

2.4 Land Use and Planning

This land use analysis in this section describes the relevant land use policy and regulatory framework applicable to the Project, identifies guidelines for the determination of significance, evaluates potential environmental impacts related to the Project's consistency with applicable land use policies, goals and regulations, and discusses feasible mitigation measures identified for the environmental topics analyzed in this chapter. The CEQA guidelines of significance used in this section require the EIR to consider whether a Project conflicts with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact. Under CEQA, a conflict or inconsistency with an applicable plan is not by itself considered a significant environmental impact. Instead, the inconsistency must result in a significant physical impact for there to be a significant impact under CEQA. In addition to the land use consistency analysis provided in this section, refer to the other environmental topics addressed in Chapters 2.0 and 3.0 of this EIR for analyses of the Project's potential physical impacts related to consistency with applicable regulations, including County General Plan goals and policies, relevant to the environmental issue area under consideration.

A NOP for the Project was released for public review on September 1, 2022 and an EIR Scoping Meeting was held on September 20, 2022. Two comment letters related to land use and planning were received. Caltrans (received September 29, 2022) requested collaboration regarding "smart growth" land use planning related to transportation. Ed Philbrick (received September 27, 2022) expressed concern regarding the loss of existing open space land uses.

2.4.1 Existing Conditions

Project Physical Characteristics and Land Use

The Project site is located within unincorporated San Diego County, while the properties to the north, east and west generally are located in the City of San Marcos. The Project site is within the City of San Marcos Sphere of Influence. The undeveloped parcel located adjacent to the northwest of the Project site is also within the unincorporated county.

The Project site is undeveloped and includes several unimproved dirt roads and trails. The northern portion of the site was subject to prior disturbance and was used as a laydown yard for construction equipment associated with a former recycling facilities use on an adjacent property. Additionally, a portion of the western area of the site was formerly used for agricultural uses.

The topography of the Project site ranges from gentle to steeply sloping. The site is characterized by a topographic saddle in the northerly/northeasterly portion of the property with relatively broad, low-relief drainages flowing to the northwest and southeast. A gently to moderately sloping hillside flanks the saddle to the south and north. Elevations within the Project site range from a low elevation of 490 above mean sea level (amsl) in the southeastern portion of the site where there is a drainage to a high of 930 amsl near the southwestern property boundary.

The uses of land surrounding the Project site are as follows. Refer to Figure 3.1-5, *Surrounding Community Context Aerial Photograph*, in Section 3.1, *Aesthetics and Visual Resources*, of this EIR to view the Project site’s relationship with surrounding land uses.

Existing Land Uses	
<i>Project Site</i>	Undeveloped
<i>North</i>	San Elijo Road, Open Space, Residential (San Elijo Hills)
<i>South</i>	Rancho La Costa Habitat Conservation Area
<i>East</i>	Loma San Marcos; Former Closed San Marcos Landfill
<i>West</i>	Rancho La Costa Habitat Conservation Area, Residential (Old Creek Ranch)

General Plan Land Use and Zoning Designations

The Project site is designated by the County of San Diego General Plan for Semi-Rural land uses (SR-1 and SR-10). Additionally, a small portion of the site has a “No Jurisdiction” land use designation. The “No Jurisdiction” designation is the result of a mapping error and does not preclude the processing of the Project. Land uses designated by the County and the City of San Marcos for land surrounding the Project site are:

Existing General Plan Land Use Designations	
<i>Project Site</i>	Semi-Rural Residential (SR-1 and SR-10)
<i>North</i>	San Elijo Road, San Elijo Hills Specific Plan (City of San Marcos)
<i>South</i>	Open Space-Conservation
<i>East</i>	Rural Lands (RL-40)
<i>West</i>	Old Creek Ranch (University Commons) Specific Plan (City of San Marcos)

Pertaining the zoning, the Project site is zoned Rural Residential (RR) and Open Space (S80) by the County of San Diego, as shown on Figure 2.4-1, *Project Site Zoning Classifications*. Zoning classifications designated by the County and the City of San Marcos for land surrounding the Project site are:

Existing Zoning Classifications	
<i>Project Site</i>	Rural Residential (RR) and Open Space (S80)
<i>North</i>	San Elijo Hills Specific Plan (City of San Marcos)
<i>South</i>	Open Space-Conservation
<i>East</i>	Rural Lands (RL-40)

