MINUTE ITEM

This Calendar Item No. C49 was approved as Minute Item No. 49 by the California State Lands Commission by a vote of 3 to 0 at its 11/27/00 meeting.

Minute Item
C49

11/27/00
W 2400.198

C. FOSSUM

HARBOR STUDY FOUNDATION
(APPLICANT)

Calendar Item C49: Commissioners listened to a staff report that had to do with the application of the Harbor Study Foundation to form a new city in the Los Angeles Harbor area. The item was approved as presented.

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A 54, 55

S 27, 28

11/27/00
W2400.198
C. Fossum
M. McKown
G. Kato

CONSIDERATION OF BOUNDARIES OF AND REQUEST FOR CONSENT TO INCORPORATE TERRITORY, INVOLVING TIDE AND SUBMERGED LANDS, PROPOSED TO BE DETACHED FROM THE CITY OF LOS ANGELES AND INCORPORATED INTO A NEW PROPOSED CITY INCLUDING THE SAN PEDRO, WILMINGTON, AND HARBOR CITY AREA, LOS ANGELES COUNTY;

APPLICANT:
Harbor Study Foundation
1931 North Gaffey Street, Suite A
San Pedro, CA 90731
Attn: Andrew M. Mardesich - Director

BACKGROUND:
The California State Lands Commission has received a request form the Harbor Study Foundation to process an approval of the offshore boundaries involving tide and submerged lands presently within the City of Los Angeles and consent to incorporation of those lands into the proposed City of San Pedro / Wilmington, Los Angeles County. There are currently additional communities within the City of Los Angeles (San Fernando Valley and Hollywood) seeking de-annexation from the city and creation of new more locally centered cities.

The Harbor Study Foundation has initiated a process pursuant to the Cortese - Knox Local Government Reorganization Act (Government Code Section 56000, et seq.) that intends to allow the voters within the area described in Exhibit "A" to vote on whether they wish to secede from the City of Los Angeles and incorporate into a new city, which although referred to herein as San Pedro / Wilmington / Harbor City area, has not had a name officially determined at this time. All citizens within the City of Los Angeles, including that area described in Exhibit "A", will vote on the issue of de-annexation of the area involved in the proposed City of San Pedro / Wilmington / Harbor City. Therefore, the ultimate approval or disapproval of the de-annexation and incorporation will be decided at the local level.

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BOUNDARY DESCRIPTION

The inclusion of tide and submerged lands within the proposed city requires the State Lands Commission to make a determination of the appropriateness of the boundaries which would result from this process (Government Code Section 56108 (b)). The Los Angeles County Local Agency Formation Commission (LAFCO) makes determinations on all boundaries of the proposed city other than the State Lands Commission determinations of the proposed offshore boundaries involving tide and submerged lands. Staff has reviewed the proposed offshore boundaries for the proposed incorporation of a new city including the San Pedro, Wilmington, and Harbor City area. Those proposed boundaries are the same as the current offshore boundaries of the City of Los Angeles and coincide with the offshore boundaries of the City of Long Beach on the east, the City of Rancho Palos Verdes on the west and the offshore boundary of the State of California and County of Los Angeles on the south. Determination of the appropriateness of these boundaries by the Commission and reporting them to the Executive Officer of LAFCO is a prerequisite to LAFCO issuing a certificate of filing and taking further actions on the proposal (Government Code section 56108 (e). Staff recommends approval of the description of the offshore boundaries as described in Exhibit A

CONSENT TO INCLUSION OF LANDS WITHIN PROPOSED NEW CITY

Government Code Section 56108 (a) provides that "No tidelands or submerged lands, as defined in subdivision (g), which are owned by the state or by its grantees in trust shall be incorporated into, or annexed to, a city, except lands which may be approved by the State Lands Commission."

De-annexation of and incorporation of tide and submerged lands into the proposed City of San Pedro / Wilmington / Harbor City will not affect the terms of the legislative statutory grants of tide and submerged lands to the City of Los Angeles. Transfer of tide and submerged lands from one statutory trustee to another requires an act of the Legislature modifying the current law designating the City of Los Angeles as the trustee of those lands. Since the control and management of those tide and submerged lands and other lands acquired by the Port as public trust lands will remain with the trustee City of Los Angeles, issues of the impact on the municipal services provided to these trust lands by a new city is a significant issue. The issues of how municipal services are provided to the Port, who provides them and how are they paid for is a matter currently in litigation between the Commission and the City of Los Angeles. Due to the importance of this issue and its potential impact on the operation of the Port, staff recommends the Commission defer taking action on the request for consent to inclusion

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of the lands under 56108 (a) until after the financial impact of the proposal has been analyzed by LAFCO and its report has been reviewed by the Commission.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code, Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Code of Regs. Title 2, Div. 3; Title 14, Div. 6.
C. Government Code Section 56108

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

AUTHORITY:

Public Resources Code Section 21065 and 14 Cal. Code Regs. 15378

EXHIBITS:

A. Land Description
B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL. CODE REGS SECTION 15378.

2. APPROVE THE OFFSHORE BOUNDARIES FOR THE PROPOSED LOCAL GOVERNMENTAL REORGANIZATION, INVOLVING DEANNEXATION OF LANDS FROM THE CITY OF LOS ANGELES AND INCORPORATION OF THOSE LANDS INTO A NEW PROPOSED CITY THAT INCLUDES THE SAN PEDRO / WILMINGTON / HARBOR CITY AREA, AS DESCRIBED IN EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 56108 (c) AND (d).

3. DEFER APPROVAL AND CONSENT TO THE INCLUSION OF SOVEREIGN TIDE AND SUBMERGED LANDS GRANTED IN TRUST TO THE CITY OF LOS ANGELES PURSUANT TO CHAPTER 656, STATUTES OF 1911 AND CHAPTER

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651, STATUTES OF 1929, AS AMENDED INTO THE PROPOSED NEW CITY PURSUANT TO 56108(a).

4. FIND THAT TITLE TO THE LANDS DESCRIBED IN EXHIBIT "A" GRANTED BY THE LEGISLATURE TO THE CITY OF LOS ANGELES AND SUCH OTHER LANDS ACQUIRED BY THE CITY AS PUBLIC TRUST LANDS SHALL REMAIN AS LANDS HELD IN TRUST BY THE CITY OF LOS ANGELES PURSUANT TO CHAPTER 656, STATUTES OF 1911 AND CHAPTER 651, STATUTES OF 1929, AS AMENDED AND THE CITY OF LOS ANGELES' TITLE AS TRUSTEE WILL NOT BE ALTERED IF SAID LANDS ARE ULTIMATELY INCORPORATED INTO A NEW PROPOSED CITY INCLUDING THE AREA OF SAN PEDRO / WILMINGTON / HARBOR CITY.

5. THE APPROVAL MADE IN PARAGRAPH 2 ABOVE IS CONDITIONED UPON COMPLETION OF THE LAFCO PROCESS, SUBSEQUENT ACTION OF THE COMMISSION PURSUANT TO GOVERNMENT CODE SECTION 56108 (a), AND THE VOTERS IN BOTH THE PROPOSED NEW CITY AREA AND THE VOTERS IN THE ENTIRE CITY OF LOS ANGELES APPROVING THE DE-ANNEXATION AND INCORPORATION. THE ABOVE APPROVAL AND CONSENT SHALL BE VALID FOR A PERIOD OF TWO YEARS. SHOULD THE DEANNEXATION AND INCORPORATION EFFORT NOT BE TAKEN BEFORE THE VOTERS OF THE CITY OF LOS ANGELES WITHIN THAT TIME ADDITIONAL COMMISSION APPROVAL MUST BE OBTAINED.

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EXHIBIT A

Legal description of proposed Boundaries of "San Pedro-Wilmington Area"

All that territory of the City of Los Angeles, situated in the County of Los Angeles, State of California, lying south of the center line of Lomita Boulevard and bounded on the west by the common boundaries of the City of Rancho Palos Verdes and the City of Lomita, on the north by the City of Carson, on the east by the City of Long Beach and including all that area of the Pacific Ocean lying within the following described boundary:

BEGINNING at the northwesterly corner of Block 10, East San Pedro, per map recorded in Book 52, Pages 13 through 18 of Miscellaneous Records of the County of Los Angeles, said corner being also a point in the common boundary line of the cities of Los Angeles and Long Beach; thence southeasterly along the southwesterly line of said Block 10 and its southeasterly prolongation to the intersection with the Offshore Boundary of the State of California; thence westerly along said Offshore Boundary to the intersection with the southwesterly prolongation of the northwesterly line of Lot IV as shown on L. S. Vol. 1, Page 47, filed in Los Angeles County Records, said prolongation also being along the common boundary line of the cities of Los Angeles and Rancho Palos Verdes; thence northeasterly along said prolongation to its intersection with the ordinary high water mark of the Pacific Ocean.

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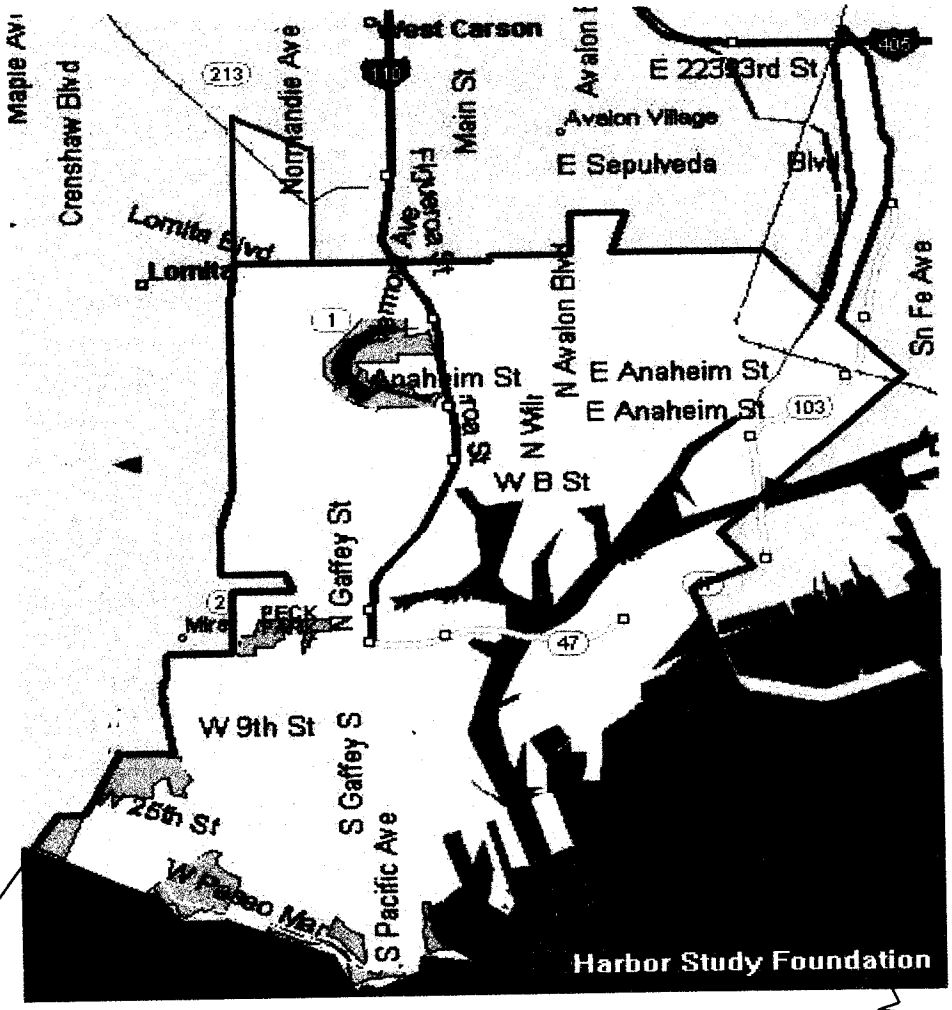

NOT TO SCALE

Offshore Boundary of the State of California

EXHIBIT B
W 2400.198

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EXHIBIT "C"

ATTACHMENT "A"

FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE
SAN ELIJO RANCH, INC. GENERAL PLAN AMENDMENT,
SPECIFIC PLAN AMENDMENT, AND FIRST AMENDED AND RESTATED
DEVELOPMENT AGREEMENT/OWNER PARTICIPATION AGREEMENT

(Final Subsequent EIR 95-30)
(State Clearinghouse (SCH) No. 95-051064)

1.0 DESCRIPTION OF CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

1.1 California Environmental Quality Act. The California Environmental Quality Act (Public Resources Code Sections 21000-21178.1) ("CEQA") and the State CEQA Guidelines (Cal. Code of Regulations, Title 14, Sections 15000-15387) require that specific findings be made if a lead agency decides to approve a project which will have significant impacts:

> [N]o public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:
>
> (a) The public agency makes one or more of the following findings with respect to each significant effect:
>
> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
>
> (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
>
> (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

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(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

See Cal. Pub. Res. Code § 21081. The State CEQA Guidelines contain similar provisions. Cal. Code Regs. tit. 14, § 15091.

The Final Subsequent Environmental Impact Report (SEIR) for San Elijo Ranch Specific Plan Amendment (SEIR No. 95-30, State Clearinghouse No. 95051064) ("SEIR 95-30") which is incorporated by reference as if fully set forth herein, identifies significant or potentially significant environmental impacts which, prior to mitigation, may occur as a result of the General Plan Amendment, the San Elijo Ranch Specific Plan Amendment ("Specific Plan Amendment"), the First Amended and Restated Development Agreement and Ownership Participation Agreement ("Amended Development Agreement"), and establishment of financing mechanisms, regulatory permits or other minor permits as listed in Section 2.4 of SEIR 95-30 (collectively, the "Project"). Thus, in accordance with the provisions of CEQA, the State CEQA Guidelines, and the City of San Marcos ("City") Environmental Protection Ordinance (City of San Marcos Municipal Code, Title 18, Sections 18.04.010-18.04.350) ("Local CEQA Guidelines"), the City hereby adopts these Findings.

The CEQA Guidelines also state that the decision-maker must balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. Cal. Code Regs. tit. 14, § 15093(a). The City Council has carefully considered the benefits of the Project. Final SEIR 95-30 identifies significant environmental effects which will not be mitigated to below a level of significance and which will be allowed to occur as a result of Project approval. Some of the mitigation measures identified in SEIR 95-30 are infeasible and are either not being implemented or are being implemented later than called for in SEIR 95-30. Therefore, the City Council hereby adopts the Statement Of Overriding Considerations contained in this document, which states the specific reasons why the benefits of the Project outweigh the unavoidable adverse environmental effects, each of which standing alone is sufficient to support approval of the Project, and explains that the unavoidable environmental effects are considered acceptable.

1.2 Environmental Review Process. In conformance with CEQA, the State CEQA Guidelines and the Local CEQA Guidelines, the City conducted an extensive environmental review of the Project, including:

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- Certification of the Final Environmental Impact Report on the Redevelopment Plan for the San Marcos Redevelopment Project Area on June 28, 1989.

- Certification of San Elijo Ranch Specific Plan Final Environmental Impact Report (EIR 09-89) ("EIR 09-89") on November 27, 1990 for the Specific Plan Project and the Development Agreement and Owner Participation Agreement ("Original Project").

- Preparation of an Initial Study on the General Plan Amendment, Specific Plan Amendment and Amended Development Agreement application to determine the potential environmental effects associated with the Project.

- Issuance of a Notice of Preparation ("NOP").

- EIR scoping meetings.

- Preparation of Draft SEIR 95-30, which was made available for a 45-day public review period (November 1, 1995 - December 15, 1995). Notice of the availability of Draft SEIR 95-30 was sent to interested persons and organizations, published in a newspaper of general circulation, and posted at the Office of the Clerk of the County of San Diego. Draft SEIR 95-30 was circulated through the State Clearinghouse, and was mailed to all governmental agencies and private parties known to have a direct interest in or review-and-approval authority over all or portions of the proposed Project.

- Preparation of Final SEIR 95-30, including the Comments and Responses to Comments on the Draft SEIR.

- Duly noticed public hearings on the approval of a conditional use permit ("CUP") for a temporary rock crushing facility to operate intermittently during development of the Project.

- City Planning Commission review of Final SEIR 95-30, and recommendation for adoption.

- Certification of SEIR 95-30 by the City Council on January 28, 1997.

- City Council approval of Findings of Fact and Statement of Overriding Considerations for the rock crusher CUP.

- City Council approval of the rock crusher CUP.

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- Filing of a Notice of Determination ("NOD") for the rock crusher CUP pursuant to CEQA Section 21152.

- Duly noticed hearings on the Project.

- City Planning Commission review of and recommendation for approval of the Project.

The Project Applicant (or applicant), as that term is used in these Findings, refers to San Elijo Ranch, Inc., its successors and assigns, the entity proposing the Project.

1.3 Certification of Final SEIR 95-30. In conformance with CEQA, the City Planning Commission by Resolution No. 97-2938 recommended that the City Council certify Final SEIR 95-30, and the City Council by Resolution No. 97-4793 has certified Final SEIR 95-30. No negative declaration, subsequent EIR, supplement or addendum to SEIR 95-30 is required for the Project because no substantial changes have been proposed in the Project or have occurred with respect to the circumstances under which the Project is to be undertaken since certification of SEIR 95-30, and no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time SEIR 95-30 was certified as complete exists which would show that the Project would have any significant effects not discussed in SEIR 95-30; that the significant effects previously examined in SEIR 95-30 would be substantially more severe than was shown in SEIR 95-30; that any mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce a significant effect of the Project; or that mitigation measures or alternatives which are considerably different from those analyzed in SEIR 95-30 would substantially reduce one or more significant effects on the environment. Likewise, no supplement to SEIR 95-30 is required, and no addendum to SEIR 95-30 is required because there are no changes or additions necessitating such an addendum. See Cal. Code Regs. tit. 14, §§ 15162-15164.

2.0 PROJECT DESCRIPTION

2.1 Project Location. The Project encompasses approximately 2,000 acres (excluding acreage contained within utility parcels owned by other agencies) near the City's southernmost corporate limits, within the Questhaven/La Costa Meadows and Barham/Discovery Community Planning Areas. The north- and south-facing slopes of Cerro de las Posas and Double Peak occur on-site. The Project is situated south of State Route 78 (SR-78), approximately 1.5 miles east of Carlsbad and 5 miles west of Escondido, between the Interstate 5 (I-5) and Interstate 15 (I-15) freeways. Within the City, Rancho Santa

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Fe Road lies approximately one mile directly west of the site and Questhaven Road runs east-west through the Project near the southern boundary. Regional access to the Project can be gained from I-15 and SR-78 (via Rancho Santa Fe and Questhaven roads) and I-5 (via Palomar Airport Road, Alga Road, La Costa Avenue, and Rancho Santa Fe Road). The Project site lies directly north and adjacent to the now-closed San Marcos County Landfill and North County Recycling and Waste Reduction Facility (NCRRA) materials recovery facility (MRF), immediately southeast of Lake San Marcos and south of California State University-San Marcos ("CSU-San Marcos"). The County of San Diego limits generally lie along the southern and eastern boundaries of the property. The rural unincorporated community of Elfin Forest is approximately 0.5 mile south of the southern Project area boundary.

2.2 Environmental Setting. The Project area is presently undeveloped except for several microwave towers near the northwest corner of the property and two water reservoir storage tanks near the northeast corner (7 million gallons) and southern boundary (1 million gallons), respectively. A primary chlorine injection facility for water treatment is operated within the Project boundaries, near the intersection of Questhaven and Elfin Forest roads, and an abandoned, Spanish-style rancho home built in the 1950s is situated atop Double Peak, along the ridgeline that divides the property. The Second San Diego Aqueduct crosses the western portion of the site. In 1993, the San Diego County Water District (SDCWD) built the Fifth San Diego Aqueduct parallel to portions of the existing pipeline. The new aqueduct diverges from the previous existing right-of-way and tunnels beneath Cerro de las Posas to an interconnection north of the ridgeline. The SDCWD maintains a 130-foot-wide easement for the non-tunnel portions of the pipeline corridor. San Diego Gas and Electric (SDG&E) maintains electrical transmission lines within a 150-foot-wide easement that crosses the southwestern corner of the site, as well as a 150-foot-wide easement that runs in an east-west direction along the southern boundary. An access road parallels both easements. In 1991, a preconstruction grading permit was issued to allow for clearing and construction of several desilting basins. In 1993, a grading permit was issued for the installation of a haul road and excavation of several hundred thousand cubic yards of clay. The clay was transported and used in constructing the clay liner system at the San Marcos Landfill.

