include any primary or secondary ridgelines, as identified in Figure 4-5 of the Conservation and Open Space Element of the General Plan. Additionally, per the cultural resources report prepared for the project the project site does not support any historic buildings (ASM 2020). The site does not support any significant trees, rock outcroppings, or historic buildings as identified in or protected by the City's General Plan. In summary, the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Impacts would be less than significant.

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

The project site is currently vacant but located in a developed area of the City. The project proposes a 138-unit assisted living facility that incorporates exterior lighting for safety, security, and way findings. Proposed lighting would include cut-off light fixtures to direct light downward and avoid spillage onto adjacent properties. Development of the project would be required to comply with the City's lighting standards, and the location, type, and direction of the lighting would be reviewed during Improvement Plan review to ensure compliance.

Additionally, proposed exterior finishes (concrete tile roofing, cement fiber siding and trim, manufactured stone veneer, and exposed wood trusses) would not be characterized as glare inducing. See Figure 4 for proposed exterior elevations. Therefore, the project would not create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. Impacts would be less than significant.

## **II. AGRICULTURE AND FORESTRY RESOURCES**

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

The project site is not mapped as prime farmland, unique farmland, or farmland of statewide importance, as determined by the Farmland Mapping and Monitoring Program, as shown on Figure 4-4 (Agricultural Areas) in the San Marcos General Plan (San Marcos 2012). Therefore, the project would not result in the conversion of prime farmland, unique farmland, or farmland of statewide importance. No impact is identified.

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

The project site has a General Plan designation of Specific Plan Area (SPA) and a zoning designation of SPA (Specific Plan Area). The project site does not support zoning for an agricultural use.

The Williamson Act, also known as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The project site is not located within a Williamson Act contract area. Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract. No impact is identified.

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

The project site has a General Plan designation of Specific Plan Area (SPA) and a zoning designation of SPA (Specific Plan Area). A General Plan Amendment is proposed for the project to change the designation from Richmar Specific Plan to Heart of the City Specific Plan. The underlying "Commercial" designation remains the same. The General Plan Amendment will also remove the Richmar Bridge from the Mobility Element. Therefore, the proposed project is not located in an area that is zoned for forest land, timberland or for timber production. Implementation of the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. No impact is identified.

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

The project site does not support forests, nor is there any forest land adjacent to the project site. The project site is dominated by nonnative grassland with some riparian vegetation associated with Twin Oaks Valley Creek. Therefore, the proposed project would not result in the loss of forest land or the conversion of forest land to non-forest use. No impact is identified for this issue area.

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

The project site is located in a developed portion of the City. There is existing development to the north, west and south of the project. The eastern portion of the project site is adjacent to Twin Oaks Valley Creek and all riparian habitat is located outside of the development footprint for the project. The project area does not support any agricultural or forest land. Therefore, the project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. No impact is identified for this issue area.

### III. AIR QUALITY

An air quality report was prepared for the project by Ldn Consulting (LDN) (2020a) and is included as **Appendix B** of this document.

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

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

The project site has a General Plan designation of SPA (Specific Plan Area) and a zoning designation of Specific Plan Area (SPA). A General Plan Amendment is proposed to: 1) revise the land use map in the General Plan by changing the designation of the project site from Richmar Specific Plan to Heart of the City Specific Plan; and 2) to remove the Richmar Avenue bridge from the Mobility Element. An amendment to the Heart of the City Specific Plan is also proposed. This amendment is to remove the Richmar Specific Plan subarea designation from the property. The underlying "Commercial" designation will remain the same. The amendment includes an update to the land use tables to allow for an assisted living facility under the Commercial designation with approval of a Conditional Use Permit. No rezone is proposed.

The General Plan Amendment will not result in an increase in development intensity compared to what was already considered in the General Plan. The underlying designation within the Heart of the City Specific Plan was already commercial. Therefore, the project would be consistent with the development intensities identified in the General Plan, and thereby consistent with the SDAB air quality plans, including the RAQS and SIP. Furthermore, the project would comply with all applicable rules and regulations that have been adopted as part of the SIP. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan. Impacts would be less than significant.

#### **Criteria Pollutant Analysis**

Air quality emissions were calculated as part of the air quality study prepared by LDN (2020a). **Table 2** shows the state and federal attainment status for criteria pollutants in the SDAB. As shown, the SDAB is a nonattainment area for the state and federal O<sub>3</sub> standards and for the state PM<sub>10</sub> and PM<sub>2.5</sub> standards.

The SDAPCD establishes screening thresholds for air quality emissions through Rule 20.2. The screening thresholds are shown in **Table 3**. These criteria can be used as numeric indicators that demonstrate whether a project's emissions would result in a significant impact to air quality. Any project with daily construction- or operation-related emissions that exceed any of the following thresholds would be considered to have a significant air quality impact and modeling would be required to demonstrate that the project's total air quality impacts result in ground-level concentrations that are below State and



Federal Ambient Air Quality Standards, including appropriate background levels. For nonattainment pollutants (O<sub>3</sub>, with ozone precursors NO<sub>x</sub> and VOCs, and PM<sub>10</sub>), if emissions exceed the thresholds shown below, the project could have the potential to result in a cumulatively considerable net increase in these pollutants.

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

Pollutant	Federal	State
Ozone (8-Hour)	Nonattainment	Nonattainment
Ozone (1-Hour)	Attainment <sup>(1)</sup>	Nonattainment
Carbon Monoxide (CO)	Attainment	Attainment
Particulate Matter–10 microns (PM <sub>10</sub> )	Unclassified <sup>(2)</sup>	Nonattainment
Particulate Matter–2.5 microns (PM <sub>2.5</sub> )	Attainment	Nonattainment
Nitrogen Dioxide (NO <sub>2</sub> )	Attainment	Attainment
Sulfur Dioxide (SO <sub>2</sub> )	Attainment	Attainment
Lead	Attainment	Attainment
Sulfates	No Federal Standard	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Visibility	No Federal Standard	Unclassified

Source: SDAPCD, 2018.

Notes:

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

**Table 3. Screening-Level Thresholds for Criteria Pollutants**

Pollutant	Total Emissions (lbs per day)
<b>Construction Emissions</b>	
Respirable Particulate Matter (PM <sub>10</sub> )	100
Fine Particulate Matter (PM <sub>2.5</sub> )	55
Nitrogen Oxide (NO <sub>x</sub> )	250
Sulfur Oxide (SO <sub>x</sub> )	250
Carbon Monoxide (CO)	550
Volatile Organic Compounds (VOCs)	75
Reactive Organic Gases (ROG) SCAQMD	75
<b>Operational Emissions</b>	
Respirable Particulate Matter (PM <sub>10</sub> )	100
Fine Particulate Matter (PM <sub>2.5</sub> )	55
Nitrogen Oxide (NO <sub>x</sub> )	250
Sulfur Oxide (SO <sub>x</sub> )	250
Carbon Monoxide (CO)	550

Lead and Lead Compounds	3.2
Volatile Organic Compounds (VOC)	75
Reactive Organic Gases (ROG) SCAQMD	75

### Construction Emissions

Construction-related emissions for the project would include emissions from site grading, preparation, and paving. Based upon information from the project applicant, the project requires 4,474 cubic yards (cy) of cut and 18,443 cy of fill, for a net import of 13,969 cy. This additional material is required to raise the site above base flood elevations.

The project would start grading sometime in 2020 and construction would be completed in approximately eight months. Consistent with SDAPCD's fugitive dust rules/fugitive dust control measures outlined in Section 87.426 of the City's Grading Ordinance, the project would implement fugitive dust control measures during grading, which would include watering the site a minimum of twice daily to control dust, as well as reducing speeds on unpaved surfaces to 15 miles per hour (mph) or less, replacing ground cover in disturbed areas quickly, and reducing dust during loading/unloading of dirt and other materials. The project would also require that all heavy diesel construction equipment be rated Tier IV or better. These requirements have been identified as project design features for the project in Table 1.

Anticipated equipment for project construction includes graders, rubber-tired dozers, excavators, tractors/loaders/backhoes, pavers, rollers, cranes, forklifts, generator sets, welders, and air compressors. Hauling trucks for the import of grading material will also be required. See Table 3.1 of the air quality report (Appendix B of this report) for a more detailed breakdown of construction equipment quantities and anticipated duration of use.

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

**Table 4. Construction Emissions (lbs/day)**

Year	ROG	NOx	CO	SO <sub>2</sub>	PM <sub>10</sub> (Total)	PM <sub>2.5</sub> (Total)
2021	1.12	22.36	26.31	0.10	19.67	10.42
2022	29.27	4.46	23.02	0.05	1.23	0.34
Screening Level Thresholds (lbs/day)	75	250	550	250	100	55
<b>Significant Impact?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: Ldn Consulting, 2020a.

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

### Operational Emissions

The expected operational emissions were calculated using CALEEMOD 2016.3.2 and the results are presented in **Table 5**. As shown in Table 5, anticipated daily emission in both the summer scenario and

the winter scenario are well below the screening thresholds. Therefore, operational emissions would be less than significant.

**Table 5. Daily Pollutant Generation (lbs/day)**

	ROG	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Summer Scenario</b>						
Area Source Emission Estimates Mitigated (lbs/day)	3.78	0.13	11.40	0.00	0.06	0.06
Energy Emission Estimates Mitigated (lbs/day)	0.03	0.26	0.11	0.00	0.02	0.02
Mobile Emission Estimates Mitigated (lbs/day)	0.53	2.14	5.89	0.02	1.79	0.49
<b>Total (lbs/day)</b>	<b>4.35</b>	<b>2.53</b>	<b>17.41</b>	<b>0.02</b>	<b>1.87</b>	<b>0.57</b>
Screening Level Thresholds	75	250	550	250	100	55
Significant?	No	No	No	No	No	No
<b>Winter Scenario</b>						
Area Source Emission Estimates (lbs/day)	3.78	0.13	11.40	0.00	0.06	0.06
Energy Emission Estimates (lbs/day)	0.03	0.26	0.11	0.00	0.02	0.02
Mobile Emission Estimates (lbs/day)	0.52	2.19	5.83	0.02	1.79	0.49
<b>Total (lbs/day)</b>	<b>4.33</b>	<b>2.58</b>	<b>17.34</b>	<b>0.02</b>	<b>1.87</b>	<b>0.57</b>
Screening Level Thresholds	75	250	550	250	100	55
Significant?	No	No	No	No	No	No

Source: Ldn Consulting, 2020a.

Note: Daily pollutant generation assumes trip distances within CalEEMod.

***b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? Less Than Significant Impact***

The project would generate air emissions during project construction and operation. As identified above, the SDAB is a nonattainment area for state and federal O<sub>3</sub> standards and for state PM<sub>10</sub> and PM<sub>2.5</sub> standards. Evaluating whether the project could result in a cumulatively considerable impact on air quality relies on both the project's consistency with the RAQS and the SIP, which address attainment of the O<sub>3</sub> standards, and the potential for the project to result in a cumulatively considerable impact due to particulate emissions.

As part of the RAQS and SIP planning process, the SDAPCD develops an emission inventory, based on projections from SANDAG, of growth in the region as well as on information maintained by the SDAPCD on stationary source emissions within the SDAB. The SDAPCD then uses the emission inventory to conduct airshed modeling, to demonstrate that the SDAB will attain and maintain the O<sub>3</sub> standards. Provided a project's emissions are consistent with the projections within the RAQS and SIP, the project would not result in a cumulatively considerable impact on O<sub>3</sub> within the SDAB.

With regard to emissions of O<sub>3</sub> precursors NO<sub>x</sub> and VOCs during construction, the SIP includes emissions associated with construction in its emissions budget and therefore within its attainment demonstration. As identified above, the O<sub>3</sub> precursor emissions associated with project construction are well below the screening level thresholds. Therefore, the project would not result in additional emissions of O<sub>3</sub> precursors above those projected in the attainment demonstration for O<sub>3</sub>. The project would therefore not result in a cumulatively considerable impact to O<sub>3</sub> levels within the SDAB. In summary, the project would not result in a cumulatively considerable net increase of O<sub>3</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub> standards, for which the project region is non-attainment.

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

Sensitive receptors are defined as schools, hospitals, resident care facilities, and day-care centers, as well as residential receptors. The AERSCREEN dispersion model was used to determine the concentration for air pollutants at any location near the pollutant generator. Additionally, the model will predict the maximum exposure distance and concentrations. The AERSCREEN input/output file for the project is shown in Attachment B of the air quality report (Appendix B of this document). The worst-case exhaust emissions generated from the project from construction equipment was utilized and calculated within the CalEEMod model.

The Office of Environmental Health Hazards Assessment (OEHHA) recommends that an exposure duration (residency time) of 30 years be used to estimate individual cancer risk for the Maximally Exposed Individual Resident (MEIR). OEHHA also recommends that the 30-year exposure duration be used as the basis for public notification and risk reduction audits and plans.

Exposure durations of 9-years and 70-years are also recommended to be evaluated for the MEIR to show the range of cancer risk based on residency periods. If a facility is notifying the public regarding cancer risk, the 9-and 70-year cancer risk estimates are useful for people who have resided in their current residence for periods shorter and longer than 30 years. Cancer risk calculations are provided as Attachment C to the air quality report (Appendix B of this document).

Non-Cancer risks or risks defined as chronic or acute are also known with respect to diesel particulate matter and are determined by the hazard index. To calculate hazard index, diesel particulate matter concentration is divided by its Reference Exposure Levels (REL). Where the total equals or exceeds one, a health hazard is presumed to exist. RELs are published by the Office of Environmental Health Hazard Assessment (OEHHA, 2014). Diesel Exhaust has a REL of 5 µg/m<sup>3</sup> and targets the respiratory system.

Based upon the air quality modeling and assuming Tier 4 equipment with diesel particulate filters as a design feature to the proposed project, worst-case onsite PM<sub>10</sub> from onsite construction exhaust would cumulatively produce 0.00085 tons over the construction duration (273-working days) or an average of 0.000099 grams/second.

Utilizing the AERSCREEN dispersion model, the air quality analysis determined the peak maximum 1-hr concentration is 0.23 µg/m<sup>3</sup> during the worst-case construction period. Converting the peak 1-hr concentration to an annual concentration by multiplying it by 0.08 (US EPA, 1992) yields an annual concentration of 0.0184 µg/m<sup>3</sup>, which translates to a worst case inhalation cancer risk of 2.51 per million exposed at 50 meters from the geometric centroid of the project. The construction scenario analyzed would be considered less than significant under CEQA and would be in compliance with the City's thresholds. Since the project's diesel exhaust emissions are less than the Non-Cancer REL of 5 µg/m<sup>3</sup>, non-cancer risks both acute and chronic would be less than significant.

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

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

Potential onsite odor generators would include short-term construction odors from activities such as paving and possibly painting. Given this, short-term construction odors would not be considered an impact. Also, since the project is an assisted living residential development, no operational odor sources are expected.

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

#### **IV. BIOLOGICAL RESOURCES**

A Biological Resources Technical Report was prepared for the proposed project by Rocks Biological Consulting (RBC) and is included as **Appendix C** of this report. The biology report included an on-site resources assessment, analyzed potential impacts on biological resources, analyzed the project's consistency with CEQA, the Multiple Habitat Conservation Program (MHCP) and the draft San Marcos Subarea Plan, and included a database query, literature review, and field survey.

RBC biologist Brenda Bennett and regulatory specialist Sarah Krejca conducted a field survey on July 18, 2019. The field survey focused on a number of objectives to comply with CEQA requirements, including general biological surveys and vegetation mapping; habitat assessments for special-status species; and a reconnaissance-level aquatic resource assessment of potential local, state, and/or federal jurisdictional wetland and/or waters of the U.S./State.

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

##### **Vegetation Communities**

The majority of the project site supports non-native grassland and ruderal/weedy vegetation. The eastern portion of the site, though, supports native habitats including southern riparian woodland, with small amounts of southern willow scrub, southern mixed chaparral, and Diegan coastal sage scrub scattered on the eastern side of the site. A discussion of each of these vegetation communities is presented below. **Figure 5** shows the distribution of each vegetation type.

##### **Developed**

Developed lands within the project site support no native vegetation and are comprised of paved and dirt roads, and bare ground. There are 0.33 acre of developed lands on the project site. Developed lands are found on the western portion of the site.

### **Diegan Coastal Sage Scrub**

Diegan coastal sage scrub habitat occurs in the northeastern corner of the project site and is dominated by California buckwheat (*Eriogonum fasciculatum*). This vegetation community is a form of coastal sage scrub comprised of low, soft-woody subshrubs to about one meter (three feet) high, many of which are facultatively drought-deciduous. There are 0.21 acre of Diegan coastal sage scrub on the project site.

### **Diegan Coastal Sage Scrub - Baccharis Dominated**

Diegan coastal sage scrub – *Baccharis* dominated habitat (0.04 acre) occurs in the northern portion of the project site and contains coyote brush (*Baccharis pilularis*) and broom baccharis (*B. sarothroides*). This vegetation community is a form of Diegan coastal sage scrub comprised of low, soft-woody subshrubs to about one meter high, containing more than 50% cover of one or more *Baccharis* species.

### **Disturbed**

Disturbed lands within the project site (0.12 acre) support bare ground or sparse non-native plant species that have been established through human disturbance. Disturbed lands on the project site consist of a human-disturbed area at the northern end of the project site.

### **Eucalyptus Woodland**

Eucalyptus woodland habitat within the project site (0.02 acre) occurs at the northern project boundary and supports groves of eucalyptus trees (*Eucalyptus* spp.) within Twin Oaks Valley Creek. Eucalyptus woodlands typically support a minimal understory and provide suitable nesting habitat for raptor species

### **Non-Native Grassland**

Non-native grassland supports greater than 50 percent cover of non-native grasses. Non-native grassland vegetation within the project site (0.97 acre) largely occurs in the middle of the site and consists of red brome (*Bromus rubens*), rat-tail fescue (*Festuca myuros*), and doveweed (*Croton setiger*).

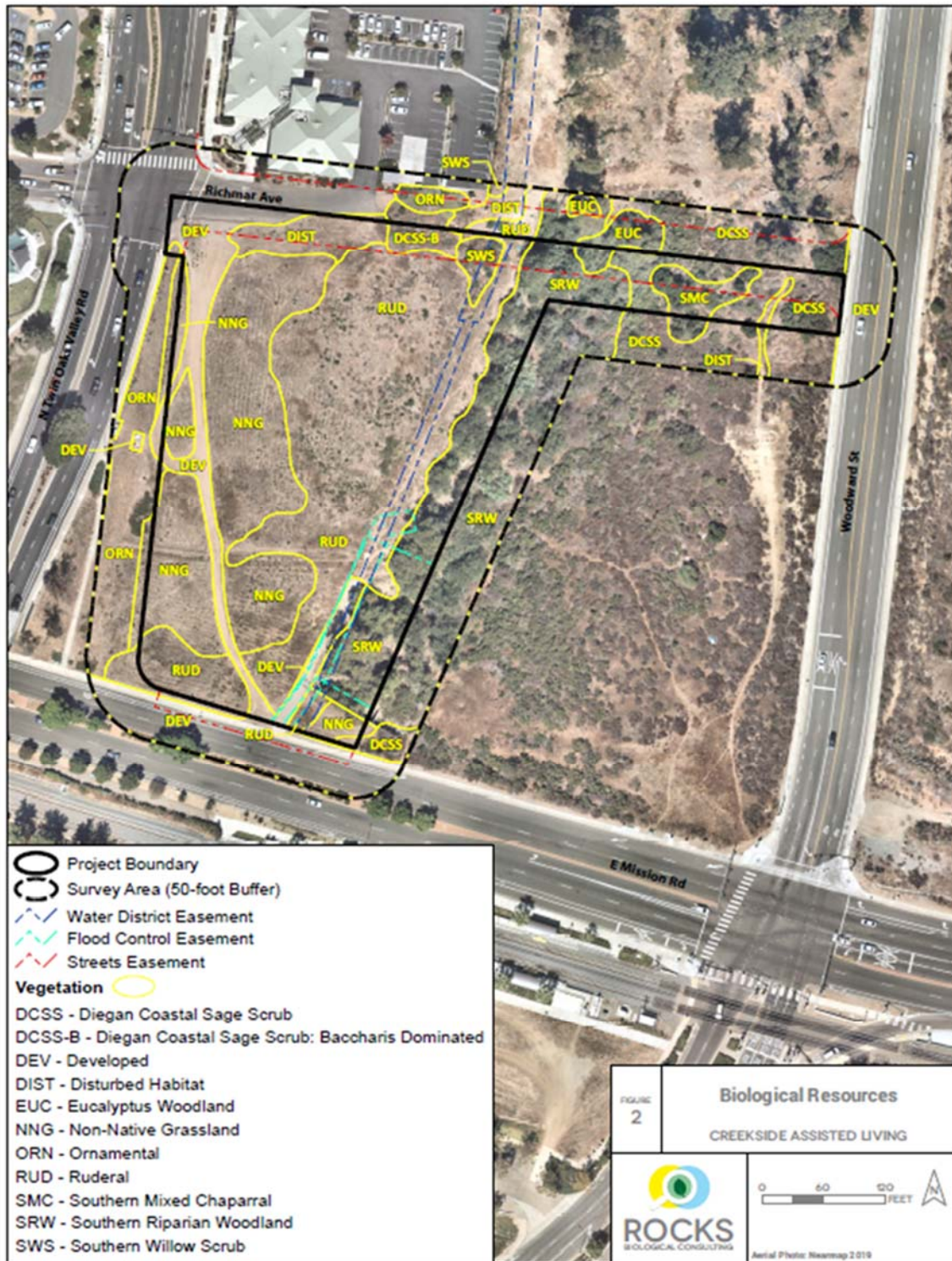
### **Ornamental**

Ornamental plantings are comprised of exotic trees and other ornamental vegetation that are maintained or artificially irrigated. The ornamental area within the project site (0.01 acre) includes hottentot-fig (*Carpobrotus edulis*), and shamel ash (*Fraxinus uhdei*).