<i>West</i>	Rural Lands (RL-4); Old Creek Ranch (University Commons) Specific Plan (City of San Marcos)
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2.4.2 Regulatory Setting

Land use plans, policies, and ordinances that apply to the proposed Project are contained in the County of San Diego General Plan (2011), San Dieguito Community Plan (2011), County Zoning Ordinance, City of San Marcos General Plan (as an adjacent city and the Project site being in the City of San Marcos Sphere of Influence), the County’s Resource Protection Ordinance (RPO), the County’s Biological Mitigation Ordinance (BMO), as well as other plans, policies, and regulations adopted for the purpose of addressing environmental impacts. The site is within the boundaries of the draft North County Multiple Species Conservation Program (NCMSCP) area; however, this plan has not been adopted and therefore is not applicable to the Project. The plans, policies, and regulations discussed below are primarily related to land use and development.

County of San Diego General Plan

County of San Diego General Plan serves as a blueprint for the long-range build out of the unincorporated areas of the County. The General Plan is divided into seven elements: Land Use, Housing, Environmental Justice, Mobility, Safety, Conservation and Open Space. The last comprehensive update of the General Plan was conducted in 2011, with the Housing Element and Environmental Justice Elements updated in 2021.

The General Plan Land Use Element provides maps, goals, and policies and serves as the regulatory document guiding land use, conservation, and development in the unincorporated County. This element provides a framework to accommodate future development within the County in an efficient and sustainable manner. Land uses are applied to lands within the County’s land use jurisdiction, and the Land Use Element designates the Project site for Semi-Rural land uses (SR-1 and SR-10). Additionally, a small portion of the site has a “No Jurisdiction” land use designation. The “No Jurisdiction” designation is the result of a mapping error and does not preclude the processing of the Project.

The County’s General Plan Housing Element represents the 6th Cycle update covering the period of April 2021, through April 15, 2029. Housing elements are required by the State to be updated every eight years. The Housing Element is responsive to the Regional Housing Needs Assessment (RHNA) and seeks to balance the County’s housing requirements with infrastructure deficiencies, safety issues, and the rural character of many of the County’s unincorporated communities. Goals of the Housing Element are to accommodate County resident housing needs across a range of age, income, and other demographic characteristics; to provide residential neighborhoods that respect local community character and the natural environment while expanding opportunities for affordable housing; to assure that housing is suitable and affordable for all economic segments; to preserve affordable housing; to limit governmental constraints on

new housing development and existing housing; and to provide a framework for delivering housing services.

The Environmental Justice (EJ) Element was prepared in response to California Assembly Bill 100 (SB 100) which requires local governments to address pollution and other hazards that disproportionately impact low-income communities and communities of color within their jurisdiction as a way to proactively plan for and address environmental concerns when developing and updating components of the General Plan. The EJ Element is the County of San Diego's commitment to the fair treatment of people of all races, cultures, and incomes concerning the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. The EJ Element identifies four unincorporated County EJ communities, which are located in the southern portion of the County. The Project site is not located within or near a County-designated EJ community.

The Mobility Element describes the multi-modal transportation network within the County's unincorporated areas, including motor vehicle, public transportation, bicycle, pedestrian, rail, and air transportation facilities. Goals and policies address the safe and efficient operation, maintenance, and management of the transportation network, and identify major existing and planned road network components in the County. San Elijo Road that abuts the northern boundary of the Project site is not a Mobility Element roadway.

The Conservation and Open Space (COS) Element the conservation, management, and utilization of natural and cultural resources; protection and preservation of open space; and provision of park and recreation resources. Goals and policies included in this element address the following nine resource topics: biological resources; water resources; agricultural resources; cultural resources; paleontological resources and unique geologic features; mineral resources; visual resources; and air quality, climate change, and energy.

The Safety Element sets forth policies related to future development that will minimize the risk of injury, death, property and environmental damage associated with natural and human-made hazards. The Safety Element addresses how development is to account for physical constraints and natural hazards of the land. The goals and policies of the Safety Element intend to protect residents and areas from wildland and urban fire, crime, hazardous materials incidents, earthquakes, flooding and hazardous incidents associated with aircrafts and airports. Disaster preparedness and emergency response also are addressed in this element.