Land uses surrounding the Project site include vacant open space and scattered residential to the east, the suburban residential development of Lake San Marcos to the northwest, the CSU-San Marcos campus to the northeast, the rural residential community of Elfin Forest to the south, and the recently approved University Commons residential project

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directly west. The 640-acre Christward Ministry and Questhaven Retreat is about 1.5 miles southeast of the proposed Project along existing Questhaven Road. The nearest portion of the religious retreat is approximately 0.5 mile southeast of the Project boundary. An inactive rock quarry and sand and gravel pit is situated south of Lake San Marcos Dam. An asphalt mixing/rock quarry and gravel production site operates northeast of the site. The San Marcos Landfill, which was closed in March 1997, is directly adjacent to the Project's southwestern boundary. Approximately 80 acres of the Project site have been identified as open space to create a buffer for the landfill. In March 1994 the County of San Diego filed for immediate possession of that 80-acre site as part of an eminent domain proceeding, and a final order of condemnation was entered earlier this year.

The Project site is characterized by rugged, hilly topography on either side of a steep ridgeline. The central portion of the site is bisected by east-west-trending ridgeline that features several distinctly prominent peaks within the City: Cerros de las Posas and Double Peak. The topography divides the site into three separate drainage basins: surface flows running north head into Lake San Marcos and San Marcos Creek; the southwestern portion of the site drains directly into San Marcos Creek (and ultimately toward Batiquitos Lagoon); and the remainder of the site drains south to Escondido Creek and San Elijo Lagoon.

3.0 APPROVALS

3.1 Overview. The City Council certified EIR 09-89 and approved the Original Project on November 27, 1990. Through the public hearing process, the public, agency staff and City Council proposed several changes to the Original Project after EIR 09-89 was certified. As a result, the Specific Plan underwent revisions prior to adoption which reduced the Project's overall development footprint, widened wildlife corridors, eliminated grading along the upper ridgeline and deleted approximately 140 acres in the easternmost portion of the Project ("Adopted Specific Plan"). The Applicant has submitted an amendment to the Adopted Specific Plan. This Specific Plan Amendment proposes modifications which will revise the type and distribution of proposed land uses, realign the circulation network (including Questhaven Road), and update the development regulations and policy text presented in the Adopted Specific Plan. The Specific Plan Amendment requires approval of a General Plan Amendment and an Amended Development Agreement, and establishment of public facilities financing mechanisms and districts. The City Council approved a CUP for the temporary operation of an on-site rock-crushing facility during Project buildout on January 28, 1997 (Resolution 97-4795). Separate Findings and

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Statement of Overriding Considerations were approved and adopted for that CUP on January 28, 1997 (Resolution 97-4795). Final SEIR 95-30, which analyzed the potential environmental impacts of both the rock crusher CUP and the proposed Project, was certified on January 28, 1997 (Resolution 97-4793). As discussed in Section 1.3 above, no further environmental documents is required for approval of the Project, as SEIR 95-30 adequately analyzes all potential impacts associated with Project implementation.

The Specific Plan Amendment requests an alteration in the arrangement of residential uses, including but not limited to the addition of 680 dwelling units, 272 of which are very low-income units, for a total of 3,398 dwelling units; an alteration in the arrangement of parkland and open space uses; the addition of neighborhood commercial and institutional acreage; the removal of the golf course/resort uses; a revised alignment of Questhaven Road; and a temporary rock crushing operation to run intermittently during Project build-out (for which a CUP already has been granted). The Specific Plan Amendment encompasses 2,000 acres of the 2,170 total acres contained within the Adopted Specific Plan Area evaluated in EIR 09-89. An initial study performed by the City on May 25, 1995 determined that a supplement to EIR 09-89 should be prepared prior to consideration of the revised Project; the City ultimately decided to prepare a subsequent EIR. As discussed in Section 1.2 above, SEIR 95-30, which was prepared for the Specific Plan Amendment, was certified on January 28, 1997.

3.2 Issues Evaluated in Final SEIR 95-30. Final SEIR 95-30 evaluates the following environmental issues in relation to the Project: Land Use; Landform Alteration/Visual Quality; Biological Resources; Cultural Resources; Traffic; Noise; Air Quality; Schools; Water and Sewer Availability; Fire and Police Protection; Parks and Recreation; Solid Waste Disposal; Geology/Soils and Hydrology. Final SEIR 95-30 also analyzes the cumulative and growth-inducing impacts of the Project, unavoidable significant environmental effects, significant irreversible environmental changes and Project alternatives.

3.3 Issues Discussed in These Findings. These Findings discuss those impacts found to be potentially significant which can be mitigated to below a level of significance, those impacts which remain significant even after implementation of all feasible mitigation measures, mitigation measures determined to be infeasible, and alternatives determined to be infeasible.

3.4 Direct and Indirect Project Impacts. Final SEIR 95-30 indicates that the Project's direct and indirect impacts on the following environmental issues are insignificant or can be

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reduced to less-than-significant levels if all recommended mitigation measures are implemented: Land use incompatibility; inconsistency with City General Plan policies; visual incompatibility; excessive night lighting's alteration of astronomical dark sky operations at local observatories; impacts to natural vegetation and to sensitive and less-sensitive species; indirect impacts to biological resources conserved in open space; exceedance of City's 5% "take" under Rule 4d of the Federal Endangered Species Act and the Native Communities Conservation Plan ("NCCP") guidelines; disturbance of significant cultural resource sites and of newly identified cultural resource sites; traffic impacts; increased sound levels of traffic noise on off-site roadway segments; exceedence of City and County noise standards at sound levels adjacent to on-site roadways; exceedence of City, County and/or U.S. EPA noise standards from blasting and equipment used at the on-site rock-crushing facility; noise levels from the South Coast Materials rock processing facility exceeding City and County standards; exceedence of City noise standards due to operations of the sewer or water pump stations; increased demand on elementary, junior high and high school capacities; additional demands for water and sewer service; increased demand for fire and police services; additional demand for recreational facilities; additional demand for landfill capacity; difficulties with slope stability, soil compressibility, expansiveness and excavation; and increased sedimentation added to the drainage system and/or degradation of regional water quality.

Final SEIR 95-30 indicates that the Project's direct impacts on the following environmental issues will remain significant even after all recommended feasible mitigation measures are implemented: Permanent alteration of natural landforms on-site and off-site; changes that are visually incompatible with the character of the Project area and which affect visually sensitive viewsheds; short-term impacts to local air quality from construction; degradation to local and regional air quality from operational (vehicle) emissions; and policy inconsistency with applicable air quality regional plans. In addition, although Final SEIR 95-30 stated that implementation of all mitigation measures could mitigate direct traffic impacts to below a level of significance, not all of the traffic mitigation measures discussed in SEIR 95-30 are feasible to implement, or to implement on the time schedule envisioned by SEIR 95-30; as a result, direct Project impacts to traffic will not be mitigated to below a level of significance. Accordingly, a Statement of Overriding Considerations has been prepared in compliance with CEQA and the State CEQA Guidelines. See Cal. Code Regs. tit. 14, §§ 15043, 15093.

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3.5 Cumulative Impacts. As discussed in Section 4.0 of Final SEIR 95-30, the cumulative impacts of the Project and other past, present and reasonably foreseeable future projects were considered in SEIR 95-30 as required by Section 21083 of CEQA and Section 15130 of the State CEQA Guidelines. SEIR 95-30 and the related planning studies which were incorporated by reference therein analyzed existing conditions, which thereby considered the effects of past and present projects. Also considered were the reasonably foreseeable projects. The Project's contribution to significant cumulative effects will be substantially reduced due to the design modifications incorporated into the Project as well as the various mitigation measures implemented in the Mitigation Monitoring and Reporting Program ("MMP"). Although the Project's impacts have been mitigated to the extent feasible, the Project will contribute to significant cumulative impacts related to land use (conversion of open space to urbanized uses), landform alteration/visual quality (loss of natural open space and alteration of existing landforms), traffic, air quality (incremental addition of pollutants affecting region's ability to achieve compliance with state and federal standards), and hydrology (quality and amount of runoff).

3.6 Impacts That Remain Significant. The City Council finds that the impacts of the Project have been mitigated to the extent feasible by the Project Design Features and mitigation measures discussed in the MMP. As demonstrated in these Findings, further mitigation of Project impacts is infeasible. To the extent that Project impacts have been mitigated to the extent feasible, it will be infeasible to further avoid, reduce, or mitigate the remaining significant cumulative effect to which the Project contributes. A Statement of Overriding Considerations has been prepared pursuant to the State CEQA Guidelines. See Cal. Code Regs. tit. 14, §§ 15043, 15093.

3.7 San Marcos Redevelopment Agency and Redevelopment Plan. After reviewing the Staff Report, General Plan Amendment, SEIR 95-30, the Specific Plan Amendment and the Amended Development Agreement, the City Council has determined that: (1) those buildings, facilities, structures, or other improvements, which are described in Attachment 1 to Exhibit D of the Amended Development Agreement, are of benefit to the Redevelopment Agency Project Area No. 3 or the immediate neighborhood in which the Project is located; (2) no other reasonable means of financing the buildings, facilities, structures or other improvements are available to the community, because the substantial requirements for public infrastructure in the area in advance of development requires both public and private investment; and (3) the payment of funds for the acquisition of land or the cost of the buildings, facilities, structures or other improvements,

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including regionally significant Questhaven Road and Rancho Santa Fe Road, will assist in the elimination of one or more blighting conditions inside the Project area or provide housing for low- or moderate-income persons, including but not limited to the 272 very low-income qualifying housing, and is consistent with the implementation plan adopted pursuant to Section 33490 of the California Health & Safety Code.

4.0 ADOPTION OF FINDINGS

The San Marcos City Council hereby finds as follows:

4.1 The foregoing statements are true and correct.

4.2 Changes or alterations have been required in, or incorporated into, the proposed Project which mitigate or avoid significant environmental impacts as identified in Final SEIR 95-30 and in these Findings.

4.3 The significant impacts of the Project have been mitigated to the extent feasible. Specific economic, legal, social, technological or other considerations make infeasible certain of the mitigation measures and the alternatives, as identified in the Final SEIR and/or in these Findings.

4.4 CEQA requires the lead agency approving a project to adopt a mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with project implementation. A MMP has been defined and serves that function for Final SEIR 95-30.

4.5 The MMP designates responsibility and anticipated timing for the implementation of mitigation. The City Planning Division will serve as the overall Mitigation Monitoring and Reporting Program Coordinator.

4.6 The numerical references to mitigation measures in these Findings correspond to the identifying numbers used in the MMP. The specific timing of each mitigation measure is described in the MMP.

4.7 Section 21065 of CEQA defines the term "project" as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is ... [a]n activity that involves the issuance to a person of a lease, permit ... or other entitlement for use by one or more public agencies." Section 15378(c) of the State CEQA Guidelines emphasizes that "[t]he term 'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies," explicitly noting that

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"[t]he term 'project' does not mean each separate governmental approval." Accordingly, Final SEIR 95-30 which the City has prepared and certified covers the entirety of the actions described in Section 2.4 of Final SEIR 95-30 and is intended to be the basis for compliance with CEQA for each of the possible discretionary actions that may be approved by the City for the proposed development, including the General Plan Amendment, the Specific Plan Amendment, the Amended Development Agreement, establishment of financing mechanisms, future tentative subdivision map(s)', and certain other regulatory and other minor permits listed in Section 2.4 of Final SEIR 95-30. It also is contemplated that there may be a variety of discretionary actions undertaken by other state and local agencies (who might be referred to as "responsible agencies" under CEQA). Because the City is the lead agency under CEQA, Final SEIR 95-30 which the City has prepared is intended to be the basis for compliance with CEQA for each of the possible discretionary actions by other state and local agencies as well.

4.8 Final SEIR 95-30 is a Project EIR for purposes of environmental analysis of the proposed Project. A Project EIR examines the environmental effects of a specific project. Final SEIR 95-30 serves as the primary environmental compliance document for entitlement decisions described in Section 2.4 of Final SEIR 95-30 by the City and the other regulatory jurisdictions. Final SEIR 95-30 was certified by the City Council in its Resolution No. 97-4793 and, subject to Section 21166 of CEQA and Sections 15162 and 15163 of the State CEQA Guidelines, no additional CEQA review is required for the implementation of the General Plan Amendment, the Specific Plan Amendment or the Amended Development Agreement.

4.9 The City Council believes that its decision on the Project is one which must be made after a hearing required by law at which evidence is required and discretion in the determination of facts is vested in the City. As a result, any judicial review of its decision will be governed by Section 21168 of CEQA and Code of Civil Procedure Section 1094.5. Regardless of the standard of review which is applicable, the City Council has considered evidence and arguments presented to the City prior to or at the public hearings on this matter. In determining whether the Project has a significant impact of the environment, and in adopting Findings pursuant to Section 21081 of CEQA, the City Council has complied with CEQA Sections 21082.2 and 21081.5.

4.10 Documents, including the 1990 Final EIR, were incorporated by reference into Final SEIR 95-30 pursuant to Section 15150 of the State CEQA Guidelines, and are considered part of Final SEIR 95-30 as if set forth in full therein, and are considered part of the administrative record for the Project.

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4.11 Copies of all these documents, which constitute the record of proceedings upon which the City's decision is based, are and have been available upon request at all times at the offices of the City Planning Division, the custodian for such documents or other materials.

4.12 The Project's impacts have been analyzed to the extent feasible at the time of certification of Final SEIR 95-30. The City hereby finds and declares that at this time there are no reasonably foreseeable extensions, expansions or alterations of the Project which are not described in Final SEIR 95-30, based on the administrative record before the City at the time of its final decision on the Project, and that Final SEIR 95-30 analyzes the Project in its full size and extent.

4.13 Those buildings, facilities, structures, or other improvements, which are described in Attachment 1 to Exhibit D of the Amended Development Agreement, are of benefit to the Redevelopment Agency Project Area No. 3 or the immediate neighborhood in which the Project is located; no other reasonable means of financing the buildings, facilities, structures or other improvements are available to the community, because the substantial requirements for public infrastructure in the area in advance of development requires both public and private investment; and the payment of funds for the acquisition of land or the cost of the buildings, facilities, structures or other improvements, including regionally significant Questhaven Road and Rancho Santa Fe Road, will assist in the elimination of one or more blighting conditions inside the Project area or provide housing for low- or moderate-income persons, including but not limited to the 272 very low-income qualifying housing, and is consistent with the implementation plan adopted pursuant to Section 33490 of the California Health & Safety Code.

4.14 Having received, reviewed and considered the above described information, as well as all other information and documents in the record, the City Council hereby conditions the Project and finds as stated in these Findings.

5.0 CEQA SECTION 21081(A)(1) FINDINGS: EFFECTS DETERMINED TO BE NOT SIGNIFICANT OR MITIGATED TO A LESS-THAN SIGNIFICANT LEVEL

5.1 Direct or Indirect Project Impacts

The City Council, having reviewed and considered the information contained in SEIR 95-30 for the Project and the public record finds, pursuant to CEQA, the State CEQA Guidelines and the Local CEQA Guidelines, that changes or alterations have been required in or incorporated into the Project which avoid the significant environmental effects as

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identified in SEIR 95-30 with respect to the areas of: (1) Land Use, (2) Landform Alteration/Visual Quality (partially), (3) Biological Resources, (4) Cultural Resources, (5) Traffic (partially), (6) Noise, (7) Schools, (8) Water and Sewer Availability, (9) Fire and Police Protection, (10) Parks and Recreation, (11) Solid Waste Disposal, (12) Geology/Soils, and (13) Hydrology.

5.1.1 Land Use

5.1.1.1 Impact(s): As discussed on pages 3.1-8 through 3.1-9 of SEIR 95-30, a 130-foot easement associated with the SDCWD's Second Aqueduct pipeline runs through Planning Area G4, which is proposed for active neighborhood park use, and Planning Area G5, which at the time of SEIR 95-30 was proposed as an elementary school site. If the park or school buildings or other structures are built on top of the easement, it will create a significant land use incompatibility impact prior to mitigation.

High-density, very low-income qualifying housing adjacent to lower-density residential, open space or other active-use park areas also will result in land use incompatibility impacts. Similarly, the unincorporated County of San Diego communities of Elfin Forest and Lake San Marcos are in the vicinity of the Project, and the 640-acre Christward Ministry and Questhaven Retreat is southeast of the Project and designated multiple rural and estate. There is a potential incompatibility between these rural or suburban residential communities and the Project.

As discussed on pages 3.1-9 through 3.1-10 of SEIR 95-30, residences, park and the school proposed near the existing intersection of Questhaven Road and Elfin Forest Road could be affected by the potential release of chlorine gas from the existing chlorine injection facility operated by the Vallecitos Water District ("VWD"), as currently configured. Although unlikely, it is possible that, as a result of catastrophic conditions, a canister could rupture and release gas, which in turn could cause acute health effects downwind and in the vicinity of the treatment facility. Development in the surrounding Planning Areas will constitute a potentially significant land use impact.

The Project is potentially inconsistent with the City General Plan's Conservation and Open Space Element's Goal/Policy of preserving prominent landforms. Project grading for regional park improvements, public facilities and, potentially, for active recreational uses will occur in the primary ridgeline area. The Project is

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potentially inconsistent with the City's General Plan Circulation Element's Goal/Policy for a 50-foot open space easement for scenic roadways which are adjacent to development. Questhaven Road is designated a scenic roadway. Because of the realignment of Questhaven Road away from largely open space designated areas into a new alignment which places the roadway within development areas, the Project's open space area adjacent to Questhaven Road varies in width from greater than to less than 50 feet, depending on the terrain and type of adjacent development. The Project is potentially inconsistent with the Questhaven/La Costa Meadows Community Plan's Goal/Policy for development of a variety of housing types and densities consistent with the area's natural character which minimize landform alteration, and its Goal/Policy for specific plans to provide a distinct, identifiable open space element/corridor through the primary ridgeline and the San Marcos Creek Watershed and floodplain. The Project has open space, active recreational and regional park uses planned for the primary ridgeline. Some grading of the ridgeline to accommodate regional park improvements, recreational opportunities and public infrastructure will occur, as will grading to accommodate Planning Area S north of Questhaven Road between Franks Peak and Double Peak. The Project is potentially inconsistent with the existing Barham/Discovery Community Plan's Goal/Policy for development below the tank to have minimum 21,000 square foot lots. The Project designates Planning Area R homes, which are within the Barham/Discovery Community Plan, to have minimum lot sizes of 5,000 square feet in the lower elevations and 10,000 square feet in the upper elevations, with development extending above the 920-foot contour and south of the tank.

5.1.1.2 **Finding**: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

5.1.1.3 **Facts in Support of Finding**: To address potential land use incompatibilities between the SDCWD easement and future development, Planning Area G4 was extended southerly into former Planning Area G5, and the school site was moved north, to Planning Area G1. As a result, no school-related structures will be constructed within the SDCWD easement. To avoid potential impacts which will result if permanent park-related structures were built on top of the SDCWD easement, the following mitigation measures will be implemented:

Mitigation Measure 3.1.1: Upon preparation of siting plans for the park in Planning Area G4, the SDCWD shall

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review future site layouts to ensure that no structures are constructed within the 130-foot Second Aqueduct easement.

Mitigation Measure 3.1.2: In the event that Planning Area G4 cannot accommodate the park facilities, alternative locations or configurations will be provided.

Site plan review pursuant to Mitigation Measure 3.1.1 will ensure that no structures are planned for and/or constructed within the SDCWD 130-foot easement associated with the Second Aqueduct pipeline. Moving the school site from Planning Area G5 to Planning Area G1 eliminates the possibility of the school being constructed within the SDCWD easement. As a result, because site plan review will prevent any structures from being built within the SDCWD's Second Aqueduct pipeline easement, compatibility issues between that easement and the park and school do not and will not exist, and the potentially significant impacts therefore will be avoided.

