



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcounty.ca.gov/pds

NOTICE OF INTENT TO ADOPT A SUBSEQUENT MITIGATED NEGATIVE DECLARATION and DRAFT HABITAT LOSS PERMIT

February 7, 2019

NOTICE IS HEREBY GIVEN that the County of San Diego is proposing to adopt a Subsequent Mitigated Negative Declaration in accordance with the California Environmental Quality Act for the following project. The public review period also includes review of a Draft Habitat Loss Permit. The proposed Subsequent Mitigated Negative Declaration and Draft Habitat Loss Permit can be reviewed online at http://www.sdcounty.ca.gov/pds/ceqa_public_review.html ; at Planning & Development Services (PDS), Project Processing Counter, 5510 Overland Avenue, Suite 110, San Diego, California 92123; and at the public libraries listed below. Comments on this proposed Subsequent Mitigated Negative Declaration must be sent to the PDS address listed above and should reference the project number and name.

PDS2014-MUP-14-010, HLP XX-XXX, LOG NO. ER01-08-051A; PHAP VUONG MONASTERY. The project is a Major Use Permit for a Religious Assembly use including construction of a new structure as well as associated parking and landscaping. The applicant proposes to construct a new two-story structure that will operate as a monastery, meditation hall, and residence. The project is located on the southwest corner of the intersection of Vista Avenue and North Ash Street, at 715 Vista Avenue, Escondido, CA 92026, within the North County Metropolitan Subregional Planning Area, within the unincorporated area of San Diego County. Comments on this proposed Subsequent Mitigated Negative Declaration and Draft Habitat Loss Permit must be received no later than March 25, 2019 at 4:00 p.m. (This public review period is for 45 days because a Draft Habitat Loss Permit requires a 45-day public review period rather than 30 days required for a Subsequent Mitigated Negative Declaration.) This proposed Subsequent Mitigated Negative Declaration and Draft Habitat Loss Permit can also be reviewed at the Escondido Public Library, 239 Kalmia Street, Escondido, CA, 92025, and the San Marcos Branch County Library, 2 Civic Center Drive, San Marcos, CA 92069. For additional information, please contact Jeff Smyser at (858)495-5438 or by e-mail at jeffrey.smyser@sdcounty.ca.gov.



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KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

SUBSEQUENT MITIGATED NEGATIVE DECLARATION

January 16, 2018

PROJECT NAME: PHAP VUONG MONASTERY MAJOR USE PERMIT

RECORD ID: PDS2014-MUP-14-010

ENVIRONMENTAL LOG NO.: ER01-08-051A

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Subsequent Mitigated Negative Declaration is comprised of this form along with the Environmental Analysis that includes the following:

- a. Environmental Review Update Checklist Form and referenced extended studies for Phap Vuong Monastery Major Use Permit
- b. Ordinance Compliance Checklist for Phap Vuong Monastery Major Use Permit
- c. Negative Declaration, for Phap Vuong Monastery Major Use Permit, dated October 9, 2003 with approval date May 27, 2004.

1. California Environmental Quality Act Subsequent Mitigated Negative Declaration Findings:

Find, that this Subsequent Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Subsequent Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Subsequent Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

SDC PDS RCVD 01-25-19

MUP14-010

Refer to the attached Environmental Review Update Checklist Form For Projects with Previously Approved Environmental Documents for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGY

PRE-CONSTRUCTION MEETING: (Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)

BIO#1– BREEDING SEASON AVOIDANCE (AVIAN SPECIES) [PDS, FEE X2]

INTENT: In order to avoid direct impacts to sensitive avian species (eg. California gnatcatchers (CAGN), raptors, and migratory birds), which are sensitive biological resources pursuant to RPO, CEQA, and Migratory Bird Treaty Act (MBTA), avian breeding avoidance measures shall be implemented and a Resource Avoidance Area (RAA) implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing, and/or grading during the avian breeding season (February 1 to September 15) except as allowed by this condition. All grading permits, improvement plans, and the final map shall state the same. If vegetation must be removed during the avian breeding season, a qualified biologist must conduct a nesting bird survey of potentially suitable nesting vegetation prior to removal. Surveys will be conducted no more than three (3) days prior to scheduled removals. If active nests are identified, the biologist will establish a RAA of 300 feet (500 feet for raptors) around the vegetation containing the active nest(s). The vegetation containing the active nest will not be removed, and no brushing, clearing, and/or grading will occur within the established RAA until a qualified biologist has determined that the nest is no longer active (i.e., the juveniles are surviving independent from the nest). If clearing is not conducted within three days of a negative survey, the nesting survey must be repeated to confirm the absence of nesting birds. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (the "Wildlife Agencies"), provided that no sensitive avian species are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition; although, NO brushing, clearing, or grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter."

BIO#2-CALIFORNIA GNATCATCHER BREEDING AVOIDANCE [PDS, FEE X2]

INTENT: In order to avoid impacts to California gnatcatchers (CAGN), which is a sensitive biological resource pursuant to RPO, CEQA and MBTA, avian breeding avoidance measures shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** To mitigate for potential impacts to the California gnatcatcher during construction, the following measures shall be required: No clearing, grubbing, grading, or other construction activities shall occur within 500 feet of Diegan coastal sage scrub habitat between March 1 and August 15 (CAGN breeding season) until the following requirements have been met:

- a. A qualified biologist (possessing a valid ESA Section 10(a)(1)(A) Recovery Permit) shall survey appropriate habitat (Diegan coastal sage scrub) areas within 500 feet of the project footprint and would be subject to construction noise levels exceeding 60 dB hourly average for the presence of the CAGN. If no appropriate habitat is present then the surveys will not be required. If appropriate habitat is present, gnatcatcher surveys shall be conducted pursuant to USFWS protocol survey guidelines within the breeding season prior to commencement of any construction. If gnatcatchers are present the following conditions must be met:
 1. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the prior to the commencement of construction activities. Prior to commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under supervision of a qualified biologist; or
 2. At least two weeks prior to commencement of construction activities and under direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB hourly average at the edge of habitat occupied by the CAGN. Concurrent with commencement of construction activities and construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of occupied habitat area to ensure that noise levels do not exceed 60 dB hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

* Construction noise shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity to verify that noise levels at the edge of occupied habitat are maintained below 60 dB hourly average or to the ambient noise level if it already exceeds 60 dB hourly average. If not, other measures shall be implemented in consultation with the biologist, as necessary, to reduce noise levels within occupied habitat to below 60 dB hourly average or to the ambient noise level if it already exceeds 60 dB hourly average. Such measures may include but are not limited to limitations on the placement of construction equipment and the simultaneous use of equipment.

- b. If CAGN are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the County and Wildlife Agencies, and no mitigation would be required. NO brushing, clearing and/or grading shall occur until concurrence is received from the County and the Wildlife Agencies.

DOCUMENTATION: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition; although, NO clearing or grading shall occur until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDC] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter."

ANY PERMIT: *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

BIO#3-OFFSITE MITIGATION [PDS, FEE X2]

INTENT: In order to mitigate for impacts to sensitive vegetation/habitat communities and species, which are sensitive biological resources pursuant to Resource Protection Ordinance (RPO) and the California Environmental Quality Act (CEQA), offsite mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 1.8 acres of Diegan coastal sage scrub and 0.4 acres of non-native grassland (total 2.2 acres), located in unincorporated San Diego County within an area designated as Pre-Approved Mitigation Area (PAMA) of the draft Multiple Species Conservation Program (MSCP) North County Plan area and, to the maximum extent feasible, within the Northern Valley ecoregion as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Wildlife and the U.S. Fish and Wildlife Service.

The following evidence of purchase shall include the following information to be provided by the mitigation bank:

1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in unincorporated San Diego County within an area designated as Pre-Approved Mitigation Area (PAMA) of the draft North County Multiple Species Conservation Program (MSCP) and, to the maximum extent feasible, within the Northern Valley ecoregion as indicated below:
1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS], the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service.
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite-mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
 4. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
 5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of

resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall purchase the offsite mitigation credits and provide the evidence to the [PDS, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PCC] that [DPR, GPM] agrees to this proposal. It is strongly recommended that the applicant submit the mitigation proposal to the [PDS, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING].

TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the mitigation shall occur. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] [DPR, GPM] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

GRADING PLAN NOTES

In addition to the conditions set forth above, the following grading and/or improvement plan notes shall be placed on the grading plan and made conditions of the issuance of said permits:

PRE-CONSTRUCTION MEETING: (Prior to any clearing, grubbing, trenching, grading, or any land disturbances.)

BIO#GR-1– BREEDING SEASON AVOIDANCE (AVIAN SPECIES) [PDS, FEE X2]

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containing the active nest(s). The vegetation containing the active nest will not be removed, and no brushing, clearing, and/or grading will occur within the established RAA until a qualified biologist has determined that the nest is no longer active (i.e., the juveniles are surviving independent from the nest). If clearing is not conducted within three days of a negative survey, the nesting survey must be repeated to confirm the absence of nesting birds. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (the "Wildlife Agencies"), provided that no sensitive avian species are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition; although, NO brushing, clearing, or grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter."

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noise level experience with listed animal species) and approved by the prior to the commencement of construction activities. Prior to commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under supervision of a qualified biologist; or

2. At least two weeks prior to commencement of construction activities and under direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB hourly average at the edge of habitat occupied by the CAGN. Concurrent with commencement of construction activities and construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of occupied habitat area to ensure that noise levels do not exceed 60 dB hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

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DOCUMENTATION: The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition; although, NO clearing or grading shall occur until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

ANY PERMIT: *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

BIO#GR-3-OFFSITE MITIGATION [PDS, FEE X2]

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- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Wildlife and the U.S. Fish and Wildlife Service. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in unincorporated San Diego County within an area designated as Pre-Approved Mitigation Area (PAMA) of the draft North County Multiple Species Conservation Program (MSCP) and, to the maximum extent feasible, within the Northern Valley ecoregion as indicated below:
 1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS], the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service.