The Noise Element establishes Noise Compatibility Guidelines, which are to be used in the evaluation of proposed projects to determine the compatibility of land uses with community equivalent noise levels. The community noise control standards within the County's Noise Abatement and Control Ordinance are used in conjunction with the Noise Element in considering the environmental impacts of noise exposure. The Noise Element addresses transportation and non-transportation noise sources, noise-sensitive land uses, and existing and future noise levels.

This element was developed to preserve County residents' quality of life by providing protection from the obtrusive impacts of noise and noise-generating uses.

San Dieguito Community Plan

Community plans are adopted as integral parts of the County's General Plan and provide a mechanism for addressing each community's unique context that cannot be reflected in the broader policies of the countywide General Plan. Community plans are required to be consistent with the General Plan but can provide additional guidance reflective of the local community. The San Dieguito Community Plan, within which the Project site is located, was most recently updated in 2014. The Community Plan includes elements related to Community Character, Land Use, Circulation, Public Safety/Services/Facilities, Conservation, Recreation, Scenic Highways, Open Space, Noise, and Energy. General policies relate to rural residential living, utilization of open space to provide separate and distinct neighborhoods, the preservation of natural features, and high standards of design.

County Zoning Ordinance

Zoning classifications set forth by the San Diego County Zoning Ordinance guide and determine the allowed type, size, and intensity of development allowed on a property. As shown on Figure 2.4-1, *Project Site Zoning Classifications*, the Project site is zoned Rural Residential (RR) in the northern portion of the site and Open Space (S80) in the southern portion of the site. The RR zoning classification has a minimum lot size requirement of 1.0 acre and permits single family homes and other rural character uses. The S80 zoning classification is intended for recreation areas or areas with environmental constraints where development opportunities are constrained.

County Resource Protection Ordinance

The County's RPO protects prehistoric and historic sites and sensitive natural resources including wetlands, floodplains, steep slopes, and biological habitats.

City of San Marcos General Plan

The Project site is located within unincorporated San Diego County, while the properties to the north, east and west generally are located in the City of San Marcos. The Project site is within the City of San Marcos Sphere of Influence. Like the County's General Plan, the City of San Marcos General Plan addresses a wide range of issues that affect land within its jurisdiction such as physical development, environmental resources, and quality of life. The City's General Plan includes nine elements including Land Use and Community Design, Mobility, Conservation Open Space, Parks/Recreation/Community Health, Safety, Noise, Housing, and Environmental Justice. Although the Project site is not within the City but is within its Sphere-of-Influence, the most applicable element is the Land Use and Community Design Element, which identifies the Project site as being within the Questhaven/La Costa Meadows Neighborhood in the southernmost portion of the City and anticipated to be build out with Rural Residential land uses at a density of 1 – 2 units per acre (San Marcos General Plan Figure 2-5).

2.4.3 Analysis of Project Effects and Determinations as to Significance

Guideline for the Determination of Significance

A significant impact to land use and planning would occur if the Project would do the following:

- Physically divide an established community.

Guideline Source

The significance threshold is based on Appendix G of the CEQA Guidelines.

Analysis

The Project site is currently undeveloped but is designated for residential and open space uses by the General Plan. There is no reasonable potential that the Project could divide an established community. The area surrounding the Project site consists of undeveloped land and open space to the south and west, San Elijo Road to the north, and the Loma San Marcos recreational facility to the east. As such, there is no existing, established community surrounding the Project area that would be divided or disrupted by implementation of the proposed Project. In addition, the Project does not propose a major roadway, physical barrier, infrastructure improvement, buildings, or structures that would divide or disrupt an already established community. No impacts associated with physically dividing an established community would occur.

Guideline for the Determination of Significance

A significant impact related to land use and planning would occur if the Project would:

- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Guideline Source

The significance threshold is based on Appendix G of the CEQA Guidelines.

Analysis

The discussion below summarizes consistency with the applicable plans and regulations related to land use and planning relationships to environmental effects. Also refer to the other environmental topics addressed in Chapters 2.0 and 3.0 of this EIR for more detailed analyses of the Project's consistency with applicable plans and regulations relevant to specific environmental topics.