To address impacts from higher-density development, Planning Area G1, which was designated for higher-density very low-income qualifying housing in SEIR 95-30, has now been designated as the school site, in part to avoid the land use incompatibility issues associated with locating high-density residential near the active park planned for adjacent Planning Area G4. The very low-income qualifying housing previously located in Planning Area G1 has been relocated into Planning Area G2, which always has been designated as Cluster/Attached. Any remaining incompatibility issues with respect to lower-density residential housing adjacent to higher-density, very low-income qualifying housing will be mitigated to below a level of significance by implementation of the Project design features set forth in the Specific Plan Amendment Guidelines, and Mitigation Measure 3.1.3 set forth below. Potential incompatibilities between the Project and the unincorporated communities adjacent to the Project site will be mitigated to below a level of significance by virtue of Project design features as well as by implementation of Mitigation Measure 3.1.3 below, as buffer treatments along the perimeter of the development will provide a transitional area near the interface with the existing and future residences:

Mitigation Measure 3.1.3: Landscape buffer treatments and sensitive site layouts shall be incorporated into the final design to ensure that potential incompatibilities between the affordable housing development and adjacent uses is minimized.

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Thus, any potential incompatibility impacts will be mitigated to below a level of significant by implementation of Mitigation Measure 3.1.3 and the Specific Plan Amendment Guidelines.

To avoid any potential impacts arising from accidental release of gas from the chlorine injection facility, the school has been moved away from the facility, to Planning Area G1, thereby avoiding any impacts to the school. To address the potential health effects of an accidental gas release from the chlorine injection facility on surrounding residences and/or the park, the following mitigation measure will be implemented prior to occupancy of adjacent residences:

Mitigation Measure 3.1.4: Applicant shall coordinate with the Vallecitos Water District to install a chlorine scrubber system and/or other improvements on the chlorine injection facility that would prevent the potential for chlorine gas release at concentrations that are considered unhealthful to the public.

Proper installation of the improvements will be completed prior to occupancy of adjacent structures. These design improvements and/or scrubber system will prevent releases of chlorine gas at harmful levels, and thus will prevent the potential impact that otherwise could result.

To mitigate any impacts potentially resulting from inconsistency or incompatibility with the City's General Plan or relevant Community Plans, the Project includes modifications to the General Plan which avoid potential land use policy inconsistencies by clarifying certain existing policies that pertain only to the Project site.

5.1.2 Landform Alteration/Visual Quality (Partially)

5.1.2.1 Impact(s): As discussed in SEIR 95-30, the residential dwelling units to be built as part of the Project will be visible to sensitive viewers. The Project impacts the views of south-sloping hillsides by converting the natural appearance of the lower portions of the property to urbanized residential development with manufactured slopes which will be visible from areas south of the Project site. Mass grading will be required in the lower elevations, and brush thinning for fuel management zones will increase the visibility of homes in the upper elevations, and will contrast with the dark, bushy appearance of the remaining native habitat.

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Views of north-sloping hillsides will be impacted as well. Some lots in Planning Area R located above the 845-feet contour elevations will be visible from the Discovery Hills and the Lake San Marcos communities, and, although it is unlikely to be visible from adjacent development, a large cut slope face up to 100-feet high will be graded to an elevation of 950 feet. Also, limited portions of Planning Areas O, T and S will be visible over the ridgeline from a portion of SR-78.

Grading of the ridgeline silhouette within the regional park and Questhaven Road will be visible and will produce a significant impact prior to mitigation. Although the primary ridgeline's features will be preserved, in limited areas views of the ridgeline will be impacted by Project development. Future regional park or active recreational improvements could require grading, and associated park landscaping and/or structures could be visible on top of the ridgeline or Double Peak. Any tall plants placed in the ridgeline zone will contrast with the low-lying native chaparral, creating visual impacts.

Placement of the water tanks in visually prominent locations also is considered a significant effect on visual resources due to the tanks' potential size, elevated locations, and visibility to nearby residences and motorists along Questhaven Road.

As discussed in Section 3.1 of SEIR 95-30, the landfill will degrade visual quality south of the ridgeline and will be visible from many future residences on-site. Revegetation of the exposed slope faces and deck of the closed Landfill is proposed by the County of San Diego's 1990 Final Environmental Impact Report for San Marcos Landfill Expansion Project.

There are potential inconsistencies with the visual resource policies of the City's General Plan. There will be grading around the ridgeline silhouette as viewed from SR-78 for homes in Planning Areas O, S, and T, and possible active recreational uses in Planning Area Q. Approximately 28 homes within Planning Areas O, S and T could be visible from locations along SR-78 within the City, development of which could be potentially inconsistent with conservation criteria of the Questhaven/La Costa Meadows Community Plan. The Project will be potentially inconsistent with the Barham/ Discovery Community Plan policies regarding siting new residential areas sensitive to the natural terrain and hillsides, because 12 lots are proposed above the 920-foot contour and existing water tank in Planning Areas R,

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portions of which could be visible from adjacent neighborhoods and SR-78. There is a potential inconsistency with the City General Plan's scenic roadway policy for Questhaven Road, as Project development will require landscaping, manufactured slopes, and sound attenuation walls along the corridor of Questhaven Road. Sound attenuation walls greater than five feet high could degrade the scenic corridor qualities of Questhaven Road, and will be inconsistent with the General Plan Circulation Element, which identifies the road as a local scenic roadway. Sound attenuation walls also will impact views to local residents and motorists traveling through the community on Questhaven Road.

Development of the Project also will increase night lighting, which will create a potentially significant impact by potentially altering astronomical dark sky operations at local observatories.

5.1.2.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate the significant visual quality/landform alteration impacts thereof, except as identified in Section 7 of these Findings.

5.1.2.3 Facts in Support of Finding: Many of the visual quality impacts associated with extending Questhaven Road across the Project to Twin Oaks Valley Road have been reduced compared to the alignment in the Original Project. Impacts due to the Questhaven/Twin Oaks Valley Road construction also will be minimized by implementation of the Project's landscaping plans. The sound attenuation wall and/or combination sound attenuation wall/berm to be built along Questhaven Road will be landscaped and designed in accordance with the Specific Plan Amendment Guidelines, which include using design features such as pilasters and other architectural enhancements to minimize visual impacts. The Cerro de Las Posas-Double Peak ridgeline will be restricted from residential development, and impacts to views of the ridgeline will be minimized by the preservation of the primary ridgeline features as open space. Visibility from the Highway 78 corridor will be minimized by application of strict development guidelines. Development will occur in the lower saddle area east of Double Peak for the construction of Questhaven/Twin Oaks Valley Road and for homes in Planning Area S. Specific Plan Amendment Guidelines, along with the Project conditions of approval, require one-story height restrictions, low-profile rooflines, earthtone color schemes and similar measures for homes north of Questhaven Road in Planning Area S. The views of south-sloping hillsides will be of

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short duration, and the most visible portions of the site will be of custom home pads, since custom homes will be built in the upper hillside areas (Planning Areas O and T), and most of the higher-density residential areas will be located in the lower and flatter portions of the site, near Questhaven Road. Further, traditional pad grading of estate lots in Planning Areas O and T shall occur only when necessary to construct the serving streets and utilities, resulting in only minimal custom grading for each home site. Strict CC&Rs and architectural guidelines will be developed for each lot in Planning Areas O and T to ensure disturbance is kept to a minimum and grading is sensitive and appropriate. The custom lots will use stepped building pads and split-level architecture to minimize grading and visibility. Lower elevations will use building pads which are grade-separated from adjacent pads, forming a stepped appearance and allowing for greater building separation. As a result, visual quality impacts will be minimized.

Two off-site knolls will conceal the western lots in Planning Area R below the 845-foot contour from view, and those lots not concealed will be visually compatible with the character of the surrounding area.

Water tanks will be partially recessed and will be screened by landscape treatments and will be painted in colors which blend with the adjacent vegetation, as provided in the mitigation measures set forth below.

Impacts will be reduced not only by implementation of Project design features, some of which are described above, but also by implementation of the following additional measures, which will be incorporated into the Project's Master Tentative Map and final subdivision maps:

Mitigation Measure 3.2.1: All grading plans and the master tentative map shall be prepared in strict compliance with Specific Plan Amendment.

Mitigation Measure 3.2.2: Specialized grading techniques will be developed and incorporated into the CC&Rs for all custom home lots proposed within Planning Areas O and T.

Mitigation Measure 3.2.3: Measures for protecting existing rock outcrops, native vegetation, and other natural features, such as flagging, tapered grading, and stabilization techniques, shall be indicated on the grading plans.

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Mitigation Measure 3.2.4: Building pads between lots in Planning Areas M, N and K shall be terraced to reflect the natural contours of the terrain.

Mitigation Measure 3.2.5: All manufactured slopes in Planning Areas M, N and K shall be landscaped.

Mitigation Measure 3.2.6: Lots within Planning Areas O and T shall be stepped and custom-designed to minimize landform alteration.

Mitigation Measure 3.2.7: All areas disturbed or cleared of vegetation for construction shall be revegetated as soon as possible after completion of construction activities.

Mitigation Measure 3.2.8: Slopes greater than 2:1 (horizontal:vertical) gradient or resulting in exposure of bare rock surface shall be reviewed by a qualified landscape architect to determine the proper grading and landscape techniques that would encourage successful revegetation. Artificial treatment of the cut slope surface, such as rock varnish, shall be considered in combination with landscaping, as appropriate.

Mitigation Measure 3.2.9: Revegetation of all graded slopes must be demonstrated. A revegetation plan shall be developed by a qualified landscape architect or horticulturalist demonstrating that the visual impacts of manufactured slopes have been minimized to the extent feasible.

Mitigation Measure 3.2.10: Slopes utilizing exposed retaining or crib walls over 5 feet in vertical height for reducing grading requirements shall incorporate plantings into the design to conceal their appearance.

Mitigation Measure 3.2.11: All water storage tanks shall be designed to partially recess the structure below planned grades and provide landscape treatments for screening, as approved by the Vallecitos Water District.

Mitigation Measure 3.2.12: All water storage tanks shall be painted using colors that blend with the adjacent vegetation.

Mitigation Measure 3.2.13: Future regional park or active recreational improvements in Planning Area Q shall be reviewed for visibility from SR-78. Landscaping within Planning Area Q shall be restricted to low-lying native species that blend with the existing chaparral

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habitat in open space. Structures shall be single story and designed to minimize grading disturbance.

Mitigation Measure 3.2.14: Perform a detailed visual analysis of regional park improvements and roadway plans proposed for Planning Area Q to demonstrate that visual impacts have been minimized to insignificance.

Mitigation Measure 3.2.15: At the tentative map stage Planning Areas T, O, and S shall be reviewed to determine that visibility of structures or roof peaks is minimized from the north on SR-78 and that facades of structures are angled at varying degrees to follow the natural topography. Single-story structures, rather than increased grading, shall be considered on lots in Planning Area S where structures or rooftops could be visible from the north. A visibility analysis shall be conducted at the tentative map stage and reviewed by City staff to confirm the minimal visibility of structures or roof peaks in Planning Areas T, O and S.

Mitigation Measure 3.2.16: Building materials, rooftop treatments, textures, and scale shall be compatible with adjacent native vegetation on the surrounding slopes in Planning Areas M, N, T, O and S. The use of earth tones and non-reflective/non-glare surfaces shall be maximized in those Planning Areas.

Mitigation Measure 3.2.17: A landscape concept plan shall be developed and implemented for each phase of the Questhaven Road extension. Plantings along the road shall enhance the viewshed of the open space and scenic qualities of the area. Careful attention shall be placed on using plants that would not obstruct views of the primary ridgeline, Double Peak, and other prominent landforms in the area. Plans for landscaping and contour grading for Questhaven Road shall be reviewed by City Staff.

Mitigation Measure 3.2.18: A sound attenuation wall and/or a combination wall/berm shall be used for noise mitigation walls along Questhaven Road.

In addition to mitigation measures 3.2.17 and 3.2.18, which address potential inconsistencies with the General Plan's policies regarding scenic roadways, any impacts otherwise resulting from inconsistency or incompatibility with the City's General Plan or relevant Community Plans are mitigated to below a level of significance by the Project's modifications to the General Plan, which avoid potential visual resource policy inconsistencies by clarifying certain existing

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policies that pertain only to the Project site. Implementation of the above mitigation measures, as well as compliance with Project conditions of approval and the General Plan modifications will minimize the visual impacts discussed above to below a level of significance. The visual quality impacts from excessively large manufactured slopes visible to sensitive viewers remain significant even after implementation of the mitigation measures and Project conditions of approval, as discussed in Section 7 of these Findings. A Statement of Overriding Considerations has therefore been prepared.

5.1.3 Biological Resources

5.1.3.1 Impact(s): As discussed on pages 3.3-9 through 3.3-22 of Final SEIR 95-30, the Project proposes to grade 987.6 acres on-site for residential/commercial development. An additional 152.1 acres on-site eventually may be impacted due to certain intensive active uses (such as a golf course) which may later be proposed for Planning Area Q. Before Planning Area Q could be used as a golf course, the City will at some future time have to approve a CUP; nonetheless, in an effort to be conservative, the potential future impacts to that 152.1 acres also are discussed herein. The 987.6 on-site acres proposed to be graded for residential/commercial development will consist of 102.9 acres of coastal sage scrub (dominated by black sage), 356 acres of chaparral, 0.2 acre of chaparral/coastal sage scrub mix, 0.3 acre of riparian scrub, 31 acres of eucalyptus woodland and 497.2 acres of disturbed/developed habitat. The additional 152.1 on-site acres which may in the future be impacted by active recreational uses in Planning Area Q are comprised of 5.1 acres of coastal sage scrub/grassland, 145.9 acres of chaparral, 0.2 acres of chaparral/coastal sage scrub mix, 0.3 of Engelmann Oak woodland and 0.6 of disturbed/developed habitat. Impacts to coastal sage scrub, ceanothus-dominated chaparral, riparian scrub, and oak woodland are considered significant prior to mitigation.

Most of the coastal sage scrub proposed to be impacted by the Project is dominated by black sage, which focused studies in 1992 and 1995 concluded did not support gnatcatchers. However, a 1992 survey documented two pairs of California gnatcatcher using the 6.9 acres of on-site coastal sage scrub being impacted by the Project. As a result, residential/commercial development is considered to impact those two gnatcatcher pairs; such impacts are considered significant prior to mitigation. Direct impacts to Orcutt's brodiaea will result in the loss of 27 of 28 locations of the plant species on-site,

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which is considered a significant impact prior to mitigation. About 356 acres of chaparral habitat, which supports regionally significant populations of wart-stemmed ceanothus and summer holly, will be impacted by the Project's residential/commercial development. These impacts are considered significant prior to mitigation.

San Diego sagewort (two localities), western dichondra (three localities), California adder's tongue fern (12 locations), and mesa clubmoss (one locality) are plant species with sensitivity of CNPS list 2 and below which also will be directly impacted by on-site grading for residential/commercial development. While impacts to San Diego sagewort are considered significant prior to mitigation, impacts to western dichondra, California adder's tongue fern and mesa clubmoss are considered insignificant due to their low sensitivity status.

Several federal C2 candidate animal species have been documented on the Project site. The coastal sage scrub habitat discussed above is occupied by the San Diego horned lizard, the Southern California rufous-crowned sparrow, the Bell's sage sparrow and the San Diego black-tailed jackrabbit. Because of the few documented locations of these species on the Project site, and their current relative abundance within and outside of San Diego County, impacts to these species are considered adverse but not significant.

Indirect "edge effect" impacts to habitat from residents, horses, vehicles, fuel management zones, the introduction of invasive weed species, contamination of runoff water into natural drainages, changes in local hydrology and fire regime also are expected to occur as a result of the Project. Fuel modification zones create an indirect impact by requiring 70 feet of vegetation thinning adjacent to residential building pads; as a result, the Project will result in about 103 acres of thinned natural vegetation. Although the habitat in that acreage is not completely removed, thinning may result in reduced species diversity and opportunistic invasion by weedy plant species. It also will reduce the habitat's usefulness for wildlife. This is considered a significant impact prior to mitigation. Changes in the natural fire regime may chronically impact the species composition of the chaparral by leading to loss of summer holly and wart-stemmed ceanothus due to reproductive senescence and a lack of fire-induced population recruitment. This is a significant impact prior to mitigation. Additional potential edge effects due to changes in hydrology and drainage patterns are expected in Planning Area Q if a golf course ultimately is

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developed there, and in Planning Area L, where Orcutt's brodiaea is being conserved. Changes in moisture regime caused by these hydrology and/or drainage pattern changes can cause habitat type conversion and loss of sensitive plant species such as brodiaea, wart-stemmed ceanothus and summer holly. This is a significant impact prior to mitigation. These "edge effects" typically extend 200 feet from development into habitat, although such effects have not been documented in studies of dense chaparral. About 33.5% of the Project's natural open space will be within 200 feet of residential/commercial development; however, the majority of this edge-affected habitat is chaparral, where edge effects may be minimal. Nonetheless, the edge effects are considered a significant impact prior to mitigation.

The proposed extension of Via Vera Cruz to access Planning Area R will impact 1.3 acres of natural vegetation, including 0.3 acres of black sage-dominated sage scrub. No California gnatcatchers have been documented in the vicinity of this road alignment, although a population of summer holly could be impacted. Impacts to coastal sage scrub and summer holly are considered significant prior to mitigation.

The ultimate alignment of Questhaven Road not already assessed will require grading of 42.1 acres off-site, including 16.6 acres of sage scrub/grassland; 20.8 acres of chaparral; 0.5 acres of chaparral/coastal sage scrub; 1.2 acres of freshwater marsh; 0.4 acres of eucalyptus woodland and 2.6 acres of disturbed/developed habitat. Sensitive species documented in the off-site segments of the Questhaven Road ultimate alignment include one pair of California gnatcatcher, three locations of Orcutt's brodiaea, wart-stemmed ceanothus, three locations of summer holly and several localities of one Engelmann oak. This impact is considered significant prior to mitigation. The interim phase of Questhaven Road will impact 6.0 acres of developed land off-site, and 10.7 acres of off-site coastal sage scrub/grassland, which comprises portions of territories for three or four pairs of California gnatcatcher and three populations of Orcutt's brodiaea. This impact is considered significant prior to mitigation. Constructing the off-site segments of Questhaven Road also will impede wildlife movement. Widening and extension of Questhaven Road to Twin Oaks Valley Road likely will increase the mortality of wildlife attempting to cross the road. This impact is considered significant prior to mitigation.

Noise levels in California gnatcatcher-occupied habitat along Questhaven Road are expected to increase by

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only eight dBA compared to baseline conditions in the projected year 2015. These noise impacts to California gnatcatcher are not considered significant.

Direct loss of 108 acres of coastal sage scrub within the City will exceed the City's 5% "take" allowed by rule 4d of the Federal Endangered Species Act/NCCP guidelines. This impact is not considered significant.

5.1.3.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

5.1.3.3 Facts in Support of Finding: The following mitigation measures will be incorporated into the Project:

Mitigation Measure 3.3.1: Significant direct impacts to natural vegetation shall be minimized, to the extent feasible, during preparation of the final grading plan for the residential development tentative map and the design of the parks in Planning Areas G4 and Q for review of any CUP. Impacts to oak woodland, wetland/riparian habitats, gnatcatcher-occupied sage scrub, and areas supporting sensitive species shall be minimized where feasible. A construction monitoring program shall be implemented to preclude unauthorized grading impacts. Off-site habitat acquisition shall occur prior to grading.

Mitigation Measure 3.3.2: Disturbed habitat areas, including cut and fill slopes adjacent to natural vegetation, amounting to about 136 acres, shall be revegetated with the most biologically appropriate native plant community. This could include about 73 acres of chaparral, 53 acres of coastal sage scrub, and 10 acres of wetland/riparian scrub habitat.

Mitigation Measure 3.3.3: Unavoidable impacts to wetland/riparian habitats in Copper Creek (Planning Area G4) have been reduced from the Original Project, and remaining impacts shall be mitigated at a 2:1 ratio through creation/enhancement on-site and/or off-site.