2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite-mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
4. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall purchase the offsite mitigation credits and provide the evidence to the [PDS, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PCC] that [DPR, GPM] agrees to this proposal. It is strongly recommended that the applicant submit the mitigation proposal to the [PDS, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the mitigation shall occur. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] [DPR, GPM] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

C. CULTURAL

ANY PERMIT: *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

CULT#1 (M-CR-1) - ARCHAEOLOGICAL MONITORING

INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources and human remains, an Archaeological Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT:** A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform archaeological monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Project Archaeologist, Luiseño and Kumeyaay Native American monitor shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that both a Luiseño and Kumeyaay Native American has been contracted to perform Native American Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

DOCUMENTATION: The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, cost estimate, and MOU to [PDS, PPD]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate.

TIMING: Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** [PDS, PPD] shall review the contract or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, PPD] for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

OCCUPANCY: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

CULT#2 (M-CR-2) - CULTURAL RESOURCES MONITORING REPORT

INTENT: In order to ensure that the Archaeological Monitoring occurred during the earth-disturbing activities, a final report shall be prepared. **DESCRIPTION OF**

REQUIREMENT: A final Archaeological Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. DPR Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials collected during the survey, testing, and archaeological monitoring program have been curated and/or repatriated as follows:
 1. All prehistoric cultural materials shall be curated at a San Diego curation facility or a culturally affiliated Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the archaeological monitoring program have been returned to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.
 2. Historic materials shall be curated at a San Diego curation facility as described above and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to the [PDS, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PPD] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

GRADING PLAN NOTES

In addition to the conditions set forth above, the following grading and/or improvement plan notes shall be placed on the grading plan and made conditions of the issuance of said permits:

PRE-CONSTRUCTION MEETING: (Prior to any clearing, grubbing, trenching, grading, or any land disturbances.)

Archaeological Monitoring

CULT#GR-1 (M-CR-1) - ARCHAEOLOGICAL MONITORING – PRECONSTRUCTION MEETING

INTENT: In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The County approved Project Archaeologist and Luiseño and Kumeyaay Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist, Luiseño, and Kumeyaay Native American Monitors shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Luiseño, and Kumeyaay Native American Monitors shall also evaluate fill soils to determine that they are clean of cultural resources. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist, Luiseño, and Kumeyaay Native American Monitors attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall confirm the attendance of the approved Project Archaeologist.

DURING CONSTRUCTION: *(The following actions shall occur throughout the duration of the grading construction).*

CULT#GR-2 (M-CR-2) - ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist, Luiseño, and Kumeyaay Native American Monitors shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. **Monitoring.** During the original cutting of previously undisturbed deposits, the Project Archaeologist, Luiseño, and Kumeyaay Native American Monitors shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Luiseño and Kumeyaay Native American Monitors. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Luiseño and Kumeyaay Native American Monitors.
- b. **Inadvertent Discoveries.** In the event that previously unidentified potentially significant cultural resources are discovered:
 1. The Project Archaeologist or the Luiseño or Kumeyaay Native American Monitors shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources.
 2. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist.
 3. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Luiseño and Kumeyaay Native American Monitors, shall determine the significance of the discovered resources.
 4. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
 5. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Luiseño and Kumeyaay

Native American monitors may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.

6. If cultural resources are determined to be significant, a Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist in consultation with the Luiseño and Kumeyaay Native American Monitors. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

c. **Human Remains.** If any human remains are discovered:

1. The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
2. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Native American monitor.
3. If the remains are determined to be of Native American origin, the NAHC shall immediately contact the Most Likely Descendant (MLD).
4. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
5. The MLD may with the permission of the landowner, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or conveyance, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.
6. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.

- d. **Fill Soils.** The Project Archaeologist and Luiseño and Kumeyaay Native American monitors shall evaluate fill soils to determine that they are clean of cultural resources.
- e. **Disagreements.** The County Archaeologist shall make a determination for any disagreements between the Project Archaeologist and the Luiseño and Kumeyaay Native American monitors related to archaeological monitoring.

DOCUMENTATION: The applicant shall implement the Archaeological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Archeologist or applicant fails to comply with this condition.

ROUGH GRADING: *(Prior to rough grading approval and issuance of any building permit).*

CULT#GR-3 (M-CR-3) - ARCHAEOLOGICAL MONITORING – ROUGH GRADING

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring:

- a. **No Archaeological Resources Encountered.** If no archaeological resources are encountered during earth-disturbing activities, then submit a final Negative Monitoring Report substantiating that earth-disturbing activities are completed and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Native American Monitor must be included in the Negative Monitoring Report.
- b. **Archaeological Resources Encountered.** If archaeological resources were encountered during the earth disturbing activities, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation and/or repatriation phase of the monitoring.

DOCUMENTATION: The applicant shall submit the Archaeological Monitoring Report to [PDS, PPD] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and any culturally-affiliated Tribe who requests a copy. **TIMING:** Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be

completed. **MONITORING:** [PDS, PPD] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

FINAL GRADING RELEASE: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

CULT#GR-4 (M-CR-4) - ARCHAEOLOGICAL MONITORING – FINAL GRADING

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. The report shall include the following, if applicable:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural materials have been curated and/or repatriated as follows:
 1. Evidence that all prehistoric materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity and shall be accompanied by payment of the fees necessary, if required. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

2. Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to [PDS, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** [PDS, PPD] shall review the final report for compliance with this condition and the report format guidelines. Upon acceptance of the report, [PDS, PPD] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PPD] shall inform [PDS or DPW FISCAL] to release the bond back to the applicant.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- Landscaping
- Stormwater management
- Windows with dual pane design (or similar) with a sound transmission class (STC) minimum rating of 26

ADOPTION STATEMENT: This Subsequent Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

County of San Diego Planning Commission

on _____
date

Subsequent Mitigated - 19 -
Negative Declaration
PDS2014-MUP-14-010, ER01-08-051A

January 16, 2019

David Sibbet, Planning Manager
Project Planning Division



County of San Diego

MARK WARDLAW
DIRECTOR

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KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

January 16, 2019

Environmental Review Update Checklist Form For Projects with Previously Approved Environmental Documents

FOR PURPOSES OF CONSIDERATION OF PDS2014-MUP-14-010, ER01-08-051A PHAP VUONG MONASTERY MAJOR USE PERMIT

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action.

1. Background on the previously adopted ND.

A Negative Declaration was previously adopted by the County Planning and Environmental Review on May 27, 2004 for a Major Use Permit (MUP) for the Phap Vuong Monastery (P 01-022, Log. No. 01-08-051). That project, approved on May 27, 2004, was for the use of existing buildings as a monastery on the 1.8-acre western portion of the 8.9 acre property. However, that project was not implemented as approved and the MUP expired. The adopted ND found the project would not have any significant effects.

2. Lead agency name and address: County of San Diego, Planning & Development Services 5510 Overland Avenue, Suite 110 San Diego, CA 92123

- a. Contact Jeff Smyser, Project Manager
- b. Phone number: (858) 495-5438
- c. E-mail: jeffrey.smyser@sdcounty.ca.gov

3. Project applicant's name and address:

Phap Vuong Monastery, 715 Vista Avenue, Escondido, CA 92026

4. Summary of the activities authorized by present permit/entitlement application:

The currently proposed project is an MUP to allow a Religious Assembly use with a new monastery building. The proposed new monastery is a two-story structure (33 feet high) of 8,272 square feet with a maximum allowable occupancy of 300. The new structure would operate as a monastery, meditation hall, and residence. The new structure will include: a large meditation room, small meditation room, kitchen, social room and guest room on the first floor, and four bedrooms and a sitting area on the second floor. The proposed monastery would be open daily and also will host special events. A bell and a drum/gong used for special ceremonies will be completely within the building. The project includes a new parking lot with a total of 76 parking spaces. Nine parking area lighting poles would be installed, with single LED fixtures on seven of the poles and double LED fixtures on the other two poles.

The project site is located at 715 Vista Avenue in the North County Metropolitan Subregional Plan area within unincorporated San Diego County. The subject property is approximately 8.9 acres in size but the MUP will include only the eastern 7.1 acres. The project would disturb 2.7 acres within the project site. The western portion of the property with the existing buildings, approximately 1.8 acres, is Not A Part (NAP) of the proposed MUP. Access to the proposed monastery would be provided by a new driveway connecting to North Ash Street. The project would be served by a new on-site septic system and imported water from the City of Escondido. The project site will be served by the following agencies: City of Escondido (water), City of Escondido Fire Department/Rincon Del Diablo Fire Protection District, High Escondido Union, General Elementary Escondido Union.

5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

YES
☒

NO
☐

If yes, describe ALL differences.

The previous MUP project, approved in 2004, was an expansion of two existing structures of an existing Buddhist Sanctuary within the western 1.8-acre portion of the property. The currently proposed MUP project is a new monastery building located on 7.1 acres within the eastern portion of the property. The western portion is Not a Part of the current proposal.

The previous project included improvements to existing structures, one used as a residence for the priest and the other used as the Buddhist Sanctuary for up to 25 members. In addition, the previous project included three religious statues/structures on the 1.8-acre project site. The current project proposes a new 8,272 square foot two-story structure with a maximum

occupancy of 300 within the eastern 7.1-acre site. The new structure would operate as a monastery, meditation hall, and residence.

The previous project included a 20-foot wide paved A.C. driveway to provide access to Vista Avenue and expansion of an existing 10-space parking lot to provide a total of 36 parking spaces. Three low-pressure sodium lights would be installed and a six-foot high block wall was included at the western boundary of the parking lot at the western lot line. The current project proposes a new driveway to access North Ash Street rather than Vista Avenue, and a new parking lot with a total of 76 parking spaces. Lighting in the proposed new parking lot would total nine poles; single LED fixtures would be installed on seven of the poles and double LED fixtures on the other two poles.

