



PUBLIC NOTICE

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: SPL-2011-00243-LLC

Comment Period: March 21, 2012 through April 19, 2012

Project Manager: Lanika Cervantes; 760-602-4838 Lanika.L.Cervantes@usace.army.mil

Applicant

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****The United States (U.S.) Army Corps of Engineers (Corps) is distributing this second public notice (PN) for the proposed Palomar Station project. The original PN was distributed with a comment period from June 3, 2011-July 5 2011. The jurisdictional delineation has since been verified by the Corps and additional wetlands and vernal pools have been identified and delineated on site. This PN contains updated effects on Corps jurisdictional aquatic resources, a more detailed description of the proposed project, more information about the alternatives currently being analyzed, an update on cultural resources and coordination with Native American tribes, and additional information on the current status of the proposed Project. Changes to the original PN are shown in bold. Any comments received as a result of the previous posting and this posting will be considered in the Corps permit decision.****

Location

The 14.3-acre project site is located north of State Route 78 and west of Interstate 15 in the City of San Marcos (City), San Diego County, California (Sheet 1). The site is just south of North County Transit District's regional bus terminal and the Palomar College Sprinter Station. The project site, comprised of two parcels bisected by Armorlite Drive, is bounded to the north by railroad tracks and West Mission Road. Los Vallecitos Boulevard parallels the southwestern corner of the site and Las Posas Road parallels a portion of the western site boundary. The project site is located in Township 12 South, Range 3 West, as shown on the U.S. Geological Survey 7.5-minute San Marcos quadrangle map (Sheet 1). The Project is within the Business/Industrial District of the City of San Marcos General Plan.

Activity

The applicant proposes construction of the Palomar Station Planned Smart Growth Project (Project), a mixed-use commercial project in the City of San Marcos, California. Construction of the Project

would require permanent impacts to 1.9 acres of waters of the U.S. (Sheets 2-7). For more information see page 5 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawings. Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act (CWA).

Comments should be mailed to:

Los Angeles District, Corps of Engineers
Regulatory Division, South Coast Branch
ATTN: Lanika Cervantes (SPL-2011-00243-LLC)
6010 Hidden Valley Road, Suite 105
Carlsbad, CA 92011

Alternatively, comments can be sent electronically to: Lanika.L.Cervantes@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the CWA.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the CWA, from the San Diego Regional Water Quality Control Board (SDRWQCB). Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency (EPA). The applicant has concurrently applied for a Section 401 certification.

Coastal Zone Management- This project is located outside the coastal zone and preliminary review indicates that it would not affect coastal zone resources. A final determination of whether this project affects coastal zone resources will be made by the Corps, in consultation with the California Coastal Commission, after review of the comments received on this Public Notice.

Cultural Resources- The latest version of the National Register of Historic Places (NRHP) has been consulted and this site is not listed. **In addition, in February 2011 the applicant completed a literature and records search with the California Historical Resources Information System (CHRIS) and a pedestrian survey of the Project site. The additional surveys concluded that no significant resources were found within the Project boundaries; however, visibility on the site was low. Adjacent to the site the additional surveys identified a historical resource determined to be eligible for listing in the California Register. Based on the resources found during the data recovery, the Project site has been determined sensitive for cultural resources.**

The Corps requested a sacred lands search through the Native American Heritage Commission (NAHC) and received a letter from the NAHC, dated April 26, 2011, indicating that there were no resources found within the vicinity. On May 4, 2011 the Corps sent letters to the Native American tribes listed on the NAHC letter requesting any information the tribes are willing to share regarding the nature of cultural and Native American resources within the proposed project area.