### **Ruderal**

Ruderal areas support vegetation capable of tolerating some form of disturbance. This disturbed community within the project site is dominated by broad-leaf herbaceous species with a less than 50 percent cover of non-native grasses. Ruderal habitat occurs in the center of the project site (1.44 acres) and primarily consists of short pod mustard (*Hirschfeldia incana*).

Figure 5. Biological Resources on the Project Site



Source: Rocks Biological, 2020.

### Southern Mixed Chaparral

Southern mixed chaparral is comprised of broad-leaved sclerophyllus shrubs 1.5-3 meters tall. Patches of bare soil are often scattered throughout chaparral habitats. Southern mixed chaparral within the project site (0.07 acre) is dominated by lemonade berry (*Rhus integrifolia*) and spiny redberry (*Rhamnus crocea*).

### Southern Riparian Woodland

Southern riparian woodland is comprised of moderately dense stands of small trees or shrubs with scattered, taller riparian trees. Characteristic species include cottonwood (*Populus spp.*), sycamore (*Platanus spp.*), and willow (*Salix spp.*). Southern riparian woodland within the project site (0.53 acre) is dominated by black willow (*Salix gooddingii*) and arroyo willow (*Salix lasiolepis*).

### Southern Willow Scrub

Southern willow scrub is comprised of dense, broadleaf, winter-deciduous riparian thickets dominated by willow species (*Salix spp.*) and are often too dense to allow significant understory development. Southern willow scrub within the project site (0.04 acre) is dominated by arroyo willow (*Salix lasiolepis*) and mulefat (*Baccharis salicifolia*).

### Vegetation Communities Impact Analysis

Development of the project would result in the removal of vegetation through project grading activities to prepare the site for development. The project impact footprint includes all aspects of the project. No ongoing fuel management will be required, so no impacts associated with fire fuel modification will be required. As a condition of project approval, the area associated with the riparian/creek habitat will be placed within a non-buildable easement prior to issuance of a grading permit.

Implementation of the project would result in a direct impact to six vegetation communities/land uses as outlined in **Table 6** and **Figure 6**. The project would not result in a direct impact to any Diegan coastal sage scrub, eucalyptus woodland, southern mixed chaparral, southern riparian woodland, or southern willow scrub.

The project would impact developed, disturbed, ruderal and ornamental vegetation communities/land uses. All of these occur outside of draft San Marcos MHCP Subarea Plan designated Focused Planning Areas and these impacts would not be significant.

Impacts to 0.06 acre of Diegan Coastal Sage Scrub – *Baccharis* dominated and 0.94 acre of non-native grassland would be a significant impact (**Impact BIO-1a and Impact BIO-1b**) and would require mitigation. These impact areas are located outside of the Focused Planning Area (FPA) of the City' Draft Subarea Plan for the MHCP.

Implementation of mitigation measures MM-BIO-1a and MM-BIO-1b, as detailed below would reduce the impacts to below a level of significance.

- |                  |   |
|------------------|---|
| <b>MM-BIO-1a</b> | Impact to 0.06 acre of Diegan coastal sage scrub- <i>Baccharis</i> dominated would be mitigated at a 1:1 ratio for a total of 0.06 acre of mitigation. Mitigation would occur through the purchase of land off site for mitigation or the purchase of mitigation bank credits. Proof of mitigation land purchase or mitigation bank credit purchase shall be presented prior to issuance of a grading permit. |
|------------------|---|



**MM-BIO-1b** Impact to 0.94 acre of non-native grassland would be mitigated at a 0.5:1 ratio for a total of 0.47 acre of mitigation. Mitigation would occur through the purchase of land off site for mitigation or the purchase of mitigation bank credits. Proof of mitigation land purchase or mitigation bank credit purchase shall be presented prior to issuance of a grading permit.

**Table 6. Potential Project Impacts on and Avoidance of Vegetation Communities/Land Uses**

<b>Vegetation Community/Land Use</b>	<b>Project Impacts (Acres)<sup>(1)</sup></b>	<b>Remaining/ Non-Impacted (Acres)<sup>(1)</sup></b>
Developed	0.36	0.00
Diegan Coastal Sage Scrub	0.00	0.21
Diegan Coastal Sage Scrub – <i>Baccharis</i> Dominated	0.06	0.00
Disturbed	0.12	0.00
Eucalyptus Woodland	0.00	0.02
Non-Native Grassland	0.94	0.03
Ornamental	0.01	0.00
Ruderal	1.31	0.14
Southern Mixed Chaparral	0.00	0.07
Southern Riparian Woodland	0.00	0.53
Southern Willow Scrub	0.00	0.04
<b>Total</b>	<b>2.80</b>	<b>1.04</b>

Source: Rocks Biological Consulting, 2020.

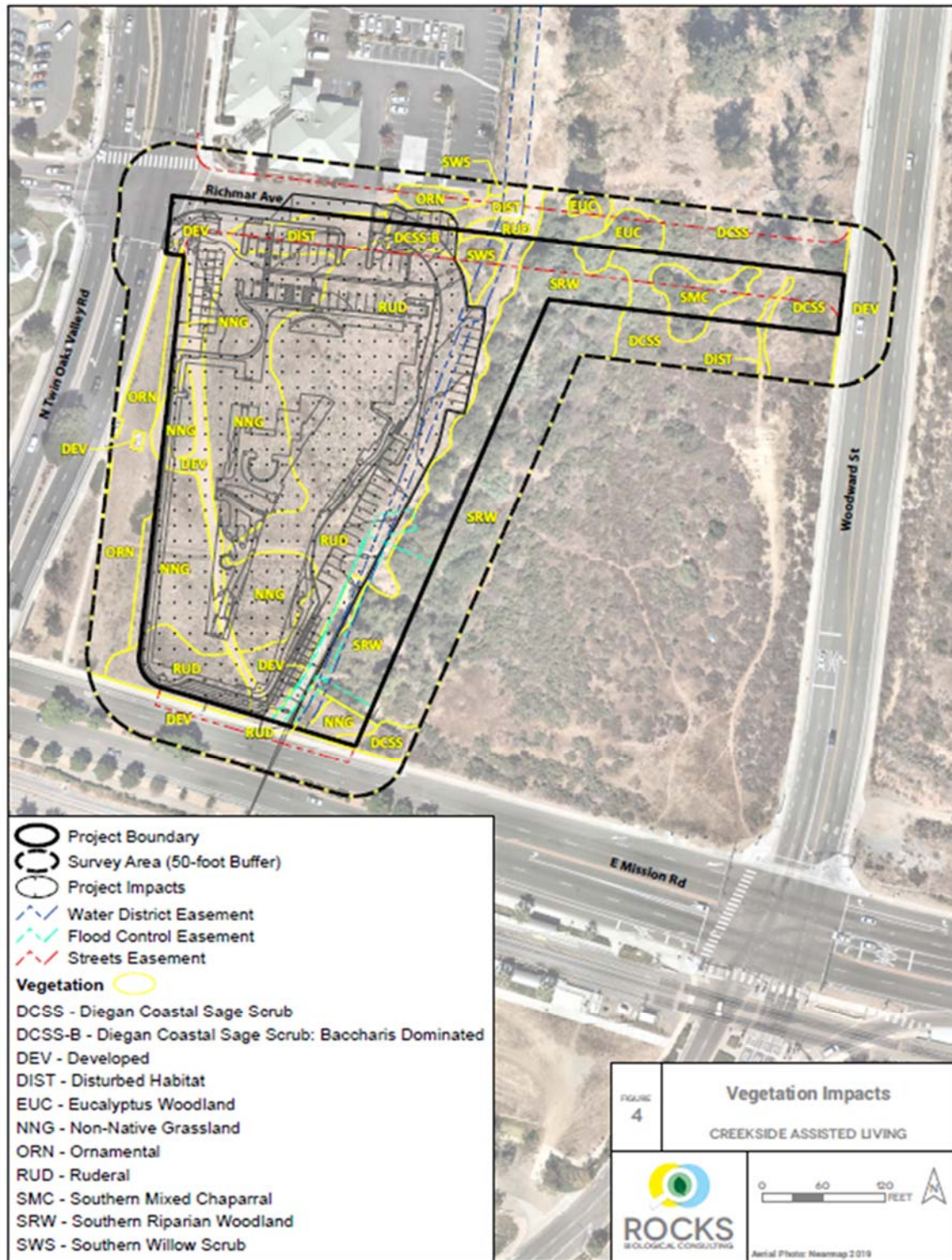
Notes: (1) Acreages rounded to the hundredths based on raw numbers provided during GIS analysis of the project.

### Special-Status Plants

The California Natural Diversity Database (CNDDB) results identify a historical occurrence of one special-status plant species in the immediate project area, spreading navarretia (*Navarretia fossalis*; federally threatened, CRPR 1B.1). Historical occurrences for three additional special-status plant species, Parry's tetracoccus (*Tetracoccus dioicus*; CRPR 1B.2), San Diego button-celery (*Eryngium aristulatum* var. *parishii*; federally endangered, state endangered, CRPR 1B.1), and southern tarplant (*Centromadia parryi* ssp. *australis*; CRPR 1B.1), are identified within one mile of the project site. However, based on lack of suitable vernal pool habitat and historical site disturbance, these special-status plant species do not have a moderate or high potential to occur on the project site.

Plant species observed during the field survey are presented in Appendix C of this document, and an assessment of special-status plant species to occur on-site is provided in Appendix C of this document. No special-status plant species were observed on the project site during the field survey and none have a moderate or high potential to occur on the project site due to historical disturbance and lack of suitable habitat. Therefore, the project would not have an impact on special-status plant species.

Figure 6. Vegetation Impacts



Source: Rocks Biological 2020

## **Special- Status Wildlife**

Two state and federally-listed species, least Bell's vireo (*Vireo bellii pusillus*) and coastal California gnatcatcher (*Polioptila californica californica*) have a moderate potential to occur on-site. No special status wildlife species were observed during the field study. Wildlife species observed during the field survey are presented in Appendix C of this document and an assessment of special-status wildlife species' potential to occur on the project site is provided as Appendix C of this document.

### ***Coastal California Gnatcatcher***

The coastal California gnatcatcher is federally listed as threatened and is considered a California Species of Special Concern. This species is a year-round resident of southern California and is found in the six southernmost California counties located within the coastal plain (San Bernardino, Ventura, Los Angeles, Orange, San Diego, and Riverside).

Suitable habitat for the coastal California gnatcatcher occurs in the eastern portion of the site, east of the creek within the property limits extending to Woodward Street. Within the proposed project development area, this habitat is limited to one very small patch (0.06 acre) of Diegan coastal sage scrub – *Baccharis* dominated. Coastal California gnatcatcher has a moderate potential for occurrence within the Diegan coastal sage scrub habitat on the eastern portion of the site, where considerable on-site habitat occurs and is connected to larger adjacent suitable habitats; however, gnatcatcher has low probability to occur within the proposed western project impact area, as the majority of the impact area is nonnative grassland or disturbed and only a very small patch (0.06 acre) of *Baccharis* dominated coastal sage scrub occur.

### ***Least Bell's Vireo***

The least Bell's vireo is federally and state-listed as endangered. Historically, this species was a common summer visitor to riparian habitat throughout much of California. The species is now found only in riparian woodlands in southern California, with the majority of breeding pairs in San Diego, Santa Barbara, and Riverside Counties. Least Bell's vireo is a migratory species and typically arrives in southern California in late March or early April and leaves for its wintering ground in September.

Least Bell's vireo has been historically documented within San Marcos Creek in the vicinity of the project. Additionally, the site supports riparian habitats that, though somewhat disturbed, support a willow component and have potential to support the least Bell's vireo. According to CNDDB records and reports, four males were observed in the area in 1997, one pair and one single male were observed in 2006, and two pair and three un-paired individuals were observed in 2008. Least Bell's vireo has a moderate to high potential for occurrence within riparian habitats on site.

Impacts on riparian habitats that may be inhabited by least Bell's vireo are not proposed as part of the project. However, development of parking areas is proposed in very close proximity to potential habitat for this species, and if project boundaries are not strictly adhered to during construction, impacts on these habitats could occur and are potentially significant. Additionally, due to the close proximity of development to riparian woodland, potential noise impacts on this species could occur during project construction. Such impacts are potentially significant (**Impact BIO-2**), and mitigation will be required to reduce the impact to below a level of significance.

**MM-BIO-2** No construction activities shall result in noise levels exceeding 60 dB(A) hourly average from March 15 through August 15 within occupied least Bell's vireo habitat (as determined by a qualified avian biologist based on USFWS protocol surveys). An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with ESA-listed animal species) at least two weeks prior to commencement of construction activities. Prior to the commencement of construction activities during the least Bell's vireo breeding season (March 15 – August 15), areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist.

**OR**

At least two weeks prior to the commencement of construction activities that occur between March 15 – August 15, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that construction noise levels will not exceed 60 dB(A) hourly average at the edge of potentially occupied least Bell's vireo habitat (as determined by a USFWS-permitted biologist based on USFWS protocol surveys). Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of suitable least Bell's vireo habitat to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques are determined to be inadequate by the qualified acoustician or biologist, then construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of breeding season (August 16). Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of suitable habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the wildlife agencies, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

**Nesting Birds and Bird Protected Under the Migratory Bird Treaty Act**

The project site has the potential to impact active bird nests protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code if vegetation is removed or ground disturbing activities occur during the nesting season (February 1 to September 15). This represents a significant impact (**Impact BIO-3**), and mitigation is required. Implementation of mitigation measures MM-BIO-3, which is detailed below, would reduce this impact to below a level of significance.

**MM-BIO-3** To avoid direct impacts to raptors and/or native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, a qualified biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds in the proposed area of disturbance. The pre-construction (precon) survey shall be conducted within ten (10) calendar days prior to the start of construction

activities (including removal of vegetation). If nesting birds are observed, a letter report or mitigation plan in conformance with applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the California Department of Fish and Wildlife and/or the United States Fish and Wildlife Service as applicable for review and approval and implemented to the satisfaction of those agencies. The project biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the precon survey, no further mitigation is required.

As discussed above, the project will impact non-native grassland onsite that is likely to provide minor avian foraging habitat; however, this area is relatively small and is not expected to be a significant loss of foraging habitat or a significant foraging impact. The loss of non-native grassland will be mitigated through implementation of MM-BIO-1b.

### **Site Monitoring and Adjacent Impacts**

Since construction activities will occur in close proximity to suitable special-status species habitat and potential aquatic resource areas, there is a potential for inadvertent impact to these habitats. This represents a potentially significant impact (**Impact BIO-4**), and mitigation is required. Implementation of the following mitigation measures (MM-BIO-4), which will be required as a condition of project approval, will reduce this potential impact to below a level of significance.

**MM-BIO-4** A biologist shall be contracted to perform regular random checks (at minimum once a month) to ensure implementation of the following monitoring requirements and BMPs. Monitoring reports and a post-construction monitoring report will be prepared to document compliance with these requirements.

- To prevent inadvertent disturbance to areas outside the limits of work, the construction limits shall be clearly demarcated (e.g., installation of flagging or temporary visibility construction fence) prior to ground disturbance activities and all construction activities, including equipment staging and maintenance shall be conducted within the marked disturbance limits. The work limit delineation will be maintained throughout project construction and workers will be instructed to avoid the sensitive habitats and marked areas.
- Biologist will flush special-status species (i.e., avian or other mobile species) from suitable habitat areas to the maximum extent practicable immediately prior to initial vegetation removal activities.
- Construction vehicles shall not exceed 15 miles per hour on unpaved roads adjacent to project site or the right-of-way accessing the site.
- If trash and debris need to be stored overnight during the maintenance activities, fully covered trash receptacles that are animal-proof and weather-proof will be used by the maintenance contractor to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Alternatively, standard trash receptacles may be used during the day, but must be removed each night.

- Cut vegetation or other trash and debris shall not be placed or stored in or directly adjacent to potentially jurisdictional aquatic resources (including riparian habitat). Such materials shall be stored, if necessary, where it cannot be washed by rainfall or runoff into the potentially jurisdictional areas. When maintenance activities are completed, any excess materials or debris will be removed from the project site.
- Temporary structures and storage of construction materials will not be located in potentially jurisdictional aquatic resource areas, including riparian habitat.
- Staging/storage areas for construction equipment and materials will not be located in potentially jurisdictional aquatic resource areas, including riparian habitat.
- The operator will not permit pets on or adjacent to the construction site.
- Spoil sites will not be located within 30 feet from the boundaries of jurisdictional waters or in locations that may be subject to high storm flows, where spoils might be washed back into drainages.
- Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil, or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources, resulting from project-related activities, will be prevented from contaminating the soil and/or entering avoided jurisdictional waters.
- No equipment maintenance will occur within 100 feet of jurisdictional waters and no petroleum products or other pollutants from the equipment will be allowed to enter these areas or enter any off-site state-jurisdictional waters under any flow.

### Indirect Impacts

In the context of biological and aquatic resources, indirect impacts are those effects associated with development activities. Examples of indirect effects include water quality impacts from site drainage into adjacent open space/downstream aquatic resources; lighting effects; noise effects; invasive plant species from landscaping; and effects from human access into adjacent open space, such as recreational activities (including off-road vehicles and hiking), pets, dumping, etc.

Temporary, indirect effects may also occur as a result of construction-related activities. The project is adjacent to already developed or disturbed areas and will comply with stormwater regulations, the project will not result in significant indirect stormwater impacts. Project lighting will be screened and shielded to minimize spillover into sensitive habitat areas. The project has been designed to place the higher intensity uses of the facility away from the sensitive habitat areas. The limited amount of parking that is proposed along the eastern side of the project development area are access controlled and will be for employees, thus limiting the amount of turnover and activity in the parking space in comparison to visitor and delivery parking, which is located in the northwest and north portion of the site. The project does have the potential for adverse impacts on adjacent riparian habitats through the introduction of non-native invasive plant species through site landscaping. Impacts are potentially significant (**Impact BIO-5**), and mitigation is required to reduce potential indirect impacts to below a level of significance.

**MM-BIO-5** To avoid indirect impacts on adjacent sensitive habitats, final landscape plans will be reviewed by a qualified biologist to ensure that no invasive plant materials are included in planting plans.

***b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? Less than Significant Impact with Mitigation***

As analyzed in Section IV.a, above, the project would impact developed, ruderal and ornamental vegetation communities/land uses. All of these occur outside of draft San Marcos MHCP Subarea Plan designated Focused Planning Areas and the impact would not be significant. No impacts will occur to riparian habitat.

Impacts to 0.06 acre of Diegan Coastal Sage Scrub – *Baccharis* dominated and 0.94 acre of non-native grassland would be significant impact and would require mitigation. Implementation of mitigation measures MM-BIO-1a and MM-BIO-1b, as detailed above, would reduce these impacts to below a level of significance.

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

The project site supports areas that will likely be considered jurisdictional aquatic resources by the United States Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW). Specifically, Twin Oaks Valley Creek which flows from north to south along the eastern project boundary and within the northern portion of the project site.

Twin Oaks Valley Creek is a waterway that likely flows year-round. While a formal aquatic resources delineation has not been conducted on-site, the anticipated extent of the potentially jurisdictional area is indicated as southern riparian woodland on Figure 5 and may also include the areas mapped as southern willow scrub.

Under the proposed project design, impacts are not proposed within the potentially jurisdictional areas. As a condition of project approval, the area associated with the riparian/creek habitat will be placed within a non-buildable easement prior to issuance of a grading permit. A small utility access road occurs immediately upslope of Twin Oaks Valley Creek; this pathway comes off E. Mission Road and extends approximately 165 feet north, onto the project site. This area is a paved roadway; however, a small portion of the southern riparian canopy extends over the end of the roadway. If impacts on the canopy were to occur, consultation with the agencies would be necessary and permits may be required. For alterations to the existing developed roadway that do not impact riparian trees, impacts on jurisdictional resources are not anticipated.

Based on proposed project impacts and a reconnaissance-level aquatic resource assessment of the site, the project will not impact aquatic resources and associated riparian habitat that could potentially be determined as jurisdictional by the USACE, RWQCB, and/or CDFW. Impacts are less than significant.

It should be noted that if the project design changes or impacts to jurisdictional areas were to occur, coordination with and permitting through the USACE, RWQCB, and CDFW would be required if impacts on any jurisdictional aquatic resources, including associated riparian vegetation occur. Furthermore, a formal aquatic resources delineation survey and report would be required by the agencies should permitting be required for the project and/or to confirm the presence/absence and extent of the on-site jurisdictional resources. The project applicant would be responsible for acquiring the necessary



authorizations required by the USACE, RWQCB, and CDFW and associated compensatory requirements, if applicable. Under this scenario, additional CEQA review would be required.

### **Wetland Buffers**

The project is proposed in close proximity to potentially jurisdictional resources. Twin Oaks Valley Creek is highly constrained through the project area and undergrounded immediately south of the site, but still serves as a wildlife habitat and a minor wildlife corridor, primarily for aquatic and avian species. As an inland area, the creek area near the proposed project does not provide ocean wave action shielding or erosive waves, but the area does provide some value in storm and flood water storage and retention. On-site aquatic resources do not likely significantly contribute to ground water recharge, though may have some contribution in this area. The creek provides important water filtration for area runoff and provides a narrow band of undeveloped land through a highly developed region and thus serves as a wildlife refuge.

The proposed project would occur within previously disturbed land and would be located in similar proximity to the creek as adjacent development. Immediately north of the site, development occurs with a very similar buffer to the creek as the proposed development. Additionally, development further north is also situated very near the creek for approximately 3,000 feet along Twin Oaks Valley Road. At that point, no development occurs along Twin Oak Valley Road, but residential development occurs in close proximity to the creek on the east side of the channel for another approximately 1,500 feet. As such, the proposed buffer would be similar as what occurs along the channel in nearby areas. and within previously disturbed areas; as such would not significantly degrade existing wetland functions and values, including important water quality and wildlife movement functions. Additionally, the developed areas nearest the creek would be parking areas, which would have lower impact than buildings, and the development would have a project-specific stormwater management plan to avoid toxins or other pollutant runoff into the creek area.