6. **SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND.** The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> NONE | | |
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology & Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Haz Materials | <input type="checkbox"/> Hydrology & Water Quality |
| <input type="checkbox"/> Land Use & Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population & Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities & Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION:

On the basis of this analysis, Planning & Development Services has determined that:

- ☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted ND or previously certified EIR is adequate: without modification.
- ☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with a EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- ☒ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

Signature

Jeff Smyser, AICP

Printed Name

January 16, 2019

Date

Project Manager

Title

INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration; or
 - b. Significant effects previously examined will be substantially more severe than shown in the previously adopted Negative Declaration or previously certified EIR; or
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous Negative Declaration or EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

CEQA Guidelines, Section 15164(b) states that an Addendum to a previously adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.

ENVIRONMENTAL REVIEW UPDATE CHECKLIST

I. AESTHETICS – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES
☒

NO
☐

The 2004 ND found that less than significant impacts to scenic resources or aesthetics would result from the project as proposed at that time.

The currently proposed project differs from the 2004 project in that it includes a new two story 8,272 square foot monastery structure on a different location on the property. The new building will be 33 feet in height and, as demonstrated by photosimulations prepared by Latitude 33 Planning & Engineering, July 1, 2016, will be visible to residents in the area as well as to drivers on Vista Avenue and North Ash Street approaching the site. The current project also differs in that it includes a larger parking lot in a different location with 9 light poles, rather than only 3 light poles. However, the project site is not in a scenic vista and would not impact a scenic resource. It will not be visible from a scenic highway and therefore will have no impact on scenic resources within a state scenic highway. The site is in an "island" of unincorporated county land surrounded by the City of Escondido and existing residential development. Land directly north of the site currently is being developed. The dominant visual character of the area is urban development. The project will not degrade the existing visual character or quality of the area. The site is not within a Dark Skies zone so it will have no impact on scientific observatories within the County. A photometric plan was reviewed for the project and meets County standards. Landscaping of the site will provide screening of the building and parking lot. Project lighting will comply with the San Diego County Light Pollution Code and other applicable lighting requirements. Therefore, the currently proposed project will have less than significant impacts on aesthetic resources.

II. AGRICULTURE AND FORESTRY RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agriculture or forestry resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, conflicts with existing

zoning for agricultural use or Williamson Act contract, or conversion of forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

YES
☐

NO
☒

The 2004 ND found that no significant environmental impacts to agricultural resources would result from project as proposed at that time.

The currently proposed project differs from the 2004 project in that it is located on the 7.1-acre eastern portion of the property, rather than the 1.8 western portion. County staff conducted a LARA model evaluation of the currently proposed project to determine if the project site is considered a significant agricultural resource. Due to the fact that the model result contains one factor rated as low importance (soil), the site is not an important agricultural resource. The site is zoned Single-Family Residential (RS), which is not an agricultural zone. The site is not within an Agricultural Preserve or subject to a Williamson Act contract. The site does not contain forest land, timberland, or a Timberland Production Zone. Therefore, the project will have no impact on agriculture or forestry resources.

III. AIR QUALITY — Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES
☐

NO
☒

The 2004 ND concluded less than significant impacts related to violation of air quality standards, impacts to sensitive receptors, and exposure to objectionable odors.

The currently proposed project differs from the project analyzed in the 2004 ND in 2004 in that the project is proposing constructing a new 8,272-square foot structure, including a small meditation room, large meditation room, a kitchen, bedrooms, social room with accommodations for up to four on-site residents at any one time. The maximum occupancy would be 300, as compared to the prior project which anticipated 25 members. Air quality emissions were quantified by County of San Diego staff specialists based on data provided by the applicant.

Project construction was assumed to take approximately 6 months to complete. The table below summarizes the expected construction schedule and number of pieces of equipment.

Table 1 Expected Construction Schedule and Construction Equipment

| Equipment Type | Proposed Start Date | Proposed Completion Date | Quantity |
|--|---------------------|--------------------------|----------|
| Site Preparation | 7/1/2019 | 7/5/2019 | |
| Rubber Tired Dozers | | | 1 |
| Tractors/Loaders/Backhoes | | | 1 |
| Grading | 7/8/2019 | 7/26/2019 | |
| Excavators | | | 1 |
| Graders | | | 1 |
| Rubber Tired Dozers | | | 1 |
| Tractors/Loaders/Backhoes | | | 3 |
| Paving | 7/29/2019 | 8/2/2019 | |
| Pavers | | | 2 |
| Paving Equipment | | | 2 |
| Rollers | | | 2 |
| Building Construction | 8/5/2019 | 12/31/2019 | |
| Cranes | | | 1 |
| Forklifts | | | 3 |
| Generator Set | | | 1 |
| Tractors/Loaders/Backhoes | | | 3 |
| Welders | | | 1 |
| Architectural Coating | 12/23/2019 | 12/31/2019 | |
| Air Compressor | | | 1 |
| Source: Ldn Consulting, Inc. 2018. <i>Global Climate Change Analysis: Tran Monastery Major Use Permit.</i> | | | |

Earthwork consists of 2.7 acres of grading, 13,000 cubic yards (c.y.) of cut, 500 c.y. of fill, and 12,500 c.y. of soil export. Short-term construction emissions would result from fuel combustion and exhaust from construction equipment and vehicle traffic (i.e., worker commute), and grading and site work. Grading activities associated with construction of the project would be subject to County of San Diego Grading Ordinance, which requires the implementation of dust control measures and San Diego County Air Pollution Control District (SDAPCD) Rule 55. SDAPCD Rule 55 requires the implementation of dust control measures such as application of water to graded/exposed surfaces and during loading/unloading activities, wheel-washing or other means to minimize track out dust on vehicles entering/leaving the project site, stabilization of dirt piles, and hydroseeding of graded areas to minimize dust emissions from exposed surfaces. The project would be required to water the site three times daily and replace ground cover in disturbed areas when they become inactive.

As described in the Air Quality Analysis prepared on January 11, 2019, by Ricky Williams, County Air Quality Specialist, short-term construction-related emissions of criteria air pollutants and precursors were calculated using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2 computer program.¹ Modeling was based on project-specific information (e.g., building type and size), where available, and default values in CalEEMod that are based on the

¹ California Air Pollution Control Officers Association. 2016. *California Emissions Estimator Model Version 2016.3.2*. Available: <http://caleemod.com/>. Accessed January 11, 2019.

project's location, land use type, and type of construction. Consistent with SDAPCD Rule 67.0.1, nonresidential interior paint would not exceed flat coating limits (i.e., 50 grams per liter [g/L] VOC), exterior paint would not exceed non-flat coating limits (i.e., 100 g/L VOC), and a small portion of exterior trim paint and other minor paint finishes would not exceed non-flat high-gloss coating limits (i.e., 150 g/L VOC). It was conservatively assumed in CalEEMod that all nonresidential interior and exterior architectural coating would be 150 g/L VOC.

Table 2 presents the maximum daily criteria air pollutant and precursor emissions resulting from the construction of the project.

Table 2 Maximum Daily Estimated Construction Criteria Air Pollutant and Precursor Emissions (pounds per day)¹

| Year | VOC | NOx | CO | SO _x | PM ₁₀ | PM _{2.5} |
|--|-----------|-----------|-----------|-----------------|------------------|-------------------|
| 2017 | 21 | 64 | 28 | <1 | 6 | 3 |
| Maximum Daily Emissions | 21 | 64 | 28 | <1 | 6 | 3 |
| Screening-Level Threshold | 75 | 250 | 550 | 250 | 100 | 55 |
| Exceeds Screening-Level Threshold? | No | No | No | No | No | No |
| <small>Notes: CO = carbon monoxide; NOx = nitrogen oxides; PM10 = respirable particulate matter; PM2.5 = fine particulate matter; SO2 = sulfur dioxide; VOC = volatile organic compounds ¹The maximum daily emissions are obtained from the summer scenario. Source: Modeling conducted by the County of San Diego in 2019.</small> | | | | | | |

Operational emissions from all sources were estimated at full buildout of the project, which would occur as early as 2020. CalEEMod Version 2016.3.2 was used to estimate long-term operational emissions of criteria air pollutants and precursors from area sources (i.e., consumer products, architectural coatings, and landscape maintenance equipment use), energy consumption (i.e., electricity and natural gas consumption), and mobile sources. CalEEMod default values incorporate the current 2016 Title 24 standards that would apply to the project. Long-term building maintenance requires reapplication of architectural coatings; therefore, it was conservatively assumed in CalEEMod that all nonresidential interior and exterior architectural coating would be 150 g/L VOC. Mobile source emissions were estimated with default trip lengths included in CalEEMod. Trip generation rates from the project's traffic study were used to estimate Sunday trip rates and adjusted for weekday and Saturday trip rates based on the ratio of CalEEMod default trip rates for these rates compared to the default Sunday rate. Based on the project-specific traffic study, the project would generate up to 108 daily trips on Sundays.²

Table 3 presents the maximum daily and annual criteria air pollutant and precursor emissions resulting from the operation of the project.

² Linscott, Law & Greenspan, Engineers. 2014 (July). *Tran Monastery – Traffic Letter Report*.