The Corps is currently conducting government to government consultations and coordinating with San Luis Rey Band of Mission Indians and Pechanga Band of Luiseño Indians. Consultation is expected to assist in the identification of the alternative that maximizes avoidance and minimization of impacts to cultural resources. Consultation is also expected to result in the development of conservation measures to be implemented by the project proponent. These measures include: a pre-excavation agreement between the San Luis Rey Band of Mission Indians and the Applicant, both a Native American monitor and an Archeologist present on-site during all ground disturbing activities, submittal of an inadvertent discoveries plan to the Corps and the Tribes for review and approval prior to issuance of any permit authorizations, and the use of only documented "cultural resource free" fill.

The Corps will continue to evaluate potential effects on cultural resources and will make a final determination on the Project's effect on historic properties and initiate consultation with the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act of 1966.

Endangered Species- Rare plant surveys were conducted by Merkel & Associates (2005) and no federally listed plant species were observed on-site.

A few scattered willows were observed on-site, however the Applicant's biologist determined that it would not provide enough suitable habitat for breeding least Bell's vireo (*Vireo bellii pusillus*), a federally listed as endangered species.

A single male California gnatcatcher (*Polioptila californica californica*), a federally listed as threatened species, was observed in 2002 near the northwestern boundary of the site in a small patch of Diegan coastal sage scrub that extends off-site to the west (Merkel & Associates 2005). Construction of the Project would result in impacts to approximately 0.29 acre of Diegan coastal sage scrub. **Updated surveys were completed in 2011 (HELIX 2011) and were negative for California gnatcatcher. The Corps has required that vegetation clearing occur outside of the breeding season pursuant to the U.S. Fish and Wildlife Service (USFWS) biological opinion (BO; FWS-SDG-03B0006-11 F0537). In addition, the BO also requires that the Applicant implement conservation measures to avoid any potential impacts to the California gnatcatchers. Therefore, the Corps has determined that there will be no effect on the California gnatcatcher.**

The USFWS listed the San Diego fairy shrimp (*Branchinecta sandiegonensis*) as endangered on February 3, 1997 (USFWS 1997). While *Branchinecta* cysts were reported from the site in 1999 (DUDEK & Associates 1999), they were not identified to species. Focused wet season protocol fairy shrimp surveys were conducted in 2005 and 2008 (Merkel & Associates 2005b and 2008). A total of 13 ponded areas were identified on the project site during the wet season surveys. Both wet season surveys were negative; however, the 2005 survey was determined by the USFWS to not be consistent with the USFWS survey protocol (Merkel & Associates 2005b and 2008).

A site visit was conducted by the Corps on June 7 and August 2 of 2011 to verify the wetland jurisdictional delineation. Three vernal pools totaling 897 square feet (0.016 acre) and an additional area supporting emergent wetlands (0.06 acre) were identified on-site.

An updated wetland delineation containing the accurate amount of Corps jurisdictional aquatic resources was submitted October 14, 2011. The vernal pools were determined to meet the three-parameter wetland criteria and contain vernal pool indicator species such as woolly marbles (*Psilocarphus brevissimus*) and annual hairgrass (*Deschampsia danthonioides*).

Approximately 13.3 acres of the 14.3-acre site are included in Subunit 3a of designated critical habitat for the San Diego fairy shrimp (designated in 2007; Figure 1). Approximately 1.98 acres of the 13.3 acres of designated critical habitat do not contain primary constituent elements (PCE).

As a result of the potential effects to San Diego fairy shrimp and 11.32 acre of designated critical habitat for the San Diego fairy shrimp the Corps initiated formal consultation with the USFWS on August 23, 2011; pursuant to Section 7 of the Endangered Species Act of 1973, as amended. On December 14, 2011, the USFWS issued their BO and Incidental Take Statement for the proposed project authorizing the take of San Diego fairy shrimp and 11.32 acres of its designated critical habitat.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's Project is water dependent. The basic Project purpose for the proposed Project is the

construction of a mixed-use (residential/commercial) development. The Project is not water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the Project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed Project is to provide a mixed-use residential, live/work condominium units, retail, and office condominiums in proximity to existing and planned transit facilities within the City of San Marcos.