Given that the project would not directly impact riparian vegetation, the channel is underground immediately south of the site, and the project wetland buffer would be similar to that which occurs for approximately 4,000 to 5,000 feet north of the site, the project is not anticipated to significantly degrade wetland functions and values, including important water quality and wildlife movement functions. Additionally, the developed areas nearest the creek would be parking and are expected to have less adjacency impacts compared to buildings or other development. Additionally, the development would have a project-specific stormwater management plan to avoid toxins or other pollutant runoff into the creek area. Direct impacts would be less than significant.

As discussed in Section IV.c, the project does have the potential for adverse impacts on adjacent riparian habitats through the introduction of non-native invasive plant species through site landscaping. Additionally, inadvertent construction activities could impact sensitive riparian areas that support aquatic resources. Implementation of mitigation measures MM-BIO-4 and MM-BIO-5 would reduce these impacts to below a level of significance.

***d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Less Than Significant Impact.***

A wildlife corridor can be defined as a physical feature that links wildlife habitat, often consisting of native vegetation that joins two or more larger areas of similar wildlife habitat. Corridors enable migration, colonization, and genetic diversity through interbreeding and are therefore critical for the movement of



animals and the continuation of viable populations. Corridors can consist of large, linear stretches of connected habitat (such as riparian vegetation) or as a sequence of steppingstones across the landscape (discontinuous areas of habitat such as wetlands and ornamental vegetation), or corridors can be larger habitat areas with known or likely importance to local fauna.

Regional corridors are defined as those linking two or more large patches of habitat, and local corridors are defined as those allowing resident animals to access critical resources (food, cover, and water) in a smaller area that might otherwise be isolated by urban development. A viable wildlife migration corridor consists of more than an unobstructed path between habitat areas. Appropriate vegetation communities must be present to provide food and cover for both transient species and resident populations of less mobile animals. There must also be a sufficient lack of stressors and threats within and adjacent to the corridor for species to use it successfully.

The project area occurs at the southern extent of a wildlife corridor identified in the City's General Plan (See Figure 4-2; City 2012). The corridor, with the creek, ends at Mission Road and does not connect to any open space areas to the south. Because the project would not remove any riparian habitat, occurs is at the end of this local movement corridor, and is consistent with other development regarding proximity to the creek, the development is not expected to substantially alter wildlife corridor usage. Impacts on wildlife movement and corridors would be less than significant and no mitigation is required.

***e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Less than Significant Impact***

Most of the site occurs outside lands designated as FPAs in the City's Draft MHCP Subarea Plan (2001). However, the channel is designated as FPA under the draft plan and a small project area occurs within FPA mapping.

Under the City's Draft MHCP Subarea Plan, the creek is designated as a hard-line '100% Conservation Area', meaning that the goal for this area is full conservation. A very small area of the project (0.06 acre) would occur within lands mapped as FPA. This 0.06 acre is ruderal land and does not include any riparian or other sensitive habitat or species. The area would accommodate 11 access-controlled parking spaces for employees. The spaces are necessary in order to meet facility parking needs.

The FPA was mapped at a regional scale and the intent of mapping within this area is the protection of the creek and associated riparian habitat. The project was designed to stay out of riparian habitats and would not impacts the target preserve habitats. Additionally, most of this area is within the VWD easement so subject to periodic utility maintenance. As such, the project would not conflict with the goals of the City's Draft MHCP Subarea Plan.

The project would be developed in compliance with the City's General Plan and draft MHCP Subarea Plan. The trees documented on site are associated with the creek and would not be impacted by the proposed development. The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The project's landscape plan includes planting a variety of trees species throughout the project site. The landscape concept plan is included in Appendix A3. No impact is identified for this issue area. No conflicts with local policies or ordinances would occur with project implementation and impacts would be less than significant.

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

A small portion of the project site, the very eastern edge, and a portion of the “pan handle” are located within the FPA of the City’s Draft Subarea Plan for the MHCP. However, all vegetation impacts identified for the project are located outside of the FPA. Mitigation ratios used to determine mitigation measures for significant impacts to sensitive vegetation are consistent with those presented in Tables 4-6 and 4-7 of the MHCP and Section 5.2.1 of the draft San Marcos Subarea Plan for projects located outside of FPAs (Rocks 2020). Therefore, the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impact is identified.

## **V. CULTURAL RESOURCES**

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

### **Records Search**

As part of the cultural resources study, a records search request of the archives at the South Coastal Information Center, San Diego State University, of the California Historical Resources Information System for San Diego County, was requested and completed on February 24, 2020 by ASM. The record search area encompasses the project area and a search radius of one mile around it. The California Register of Historic Resources and the National Register of Historic Places were also examined to identify any additional resources within one mile of the project area.

The CHRIS records identified 75 previous reports that addressed areas within a one-mile radius of the project area. Two of these reports indicate that previous cultural resources surveys have occurred within the project area or intersect or overlap the project area. CHRIS records also indicate the presence of 17 previously recorded cultural resources outside of, but within a one-mile radius of the project area. Additionally, three historical addresses were identified as occurring within the one-mile radius.

### **Native American Heritage Commission Search**

On March 5, 2020 a letter was sent to the California Native American Heritage Commission (NAHC) to inquire about known areas of cultural concern, such as traditional cultural places, sacred sites, archaeological sites, or cultural landscapes that may exist within or within one mile of the originally proposed project. ASM received a response from the NAHC dated March 12, 2020 stating that a record search was negative. The NAHC response included a list of tribes that may have knowledge of cultural resources in the project area. ASM sent letters to each of these tribes and three responses were received.

On March 29, 2020, the San Pasqual Band of Mission Indians responded that the project site is not within the boundaries of the recognized San Pasqual Indian Reservation but that the site is within the Traditional Use Area of the tribe. The tribe requested to be kept informed of the project and a copy of the cultural resource study for the project. The City has provided the San Pasqual Band with a copy of the cultural resources report.

On April 1, the Rincon Band of Luiseño Indians responded that the site is within the Territory of the Luiseno people and is also within Rincon's specific area of historic interest. The Rincon Band recommended an archaeological resources search be conducted and that the results be provided to the Tribe. The City has provided the Rincon Band with a copy of the cultural resources report.

On April 20, the Pechanga Band of Luiseño Indians submitted a letter stating that due to the site's natural condition, its adjacency to a waterway and previously recorded sites in the project vicinity, the Pechanga Band is requesting an archaeological and Tribal monitor be required during all earthmoving activities. Additionally, the Tribe requested a copy of the cultural resources report and request consultation with the City. As detailed further in this section, the project will be required to have an archaeological and Tribal monitoring during project grading activities (see mitigation measures MM-CR-1 through MM-CR-h). The City has provided the Pechanga Band a copy of the cultural resources report and is currently in consultation with the Tribe pursuant to the requirements of SB 18 and AB 52.

### **Site Survey**

The project site was surveyed by Stephen Harvey, Senior Archaeologist with ASM, on April 13, 2020. Donovan Pati, a Native American monitor with Saving Sacred Lands also participated in the site survey.

The majority of the ground surface on the project site was obscured by vegetation at the time of the survey, primarily invasive grasses and weeds. Ground surface visibility was limited to relatively small, discontinuous patches of bare soil and areas of rodent burrowing scattered throughout the site, and a graded path approximately ten feet wide running along the western boundary of the project site. All areas of exposed soil were intensively examined for cultural resources during the survey. Soils are sandy silts with imported gravel in some areas. Modern debris, including glass and plastic fragments, cans, bottles, paper, and discarded lumber was observed, primarily in the northern portion of the project site. No prehistoric or historic cultural material was identified, and the survey provided no evidence for the presence of cultural resources within the project site.

***a. Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? No Impact***

A cultural resources study was prepared for the project by ASM (2020). The report presents the results of a cultural and historical resources inventory conducted within the project site and within a one-mile radius. No unique historical addresses were identified as overlapping with the project site. Three historical addresses were identified as occurring within a one-mile radius however none of these sites overlap with the project site. No historical resources were identified during the cultural resources site visit. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5 and no impact is identified.

***b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? Less Than Significant with Mitigation Incorporated***

Based upon the cultural resources study prepared for the project, no archaeological resources are known to occur on the project site, and none were observed during the field work (ASM 2020).

The sites that occur within a one-mile radius of the project site consist predominantly of prehistoric resources. Many of these prehistoric sites contain bedrock milling components and many are associated with lithic scatters. Two sites were recorded as containing habitation debris, indicating a more intensive

prehistoric use of those locations. In general, most of these sites were disturbed or destroyed by modern activities and were originally characterized by relatively sparse surficial, as well as sparse and relatively shallow subsurface deposits. Some historic structures, remnants of historic foundations and historic debris scatters also occur infrequently within a one-mile radius of the project site.

The intensive visual inspection of the accessible portions of the project site provided no evidence for the presence of cultural resources in those areas. Although the likelihood of subsurface deposits is low, it is possible that subsurface cultural deposits are still present under the surface and construction activities could impact these resources if they are present. This represents a significant impact and mitigation is required. **(Impact CR-1).**

The following mitigation measures apply to grading and construction activity that occurs within areas of previously undisturbed soil. Once construction excavation has exposed soil to a sufficient depth that precludes the potential for cultural resources, typically greater than 1 meter, or depths at which cultural resources may be present, the cultural resources monitoring may be ceased.

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

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

whichever is most applicable, that the repatriation and/or curation have been completed.

- MM-CR-1c** Prior to the issuance of a Grading Permit or ground-disturbing activities, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the Development Services Department stating that a Qualified Archaeologist and TCA Native American monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the Tribal Cultural Resource Treatment and Monitoring Agreement.
- MM-CR-1d** Prior to submittal of grading and/or improvement as-built plans, or prior to the issuance of any project Certificate of Occupancy, a monitoring report, which describes the results, analysis and conclusions of the archaeological monitoring program shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments, to the Planning Division Manager for approval. A copy of any submitted monitoring report shall be provided to the San Luis Rey Band of Mission Indians and any other TCA Tribe that requests the report.
- MM-CR-1e** The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the Planning Division, preferably through e-mail, of the start and end of all ground disturbing activities.
- MM-CR-1f** The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present on-site full-time during grubbing, grading and/or other ground disturbing activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or cultural resources. All fill materials shall be absent of any and all cultural resources. The Applicant/Owner or Grading Contractor may submit written documentation to the City to substantiate if any fill material is absent of cultural resources. Should the City concur that the fill material is absent of cultural resources, in consultation with a Qualified Archaeologist and/or the TCA Native American monitor, then no monitoring of that fill material is required.
- MM-CR-1g** The Qualified Archaeologist or the TCA Native American monitor may halt ground disturbing activities if unknown archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field, collected, and be given to the TCA Tribe so that they may be reburied at the site on a later date. If a determination is made that the unearthed artifact deposits or tribal cultural resources are considered potentially significant, the San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and

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

**MM-CR-1h**

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

## **Tribal Consultation**

Assembly Bill (AB) 52 requires consultation with California Native American Tribes and consideration of tribal cultural resources, requiring consultation prior to the release of an environmental document if requested by a California Native American Tribe. Outreach to local tribes by the City, consistent with AB 52, was initiated as part of the preparation of this environmental document. The Rincon Band requested consultation and the City is currently in consultation with the Rincon Band.

Sente Bill (SB) 18 approved in 2004, amends the California Civil Code and the California Government Code, requiring cities and counties to contact and consult with California Native American tribes prior to adopting or amending any general plan or specific plan, or designating land as open space in order to preserve or mitigate impacts to specified Native American places, features and objects that are located within the city's or county's jurisdiction. SB 18 also requires cities and counties to hold in strict confidence any information about the specific identity, location, character or use of these resources. In 2005, OPR published Tribal Consultation Guidelines to guide cities and counties on the process of engaging in consultation in accordance with SB 18. The NAHC maintains a list of California Native American Tribes with whom cities and counties must consult pursuant to SB 18. Outreach to local tribes by the City, consistent with SB 18, was initiated as part of the preparation of this environmental document.

***c. Would the project disturb any human remains, including those interred outside of formal cemeteries? Less Than Significant with Mitigation Incorporated***

The cultural resource study prepared for the project did not indicate the likelihood of human remains on the site (ASM 2020). Additionally, existing regulations through the California Health and Safety Code Section 7050.5 state that if human remains are discovered during project construction, no further disturbance shall occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the San Diego County Coroner determines the remains to be Native American, the NAHC shall be contacted within a reasonable timeframe. Subsequently, the NAHC shall identify the Most Likely Descendant. The Most Likely Descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Furthermore, while there is no evidence of human remains on the project site, as provided by mitigation measures MM-CR-1a through MM-CR-1h, an archaeological monitor and a Luiseño Native American monitor shall be present during the earth moving and grading activities to assure that any resources found during project grading would be protected. Mitigation measure MM-CR-1h further details the requirements should human remains be encountered during project construction. With mitigation, the project would not disturb any human remains, including those interred outside of formal cemeteries. Impacts would be less than significant with the incorporation of mitigation.

## **VI. ENERGY**

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

Construction activities for the project would include grading of the project site, building construction and application of architectural coatings to the proposed buildings, and paving of the proposed parking lot and driveways. The project would consume energy resources during construction in three general forms:

1) petroleum-based fuels used to power off-road construction vehicles and equipment on the site, construction worker travel to and from the project site, as well as delivery and haul truck trips (e.g. soils import) ; 2) electricity associated with the conveyance of water that would be used during project construction for dust control (supply and conveyance) and 3) electricity to power any necessary lighting during construction, electronic equipment, or other construction activities necessitating electrical power.

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

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

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

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

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

The Conservation Element of the General Plan includes local policies related energy conservation. These are primarily related to the incorporation of energy efficient features in a project and the use of renewable energy. As previously sated, the project will comply with state energy efficiency standards. Due to the project design, the project is not able to accommodate renewable energy production on the project site. Rooftop space is limited due to necessary HVAC equipment and the undeveloped portions of the site are subject to FEMA restrictions and also support sensitive riparian vegetation.

## **VII. GEOLOGY AND SOILS**

A soils report was prepared for the project site by Leighton Associates. The complete report is included as Appendix E of this document.



- a. *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. No Impact***

The project site is located within a seismically active region, as is all of southern California; however, the project site not located on or adjacent to any known active faults. According to California Earthquake Hazard Zone Application, the City of San Marcos is not identified as a jurisdiction affected by Alquist-Priolo Earthquake Fault Zones (California Department of Conservation 2019).

According to the soils report prepared by Leighton Associates included as Appendix E of this document, there are no known active or potentially active faults transecting the project site. Further, the project site is not located within any State Mapped Earthquake Fault Zone or County of San Diego mapped fault zone. The nearest known active fault to the project site is the Newport-Inglewood-Rose Canyon Fault Zone, located approximately 12.6 miles southwest of the project site. Therefore, the project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. No impact is identified for this issue area.

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

The proposed project is located in seismically-active southern California. The type and magnitude of seismic hazards affecting the site are dependent on the distance to causative faults, the intensity, and the magnitude of the seismic event. Per the soils report prepared for the project site (Leighton Associates), the Rose Canyon Fault is considered to have the most significant effect at the site from a design standpoint. The fault is located approximately 12.6 miles to the southwest from the site. The project site is not located within an Alquist-Priolo Earthquake Fault Zone. All structures on the site would be designed in accordance with seismic parameters of the latest California Building Code. Therefore, the project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Impacts would be less than significant.

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

#### **Seismic-related Ground Failure**

The soils report indicated that there are no active faults are mapped on the project site and the site is not located within a mapped Alquist-Priolo Earthquake Fault Zone. Shallow ground rupture due to shaking from distant seismic events is not considered to be a significant hazard for the project site (Leighton Associates). No impact is identified for this issue area.

#### **Liquefaction**

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

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

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

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

The project site is relatively flat. Proposed site improvements require grading and soil import of 13,969 cy to prepare the site for development and to raise the site above base flood elevation. The project would be under the State Water Resources Control Board (SWRCB) General Construction Permit, which prohibits sediment or pollutant release from the project site and requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) and implementation of best management practices (BMPs) that would incorporate erosion and sediment control measures during and after grading operations to stabilize these areas. Permanent vegetation would also be required to stabilize graded areas. The project would not result in substantial soil erosion or the loss of topsoil. Impacts would be less than significant.

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

The project site is not located on or adjacent to any known active faults nor is the site underlain by soils that are conducive to landslides. The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Per the soils report prepared for the project site, the alluvial soils encountered on the project site are considered too clay rich to experience liquefaction and the potential for adverse impacts from liquefaction is considered low. Impacts would be less than significant.

***g. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? Less Than Significant Impact with Mitigation Incorporated***

According to the soils report prepared for the project site (Leighton Associates), the majority of the onsite material is expected to have low to medium expansion potential. However, higher expansive soils may be encountered during the grading of the site. This represents a significant impact (**Impact GEO-1**), and mitigation is required. As a condition of project approval, implementation of the following mitigation measure (MM-GEO-1) will be required, and will reduce the impact to below a level of significance:

- MM-GEO-1** The project applicant shall implement the geotechnical recommendations identified beginning on pages 16 – 32 of the Soils Report prepared by Leighton Associates for the project site. These recommendations address earthwork activities, temporary excavations, foundation and slab considerations, retaining wall design, concrete flatwork, and pavement design.

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

The project does not propose any septic tanks or alternative wastewater disposal systems. The project will be served by VWD and VWD has indicated that they can serve the project for wastewater service (VWD 2020). Therefore, no impact is identified for this issue area.

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

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

According to the soils report prepared for the project (Leighton Associates), the geologic conditions underlying the site consist of undocumented artificial soils (Afu), Quaternary-aged Young and Old Alluvium (Qya and Qoa) and at depth undifferentiated Mesozoic-aged Metasedimentary/ Metavolcanic (Mzu) basement rocks and Cretaceous Tonalite.

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

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

## **VIII. GREENHOUSE GAS EMISSIONS**

A Greenhouse Gas technical study was prepared for the project by Ldn Consulting (2019) and is included as **Appendix F.1** of this document. Additionally, consistent with AB 32, the City adopted its Climate Action

Plan (CAP) in September 2013. A CAP Compliance Worksheet was prepared for the project and is included as **Appendix F.2** of this document, which details the GHG-related design features of the project.

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

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

It should be noted that the City's CAP was prepared in 2013 and does not address the enactment of Senate Bill 32 (SB 32). In addition, data used within the City's 2013 CAP did not include State regulatory measures or reduction strategies contained within California's 2017 Climate Change Scoping Plan, prepared to enable the state to meet SB 32 requirements (CARB 2017). Therefore, the CAP does not meet the requirements under CEQA for projects that are proposed to be operational after the year 2020. Since the proposed project horizon year is post 2020, a threshold should be calculated based on the 2030 SB 32 GHG reduction target.

Although the City is updating their CAP to be applicable or consistent with the CARB's latest GHG reduction approach in California's 2017 Climate Change Scoping Plan and will include additional updates necessary for SB 32 compliance, in the interim, California's 2017 Climate Change Scoping Plan Update recommended a methodology for a project specific threshold for locally-applicable land uses.

California's 2017 Climate Change Scoping Plan recognized the need to balance population growth with emissions reductions and provided a new local plan level methodology for target setting that provides consistency with state GHG reduction goals using per capita efficiency targets. These statewide per capita targets account for all emissions sectors in the State, statewide population forecasts, and the statewide reductions necessary to achieve the 2030 statewide target under SB 32. The targets are generated by dividing the statewide 2030 GHG emissions targets by the statewide service population for that year. Projects that achieve the efficiency target, with or without mitigation, would result in less than significant GHG emissions. Based on concerns recently raised by the California Supreme Court in *Center for Biological Diversity v. Department of Fish and Wildlife, The Newhall Land and Farming Company* (2015) 62 Cal. 4<sup>th</sup> 204 ("Newhall Ranch") regarding the correlation between state and local circumstances and the methodology recommend in a white paper "Beyond Newhall and 2020" by the Association of Environmental Professionals (AEP 2016), the 2030 statewide target should be modified to exclude sources not applicable to the specific planning area. Thus, a locally appropriate evidence-based project-specific threshold can be developed based on statewide emissions derived from the local emissions sectors and statewide service population projections.

California's 2017 Climate Change Scoping Plan identifies that the 2015 GHG emissions are approximately 440 million metric tons CO<sub>2</sub>e (MMTCO<sub>2</sub>e) and would need to be reduced to 260 MMTCO<sub>2</sub>e to achieve the goals of SB 32 by 2030, as shown in **Table 7**. Population within California is expected to be 43,939,250

people in 2030 (California Department of Finance 2016) and the average California employment is expected to be 23,459,500 in 2030 per California's 2017 Climate Change Scoping Plan (CARB 2017).

**Table 7. California's 2017 Climate Change Scoping Plan Emissions Targets**

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

Source: LDN Consulting, 2020b.

**Notes:**

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

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

Because not all statewide emission sources are present within the City, the GHG analysis excludes the Industry Section as defined in California's 2017 Climate Change Scoping Plan since it includes uses that are not present in the City such as refineries, oil and gas facilities, cement and glass manufacturing, and industrial facilities that employ boilers or general combustion engines. The GHG analysis excludes the agriculture sector, which includes emissions from livestock, i.e., digestive processes and manure management; combustion of liquid and gaseous fuels used for irrigation and crop production; emissions from fertilizer use and application of other soil additives; and emissions from agricultural residue burning.

The proposed project is a residential project by nature and would not include agricultural, industrial, or cap-and-trade sectors and should therefore reduce the total GHG emissions by the requisite sector emissions. Based on this, the 2030 statewide target should be modified to exclude all sector sources not applicable to the City to develop a locally-appropriate evidence-based project-specific threshold.

Removing the industrial and agricultural emissions from Table 8 would result in 213 MMTCO<sub>2</sub>e to achieve the goals of SB 32 by 2030. Given this, the localized SB 32 efficiency threshold for the project should be 213 MMTCO<sub>2</sub>e / 67,398,750 SP or 3.2 MT CO<sub>2</sub>e per service population, as shown in **Table 8**.