Table 3 Maximum Daily and Annual Estimated Operational Criteria Air Pollutant and Precursor Emissions

| Category | VOC | NOx | CO | SO _x | PM ₁₀ | PM _{2.5} |
|--|--------------|--------------|--------------|-----------------|------------------|-------------------|
| pounds per day¹ | | | | | | |
| Area | <1 | <1 | <1 | 0 | <1 | <1 |
| Energy | <1 | <1 | <1 | <1 | <1 | <1 |
| Mobile | <1 | <1 | 2 | <1 | <1 | <1 |
| Total | <1 | <1 | 2 | <1 | <1 | <1 |
| Screening-Level Threshold | 75 | 250 | 550 | 250 | 100 | 55 |
| Exceed Screening-Level Threshold? | No | No | No | No | No | No |
| tons per year | | | | | | |
| Area | <1 | <1 | <1 | 0 | 0 | 0 |
| Energy | <1 | <1 | <1 | <1 | <1 | <1 |
| Mobile | <1 | <1 | <1 | <1 | <1 | <1 |
| Total | <1 | <1 | <1 | <1 | <1 | <1 |
| Screening-Level Threshold | 13.7 | 40 | 100 | 40 | 15 | 10 |
| Exceed Screening-Level Threshold? | No | No | No | No | No | No |
| Notes: CO = carbon monoxide; NOx = nitrogen oxides; PM10 = respirable particulate matter; PM2.5 = fine particulate matter; SO2 = sulfur dioxide; VOC = volatile organic compounds. Columns may not add up due to rounding. ¹ The maximum daily emissions are obtained from the winter scenario. Source: Modeling conducted by the County of San Diego in 2019. | | | | | | |

As shown in Tables 2 and 3, project construction and operational criteria air pollutant and precursor emissions would not exceed the County's screening level thresholds for any criteria air pollutants or precursors. Therefore, the proposed project would have less than significant impacts to air quality.

IV. BIOLOGICAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities

Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES
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NO
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The ND adopted in 2004 analyzed a project located within the western portion of the property. The prior ND found that no significant environmental impacts to biological resources would result from the project. The adopted ND identified through several County staff investigations that Diegan coastal sage scrub (DCSS) habitat occurred in the northeastern portion of the site in a small isolated patch and that existing removal/disturbance of historical of DCSS had been an action associated with the single-family residence constructed on the project site. The construction of a single-family residence was issued as a ministerial action. Construction of the single family residence, which required a minor grading permit, was exempt from the Habitat Loss Permit Ordinance. The prior project was found to not result in any potentially significant adverse effects, including noise from construction or the project, to an endangered, threatened, or rare plant or animal species or their habitats. Therefore, no mitigation for environmental impacts to biological resources was required.

A Biological Technical Report, dated August 15, 2017, was completed by Alden Environmental Inc. for the currently proposed project. The report analyzed the impacts of the proposed development within the eastern portion of the property.

Sensitive Natural Communities: The Biological Technical Report found that approximately 4.7 acres of the 7.3 acres proposed to be impacted contains previously developed, disturbed, and/or ornamental landscaping and orchards, with the remaining 2.6 acres containing Diegan coastal sage scrub (1.8 acres) and non-native grassland (0.8 acres) based on 2004 conditions. Developed and disturbed habitats are not considered sensitive and therefore do not require mitigation. The proposed project would result in the removal of a remnant patch of 1.2 acres of DCSS (1:1 ratio) located in the northeastern corner of the project site. The proposed project would also result in impacts to a total of 0.8 acres of non-native grassland (0.5:1 ratio), which is divided into several small patches located throughout the northeastern region and southernmost corner of the parcel. Additionally, the project would mitigate for the loss of 0.6 acres of coastal sage scrub that was cleared without permits. Impacts to sensitive vegetation communities/habitats would be considered significant. Mitigation measure BIO-1 would reduce these impacts to sensitive vegetation and habitat communities to less than significant. This mitigation measure would require habitat conveyance and preservation of 1.8 acres of DCSS and 0.4 acres of non-native grassland through the purchase of habitat credits in an approved mitigation bank and/or preservation of suitable habitat off-site.

Sensitive Species: Several sensitive plant and wildlife species have been listed as federally endangered or threatened since the previous ND was adopted. Based on a Biological Technical Report (Alden Environmental, Inc., August 15, 2017), no sensitive species were found on site during biological surveys and no newly listed endangered or threatened species have a high potential to occur on the project site. The potential presence of sensitive plant and animal species was assessed through literature review and field visits, which included vegetation mapping and general biology assessment, focused surveys for Stephens' kangaroo rat, and spring/summer rare plant surveys.

No sensitive plant species were identified as occurring on or adjacent to the site in the CNDDDB database. Additionally, no sensitive plant species were observed during field visits. Based on the results of the database search and the disturbed/developed nature of the site, no sensitive plant species are anticipated to occur on the site.

No sensitive animal species were observed or detected within the study area during biological surveys. Although the on-site DCSS is small, isolated, and has been previously disturbed, there is some potential for the coastal California gnatcatcher (CAGN) to occur on site. Therefore the project could result in potentially significant impacts to CAGN. Additionally, the site contains potentially suitable nesting (eucalyptus trees) and foraging habitat (non-native grassland) for raptor species such as the red-tailed hawk (*Buteo jamaicensis*). Impacts to raptor nesting and foraging habitat could be potentially significant. Potential impacts to CAGN, nesting raptors, and foraging habitat would be reduced to less than significant through mitigation measures BIO-1 through BIO-3. These measures include off-site habitat conveyance and preservation of DCSS habitat and non-native grassland (BIO-1) and breeding season avoidance measures to protect nesting birds (BIO-2 and BIO-3).

Local and Regional Plans and Regulations: The parcel is located within the boundaries of the draft Multiple Species Conservation Program (MSCP) North County Plan area. The proposed project site is not within the draft Pre-Approved Mitigation Area (PAMA). The project is subject to the Habitat Loss Permit (HLP) Ordinance and as such, the project will confer with the U.S. Fish and Wildlife (USFWS) and California Department of Fish and Wildlife (CDFW) to obtain an HLP for impacts to DCSS habitat. The project is in compliance with local, state, and federal plans and regulations. Through obtaining an HLP and through mitigation measures BIO-1 through BIO-3, impacts would be less than significant.

Jurisdictional Waters: The federal Clean Water Act, regulated under the Section 401/404 permit, and the California Fish and Game Code, regulated through the Section 1602 Streambed Alteration Agreement, provide a framework for regulating impacts to water resources. The project is also subject to wetland protections under the County's Resource Protection Ordinance (RPO). There are no wetlands, drainages or other water features on site. As a result, the project would not result in impacts to jurisdictional waters of the County, U.S. Army Corps of Engineers, CDFW, and Regional Water Quality Control Board (RWQCB).

Wildlife Movement: The project site contains previously disturbed, isolated patches of DCSS and non-native grassland, which are sensitive vegetation communities. The area surrounding these sensitive habitats is dominated by residential development, disturbed lands, and agriculture. Existing roads border the north and east boundaries of the parcel. Pockets of residential development exist adjacent to the property within an area that has extensive agriculture. The proposed project site is not within or adjacent to local or regional wildlife corridors. As such, project development would not result in impacts to identified wildlife corridors.

The following are summaries of mitigation measures that will be conditions of the project that would reduce the potential project impacts to biological resources discussed above to less than significant:

BIO-1: The applicant shall a) purchase habitat credit, or b) provide for the conservation of habitat of 1.8 acres of Diegan coastal sage scrub and 0.4 acres of non-native grassland (total 2.2 acres), located in unincorporated San Diego County within an area designated as Pre-Approved Mitigation Area (PAMA) of the draft Multiple Species Conservation Program (MSCP) North County Plan area and, to the maximum extent feasible, within the Northern Valley ecoregion. If the applicant provides the habitat, a Resource Management Plan shall be prepared and an open space easement shall be dedicated to protect the land in perpetuity. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land.

BIO-2: There shall be no brushing, clearing, and/or grading during the avian breeding season (February 1 to September 15) except as allowed by this condition. All grading permits, improvement plans, and the final map shall state the same. If vegetation must be removed during the avian breeding season, a qualified biologist must conduct a nesting bird survey of potentially suitable nesting vegetation prior to removal. Surveys will be conducted no more than three (3) days prior to scheduled removals. If active nests are identified, the biologist will establish a RAA of 300 feet (500 feet for raptors) around the vegetation containing the active nest(s). The vegetation containing the active nest will not be removed, and no brushing, clearing, and/or grading will occur within the established RAA until a qualified biologist has determined that the nest is no longer active (i.e., the juveniles are surviving independent from the nest). If clearing is not conducted within three days of a negative survey, the nesting survey must be repeated to confirm the absence of nesting birds.

BIO-3: To mitigate for potential impacts to the California gnatcatcher during construction, the following measures shall be required: No clearing, grubbing, grading, or other construction activities shall occur within 500 feet of Diegan coastal sage scrub habitat between March 1 and August 15 (CAGN breeding season) until a qualified biologist (possessing a valid ESA Section 10(a)(1)(A) Recovery Permit) shall survey appropriate habitat (Diegan coastal sage scrub) areas within 500 feet of the project footprint and would be subject to construction noise levels exceeding 60 dB hourly average for the presence of the CAGN. If no appropriate habitat is present then the surveys will not be required. If appropriate habitat is present, gnatcatcher surveys shall be conducted pursuant to USFWS protocol survey guidelines within the breeding season prior to commencement of any construction. If gnatcatchers are present the following conditions must be met:

1. Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB hourly average at the edge of occupied gnatcatcher habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB hourly average at the edge of occupied habitat must be completed by a qualified acoustician Prior to commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under supervision of a qualified biologist;

or

2. At least two weeks prior to commencement of construction activities and under direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB hourly average at the edge of habitat occupied by the CAGN. Concurrent with commencement of construction activities and construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of occupied habitat area to ensure that noise levels do not exceed 60 dB hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (August 16).

If CAGN are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the County and Wildlife Agencies, and no mitigation would be required. NO brushing, clearing and/or grading shall occur until concurrence is received from the County and the Wildlife Agencies.

Therefore, through implementation of mitigation measures BIO-1 through BIO-3, the proposed project would not result in new significant environmental impacts to biological resources.

V. CULTURAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES
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NO
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The 2004 ND identified that impacts to Cultural and Paleontological resources would be less than significant.