Mitigation Measure 3.3.4: Unavoidable impacts to 10.7 acres of gnatcatcher occupied coastal sage scrub habitat associated with the interim widening of Questhaven Road, and 6.9 acres of developed area, shall be mitigated at a 2:1 ratio after accounting for on-site revegetation and on-site preservation acreage. The California gnatcatcher mitigation program developed in 1992 shall be completed to the satisfaction of the City.

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Mitigation Measure 3.3.5: Unavoidable impacts to 4.1 acres of gnatcatcher-occupied habitat associated with full implementation of the Questhaven Road realignment shall be mitigated off-site at a 2:1 ratio after accounting for on-site revegetation acreage and on-site preservation unless these impacts are earlier mitigated through implementation of the University Commons Project.

Mitigation Measure 3.3.6: Impacts to 12.8 acres of coastal sage scrub not occupied by gnatcatchers and associated with Via Vera Cruz and the eastern alignment of Questhaven Road shall be mitigated off-site at a 1:1 ratio after accounting for on-site revegetation and preservation acreage.

Mitigation Measure 3.3.7: Unavoidable on-site impacts to coastal sage scrub (101.1 acres) not occupied by California gnatcatcher shall be mitigated at a 1:1 ratio by on-site preservation and revegetation, to the extent required by law.

Mitigation Measure 3.3.8: The mitigation program previously developed for Orcutt's brodiaea shall be revised to account for on-site/off-site impacts not previously assessed (three locations and indirect impacts) and shall be subsequently implemented. The mitigation program shall contain translocation measures and appropriate monitoring activities.

Mitigation Measure 3.3.9: Summer holly, wart-stemmed ceanothus, San Diego sagewort, San Diego marsh elder, southwestern spiny rush, California adolphia, and California adder's tongue fern shall be incorporated into revegetation designs wherever appropriate.

Mitigation Measure 3.3.10: Unavoidable Engelmann oak impacts shall be mitigated at a ratio of 10 Engelmann oak trees per impacted Engelmann oak tree. A tree shall be considered impacted if grading occurs within 25 feet of the tree dripline. San Diego sagewort shall be incorporated into revegetation plans where appropriate.

Mitigation Measure 3.3.11: Where culverts are provided for drainage along the proposed Questhaven Road, suitable fencing parallel to the road shall be provided to guide wildlife to culvert underpasses suitably designed to permit wildlife use. Culvert design shall be reviewed by a qualified biologist.

Mitigation Measure 3.3.12: Indirect drainage impacts to adjacent natural vegetation associated with Planning Areas Q (due to irrigation on the golf course if a CUP

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for such a golf course is later issued) and G4 shall be mitigated through design of the drainage plan to divert water runoff away from natural vegetation, as biologically appropriate.

Mitigation Measure 3.3.13: Indirect impacts shall be mitigated through the development and implementation of a habitat management plan that is consistent with the City's proposed Biological Resource Management Plan (BRMP) and addresses management of edge effects, acute/chronic habitat disturbance, and long-term fire management issues.

In all, about 107.2 acres of existing gnatcatcher habitat will be conserved. That habitat will form part of a regional habitat linkage between gnatcatcher populations in the City of Carlsbad and southeast of the Elfin Forest community. A mitigation program for impacts to the California gnatcatcher was developed and partially implemented prior to the on-site brushing activity in 1992. A mitigation program for Orcutt's brodiaea was developed in 1991 for expected impacts to that species.

As discussed on pp. 3.3-22 through 3.3-25 of Final SEIR 95-30, and in Chapters III and IV of the Specific Plan Amendment, biological impacts will be mitigated by a habitat preservation program. The Project will preserve 1,050 acres, or approximately 52% of the Project site, as open space, including natural canyons, parks, hillsides, utility corridors and wildlife preserves. The designated open space will be maintained via a master landscape maintenance association and/or annexation to the Lighting and Landscaping District. About 800 acres of the open space are natural open space which establishes part of the City's proposed BRMP. This in turn establishes part of the regional NCCP, which will connect biologically significant habitat throughout the County.

The BRMP, which requires approval from the California Department of Fish and Game ("CDFG") and the United States Fish and Wildlife Service ("USF&WS"), will constitute the City's contribution to regional protection and perpetuation of natural wildlife diversity while allowing compatible land use and appropriate development growth. The Project is consistent with the City's most recent version of the BRMP, and the Applicant is willing to deed property, as specified in the Amended Development Agreement, to the City consistent with the most recent version of the BRMP. Prior to the issuance of any clearing or grading permit for any natural habitat areas of the Project, the Applicant will acquire, to the City's

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satisfaction, the coastal sage scrub habitat described in the MMP for the Project, if any, to mitigate for impacts to coastal sage scrub and associated habitats, including impacts to California gnatcatchers, as identified in Final SEIR 95-30. In both cases, the Applicant will use its best efforts to establish mitigation sites in an area that serves or is associated with existing or projected wildlife corridors adjacent to or in the vicinity of the City. The 132-acre wildlife corridor preserve will be combined with other off-site corridors to form designated, uninterrupted regional linkages. The 206-acre recreational use area will appear as a large open space reserve from most San Marcos viewpoints to the north and west of the Project. The park also connects to a multi-user trail, implementing the City Park's Master Parks and Trail Plan, as amended.

Special grading techniques will be developed and incorporated into the CC&Rs for all custom home lots proposed within Planning Areas O and T. Flagging, tapered grading and stabilization techniques will be incorporated in grading plans to help preserve native vegetation. Off-site mitigation will allow for additional habitat and will preserve a regional habitat corridor, compensating for indirect impacts related to proposed and future development on-site and regionally. Indirect drainage impacts to natural vegetation associated with Planning Area G5 in SEIR 95-30 are no longer potentially significant because that portion of Planning Area G5 is now located in Planning Area G4.

Through avoidance and minimization of impacts and revegetation or enhancement of habitats, the Project would reduce effects on natural vegetation to insignificance. Revegetation using sensitive plan species reduces direct impacts to insignificance. Indirect impacts would be avoided through implementation of a habitat management plan consistent with the proposed BRMP. Therefore, after mitigation, all direct and indirect impacts of the Project to biological resources will be below a level of significance.

5.1.4 **Cultural Resources**

5.1.4.1 **Impact(s):** As discussed on pages 3.4-3 through 3.4-5 of SEIR 95-30, prior to mitigation the Project will have significant impacts on seven cultural resource sites. Three of these sites have been determined significant under CEQA. Based on field evaluations done to date, the remaining four sites or site areas may be significant, and are assumed significant until further evaluation. Four of the seven sites will be directly impacted by

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development and off-site roadway improvements; the remaining three will be indirectly impacted.

Sites W-3,134 and W-3,610 will be directly impacted by the Project and indirectly impacted from increased access to the sites and likely disturbance and degradation from relic hunters. Impacts to these sites are considered significant prior to mitigation.

Further evaluation of sites W-3,609, CA-SDI-14,025, CA-SDI-14,026 and the extension of site W-3,177 within the Project area and/or the interim or ultimate Questhaven Road alignment will confirm the sites' significance under CEQA; in the interim, these sites are assumed significant based on the field evaluations done to date. Although the evaluation of the off-site segment of Via Vera Cruz between Planning Area R and Quail Drive failed to identify any archaeological sites, since there is limited ground visibility in the area and a possibility that a historic homestead was located on the site, the roadway alignment potentially could contain sensitive prehistoric resources. Disturbance of these potential resources without proper treatment would be a significant impact.

5.1.4.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

5.1.4.3 Facts in Support of Finding: Impacts to the important or potentially important cultural resource sites located within the Project and/or the Questhaven Road alignment will be mitigated through a data recovery program and, for the portion of W-3,134A remaining after data recovery, by avoidance. At the three newly recorded cultural resources sites and at site W-3,609 a limited testing phase will be conducted to determine whether the sites meet the CEQA criteria for designation as important cultural resources. If any of these sites are confirmed to be significant, impacts will be mitigated through a data recovery program. In the event testing confirms that these sites do not qualify as important cultural resources, no significant impacts will be associated with their destruction and thus no mitigation will be required. To mitigate all potentially significant impacts to cultural resources to below a level of significance, the following mitigation measures will be implemented:

Mitigation Measure 3.4.1: The extension of Site W-3,177 shall be subjected to a limited testing program to ascertain the importance of the portion of the site

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within the area of potential effects (APE). This would require detailed mapping of the site area within the APE to determine horizontal extent of cultural materials, shovel test pit (STP) excavation to determine the presence and extent of a subsurface deposit, and a minimum of one 1 x 1-m test unit to characterize the subsurface cultural deposit or verify its absence. These data should be compared with previously acquired data to assess the site's relationship to other portions of the site and to surrounding sites. 'If testing determines that the site meets the CEQA criteria for designation as important cultural resources, impacts shall be mitigated through a data recovery program.

Mitigation Measure 3.4.2: Sites CA-SDI-14,025 and CA-SDI-14,026 within the interim and the ultimate Questhaven Road alignments shall be subjected to a limited testing program similar to that proposed for the newly identified extension of W-3,177. If testing determines that the sites meet the CEQA criteria for designation as important cultural resources, impacts shall be mitigated through a data recovery program.

Mitigation Measure 3.4.3: Site W-3,609 shall be subjected to a limited testing program similar to that proposed for the newly identified extension of W-3,177, above. In addition, the actual location of the Smith 1990 testing program shall be ascertained. Data acquired by the Smith 1990 excavations should be included in the evaluation of the site's importance. If testing determines that the site meets the CEQA criteria for designation as important cultural resources, impacts shall be mitigated through a data recovery program.

Mitigation Measure 3.4.4: Prior to construction of Via Vera Cruz, a qualified archaeologist shall be consulted to ensure that nearby archaeological sites are not involved in any grading of the other ground-disturbing construction activities. If it becomes necessary to prevent construction encroachment on the sites, an archaeologist should stake and flag the sites, including a 20-foot buffer zone. A qualified archaeologist shall be present during the clearing and initial grading stages for the road to document and recover any important cultural material that may be discovered. If cultural material is discovered during any phase of the proposed Project, further disturbance to the sensitive area shall cease, and a qualified archaeologist shall be consulted for further evaluation and recommendations.

Mitigation Measure 3.4.5: Data recovery at Site W-3,134A shall be preceded by a specific research design

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predicated on data from the testing phase, confirming the lack of a subsurface component, and designed to maximize the amount of scientific data recovered. Data recovery, assuming the lack of a subsurface component, will focus on the recovery of diagnostic lithic tools and a sample of debitage types characteristic of the overall site activities. All diagnostic lithic tools within the site area will be collected. In addition, a grid collection, in which a representative sample of the debitage is collected for analysis, shall be undertaken. A detailed inspection of the surface should be undertaken to identify archaeological features such as hearths or discrete activity areas within the site. These features should be evaluated separately.

Mitigation Measure 3.4.6: Data recovery at Site W-3,134B shall be preceded by a site-specific research design reflecting research question generated as a result of test excavations at this as well as other sites. The prevalence of biface forms at the site allows for a unique opportunity to evaluate this lithic form.

Mitigation Measure 3.4.7: Data recovery excavation at W-3,610 shall be preceded by the development of a site-specific research design. Data from this site should allow for comparison between these different lithic procurement sites with focus on determining procurement processing and lithic manufacturing goals.

Monitoring in areas identified as containing cultural resources, whether CEQA important or not, will ensure that previously undetected but potentially important cultural resources are identified and evaluated before irreparable impacts could occur. The Project's conditions of approval and the above mitigation measures will guide Project development and conserve any significant cultural resource. Implementation of the above-described mitigation measures also will ensure that cultural resources are closely monitored and preserved and will remain undisturbed, reducing impacts to cultural resources to below a level of significance.

5.1.5 Noise

5.1.5.1 Impact(s): As discussed on pages 3.6-12 to 3.6-20 of SEIR 95-30, sound levels adjacent to on-site roadways may exceed City and County CNEL noise standards. The CNEL sound measure is defined as the "A" weighted average sound level for a 24-hour day, calculated by adding a 5 decibel penalty to sound levels from 7:00 p.m. to 10:00 p.m. and a 10 decibel penalty to sound levels from 10:00 p.m. to 7:00 a.m. to compensate for increased sensitivity

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to noise during the quieter evening and night-time hours. Exterior sound levels of proposed on-site roadways that exceed the City and County's 60 dBA CNEL standard for residential development are considered significant, and any interior sound levels that exceed the State's 45 CNEL standard are considered significant.

Projected roadway noise contours were calculated with and without the Project using the Caltrans Sound-32 Traffic Noise prediction model, with projected traffic data for the same major roadway segments provided to the model. No topographic considerations were taken, and hard site attenuation was assumed to provide a conservative, worst-case analysis of traffic noise. Sound level increases on off-site roadway due to Project-related vehicular traffic were at or below 3 dBA, which typically is not detectable by the human ear and not considered significant. Because all off-site roadway segments have Project-related traffic noise increases below 3 dBA, no direct Project impacts are expected to occur to off-site receptors.

Using a worst-case analysis for on-site roadways, Planning Areas C1, C3, E1, E2, F1, F2, G1, G2, G3, G5, H2, H3, I1, I2, J, O, S and V2 will have future noise levels in excess of the City and County 60 dBA CNEL standard and will require acoustical barriers, the height and locations of which will be determined once a site-specific noise analysis is done at completion of the tentative map engineering design. The mitigation requirements of the South Coast Materials rock processing facility prevent noise levels associated with the facility's blasting operations from exceeding City and County standards; thus the facility's noise impacts are insignificant.

There is the potential that noise levels from sewer or water pump stations will exceed City noise standards if not properly enclosed, which will be a significant impact prior to mitigation.

5.1.5.2 **Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

5.1.5.3 **Facts in Support of Finding:** The following mitigation measures will reduce the Project's noise impacts to below a level of significance:

Mitigation Measure 3.6.1: On-site roadway traffic noise impacts due to the realignment and improvements to Questhaven Road and Elfin Forest Road shall be mitigated

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using a standard acoustical barrier (sound attenuation wall and/or combination sound attenuation wall/berm) placed between the roadway and future residences. The range of preliminary heights for this acoustic barrier varies from 5 to 10 feet above the roadway elevation; a site-specific noise analysis will be required after completion of the tentative map engineering design to determine the barriers' height and location.

Mitigation Measure 3.6.2: A site-specific study shall be performed once the master tentative map or final grading plans are available showing roadway and final residential pad elevations. The study shall provide a description of the proposed Project, the existing noise environment, the future noise environment, noise impacts, and the required mitigation measures.

Mitigation Measure 3.6.3: An acoustical certification by a qualified acoustician shall be prepared for the proposed onsite homes within the 60 dBA CNEL contour along Questhaven Road upon preparation of final building plans. The analysis shall determine the interior noise environment to 45 dBA CNEL or below.

Mitigation Measure 3.6.4: For water/sewer pump stations, a site-specific acoustical analysis of final design shall be conducted by a qualified acoustician to identify proper material selection and placement of enclosures.

Mitigation Measure 3.6.5: A short-term noise monitoring program shall be implemented to ensure the on-site pump stations are in compliance with applicable noise ordinances.

The placement of a sound attenuation wall and/or combination sound attenuation wall/berm between the road and future residences, along with the acoustical certification for the proposed on-site homes within the 60 dBA CNEL contour along Questhaven Road, will reduce noise impacts in this area to acceptable levels. The proposed mitigation will, in its final form, reduce noise impacts from proposed roadway by lowering dBA levels to a level of insignificance. It is not possible to determine the noise impacts which may arise from the on-site water and sewer pump stations until the specific station design has been developed. As part of the Stations' conceptual design, a site-specific acoustical analysis will be performed to determine proper material selection and construction methods to assure noise level compliance. This analysis, and the related monitoring program, will ensure that noise impacts from the proposed

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pumping station are within applicable noise standards and thus insignificant.

Separate Findings of Fact and Statement of Overriding Considerations for the on-site rock-crushing operation's noise impacts discussed in this section at pp. 3.6-18 - 3.6-19 of SEIR 95-30 were approved by the City Council on January 28, 1997.

5.1.6 Schools

5.1.6.1 Impact(s): As discussed on pages 3.8-1 to 3.8-5 of SEIR 95-30, the Project's increased demand on elementary, junior high and senior high school capacity is significant prior to mitigation. The Project is in the San Marcos Unified School District ("District"). The District was operating above capacity during the 1994-95 school year, accommodating excess enrollment with relocatable classrooms. Full Project buildout will result in an estimated 1,103 elementary, 251 middle and 469 high school students, with no existing capacity to accommodate those students. This will be a significant impact prior to mitigation.

5.1.6.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

5.1.6.3 Facts in Support of Finding: Two new elementary schools are proposed within the Project boundaries, and one is proposed in the nearby University Commons development. An elementary school recently was constructed within the Discovery Hills Community Plan Area, near Planning Area R. A potential middle school site has been identified west of the Project near University Commons, although its location has not been finalized. The Project will provide two 10-acre elementary school sites, and will implement the following measures to mitigate Project impacts to schools to below a level of significance:

Mitigation Measure 3.8.1: The Project applicant shall enter into a mutually acceptable Mitigation Agreement with San Marcos Unified School District ("District") which takes into account: property tax increment generated by development of the Project and set-aside for the benefit of the District; State law with respect to statutory school fees; and the District's "Residential Development School Fee Justification Study."

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Mitigation Measure 3.8.2: Pay mitigation fees per School Mitigation Agreement or otherwise satisfy the Project's share of mitigation toward impacts.

5.1.7 Water and Sewer Availability

5.1.7.1 Impact(s): As discussed on pages 3.9-7 to 3.9-10 of SEIR 95-30, the Project is within the jurisdiction of the Vallecitos Water District ("VWD"), which has contracted with the SDCWD as its source for water. SDCWD is a member agency in the Metropolitan Water District (MWD). Existing and proposed SDCWD facilities are designed to meet the needs of MWD's agencies through the year 2000, and alternatives to secure additional water supplies for the future are being explored. The Project is within the VWD Assessment districts (AD) 76-1, 76-2 and 76-3. The VWD completed a Final Water, Wastewater and Reclamation Master Plan in July 1991, which concluded that increased capacity in existing aqueduct connections will be required to accommodate projected water demands for full future development within the VWD. However, full development anticipated by the plan, including the Project and University Commons, has not occurred, and the future adequate connection capacities may need to be re-evaluated. Moreover, present storage facilities within the VWD do not meet the adopted criteria for operating shortage. Emergency storage is not available within the VWD system to serve the Project, and is not provided by the SDCWD; thus, increased operating storage and development of an emergency storage system district-wide is required.

Project development will result in additional residential, park, school and commercial uses, all of which consume water. The projected daily on-site water demand at full Project buildout is about 1,990,250 gallons per day (gpd). The VWD has indicated that its current facilities are inadequate to meet the Project needs. Realignment of Questhaven Road will require relocating the existing 30-inch transmission main that serves the Project. Additional transmission mains, pump stations and reservoir storage will be needed to serve the Project. If the present water system is inadequate to provide a secondary water source to the Project, VWD requires 10-day emergency storage, which will require two reservoirs with capacities of 5.75 million gallons each, located at the 1,290-foot pressure zone. Another water reservoir (5.8 million gallons) is proposed to be located to the south and west of the hacienda on Double Peak at the 1,530-foot pressure zone. Two additional 5.5 million gallon reservoirs will be built at an elevation and pressure zone of 877 feet. As an alternative to 10-day

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water storage, a second aqueduct connection or similar solution will allow downsizing the reservoir to 3.25 days of emergency storage.

The reservoirs should not be higher than 35 feet. Water pump stations will be at the 877 and 1,280 zone reservoir sites, housed in small structures adjacent to the reservoir tanks. The Project could use reclaimed water from the Meadowlark treatment facility or other non-potable water to irrigate public landscaping. The Project's impact to existing water facilities is potentially significant if upgrading existing facilities are necessary and the necessary infrastructure is not provided concurrent with Project need.