Additional Project Information

Baseline information- The Project is proposed on a 14.3-acre lot, vacant of structures and fenced in some locations. Its topography is gently sloping and it is bisected by a stream that support wetlands and is tributary to Las Posas Creek. Elevations on the property range from 545 feet above mean sea level (AMSL) in the south, to 570 feet AMSL along the northern boundary.

Three soil types are mapped for the Project site (Bowman 1973): Fallbrook sandy loam (FaC; 2 to 5 percent slopes), Placentia sandy loam (PeC; 2 to 9 percent slopes), and Placentia sandy loam, thick surface (PfA; 0 to 2 percent slopes). Soils in the Fallbrook and Placentia series are derived from granitic material and are typically well drained to moderately well drained. Soils in the Placentia series may also have sandy clay subsoil. Both of the Placentia soil types mapped on-site have the potential to support hydric inclusions (USDA 1992).

Historically, the Project site has been farmed and used for grazing, as a result of this and the more recent industrial development that surrounds the site, the Project site is predominated by non-native vegetation. The existing vegetation communities include Diegan coastal sage scrub, non-native and valley needlegrass grasslands, Eucalyptus woodland, southern willow scrub, coastal and valley freshwater marsh, emergent wetland and disturbed habitat.

Wetland delineation studies were conducted by Merkel & Associates, Inc in 2005 with an updated delineation completed by HELIX Environmental Planning, Inc in 2011 to identify and map areas within the Project site that are under the jurisdiction of the Corps, the SDRWQCB, and the California Department of Fish and Game (CDFG). **The wetland delineation was subsequently updated by HELIX in October 2011 to incorporate additional wetlands that were identified by the Corps.**

The existing aquatic resources on the Project site are comprised of 1.9 acres of wetland waters of the U.S. (Sheets 2-6; Table 1). All wetland waters of the U.S on site will be impacted by the proposed project. The wetland corridor supports a mosaic of riparian scrub (primarily willow-dominated) and herbaceous wetland communities. In addition, the site supports three Corps jurisdictional vernal pools. Historical aerial photographs show that although a small stream was present on-site, willows did not establish until recently. This is likely the result of increased runoff conveyed across the site as a result of adjacent development, combined with relatively flat topography and the alteration of historical stream patterns by farming.

Table 1 EXISTING CORPS JURISDICTIONAL AREAS (WUS)		
Wetlands	Acreage	Linear feet
Southern willow scrub (including disturbed)	0.34	168

Freshwater marsh	0.90+	668
Emergent wetland	0.64	202
Vernal pool	0.016	73
Total	1.9	1,111

+Includes 0.01 acre of off-site freshwater marsh.

Two sensitive plant species were detected during rare plant surveys on-site: Orcutt's Brodiaea (*Brodiaea orcuttii*) and Graceful Tarplant (*Holocarpha virgata* ssp. *elongata*). Two sensitive animal species were observed on-site during project related biological surveys including: the California Horned Lark (*Eremophila alpestris actia*) and in 2002 the federally listed coastal California gnatcatcher (*Polioptila californica californica*), however recent 2011 surveys were negative for gnatcatcher.

Project description (Applicant's Preferred Alternative) Sheet 7 and 7-1- The proposed Project is a mixed-use development on 14.3 acres. The site was selected for this Project because of its centralized location adjacent to regional transportation hubs. A pedestrian bridge spanning West Mission Boulevard would connect the Project with the Palomar College Sprinter Station as well as the North County Transit Districts Regional bus terminal. The entire 14.3 acres would be developed and would be comprised of 370 residential condominium units and 49,000 square feet (SF) of retail commercial use that includes 5,000 SF of restaurant with. A central amenity of the Project is the 70,000 SF of open area that is integrated throughout the project. In addition to live/work units, the Project includes residential studios, one-, two- and three-bedroom units. **The Project is three-stories, comprised of ground-level parking (total of 118,594 square feet) under two stories of units. A total of 863 residential parking spaces would be provided along with 196 commercial parking spaces, with a total of 1,059 parking spaces.** All biological communities on-site would be directly impacted by the Project, including the entire 1.9 acres of wetland waters of the U.S. on the Project site.