The current project proposes a new monastery and parking lot within the eastern portion of the property, which would disturb an additional 2.7 acres. A pedestrian cultural survey was completed by County Staff in 2017 and did not identify any cultural resources on the project site. The results of the survey are available in a cultural resources technical report titled "Cultural Resources Survey Report for Phap Vuong Monastery PDS2014-MUP-14-010 APN# 227-010-57 Negative Findings" that has been submitted to the South Coastal Information Center (Nearn 2018). It was determined that while no cultural resources were visible on the project site's ground surface, the cultural sensitivity of the surrounding area and low visibility indicate that undiscovered cultural resources may be present subsurface. The project is required to comply with the County's Grading and Clearing Ordinance for the inadvertent discovery of cultural resources. In order to ensure compliance

with the Grading ordinance, an archaeological and Native American monitoring program will be required. Therefore, impacts to cultural resources would remain less than significant.

VI. GEOLOGY AND SOILS – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

YES
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NO
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The 2004 ND found that less than significant impacts for Geology and Soils would result from the project as proposed at that time.

The currently proposed project proposes site disturbance and development within the eastern portion of the property and would result in a larger area of disturbance as compared to the prior project.

Consistent with the prior ND, the project is not prone to liquefaction, no landslides have been identified at the site, and the project is not located in a hazard zone identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Revised 2018, Fault Rupture Hazards Zones in California.

Additionally, the project must comply with current stormwater requirements and will not result in unprotected erodible soils; will not significantly alter existing drainage patterns; is not located in a floodplain, wetland, or significant drainage feature; and will not develop steep slopes.

The project must also comply with the County's Grading Ordinance requirements, which requires either (1) the removal of expansive soils; or (2) installation of an appropriate foundation approved by a licensed civil engineer, if expansive soils are encountered during construction. As such, this project would not create substantial risks to life or property.

Therefore, impacts for geology and soils would remain less than significant.

VII. GREENHOUSE GAS EMISSIONS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects related to environmental effects associated with greenhouse gas emissions or compliance with applicable plans, policies or regulations adopted for the purpose of reducing greenhouse gas emissions?

YES
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NO
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The 2004 ND did not include a greenhouse gas (GHG) emissions analysis as it was not required by CEQA at that time. However, global climate change could have been known with the exercise of reasonable diligence at the time the previous ND was adopted. In the U.S. Supreme Court Case of *Massachusetts v. E.P.A.* (2007) 549 U.S. 497, 507, the Court explained that global climate change began garnering governmental attention long before 2004. The opinion states: "In the late 1970's, the Federal Government began devoting serious attention to the possibility that carbon dioxide emissions associated with human activity could provoke climate change. In 1978, Congress enacted the National Climate Program Act, 92 Stat. 601, which required the President to establish a program to 'assist the Nation and the world to understand and respond to natural and man-induced climate processes and their implications.'" Therefore, global climate change is not new information of substantial importance. However, an overview of relevant regulations and a brief discussion of the project's compliance with applicable regulations is provided below.

In 2006, the State of California passed the Global Warming Solutions Act of 2006, commonly referred to as Assembly Bill (AB) 32, which set a GHG emissions reduction goal for the State into law. The law requires that by 2020, State emissions must be reduced to 1990 levels by reducing GHG emissions from significant sources via regulation, market mechanisms, and other actions. Enacted in 2016, SB 32 codified a 2030 emissions reduction target that requires CARB to ensure that statewide GHG emissions are reduced to 40% below 1990 levels by 2030.

Senate Bill (SB) 375, passed in 2008, links transportation and land use planning with global warming. It requires the California Air Resources Board (CARB) to set regional targets for the purpose of reducing GHG emissions from passenger vehicles. Under this law, if regions develop integrated land use, housing, and transportation plans that meet SB 375 targets, new projects in these regions can be relieved of certain review requirements under CEQA. The San Diego Association of Governments (SANDAG) has prepared the region's Sustainable Communities Strategy (SCS) and the 2050 Regional Transportation Plan (RTP) which are elements of the *San Diego Forward: The Regional Plan*. The strategy identifies how regional GHG reduction targets, as established by the CARB, will be achieved through development patterns, transportation infrastructure investments, and/or transportation measures or policies that are determined to be feasible.

To implement State mandates to address climate change in local land use planning, local land use jurisdictions are generally preparing GHG emission inventories and reduction plans, or Climate Action Plans (CAP).

The County adopted a Climate Action Plan (CAP) in February 2018. The CAP was prepared as a qualified plan for reduction of GHG emissions and provides streamlining provisions for projects that can demonstrate consistency with the CAP.

The CAP established the following threshold of significance for GHG emissions:

A proposed project would have a less than significant cumulatively considerable contribution to climate change impacts if it is found to be consistent with the County's Climate Action Plan; and, would normally have a cumulatively considerable contribution to climate change impacts if it is found to be inconsistent with the County's Climate Action Plan.

The CAP includes a CAP Consistency Review Checklist to implement GHG reduction measures from the CAP that apply to new development projects. The Checklist follows a two-step process to determine if projects are consistent with the CAP and whether they may have a significant cumulative impact under the County's adopted GHG thresholds of significance. The Checklist first assesses a project's consistency with the growth projections and land use assumptions that formed the basis of CAP emissions projections. If a project is consistent with the projections and land use assumptions in the CAP, its associated growth in terms of GHG emissions would have been accounted for in the CAP's projections and project implementation of the CAP reduction measures will contribute towards reducing the County's emissions and meeting the County's reduction targets.

The CAP Consistency Review Checklist was completed for the project and is available as one of the technical documents completed for this Subsequent MND. The proposed project is consistent with the existing General Plan regional category, land use designations, and zoning designations. The project would comply with applicable measures in Step 2 of the Checklist. These measures will be included as conditions of approval for the project. The project is a religious use that would not have high daily vehicle trips and use would be concentrated on Sundays primarily. The project would not accommodate a high number of employees. Therefore, the Checklist measures that relate to vehicle miles traveled (VMT) would not be applicable because the intent of those CAP measures is to reduce VMT and emissions from land uses that generate daily VMT consistently, contributing to a steady level of annual VMT. Residential-related measures from the CAP checklist also do not apply because the residence is accessory to the proposed use and standalone single-family units are typically not subject to discretionary review.

As a supplement to CAP consistency review, the following analysis is also provided. The annual 900 metric ton carbon dioxide equivalent (MTCO_{2e}) screening level, which is referenced in the California Air Pollution Control Officers Association (CAPCOA) CEQA and Climate Change white paper dated January 2008 and can be found at <http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-White-Paper.pdf>, is used as a conservative criterion for determining if further analysis and potential mitigation with regard to GHG emissions would be required.

The proposed project's GHG emissions associated with construction including emissions from construction equipment, truck traffic, and worker trips were quantified using the California Emissions Estimator Model (CalEEMod) Version 2016.3.³ using the same assumptions as outlined in the air quality analysis. Grading and construction of the project would produce 160

³ California Air Pollution Control Officers Association. 2016. *California Emissions Estimator Model (CalEEMod) Version 2016.3.1*. Available at: <http://www.caleemod.com/>.

MTCO₂e over the construction life of the project for an average of 5 MTCO₂e. Given the fact that the total emissions would ultimately contribute to 2020 cumulative levels, it is acceptable to average the total construction emissions over a project's lifecycle. Guidance from the South Coast Air Quality Management District (SCAQMD) supports using a 30-year project life to analyze a project's GHG emissions under CEQA. A summary of the construction emissions is shown in Table 4 below.

Table 4 Annual Construction Greenhouse Gas Emissions Summary (MT)

| Year | CO ₂ | CH ₄ | N ₂ O | CO ₂ e |
|--|-----------------|-----------------|------------------|-------------------|
| 2017 | 159 | <1 | 0 | 160 |
| Amortized 30-year (MT CO ₂ e per year) | | | | 5 |
| Notes: CH ₄ =methane; CO ₂ =carbon dioxide; CO ₂ e=carbon dioxide-equivalent; MT=metric tons; N ₂ O=nitrous oxide Values may not sum due to rounding. | | | | |
| Source: Ldn Consulting, Inc. 2018. <i>Global Climate Change Analysis: Tran Monastery Major Use Permit.</i> | | | | |

Once construction is completed, the project would generate GHG emissions from daily operations which would include sources such as area, energy, mobile, solid waste, and water uses, which were calculated within CalEEMod. According to the project-specific Traffic Study, the project would generate 108 worst-case daily trips on Sundays⁴. There would be three special events annually; however, these events would generate fewer trips than Sunday trips, so no modification was made to the trip generation for these events. The analysis and CalEEMod output files are found in Attachment A of the Global Climate Change Analysis prepared by Ldn Consulting. Combined amortized construction emissions and operational emissions would generate 170 MTCO₂e per year.

Table 5 2020 Operational Greenhouse Gas Emissions Summary (MT per Year)

| Category | CO ₂ | CH ₄ | N ₂ O | CO ₂ e |
|--|-----------------|-----------------|------------------|-------------------|
| Area | <1 | 0 | 0 | <1 |
| Electricity | 29 | <1 | 0 | 29 |
| Natural Gas | 8 | 0 | 0 | 8 |
| Mobile | 97 | <1 | 0 | 97 |
| Waste | 10 | <1 | 0 | 25 |
| Water | 4 | <1 | 0 | 5 |
| Sub Total | | | | 164 |
| Amortized 30-year Construction | | | | 5 |
| Total Operations | | | | 170 |
| Notes: CH ₄ =methane; CO ₂ =carbon dioxide; CO ₂ e=carbon dioxide-equivalent; MT=metric tons; N ₂ O=nitrous oxide Values may not sum due to rounding. | | | | |
| Source: Ldn Consulting, Inc. 2018. <i>Global Climate Change Analysis: Tran Monastery Major Use Permit.</i> | | | | |

As shown above, total GHG emissions associated with project construction and operation would be below the 900 MT CO₂e per year screening level.

⁴ LLG Engineers. 2014. *Tran Monastery – Traffic Letter Report*. County of San Diego.