5.1.7.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

5.1.7.3 Facts in Support of Finding: The following mitigation measures are incorporated into the Project to reduce water facility impacts to below a level of significance:

Mitigation Measure 3.9.1: Construction of storage reservoirs and water pump stations, with final sizing to be determined by the Vallecitos Water District prior to issuance of certificate of occupancy for units utilizing the involved reservoir or station.

Mitigation Measure 3.9.2: Construct water transmission mains and pressure zone interties to ensure an adequate secondary water source for the Project.

Mitigation Measure 3.9.3: To the extent available, use reclaimed water or other nonpotable water to irrigate public landscaping.

Mitigation Measure 3.9.4: Prior to approval of the master tentative map, written certification from any affected water districts shall be submitted that states the availability of water facilities capable of accommodating this Project. On-site water facilities must be sized to accommodate domestic demands and fire protection requirements.

Mitigation Measure 3.9.5: Payment of water capacity fees as determined through negotiations with Vallecitos Water District.

Impacts on water services will be reduced to a level of insignificance though construction of additional storage reservoirs, pump stations and transmission mains,

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which will compensate for additional usage in this area. Additionally, the use of nonpotable water for irrigation, if available, will preserve potable water for other uses, and payment of water capacity fees will assure additional funds for other necessary improvements to reduce impacts to a level of insignificance. Moreover, the Project will use drought-resistant plants in its landscaping plans as set forth in the Specific Plan Amendment Guidelines, and the Project will incorporate low-flow shower and faucet restrictors and toilet dams, further mitigating potential water impacts.

5.1.7.4 Impact(s): As discussed in SEIR 95-30, the Project will be annexed into VWD Sewer Improvements Districts 1, 2 and 6 to receive sewer service. Project development will generate additional waste water and increase capacity demands on sewer facilities within the VWD Sewer Improvement Districts 1, 2, and 6.

Full Project buildout will generate about 871,384 gpd of wastewater. Two sewer pumps are proposed within the Project: One in Planning Area A will send wasteflows to a gravity sewer main in Questhaven Road. A second pump station in Planning Area S will serve the surrounding homes and pump to a gravity main in Questhaven Road to the west. The Meadowlark Reclamation Plant or the Encina Wastewater Pollution Control Facility will be servicing the site, with Meadowlark expanding from 2 million gallons per day ("mgd") up to its full design capacity of 5 mgd, if required. Expansion of the Meadowlark Reclamation Facility will be based on the VWD's needs, not solely on the impacts of a single project. The Encina Water Pollution Control Facility processes solids generated by the Meadowlark Treatment Facility. It also is available for effluent disposal, and could be used for primary wastewater treatment. The Encina facility has the reserved capacity of up to 7.54 mgd of wastewater from VWD per day. Of that, it currently is accepting approximately 3.38 mgd of the available capacity at the Encina facility from previously approved projects; about 3.57 mgd of capacity remains available at the facility for future needs.

Impacts to existing facilities associated with the Project will be significant if the Project does not annex into sewer improvement Districts 1, 2 and 6, and if no sewer lines or related facilities are built in the Project. If timely planning, funding, and phasing of new facilities coincide with the Project development, the potential adverse impact will be reduced to below a level of significance.

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5.1.7.5 Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

5.1.7.6 Facts in Support of Finding: The following mitigation measures will reduce sewer facility impacts to below a level of significance:

Mitigation Measure 3.9.6: Annexation into Sewer Improvement Districts 1, 2, and 6; as necessary, and the construction of sewer facilities, including pump stations and mains to support the Project.

Mitigation Measure 3.9.7: Funding of annexation fees, phasing and construction of proposed sewer lines to extend from the Meadowlark facility to the Project to coincide with the Project development.

Mitigation Measure 3.9.8: Prior to approval of a master tentative map, the applicant shall verify in writing to the City that adequate sewer treatment facilities will be available and provided before occupancy of each of the five phases.

Mitigation Measure 3.9.9: Should existing treatment facilities reach capacity prior to any project phase, fund the proportionate share of facility expansion as negotiated with Vallecitos Water District.

Mitigation Measure 3.9.11: Pay sewer capacity fees as determined through negotiations with Vallecitos Water District.

Funding and area-wide improvements will be constructed concurrent with development to ensure there is adequate sewer capacity to support the Project, reducing all sewer capacity impacts to below a level of significance.

5.1.8 Fire and Police Protection

5.1.8.1 Impact(s): As discussed on pages 3.10-2 through 3.10-5 of SEIR 95-30, the Project will increase demand for fire protection services within the vicinity, producing unacceptable fire department response times for the San Marcos Fire Prevention Department (SMFPD) prior to mitigation. Fire Station 1, 3 miles north of the Project, now operates at a response time of 25-30 minutes to the Project site. Station 2, about 3 miles northwest of the Project, has a 10-15 minute response time for the western portion of the site and up to 15 minutes for the eastern portion. The maximum acceptable response time is

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10 minutes. Extremely steep terrain and high fuel potential also result in a high fire hazard prior to mitigation. The increased demand for fire protection services is significant prior to mitigation.

5.1.8.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

5.1.8.3 Facts in Support of Finding: Implementation of the following measures will mitigate impacts to fire services to level below a level of significance:

Mitigation Measure 3.10.1: Implement phased roadway improvements discussed in the traffic analysis (Section 3.5) to provide access to development, which would reduce response times.

Mitigation Measure 3.10.2: Provide temporary fire prevention measures to service the initial phases of the Project as stipulated through negotiations with the San Marcos Fire Prevention Department (SMFPD) per the Project's Development Agreement and Owner Participation Agreement (the "Amended Development Agreement").

Mitigation Measure 3.10.3: A fire station must be equipped and operational as stipulated through negotiations with the SMFPD and the Amended Development Agreement.

Mitigation Measure 3.10.4: Annexation into or formation of a citywide Police and Fire CFD program, and payment of appropriate fees.

Mitigation Measure 3.10.5: Fuel modification zones may be required for certain planning areas to be determined by the Fire Prevention Bureau.

Mitigation Measure 3.10.6: Adequate fire flow will be required as determined by the Fire Prevention Bureau.

Mitigation Measure 3.10.7: Class "A" roofing coverings or equivalent fire retardant material will be required on all occupied structures.

The Project's roadway improvements should reduce response times to acceptable levels. The Project includes will include fuel management zones throughout the Project site, with two fuel management transition categories (1 and 2) established within these zones. The minimum dimension between a structure and undisturbed native plant communities will be 30 to 100 feet,

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depending on topography. Fire break dimensions and maintenance practices will conform to applicable requirements of the Uniform Fire Code.

The Project will implement Mitigation Measures 3.10.2 and 3.10.3 by making payments totalling $3,020,000.00 to the City for acquisition of fire equipment, construction of fire facilities, staffing of additional fire personnel, and provision of sheriff's facilities, with a payment of $520,000.00 to be made on or before the 150th day after the Applicant obtains a building permit for any model home within the Project. Prior to the approval of any final map which will create lots upon which residential units or commercial structures may be constructed or sold, a new community facilities district or improvement area of CFD 91-02 at 150% of the rate in the currently existing CFD will be established and authorized to levy a special tax for police and fire services.

All residential dwelling units in Planning Areas O and T will be fire sprinklered, and the Project will comply with all Uniform Fire Code Regulations, California Department of Forestry Guidelines for Residential Development in wildland areas, and fire department conditions. These mitigation measures will compensate for the increased demand on existing fire facilities and services, reducing fire impacts to below a level of significance.

5.1.8.4 Impact(s): As discussed on page 3.10-5 of SEIR 95-30, current response times for the San Diego Sheriff's Department are slower than what is considered optimal, and the Project will place additional demands on an understaffed sheriff beat, having the potential to result in a significant adverse impact. The Project-generated population, approximately 9,752 persons (based upon the San Diego Association of Governments' ("SANDAG") 1994 2.87 persons per dwelling unit) at buildout, will increase the need for police service in this portion of the City. Based upon the County's preferred deputy to population ratio of one 24-hour unit per 10,000 persons, the Project will generate a need for one 24-hour unit and two additional patrol cars to serve within beat 360. A traffic increase on roadways in the vicinity will also create additional demands for police services. Impacts to police services are significant prior to mitigation.

5.1.8.5 Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

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5.1.8.6 Facts in Support of Finding: The following mitigation measures will be implemented to mitigate impact to police services to below a level of significance:

Mitigation Measure 3.10.8: Provision of the Sheriff's facilities.

Mitigation Measure 3.10.9: Annexation into or formation of a citywide Police and Fire CFD program, and payment of fees.

Implementation of Mitigation Measure 3.10.8 through payment of $3,020,000 to the City for sheriff's facilities and fire services and facilities, and formation of a CFD for fire and police services at 150% the rate currently being paid, will mitigate the impacts caused by increased demand for police services in a service area currently operating below the optimum response time to below a level of significance.

5.1.9 Parks and Recreation

5.1.9.1 Impact(s): As discussed on pages 3.11-3a to 3.11-4 of SEIR 95-30, Project implementation will increase the number of residents within the City and correspondingly will increase the demand for recreational facilities. The nearby recreational facilities will be taxed by the addition of approximately 9,752 residents (based on SANDAG's 2.87 persons per dwelling unit) upon buildout. These parks are located at extended distances from the Project and will not typically be used by the Project's new residents. Both the amount and location of parkland are critical in determining Project impacts.

The City's Parks and Recreation Element and Parks Master Plan specify that five acres of local parks per 1,000 population should be provided. Based on projected population levels, to meet this goal at buildout the Project will need to provide about 48 acres of local parks. The Project proposes 52 to 56 acres of local parks, including a 20-acre active use and a 15-acre passive use area within a neighborhood park, a pocket park consisting of 3-5 acres of active use area and 11 acres of passive parkland adjacent to Planning Area N, and a 3- to 5-acre pocket park in Planning Area D4. The Project also proposes a 206-acre regional park (Planning Area Q) and several tot lots; these other parks are not considered as part of the contribution toward the local parks acreage standard. Therefore, adequate parkland will be provided.

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The 20-acre active, 15-acre passive use neighborhood park will be located at the southwest corner of Questhaven and Elfin Forest roads within Planning Area G4, which is within the general location of the neighborhood park identified in the City's Parks and Recreation Element. This park will provide both active and passive recreational opportunities, including ball fields, playgrounds, tennis courts, a community center, a swimming pool, hard courts, a multipurpose field, and picnic sites. The park will serve as a trailhead for the multi-use trail system which bisects the park, and will be in conformance with the goals of the City's Parks Master Plan.

Planning Area Q and potentially part of Planning Area L (for trails) is planned for the 220-acre Double Peak Regional Park, which will provide both active and passive recreational opportunities. The area will appear as a large, natural, open space area from most San Marcos viewpoints to the north and west of the Project. It will connect to a major multipurpose trail system near the ridgeline, linking it to the wider city/regional trail network and to off-site points of access. The Project trails system will implement the City-wide Trails Master Plan, as amended. The Master Plan was designed to have trails link to future county-wide trails systems when they are available. An abandoned Spanish-style ranch house located on Double Peak may be restored to serve as a residence to park personnel and/or as an information/rest center for park visitors. If permitted via a future CUP process, more intensive active uses such as golf and/or equestrian also may be considered for Planning Area Q. If proposed, these land uses will require additional environmental analysis.

The Double Peak Regional Park will be in substantial conformance with the goals of the Questhaven/La Costa Meadows Community Plan and of the San Marcos Parks Master Plan, as amended. Also, a distinct ridgeline corridor and part of the San Marcos Creek floodplain within the property boundaries have been retained as open space.

5.1.9.2 **Finding:** Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

5.1.9.3 **Facts in Support of Finding:** Provision of parkland dedication is substantially in conformance with the goals and policies of the Questhaven/La Costa Meadows Community Plan and the Citywide Parks Master Plan, as amended, and will result in no significant impacts to park facilities; as a result, no mitigation measures are required.

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5.1.10 Solid Waste

5.1.10.1 Impact(s): Waste generation is typically based on a rate per capita rather than by square feet or acreage of residential development. According to the County, the most recent average per capita rate of waste generation is 7.22 pounds/day (approximately 1.3 tpy). Thus, buildout of the Project's residences is expected to generate 70,410 pounds/day (12,780 tpy) of solid waste based on a maximum resident population of 9,752 persons. The Project will contribute less than a 1% increase in the amount of waste generated in the County each day.

The Project is in conformance with the Questhaven/La Costa Meadows and Barham/Discovery Community Plans, which set goals for coordinating with the County to establish specific locations for solid waste management facilities. Additionally, the enforcement of the Integrated Waste Management Act and the County's Mandatory Recycling Program will minimize the Project's impacts on solid waste disposal.

Currently, solid waste program costs are supported entirely from use of "tipping fees" that are placed in the Solid Waste Enterprise Fund, established to maintain and acquire waste disposal facilities. The tipping fees have fluctuated over the past several years to account for changes in waste disposal costs and related factors. Built into the tipping fees structure is a cost recovery charge for capital expenditures associated with expanding capacity and operating costs. However, the County has also analyzed utilizing service charges, bonding against property, and impact fees to fund facility expansion and new facility development. State loans and grants may be available for specific programs.

5.1.10.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

5.1.10.3 Facts in Support of Finding: The additional solid waste service capacity required to service the Project is relatively low, and does not increase the projected annual per capita production of waste projected by the County's General Plan, thus does not impact regional population projections used to plan solid waste facilities in the region. Additionally, private sector solid waste alternatives are proposed to help provide solutions to future capacity problems faced by the public sector. Therefore, the Project's impacts to solid waste disposal are not considered significant.

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5.1.11 Geology/Soils

5.1.11.1 Impact(s): As discussed on pages 3.13-3 through 3.13-4 of SEIR 95-30, grading activities, particularly those exposing claystone associated with the Santiago formation, alluvium, and topsoils, may need remedial grading due to the expansiveness of these soils. Higher cut and fill slopes in general may require specific subsurface evaluations and laboratory testing. Cuts into the Jurassic Santiago Peak and Cretaceous Granitic bedrock formations are not anticipated to present stability problems; however, due to the high fracture profile, slopes cut into the Jurassic Santiago Peak Formation may need initial stability confirmation. Compressible soils associated with unconsolidated alluvium or topsoil exist on-site and are considered unsuitable material for support of structures or compacted fill due to their susceptibility to settlement. Project development could result in significant geotechnical impacts if specific measures are not implemented to avoid the above hazards.

Most of the potentially significant impacts associated with the Project site are due to rippibility factors or excavation difficulties concerning the Jurassic Santiago Peaks and the Cretaceous Granitic formations. Additionally, fill generated from blasting or ripping these rocks will yield rock fragments that will be too large and unsuitable for structural fills unless further processed. Seismically induced expansion, liquefaction, lurching, and ground rupture impacts are not expected to produce significant impacts, since future structures will be required to abide by the Uniform Building Code.

Development of this property from a geotechnical standpoint appears entirely feasible. Potentially significant impacts are expected due to site-specific soils and geotechnical hazards. Impacts can be mitigated to below a level of significance using proper engineering solutions derived from site-specific, detailed investigations.

5.1.11.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

5.1.11.3 Facts in Support of Finding: The following mitigation measures will mitigate the identified geology/soil impacts to below a level of significance:

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Mitigation Measure 3.11.1: A qualified geotechnical consultant shall conduct detailed site studies to determine any constraints associated with specific development plans and to identify site-specific measures required to avoid impacts associated with fill materials, compressible topsoil, alluvium, Santiago formation, and structural stability of bedrock materials. These measures shall be incorporated into the final grading plans and tentative map(s).

Mitigation Measure 3.11.2: Cut and fill slopes shall be provided with appropriate surface drainage features and landscaped after grading to minimize erosion.

Mitigation Measure 3.11.3: A qualified geotechnical consultant shall evaluate the suitability of processed rock material for use in building pads and structural foundations prior to site development.

Mitigation Measure 3.11.4: The detailed grading plans shall be in compliance with the Specific Plan Amendment and submitted for review and approval by the City Department of Developmental Services. Grading plans and activities shall be based on a comprehensive investigation of surface and subsurface conditions. All grading shall be supervised by an engineering geologist who shall prepare a written report to the satisfaction of the City Engineer, certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and approved plans.

Retention of a certified engineering geologist to perform studies, coupled with incorporation of the report's recommendations into the master tentative map and final grading, will ensure the Project's erosion impacts are mitigated to below a level of significance. Further, through a series of grading plans detailed in SEIR 95-30 and incorporated into the Specific Plan Amendment, measures will be implemented to ensure that geology impacts from grading are closely monitored and reduced to below a level of significance.

5.1.12 **Hydrology**

5.1.12.1 Impact(s): As discussed on pages 3.14-3 through 3.14-4a of SEIR 95-30, increased sedimentation added to the drainage system and/or degradation of regional water quality is a potential significant impact resulting from the Project. Grading of the Project site without proper erosion control may add large quantities of sediment to drainages during heavy rains, causing a significant

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impact. The natural drainage course for this area flows from San Marcos Creek southwestward through the La Costa Community into Batiquitos Lagoon, four miles from the Project. The entrance to Batiquitos Lagoon has been blocked from tidal exchange by broad sandbars resulting from increased sedimentation loads. Elimination of tidal influence has caused a water characteristic pattern in the lagoon of high salinities in the dry season and low salinities in the wet season; however, the lagoon is currently undergoing restoration to reintroduce tidal influence. Plans to restore the lagoon entrance have been initiated to allow for tidal flows to flush the lagoon, as well as flood control and sedimentation methods to reduce the amount of incoming sediments to the lagoon. Increased sedimentation from this Project could contribute to the degradation of the Batiquitos Lagoon if adequate methods for sediment control are not provided.

Landscaping of public areas also could contribute to the degradation of the regional water quality downstream. Urban runoff pollutants come from many sources, including sediments from street surfaces, vacant lots and construction, oxygen demand matter (such as paint material), and nutrients from urban landscapes, as well as oils, grease, heavy metals, and bacteria. Pesticides and herbicides may run off from individual landscapes.

The Project's drainage system has been designed to transport storm runoff from each of the subbasins throughout the site to points where it will be discharged back into the natural water course. It is assumed by the design of the drainage system that the natural water course will be back into the San Marcos and Escondido Creeks. The storm runoff generally will be carried in an underground storm drain or in natural channels.

Prior to any mitigation measures, the increase in stormwater runoff during a 100-year flood from the Project into San Marcos Creek and ultimately to the bridge for Rancho Santa Fe Road has been estimated to be approximately 50 cubic feet per second (cfs). The accepted projection for the 100-year flow at the Rancho Santa Fe Road bridge is 13,000 cfs. The increase of 50 cfs represents an increase in runoff to this watershed of one half of one percent.

In 1992, the City approved the construction of a modification to the Discovery Lake spillway and other detention measures to Discovery Creek. These improvements are downstream of portions of the Project and are in the San Marcos Creek watershed. The modifications are designed to provide additional storage

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capacity and detention capability for Discovery Creek, and increased storage capacity approximately 50 acre-feet. The detention capability of the lake reduces the peak flows by 568 cfs. The incorporation of this detention capability into the San Marcos Creek watershed more than compensates for the Project's additional 50 cfs increase. The minimal increase in flows from the Project into San Marcos Creek of less than one half of one percent, and the mitigation provided by the Discovery Creek Detention, demonstrate that the impact of increased runoff and flooding to the existing Rancho Santa Fe Road bridge is below a level of significance.

5.1.12.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects on the environment.

5.1.12.3 Facts in Support of Finding: The following mitigation measures will reduce hydrologic impacts of the Project to below a level of significance:

Mitigation Measure 3.12.1: Permanent detention and/or desiltation basins will be installed to control water quality if determined necessary by detailed hydrological investigation on final grading plan.

Mitigation Measure 3.12.2: Grading and improvement plans completed for the final subdivision map in the Specific Plan Area will include drainage facilities based on hydrological studies and engineered in accordance with the City's design standards.

Mitigation Measure 3.12.3: Discharge velocity from each drainage basin will need to be reduced to decrease the amount of transported material.

Mitigation Measure 3.12.4: Energy dissipators will be provided at all drainage discharge points and must reduce discharge to nonerosive levels (i.e., 6 feet per second).

Mitigation Measure 3.12.5: Prior to tentative map approval, the Project applicant shall submit verification that an adequate drainage system can be designed and implemented in accordance with the master plan, for public facilities.