Consistency with Elements of the County of San Diego General Plan

Land Use Element: The Land Use Element designates the Project site for Semi-Rural land uses (SR-1 and SR-10), but a small portion of the site has a “No Jurisdiction” land use designation. The “No Jurisdiction” designation is the result of a mapping error and does not preclude the processing of the Project. The subject site does not meet the No Jurisdiction designation because it is not Federal Lands, Tribal Lands, a Specific Plan, Solid Waste Facility, Open Space Conservation or Open Space Recreation. The County’s Geographic Information System (GIS) mapping incorrectly mapped the limits of the No Jurisdiction category on the site by inadvertently adding the open space designated areas to the adjacent conservancy land which correctly has a regional designation of No Jurisdiction. The portion of the Project site incorrectly mapped as No Jurisdiction is a privately owned parcel and has a Community Plan designation of SR-1, which provides proof that the No Jurisdiction designation was incorrectly mapped in County GIS (Excel, 2019).

The SR-1 land use designation applies to properties with maximum densities of one home to every 1, 2, or 4 gross acres, depending on the extent of steep slopes. Paired with the site’s zoning classification of Rural Residential (RR) in the northern portion of the site, the RR zoning classification has a minimum lot size requirement of 1.0 acre and permits single family homes and other rural character uses. The SR-10 land use designation applies to properties with maximum densities of one home to every 10 or 20 gross acres depending on the extent of steep slopes, which is paired with the site’s S80 zoning classification that is intended for recreation areas or areas with environmental constraints. The Project’s design and proposal for the development of 76 residential homes clustered in the northern portion of the property for the benefit of preserving open space in the southern portions of the property is consistent with the site’s land use designations. Refer to Figure 2.4-2, *General Plan Density Consistency Analysis*.

Housing Element: The Project would be consistent with the Housing Element by providing homes for 76 households in San Diego County. The Project’s design and proposed Administrative Permit (PDS2020-AD-20-011) that allows for residential lot size averaging, respects local community character and the natural environment by clustering development in the flattest and least environmentally sensitive portions of the property while protecting the southern portions of the site in open space that adjoin the Rancho La Costa Habitat Conservation Area. The Project also includes a proposed Density Bonus Permit (PDS2021-DB-21-001) pursuant to State Assembly Bill 2345 (Government Code Section 65915 et seq.) to allow for a 20% increase in the maximum allowable number of residential dwelling units in exchange for reserving 5% of the dwelling units on-site for “Low” Income Affordable Housing (defined as 50% to 80% of the Area Median Income [AMI]). Additionally, the Project requests an incentive for 10-foot side yard setbacks, which is below the County’s 15-foot side yard setback requirement. This incentive would allow for clustering in order to avoid sensitive biological resources. Approval of the Density Bonus Permit would allow for an increase in the maximum allowable dwelling units from 64 dwelling units to a maximum of 77 single-family dwelling units in exchange for reserving seven units restricted for

“Low” Income Affordable Housing. However, the Project proposes 76 single-family dwelling units. This component of the Project meets the goals and policies of the Housing Element pertaining to the expansion of opportunities for affordable housing.

Environmental Justice (EJ) Element: The Project site is not located within or near a County-designated EJ community, so there is no reasonable possibility of the Project conflicting with EJ Element goals or policies.

Mobility Element: San Elijo Road that abuts the northern boundary of the Project site is not a Mobility Element roadway, so there is no potential for the Project to introduce conflicts associated with the planning for Mobility Element roads. In regard to transportation design and planning, the Project’s design would maintain the site-adjacent bike lane and soft surface trail on San Elijo Road that fronts the Project site. Pedestrians and bicyclists traveling to and from the Project site would use proposed Street “B” and Street “E” to reach the trail and bike lane system along San Elijo Road and would have no adverse effect on the planning for non-vehicular modes of travel. Further, the Project design is compatible with the regional trail system. The Project’s design provides for a privately maintained parking lot that would be open for public use at the terminus of Street “E.” The parking lot would provide public parking access to existing trail systems located south of the Project site. The Project also includes the installation of a new trail segment on-site that would connect the proposed parking lot to the existing Copper Creek Trail.