Overall, GHG emissions were an issue that could have been reasonably known at the time the 2004 ND was adopted. In addition, the proposed project complies with the applicable provisions of the CAP checklist and is also below the 900 MT CO₂e per year screening level. The proposed project does not include any changes that cause any new significant environmental effects or a substantial increase in the severity of previously identified significant effects associated with greenhouse gas emissions. In fact, the proposed project would result in less GHG emissions as compared to the project that was previously evaluated in the EIR. There are no changes to the project or changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in new or increased effects to global climate change.

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

YES
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NO
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The 2004 ND found that less than significant environmental impacts to exposure of people or structures to hazards would result from project as proposed at that time.

The currently proposed project differs from the 2004 project in that it includes a new structure and parking lot within a different location on the property.

The project does not propose the storage, use, transport, emission, or disposal of Hazardous Substances, nor are Hazardous Substances proposed or currently in use in the immediate vicinity. The project does not propose to demolish any existing structures onsite and therefore would not create a hazard related to the release of hazardous materials from demolition activities. Based on a site visit and a regulatory database search for the 2004 ND and the use of the site since then, the project site has not been subject to a release of hazardous substances.

The project is not located within an Airport Land Use Compatibility Plan (ALUCP), an Airport Influence Area, or a Federal Aviation Administration Height Notification Surface. The project does not propose construction of any structure equal to or greater than 150 feet in height that would constitute a safety hazard to aircraft and/or operations from an airport or heliport.

The project will not interfere with any emergency response plans.

The project does not involve or support uses that pose a vector risk and based on a site visit conducted by Jeff Smyser on October 21, 2016, there are no such uses on adjacent properties. The project will not increase current or future resident's exposure to vectors.

The proposed project is adjacent to wildlands that have the potential to support wildland fires. However, the project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires because the project will comply with the regulations relating to emergency access, water supply, and defensible space specified in the Consolidated Fire Code for the 16 Fire Protection Districts in San Diego County. Implementation of these fire safety standards will occur during the building permit process. Also, a Fire Service Availability Form dated February 10, 2014, and conditions dated December 17, 2017, have been received from the Rincon Del Diablo Fire Protection District, a.k.a. City of Escondido Fire Department. The conditions from the Rincon Del Diablo Fire Protection District include: compliance with all applicable current codes. The Fire Service Availability Letter indicates the expected emergency travel time to the project site to be less than five minutes, which is consistent with the most restrictive standard. Therefore, based on the review of the project by County staff, through compliance with the Consolidated Fire Code and through compliance with the Rincon Del Diablo Fire Protection District's conditions, the project is not anticipated to expose people or structures to a significant risk of loss, injury or death involving hazardous wildland fires. Moreover, the project will not contribute to a cumulatively considerable impact, because all past, present and future projects in the surrounding area are required to comply with the Consolidated Fire Code.

Therefore, the project will have less than significant impacts regarding hazards and hazardous materials.

IX. HYDROLOGY AND WATER QUALITY -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate

Map or other flood hazard delineation map, including County Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES
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NO
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The 2004 ND found that less than significant environmental impacts to hydrology and water quality resources would result from the project as proposed at that time.

The currently proposed project differs from the prior project in that it is located within a different portion of the property and would disturb a larger area (new structure and parking lot). The currently proposed project would comply with the County of San Diego Best Management Practices (BMP) Design Manual, 2016 and 2013 Municipal Separate Storm Sewer System (MS4) permit. A Priority Development Project (PDP) Storm Water Quality Management Plan (SWQMP) has been prepared for the project in accordance with the 2013 MS4 permit and BMP Design Manual. Proposed structural BMPs including biofiltration basins have been incorporated into the project to address potential Water Quality and Hydromodification impacts of the proposed project. Additionally the CEQA Drainage Study has been updated to comply with the San Diego County Hydraulic Design Manual, 2014 and was prepared in conformance with the San Diego County Hydrology Manual, 2003. The proposed conjunctive use water quality, hydromodification management and detention basin will mitigate increased runoff from the 100-year storm event to pre-project levels. Therefore, the currently proposed project will have less than significant impacts on hydrology and water quality.

X. LAND USE AND PLANNING -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES
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NO
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The 2004 ND found that less than significant impacts regarding land use and planning would result from the project as proposed at that time.

The currently proposed project differs from the 2004 project in that it includes a new, larger monastery structure on a different location within the property. The current project required review for consistency with the General Plan, Community Plan, and Zoning Ordinance.

The General Plan Regional Category for the site is Semi-Rural. The Land Use Designation is Semi-Rural Residential (SR-1), which limits any residential development to one dwelling per one, two, or four acres, depending on the topography of the site. This is a residential density limitation that does not apply to a civic use such as Religious Assembly.

The project is also subject to the policies of the North County Metro Subregional Plan. In this plan, Land Use Policy 1 requires City-County planning cooperation and Policy 4 encourages use of city road standards for roads to be annexed. Vista Avenue was improved to City of Escondido standards and was annexed by the City. North Ash Street is being improved to City Standards by agreement with the County. Policy 18 states that the Subregional Plan adopts the Land Use Designations contained in the General Plan. The project is consistent with the North County Metro Subregional Plan.

The Use Regulation (zoning) of the site is Single-Family Residential (RS). This zone allows a "Civic, Fraternal or Religious Assembly" use upon issuance of an MUP pursuant to Section 2105 of the Zoning Ordinance. The minimum lot size is one acre. The Building Type designator is C, which allows one or more detached nonresidential buildings on a lot. The Building Height designator is G, which allows a building height of 35 feet and two stories. The Setback designator is H, which requires: special front setback of 70 feet from centerline on Vista Avenue per Section 4816; external side setback (from North Ash Street) of 35 feet from centerline; internal setback of 10 feet; and rear setback of 25 feet. The proposed monastery complies with these requirements and with the issuance of a Major Use permit the project will comply with zoning requirements.

The project does not include the construction of new infrastructure such as roads, water facilities, or sewer facilities that would divide the community. Vista Avenue and North Ash Street exist. The City of Escondido approved development along North Ash Street north of Vista Avenue that was required to improve Vista Avenue and North Ash Street where these streets abut the proposed monastery project. The County has coordinated with the City regarding those road improvements during the review of the proposed project. (Vista Avenue at this location is now a City street.) The monastery will be served with water from an existing City of Escondido water main. An new onsite septic system is proposed to collect and treat wastewater.

Therefore, the currently proposed project will have a less than significant impact on land use and planning

XI. MINERAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES
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NO
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The 2004 ND found that less than significant impacts on mineral resources would result from the project as proposed at that time.

The currently proposed project differs from the 2004 project in that it includes a new, larger monastery structure on a different location on the property. The project site has been classified by

the California Department of Conservation – Division of Mines and Geology (Update of Mineral Land Classification: Aggregate Materials in the Western San Diego Production-Consumption Region, 1997) as an area of "Potential Mineral Resource Significance" (MRZ-3). However, the project site is surrounded by densely developed land uses including residential schools, which are incompatible to future extraction of mineral resources on the project site. A future mining operation at the project site would likely create a significant impact to neighboring properties for issues such as noise, air quality, traffic, and possibly other impacts. Therefore, implementation of the project will not result in the loss of availability of a known mineral resource that would be of value since the mineral resource has already been lost due to incompatible land uses.

Therefore, the currently proposed project will have less than significant impact on mineral resources.

XII. NOISE -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES
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NO
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The 2004 ND found that less than significant impacts on noise would result from the project as proposed at that time.

The currently proposed project differs from the 2004 project in that it includes a new, larger monastery structure on a different location on the property. The current project required review for consistency with County noise standards and the General Plan Noise Element. A Preliminary Noise Study was prepared for the proposed project by LDN Consulting, dated January 13, 2016, received on July 1, 2016.

The proposed project will not expose people to potentially significant noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable standards for the following reasons:

General Plan – Noise Element

The County of San Diego General Plan, Noise Element, addresses noise sensitive areas and requires an acoustical study to be prepared for any use that may expose noise sensitive areas to noise in excess of a Community Noise Equivalent Level (CNEL) of 65 decibels (dBA) for

churches, with an interior of 50 dBA requirement for rooms occupied part of the day. The living quarters would be subject to an interior 45 dBA.

Typical wall assembly construction would provide a 15 to 20 decibel noise reduction from traffic noise. Additional measures such as placement of windows, window and door upgrades, building material option upgrades could help further reduce noise. As recommended in the Noise Study and part of the project design, the building would utilize an improved dual pane window design to meet the County Noise Element standards. The project will be conditioned to require windows to be improved to a dual pane design with a sound transmission class (STC) minimum rating of 26. Therefore, the project will not expose people to potentially significant noise levels that exceed the allowable limits of the County of San Diego General Plan, Noise Element.

Noise Ordinance – Section 36.404

Non-transportation noise generated by the project is not expected to exceed the standards of the County of San Diego Noise Ordinance (Section 36.404) at or beyond the project's property line. The project and surrounding uses are zoned RS and are subject to the most restrictive one-hour average nighttime sound level limit of 45 dBA and daytime of 50 dBA. Based on the project design and layout, County staff does not anticipate noise from the proposed church facility to exceed County noise standards. There are no proposed choir groups or children's activities area. Retail is also not proposed. Additionally, the project would be conditioned to ensure any substantial noise generating equipment and/or activities to comply with County noise standards.

The monastery will include a bell and drum/gong in the large meditation room on the main floor. Unlike a church that would have a bell tower with bells designed to be heard at some distance, the monastery's bell and gong will be completely enclosed within the building. They are not designed be heard outside the building and so it is expected that they will be in compliance with County noise standards. As stated above, the project will be conditioned to ensure any substantial noise generating equipment and/or activities will comply with County noise standards.

Noise Ordinance – Section 36.409

The project will not generate construction noise that may exceed the standards of the County of San Diego Noise Ordinance (Section 36.409). Construction operations will occur only during permitted hours of operation pursuant to Section 36.409. Also, it is not anticipated that the project will operate construction equipment in excess of an average sound level of 75 dBA between the hours of 7 AM and 7 PM.