Project impacts on downstream water quality due to urban runoff will be mitigated to a level of insignificance through the provision of adequate erosion control methods during construction, and construction of a drainage system adequate to reduce sediment load and improve water quality. Flood impacts due to increases in

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runoff quantities in San Marcos Creek are insignificant and do not require measures beyond standard engineering design practices required by the City. As a result, all potential impacts to hydrology will be mitigated to below a level of significance.

5.2 Cumulative Project Impacts

The City Council finds based on the information referenced above that changes or alterations have been required in or incorporated into the Project which substantially lessen the cumulative environmental effects as identified in SEIR 95-30 with respect to the areas of: (1) Biology (cumulative), (2) Noise (cumulative), (3) Schools (cumulative), (4) Solid Waste (cumulative), Water and Sewer Availability (cumulative) and (5) Fire and Police Services (cumulative). In addition, no cumulatively significant impacts are expected to occur as a result of the Project to the areas of parks and recreation, cultural resources or geology/soils.

5.2.1 Biology (Cumulative)

5.2.1.1 Impact(s): As discussed on page 4-10 to 4-11 of SEIR 95-30, development of projects planned in the Project's vicinity would directly impact biological resources, and edge effects and habitat fragmentation resulting from such projects would indirectly impact biological resources. Cumulative impacts to biological resources add to the long-term loss of natural habitat and populations of sensitive species expected in the Project's vicinity.

5.2.1.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the significant cumulative biology impacts.

5.2.1.3 Facts in Support of Finding: The cumulative impacts to biology are mitigated through the development and implementation of a coordinated regional habitat preserve network, including a long-term habitat management program to minimize chronic indirect impacts. The City is finalizing its BRMP to create a sub-area plan pursuant to the NCCP. The BRMP will become a constituent part of the NCCP by identifying linkages between the City of Carlsbad, Lake Hodges, and undeveloped County lands. Once adopted and approved by CDFG and USF&WS, the BRMP will insure the continued viability of sensitive plans and animals via a coordinated regional habitat preserve network, reducing the cumulative biological impacts of the proposed developments. Establishment of permanent open space corridors connected to preserved open space

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would avoid restrictions to wildlife movement. Cumulative impacts to wildlife corridors will be mitigated to below a level of significance by preservation of such corridors on a site-specific basis, such as the City's proposed BRMP.

5.2.2 Noise (Cumulative)

5.2.2.1 Impact(s): As discussed on page 4-12 of SEIR 95-30, construction of adjacent properties at the same time as phases of the Project could produce short-term cumulative noise levels that would be considered significant. The primary cumulative noise effect would be traffic-induced noise increases along local roadways. Table 3.6-5 in SEIR 95-30 lists all off-site roadway segments that would have cumulative noise impacts as a result of traffic increases. Those noise levels may cause future residents and sensitive land uses to be exposed to noise levels exceeding applicable noise standards.

5.2.2.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the significant cumulative noise impacts.

5.2.2.3 Facts in Support of Finding: Individual projects will be required to evaluate cumulative noise effects on their properties and identify the appropriate mitigation measures. Incorporation of sound attenuation measures into project designs would mitigate cumulative noise impacts in the project area to below a level of significance.

5.2.3 Schools (Cumulative)

5.2.3.1 Impact(s): As discussed on page 4-15 of SEIR 95-30, all schools in the area are now operating over capacity, thus additional students generated by implementation of the cumulative projects will significantly impact school facilities prior to mitigation.

5.2.3.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which will mitigate the cumulative school impacts.

5.2.4 Facts in Support of Finding: Implementation of Mitigation Measures 3.8.1 and 3.8.2, as well as construction of the four proposed elementary schools associated with the Project, University Commons, and Discovery Hills' projects, will reduce significant and cumulative impacts to elementary school facilities. Each property owner will be required to construct project-specific improvements or to contribute toward the cost of

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constructing regional facilities required to accommodate the demand for additional elementary, junior high and high school service as a result of new development. The adjacent San Dieguito High School District is building a new high school approximately two miles sought of the Project which will open up additional student capacity in the District and possibly provide for an interdistrict transfer of students. . These measures will mitigate impacts to schools to below a level of significance.

5.2.5 Solid Waste (Cumulative)

5.2.5.1 Impact(s): As discussed on page 4-16 of SEIR 95-30, the additional population generated by the cumulative projects would increase the amount of solid waste and contribute incrementally and significantly to cumulative waste disposal difficulties in the San Diego region prior to mitigation.

5.2.5.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which will mitigate the cumulative solid waste impacts.

5.2.6 Facts in Support of Finding: Compliance with AB 939 would reduce the cumulative impact on solid waste through implementation of recycling programs. The siting of new transfer stations will provide more options for efficient and cost-effective solid waste disposal. As a result, no cumulatively significant impacts would occur.

5.2.7 Fire and Police Services and Facilities (Cumulative)

5.2.7.1 Impact(s): As discussed on page 4-14 of SEIR 95-30, the response time for the SMFPD is considered inadequate; however, the mitigation to be provided by the Project for fire services and facilities will reduce the overall response times for the area. Cumulatively significant impacts prior to mitigation to police services could result from development of the cumulative projects, because construction of those projects would occur within an area in San Marcos which is characterized by slow response times.

5.2.7.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which will mitigate the cumulative fire impacts.

5.2.8 Facts in Support of Finding: Implementation of the mitigation measures for fire and police services and facilities discussed above would mitigate cumulative impacts on fire and police facilities and services to below a level of significance. Related projects within

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the City would be responsible for mitigating any of their project-related impacts by contributing to the Citywide fire and police CFD. Implementation of Mitigation Measures 3.10.8 and 3.10.9 will alleviate the Project's impacts to police protection service. Cumulative impacts to police protection services will be mitigated by other projects' contributions to the Citywide police and fire CFD.

5.2.9 Water and Sewer (Cumulative)

5.2.9.1 Impact(s): As discussed on pages 4-15 and 4-16 of SEIR 95-30, the proposed projects likely will need to install additional storage and distribution facilities or upsize existing facilities for water and sewer services. Potentially significant impacts to water services could occur prior to or at the point when the existing aqueduct connections reach capacity. An emergency storage capacity also is required to accommodate cumulative development. Projects outside of San Marcos and northern San Diego County also will place demands on the regional water supply which will have to be met through system deliveries and potential capacity increases. With implementation of the cumulative projects, it is anticipated that the Meadowlark Reclamation Facility may need to be upsized from its current capacity to a capacity at or below its ultimate planned capacity of 5.0 mgd, and/or Encina's excess available capacity will be reduced. As a result, significant cumulative impacts to sewer facilities are anticipated with implementation of the related projects prior to mitigation.

5.2.9.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which will mitigate the cumulative water and sewer availability impacts to below a level of significance.

5.2.9.3 Facts in Support of Finding: Implementation of Mitigation Measures 3.9.1 to 3.9.11 will help mitigate cumulative impacts to water and sewer services. In addition, each cumulative project will be responsible for accommodating its own water services demands on a project-specific basis, and must provide a share of the necessary emergency water storage capacity. The SDCWD's planning, and its cooperation with member agencies, will ensure that regional demand is met. Meadowlark Reclamation Facility may need to be upsized to a capacity at or below its ultimate planned capacity of 5.0 mgd, and/or Encina Water Pollution Control Facility's excess capacity may need to be used. Each project is required to construct project-specific improvements and contribute toward the cost of constructing any regional facilities

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required to accommodate the water and wastewater service demand as a result of its development.

6.0 CEQA SECTION 21081(a)(2) FINDINGS: CHANGES WITHIN THE RESPONSIBILITY OR JURISDICTION OF ANOTHER PUBLIC AGENCY

The City Council, having reviewed and considered the information contained in Final SEIR 95-30 and the Public Record for the Project, finds that there are changes or alterations to the Project which mitigate or avoid the significant environmental effects on the environment that are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

6.1 Traffic (Direct)

6.1.1 Measures Within Another Agency's Responsibility: The following roadway improvements are being provided by other projects under the jurisdiction of another public agency:

(1) Provide two northbound and southbound through lanes at the intersection of Rancho Santa Fe Road and Questhaven Road.

(2) If the southerly extension of Melrose Drive is not constructed, then widen Rancho Santa Fe Road south of Melrose Drive to Questhaven Road.

(3) Provide two northbound travel lanes on Rancho Santa Fe Road south of Questhaven Road.

(4) Provide dual southbound left turn lanes and dual eastbound left turn lanes, a northbound through lane, and an additional westbound through lane at the intersection of Rancho Santa Fe Road and new extension of Melrose Drive.

(5) Provide an additional through lane on Rancho Santa Fe south of Melrose Drive.

(6) Widen Rancho Santa Fe Road south of Melrose Drive to six lanes, where feasible, to reduce local friction.

6.1.2 Finding: The above changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

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6.1.3 Facts in Support of Finding: The improvements to Rancho Santa Fe Road south of Melrose, which are infeasible for the Project to implement, already are being required of other property owners by the City of Carlsbad, and those developers already have provided security for such improvements satisfactory to the City of Carlsbad. There is an agreement between the City of Carlsbad and Real Estate Collateral Management Company entitled "The 1996 Rancho Santa Fe Road Agreement" in which the property owner posted security to guarantee the construction of this improvement, with additional funds for the construction costs provided by a fee which the City of Carlsbad has established to pay for the improvements set forth in these mitigation measures. As a result, there is no need for the improvement to be built by the Project.

7.0 CEQA SECTION 21081(a)(3) FINDINGS: SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH WILL NOT BE FULLY AVOIDED IF THE PROJECT IS IMPLEMENTED.

7.1 Direct and Indirect Project Impacts

The City Council, having reviewed and considered the information contained in SEIR 95-30 for the Project and the public record finds, pursuant to CEQA, the State CEQA Guidelines and the Local CEQA Guidelines, that changes or alterations have been required in or incorporated into the Project which substantially lessen the environmental effects as identified in SEIR 95-30 with respect to the areas of: (1) Landform Alteration/Visual Quality (partially), (2) Traffic and (3) Air Quality, but nonetheless the Project's direct and/or indirect impacts on this environmental effects will remain significant and/or will remain significant because not all mitigation measures called for in SEIR 95-30 are feasible to implement or to implement at the time called for in SEIR 95-30.

7.1.1 Landform Alteration/Visual Quality (Partially)

7.1.1.1 Impact(s): As discussed on pages 3.2-13 through 3.2-23 of SEIR 95-30, implementation of the Project, including construction of the Questhaven Road extension, will significantly alter the area's natural terrain, disturbing naturally steep slopes and prominent knolls in Planning Areas B1, D2, F2, H1, I1, J, M, N, O, R, S and T, and permanently filling smaller landform features, such as minor drainages. The property's rugged terrain requires extensive grading in certain areas to achieve proper engineering standards. Over the 10- to 15-year buildout of the Project, 16.8 million cubic yards of cut

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and 18.7 cubic yards of fill quantities will be required for Project grading, and another 1.6 million cubic yards of earthwork off-site will be required for the ultimate alignment of Questhaven Road. In every Planning Area except O and T, a combination of cut and fill will be required to construct buildable pads and roadways. This grading will alter the natural undulating appearance of the landform by leveling hillsides and knolls, straightening slopes, and filling low points on the property. Additionally, Project grading will result in the construction of several large manufactured slope faces within the Project area and around the perimeter of the development, including slope faces greater than 50 feet high around Planning Areas N, B1, I1, D2 and R. The revised alignment of Questhaven Road will require several large cut and fill slope faces. Additional grading impacts will occur if the Project is required to build up to five new water storage tanks, each as much as of 35 feet high.

7.1.1.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the Project's impacts to landform alteration caused by permanent alteration of natural landforms on-site and off-site. Mitigation of such impacts to below a level of significance could occur only through adoption of a Project alternative. Specific economic, legal, social, technological or other considerations make infeasible the Project alternatives identified in SEIR 95-30.

7.1.1.3 Facts in Support of Finding: Only a Project Alternative will avoid the alteration of natural landforms required by the Project. No Project alternatives are feasible, for the reasons stated below. Landform alteration and grading impacts of the revised Questhaven Road alignment as proposed by the Project are less than those expected to occur from implementation of the Original Project. Moreover, the following mitigation measures will reduce landform alteration impacts resulting from Project implementation, and will be incorporated into the Project's Master Tentative Map and the final subdivision maps:

Mitigation Measure 3.2.1: All grading plans and the master tentative map shall be prepared in strict compliance with Specific Plan Amendment.

Mitigation Measure 3.2.2: Specialized grading techniques will be developed and incorporated into the CC&Rs for all custom home lots proposed within Planning Areas O and T.

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Mitigation Measure 3.2.3: Measures for protecting existing rock outcrops, native vegetation, and other natural features, such as flagging, tapered grading, and stabilization techniques, shall be indicated on the grading plans.

Mitigation Measure 3.2.4: Building pads between lots in Planning Areas M, N and K shall be terraced to reflect natural contours of terrain.

Mitigation Measure 3.2.5: All manufactured slopes in Planning Areas M, N and K shall be landscaped.

Mitigation Measure 3.2.6: Lots within Planning Areas O and T shall be stepped and custom-designed to minimize landform alteration.

City Staff will review the master tentative map and grading plans to ensure that the above mitigation measures are implemented. Implementation of these mitigation measures will reduce impacts to the primary ridgeline as well as impacts due to manufactured slopes. The Project's Planning Areas and roadway improvements also are sited in locations designed to minimize disturbance of the natural slopes and reduce landform alteration impacts. For example, the more visible upper elevations of the Project will feature larger-lot estate homes which will use custom grading. Also, the height of visible slopes will be reduced and grading quantities will be minimized by increasing the steepness of slopes where possible.

The Project's impacts on natural landforms also will be minimized by implementation of the Specific Plan Amendment grading guidelines, as well as landscaping of manufactured slopes using plant materials of varying heights, and recontouring of existing landforms to provide smooth transitions to graded surfaces. The natural topography in Planning Areas O and T will be retained through the use of stepped foundations with no greater than a 12-foot elevation difference between steps; pole construction, with supports beneath the downhill side of structures; and elevationally split building pads. Split-level streets, in which one lane is situated above or below the other, also may be used where feasible to reduce grading impacts to natural terrain. The height of cut slope faces will be reduced by grading with steeper slopes and fewer benches, per the Specific Plan Amendment grading standards. The preservation of visually prominent landforms of regional significance along the SR-78 viewshed and community roadways also will serve to partially offset potential viewshed impacts.

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Implementation of the above mitigation measures and the Specific Plan Amendment Guidelines will reduce but not eliminate the significant impacts on natural landforms. Project impacts will continue to be unavoidable and unmitigable. As a result, a Statement of Overriding Considerations has been adopted and is incorporated by reference herein.

7.1.1.4 Impact(s): As discussed in SEIR 95-30, the Project will have excessively large, manufactured slopes visible to sensitive viewers. This visual quality impact cannot be mitigated to below a level of significance. Certain areas with steep cuts will be visible from SR-78, Questhaven Road, and Elfin Forest Road and may be difficult to revegetate because of poor ground composition and an exposed rock surface. Any cut slopes resulting in rock exposures will have the potential for significant impacts on visual resources if they cannot be revegetated. The extension of Twin Oaks Valley Road and Questhaven Road planned as part of the City's Circulation Element also will require a steep road grade and large cut and fill slopes, including a 150-foot-high cut slope face near South Lake and a 125-foot fill slope face at the proposed intersection of Questhaven/Atterbury which will be visible from much of the valley and from SR-78.

7.1.1.5 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the significant visual quality impacts. Mitigation to below a level of significance of the changes that are visually incompatible with the character of the Project area and which affect visually sensitive viewsheds could occur only through adoption of a Project alternative. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the Project alternatives identified in SEIR 95-30.

7.1.1.6 Facts in Support of Finding: Impacts caused by manufactured slopes will be minimized by the Project grading guidelines, which call for steepening the slope gradient in order to reduce slope face height, as well as by contour grading, where feasible, and revegetation of the slopes, and by implementation of the following mitigation measures:

Mitigation Measure 3.2.7: All areas disturbed or cleared of vegetation for construction shall be revegetated as soon as possible after completion of construction activities.

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Mitigation Measure 3.2.8: Slopes greater than 2:1 (horizontal:vertical) gradient or resulting in exposure of bare rock surface shall be reviewed by a qualified landscape architect to determine the proper grading and landscape techniques that would encourage successful revegetation. Artificial treatment of the cut slope surface, such as rock varnish, shall be considered in combination with landscaping, as appropriate.

Mitigation Measure 3.2.9: Revegetation of all graded slopes must be demonstrated. A revegetation plan shall be developed by a qualified landscape architect or horticulturalist demonstrating that the visual impacts of manufactured slopes have been minimized to the extent feasible.

Mitigation Measure 3.2.10: Slopes utilizing exposed retaining or crib walls over 5 feet in vertical height for reducing grading requirements shall incorporate plantings into the design to conceal their appearance.

Implementation of the above mitigation measures and the Specific Plan Amendment Guidelines will reduce but not eliminate the significant impacts on sensitive viewsheds. Project impacts will continue to be unavoidable and unmitigable. As a result, a Statement of Overriding Considerations has been adopted and is incorporated by reference herein.

7.1.2 Traffic and Circulation

7.1.2.1 Impact(s): As discussed on pages 3.5-18 to 3.5-63 of SEIR 95-30, the Project will extend and/or realign some existing roadways and build several new roadways. Primary access to the Project will be from Questhaven Road via Ranch Santa Fe Road, and the Project will realign and extend Questhaven Road through to the future southern extension of Twin Oaks Valley Road, near CSU-San Marcos. The new roads will maintain access to all existing roads, including Elfin Forest and Questhaven roads. SEIR 95-30 analyzes the Project's traffic impacts under six phasing scenarios, each one assuming the Project is generating a specific daily trip maximum. Scenarios 2 through 6 correspond to a range of years in which the maximum Average Daily Trips (ADT) could be achieved. The actual year that the maximum ADT will occur will depend on residential market demand fluctuations and corresponding absorption. In addition to Project growth projections, each scenario analysis includes an ambient traffic growth factor for the latest year in the range for the scenario, in order to reflect a "worst-case" background condition. Each of these

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scenarios assumes a set of conditions for the surrounding roadway and highway network at a specific time period, thus the stage of roadway network development, time reference, ambient traffic level, and Project phasing differ by scenario. Each scenario assumes that the mitigation measures from the preceding scenario have been implemented. Scenarios 2 through 4 incorporate construction-related traffic as part of their ADT assumptions; construction impacts to regional traffic are not considered significant.

SEIR 95-30 estimates traffic volumes using the SANDAG trip generation rates and peak hour factors for various land use categories, estimating arrival and departure distribution patterns based on anticipated service area projections and an estimate of ultimate travel origins and destinations. All of the projected traffic generation has been loaded and distributed onto the surrounding existing street network in Scenarios 1 and 2. During the subsequent Project development stages, traffic loading onto roadways external to the Project has been reduced to reflect trips that will occur only on-site. Scenario 3 anticipates a 25% reduction in external trip loading due to the size and diversity of the Project, which will result in some internal capture of trips. In later scenarios, an additional 15% of Project-generated trips are assumed to end on-site.

SEIR 95-30 modeled future conditions and developed background traffic conditions for each scenario to add anticipated ambient growth at a rate of 1% per year to existing conditions to develop future base conditions. Scenarios 2 through 6 provide for a timing range to accommodate market demand fluctuations and corresponding absorption, and each scenario is analyzed with the ambient traffic growth for the latest year of the scenario, to reflect worst-case conditions. The traffic analysis also anticipates that, for each study year, several land configuration improvements will be implemented.

The two segments of SR-78 which will be most affected by the Project are west of Rancho Santa Fe Road to Sycamore Avenue, and east of Twin Oaks Valley Road to Barham/Woodland, both of which currently operate at LOS C during peak hours. SEIR 95-30 anticipates that, under the time frame and network assumptions associated with Scenarios 1 and 2, these freeway segments will be operating at LOS D. Planned enhancements to freeway capacity provided through auxiliary lanes will improve the anticipated LOS to C in the segment west of Rancho Santa Fe Road in the conditions associated with Scenarios

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3 and 4. The Project will not reduce the operating conditions of the freeway to a deficient level at Project buildout.