**Table 8. Project Specific Emissions Targets**

California's 2017 Climate Change Scoping Plan Sectors	California's 2017 Climate Change Scoping Plan Range (MMTCO <sub>2</sub> e)	Assumed 2030 Emissions (MMTCO <sub>2</sub> e)
Commercial & Residential	38-40	38
Electrical Power	30-53	53
High GWP	8-11	11
Recycling & Waste	8-9	8
Transportation	103-111	103
<b>Total GHG Emissions</b>		<b>213 MMT CO<sub>2</sub>e</b>
<b>Service Population (SP)</b>		<b>67,398,750</b>
<b>GHG Emissions/ SP</b>		<b>3.2 MT CO<sub>2</sub>e/SP</b>

Source: LDN Consulting, 2020b.

The 138 unit assisted living facility consisting of 174 beds within a 121,556 square foot three story building would have a service population of 290 persons consisting of 174 residents and 1 employee per 1,050 square feet which would equate to 116 employees (121,556/1,050) (SANDAG, 2018). To be considered less than significant impacts, the project's GHG emissions would have to be less than 3.2 MT CO<sub>2</sub>e per service population.

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

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

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

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

- The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and

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

### **Projected Emissions for Proposed Project**

The proposed project would generate GHG emissions through short-term construction activities and long-term operational activities. Construction-related GHG emissions include emissions from heavy construction equipment for grading, paving, truck traffic, and worker trips. Operational GHG emissions associated with the project emissions from area sources include vehicular traffic and electricity.

### **Construction Emissions**

Construction-related GHG emissions include emissions from construction equipment, truck traffic, and worker trips. Emissions for construction of the proposed project were calculated based on emission factors from the latest CalEEMod 2016.3.2 air quality model. Construction activities for the project would include site grading, preparation, and paving.

Grading and earthwork activity will be required to prepare the site for development. Based upon information from the project applicant, the project requires 4,474 cubic yards (cy) of cut and 18,443 cy of fill, for a net import of 13,969 cy. This additional material is required to raise the site above base flood elevations. Soils import is expected to take four weeks (24 work days). Assuming a 15-cy hauling truck, this results in approximately 39 truck trips per day for soils import.

Also, as a design feature of the project, the construction contractor would use Tier IV rated heavy diesel construction equipment to minimize diesel particulates from construction equipment. The construction contractor will also comply with SDAPCD's fugitive dust rules and fugitive dust control measures outlined in Section 87.426 of the City's Grading Ordinance.

Anticipated equipment for project construction includes graders, rubber-tired dozers, excavators, tractors/loaders/backhoes, pavers, rollers, cranes, forklifts, generator sets, welders, and air compressors.

**Table 9** presents the anticipated construction emissions for the proposed project. As shown in Table 9, anticipated construction-related GHG emissions for the project are estimated at 551.27 MT/year of CO<sub>2</sub>e over the construction life of the project. Per SCAQMD guidance, these emissions are amortized over 30 years and added to operational emissions. This amortized figure estimates project construction would contribute 18.38 MT/year of CO<sub>2</sub>e.

### **Operational Emissions**

The project would generate GHG emissions from daily operations which would include sources such as Area (or onsite emissions like landscaping or hearth usage), energy usage from electricity and natural gas, mobile sources from vehicular traffic, municipal waste and from water uses, which are calculated within CalEEMod.

**Table 9. Proposed Project Construction-Related GHG Emissions (MT/Year)**

Year	Bio-CO <sub>2</sub>	NBio-CO <sub>2</sub>	Total CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	Total CO <sub>2</sub> e (metric tons/year)
2021	0.00	247.15	247.15	0.04	0.00	248.23
2022	0.00	301.77	301.77	0.05	0.00	303.03
<b>Total Construction Emissions</b>						<b>551.27</b>
<b>Yearly Average Construction Emissions (Metric Tons/year over 30 years)</b>						<b>18.38</b>

Source: Ldn Consulting 2020b.

It should be noted that electrical energy-intensity factors were updated to reflect San Diego Gas and Electric's (SDG&E) emissions rate variations from 2009 which are default in CalEEMod. In 2009, SDG&E achieved 10.5 percent procurement of renewable energy (California Public Utilities Commission, 2016) and in 2020 will have at least a 33 percent renewable portfolio standard (RPS) by law. As of 2017, SDG&E has achieved an RPS of 43 percent (SDG&E, 2020) which exceeds the 2020 requirements. The latest reported RPS of 43 percent achieved to date is used within CalEEMod.

Solid municipal waste generated in the form of trash is also considered within this analysis as the decomposition of organic material breaks down to form GHGs. GHGs from water are also indirectly generated through the conveyance of the resource via pumping throughout the state and as necessary for wastewater treatment.

Finally, the project would also generate GHG through the use of carbon fuel burning vehicles for transportation. The project traffic trips were estimated within the CalEEMod software and were assumed to have an average trip distance of 7.48 miles per the equivalent average trip distance within the County of San Diego which is based on a fleetwide average within EMFAC 2014 for the 2022 annual scenario. Based on this, the total daily vehicle miles traveled within San Diego County would be 100,299,748 miles or over 13,415,578 trips.

The project specific localized efficiency threshold is 3.2 MT CO<sub>2</sub>e per service population. As stated above, the 138-unit project development would have a service population of 290.

Projected operational emissions are summarized in **Table 10**. As shown in Table 10, the proposed project including construction would generate 618.49 MTCO<sub>2</sub>e/year which results in a 2.20 MT CO<sub>2</sub>e/year per service population. This is below the 3.2 MT CO<sub>2</sub>e/year service population threshold. Therefore, GHG impacts would be less than significant.

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

- Installation of 75 percent light emitting diode (LED) lighting for both interior and exterior lighting.
- Installation of smart meters and programmable thermostats.
- Installation Low Flow water fixtures in all the units per Title 24.
- Installation of ENERGY STAR qualified appliances.



- Installation of low-maintenance and drought tolerant landscaping.
- Use of state-of-the-art irrigation system to reduce water consumption.
- Compliance with the City's Water Efficient Landscape Ordinance (WELO).
- Installation of shade trees.
- No wood burning fireplaces within any of the units.

**Table 10. Proposed Project Operational Emissions Summary (MT/Year)**

Source	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e (MT/Yr)
Area	0.00	1.67	1.67	0.00	0.00	1.72
Energy	0.00	171.63	171.63	0.01	0.00	172.38
Mobile	0.00	330.78	330.78	0.02	0.00	331.22
Waste	25.56	0.00	25.56	1.51	0.00	63.33
Water	2.85	37.48	40.33	0.29	0.01	49.85
<b>Total Proposed Project Operational Emissions</b>						<b>618.49</b>
<b>Amortized Construction Emissions (Table 9 above)</b>						<b>18.38</b>
<b>Total Operational Emissions</b>						<b>636.87</b>
<b>Metric CO<sub>2</sub>e tons per service population (636.87/290)</b>						<b>2.20</b>

Source: LDN Consulting, 2020b.

Note: Data is presented in decimal format and may have rounding errors.

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

The analysis above concluded the localized project level efficiency threshold was determined to be 3.2 MT CO<sub>2</sub>e / SP in 2030 which is consistent with the California's 2017 Climate Change Scoping Plan. The project would generate only 2.20 MT CO<sub>2</sub>e which is less than the localized SB 32 threshold. Given this, the project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emission of greenhouse gases.

**IX. HAZARDS AND HAZARDOUS MATERIALS**

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

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

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

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

In addition, as an assisted living and memory care facility, the only hazardous materials anticipated for transport or disposal associated with the proposed project during operation are routinely used household products such as cleaners, paint, solvents, motor oil/automotive products, batteries, and garden maintenance products. It is anticipated that the use, handling, and disposal of these products would be addressed by household hazardous waste programs that are part of the Integrated Waste Management Plan of the County of San Diego and other Federal, State, and City Municipal Code regulations.

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

***b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Less Than Significant Impact***

**Historical Uses on the Project Site and Project Vicinity**

Based on a review of historical information, as detailed in the Phase 1 ESA for the project, the project site was vacant land up until 1990. In the 1994 aerial photograph, a stormwater culvert appeared along the southeast edge of the property. In 2005 several dirt trails were visible on the site. By 2009, the asphalt driveway was developed on the southeast portion of the property. In the 2012 aerial photograph a pad-mounted transformer box is visible along the west side of the project site. No other changes were observed in subsequent aerial photographs.

For the property to the north, from 1939 to 1994 there was a single-family residence. By 2005 the property to the north was vacant. By 2009 a commercial shopping center was developed.

To the south of the project site, from 1939 to 1970, is E. Mission Road, with railroad tracks to the south. Beyond the railroad tracks is vacant land. The stream east of the project site flows southwest south of the railroad tracks. By 1979 the Twin Oaks Valley overpass over E. Mission Road has been constructed. The property to the south of East Mission Road appears to be used as a storage yard for construction of the overpass. From 1985-1990 the property south of East Mission Road is vacant. In 1994 the stream has been piped underground and the property to the south has been graded. An office building was subsequently constructed south of E. Mission Road and is visible in 2005 through 2016 aerial photographs.

Property to the east has been vacant as far back as 1939. The property to the west was the site of several small residential structures and an orchard in 1939. Sometime between 1953 and 1964 the residential structures and orchards were removed, and the property is shown as vacant in 1967 and 1970 aerial

photographs. By 1979, a pair of commercial structures are on built the north side of the property to the west. In 1985 to 1989 additional structures were added to the property to the west of the project site. By 2005 the property to the west was redeveloped as a senior center and no subsequent changes were observed in 2009 or 2016 aerial photographs.

### **Recognized Environmental Conditions**

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

The Phase 1 ESA report determined that there was no evidence of recognized environmental conditions (REC) in relation to the project site for past or current use (POE 2020).

### **Site Observations**

POE personnel were unable to perform the site visit as part of the Phase 1 ESA effort due the COVID-19 outbreak. The Phase 1 ESA notes that this inaccessibility creates a data gap; however, based on the information already obtained through the course of the Phase 1 ESA survey investigation, this data gap is considered a de minimis condition and does not impact the final results of the Phase 1 ESA.

In summary, there are no identified conditions on the project site that would create a scenario whereby the project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials. Impacts would be less than significant.

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

The project site is not located within a one-quarter mile of an existing or proposed school. The closest schools to the project site are San Marcos Elementary School, which is located approximately 0.35 miles to the southwest, San Marcos Middle School, located approximately 0.7 miles to the west. and San Marcos High School, located approximately one mile to the east. The project does not propose uses that would emit hazardous emissions or handle hazardous or acutely hazardous materials or substances and no schools are located within 0.25 miles of the project site. No hazards emissions impact to the adjacent school are anticipated and no impact is identified.

***d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? No Impact***

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

Surrounding properties within a one-mile radius were included in the data base search. A total of 45 sites were listed in the radius report. The closest listing to the project site was the US Post Office located at 420 N. Twin Oaks Valley Road, approximately 290 feet north-northwest of the project site. This was a leaking

underground storage tank case. The potential media affected was soil and the potential contaminant of concern was not reported. Three underground storage tanks have been removed from the post office site: a 10,000-gallon tank in 1984, a 12,000-gallon tank in 1995 and a 12,000-gallon tank in 2004. The case was deemed closed in 2006. Based upon the closed case and that the media impacted was soil, the Phase 1 ESA concluded that there would be no impact to the project site.

The project site is not identified on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Any of the listed sites identified in the vicinity of the project site have been determined to be low risk to the project site. Therefore, implementation of the proposed project would not create a significant hazard to the public pursuant to Government Code Section 65962.5.

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

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

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

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

- g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? No Impact***

The project site is located in an urbanized area of the City. The eastern portion of the project site is adjacent to Twin Oaks Valley Creek and supports denser vegetation. The Fire Marshal has reviewed the project and standard City fire conditions have been applied to the project. The project site is identified as being in a non-Very High Fire Hazard Severity Zone per CAL FIRE (2009). Therefore, the project would not expose people or structure to a significant risk of loss, injury or death involving wildland fires. No impact is identified for this issue area.

## **X. HYDROLOGY AND WATER QUALITY**

A preliminary storm water quality management plan (SWQMP) was prepared for the project by Commercial Development Resources (2020) and is included as **Appendix H1**. A hydrology report was also

prepared for the project by Commercial Development Resources (2020b) and it is included as **Appendix H2**.

### **Existing Site Conditions**

Under existing conditions, the site acts as one drainage area and discharges to the Twin Oaks Valley Creek within property limits. Offsite runoff is conveyed through the project site. Drainage from the slope embankment for the N. Twin Oaks Valley Road bridge (approximately 0.34 ac) flows east into the project site area and surface flows to the Twin Oaks Valley Creek. Twin Oaks Valley Creek flows south along the eastern property line within property limits. Runoff from the project site area sheet flows to the existing creek and is conveyed to San Marcos Creek, which discharges to the Pacific Ocean. There is an existing storm drain inlet at the southeast corner of N. Twin Oaks Valley Road and Richmar Avenue on N. Twin Oaks Valley Road that connects to a 36-inch corrugated metal pile storm drain line flowing east along the northern property line and discharges to Twin Oaks Valley Creek.

### **Proposed Conditions**

The project site will be re-graded to direct all onsite storm water to new localized onsite inlets or biofiltration basins for hydromodification and water quality treatment prior to discharging to the City's storm drain system. A concrete swale is proposed along the western property line to collect runoff from the adjacent embankment area and convey flows directly to the City's storm drain system.

A new underground storm drain system will be constructed to meet the City's low impact development (LID) and hydromodification flow control management requirements. Runoff in the northern portion of the project site (parking lot area and a portion of the building roof) will surface flow to biofiltration basins for pollutant treatment and flow control. Specific details are provided below.

Three drainage management areas (DMAs) were identified for the project site. DMA-1 consists of runoff from asphalt concrete (AC) pavement, concrete sidewalk, onsite landscaping, and a small portion of offsite hillside landscaping. Stormwater in this area will sheetflow to a biofiltration basin (BMP-1) for pollutant treatment and flow control, then will be routed to an underground detention vault (BMP-3) for hydromodification management flow control. DMA-2 consists of runoff from proposed building roof, AC pavement, concrete sidewalk, and onsite landscaping areas. Stormwater in this area will sheetflow to a biofiltration basin (BMP-2) for pollutant treatment and flow control, then will be routed to an underground detention vault (BMP-3) for hydromodification management flow control. DMA-3 consists of runoff from the proposed building roof, concrete walkways, AC pavement fire lane, interior courtyard, and hillside landscaping. Stormwater runoff will be collected at a localized inlet and discharged to an underground detention vault for hydromodification management flow control, then flow thru a compact proprietary biofiltration device for pollutant control prior to leaving the project site. A traditional biofiltration basin is infeasible due to insufficient landscaping sloped less than 5 percent outside of the floodway area.

Biofiltration Basin (BMP-1) is proposed to treat stormwater runoff for DMA-1 via biofiltration. The cross section uses a maximum ponding depth of 12 inches to assist in hydromodification flow control. Per the geotechnical engineer, infiltration is infeasible for the entire project site. The biofiltration basin discharges to an underground detention vault (BMP-3) for hydromodification management.

Biofiltration Basin (BMP-2) is proposed to treat stormwater runoff for DMA-2 via biofiltration. The cross-section uses a maximum ponding depth of 12 inches to assist in hydromodification flow control. Per the

geotechnical engineer, infiltration is infeasible for the entire project site and the basin requires an impermeable liner to be located within 10 feet of the retaining wall. The biofiltration basin discharges to an underground detention vault (BMP-3) for hydromodification management.

Treated runoff and basin overflows discharge to an underground detention vault (BMP-3) for hydromodification management prior to discharging to the existing storm drain structure on E. Mission Road. Runoff from the remaining portion of the project site includes building roof, landscape area, and the fire access lane along the eastern property line. Runoff from this area flows to localized inlets and into an underground detention vault for flow control management, then through a Modular Wetland System (MWS) for proprietary biofiltration. Treated runoff and overflows are pumped to the existing storm drain structure on E. Mission Road. Project site overflows discharge to the public right-of-way on E. Mission Road and enter the City's storm drain system as it does in the existing condition. A concrete swale is proposed along the western property line to collect runoff from the adjacent hillside area and convey flows directly to the City's storm drain system.

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

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

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

The applicant would be required to comply with the National Pollutant Discharge Elimination System (NPDES) permit. Regionally, this is achieved by preparing and implementing a Stormwater Quality Management Plan (SWQMP) based on the standards set forth in the 2016 Model BMP Design Manual – San Diego Region (BMP Design Manual). The SWQMP will require implementation of water quality best management practices (BMPs) to ensure that water quality standards are met and that stormwater runoff from construction areas do not result in a degradation of water quality in receiving water bodies. The preliminary SWQMP prepared for this project indicates the project will meet the requirements of the BMP Design Manual. As such, the potential impacts would be less than significant.

***b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? No Impact***

Implementation of the project would not use any groundwater. Therefore, the project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. No impact is identified for this issue area.

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, through the addition of impervious surfaces, in a manner which would: result in substantial erosion or siltation on- or off-site? Less than Significant Impact***

The project has been designed to generally match the existing drainage pattern of the site and will include a private storm drain system that will drain all stormwater to two proposed biofiltration basins located near the northern parking area. Implementation of the proposed project would increase impervious surfaces but would not substantially alter the existing drainage pattern of the site that would result in substantial erosion or siltation on- or off-site. Twin Oaks Valley Creek is located along the eastern portion of the site however the project has been designed to avoid any development in that area and within associated riparian habitat areas.

The project would implement construction BMPs in compliance with the Construction General Permit. These BMPs focus on areas such as good site management/housekeeping, non-stormwater management, erosion control, sediment control, run-on and run-off control, inspection/ maintenance/repair, rain event action plan, and monitoring/reporting requirements. Implementation of stated BMPs would further reduce the potential for erosion and siltation to enter project area waterways. Impacts would be less than significant.

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Less than Significant Impact***

While implementation of the project would increase impervious surfaces, it would not alter the course of a stream or river. The project has been designed to be elevated above the 100-year storm event base flow elevation and the use of a private storm drain system and two biofiltration basins will meet required hydromodification requirements. The project applicant will be required to process a full CLOMR/LOMR application through the Federal Emergency Management Agency (FEMA).

The proposed biofiltration basins and proprietary biofiltration system will provide water quality treatment for project site flows. The biofiltration basins will also assist in hydromodification flow control. Both treatment systems discharge to underground detention vaults to fulfill hydromodification requirements. The new development will alter existing drainage characteristics and patterns so that runoff in the post-developed condition does not exceed that of the pre-developed condition for flows durations. Therefore, the change in unmitigated runoff for the proposed condition at onsite inlets/discharge points will not affect the project site's total runoff discharging from the site. Therefore, the project would not alter existing drainage patterns of the site area in a manner that would result in a substantial increase to the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Impacts would be less than significant.

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

While implementation of the project would increase impervious surfaces, it would not alter the course of a stream or river. Twin Oaks Valley Creek is located along the eastern portion of the site however the project has been designed to avoid any development in that area and within associated riparian habitat areas. The project proposes a comprehensive stormwater management plan that includes stormwater improvements within the project boundary. This includes the use of a private storm drain system including drainage gutters to collect and direct flow to the northern portion of the site to two proposed biofiltration basins. Construction of these features is proposed within the development footprint for the project; an expansion of existing facilities would not be required to serve the project. Therefore, the project would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

- f. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, through the addition of impervious surfaces, in a manner which would: Impede or redirect flood flows? Less than Significant Impact***

Per FEMA, portions of the project site are located within Zone X and Zone AE and the eastern portion of the project site is within a regulatory floodway. Proposed grading activities include the import of up to 13,969 cy of materials to raise building pad elevations above the flood zone. The project is not constructing any structures within the floodway.

In addition, the project proposes a comprehensive stormwater management plan that includes stormwater improvements within the project boundary. This includes the use of a private storm drain system including drainage gutters to collect and direct flow along the southern portion of the project site to two proposed biofiltration basins located in the northern parking area of the project. These facilities were designed to accommodate 100-year 6-hour storm flows and to meet hydromodification requirements and peak flow attenuation. Impacts would be less than significant.

- g. In flood hazards, tsunami or seiche zones, risk release of pollutants due to project inundation? Less than Significant Impact***

The proposed project site is not located within a tsunami evacuation area; therefore, damage due to tsunamis would not occur. Seiches are periodic oscillations in large bodies of water such as lakes, harbors, bays, or reservoirs. The proposed project is also not located immediately adjacent to any lakes or confined bodies of water; therefore, the potential for a seiche to affect the property is considered low.

The project site is relatively flat with elevations of approximately 570 to 590 feet above mean sea level (amsl). Per the FEMA, portions of the project site are located within Zone X and Zone AE and the eastern portion of the project site is within a regulatory floodway. Proposed grading activities include the import of up to 13,969 cy of materials to raise building pad elevations above the flood zone. The project applicant will be required to process a full CLOMR/LOMR application through FEMA.



In addition, the project proposes a comprehensive stormwater management plan that includes stormwater improvements within the project boundary. This includes the use of a private storm drain system including drainage gutters to collect and direct flow along the southern portion of the project site to two proposed biofiltration basins located in the northern parking area of the project. These facilities were designed to accommodate 100-year 6-hour storm flows and to meet hydromodification requirements and peak flow attenuation. Impacts would be less than significant.

***h. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? Less than Significant Impact***

The applicant would be required to comply with the NPDES permit. Regionally, this is achieved by preparing and implementing a SWQMP based on the standards set forth in the 2019 Model BMP Design Manual – San Diego Region (BMP Design Manual). The SWQMP will require implementation of water quality best management practices (BMPs) to ensure that water quality standards are met and that stormwater runoff from construction areas do not result in a degradation of water quality in receiving water bodies. The preliminary SWQMP prepared for this project indicates the project will meet the requirements of the BMP Design Manual. Further the project is being designed to comply with the current Hydromodification Management Plan (HMP) requirements which include addressing both flow-control and critical coarse sediment. Additionally, the project would not use any groundwater or affect direct infiltration and saturation. Therefore, implementation of the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. As such, the potential impacts would be less than significant.