Conservation and Open Space (COS) Element: Goals and policies included in this element address the following nine resource topics: biological resources; water resources; agricultural resources; cultural resources; paleontological resources and unique geologic features; mineral resources; visual resources; and air quality, climate change, and energy. Refer to the related sections contained in Chapters 2.0 and 3.0 of this EIR for specific analyses about to these subject matters. Generally, the Project is consistent with the Conservation and Open Space Element, as a key feature of the Project’s design is the clustering of residential development for the purpose of proposing open space in perpetuity that connects with the Rancho La Costa Habitat Conservation Area. The Project’s proposed TM 5643 proposes nine lots as open space, totaling 63.9 acres. Of these lots, 53.13 acres (Lot S) is designated as biological open space, while the other lots accommodate SDG&E easements, fire management buffers, manufactured slopes, and one lot (Lot G) for recreational open space that is designed to accommodate a public parking lot and a 10-foot-wide decomposed granite trail segment that would connect to the existing, off-site Copper Creek Trail.

Safety Element: The Safety Element addresses wildfires, crime, hazardous materials incidents, earthquakes, flooding, airport hazards, and emergency response. Refer to the related sections contained in Chapters 2.0 and 3.0 of this EIR for specific analyses about these subject matters. Generally, the Project is consistent with the Safety Element. Related to wildfire, fire management zones (FMZs) are shown on proposed TM 5643 and the Project’s landscape concept plan and are described in detail in Section 3.13, *Wildfire*, of this EIR. FMZ easements are accommodated along

the Project's western boundary and in other areas, within which fuel would be thinned for wildfire management. Also, a Conceptual Wildfire Evacuation Plan (CWEP) was prepared for the Project, which is contained as *Appendix M2*. The Project site is not located in a floodplain, is not located in an airport safety zone, and the proposed development would be constructed in accordance with all required seismic safety standards mandated by applicable State and County building codes.

Noise Element: Consistency of the Project with Noise Compatibility Guidelines set forth in the Noise Element is analyzed in detail in EIR Section 2.5 2-4, *Noise*. The analysis concluded that operation of the Project's proposed residential community would result in significant noise impacts and requires mitigation to ensure that the Project's residential lots are placed into a noise environment that is compatible for residential land uses. Mitigation is presented to address noise from HVAC unit operation and noise experienced by the Project from vehicular noise on adjacent San Elijo Road. With the mitigation measures presented in EIR Section 2.5 (and included herein), the Project is found to be consistent with the County's General Plan Noise Element. Therefore, consistent with the findings in Section 2.5 2-4, noise impacts would be less than significant with implementation of mitigation.

Consistency with San Dieguito Community Plan

The proposed Project is determined to be consistent with the San Dieguito Community Plan, for same the reasons presented above related to consistency with the County's General Plan. The Community Plan's general policies relate to rural residential living, utilization of open space to provide separate and distinct neighborhoods, the preservation of natural features, and high standards of design. The proposed Project meets these goals. The Project's design proposes the development of 76 high-quality residential homes, including seven homes that will be designated affordable, clustered in the northern portion of the property for the benefit of preserving open space in the southern portions of the property. Natural features will thus be permanently preserved including steep slopes and a drainage, which will in part serve local wildlife movement functions. The proposed development is designed as a distinct neighborhood with a character and quality that would complement the surrounding community as further described in section 3.1, *Aesthetics and Visual Quality*, of this EIR.

Consistency with County Zoning Ordinance

As shown on Figure 2.4-1, *Project Site Zoning Classifications*, the Project site is zoned Rural Residential (RR) in the northern portion of the site and Open Space (S80) in the southern portion of the site. The RR zoning classification has a minimum lot size requirement of 1.0 acre. However, an Administrative Permit (PDS2020-AD-20-011) is proposed as part of the Project to allow for residential lot size averaging. This will allow the proposed residential development to be clustered in the northernmost portion of the Project site, while reserving other portions of the RR zoned area and the S80 zoned area, that contain steep slopes and sensitive habitats, for open space preservation and wildlife movement. All other requirements of the RR zoning designation are assured to be met. Although the currently proposed entitlement applications do not include any site-specific building

footprints, the Project’s proposed the Site Plan Review (PDS2022-STP-22-018) provides the conceptual location of the future homes within the proposed Tentative Map lots in accordance with the Open Space (S80) zoning designation. As part of site plan applications for the development of individual lots, the County is obligated to ensure compliance with applicable zoning ordinance regulations.