As the Project develops, the existing alignment of Questhaven Road within the Project boundaries will be relocated. The portion of Questhaven Road southeast of the Project boundary will remain in its current configuration, and will be tied through the Project--via a new collector designated roadway--to an intersection with the new alignment of Questhaven/Twin Oaks Valley Road. The existing road will continue to terminate at its southern end, with an intersection on Harmony Grove Road. This off-site segment to the east was included in the modeled roadway network in the traffic impact analysis, but was constrained to a very low capacity due to its existing physical condition. The County of San Diego Circulation Plan presently denotes this road segment as a collector road; however, the traffic analysis conservatively assumes that the development of additional capacity along the existing road will not take place in the Project's timeframe.

The traffic model network assumptions include Harmony Grove Road as part of the continuing corridor of traffic along Elfin Forest Road to Questhaven Road, and SEIR 95-30 concludes that the addition of Project traffic will not reduce the Harmony Grove Road operating LOS to a deficient level.

The intersection of Rancho Santa Fe and Lakeridge/Camino Del Arroyo now operates at an acceptable LOS during both peak a.m. and p.m. hours, and will not degrade to deficient LOS with the addition of Project traffic.

The Project will have significant and cumulatively significant impacts on roadways and intersection LOS which will be partially mitigated, as discussed below.

7.1.2.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the significant traffic impacts. Mitigation of direct Project impacts on traffic to below a level of significance could occur only through adoption of all mitigation measures identified in SEIR 95-30, or adoption of a Project alternative. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible certain of the traffic mitigation measures set forth in

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SEIR 95-30, as well as the Project alternatives identified therein.

7.1.2.3 Facts in Support of Finding: The Project will have significant direct and cumulative impacts on roadway and intersection LOS, which will be reduced by mitigation but will not be mitigated to a level of insignificance, as discussed below. SEIR 95-30 concluded that direct Project impacts could be mitigated to below a level of significance; however, not all of the mitigation measures set forth in SEIR 95-30 are feasible to implement, and not all mitigation measures are feasible to implement at the time or ADT level indicated in SEIR 95-30, as discussed below. As a result, direct Project impacts to traffic will be lessened but not mitigated to below a level of significance. As a result, a Statement of Overriding Considerations has been adopted and is incorporated by reference herein. The traffic impacts and mitigation measures are set forth in the individual scenario analysis below.

7.1.2.4 Impact(s): Scenario 1 addresses the initial stages of the Project until the Project is anticipated to generate 10,000 ADT, with 600 outbound and 400 inbound trips during the a.m. peak and 400 outbound and 600 inbound trips during the p.m. peak. All trip ends are assumed to be external. In Scenario 1 base conditions, Rancho Santa Fe Road north of New Melrose Avenue will operate at LOS F. Five intersections will operate below LOS D Scenario 1 base conditions: (1) Rancho Santa Fe Road and SR-78 eastbound ramps; (2) Rancho Santa Fe Road and San Marcos Boulevard; (3) Rancho Santa Fe Road and Questhaven Road (unsignalized); (4) San Marcos Boulevard and Grand Avenue; and (5) San Marcos Boulevard and SR-78 westbound ramps. With the addition of Project traffic, San Marcos Boulevard east of Rancho Santa Fe Road also will operate below LOS D. The five intersections identified above will continue to operate deficiently, as will the intersections of Rancho Santa Fe/SR-78 westbound ramps. The Project's degradation of LOS on San Marcos Boulevard is considered a significant impact prior to mitigation, as is its impact on intersection LOS at Rancho Santa Fe Road and SR-78 westbound ramps. Because not all mitigation measures identified in SEIR 95-30 for Scenario I are being implemented, the traffic impacts from Scenario 1 are significant.

7.1.2.5 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the significant traffic impacts. Mitigation of direct Project impacts on traffic to below a level of significance could occur only through adoption of all

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mitigation measures identified in SEIR 95-30, or adoption of a Project alternative. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible certain of the traffic mitigation measures set forth in SEIR 95-30, as well as the Project alternatives identified therein.

7.1.2.6 Facts in Support of Finding: The Project will have significant impacts on roadway and intersection LOS. Transportation improvements must be constructed to reduce or eliminate these impacts. The improvements for Scenario 1 listed below will be implemented in sequential order consistent with the assumptions of this analysis.

Mitigation Measure 3.5.1: Prior to issuance of a building permit that generates the 10,000th ADT for the Project, not including any building permit issued for a construction office, model home or very low-income qualifying housing, provide two northbound and two southbound through lanes with left turn channelization on Rancho Santa Fe Road north of the new Melrose Drive intersection to Lakeridge.

Mitigation Measure 3.5.2: Upon issuance of building permits, provide fair share contribution through the payment of the Public Facilities Fee ("PFF"), pursuant to the Amended Development Agreement toward development of dual northbound left turn lanes at the intersection of Rancho Santa Fe Road and SR-78 westbound ramps.

Mitigation Measure 3.5.3: City to provide dual northbound left turn lanes at the intersection of Rancho Santa Fe Road and SR-78 westbound ramps prior to issuance of a building permit for a building that generates the 10,000th ADT for the Project.

Mitigation Measure 3.5.4: Upon issuance of building permits, provide fair share contribution through the payment of the Public Facilities Fee ("PFF"), pursuant to the Amended Development Agreement toward development of dual southbound left turn lanes, dual eastbound left turn lanes and duel eastbound right turn lanes at the intersection of Rancho Santa Fe Road and SR-78 eastbound ramps.

Mitigation Measure 3.5.5: City to provide dual southbound left turn lanes, dual eastbound left turn lanes and dual eastbound right turn lanes at the intersection of Rancho Santa Fe Road and SR-78 eastbound

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ramps prior to issuance of a building permit that generates the 10,000th ADT for the Project.

Mitigation Measure 3.5.6: City to provide an additional eastbound through lane at the intersection of San Marcos Boulevard and Grand Avenue prior to issuance of a building permit that generates the 10,000th ADT for the Project.

Mitigation Measure 3.5.7: Upon' issuance of building permits, provide fair share contribution through the payment of the Public Facilities Fee ("PFF"), pursuant to the Amended Development Agreement toward development of dual northbound left turn lanes, an additional northbound through lane, dual westbound left turn lanes, an additional westbound through lane, and four southbound through lanes at the intersection of San Marcos Boulevard and SR-78 westbound ramps.

Mitigation Measure 3.5.8: City to provide dual northbound left turn lanes, an additional northbound through, dual westbound left turn lanes, an additional westbound through lane, and four southbound through at the intersection of San Marcos Boulevard and SR-78 westbound ramps prior to issuance of a building permit that generates the 10,000th ADT for the Project.

Mitigation Measure 3.5.9: Install traffic signal at intersection of Questhaven and Elfin Forest Roads prior to issuance of a building permit that generates the 10,000th ADT for the Project, not including any building permit issued for a construction office, model home or very low-income qualifying housing.

Mitigation Measure 3.5.10: Provide an additional southbound left turn lane and an additional westbound left turn lane at the intersection of Rancho Santa Fe Road and Questhaven Road prior to issuance of a building permit that generates the 15,000th ADT for the Project, not including any building permit issued for a construction office, model home or very low-income qualifying housing, with the concurrence of the City of Carlsbad if necessary.

With implementation of Scenario 1, which provides for additional lanes and traffic signals, and with payment of the PFF pursuant to the Amended Development Agreement to help fund development of turn lanes, Scenario 1 traffic impacts from the Project for the majority of roadway segments will be reduced to an acceptable level of service ("LOS"). The Circulation Plan integrates Project circulation with the surrounding

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area, consistent with the City's General Plan, providing for a balanced vehicular and pedestrian transportation system.

The Project also will participate and conform to the City Transportation Demand Management Plan (TDM), which consists of transportation engineering analysis to monitor identified transportation system enhancements. The City has in place a TDM which is intended to encourage drivers to use alternate modes of transportation or travel outside of peak travel hours. Despite the Project's participation in the TDM, which is estimated to achieve a 4% to 6% reduction in the Project's traffic, the traffic analysis reflects "worst-case," and does not assume peak hour trip diversion or diversion of trips to alternate modes.

7.1.2.7 Impact(s): During Scenario 2, the Project will generate about 20,000 ADT, 1200 outbound and 800 inbound trips during the a.m. peak and 800 outbound and 1200 inbound trips during the p.m. peak. All trip ends are assumed to be external from the Project, with the same distribution of traffic to and from the proposed Project site as under Scenario 1. One of the street segments, San Marcos Boulevard east of Rancho Santa Fe Road, is anticipated to operate below LOS D for Scenario 2 base conditions. Two of the studied intersections also will operate below LOS D in Scenario 2 base conditions: (1) San Marcos Boulevard and Rancho Santa Fe Road; and (2) Grand Avenue and San Marcos Boulevard. Adding Project traffic to Scenario 2 base conditions causes six additional segments to operate below LOS D: (1) Rancho Santa Fe Road south of Grand Avenue will operate at LOS E; (2) Rancho Santa Fe Road south of San Marcos Boulevard will operate at LOS F; (3) Rancho Santa Fe Road north of Melrose Avenue will operate at LOS F; (4) Rancho Santa Fe Road south of Melrose Avenue will operate at LOS F; (5) Rancho Santa Fe Road south of Questhaven Road will operate at LOS E; and (6) Questhaven Road east of Rancho Santa Fe Road will operate at LOS F. The degradation of roadway LOS on all of the above roadway segments except San Marcos Boulevard is considered a significant impact prior to mitigation; the Project's contribution to San Marcos Boulevard is a cumulatively significant impact. Adding Project traffic to Scenario 2, the above two intersections will continue to operate deficiently, thus the Project's traffic is considered a cumulatively significant impact on those intersections. Two additional intersections, Rancho Santa Fe Road and SR-78 eastbound ramps and Rancho Santa Fe Road and New Melrose Avenue, will operate below LOS D with the Project. Thus, the Project will have a significant impact on those two intersections.

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7.1.2.8 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the significant traffic impacts. Mitigation of direct Project impacts on traffic to below a level of significance could occur only through adoption of all mitigation measures identified in SEIR 95-30, or adoption of a Project alternative. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible certain of the traffic mitigation measures set forth in SEIR 95-30, as well as the Project alternatives identified therein.

7.1.2.9 Facts in Support of Finding: The Project will have significant direct and cumulative impacts on roadway and intersection LOS in Scenario 2. Transportation improvements must be constructed to reduce or eliminate these impacts. The mitigation measures listed above for Scenario 1 will have been implemented, and the Project also will construct or contribute its fair share to fund the construction of Mitigation Measures 3.5.11 and 3.5.12, and will abide by Mitigation Measure 3.5.13:

Mitigation Measure 3.5.11: If Melrose Drive between Alga Road and Palomar Airport Road has not been extended, extend (grade four lanes, improve two lanes) Questhaven Road into Twin Oaks Valley Road prior to issuance of a building permit for a building that generates 20,000th ADT of the Project, not including any building permit issued for a construction office, model home or very low-income qualifying housing.

Mitigation Measure 3.5.12: Provide two westbound and two eastbound lanes with appropriate turn lanes on Questhaven Road east of Rancho Santa Fe Road with concurrence of City of Carlsbad. This will be done prior to issuance of a building permit for a building that generates 20,000th ADT of the Project, not including any building permit issued for a construction office, model home or very low-income qualifying housing.

Mitigation Measure 3.5.13: No building permit for a building that generates more than 20,000th ADT of the project shall be issued unless Rancho Santa Fe Road south of Melrose Drive to Questhaven Road shall have been widened to four lanes prior to issuance of a building permit for a building that generates 20,000th ADT of the Project, not including any building permit issued for a construction office, model home or very low-income qualifying housing.

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7.1.2.10 Impact(s): In Scenario 3, without the Questhaven/Twin Oaks Valley connection, the Project will generate about 30,000 ADT, with 1,800 outbound and 1,200 inbound trips during the a.m. peak and 1,200 outbound and 1,800 inbound trips during the p.m. peak. External trips are reduced, with 25% of Project traffic assigned to internal trip ends. San Marcos Boulevard east of Rancho Santa Fe Road will continue to operate at LOS F. Without the Questhaven/Twin Oaks Valley connection all of the studied intersections operate at or above LOS D in Scenario 3 base conditions. When Project traffic is added, San Marcos Boulevard east of Rancho Santa De Road is projected to operate at LOS F, and the following intersections will operate below LOS D: (1) Rancho Santa Fe Road and San Marcos Boulevard will operate at LOS E during P.M. peak period; (2) Rancho Santa Fe Road and Questhaven Road will operate at LOS E during P.M. peak period; and (3) San Marcos Boulevard and Grand Avenue will operate at LOS E during a.m. peak period. As a result, the Project will have a significant impact on intersection LOS in Scenario 3.

7.1.2.11 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the significant traffic impacts. Mitigation of direct Project impacts on traffic to below a level of significance could occur only through adoption of all mitigation measures identified in SEIR 95-30, or adoption of a Project alternative. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible certain of the traffic mitigation measures set forth in SEIR 95-30, as well as the Project alternatives identified therein.

7.1.2.12 Facts in Support of Finding: The Project will have significant direct and cumulative impacts on roadway and intersection LOS in Scenario 3. Transportation improvements must be constructed to reduce or eliminate these impacts. The Project will have constructed or contributed its fair share to fund construction of the improvements listed above for Scenarios 1 and 2, and, in addition, shall construct the following improvement:

Mitigation Measure 3.5.14: Install traffic signal at intersection of internal streets "C" and "D" prior to issuance of a building permit for a building that generates the 30,000th ADT of the Project, not including any building permit issued for a construction office, model home or very low-income qualifying housing.

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7.1.2.13 Impact(s): With Questhaven/Twin Oaks Valley, the Project will generate about 30,000 ADT in Scenario 4, with 1,800 outbound and 1,200 inbound trips during the a.m. peak and 1,200 outbound and 1,800 inbound trips during the p.m. peak. Under these conditions, 25% of Project traffic will be assigned to internal trip ends. San Marcos Boulevard east of Rancho Santa Fe Road will continue to operate at LOS E for Scenario 4 base conditions; all of the studied intersections will operate above LOS D.

7.1.2.14 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the significant traffic impacts. Mitigation of direct Project impacts on traffic to below a level of significance could occur only through adoption of all mitigation measures identified in SEIR 95-30, or adoption of a Project alternative. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible certain of the traffic mitigation measures set forth in SEIR 95-30, as well as the Project alternatives identified therein.

7.1.2.15 Facts in Support of Finding: The extension of Questhaven Road to Twin Oaks Valley will lessen the Project impacts to traffic at Scenario 4. This extension is assured by implementation of the following mitigation measure:

Mitigation Measure 3.5.15: Extend Questhaven Road (improve four lanes) to the southern extension of Twin Oaks Valley Road prior to issuance of a building permit for a building that generates 35,000th ADT of the Project, not including any building permit issued for a construction office, model home or very low-income qualifying housing.

7.1.2.16 Impact(s): In Scenario 5 the Project will be built out and will generate about 2,362 outbound and 996 inbound trips during the a.m. peak and 1,649 outbound and 2,890 inbound trips during the p.m. peak, with 40% of Project traffic assigned to internal trip ends. San Marcos Boulevard east of Rancho Santa Fe Road is anticipated to operate at LOS E at this time; with the addition of Project traffic it will continue to operate at LOS E, and, in addition, Rancho Santa Fe Road south of Melrose Avenue will operate at LOS E, thus the Project will have a significant impact on roadway LOS due to degradation on LOS on Rancho Santa Fe Road and cumulative impacts on San Marcos Boulevard. Two studied intersections also will operate below LOS D: (1) Rancho Santa Fe Road and La Costa Meadows, and (2) Rancho Santa Fe Road and

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Questhaven Road. With the addition of Project traffic, Twin Oaks Valley/SR-78 eastbound ramps will operate below LOS D. As a result, the Project has a significant impact prior to mitigation on LOS under Scenario 5.

7.1.2.17 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the significant traffic impacts. Mitigation of direct Project impacts on traffic to below a level of significance could occur only through adoption of all mitigation measures identified in SEIR 95-30, or adoption of a Project alternative. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible certain of the traffic mitigation measures set forth in SEIR 95-30, as well as the Project alternatives identified therein.

7.1.2.18 Facts in Support of Finding: The Project will have constructed or contributed its fair share to fund construction of the traffic improvements listed above; in addition, it will construct or contribute its fair share to fund construction of the following improvements:

Mitigation Measure 3.5.16: Modify signal to provide for a northbound and westbound right turn overlap with 120 sec. phasing and timing at the intersection of Rancho Santa Fe Road and Questhaven Road, with the concurrence of the City of Carlsbad. This will be done prior to issuance of a building permit for a building that generates the 44,000th ADT of the Project.

Mitigation Measure 3.5.17: Upon issuance of building permits, make fair share contribution through the payment of the Public Facilities Fee ("PFF"), pursuant to the Amended Development Agreement to improvements to the interchange at Woodland Parkway and SR-78 to mitigate the project impacts at the intersection of Twin Oaks Valley Road and SR-78 eastbound ramps.

Mitigation Measure 3.5.18: City to provide improvements to interchange at Woodland Parkway to mitigate the project impacts at the intersection of Twin Oaks Valley Road and SR-78 eastbound ramps. This will be done prior to issuances of a building permit for a building that generates the 44,000th ADT for the Project.

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7.1.3 Air Quality

7.1.3.1 Impact(s): As discussed on pages 3.7-9 to 3.7-17 of SEIR 95-30, short-term impacts to local air quality from construction is considered significant, as it will result in elevated levels of fugitive dust (PM_{10}) generated by clearing and grading activities; and emissions of nitrogen oxide (NOx) from tailpipe emissions caused by construction equipment and vehicles of 658.32 pounds per day under a worst-case scenario, which exceeds the San Diego Air Pollution Control District ("APCD") threshold of 250 pounds per day. These impacts are considered significant prior to mitigation. All other construction-related pollutants will be below the San Diego APCD thresholds, and therefore will not be significant.

Degradation to local and regional air quality also will be caused by operational emissions from mobile sources such as cars and trucks, and from stationary sources, including power plant emissions. The Project will generate new vehicular traffic of about 44,000 daily trips. Vehicular emissions are the most significant sources of air pollution, and an estimate of emissions associated with Project-generated vehicular traffic using the EMFAC7F vehicle emissions model concludes that Project-generated traffic will emit 622.02 pounds per day of CO, exceeding the 550 pounds per day significance threshold for CO. Although the estimated small stationary sources emissions from the Project's residences, commercial and institutional uses are negligible, the overall impact is a net increase in CO emissions, making air quality impacts significant and unmitigable.

Although the Questhaven/La Costa Meadows Community Plan was assumed in the SANDAG Series 7 growth forecast, the growth assumptions with the Project are greater than those assumed in the Original Project and thus the RAQS. This there is an inconsistency with the applicable regional plan is considered significant.

7.1.3.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the significant air quality impacts. Mitigation of Project impacts on air quality to below a level of significance could occur only through adoption of a Project alternative. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the Project alternatives identified in SEIR 95-30.

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7.1.3.3 Facts in Support of Finding: Emissions from construction activities, which are localized and short-term, will be mitigated using appropriate control measures. Because the Project will be built in phases, concurrent emissions from construction activities will be reduced by the Project implementation schedule. The following mitigation measures also will be implemented to reduce construction-related emissions:

Mitigation Measure 3.7.1: If feasible, minimize the area being graded at any one time (i.e., grade only those areas that will be developed in the immediate future).

Mitigation Measure 3.7.2: If feasible, use low pollutant-emitting construction equipment.

Mitigation Measure 3.7.3: Construction equipment shall be equipped with prechamber diesel engines (or equivalent) together with proper maintenance and operation to reduce emissions of nitrogen oxides (Nox), to the extent available and feasible.

Mitigation Measure 3.7.4: If feasible, use electrical construction equipment.

Mitigation Measure 3.7.5: Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving site. Increase watering frequency whenever wind speeds exceed 15 miles per hour.