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

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

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

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

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

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

According to the preliminary SWQMP prepared for the project, anticipated pollutants to be generated by the project include sediment, nutrients, heavy metals, trash/debris, oxygen demanding substances, oil/grease, bacteria/viruses, and pesticides. As identified above, the project includes a comprehensive water quality management approach to ensure that there would not be an increase in pollutant discharge to receiving waters. The project proposes a comprehensive water quality approach including a storm drain system and two biofiltration basins.

With biofiltration, stormwater is directed to these areas and then percolates through the system where it is treated by a number of physical, chemical, and biological processes. These processes are collectively called biofiltration. The biofiltration basins have been designed with ponding depth of one foot. Below the gravel layer, the basin is lined to prevent infiltration into the underlying soil. Flows will discharge from the basin via an outlet within the gravel layer to an underground detention vault.

Bioretention has a high efficiency for removal of sediments, nutrients, trash, metals, oil/grease, organics, and oxygen demanding substances and a medium efficiency for removal of bacteria. Therefore, the use of biofiltration would effectively treat stormwater runoff prior to discharge from the site and to receiving waters.

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

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

As identified above, impaired water bodies in the Carlsbad watershed include San Marcos Creek and Lake San Marcos. The project proposes a comprehensive water quality approach including a storm drain system and a biofiltration basin. The City's BMP Design Manual requires that the pollutants of concern for each impaired water body in each watershed be treated by engineered treatment controls to a medium pollutant removal efficiency or better prior to leaving each development site, thus reducing pollutant levels. Bioretention has a high efficiency for removal of sediments, nutrients, trash, metals, oil/grease, organics, and oxygen demanding substances and a medium efficiency for removal of bacteria. Therefore,

the use of biofiltration would effectively treat stormwater runoff prior to discharge from the site and to receiving waters. The biofiltration devices would be subject to regular inspection and maintenance. The property owner would be required to enter into a stormwater management and discharge control maintenance agreement for the installation and maintenance of permanent BMPs prior to the issuance of permits. Since the project includes a comprehensive approach to the handling and treatment of on-site stormwater runoff and would achieve a medium or high efficiency for removal of anticipated pollutants, the project would not result in an increase in any pollutant for which area impaired water bodies are already impaired. Impacts would be less than significant.

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

A portion of the project site is within an area designated under the City's Draft Subarea Plan of the MHCP as a Focused Planning Area (FPA). FPAs are defined as lands of high biological value that would be considered for inclusion at varying conservation rates as part of the MHCP. Most of the area on the project site that falls within the FPA would be avoided with the exception of a 0.06-acre area that will be used for parking. The project site is located in a developed portion of the city. Twin Oaks Valley Creek is located within the eastern portion of the project site; however, the project will not result in a direct impact to the creek or any associated riparian vegetation. To minimize impacts to these sensitive areas, the project includes a comprehensive water quality management approach to ensure there would not be an increase in pollutant discharge to receiving waters. The comprehensive use of biofiltration would effectively treat stormwater runoff prior to discharge from the site. Therefore, the project would not exacerbate already sensitive conditions within environmentally sensitive areas. Impacts would be less than significant.

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

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

The project would implement BMPs during project construction to minimize potential impacts to surface water quality. The project also includes a comprehensive water quality approach including a storm drain system and a biofiltration basin. Incorporation of these measures would ensure that the project would not have a potentially significant impact on surface water quality to either marine, fresh, or wetland waters. Impacts would be less than significant.

## **XI. LAND USE AND PLANNING**

***a. Physically divide an established community? No Impact***

The project site is currently vacant in a developed portion of the city. The project will not divide an established community. The project will remove the future Richmar Bridge connection between N. Twin Oaks Valley Road and Woodward Street; however, elimination of this connection would not result in a division. E. Mission Road, which is located along the southern boundary of the project already exists and connects provides a connection between N. Twin Oaks Valley Road and Woodward Street. Additionally, Borden Road Bridge to the north provides another connection. In summary, no impact is identified for this issue area.

***b. Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating and environmental effect? Less than Significant Impact***

The project site has a General Plan designation of SPA (Specific Plan Area) and a zoning designation of Specific Plan Area (SPA). A General Plan Amendment is proposed to: 1) revise the land use map in the General Plan by changing the designation of the project site from Richmar Specific Plan to Heart of the City Specific Plan; and 2) to remove the Richmar Avenue bridge from the Mobility Element maps.

An amendment to the Heart of the City Specific Plan is also proposed to remove the Richmar Specific Plan sub-plan designation from the property. The underlying “Commercial” designation will remain the same. The amendment includes an update the use tables to allow for an assisted living facility under the Commercial designation of the Heart of the City Specific Plan with approval of a Conditional Use Permit. The amendment to the Heart of the City Specific Plan document is included as Appendix A1.

The following is an analysis of each of the proposed General Plan Amendments to determine if the amendment would result in an environmental impact due to a conflict with the applicable land use plan.

**General Plan Amendment (Land Use Map Revisions)**

The project proposes a General Plan Amendment to revise the land use map in the General Plan by changing the designation of the project site from Richmar Specific Plan to Heart of the City Specific Plan. The General Plan Amendment will not result in an increase in development intensity compared to what was already considered in the General Plan. The Richmar Specific Plan is a sub-plan of the Heart of the City Specific Plan. The underlying designation within the Heart of the City Specific Plan was already commercial. Therefore, at a cumulative level, the project would be consistent with the development intensities identified in the General Plan and no environmental effects beyond those already considered in the General Plan would be identified.

**General Plan Amendment (Mobility Element)**

The project proposes a General Plan Amendment to remove the Richmar Avenue Bridge from the Mobility Element maps. Per the adopted Mobility Element, a future Richmar Avenue connection between N. Twin Oaks Valley Road and Woodward Street is identified. Since this connection would cross Twin Oaks Valley Creek, it is anticipated to be a bridge crossing. Removing a segment of the transportation network would result in the re-routing of traffic to other street segments and intersections.

A project-specific traffic report was not required as the project will not generate enough trips to require a report. An analysis was conducted by Urban Systems Associates (USA 2020) for the Lanikai Senior Residential project (Lanikai project), which is proposed just east of the proposed project at the northwest corner of E. Mission Road and Woodward Street. Twin Oaks Valley Creek separates the two project sites. The Lanikai project is also proposing a General Plan Amendment to remove the Richmar Avenue bridge from the Mobility Element. As part of that project’s environmental analysis, a traffic analysis was conducted to determine if the removal of the Richmar Avenue connection between N. Twin Oaks Drive and Woodward Street would result in a significant impact on any area streets or intersections.

The USA analysis addressed the following six roadway segments:

- • Twin Oaks Valley Road – between Borden Road and Richmar Avenue
- • Twin Oaks Valley Road – between Richmar Avenue and San Marcos Boulevard

- San Marcos Boulevard – between Twin Oaks Valley Road and E. Mission Road
- Woodward Street – between E. Mission Road and Vineyard Road
- Woodward Street – between Vineyard Road and Borden Road
- Borden Road – between Twin Oaks Valley Road and Woodward Street

The analysis also addressed the following six intersections:

- Twin Oaks Valley Road at Borden Road
- Woodward Street at Borden Road
- Woodward Street at Vineyard Road
- Twin Oaks Valley Road at Richmar Avenue
- Woodward Street at E. Mission Road
- Twin Oaks Valley Road at San Marcos Boulevard

### ***Existing Conditions***

**Table 11** presents the existing conditions for area roadways. Under the existing conditions, the Richmar Avenue connection between Twin Oaks Valley Road and Woodward Street is not constructed. As shown in Table 11, all analyzed roadway segments currently operate at acceptable level of service (LOS), which is LOS D or better.

**Table 11. Existing Conditions - Roadway Segments**

Road	Segment	# of Lanes	LOS "E" Capacity	Class	Existing		
					LOS	Volume	V/C
Twin Oaks Valley Road	Borden Road to Richmar Avenue	4	40,000	4-M	C	28,115	0.70
	Richmar Avenue to San Marcos Blvd.	4	40,000	4-M	C	27,109	0.68
San Marcos Blvd.	Twin Oaks Valley Road to E. Mission Road	4	40,000	4-M	B	16,682	0.42
Woodward Street	E. Mission Road to Vineyard Road	4	30,000	4-C	A	7,816	0.26
	Vineyard Road to Borden Road	2	15,000	2-Ca	A	3,781	0.25
Borden Road	Twin Oaks Valley Road to Woodward Street	4	30,000	4-C	B	13,325	0.34

Source: USA, 2018.

Notes: LOS = Level of Service  
V/C= Volume to Capacity Ratio  
2-Ca = 2 Lane Collector (w/continuous left-turn lane)  
4-C = 4 Lane Collector  
4-M = 4 Lane Major Arterial

**Table 12** presents the existing conditions for area intersections. As shown in Table 12, all intersections currently operate at an acceptable LOS (LOS D or better) except for the intersection of Twin Oaks Valley Road and San Marcos Boulevard which operates at LOS E in the AM Peak and the PM Peak hour.

### ***Year 2035 Segments With and Without Richmar Bridge Connection***

**Table 13** presents the anticipated conditions for area roadways in the Year 2035 with the Richmar Avenue connection. As shown in Table 13, area roadways are forecast to operate at an acceptable LOS (LOS D or better).

**Table 12. Existing Conditions - Intersections**

Intersection	Existing			
	AM Peak		PM Peak	
	Delay	LOS	Delay	LOS
#1 - Twin Oaks Valley Road at Borden Road	43.1	D	37.7	D
#2 - Woodward Street at Borden Road	29.2	C	40.4	D
#3 - Woodward Street at Vineyard Road	16.1	B	9.2	A
#4 - Twin Oaks Valley Road at Richmar Avenue	20	B	30.1	C
#5 - Woodward Street at E. Mission Road	46.1	D	50.1	D
#6 - Twin Oaks Valley Road at San Marcos Boulevard	55.5	E	66.6	E

Source: USA, 2018.

Notes: LOS = Level of Services

**Table 13. Year 2035 With Richmar Bridge - Roadway Segments**

Road	Segment	# of Lanes	LOS "E" Capacity	Class	Year 2035		
					LOS	Volume	V/C
Twin Oaks Valley Road	Borden Road to Richmar Avenue	4	40,000	4-M	D	32,895	0.70
	Richmar Avenue to San Marcos Blvd.	4	40,000	4-M	D	31,718	0.68
San Marcos Blvd.	Twin Oaks Valley Road to E. Mission Road	4	40,000	4-M	B	19,752	0.42
Woodward Street	E. Mission Road to Vineyard Road	4	30,000	4-C	A	9,145	0.26
	Vineyard Road to Borden Road	2	15,000	2-Ca	A	4,424	0.25
Borden Road	Twin Oaks Valley Road to Woodward Street	4	30,000	4-C	B	12,080	0.34

Source: USA, 2018.

Notes: LOS = Level of Service

V/C= Volume to Capacity Ratio

2-Ca = 2 Lane Collector (w/continuous left-turn lane)

4-C = 4 Lane Collector

4-M = 4 Lane Major Arterial

**Figure 7** depicts the anticipated rerouting of traffic on surrounding street segments based upon the deletion of the Richmar Bridge.

The addition of the ADT from the Richmar Bridge removal was added to the Year 2035 baseline volumes to analyze the effect of the bridge removal.

**Figure 7. Removal of Richmar Bridge and Rerouting of Traffic for Street Segments**



Source: USA, 2018.

**Table 14** presents the anticipated conditions for area roadways in the Year 2035 without the Richmar Bridge connection. Removal of the Richmar Bridge connection decreases LOS on the segment of San Marcos Boulevard between Twin Oaks Valley Road and E. Mission Road from LOS B to LOS C. It also decreases the LOS on the segments of Borden Road between Twin Oaks Valley Road and Woodward Street from LOS B to LOS C. Neither of these reductions would cause these two segments to operate at an unacceptable level of service. All other analyzed segments will operate at the same LOS in the “with” and “without” Richmar Bridge scenario.

**Table 14. Year 2035 Without Richmar Bridge - Roadway Segments**

Road	Segment	# of Lanes	LOS “E” Capacity	Class	Year 2035		
					LOS	Volume	V/C
Twin Oaks Valley Road	Borden Road to Richmar Avenue	4	40,000	4-M	D	33,375	0.83
	Richmar Avenue to San Marcos Blvd.	4	40,000	4-M	D	32,063	0.80
San Marcos Blvd.	Twin Oaks Valley Road to E. Mission Road	4	40,000	4-M	C	21,912	0.55
Woodward Street	E. Mission Road to Vineyard Road	4	30,000	4-C	B	11,305	0.38
	Vineyard Road to Borden Road	2	15,000	2-Ca	A	5,024	0.33

Borden Road	Twin Oaks Valley Road to Woodward Street	4	30.000	4-C	C	15,920	0.53
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Source: USA, 2018.

Notes: LOS = Level of Service  
V/C= Volume to Capacity Ratio  
2-Ca = 2 Lane Collector (w/continuous left-turn lane)  
4-C = 4 Lane Collector  
4-M = 4 Lane Major Arterial

### ***Year 2035 Intersections With and Without Richmar Bridge Connection***

**Table 15** presents the anticipated conditions for area intersections in the Year 2035 with the Richmar Avenue connection.

**Table 15. Year 2035 With Richmar Bridge - Intersections**

Intersection	Year 2035			
	AM Peak		PM Peak	
	Delay	LOS	Delay	LOS
#1 - Twin Oaks Valley Road at Borden Road	66.6	E	51.2	E
#2 - Woodward Street at Borden Road	30.2	C	49.6	C
#3 - Woodward Street at Vineyard Road	17.6	B	9.8	B
#4 - Twin Oaks Valley Road at Richmar Avenue	25.2	C	38.5	C
#5 - Woodward Street at E. Mission Road	66.3	E	65.7	E
#6 - Twin Oaks Valley Road at San Marcos Boulevard	81.9	F	88.4	F

Source: USA, 2018.

Notes: LOS = Level of Services

As shown in Table 15, three intersections are forecast at an unacceptable LOS: Twin Oaks Valley Road at Borden (LOS E in the AM Peak and PM Peak); Woodward Street at East Mission (LOS E in the AM Peak and PM Peak); and Twin Oaks Valley Road at San Marcos Boulevard (LOS F in the AM Peak and the PM Peak).

**Table 16** presents the anticipated conditions for area intersections in the Year 2035 without the Richmar Avenue connection.

As shown in Table 16, the intersection of Woodward Street at E. Mission Road will improve from LOS E to LOS D and the intersection of Twin Oaks Valley Road improves from LOS F to LOS E with the removal of the Richmar Bridge. These improvements would occur due to the rerouting of traffic to alternative east-west linkages between Twin Oaks Valley Road and Woodward, such as Borden Road and E. Mission Road. All other intersections LOS remains the same under both the “with” and “without” Richmar Bridge scenarios.



**Table 16. Year 2035 Without Richmar Bridge - Intersections**

Intersection	Year 2035			
	AM Peak		PM Peak	
	Delay	LOS	Delay	LOS
#1 - Twin Oaks Valley Road at Borden Road	73.5	E	73.5	E
#2 - Woodward Street at Borden Road	33.4	C	33.5	C
#3 - Woodward Street at Vineyard Road	13.2	B	13.3	B
#4 - Twin Oaks Valley Road at Richmar Avenue	26.3	C	26.3	C
#5 - Woodward Street at E. Mission Road	53.6	D	53.6	D
#6 - Twin Oaks Valley Road at San Marcos Boulevard	79.4	E	79.5	E

Source: USA, 2018.

Notes: LOS = Level of Services

Based upon the analysis prepared by USA (2018) and summarized above, the removal of the Richmar Bridge would not result in any significant impact to area roadways and intersections. The two reductions in LOS on a road segment of San Marcos Boulevard and a road segment of Borden Road would not be to a level that would result in an unacceptable level of service. For the intersections that were analyzed, removing the Richmar Bridge would improve LOS and two intersections. Therefore, the requested General Plan Amendment to modify the Mobility Element would not cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating and environmental effect.

## **XII. MINERAL RESOURCES**

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

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

### ***b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? No Impact***

The project site is currently undeveloped. There are no known locally important mineral resources identified on the project site. The project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impact would occur.

## **XIII. NOISE**

A noise assessment was prepared for the project by Ldn Consulting (LDN 2020c) and is included as **Appendix I** of this document.

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

### **Construction-Related Noise Analysis**

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

Grading and earthwork activity will be required to prepare the site for development. Based upon information from the project applicant, the project requires 4,474 cubic yards (cy) of cut and 18,443 cy of fill, for a net import of 13,969 cy. No demolition or rock crushing is proposed. Anticipated equipment for project construction includes graders, rubber-tired dozers, excavators, tractors/loaders/backhoes, pavers, rollers, cranes, forklifts, generator sets, welders, and air compressors.

The project would be required to comply with Chapter 10.24 of the San Marcos Municipal Code, which prohibits loud, annoying, or unnecessary noises. Section 10.24.020 provides definitions for and examples of prohibited noise sources. Included in the list of prohibited noise sources are building construction activities that occur Monday through Friday before 7:00 AM and after 6:00 PM or on Saturdays before 8:00 AM or after 5:00 PM. The project would also be required to comply with the grading operation restrictions listed in Section 17.32.180 of the San Marcos Municipal Code. This section of the code addresses the time limits that apply to grading, extraction, and blasting between 7:00 AM and 4:30 PM Monday through Friday. Grading, extraction, or related earth moving is not allowed in the City on the weekends or holidays. The Municipal Code does not set noise limits on construction activities. Commonly, the City has utilized the County of San Diego's Noise Ordinance noise limit of 75 dBA for construction activities. These limits to construction hours are included as project design features listed in Table 1.

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

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

The equipment needed for the development will consist of up to two large bulldozers, a medium bulldozer, three medium sized scrapers, a medium sized front loader, a medium sized crawler type excavator, a medium sized compactor, two small to medium sized road graders, a medium sized rubber tire backhoe and a water truck. Based on the EPA noise emissions, empirical data and the amount of

equipment needed, worst case noise levels from the construction equipment for site preparation would occur during the grading operations.

The grading activities will consist of the preparation of internal roadways, parking, and the finished pad. The grading equipment will be spread out over the project site from distances near the occupied property lines to distances of 500 feet or more away. Based upon the site plan the majority of the grading operations, on average, will occur more than 300 feet from the property lines. This means that most of the time the average distance from all the equipment to the nearest property line is 300 feet. As can be seen in **Table 17**, an average distance of 300 feet from the construction activities to the nearest property line would result in a noise attenuation of -15.6 dBA without shielding. Additionally, the amount of time equipment is operating during a normal work day, referred to as duty-cycle, is utilized in this analysis.

**Table 17. Construction Noise Levels**

Construction Equipment	Quantity	Source Level @ 50-Foot (dBA Leq)	Duty Cycle (Hours/Day)	Cumulative Noise Level @ 50-Foot (dBA Leq-8)
Dozer – D8	1	74	8	74.0
Dozer – D6	1	74	6	72.8
Dozer – 450	1	74	6	72.8
Scraper – 621G	3	75	8	79.8
Wheel Loader – 972G	1	73	8	73.0
Excavator – 336E	1	72	8	72.0
Compactor – 815B	1	74	6	72.8
Grader – 160M	1	73	4	70.0
Grader – 14M	1	73	8	73.0
Backhoe	1	72	4	69.0
Water Truck	1	70	8	70.0
Cumulative Levels @ 50 Feet				84.2
Average Distance to Property Line (Feet)				300
Noise Reduction Due to Distance				-15.6
<b>Nearest Property Line Noise Level</b>				<b>68.6</b>

Source: LDN Consulting, 2020c.

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

### Operational-Related Noise Analysis

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

### Transportation Noise Analysis

#### *Existing Onsite Noise Environment*

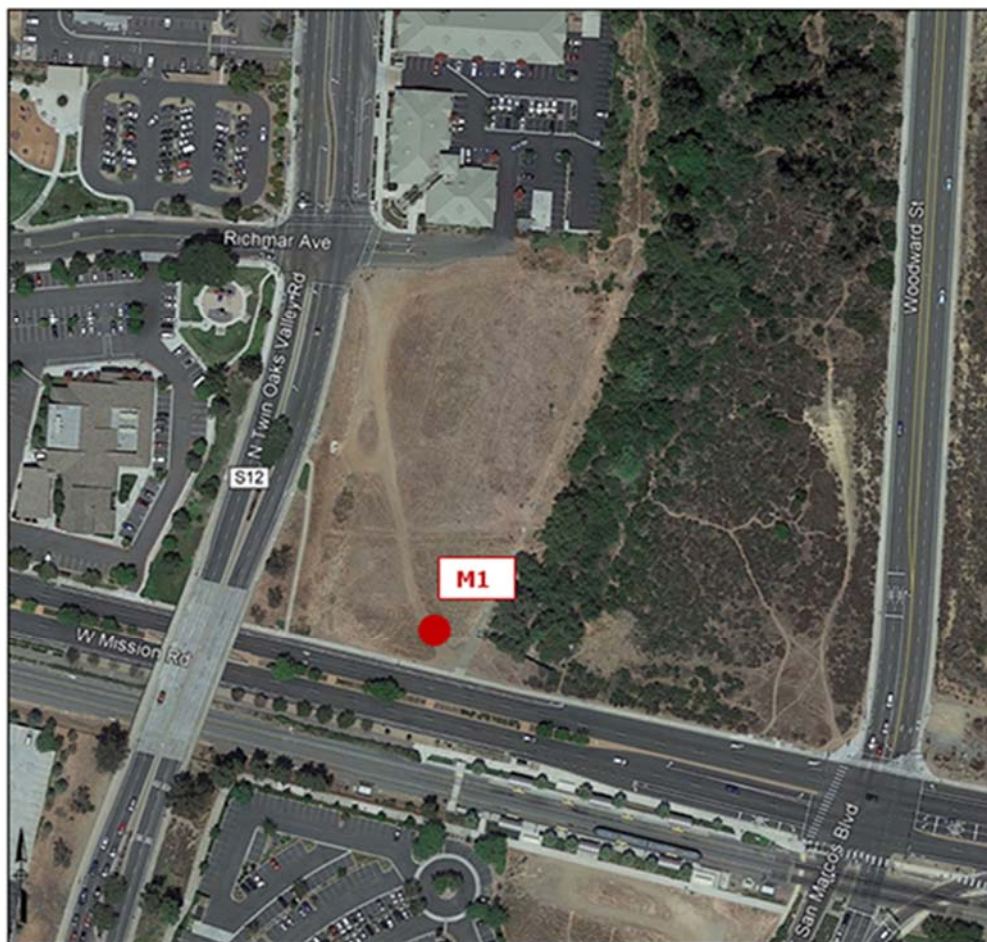
To determine the existing noise environment and to assess potential noise impacts, a 24-hour measurement was taken at the project site. The site has relatively flat terrain and there is no obstruction from trees or rock

outcroppings. This measurement was done to determine the worst-case conditions at the nearest proposed Noise Sensitive Land Use (NSLU). The noise measurements were recorded by LDN and were started on February 3, 2020 at 4:00 PM and ended on February 5, 2020 at 12:00 PM.