Consistency with County Resource Protection Ordinance

The County’s RPO protects prehistoric and historic sites and sensitive natural resources including wetlands, floodplains, steep slopes, and biological habitats. There are no known significant prehistoric or historic sites, wetlands, or floodplains subject to the RPO on the Project site. Steep slopes (refer to Figure 2.4-1) would be preserved in the Project’s open space area. A focused biological survey of the Project site determined that the Project site contains RPO resources. Although there are no RPO jurisdictional wetlands on the site, the property contains sensitive habitat communities that are regulated by the RPO. Please refer to EIR Section 2.1, *Biological Resources*, for an analysis of the Project’s consistency with the RPO, as well as a discussion of potential impacts to biological resources and mitigation measures to reduce impacts to below a level of significance.

Consistency with City of San Marcos General Plan

The Project site is located within unincorporated San Diego County, but is within the City of San Marcos Sphere of Influence. The City’s Land Use and Community Design Element identifies the Project site within the City’s sphere, applying a perspective Rural Residential (RR) land use designation, which calls for a residential density of 1 – 2 units per acre. The Project’s proposed 76 units and overall design meets the expectation of the RR designation. Regarding the City of San Marcos General Plan Mobility Element, Policy M-1 relates to maintaining a level of service (LOS) of D or better on City roadways. Pursuant to CEQA Guidelines Section 15064.3(a), “...a project’s effect on automobile delay shall not constitute a significant environmental impact.” Regardless, the City’s Mobility Element states that complying with Policy M-1.4 supports “other General Plan goals such as providing environmental protections and enhancing community character. As concluded in EIR Section 2.6, *Transportation*, the Project would contribute vehicles to three intersections and one roadway segment in the City of San Marcos that would operate below LOS D. Mitigation is presented in EIR Section 2.6 to address these deficiencies but because implementation of the improvements would be in the City of San Marcos and the County of San Diego as the Lead Agency for this EIR does not have control over the nature and timing of improvements that would occur in the City of San Marcos, the County cannot assure that the required improvements would be in place at the time of Project occupancy; therefore, near-term Transportation impacts are determined to be significant and unavoidable under Near-Term 2024 conditions until the required improvements are in place. As such, the land use and planning impact related to policy consistency is determined to be significant.

2.4.4 Cumulative Impact Analysis

Cumulative land use and planning impacts may occur when project-specific impacts evaluated in an EIR are combined with the effects of other projects which, when examined individually, may not be considered to be significant. The projects listed in Table 1-3, *List of Cumulative Projects*,

would be built in accordance with the San Diego County General Plan. The Project would not divide an established community and would be consistent in the long-term with the County's General Plan, San Dieguito Community Plan, County Zoning Ordinance, and County RPO. However, the Project would not be consistent with the City of San Marcos General Plan Mobility Element Policy M-1.4. As such, the Project has the potential to result in a cumulatively considerable land use and planning impact.

2.4.5 Significance of Impacts Prior to Mitigation

As discussed above, the Project is consistent with the County of San Diego General Plan, the San Dieguito Community Plan, the County Zoning Ordinance, and the County RPO. However, the Project would have significant impacts due to conflicts with the County of San Diego General Plan Noise Element. Additionally, the Project would contribute vehicles to three intersections and one roadway segment in the City of San Marcos that would operate below LOS D. Thus, the Project would be inconsistent with the City of San Marcos General Plan Mobility Element Policy M-1.4. As such, the Project would result in a significant impact related to City of San Marcos General Plan Mobility Element policy consistency.

2.4.6 Mitigation

Section 2.5 2-4, *Noise*, provides the following Mitigation Measures:

- M-N-1** Prior to the issuance of each residential building permit, the County shall review the proposed locations of HVAC units. For HVAC units located less than 35 feet from the nearest property line, a three-sided barrier blocking the line of sight to adjacent properties shall be required. The barrier, if required, shall have a minimum height of 5.5 feet or be 1.75 times the height of the HVAC units and shall be constructed of materials with a minimum weight of 2 pounds per square foot. The barrier shall be solid with no holes, perforations, or gaps.
- M-N-2** Residential lots proposed within 400 feet of the San Elijo Road right-of-way (Lots 1 through 6 and 15 through 18 of Tentative Map 5643) shall have "noise protection easements" to mitigate vehicular noise levels from San Elijo Road. Such easements shall be shown on the final map or subsequent implementing tentative map, as applicable. The noise protection easements shall contain a restriction requiring that exterior noise levels not exceed 60 CNEL within the easement area of the lot. The restriction shall apply to the following minimum exterior use areas: 1) for lots less than 4,000 s.f. in area, the exterior area shall include 400 square feet; and 2) for lots larger than 4,000 s.f, the exterior area shall include 10 percent of the lot area. A noise study is required to be prepared and approved by the County Department of Planning and Development Services (PDS) prior to the issuance of building permits for these lots demonstrating that the residential lots within 400 feet of San Elijo Road would achieve these requirements. In the event that the noise study determines that one or more lots would not achieve the 60 CNEL noise limit within the minimum exterior use areas, the noise study shall identify noise attenuation measures that must be incorporated, such as the use of sound walls or berms, in order to achieve the exterior noise requirement