Mitigation Measure 3.7.6: Spray water on all dirt stockpile areas daily or as needed.

Mitigation Measure 3.7.7: Stabilize all disturbed soil areas not subject to revegetation using approved chemical soil binders, jute netting, or other methods as appropriate.

Mitigation Measure 3.7.8: Complete paving of all permanent roadways at the earliest feasible time.

Because projections of future air-quality levels in the Project area indicate that CO standards likely will be exceeded, mitigation measures are necessary to reduce operational emissions resulting from vehicles. The Applicant will lessen such impacts by promoting the use of alternative transportation methods, as set forth below:

Mitigation Measure 3.7.9: Coordinate with proper agencies to provide support for transit improvements via the Transportation Demand Management Plan (i.e., bicycle

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lanes, additional bus services, feeder bus/shuttle services, etc.).

Mitigation Measure 3.7.10: Encourage ride share opportunities.

Mitigation Measure 3.7.11: Provide walking trail and bike route connections to areas where regional transit services are located, and implement a Transportation Demand Management Plan prior to approval of master tentative maps.

Mitigation Measure 3.7.12: Install transportation improvements, such as signals, lanes, and roadway widenings, identified in Section 3.5 of the SEIR, to reduce idling times and further minimize Project impacts to air quality.

The estimated emissions from vehicles associated with trips to and from the proposed Project showed a net increase in CO pollutants. The estimated small stationary source emissions are negligible. The long-term mobile-source emissions associated with buildout traffic will contribute to a non-attainment status for the San Diego Air Basin (SDAB), resulting in cumulative air quality impacts in conjunction with planned growth in the area. Even after all feasible mitigation measures are applied to help reduce construction-related and operational emissions, impacts remain significant.

No measures are available to avoid the impact caused by policy inconsistency with the RAQS; however, the Project will be incorporated into future RAQS, which will account for the growth assumptions which are part of the Project, thereby resolving this inconsistency.

A Statement of Overriding Considerations has been adopted and is incorporated by reference herein. Findings and Statement of Overriding Considerations concerning air emissions from the on-site rock-crushing operation were approved and adopted by the City Council on January 28, 1997.

7.2 <u>Cumulative Impacts</u>

The City Council finds based on the information referenced above that changes or alterations have been required in or incorporated into the Project which substantially lessen the cumulative environmental effects as identified in SEIR 95-30 with respect to the areas of: (1) Land Use (cumulative), (2) Landform Alteration/Visual Quality (cumulative), (3) Traffic (cumulative), (4) Air

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Quality (cumulative), and (5) Hydrology (cumulative), but nonetheless such cumulative impacts on these environmental effects will remain significant.

7.2.1 Land Use (Cumulative)

7.2.1.1 Impact(s): As discussed on page 4-9 of SEIR 95-30, the Project's conversion of open space to urbanized development is a cumulatively significant but unavoidable effect of Project development.

7.2.1.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the significant cumulative land use impacts. Mitigation of Project cumulative impacts on land use to below a level of significance could occur only through adoption of a Project alternative. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the Project alternatives identified in SEIR 95-30.

7.2.1.3 Facts in Support of Finding: Mitigation measures developed during the environmental review on each related project would minimize land use conflicts and incompatibilities between projects; however, all of the projects entail the conversion of undeveloped open space to urbanized uses, which is an unavoidable effect of development. As a result, a Statement of Overriding Considerations has been adopted and is incorporated by reference herein.

7.2.2 Landform Alteration/Visual Quality (Cumulative)

7.2.2.1 Impact(s): As discussed on page 4-9 to 4-10 of SEIR 95-30, the properties surrounding the Project site, including lands in the City of Carlsbad and the County of San Diego, are becoming increasingly urban through various development proposals. Although many of the projects have been designed to retain significant amounts of open space and minimize changes to natural landforms, the visual character of the area will be permanently changed to accommodate development. Every project would entail some grading of natural landforms in order to site proposed building pads, infrastructure and roadway, including alteration of hillsides. Views along public roads of the existing open space would be affected by the changes in natural open space, and projects in Carlsbad and southern San Marcos would significantly affect views from Rancho Santa Fe Road. Each project also will incrementally contribute to increases in the amount of night lighting present in northern San Diego County.

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Overall, changes in visual quality, landform and night lighting anticipated with all related projects in conjunction with the Project would produce a cumulatively significant impact.

7.2.2.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the significant cumulative landform alteration/visual quality impacts. Mitigation of Project cumulative impacts on landform alteration/visual quality to below a level of significance could occur only through adoption of a Project alternative. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the Project alternatives identified in SEIR 95-30.

7.2.2.3 Facts in Support of Finding: Each of the related projects would be responsible for mitigating or minimizing impacts to natural landforms and visual character. Implementation of grading and design policies proposed by the Specific Plan Amendment and mitigation measures 3.2.1 through 3.2.18 above would minimize the Project's contribution to cumulative impacts; nonetheless, the loss of natural open space and the alteration of existing landforms would remain cumulatively significant unavoidable effects of area development. As a result, a Statement of Overriding Considerations has been adopted and is incorporated by reference herein.

7.2.3 Traffic (Cumulative)

7.2.3.1 Impact(s): As discussed on page 4-11 to 4-12 of SEIR 95-30, Project development in conjunction with development of the related projects would produce cumulatively significant impacts to roadway and intersection LOS. Scenario 6, at ultimate Project buildout plus related projects, fully analyzes future impacts of the ultimate build-out conditions, including any approved and pending projects. The cumulative project list was developed after discussions with the City and the City of Carlsbad. Daily trip ends as well as a.m. and p.m. peak volumes were developed based on rates supplied in SANDAG trip operations manual and by review of traffic impact studies submitted to the governing agency. To distribute the projected traffic generated by the related projects, a network of the study area was developed, with each of the related projects represented by a separate zone. Peak hour volumes for each related project were applied to each zone, and regional paths or routes were created for

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each development, distributing the peak-hour volumes throughout the study area.

After the traffic generated by related projects was distributed throughout the network, a LOS analysis was conducted for all intersections and segments in the study area. The street segments under Scenario 6 were evaluated by comparing the City's Standard Street Classifications for ADT to the estimated base with related projects LOS for Scenario 6. The following segments will operate below LOS D for Scenario 6 conditions with related projects:

- Rancho Santa Fe Road south of Grand Avenue
- Rancho Santa Fe Road south of San Marcos Boulevard
- Rancho Santa Fe Road north of Melrose Avenue
- San Marcos Boulevard east of Rancho Santa Fe Road

Scenario 6 conditions without the Project will degrade LOS for three of the 20 studied intersections:

- Rancho Santa Fe Road and San Marcos Boulevard
- Rancho Santa Fe Road and New Melrose Avenue
- Rancho Santa Fe Road and La Costa Meadows

Cumulative impacts would remain significant and unmitigable.

7.2.3.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the significant cumulative traffic impacts. Mitigation of Project cumulative impacts on traffic to below a level of significance could occur only through adoption of a Project alternative. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the Project alternatives identified in SEIR 95-30.

7.2.3.3 Facts in Support of Finding: The Project will have constructed or contributed its fair share to fund construction of the traffic improvements listed above; in addition, it will construct or contribute its fair share to fund construction of the following improvements:

Mitigation Measure 3.5.19: Provide an additional through lane for both northbound and southbound Twin Oaks Valley Road, construct dual left-turn lanes for all four approaches at the intersection of Twin Oaks Valley and Craven Road.

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Mitigation Measure 3.5.20: Assist the City of San Marcos in preparing a Corridor Deficiency Plan for Rancho Santa Fe Road and San Marcos Boulevard, the two CMP Arterials affected by project traffic.

Construction of Questhaven/Twin Oaks Valley Road alone will provide an additional major corridor linkage for the northern portion of San Diego County, and will improve system-wide LOS. The Project also will assist in preparing the Corridor Deficiency Plan ("CDP") in conformance with the Land Use/Transportation Impact Analysis Program discussed in SANDAG's "Regional Transportation Plan." The City is required to prepare CDPs for two principal arterials, Rancho Santa Fe Road and San Marcos Boulevard. The CDPs realistically can achieve a 6% to 8% reduction in Project and cumulative traffic impacts. The CDPs will identify potential measures and can help reduce peak hour vehicles by altering travel behavior through incentives, services, and policies, including encouraging the use of public transit, cycling, walking, carpooling/vanpooling and flexible work schedules. Applying the City's TDM to the Project, which is intended to achieve a 4% to 6% reduction in Project traffic, and the preparation of the CDPs, which are intended to achieve a 6% to 8% reduction in Project and cumulative traffic volumes, along with the physical improvements identified in SEIR 95-30, will lessen the Project's traffic impacts. However, there are no physical improvements which will mitigate all cumulative impacts to street segments and intersections. A Statement of Overriding Considerations therefore has been adopted and is incorporated by reference herein.

As SEIR 95-30 indicates, there are no feasible mitigation measures in the form of physical improvements which can mitigate the cumulatively significant traffic impacts discussed in SEIR 95-30. As a result, a Statement of Overriding Considerations has been adopted and is incorporated by reference herein.

7.2.4 **Air Quality (Cumulative)**

7.2.4.1 **Impact(s):** As discussed on pages 4-12 to 4-14 of SEIR 95-30, vehicular emissions from the region's buildout would have a major impact on regional air quality, since the traffic analysis showed that several roadways and intersections would operate at LOS D or worse. Cumulative impacts on local and regional air quality conditions likely will occur as all incremental additions of pollutants affect the region's ability to achieve compliance with state and federal standards. The discrepancy between the SANDAG Series 7 forecast and

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current growth levels in the County show that growth is inconsistent with the RAQS. Unless a major decrease in growth rate is experienced before the year 2010, it is reasonable to assume that the population density in 2010 will exceed the assumptions in the RAQS. Therefore, significant cumulative impacts will occur from the Project when combined with other approved plans and related projects, because these projects will generate stationary and vehicular emissions which will contribute significantly to the degradation of air quality. The cumulatively significant degradation of air quality is only partially mitigated by implementing public transit and trip reduction programs on-site.

7.2.4.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the significant cumulative air quality impacts. Mitigation of Project cumulative impacts on air quality to below a level of significance could occur only through adoption of a Project alternative. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the Project alternatives identified in SEIR 95-30.

7.2.4.3 Facts in Support of Finding: Implementation of trip reduction and conservation measures would lessen cumulative impacts on local and regional air quality, as would control of dust from grading and similar operations. When SANDAG updates its Series 7 forecast with the Series 8 forecast which incorporates the Project, inconsistency with RAQS will be addressed. However, these measures will only partially mitigate the cumulative air quality impacts; as a result, a Statement of Overriding Considerations has been adopted and is incorporated by reference herein.

7.2.5 Hydrology (Cumulative)

7.2.5.1 Impact(s): As discussed on pages 4-16 to 4-17 of SEIR 95-30, implementation of the Project and the cumulative projects would have a cumulatively significant effect on regional hydrology. Development of these projects would have a long-term effect on the quality and amount of runoff that would be discharged into the drainage system, San Marcos Creek, Escondido Creek, and eventually into the ocean. Storm runoff is expected to increase as a result of the increased amount of impervious surfaces onsite, and would change from its current condition to one characterized by the potential for silt and urban pollutants such as grease, oil and inorganic compounds.

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7.2.5.2 Finding: Changes or alterations have been required in, or incorporated into, the Project which will lessen the significant hydrology impacts. Mitigation of Project cumulative impacts on hydrology to below a level of significance could occur only through adoption of a Project alternative, if at all. Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the Project alternatives identified in SEIR 95-30.

7.2.5.3 Facts in Support of Finding: Compliance with National Pollutant Discharge Elimination System (NPDES) requirements for erosion control will be required on a project-specific basis to reduce cumulative impacts to hydrology to below a level of significance. Each project also must abide by Section 401 Water Quality certification requirements during grading activities within drainages. After mitigation, cumulative impacts to hydrology would remain significant. As a result, a Statement of Overriding Considerations has been adopted and is incorporated by reference herein.

7.3 Infeasibility of Mitigation Measures

7.3.1 Infeasible Mitigation Measures Not Being Implemented

7.3.1.1 Description of Mitigation Measures. Because the Project will result in unavoidable significant environmental effects, as outlined above, the City must consider the feasibility of any measures that will mitigate or substantially lessen such impacts. The following mitigation measures identified in SEIR 95-30 have not been incorporated into the Project:

(1) Provide two northbound and southbound through lanes at the intersection of Rancho Santa Fe Road and Questhaven Road.

(2) (a) If the southerly extension of Melrose Drive is not constructed, construct the southerly extension of Melrose Drive from Rancho Santa Fe Road to Questhaven Road; or

(b) Widen Rancho Santa Fe Road south of Melrose Drive to Questhaven Road.

(3) Provide two northbound travel lanes on Rancho Santa Fe Road south of Questhaven Road.

(4) Provide dual southbound left turn lanes and dual eastbound left turn lanes, a northbound through

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lane, and an additional westbound through lane at the intersection of Rancho Santa Fe Road and new extension of Melrose Drive.

(5) Provide an additional through lane on Rancho Santa Fe south of Melrose Drive.

(6) Remove traffic signal, restrict access to right-in and right-out at the intersection of Rancho Santa Fe Road and La Costa Meadows Drive.

(7) Widen Rancho Santa Fe Road south of Melrose Drive to six lanes, where feasible, to reduce local friction.

(8) Provide for extension on La Costa Meadows Drive to southerly Melrose Drive at the intersection of Rancho Santa Fe Road and La Costa Meadows Drive.

7.3.1.2 Finding: Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the above mitigation measures identified in SEIR 95-30.

7.3.1.3 Facts in Support of Finding: Each of the following considerations is enough by itself to demonstrate the infeasibility of the mitigation measures and that any remaining adverse environmental impacts of the Project resulting from failure to implement the above mitigation measures are acceptable in light of the Project's benefits.

Mitigation Measures 1, 2(b), 3, 4, 5 and 7 are not being implemented by this Project because a Carlsbad property owner(s) have entered into an improvement agreement to guarantee the construction of those improvements, and the City of Carlsbad has a program in place to collect fees from developers building in Carlsbad which is then used to fund these roadway improvements to Rancho Santa Fe Road within the City of Carlsbad, as described in Section 6.1 above. Even if these mitigation measures were not the responsibility or the jurisdiction of the City of Carlsbad, and/or the City of Carlsbad did not and could not adopt their implementation, it would be infeasible for the Project to implement these improvements.

The cost of implementing Mitigation Measures 1, 2(b), 3, 4, 5 and 7 will add another $30 million to the Project's infrastructure costs, based on estimates from the City of Carlsbad. That $30 million equates to $8,320

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plus the costs of financing, for each "Equivalent Dwelling Unit" ("EDU") of the Project, which would result in a substantial increase in the cost of the housing, slowing Project build-out and absorption and rendering the Project less competitive. That cost, when combined with the costs of the mitigation measures already being implemented by the Project--including substantial improvements to and right-of-way for Rancho Santa Fe Road and Questhaven/Twin Oaks Valley Road, which are regionally significant roadways--as well as the costs relating to development of 272 units of very low-income affordable housing, would render these additional mitigation measures infeasible. Those very low-income affordable units do not generate revenue that can be used to fund infrastructure improvements.

In addition, the cost of constructing Mitigation Measure 2(a) above would equate to another $4,350 plus the costs of financing per EDU of the Project at the point in time when this improvement would be required to be constructed. This additional cost similarly would result in a substantial increase in the cost of the housing, slowing Project build-out and absorption and rendering the Project less competitive.

Moreover, Mitigation Measures 1, 2(b), 3, 4, 5 and 7 represent improvements to regionally significant roadways that are needed with or without the Project. It will be unreasonable to require the Project to bear the entire burden of providing all of the improvements to Rancho Santa Fe Road when many of those improvements already are needed even if the Project did not go forward, or are necessitated at least in part by other, unrelated projects. The Project already is required through the Amended Development Agreement to contribute more than its proportionate share of mitigation costs for regionally significant Rancho Santa Fe Road within the City of San Marcos, as well as the seven-mile realignment and extension of Questhaven Road to Twin Oaks Valley Road. To require still further improvement costs will be unfair and burdensome, and will single out one developer to bear the costs of resolving a regional problem. Rather than forcing the Project to bear the burden of the entire length of the improvements, particularly since the improvements will benefit the entire region, it is reasonable to require the Project to implement only the northern portion of the Rancho Santa Fe improvements, which are within the jurisdiction of the City and the San Marcos Redevelopment Project Area Number 3. This is especially true given the fact that the Project already is paying four times the amount for regional roadway infrastructure that will otherwise be required by paying

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the Public Facilities Fee for circulation road improvements.

The City Council recognized, in approving and adopting the San Marcos Redevelopment Plan and Project Area for San Marcos Redevelopment Project Area No. 3, that the Project Area is characterized by conditions of blight, including inadequate public improvements, which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone. As a result, the City Council adopted the Redevelopment Plan for Project Area Number 3 in order to provide a procedural and financial mechanism by which the Redevelopment Agency can assist, complement and coordinate public and private development in order to provide the needed infrastructure improvements. Mitigation Measures 1, 2(b), 3, 4, 5 and 7 above cannot be implemented with the help of the Redevelopment Agency, however, because they are located outside the Redevelopment Agency's jurisdiction. Because no Agency funds can be spent on these improvements, the City Council cannot reasonably expect to have the cost of those improvements borne solely by a private developer such as Applicant, especially considering the almost $100 million in various local and regional infrastructure improvements and dedications as well as the construction of the 272 very low-income affordable dwellings already being provided by the Project. Those very low-income affordable units do not generate revenue that can be used to fund infrastructure improvements.

Mitigation Measure 2(b), the southerly extension of Melrose, requires an alignment which will affect occupied California gnatcatcher habitat within a designated wildlife corridor, and requires a bridge to be constructed over San Marcos Creek, which may require issuance of a Section 404 permit. The bridge and roadway are expected to cost $7-8 million to construct, which will be economically infeasible given the approximately $100 million in various local and regional infrastructure improvements and dedications as well as the construction of the 272 very low-income affordable dwellings already being provided by the Project. Those very low-income units do not generate revenue that can be used to fund infrastructure.

Mitigation Measure 6, requiring removal of the traffic signal and restriction of access to right-in and right-out at the intersection of Rancho Santa Fe Road and La Costa Meadows Drive, is infeasible due to economic and social factors which keep it from being successfully implemented in a reasonable time. There is a light

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industrial business park at that intersection which includes several dozen manufacturing companies, a delicatessen, a day care, and other businesses which depend on the access provided by that traffic signal. If the traffic signal were removed it will make it more difficult to access the industrial park.

Mitigation Measure 8 is already a condition of another approved development projects, University Commons and the industrial park. Moreover, constructing Mitigation Measure 8 would be infeasible for the Project to build, because the southerly extension of Melrose does not exist today, and the Project is not building that southerly extension; as a result, the mere extension of La Costa Meadows Drive would not serve to alleviate traffic conditions. When University Commons constructs its project infrastructure, and the industrial park builds out, the through connection for La Costa Meadows Drive will be made.

The mitigation measures being rejected as infeasible are not capable of being accomplished in a successful manner within a reasonable period of time once economic, environmental, social and technological factors are taken into account. After balancing the relevant factors, the City concludes that these mitigation measures are infeasible for any one of the reasons listed above, and therefore should not be adopted.

Development of the Project will result in some 41,694 person years of employment for construction and associated work, including engineering and design professionals, or an average of 3,475 jobs per year during the 12-year Project build-out. Considerations for the provision of employment opportunities for highly trained workers also make implementation of the above mitigation measures infeasible. If the above mitigation measures are required to be implemented, together with all of the other mitigation measures, project conditions and project design features already required, as well as the Project's 272 very low-income affordable housing units, the Project would not be competitive with other projects in the market, resulting in project financing difficulties and slow absorption of the homes. This is especially true given the fact that the very low-income affordable housing units do not generate revenue that can be used to fund infrastructure. It is not expected that the market price of the homes to be developed could be raised high enough to cover the increased development costs associated with the additional mitigation measures without affecting the Project's feasibility. As a result, the jobs for highly trained workers that are

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