Finally, the project's conformance to the County of San Diego General Plan (Noise Element) and County of San Diego Noise Ordinance (Section 36.404 and 36.409) ensures the project will not create cumulatively considerable noise impacts, because the project will not exceed the local noise standards for noise sensitive areas; and the project will not exceed the applicable noise level limits at the property line or construction noise limits, derived from State regulation to address human health and quality of life concerns. Therefore, the project will not contribute to a cumulatively considerable exposure of persons or generation of noise levels in excess of standards established in the local general plan, noise ordinance, and applicable standards of other agencies.

Groundborne Vibration or Groundborne Noise Levels

The project proposes a religious assembly facility where low ambient vibration is essential for interior operation and/or sleeping conditions. However, the facilities are typically setback more than 50 feet from any County Mobility Element (ME) roadway using rubber-tired vehicles with projected groundborne noise or vibration contours of 38 VdB or less; any property line for parcels zoned industrial or extractive use; or any permitted extractive uses. A setback of over 50 feet from the roadway centerline for heavy-duty truck activities would insure that these proposed uses or operations do not have any chance of being impacted significantly by groundborne vibration or groundborne noise levels (Harris, Miller, Miller and Hanson Inc., *Transit Noise and Vibration Impact Assessment* 1995, Rudy Hendriks, *Transportation Related Earthborne Vibrations* 2002). This setback insures that this project site will not be affected by any future projects that may support sources of groundborne vibration or groundborne noise related to the adjacent roadways. Also, the project does not propose any major, new or expanded infrastructure such as mass transit, highways or major roadways or intensive extractive industry that could generate excessive groundborne vibration or groundborne noise levels and impact vibration sensitive uses in the surrounding area. Therefore, the project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels on a project or cumulative level.

Ambient Noise Levels

The project involves the following permanent noise sources that may increase the ambient noise level: vehicle traffic and monastery related operations. As discussed above, the project would not expose existing or planned noise sensitive areas in the vicinity to a substantial permanent increase in noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control. Also, the project is not expected to expose existing or planned noise sensitive areas to direct noise impacts over existing ambient noise levels.

The project does not involve any uses that may create substantial temporary or periodic increases in ambient noise levels in the project vicinity including but not limited to extractive industry; outdoor commercial or industrial uses that involve crushing, cutting, drilling, grinding, or blasting of raw materials; truck depots, transfer stations or delivery areas; or outdoor sound systems. Also, general construction noise is not expected to exceed the construction noise limits of the County of San Diego Noise Ordinance (Section 36.409), which are derived from State regulations to address human health and quality of life concerns. Construction operations will occur only during permitted hours of operation pursuant to Section 36.409. Also, it is not anticipated that the project will operate construction equipment in excess of 75 dB for more than an 8 hours during a 24-hour period. Therefore, the project would not result in a substantial temporary or periodic increase in existing ambient noise levels in the project vicinity.

The project will not result in cumulative noise impacts because a list of past, present and future projects within in the vicinity were evaluated. It was determined that the project in combination with a list of past, present and future project would not expose existing or planned noise sensitive areas to cumulative noise over existing ambient noise levels.

Airport Noise

The proposed project is not located within a Comprehensive Land Use Plan (CLUP) for airports or within 2 miles of a public airport or public use airport. The proposed project is not located within a one-mile vicinity of a private airstrip. Therefore, the project will not expose people residing or working in the project area to excessive airport-related noise levels.

Therefore, the currently proposed project will have less than significant noise impacts.

XIII. POPULATION AND HOUSING -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES
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NO
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The 2004 ND found that less than significant impacts on population and housing would result from the project as proposed at that time.

The currently proposed project differs from the 2004 project in that it includes a new, larger monastery structure on a different location on the property. The project is consistent with the General Plan and the North County Metro Subregional Plan and will not include extensions of utilities or roads into unserved areas. Therefore, it will not induce population growth either directly or indirectly. The project will not displace any people or existing housing and so it will not displace any affordable housing or necessitate construction of replacement housing. Therefore, the currently proposed project will have less than significant impacts on population and housing.

XIV. PUBLIC SERVICES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

YES
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NO
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The 2004 ND found that less than significant impacts on public services would result from the project as proposed at that time.

The currently proposed project differs from the 2004 project in that it includes a new, larger monastery structure on a different location on the property. A new onsite septic system will serve the project, so there will be no impact on a public wastewater system. Based on the service

availability forms received for the project, the proposed project will not result in the need for significantly altered services or facilities. Service availability forms have been provided which indicate existing services are available to the project from the following agencies/districts: Rincon del Diablo Fire Protection District (City of Escondido Fire Department); City of Escondido (water service); Escondido Union High School District; and Escondido Union School District (elementary and junior high schools). There will be no children living at the monastery.

The project does not involve the construction of new or physically altered governmental facilities including but not limited to fire protection facilities, sheriff facilities, schools, or parks in order to maintain acceptable service ratios, response times or other performance service ratios or objectives for any public services. Therefore, the currently proposed project will have less than significant impacts on public services or facilities.

XV. RECREATION -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES

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NO

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The 2004 ND did not include a separate section on recreation. The public services section included "schools, parks, or other public services or facilities" and found that less than significant impacts on public services would result from the project as proposed at that time.

The currently proposed project differs from the 2004 project in that it includes a new, larger monastery structure on a different location on the property. The project does not propose any residential use that may increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity. The project does not include recreational facilities or require the construction or expansion of recreational facilities, so there is no construction or expansion of recreational facilities that would have an adverse physical effect on the environment. Therefore, the currently proposed project will have less than significant impacts on recreation.

XVI. TRANSPORTATION/TRAFFIC -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with

adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES
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NO
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The 2004 ND found that less than significant impacts on transportation would result from the project as proposed at that time.

Since the 2004 ND was adopted, the County of San Diego has developed an overall programmatic solution that addresses existing and projected future road deficiencies in the unincorporated portion of San Diego County. This program includes the adoption of a Transportation Impact Fee (TIF) program to fund improvements to roadways necessary to mitigate potential cumulative impacts caused by traffic from future development. This program is based on a summary of projections method contained in an adopted planning document, as referenced in the State CEQA Guidelines Section 15130 (b)(1)(B), which evaluates regional or area wide conditions contributing to cumulative transportation impacts. Based on SANDAG regional growth and land use forecasts, the SANDAG Regional Transportation Model was utilized to analyze projected build-out (year 2030) development conditions on the existing Mobility Element roadway network throughout the unincorporated area of the County. Based on the results of the traffic modeling, funding necessary to construct transportation facilities that will mitigate cumulative impacts from new development was identified. Existing roadway deficiencies will be corrected through improvement projects funded by other public funding sources, such as TransNet, gas tax, and grants. Potential cumulative impacts to the region's freeways have been addressed in SANDAG's Regional Transportation Plan (RTP). This plan, which considers freeway buildout over the next 30 years, will use funds from TransNet, state, and federal funding to improve freeways to projected level of service objectives in the RTP.

The proposed project differs from the prior project in that the access to the monastery would be provided off of North Ash Street rather than Vista Avenue, and a new larger parking lot would be developed. The proposed project would also result in an increased number of vehicle trips as compared to the prior project.

A Traffic Letter Report for the proposed project was prepared by Linscott Law & Greenspan, dated July 3, 2014, and resubmitted July 11, 2017. County staff have reviewed this letter report. The proposed project would generate 108 ADT on Sundays, the highest trip generation day. There is no change in circumstance regarding the scope of the project that would warrant additional traffic analysis. These trips will be distributed on circulation element roadways in the unincorporated County that were analyzed by the TIF program, some of which currently or are projected to operate at inadequate levels of service. In addition, the potential growth represented by this project was included in the growth projections upon which the TIF program is based.

Staff reviewed the sight distance for the proposed driveway on North Ash Street. The sight distance available for southbound traffic on North Ash Street approaching the intersection with the proposed driveway opening complies with the AASHTO stopping sight distance criteria, based upon the sight distances cited in the sight distance certification provided by Latitude 33 Planning & Engineering, dated October 3, 2018.

Therefore, with the inclusion into and payment of the TIF, which will be required at issuance of building permits, in combination with other components of the program described above, the proposed project will result in a less than significant impact on transportation and traffic .

XVII. TRIBAL CULTURAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to tribal cultural resources including: causing a change in the significance of a tribal cultural resource as defined in Public Resource Code §21074?

YES

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NO

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Since the 2004 ND was adopted, there has been a change in circumstances. Assembly Bill 52 (AB-52) became effective on July 1, 2015. AB-52 requires that tribal cultural resources (TCR) be evaluated under CEQA.

The currently proposed project was evaluated for tribal cultural resources as follows. A Sacred Lands File Search was requested from the Native American Heritage Commission (NAHC). The NAHC did not identify any resources on file with the commission, but recommended that traditionally and culturally affiliated tribes who may have information related to the project site be contacted. Pursuant to AB-52, Native American consultation was conducted with the following tribes: the San Luis Rey Band of Mission Indians, Viejas Band of Kumeyaay Indians, Pala Band of Mission Indians, Rincon Band of Luiseño Indians, Lipay Nation of Santa Ysabel, and the Campo Kumeyaay Nation. No resources were identified during the consultation process. Due to the extensive cultural history of the project site and surrounding area, monitoring of ground disturbing activities by an archaeologist and a Native American monitor was requested and is included in the project's conditions of approval to ensure compliance with the Grading Ordinance regarding inadvertent discoveries of Native American cultural resources.

Based on the cultural resources evaluation and tribal outreach, it has been determined that tribal cultural resources are not present within the project site. Therefore, with the implementation of the proposed project, there will be no impacts to significant tribal cultural resources.

XVIII. UTILITIES AND SERVICE SYSTEMS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;

be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES
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NO
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The 2004 ND found that less than significant impacts on utilities would result from the project as proposed at that time.