Noise measurements were taken using two Larson-Davis Spark Model 706 Type 2 precision sound level meters, programmed, in "slow" mode, to record noise levels in "A" weighted form. The sound level meter and microphone were mounted on a tripod, five feet above the ground and equipped with a windscreen during all measurements. The sound level meter was calibrated before and after the monitoring using a Larson-Davis calibrator, Model CAL 200.

The noise measurement location was determined based on-site access and noise impact potential to the proposed sensitive uses. Monitoring location 1 (M1) was located near the southern end of the project. The noise monitoring location is provided graphically in **Figure 8**.

**Figure 8. Ambient Monitoring Locations**



Source: Ldn Consulting, 2020c.

The result of the noise level measurement is presented in **Table 18**. The ambient 24-hour CNEL noise levels measured in the area of the project was found to be roughly 53 dBA CNEL. The existing noise levels in the project area consisted primarily of traffic along E. Mission Road.

**Table 18. Measured Ambient Noise Levels**

Measurement Identification	Description	Time	Noise Levels (dBA)					
			CNEL	Lmax	Lmin	L10	L50	L90
M1	Along E. Mission Road	February 3, 2020 4:00 PM to February 5, 2020 12:00 PM	52.5	85.4	35.3	54.0	49.5	39.5

Source: Ldn, 2020c.

### ***Future Onsite Noise Prediction***

To determine the future noise environment and impact potentials, the Sound32 model was utilized. The critical model input parameters, which determine the projected vehicular traffic noise levels, include vehicle travel speeds, the percentages of automobiles, medium trucks and heavy trucks in the roadway volume, the site conditions, and the peak hour traffic volume. The peak hour traffic volumes range between 6-12 percent of the average daily traffic (ADT) and 10 percent is generally acceptable for noise modeling.

**Table 19** presents the roadway parameters used in the analysis including the peak traffic volumes, vehicle speeds and the hourly traffic flow distribution (vehicle mix). The vehicle mix provides the hourly distribution percentages of automobile, medium trucks, and heavy trucks for input into the Sound32 Model. The Buildout conditions include the future year 2035 traffic volume forecasts provided by SANDAG Series 13 Traffic Prediction Model.

**Table 19. Future Traffic Parameters**

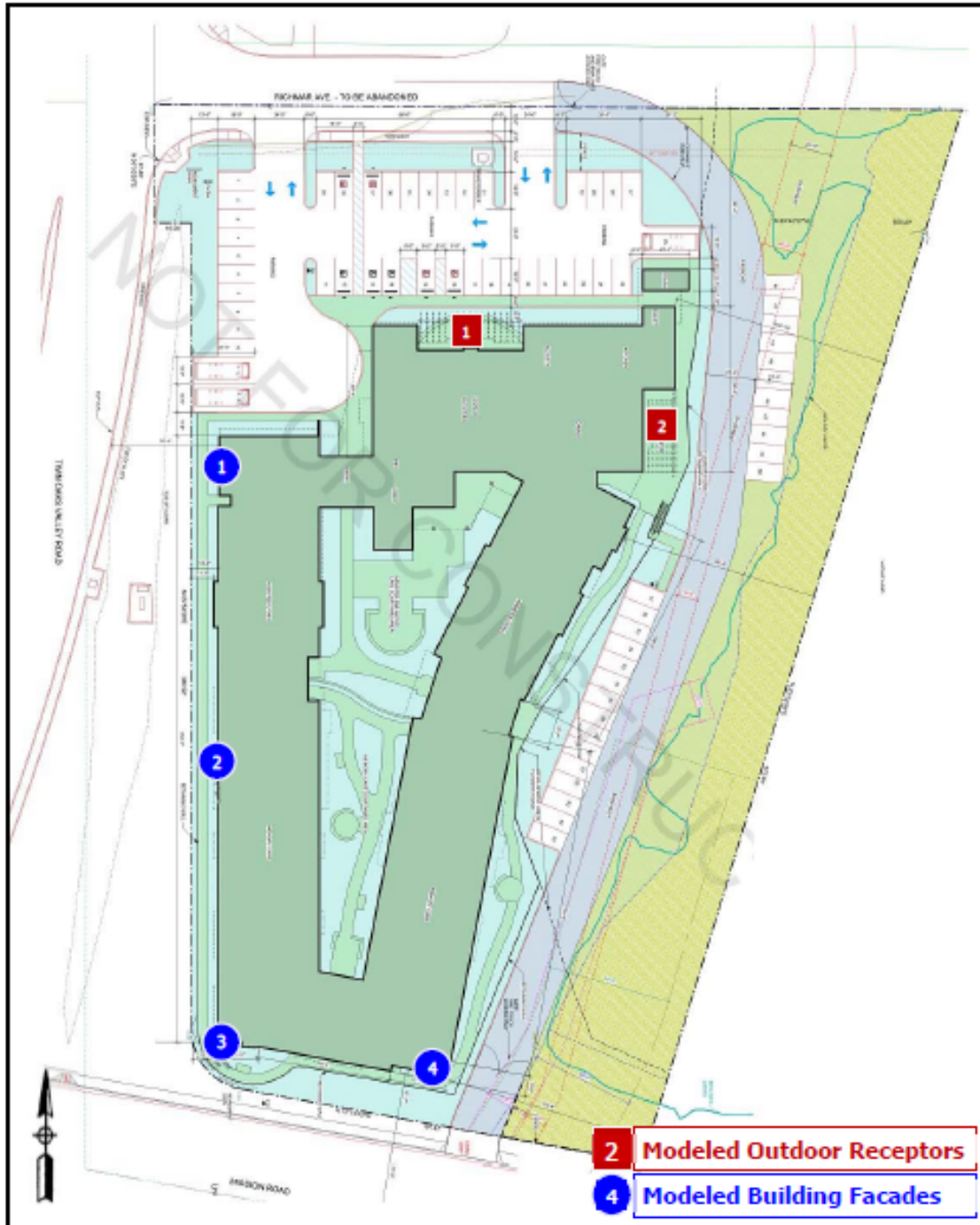
Roadway	Average Daily Traffic (ADT) <sup>1</sup>	Peak Hour Volumes <sup>(1)</sup>	Modeled Speeds (MPH)	Vehicle Mix % <sup>(2)</sup>		
				Auto	Medium Trucks	Heavy Trucks
E Mission Road	14,100	1,410	45	96	2	2
N Twin Oaks Valley Road	17,700	1,770	45	96	2	2

Source: Ldn Consulting, 2020c.

Notes: SANDAG Series 13 Traffic Prediction Model, Forecast Year 2035  
Typical vehicle mix

The required coordinate information necessary for the Sound32 model input was taken from the conceptual site plans provided by Excel Engineering, 2020. The conceptual plans were used to identify the pad elevations, roadway elevations, and the relationship between the noise source(s) and the outdoor receptor areas. To evaluate the potential noise impacts on the proposed development, outdoor observers were located in the common patio areas located on the north and east side of the building and placed five feet above the finished pad elevation. The modeled observer locations for the potential outdoor use areas are presented in **Figure 9**.

Figure 9. Modeled Receptor Locations



Source: Ldn Consulting 2020c.

## Onsite Rail Line Noise

The proposed project is located a minimum of 160 feet from the San Diego Northern Railroad (SDNR) consisting of Sprinter service operated by the North County Transit District (NCTD). According to the City of San Marcos General Plan Noise Element, the 65 dBA CNEL noise contour from the rail activity, with no shielding, is located 130 feet from the centerline of the railroad. No reduction factor was taken for the building facades.

## Cumulative Onsite Noise Levels and Findings

Common use patios were modeled to determine if shielding/mitigation is required to reduce the noise levels below the City's 65 dBA CNEL threshold. The central courtyard area will be shielded by the proposed building and not exposed to traffic noise and therefore was not included in the model. The noise levels determined for the roadway and train activities were combined to determine the overall cumulative noise levels at the proposed patios.

The resultant cumulative noise levels from the traffic and train activities are provided below in **Table 20** for each of the outdoor patios and the building facades.

**Table 20. Combined Future Exterior Noise Levels (Ground Floor)**

Exterior Common Use Area Receptor Number	Unmitigated Noise Levels from all Sources (dBA CNEL)	Building Façade Receptor Number	Building Façade Noise Levels from all Sources (dBA CNEL) <sup>(1)</sup>
1	62	1	63
2	62	2	64
--	--	3	70
--	--	4	70

Source: Ldn Consulting, 2020c.

Note: (1) Interior Noise Study required per City Guidelines if building façade is above 60 dBA CNEL.

As shown in Table 20, exterior common use areas are modeled to have an unmitigated noise level of 62 dBA CNEL. This is below the City of San Marcos Noise standards of 65 dBA CNEL and no impact is identified. However, building facades are forecasted to be at 70 dBA CNEL for Receptors No. 3 and 4, which face E. Mission Road. This represents a significant impact (**Impact N-1**) and mitigation is required.

- MM-N-1** Prior to the issuance the building permit, a final noise assessment is required since the building facades are above 60 dBA CNEL. This final report would identify the interior noise requirements based upon architectural and building plans to meet the City's established interior noise limit of 45 dBA CNEL. It should be noted; interior noise levels of 45 dBA CNEL can easily be obtained with conventional building construction methods and providing a closed window condition requiring a means of mechanical ventilation (e.g. air conditioning) for each building and upgraded windows for all sensitive rooms (e.g. bedrooms and living spaces).

The project also proposes some deck and balcony areas. Some are internal and shielded by the building and some are external facing the roadways. The deck(s) along Twin Oaks Valley Road, Mission Avenue and half the balconies on the eastern side of the building closest to E. Mission Road will have elevated noise levels. This represents a significant impact (**Impact N-2**), and mitigation measures are required to reduce impacts to below a level of significance.

- MM-N-2** Any open deck or balconies facing Twin Oaks Valley Road, E. Mission Road, or on the eastern side of the building closest to E. Mission Road, as detailed in **Figure 10**, will require 4-foot barriers to reduce sound levels. The barriers must be constructed of non-gapping materials (i.e., masonry, stucco, ¼ inch thick glass or Plexiglas).

### Project Related Offsite Transportation Noise

To determine if direct or cumulative off-site noise level increases associated with the development of the proposed project would create noise impacts. The traffic volumes for the existing conditions were compared with the traffic volume increase of existing plus the proposed project. The project is estimated to only generate 345 daily trips. The existing average daily traffic (ADT) volumes on the area roadways are more than several thousand ADT. Typically, it requires a project to double (or add 100 percent) the traffic volumes to have a direct impact of 3 dBA CNEL or be a major contributor to the cumulative traffic volumes. The project will add less than a 1 percent increase to the existing roadway volumes and no direct or cumulative impacts are anticipated.

***b. Generation of excessive groundborne vibration or groundborne noise levels? Less Than Significant Impact***

The nearest vibration-sensitive uses are the nearby retail and commercial uses located to the north and west of the project site, 100 feet or more from the proposed construction.

### Construction Vibration Analysis

**Table 21** lists the average vibration levels that would be experienced at the nearest vibration sensitive land uses to the east from temporary construction activities. The FTA has determined vibration levels that would cause annoyance to a substantial number of people and potential damage to building structures. The FTA criterion for vibration induced structural damage is 0.20 in/sec for the peak particle velocity (PPV). Project construction activities would result in PPV levels below the FTA's criteria for vibration induced structural damage. Therefore, project construction activities would not result in vibration induced structural damage to residential buildings near the construction areas.

**Table 21. Vibration Levels from Construction Activities (Residential Receptors)**

Equipment	Approximate Velocity Level at 25 Feet (VdB)	Approximate RMS Velocity at 25 Feet (in/sec)	Approximate Velocity Level at 100 Feet (VdB) <sup>(1)</sup>	Approximate RMS Velocity at 100 Feet (in/sec) <sup>(2)</sup>
Small Bulldozer	58	0.003	39.9	0.0004
Jackhammer	79	0.035	60.9	0.0044
Loaded trucks	86	0.076	67.9	0.0095
Large Bulldozer	87	0.089	68.9	0.0111
FTA Criteria			80	0.2
<b>Significant Impact?</b>			<b>No</b>	<b>No</b>

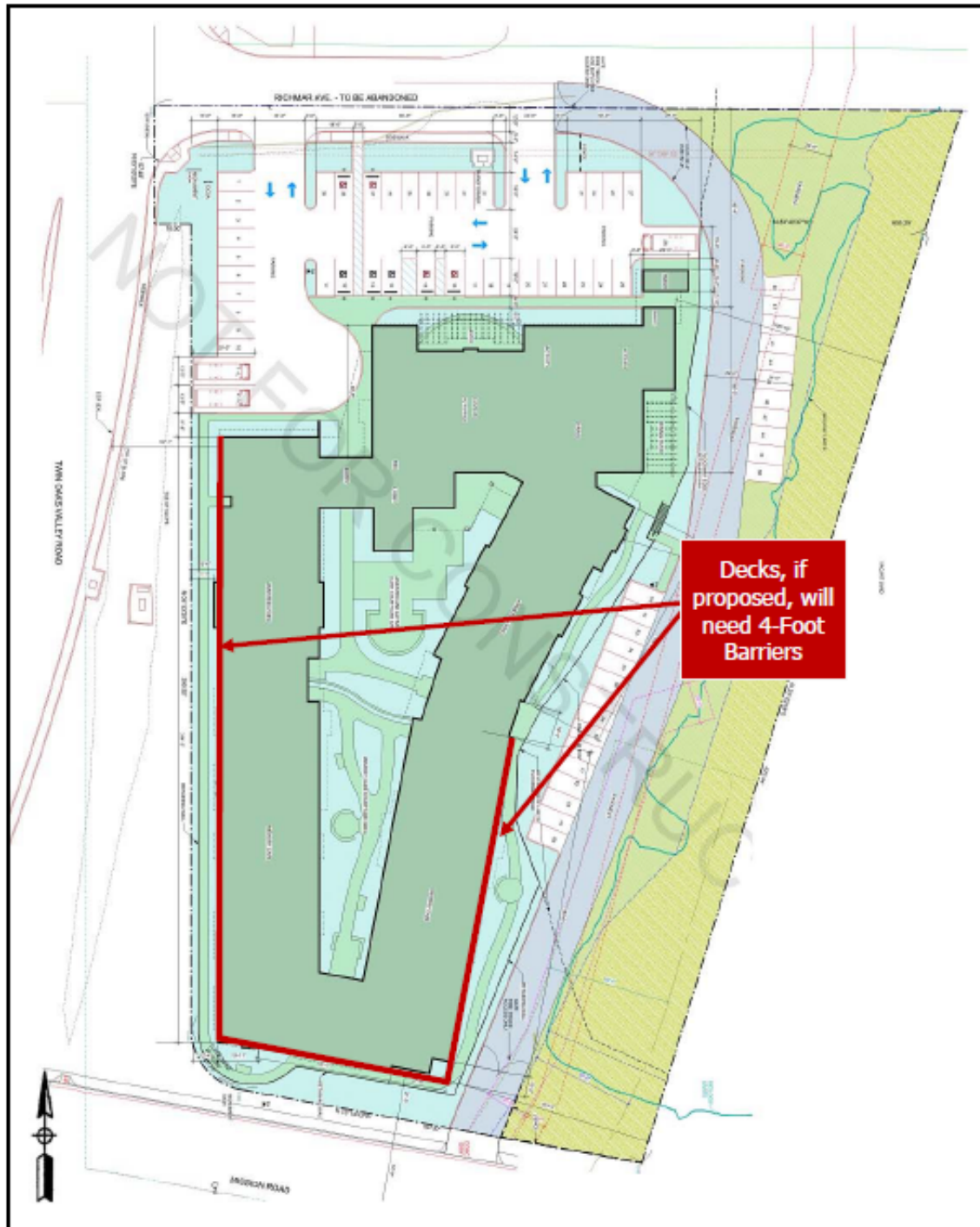
Source: Ldn Consulting, 2020c.

Notes: (1) VdB = VdB(25 feet) – 30log(d/25) provided by the FTA

(2) PPV at Distance D = PPVref x (25/D)<sup>1.5</sup> provided by the FTA



Figure 10. Deck and Balcony Mitigation Locations



Source: Ldn Consulting 2020c.

The FTA criterion for infrequent vibration induced annoyance is 80 Vibration Velocity (VdB) for residential uses. Construction activities would generate levels of vibration that would not exceed the FTA criteria for nuisance for nearby residential uses. Therefore, vibration impacts would be less than significant.

### **Train Vibration Analysis**

Train vibration depends on the weight of the train, travel speed, the condition of the track and soil characteristics. The proposed project buildings would be more than 175 feet from the centerline of the tracks. FTA Transit Noise and Vibration Impact Assessment Manual (FTA 2018) predicts that freight train vibration levels are as high as 73 VdB at 175 feet from the track centerline for a locomotive-powered freight train traveling at speeds of 50 MPH and up to 62 VdB for commuter rail train events at that speed.

Therefore, the infrequent freight train activities will be below the 80 VdB, infrequent event for the freight train and the frequent commuter train activities will be below the 72 VdB frequent event annoyance thresholds. Additionally, due to the close proximity of the Transit Center, the commuter trains will be traveling at a slower speed of approximately 15 MPH, which would reduce the vibration levels 8 VdB. Similarly, the freight train will be travelling at speeds of 30 MPH or less which would reduce the vibration levels at least 4 VdB. Therefore, the train activities would have a less than significant impact on the proposed project.

- c. For a project located within an airport land use plan within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? Less than Significant Impact***

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

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

## **XIV. POPULATION AND HOUSING**

- a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Less than Significant Impact***

The project proposes to construct a 138-unit assisted living and memory care facility. The project would provide housing for approximately 174 people (138 units with 174 total beds) and 1 employee per 1,050 square feet (SANDAG, 2018) would be needed to operate the proposed project. With the addition of 174

residents, the potential population growth would be nominal. Additionally, because of the nature of assisted living facilities, the majority of residents would likely be already located within or near the City.

The Housing Element of the General Plan notes the need for additional housing for seniors (over 65 years of age) and persons with physical and mental disabilities. The senior population in San Marcos has been increasing. In 2010, there were 8,527 senior persons in San Marcos. Between 2000 and 2010, the senior population in San Marcos grew by approximately 31 percent (from 6,525 seniors). Twenty percent of households have elderly heads of household. As reflected in Table 8-8 of the Housing Element, senior residents had the highest incidence of disability (43 percent). The Housing Element notes that most of the affordable senior apartments located in San Marcos have long waiting lists. The proposed assisted living residence would help the City meet its dual goal of providing more senior housing, including serving those with disabilities (e.g., memory care conditions).

The project will not result in the construction of new offsite infrastructure. The project will be served by existing water, sewer, and storm drain infrastructure offsite and will make infrastructure improvements on site to serve the future development.

Due to the minor increase in population and the creation of an assisted living and memory care facility, which may serve seniors, impacts associated with population growth would be less than significant.

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

The project site is vacant and does not currently contain any housing; therefore, the project would not result in the need to construct replacement housing. No impacts would occur.

## **XV. PUBLIC SERVICES**

***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:***

***a. Fire protection? Less than Significant with Mitigation Incorporated***

Fire protection services in the City are provided by the San Marcos Fire Department (SMFD). SMFD is a full-service department responsive to the City and the San Marcos Fire Protection District, which covers an area of 33 square miles and a population of approximately 95,000 residents. SMFD provides the following services within its service area: fire suppression, rescue, emergency medical service, fire prevention services, vegetation management, public education, emergency preparedness and trauma support (City of San Marcos 2020a).

SMFD was contacted for their input on the project, including for information regarding stations serving the project, current staffing, response times, and other items related to fire protection services. The response from the Fire Marshal is included in **Appendix J**. According to SMFD Battalion Chief/Fire Marshal Jason Nailon, the project would be served by the following station:

Fire Station	Resources
San Marcos Fire Station #1 180 W. Mission Road San Marcos, CA 92069	<ul style="list-style-type: none"> <li>• One truck company (3 personnel)</li> <li>• One fire engine company (3 personnel)</li> <li>• One rescue ambulance (2 personnel)</li> </ul>

The average response time for the SMFD is one to two minutes. SMFD (2020b) has indicated that there is capacity to serve the project but that the proposed project would result in an increase in call volume and services provided by SMFD. Per comments from SMFD, as a condition of project approval, the project applicant will also be required to enter into a Business Operations Agreement with the City for Emergency Medical Services.