of 60 CNEL within the minimum exterior use areas. The County shall require that the noise attenuation measures be installed and be verified as effective in meeting the 60 CNEL requirement by an acoustical engineer prior to the issuance of certificates of occupancy.

M-N-3 To achieve interior noise levels at or below 45 CNEL in a windows closed condition, homes located on Lots 1 through 13 shall have mechanical ventilation (e.g., air conditioning) and standard windows with a minimum Sound Transmission Class (STC) rating of 27. The County shall verify that these features will be installed as part of the building permit plan check process.

M-N-4 Prior to the issuance of a grading or blasting permit that would permit these activities within 50 feet of the adjacent Loma San Marcos property line, a temporary noise barrier as described below or a functional equivalent as verified by a professional acoustical engineer shall be implemented to ensure that construction-related noise is maintained at or below 75 dBA Leq on the Loma San Marcos property, which occurs to the immediate east of the Project site's northeastern boundary.

- a. A temporary 12-foot-high noise barrier shall be installed along the eastern property line of the Project site where it borders the Loma San Marcos facility south of the roadway during grading and blasting activities. The barrier shall be of sufficient length to block the line of sight between Loma San Marcos and the construction activities. The noise barrier shall be constructed of material with a minimum weight of 2 pounds per square foot with no gaps or perforations. The noise barrier may be constructed of, but are not limited to, 5/8-inch plywood, 5/8-inch oriented strand board, or hay bales. The noise barrier shall be installed prior to grading, rock drilling, or blasting activities within 50 feet of the eastern property line, and shall remain in place throughout the duration of grading, construction, and blasting activities on the site.

Section 2.6, *Transportation and Traffic*, provides the following Mitigation Measures:

M-TRANS-1 Prior to issuance of the first certificate of occupancy, the Project Applicant shall be required to optimize the traffic signal timing at the intersection of Melrose Drive and San Elijo Road. Signal optimization could include reoptimizing cycle lengths and/or signal splits to better accommodate future traffic demand along the corridor. It is important to note that if signal optimization is implemented, adjacent intersections within the coordinated system should be taken into consideration. ~~Additionally, prior to issuance of the first certificate of occupancy, the north leg of the intersection (Melrose Drive) shall be restriped to accommodate southbound dual left turn lanes and a shared through right lane. A striping plan shall be prepared to the satisfaction of the City Engineer.~~

M-TRANS-2 Prior to issuance of the first certificate of occupancy, the Project Applicant shall be required to install a traffic signal at the intersection of Streete “E” and San Elijo Road. Additionally, prior to issuance of the first certificate of occupancy, the south leg of the intersection (Street “E”) shall be reconfigured to include dual left-turn lanes and an exclusive right turn lane.

2.4.7 Conclusion

Implementation of Mitigation Measures M-N-1 through M-N-4 would ensure noise-related impacts would be reduced to below the threshold of significance. Therefore, implementation of the required mitigation would reduce the Project’s noise impacts to less-than-significant levels (see Section 2.4 2.5, *Noise*).

Upon implementation, and as stated in Section 2.6 2.5, the improvements identified as part of M-TRANS-1 and M-TRANS-2 would achieve consistency with the City of San Marcos General Plan Mobility Element Policy M-1.4. However, because the mitigation requires the implementation of improvements in the City of San Marcos and the County of San Diego as the Lead Agency for this EIR does not have control over the nature and timing of improvements that would occur in the City of San Marcos, the County cannot assure that the required improvements would be in place at the time of Project occupancy; therefore, the Project would result in a significant and unmitigable land use and planning impact until the required improvements are in place (see Section 2.6, *Transportation*).

2.4-1, Project Site Zoning Classifications

2.4-2, General Plan Density Consistency Analysis