The currently proposed project differs from the 2004 project in that it includes a new, larger monastery building on a different location on the property and includes a new onsite septic system for the new monastery. A Service Availability form was received from and the new project will receive imported water service from the City of Escondido. The project will have a new onsite septic system for wastewater treatment. As explained in the Hydrology and Water Quality section above, the proposed water quality, hydromodification management and detention basin will maintain runoff from the 100-year storm event to pre-project levels. Therefore, the currently proposed project will have less than significant effects on utilities and service systems.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE: Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

YES
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NO
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The 2004 ND found that less than significant impacts on Mandatory Findings of Significance would result from the project as proposed at that time.

The currently proposed project differs from the 2004 project in that it includes a new, larger monastery structure on a different location on the property. However, as described in this

Environmental Checklist and the technical reports that analyzed the project, with the mitigation measures described in this Environmental Checklist, the currently proposed project will not result in significant impacts and will not have impacts that are cumulatively considerable.

The following projects were examined for potential cumulative impacts:

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|---|---|
| SE corner of Vista Ave. and North Ash St. intersection | |
| PDS2006-4700-15017 | Major Grading Permit |
| Abutting property on west of project site | |
| PDS2003-2700-14472 | Major Grading Permit |
| PDS2004-3200-20761 | Tentative Parcel Map approved 2007 but no final Parcel Map, property not subdivided |
| PDS2008-2240-20761 | Minor Subdivision Improvement Plan |
| North of site approx. 1,000 feet, on Stanley Ave. | |
| PDS2017-CC-17-0050 | Certificate of Compliance, small remainder piece, withdrawn |
| North of site, across Vista Ave. | |
| Map 16153 | Residential Subdivision, City of Escondido |
| On proposed monastery site | |
| PDS2001-3300-01-022 | Major Use Permit, expired |
| PDS2004-2700-14782 | Major Grading Permit |
| PDS2005-4700-14782 | Major Grading Permit |
| PDS2012-3992-12-001 | Major Pre-Application for monastery MUP |

Attachments

- Negative Declaration prepared for Phap Vuong Monastery (P 01-022): October 9, 2003, Adopted May 27, 2004

**XX. REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW
UPDATE CHECKLIST FORM**

Alden Environmental, Biological Technical Report for the Tran Monastery Project, August 15, 2017

Butsko Utility Design, Inc., Tran Monastery Photometric Study, May 12, 2017.

California Department of Fish and Wildlife. Fish and Wildlife Code, Section 1600 *et. seq.*

California Environmental Quality Act, CEQA Guidelines

California Environmental Quality Act. 2001. California Code of Regulations, Title 14, Chapter 3, Section 15382.

California Integrated Waste Management Board, Title 14, Natural Resources, Division 7

California Integrated Waste Management Board, Title 27, Environmental Protection, Division 2, Solid Waste

California Public Resources Code, CPRC, Sections 40000-41956

County Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3

County of San Diego, Air Quality Analysis, Tran Monastery, PDS2014-MUP-14-010, January 11, 2019

County of San Diego, Climate Action Plan Consistency Review Checklist, Phap Vuong Monastery, PDS2014-MUP-14-010, May 17, 2018

County of San Diego, Cultural Resources Survey Report for Phap Vuong Monastery, PDS2014-MUP-14-010, May 4, 2018

County of San Diego Conservation/Open Space Element of the General Plan Goal COS-17: Solid Waste Management)

County of San Diego Conservation/Open Space Element of the General Plan

County of San Diego Zoning Ordinance (Agricultural Use Regulation, Sections 2700-2720)

County of San Diego. Resource Protection Ordinance, Article II (16-17). October 10, 1991

County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO) (Ordinance Nos. 9424 and 9426, County Codes §§ 67801 et seq.)

Farmland Mapping and Monitoring Program, California Department of Conservation, Division of Land Resource Protection

Latitude 33 Planning & Engineering, Land Use Reconnaissance, Tran Monastery, July 16, 2015.

Latitude 33 Planning & Engineering, Photosimulations, Tran Monastery, July 1, 2016.

Latitude 33 Planning & Engineering, Priority Development Project (PDP) Storm Water Management Development Plan (SWQMP), Phap Vuong Monastery, October 27, 2016, signed June 8, 2018

Latitude 33 Planning & Engineering, Preliminary Drainage Study for Phap Vuong Monastery, March, 2018

Latitude 33 Planning & Engineering, Request for Design Exception to a Road Standard for Sight Distance, Tran Monastery, October 3, 2018.

Ldn Consulting, Inc., Global Climate Change Analysis: Tran Monastery Major Use Permit, January 15, 2018.

Ldn Consulting, Inc., Preliminary Noise Study, Tran Monastery Major Use Permit, January 13, 2016

Linscott, Law & Greenspan, Tran Monastery Traffic Letter Report, July 3, 2014.

Order No. 2001-01, NPDES No. CAS 0108758, California Regional Water Quality Control Board, San Diego Region

Ordinance 8334, An Ordinance to amend the San Diego County Code of Regulatory Ordinances relating to Flood Damage Prevention, Adopted by the Board of Supervisors on 12/7/93

Public Resources Code Sections 4290 and 4291

San Diego County Light Pollution Code (San Diego County Code Section 59.101)

The Importance of Imperviousness from *Watershed Protection Techniques* Vol. 1, No. 3 - Fall 1994 by Center for Watershed Protection

The Resource Conservation and Recovery Act (RCRA), 1976

Uniform Fire Code, Article 9 and Appendix II-A, Section 16

Water Quality Control Plan for the San Diego Basin (9), California Regional Water Quality Control Board, San Diego Region

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF
Phap Vuong Monastery Major Use Permit
PDS2014-MUP-14-010, ER01-08-051A

December 11, 2018

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

The proposed project would cause impacts to 1.2 acres of Diegan coastal sage scrub. As such, the applicants would obtain a Habitat Loss Permit prior to receiving a clearing or grading permit. In addition, forensic analysis determined that 0.6 acres of coastal sage scrub was cleared on the site without a permit. Impacts to 1.8 acres of Diegan coastal sage scrub would be considered significant. These impacts would be mitigated through habitat conveyance and preservation of off-site mitigation at a 1:1 ratio. Through habitat conveyance and preservation, impacts to Diegan coastal sage scrub habitat would be less than significant.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
☒

SDC PDS RCVD 01-25-19

MUP14-010

Discussion:

The project will obtain its water supply from the City of Escondido/Rincon Del Diablo Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

| | | | |
|--|--|--------------------------------|--|
| The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance? | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | NOT APPLICABLE/EXEMPT <input type="checkbox"/> |
| The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance? | YES <input type="checkbox"/> | NO <input type="checkbox"/> | NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/> |
| The Steep Slope section (Section 86.604(e))? | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | NOT APPLICABLE/EXEMPT <input type="checkbox"/> |
| The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance? | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | NOT APPLICABLE/EXEMPT <input type="checkbox"/> |
| The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance? | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> | NOT APPLICABLE/EXEMPT <input type="checkbox"/> |

Discussion:

Wetland and Wetland Buffers: The site contains no wetland habitats as defined by the San Diego County Resource Protection Ordinance. The site does not have a substratum of predominately undrained hydric soils, the land does not support, even periodically, hydric plants, nor does the site have a substratum that is non-soil and is saturated with water or covered by water at some time during the growing season of each year. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

Floodways and Floodplain Fringe: The project is not located near any floodway or floodplain fringe area as defined in the resource protection ordinance, nor is it near a watercourse plotted on any official County floodway or floodplain map.

Therefore, it has been found that the proposed project complies with Sections 86.604(c) and (d) of the Resource Protection Ordinance.

Steep Slopes: Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the

property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

Sensitive Habitats: Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. The site contains scarce, isolated patches of Diegan coastal sage scrub and non-native grassland habitat. The majority of the proposed project site and surrounding area is developed, under agricultural use, and/or disturbed. Due to habitat fragmentation, the disturbed nature of the existing habitat, and the absence of sensitive plant and wildlife observations and detections during biological surveys, it has been determined that the site does not support a viable population of sensitive species, is not critical to the proper functioning of a balanced natural ecosystem, and does not serve as a functioning wildlife corridor. Therefore, no sensitive habitat lands were identified on the site. It has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites: The property has been surveyed by a County of San Diego staff archaeologist, and it has been determined that the property does not contain any archaeological and/or historical sites. As such, the project complies with Section 86.604(g) of the RPO.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES
☒

NO
☐

NOT APPLICABLE
☐

Discussion:

The project Storm Water Management Plan and Hydromodification Management Study has/have been reviewed and is/are found to be complete and in compliance with the WPO.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES
☒

NO
☐

NOT APPLICABLE
☐

Discussion:

The project is a Major Use Permit for a new monastery on an existing residential zoned property. The project and surrounding uses are zoned RS and is subject to the most restrictive one-hour average nighttime sound level limit of 45 dBA and daytime of 50 dBA. Based on the project design and layout, staff does not anticipate noise from the

proposed church facility to exceed County noise standards. There are no proposed choir groups or children's activities area. Retail is also not proposed. Additionally, the project would be conditioned to ensure any substantial noise generating equipment and/or activities to comply with County noise standards.

The project is also subject to the Noise Element that requires an interior noise requirement of 45 dBA and 50 dBA. The interior living quarters would be subject to 45 dBA and all others used part of day would be subject to 50 dBA. Typical wall assembly construction would provide a 15 to 20 decibel noise reduction from traffic noise. Additional measures such as placement of windows, window and door upgrades, building material option upgrades could help further reduce noise. As recommended in the Noise Study and part of the project design, the building would utilize an improved dual pane window design to meet the County Noise Element standards. The project will be conditioned to require windows to be improved to a dual pane design with a sound transmission class (STC) minimum rating of 26. Therefore, the project demonstrates compliance with the County Noise Ordinance and conformance to the Noise Element.