The project applicant is coordinating with SMFD to ensure policies and procedures are in place related to minimum levels of staff training and that there is an appropriate falls prevention and management plan in place. Falls can be of a concern at assisted living facilities and result in an increase in emergency response calls. As a condition of project approval, the applicant shall develop policies and procedures related to falls prevention and management. This includes having all necessary and appropriate patient lifts on site to support transferring and repositioning patients as clinically appropriate. Additionally, the project applicant has indicated that quarterly care conferences are conducted with residents and families to review the level of care and any changes in condition. The project applicant would also conduct preliminary assessments prior to admission to ensure the facility is capable of providing the level of care required by each resident.

Development of the project will contribute to the incremental increase in demand for fire protection services City-wide. This represents a significant impact (**Impact PS-1**), and mitigation is required.

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

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

***b. Police protection? Less than Significant with Mitigation Incorporated***

Implementation of the proposed project would increase demand on police protection services due to the addition of an assisted living and memory care facility in the City. The San Diego County Sheriff's Department was contacted for their input on the project; and a response was provided by Corporal Malcom Horst (2020) (Appendix J). Mr. Horst indicated that the Sheriff's Department will be able to serve the project with existing resources. The project site would be served by the San Marcos Station located at 182 Santar Place, which is located approximately one mile west of the project site. Current staffing levels are adequate to meet current demand.

As an assisted living facility that will also serve memory care residents, the project incorporates specific safety features which are designed to minimize the potential for unsupervised egress from the site for memory care residents. Per the project applicant, the memory care portion has been designed with security and safety in mind for this particular residential group. Features include:

- The memory care interior and exterior common areas and walking paths are focused in the center of the building reducing unneeded access to the perimeter of the site.
- Interior egress doors from the memory care portion to the assisted living portion will require a key fob and/or punch code to exit.
- The staff station has been designed to be at the main entrance of the memory care area for an additional security measure.
- Black flooring will be installed by all interior and perimeter door egresses which is considered a deterrent for residents with dementia.
- The wall between the memory care and assisted living courtyards will be a minimum of six-feet in height and designed to not be scalable.
- All other openings from the memory care community to the perimeter of the site will be delayed egress and will audibly alarm once the panic bar is pushed. As a back-up to the delayed egress system, all perimeter exterior doors are tied into the nurse call system which will provide visual alarms to staff when the panic bar is pushed.

However, development of the project will contribute to the incremental increase in demand for police protection services City-wide. This represents a significant impact (**Impact PS-2**), and mitigation is required.

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

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

***c. Schools? No Impact***

The project site is located within the service boundary of the San Marcos Unified School District (SMUSD). As a 138-unit assisted living and memory care facility, the proposed project will not generate any students. The project applicant will be required to pay applicable school fees pursuant to California Education Code Section 17620 et seq. and Government Code Sections 65995(h) and 65996(b) in effect at the time of building permit issuance. Current Level II school fees are \$0.61/square foot for commercial uses.

***d. Parks? Less than Significant Impact***

The City has 16 major community parks and 18 mini parks and an extensive trail network. There are two park areas within 0.1 mile of the project site. Richmar Park is located at 110 Richmar Avenue. This park has adaptive play equipment, a performance plaza, permanent restrooms, a reservable picnic shelter, picnic tables, play equipment and turf areas. There is also an exercise equipment area at the southeast corner of N. Twin Oaks Valley Road and Richmar Avenue associated with the San Marcos Senior Activity Center.

The project design includes 138 private rooms for assisted living and memory care residents. Communal spaces including two dining areas, a theater, multiple activity areas, a library, and a salon. Outside courtyard areas, shared balconies off common areas and a third-floor deck are also included in the project design to provide outdoor spaces.

Residents are anticipated to recreate on-site and would not be expected to increase demand on existing neighborhood parks. The project applicant would still be required to pay the City's Public Facilities Fee (PFF), a portion of which is designated for parks. The PFF money would go towards the acquisition and development of local and community park facilities throughout the City. Payment of the PFF will be required prior to issuance of a building permit. Because the project is not anticipated to increase demand on existing parks and through the contribution of funds for the acquisition and development of local and community park facilities throughout the City, impacts would be less than significant.

***e. Other public facilities? Less than Significant Impact***

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

**XVI. RECREATION**

***a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated? Less Than Significant Impact***

The City has 16 major community parks and 18 mini parks and an extensive trail network. There are two park areas within 0.1 mile of the project site. Richmar Park is located at 110 Richmar Avenue. This park has adaptive play equipment, a performance plaza, permanent restrooms, a reservable picnic shelter, picnic tables, play equipment and turf areas. There is also an exercise equipment area at the southeast corner of N. Twin Oaks Valley Road and Richmar Avenue associated with the San Marcos Senior Activity Center.

The project design includes 138 private rooms for assisted living and memory care residents. Communal spaces including two dining areas, a theater, multiple activity areas, a library, and a salon. Outside courtyard areas, shared balconies off common areas and a third-floor deck are also included in the project design to provide outdoor spaces. Residents are anticipated to recreate on-site and would not be expected to increase demand on existing neighborhood parks. The project applicant would still be required to pay the City's Public Facilities Fee (PFF), a portion of which is designated for parks. The PFF money would go towards the acquisition and development of local and community park facilities throughout the City. Payment of the PFF will be required prior to issuance of a building permit. Because the project is not anticipated to increase demand on existing parks and through the contribution of funds for the acquisition and development of local and community park facilities throughout the City, impacts would be less than significant.

***b. Does the project include any recreational facilities or require the construction or expansion of recreation facilities which might have an adverse physical effect on the environment? Less Than Significant Impact***

As identified above, the project includes communal spaces recreational areas including a theater, multiple activity areas, and a library. Additionally, several outdoor courtyard areas, shared balconies off common areas and a third-floor deck are also included in the project design to provide outdoor spaces. The recreational amenities are included as part of the project description and within the footprint of the proposed project. Any impacts associated with the construction of these amenities are analyzed within this environmental document. Impacts would be less than significant.

## **XVII. TRANSPORTATION**

An analysis of the General Plan Amendment related to the removal of the Richmar Bridge from the Mobility Element is provided in Section X1., Land Use and Planning.

The project would generate increased traffic through the development of a 138-room assisted living and memory care facility. In accordance with the SANTEC/ITE Guidelines for Traffic Impact Studies in the San Diego Region (March 2000), all road segments where 50 or more project-generated trips peak hour trips are forecast to be added should be addressed in a traffic impact analysis. A traffic impact study was not prepared for the project since it will not generate 50 or more peak hour trips to any road segment or intersection. Additionally, per the City's requirements for traffic impact analysis, given that the project site has a base land use of commercial, a traffic report is not required unless the project would generate more than 1,000 ADT.

As shown in **Table 22**, the project would generate 345 total ADT, including 14 trips in the AM Peak hour and 28 trips in the PM peak hour. It should be noted that the SANTEC/ITE trip generation guidelines do not have a generation rate for assisted living or memory care facilities, so the congregate care facility rate was used for the project.

**Table 22. Project Trip Generation**

TRIP GENERATION RATES									
Use	Rate	AM PEAK HOUR			PM PEAK HOUR				
		% of ADT	In: Out Ratio		% of ADT	In: Out Ratio			
Congregate Care Facility	2.5 trips/unit	4%	0.60	:	0.40	8%	0.70	:	0.30
TRIP GENERATION CALCULATIONS									
Land Use	Amount	ADT	AM PEAK HOUR			PM PEAK HOUR			
			Total	In	Out	Total	In	Out	
Congregate Care Facility	138 units	345	14	8	6	28	20	8	

Source: SANDAG 2002.

- a. ***Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? Less Than Significant with Mitigation Incorporated***

### **Transit Facilities**

Transit services in San Marcos are provided by the NCTD and include the Breeze Bus and the SPRINTER light rail. NCTD Breeze Route 305 runs between the Vista Transit Center and the City of Escondido and travels along E. Mission Road south of the project site. The closest bus stops are on E. Mission Road, west of Woodward Street and another stop west of Firebird Lane. Both are a short walk from the project site. The closest light rail stop is the SPRINTER station at the San Marcos Civic Center. The project would not result in any impact to or change in transit facilities. No impact is identified.

### **Bicycle and Pedestrian Facilities**

The project site is located adjacent to E. Mission Road which is classified as an Arterial with enhanced bicycle pedestrian facilities and has an existing Class II bicycle path, according to the Mobility Element in the City of San Marcos General Plan. There is a sidewalk along the project frontage with E. Mission Road.

The project site is also adjacent to N. Twin Oaks Valley Road. The portion of N. Twin Oaks Valley Road between E. Mission Road and Borden Road is identified as a Four Lane Arterial with Class II or III bicycle facilities and a sidewalk. A bicycle lane and sidewalk are located adjacent to the project site on N. Twin Oaks Valley Road.

There is no existing sidewalk along the project frontage with Richmar Avenue; however, as part of the project design a sidewalk will be constructed along the frontage of Richmar Avenue.

The project would not result in any impact to or change in the existing bicycle and pedestrian infrastructure adjacent to the project site on E. Mission Road or N. Twin Oaks Valley Road. No impact is identified.

### **Parking**

The project includes 65 total parking spaces, including seven Americans with Disabilities Act (ADA) spaces (five standard and two for vans). Loading zone areas are also included. The majority of the spaces will be on the northern side of the project with additional spaces on the eastern side of the project site. Per the San Marcos Municipal Code Table 20.341-1, the project would be required to provide 58 parking spaces. The project is providing eight additional spaces than what is required per the city code. No impact is identified.

### **Contribution to City-wide Traffic**

The project will contribute to City-wide traffic resulting in potential cumulative impacts (Impact TR-1). Implementation of the following mitigation measure will be required as a condition of project approval:

- MM-TR-1** Prior to the issuance of a grading permit, the applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facility District: CFD 2011-01 (Congestion Management).



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

***b. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)? Less than Significant Impact***

Section 15064.3(b) of the CEQA Guidelines provide criteria for analyzing transportation impacts for land use projects and transportation projects. The City produced their Transportation Impact Analysis Guidelines (Guidelines), dated November 16, 2020, to provide guidance to City staff, applicants, and consultants on the requirements to evaluate transportation impact for projects in the City. These guidelines implement the requirements of SB743 with respect to the City.

The Guidelines include a process to determine if a detailed vehicle miles traveled (VMT) analysis is needed, including several screening approaches that can be used to identify when a project should be expected to cause a less than significant impact related to VMT.

The Guidelines include a flowchart (page 6) depicting how a land use project would be analyzed under the proposed screening criteria. A project that meets at least one of the screening criteria would be considered to have a less-than significant VMT impact due to project characteristics or location characteristics.

One type of project that screens out is if it located in a High-Quality Transit Area (HQTa) and also meets the requirements of having a floor area ratio (FAR) of greater than 0.75, does not include parking beyond the minimum required by the City's Municipal Code, is consistent with the General Plan, and does not replace affordable housing. The following provides a discussion on how the project meetings the criteria to screen out.

**High Quality Transit Area**

A high-quality transit area is defined as the one-half mile walkshed around either of the following:

- An existing major transit stop, defined as a site containing an existing rail transit station or the intersection of two or more major bus routes with a combined frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods (typically defined as 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM, respectively). In addition, a rail transit station must be within 0.25 miles of bus stops serving at least one bus route with individual service intervals no longer than 30 minutes during peak commute periods per route in order to qualify as a high-quality transit area.
- An existing stop along a high-quality transit corridor, defined as a corridor with fixed route bus service with combined service intervals (gaps between buses serving the corridor) no longer than 15 minutes during peak commute hours.

The project site is located across the street from the San Marcos Civic Center SPRINTER rail station. The SPRINTER is a 22-mile commuter rail that connects Oceanside, Vista, San Marcos, and Escondido and serves 15 stations along the SR-78 corridor. Its western terminus is the Oceanside Transit Center which provides connections to three other rail lines (Coaster, Metrolink Orange County Line and Metrolink Inland Empire-Orange County Line). Currently the SPRINTER runs every 30 minutes in each direction Monday through Friday from 4:00 AM to 9:00 PM with Friday and Saturday trains running later. Saturday,

Sunday, and holidays trains operate every 30 minutes between 10:00 AM and 6:00 PM and hourly before 10:00 AM and after 6:00 PM.

NCTD Breeze Route 305 runs between the Vista Transit Center and the City of Escondido and travels along E. Mission Road south of the project site. The route operated Monday through Friday from 4:30 AM to 11:00 PM and on weekends from 5:30 AM to 11:00 PM. The closest bus stops are on E. Mission Road, west of Woodward Street and another stop west of Firebird Lane. Both of these stops are within 0.25 mile of the project site and the SPRINTER station. The 305 bus stops every 30 minutes at these locations.

### **Floor Area Ratio**

Floor area ratio (FAR) is the measurement of a building's floor area in relation to the size of the lot/parcel that the building is located on. The project site has a FAR of 0.74. While this is just below the criterion of 0.75, given the fact that a portion of the site is associated with riparian habitats that will be placed within a non-buildable easement, the project's FAR would be greater than 0.75 if the riparian habitat area (0.57 acre) was not considered. Therefore, the project is considered to meet this criterion.

### **Parking Requirements**

Per the San Marcos Municipal Code Table 20.341-1 (Parking Requirements by Land Use), as a residential care facility the project has a base parking requirement of 1 space/3 residents, which equates to 58 parking spaces for the project. Table 20.341-1 notes that the provision of parking shall be based on the population served and level of care provided at the facility and that minimum requirements identified in the table are guidelines for establishing appropriate service levels on a case by case basis. The minimum is determined by the City through the site review process, which is the CUP. The project design includes 65 total parking spaces, including seven ADA spaces. Based upon information provided by the project applicant, at similar facilities they operate, the typical parking demand is .033 to 0.40 spaces per bed, which would be a range of 58 to 70 space for the project. The proposed parking falls within this range and would also be acceptable given the flexibility in the parking requirements that note the provision of parking shall be based on the population served. Therefore, the project meets this criterion.

### **General Plan Consistency**

The project site has a General Plan designation of SPA (Specific Plan Area) and a zoning designation of Specific Plan Area (SPA). A General Plan Amendment is proposed to remove the Richmar sub-plan designation. The underlying "Commercial" designation is not changing to the project complies. Since the underlying Commercial designation will remain the same with implementation of the project, the project is determined to be consistent with the land use assumptions of the General Plan. The project does not propose a change in use on the project site.

### **Affordable Housing**

Implementation of the project would not impact affordable housing. The project site is currently undeveloped and has an underlying Commercial designation within the Heart of the City Specific Plan. The project is proposing an assisted living facility which would offer housing options for those with memory related disorders or those who need assistance in completing activities of daily living. No affordable housing would be impacted, and the project meets this criterion.

## Conclusion

The project meets the criteria of being within one-half mile of a major transit stop and screens out of additional VMT analysis. The project would not conflict with or be inconsistent with the CEQA Guidelines Section 15064.3(b) and impacts would be less than significant.

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

The project proposes access via two driveways on Richmar Avenue. The E. Mission Road access will be gated. With removal of the Richmar Bridge from the Mobility Element, the Richmar Avenue right-of-way would be vacated and would become a private shared driveway access between the project and the commercial center to the north.

By taking entry off of Richmar Avenue, there would be no conflict with traffic flows on E. Mission Road or N. Twin Oaks Valley Road. The proposed use, an assisted living facility, would be compatible with the uses in the project vicinity which include neighborhood commercial and a senior community center. There are no aspects of the project which would substantially increase hazards due to a geometric design or incompatible use. No impact is identified for this issue area.

***d. Result in inadequate emergency access? No Impact***

Access to the project site would be via two full access driveways on Richmar Avenue. The Fire Marshal reviewed the project and did not identify any emergency access or circulation issues on the project site. No impact is identified for this issue area.

## XVIII. TRIBAL CULTURAL RESOURCES

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

### AB 52 Coordination

Assembly Bill (AB) 52 Assembly Bill (AB) 52 requires consultation with California Native American Tribes and consideration of tribal cultural resources, requiring consultation prior to the release of an environmental document if requested by a California Native American Tribe. Outreach to local tribes by the City, consistent with AB 52, was initiated as part of the preparation of this environmental document.

The City received AB 52 consultation requests from the San Luis Rey Band of Mission Indians (San Luis Rey Band) and the Rincon Band of Luiseño Indians (Rincon Band). The City is currently in consultation with both the San Luis Rey Band the Rincon Band.

## SB 18 Coordination

Sente Bill (SB) approved in 2004, amends the California Civil Code and the California Government Code, requiring cities and counties to contact and consult with California Native American tribes prior to adopting or amending any general plan or specific plan, or designating land as open space in order to preserve or mitigate impacts to specified Native American places, features and objects that are located within the city's or county's jurisdiction. SB 18 also requires cities and counties to hold in strict confidence any information about the specific identity, location, character or use of these resources. In 2005, OPR published Tribal Consultation Guidelines to guide cities and counties on the process of engaging in consultation in accordance with SB 18. The NAHC maintains a list of California Native American Tribes with whom cities and counties must consult pursuant to SB 18. Outreach to local tribes by the City, consistent with SB 18, was initiated as part of the preparation of this environmental document.

## Potential for Resources

The intensive visual inspection of the accessible portions of the project site conducted by ASM provided no evidence for the presence of cultural resources in those areas. However, a large portion of the project site was obscured with existing construction materials, vehicles and storage containers associated with the active outdoor storage yard. Therefore, it is possible that additional cultural materials are present and were not visible during the time of the survey. There remains the potential to encounter unidentified resources during project grading activities should construction go deeper than previously disturbed depths. To further ensure Native American archaeological resources are protected, implementation of MM-CR-1a through MM-CR-1h provides additional protections for significant resources and describes the process for proper treatment and handling to ensure impacts would be minimized. Implementation of this mitigation would reduce potential project-level impacts to tribal cultural resources to below a level of significance.

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

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

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

unidentified cultural resources, to prevent inadvertent disturbance of any intact cultural deposits that may be present.

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

## **XIX. UTILITIES AND SERVICE SYSTEMS**

The project site is within the VWD water and sewer service boundaries and VWD has indicated they can serve the project. The domestic water and fire water connections will be to the existing VWD water main in N. Twin Oaks Valley Road. Sewer connection will be to the existing sewer lateral that runs within a VWD easement along the eastern portion of the project site.

VWD was contacted during the preparation of this document for input on the water and wastewater analysis. A Water and Sewer Study was prepared for the project by Vallecitos Water District (2020). The complete report is included as **Appendix L** of this document. The study was prepared assuming 137 units however the applicant refined the project design to include 138 units. VWD has indicated that the addition of one unit would not change the conclusions of the report (Koonce 2020).

VWD indicated that there is an existing sewer easement that contains a 27-inch sewer main along the creek on the east side of the property. VWD does not allow buildings or other structures to be constructed within the easement. Also, the finished surface over the sewer main cannot be changed without VWD approval. The finished surface must be drivable access to the sewer main and manholes. The driveway aisle along the eastern portion of the project follows this easement and the project applicant has coordinated with VWD to ensure their requirements have been included in the project design. These requirements have been included as a condition of project approval.

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

### **Water Facilities Analysis**

***Water Distribution Infrastructure Analysis*** – The project is located within VWD boundaries for water service and is completely within the 920-pressure zone. The domestic water and fire water connections for the project will be to the existing VWD water main in N. Twin Oaks Valley Road. Water modeling prepared by VWD concluded that the project would not create any new distribution system deficiencies under average day demand, maximum day demand, or peak hour demand.

***Water Storage Analysis*** – The City's approved land use designation on the site is Commercial. VWD's 2018 Master Plan based its ultimate water demand planning on this approved land use. The VWD 2018 Master Plan assumed water demand on the project site would be 5,685 gallons per day (gpd). Under the proposed development, the project would have a water demand of 17,433 gpd. This represents an increase of approximately 11,748 gpd (**Table 23**).

**Table 23. Estimated Water Demand**

Land Use Type	Area (acres)	Number of Units	Duty Factor (gpd/acre)	Duty Factor (gpd/du)	Water Demand (gpd)
<b>2018 Master Plan Land Use Demand</b>					
Commercial	2.18	-	1,500	-	5,685
<b>Total</b>	<b>2.18</b>	-	-	-	<b>5,685</b>
<b>Proposed Project Demand</b>					
Flood Plain (Open Space)	1.54	-	200	125	308
Assisted Living Facility	2.25	137	-	125	17,125
<b>Total</b>	<b>2.18</b>	-	-	-	<b>17,433</b>
<b>Increase in Water Demand</b>					<b>11,748</b>

Source: VWD 2020.

Potable water storage within VWD is sized for operational, emergency, and fire flow storage. The project site is entirely within VWD's 920 pressure zone. Water storage for this zone is located within the 920 Richland and the 1028 Twin Oaks pressure zone. **Table 24** shows the required storage in these zones for the existing and ultimate build-out conditions relative to the existing storage provided within each zone.

**Table 24. Existing Reservoir Storage Capacity and Requirements**

Pressure Zone	Existing ADD (MDG)	Existing Storage Requirements (MG)	Ultimate ADD (MGD)	Ultimate Storage Requirements (MG)	Existing Storage Available (MG)
855	3.74	50.05	3.79	101.25	0
920 Richland	5.61		10.40		18
1028 Twin Oaks	0.66		3.06		73
<b>Totals</b>	<b>10.01</b>	<b>50.05</b>	<b>20.25</b>	<b>101.25</b>	<b>91</b>

Source: VWD, 2020.

The project will increase the projected average water demand by approximately 11,748 gallons per day. The reservoir storage requirement is 500 percent of the development's average day demand, which would be 58,740 gallons for the proposed project. VWD concluded that the water storage capacity is currently available to serve the project's increased storage requirements. Master Plan projects identified in the 2018 VWD Master Plan address and accommodate the ultimate build-out storage deficiencies and the Water Capital Facility Fees per VWD Ordinance No. 175 paid by the project applicant will be used for the increase in storage necessitated by the project's increase in demand. VWD considers payment of the Water Capital Facility Fees as mitigation for the increase in water storage demand.

**Water Pump Station Analysis** – Since the project is located in a pressure zone that is not served by pumping, there are no impacts to existing or proposed pump stations by the project.

#### **Wastewater Facilities Analysis**

The project site is located completely within VWD sewer shed 24c. VWD's 2018 Master Plan assumed a wastewater generation of 4,548 gpd for the project site. Under the proposed project, the wastewater

generation is anticipated to be 17,125 gpd. This represents an increase of approximately 12,577 gpd (Table 25).

**Table 25. Estimated Wastewater Flows**

Land Use Type	Area (acres)	Number of Units	Duty Factor (gpd/acre)	Duty Factor (gpd/du)	Wastewater Generation (gpd)
<b>2018 Master Plan Land Use Demand</b>					
Commercial	3.79	-	1,200	-	4,548
<b>Total</b>	<b>3.79</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4,548</b>
<b>Proposed Project Demand</b>					
Flood Plain (Open Space)	1.54	-	-	125	0
Assisted Living Facility	2.25	137	-	125	17,125
<b>Total</b>	<b>3.79</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>17,125</b>
<b>Increase in Wastewater Flows</b>					<b>12,577</b>

Source: VWD, 2020.

**Wastewater Collection System Analysis** – The VWD Sewer Study (2020) included modeling that considered the sewer collection infrastructure in the direct vicinity of the project as well as all downstream infrastructure from the proposed project to Lift Station No. 1 on San Marcos Boulevard. The modeling results show that there are no system deficiencies under peak wet weather flows in the ultimate build-out condition.

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

**Parallel Land Outfall Analysis** – VWD’s existing outfall is approximately eight miles in length and consists of four gravity pipeline sections and three siphon sections varying from 20 to 54 inches in diameter. VWD maintains the entire pipeline from Lift Station No. 1 to the Encina Water Pollution Control Facility (EWPCF). From Lift Station No. 1 to El Camino Real, VWD is the sole user of this pipeline. From El Camino Real to the EWPCF, the ownership capacity is split between the City of Carlsbad (5 million gallons per day (MGD)), the City of Vista (3.75 MGD), and VWD (12.10 MGD), for a total capacity of 20.85 MGD.

The Meadowlark Reclamation Facility (MRF) has a capacity of 5 MGD with a peak wet weather capacity of 8 MGD. Combined with the capacity at EWPCF, VWD has a combined peak wet weather wastewater collection capacity of 20.10 MGD at these two facilities. VWD’s 2014 average daily wastewater flow was 7.5 MGD, which corresponds to a peak wet weather flow of 17.5 MGD. This falls within VWD’s combined peak wet weather collection capacity.

The 2018 Master Plan estimated that, under approved land uses, VWD has an ultimate built-out average daily flow of 14.4 MGD, which corresponds to a peak wet weather flow of 31.7 MGD. This exceeds VWD’s peak wet weather collection capacity. To accommodate additional wastewater flows from planned development, including the proposed project, the 2018 Master Plan recommended conveyance of peak flows to the EWPCF via a parallel land outfall.

Implementation of the proposed project would generate additional average wastewater flows of 12,577 gpd that was not accounted for in the Land Outfall's capacity studies in the 2018 Master Plan. With the outfall, there is available capacity to serve the project's proposed wastewater generation. The project would pay Wastewater Capital Facility Fees per VWD Ordinance No. 176. These fees would be used by VWD to help fund the parallel land outfall design and construction. VWD considers payment of the fees as mitigation for the increase in the need for land outfall capacity.

**Wastewater Treatment Facility Analysis** – VWD uses two wastewater treatment facilities to treat wastewater that is collected within its sewer service area: the MRF and EWPCF. MRF has a liquids treatment capacity of up to 5 MGD with a peak wet weather capacity of 8 MGD. MRF does not have solids treatment capacity; all solids are treated at EWPCF.

EWPCF is a regional facility and has a treatment capacity of up to 40.51 MGD. VWD's 2014 average daily wastewater flow was 7.5 MGD. Therefore, there is adequate solids treatment capacity at this time to serve the project. VWD currently owns 10.47 MGD of solids treatment capacity at EWPCF. The ultimate average wastewater flow identified in the VWD 2018 Master Plan is 14.4 MGD, resulting in a projected solids treatment capacity deficiency of 3.93 MGD.

VWD currently owns 7.67 MGD of liquids treatment capacity at EWPCF, in addition to the liquids treatment capacity of 5 MGD at MRF, totaling 12.67 MGD of liquids treatment capacity. VWD's 2014 average daily wastewater flow was 7.5 MGD. Therefore, there is adequate liquid treatment capacity at this time to serve the project. The ultimate average wastewater flow identified in the 2018 Master Plan of 14.4 MGD would result in a projected liquids treatment capacity deficiency of 1.73 MGD.

VWD also currently owns 10.47 MGD of ocean disposal capacity at EWPCF. VWD's 2014 average daily wastewater flow was 7.5 MGD. Therefore, there is adequate ocean disposal capacity at this time to serve the project.

The ultimate average wastewater flow identified in the 2018 Master Plan of 14.4 MGD would result in an ocean disposal deficiency of 3.93 MGD. In summary, VWD would experience ultimate solids handling, liquids handling, and ocean disposal capacity deficiencies.

The project would increase the wastewater flows from the project site by approximately 12,577 gpd; however, this increase was not identified as a significant impact in the VWD water and sewer study. Page 19 of the VWD sewer study specifically states that, considering VWD's 2014 average daily wastewater flow of 7.5 MGD, adequate wastewater treatment and disposal capacity currently exists for the project.

The project would pay Wastewater Capital Facility Fees per VWD Ordinance No. 176. These fees would be used by VWD to help fund the expansion and/or construction of wastewater treatment facilities to handle increased wastewater quantities. VWD considers payment of the fees as mitigation for the increase in treatment need.

In summary, the project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities. Impacts would be less than significant.

### **Storm Water Drainage**

A new underground storm drain system will be constructed to meet the City's low impact development (LID) and hydromodification flow control management requirements. Runoff in the northern portion of the project site (parking lot area and a portion of the building roof) will surface flow to biofiltration basins



for pollutant treatment and flow control. Treated runoff and basin overflows discharge to an underground detention vault for hydromodification management prior to discharging to the existing storm drain structure on E. Mission Road. Runoff from the remaining portion of the project site includes building roof, landscape area, and the fire access lane along the eastern property line. Runoff from this area flows to localized inlets and into an underground detention vault for flow control management, then through a Modular Wetland System (MWS) for proprietary biofiltration. Treated runoff and overflows are pumped to the existing storm drain structure on E. Mission Road. Project site overflows discharge to the public right-of-way on E. Mission Road and enter the City's storm drain system as it does in the existing condition. A concrete swale is proposed along the western property line to collect runoff from the adjacent hillside area and convey flows directly to the City's storm drain system. Impacts would be less than significant.

### **Electric Power, Natural Gas and Telecommunications**

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

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

The VWD 2018 Master Plan assumed water demand on the project site would be 5,685 gpd. Under the proposed development, the project would have a water demand of 17,433 gpd. This represents an increase of approximately 11,748, gpd; however, this increase was not identified as a significant impact in the VWD water and sewer study (VWD 2020). Page 20 of the VWD study specifically states that VWD currently has water capacity to serve the project. Therefore, sufficient water supplies would be available to serve the project from existing entitlements and resources. Impacts would be less than significant.

***b. Result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? Less Than Significant Impact***

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

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

The project would generate solid waste from the construction and operation of an assisted living facility. Solid waste service in the City is provided by a private franchise hauler, EDCO Waste and Recycling (EDCO), which handles all residential, commercial, and industrial collections within the City. EDCO has indicated

they are able to serve the project (EDCO 2020). Waste collected by EDCO is hauled to the Escondido Resources Recovery Transfer Station where it is then transported to the Sycamore Sanitary Landfill in Santee. According to CalRecycle, the Sycamore Sanitary Landfill has a daily permitted capacity of 5,000 tons/day of solid waste with an anticipated closure date of 2042 (CalRecycle 2020a).

CalRecycle provides solid waste generation rates for various types of land uses. Construction debris would be generated by the project. Construction debris recycling is available through EDCO. Negligible solid waste generation is anticipated during project construction. Based on the most current solid waste generation rate for nursing/retirement home land uses from CalRecycle of 5 lbs/person/day. Assuming 174 residents, the project will generate approximately 870 lbs/day of waste during operation (CalRecycle 2006). This does not consider any waste diversion through recycling.

The City of San Marcos is currently exceeding their waste reduction targets. According to CalRecycle, the City of San Marcos has a disposal rate target of 8.9 lbs/person/day. If the City meets this target, the City is considered in compliance with the 50 percent diversion requirement of Assembly Bill 939. The most recent data from CalRecycle identifies the annual per capita disposal rate is 5.8 lbs/person/day (CalRecycle 2020b). Thus, the City is meeting their current targets for diversion. Assuming a 50 percent diversion rate, to be conservative, the anticipated solid waste generated by the proposed project during operation would be reduced to approximately 435 lbs/day. With consideration of the diversion rate, the proposed project's solid waste generation during operation can be accommodated at the landfill based upon the available daily permitted capacity. Impacts would be less than significant.

***d. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? No Impact***

All solid waste facilities, including landfills, require solid waste facility permits to operate. In San Diego County, Public Resources Code (Sections 44001-44018) and California Code of Regulations Title 27, Division 2, Subdivision 1, Chapter 4 (Section 21440 et seq.) authorizes the County Department of Environmental Health, Local Enforcement Agency to issue solid waste facility permits. Sycamore Sanitary Landfill is a permitted facility and EDCO is a licensed hauler. The project would comply with existing regulations related to solid waste disposal. The project would not violate federal, state, or local statutes or regulations related to solid waste. No impact is identified for this issue area.

## **XX. WILDFIRE**

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

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

The four wildlife thresholds relate specifically to projects located in or near state responsibility areas or lands classified as very high fire severity zones. The project site is located in an urbanized portion of the City. The project site is not located in or near a State Responsibility Area nor is it classified as being located in a very high fire severity zone (CAL FIRE 2009). Further, per Figure 6-4 (SMFD Community Hazard Zones) of the Safety Element of the City's General Plan, the project site is not identified as being within a community hazard zone. No wildfire impact is identified for the project.

## V. MANDATORY FINDINGS OF SIGNIFICANCE

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

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? Less Than Significant Impact With Mitigation Incorporated***

Based upon the biological resources analysis for the project, the project will be required to mitigate for impacts to Diegan coastal sage scrub – *Baccharis* dominated and non-native grasslands (MM-BIO-1a and MM-BIO-1b). Additionally, preconstruction survey to protect species covered under the Migratory Bird Treaty Act and Least Bell's vireo are also required if construction is proposed during the bird breeding/nesting season (MM-BIO-2 and MM-BIO-3). Construction monitoring will also be required to avoid inadvertent impacts to sensitive habitat and periodic inspection by a biologist and other measures will be required (MM-BIO-4). With implementation of these mitigation measures, the project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal.

A cultural resources study was prepared for the project and did not identify any resources on the site. The City also conducted outreach to tribes consistent with the requirements of AB 52 and a summary of that consultation is discussed in the cultural resources and tribal cultural resources sections of this document. Mitigation measures MM-CR-1a through MM-CR-1h would be applicable to the project during project grading to reduce any potential impact to previously unidentified cultural resources. Mitigation measure MM-GEO-2 is included for the project to reduce impacts to paleontological resources.

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

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

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

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

## **VI. PREPARERS**

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

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#### **Phase 1 Environmental Site Assessment**

Priority 1 Environmental

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## VIII. MITIGATED NEGATIVE DECLARATION

### City of San Marcos

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

**Public Review Period:** December 7, 2020 to January 6, 2021

**Project Name:** Creekside Assisted Living

**Project Applicant:** Breakers Real Estate, 647 South Cedros, Solana Beach, CA 92075

**Project Location:** The 3.78-acre project site is located in the Richmar Neighborhood in the City of San Marcos in North San Diego County. The Assessor Parcel Numbers (APNs) are 220-063-03-00 and 220-063-05-00. Specifically, the project site is located on the southeast corner of Twin Oaks Valley Road and Richmar Avenue. The project site is bounded by Richmar Avenue on the north, E. Mission Road to the south, Twin Oaks Valley Road on the west and Twin Oaks Valley Creek on the east.

**Project Description:** The project applicant is requesting approval of a General Plan Amendment (GPA), Specific Plan Amendment (SPA) and Conditional Use Permit (CUP) to construct and operate a 138-room assisted living facility. A General Plan Amendment is proposed to: 1) revise the land use map in the General Plan by changing the designation of the project site from Richmar Specific Plan to Heart of the City Specific Plan; and 2) to remove the Richmar Avenue bridge from the Mobility Element. A Specific Plan amendment to the Heart of the City Specific Plan is proposed to remove the Richmar Specific Plan designation from the property and update the use tables to allow for an assisted living facility under the Commercial designation with approval of a Conditional Use Permit.

The project proposes to construct a residential care facility to offer a combination of assisted living care and memory care. Memory care is for those afflicted with Alzheimer's disease and related memory disorders. The three-story building will have 121,566 square feet (s.f.) with 41,408 s.f. on the first floor, 40,300 s.f. on the second floor, and 39,848 s.f. on the third floor. The project includes a mix of studios (30 units), one-bedroom (64 units), two-bedroom (30 units) configurations, in addition to 29 memory care units. When the two-bedroom units are considered, the 138-unit project will have a total of 174 beds. Unit sizes range from 275 s.f. up to 690 s.f. Some of the second-floor and third-floor units will have private deck areas. There are also communal spaces including two dining areas, theater, multiple activity areas, a library, and a salon. The building also includes spaces for staff and management areas and kitchen facility. Outside courtyard areas are also included in the project design and include separate areas for memory care and non-memory care residents.

## IX. FINDINGS

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

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

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

### Biological Resources

- MM-BIO-1a** Impact to 0.06 acre of Diegan coastal sage scrub-*Baccharis* dominated would be mitigated at a 1:1 ratio for a total of 0.06 acre of mitigation. Mitigation would occur through the purchase of land off site for mitigation or the purchase of mitigation bank credits. Proof of mitigation land purchase or mitigation bank credit purchase shall be presented prior to issuance of a grading permit.
- MM-BIO-1b** Impact to 0.94 acre of non-native grassland would be mitigated at a 0.5:1 ratio for a total of 0.47 acre of mitigation. Mitigation would occur through the purchase of land off site for mitigation or the purchase of mitigation bank credits. Proof of mitigation land purchase or mitigation bank credit purchase shall be presented prior to issuance of a grading permit.
- MM-BIO-2** No construction activities shall result in noise levels exceeding 60 dB(A) hourly average from March 15 through August 15 within occupied least Bell's vireo habitat (as determined by a qualified avian biologist based on USFWS protocol surveys). An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with ESA-listed animal species) at least two weeks prior to commencement of construction activities. Prior to the commencement of construction activities during the least Bell's vireo breeding season (March 15 – August 15), areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist.

OR

At least two weeks prior to the commencement of construction activities that occur between March 15 – August 15, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that construction noise levels will not exceed 60 dB(A) hourly average at the edge of potentially occupied least Bell's vireo habitat (as determined by a USFWS-permitted biologist based on USFWS protocol surveys). Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of suitable least Bell's vireo habitat to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques are determined to be inadequate by the qualified acoustician or biologist, then construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of breeding season (August 16). Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of suitable habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the wildlife agencies, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

**MM-BIO-3** To avoid direct impacts to raptors and/or native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, a qualified biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds in the proposed area of disturbance. The pre-construction (precon) survey shall be conducted within ten (10) calendar days prior to the start of construction activities (including removal of vegetation). If nesting birds are observed, a letter report or mitigation plan in conformance with applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the California Department of Fish and Wildlife and/or the United States Fish and Wildlife Service as applicable for review and approval and implemented to the satisfaction of those agencies. The project biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the precon survey, no further mitigation is required.

**MM-BIO-4** A biologist shall be contracted to perform regular random checks (at minimum once a month) to ensure implementation of the following monitoring requirements and BMPs. Monitoring reports and a post-construction monitoring report will be prepared to document compliance with these requirements.

- To prevent inadvertent disturbance to areas outside the limits of work, the construction limits shall be clearly demarcated (e.g., installation of flagging or temporary visibility construction fence) prior to ground disturbance activities and all construction activities, including equipment staging and maintenance shall be conducted within the marked disturbance limits. The work limit delineation will be maintained throughout project construction and workers will be instructed to avoid the sensitive habitats and marked areas.
- Biologist will flush special-status species (i.e., avian or other mobile species) from suitable habitat areas to the maximum extent practicable immediately prior to initial vegetation removal activities.
- Construction vehicles shall not exceed 15 miles per hour on unpaved roads adjacent to project site or the right-of-way accessing the site.
- If trash and debris need to be stored overnight during the maintenance activities, fully covered trash receptacles that are animal-proof and weather-proof will be used by the maintenance contractor to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Alternatively, standard trash receptacles may be used during the day, but must be removed each night.
- Cut vegetation or other trash and debris shall not be placed or stored in or directly adjacent to potentially jurisdictional aquatic resources (including riparian habitat). Such materials shall be stored, if necessary, where it cannot be washed by rainfall or runoff into the potentially jurisdictional areas. When maintenance activities are completed, any excess materials or debris will be removed from the project site.
- Temporary structures and storage of construction materials will not be located in potentially jurisdictional aquatic resource areas, including riparian habitat.
- Staging/storage areas for construction equipment and materials will not be located in potentially jurisdictional aquatic resource areas, including riparian habitat.
- The operator will not permit pets on or adjacent to the construction site.
- Spoil sites will not be located within 30 feet from the boundaries of jurisdictional waters or in locations that may be subject to high storm flows, where spoils might be washed back into drainages.
- Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil, or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources, resulting from project-related activities, will be prevented from contaminating the soil and/or entering avoided jurisdictional waters.
- No equipment maintenance will occur within 100 feet of jurisdictional waters and no petroleum products or other pollutants from the equipment will be allowed to enter these areas or enter any off-site state-jurisdictional waters under any flow.

**MM-BIO-5**

To avoid indirect impacts on adjacent sensitive habitats, final landscape plans will be reviewed by a qualified biologist to ensure that no invasive plant materials are included in planting plans.

## Cultural Resources

- MM-CR-1a** Prior to the issuance of a Grading Permit, or ground-disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with the San Luis Rey Band of Mission Indians, and/or another Traditionally and Culturally Affiliated Native American Tribe ("TCA Tribe"). The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas and other tribal cultural resources, located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and all other ground disturbing activities.
- MM-CR-1b** The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. Any burial related tribal cultural resources (as determined by the Most Likely Descendant) shall be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission pursuant to California Public Resources Code Section 5097.98. If none of the TCA Tribes accept the return of the cultural resources, then the cultural resources will be subject to the curation requirements contained herein. Additionally, in the event that curation of tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The applicant shall provide to the City written documentation from the TCA Tribe, the Most Likely Descendant, and/or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.
- MM-CR-1c** Prior to the issuance of a Grading Permit or ground-disturbing activities, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the Development Services Department stating that a Qualified Archaeologist and TCA Native American monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the Tribal Cultural Resource Treatment and Monitoring Agreement.
- MM-CR-1d** Prior to submittal of grading and/or improvement as-built plans, or prior to the issuance of any project Certificate of Occupancy, a monitoring report, which describes the results, analysis and conclusions of the archaeological monitoring program shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments, to the Planning Division Manager for approval. A

copy of any submitted monitoring report shall be provided to the San Luis Rey Band of Mission Indians and any other TCA Tribe that requests the report.

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

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

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

activities, the TCA Native American monitor, may at their discretion, collect said resources and provide them to the contracted TCA Tribe referenced in CR-1 for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. If the Developer, the Qualified Archaeologist, and the TCA Tribe cannot agree on the significance or mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of the California Environmental Quality Act and California Public Resources Code Section 21083.2(b) with respect to archaeological resources, tribal cultural resources and shall take into account the religious beliefs, cultural beliefs, customs, and practices of the TCA Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

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

### **Geology/Soils/Paleontological Resources**

- MM-GEO-1** The project applicant shall implement the geotechnical recommendations identified beginning on pages 16 – 32 of the Soils Report prepared by Leighton Associates for the project site. These recommendations address earthwork activities, temporary excavations, foundation, and slab considerations, retaining wall design, concrete flatwork, and pavement design.
- MM-GEO-2** Prior to project grading the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and a qualified paleontological monitor shall be retained to monitor the initial cut in any areas that have the potential to contain paleontological resources.



## Noise

- MM-N-1** Prior to the issuance the building permit, a final noise assessment is required since the building facades are above 60 dBA CNEL. This final report would identify the interior noise requirements based upon architectural and building plans to meet the City's established interior noise limit of 45 dBA CNEL. It should be noted; interior noise levels of 45 dBA CNEL can easily be obtained with conventional building construction methods and providing a closed window condition requiring a means of mechanical ventilation (e.g. air conditioning) for each building and upgraded windows for all sensitive rooms (e.g. bedrooms and living spaces).
- MM-N2** Any open deck or balconies facing Twin Oaks Valley Road, E. Mission Road, or on the eastern side of the building closest to E. Mission Road, as detailed in Figure 10, will require 4-foot barriers to reduce sound levels. The barriers must be constructed of non-gapping materials (i.e., masonry, stucco, ¼ inch thick glass or Plexiglas).

## Public Services

- MM-PS-1** Prior to the issuance of a grading permit, the applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facility District: CFD 2001-01 (Fire and Paramedic).
- MM-PS-2** Prior to the issuance of a grading permit, the applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facility District: CFD 98-01, Improvement Area No. 1 (Police).

## Transportation

- MM-TR-1** Prior to the issuance of a grading permit, the applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facility District: CFD 2011-01 (Congestion Management).

A MITIGATED NEGATIVE DECLARATION will be prepared.

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

**NOTICE**

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



***Norm Pedersen, Associate Planner***

Date of Determination: December 1, 2020