The Project has been designed to comply with current state and federal storm water regulations and be consistent with the City of San Marcos Master Drainage Study. On-site detention would treat all Project flows and restrict the post-development runoff to the pre-development quantities of a 100-year storm. **A Drainage Report for the project site was prepared by Lundstrom Engineering and Surveying, Inc. dated February 14, 2011. That report shows that the runoff quantities (Q₂, Q₁₀, and Q₁₀₀) will be reduced by the Project as a result of on-site retention and treatment.** All discharges from the Project will be treated on-site before returning to the existing underground conveyance system at the southern end of the site. A 10 foot wide x 4 foot high underground box culvert, that extends from under Armorlite Drive and along the western boundary of the Project site, will improve and upgrade drainage to current regional and City standards.

Applicant's Preliminary Alternatives Analysis

Following review of public comments, the Corps will prepare an independent analysis of both on- and off-site project alternatives under the CWA Section 404(b)(1) guidelines in order to determine the least environmentally damaging practicable alternative (LEDPA). The alternatives analyzed by the Corps will focus on reducing impacts to waters of the U.S. and will include alternatives summarized below. The Corps is also hereby soliciting comments on any additional alternatives that the agencies or the public believe are less environmentally damaging and practicable to also be included in the 404(b)(1) alternatives analysis. The Criteria that are to be used to analyze the alternatives for the 404(b)(1) are described in Table 2.

Table 2. Alternative Criteria Analysis

Criteria	Measurement and/or constraint
Overall Project Purpose	To meet the Overall Project Purpose criterion the alternatives must be able to provide a mixed-use residential, live/work condominium units, retail, and office condominiums in proximity to existing and planned transit facilities within the City of San Marcos.
Cost	To meet the Cost criterion, the alternatives would not substantially increase the cost per unit for construction of the proposed Project.
Technology	Existing technology was determined by the Corps to have no bearing on the practicability analysis because all alternatives analyzed propose the same construction materials and equipment for construction.
Logistics	To meet the Logistics criterion, the alternatives would need to be an appropriate size, available to the applicant (owned or which could reasonably could be obtained, utilized, expanded, or managed), and be in proximity to a Regional Mass Transit Hub to allow development of a Smart Growth Project.
Environmental	To meet the Environmental criterion the alternatives must have similar or fewer impacts to aquatic resources. It must also not be more environmentally damaging.

No Project Alternative- The No Project Alternative assumes that there will be no development and that the Project site would be retained in its current condition. This alternative would avoid the effects associated with the project’s construction and operation and would therefore not affect the 1.9 acres of wetland waters of the U.S on-site. The applicant could either sell the property to another developer or retain the property and leave it in its undeveloped state.

Off-site Alternatives Sheet 8- Off-site alternatives that could meet the Project’s purpose will be considered. The applicant has begun to identify sites that are undeveloped, and within the City of San Marcos (Table 3). Candidate off-site alternative locations within the City of San Marcos will be evaluated according to five primary criteria: 1) land availability including proximity to a regional mass transit hub; 2) environmental constraints; 3) land size; 4) accessibility, and 5) ownership.

Table 3: Palomar Station Off-site Parcels

ID*	APN	OWNER NAME	Land USE	ACRES	Analyzed further
1	1841011500	Vista San Marcos, LTD	Single Family Residential	18.07	No; In Entitlement Phase
2	1870912800	FNBN-Resconi, LLC	Spaced Rural Residential	15.44	No; Under Development)
3	2221210300	White-Atterbury, LLC	Spaced Rural Residential	19.57	Yes
4	6792202700	San Elijo Hills Development Company, LLC	Single Family Residential	15.86	No; Under Development
5	1811621600	Sugarbush, LP	Spaced Rural Residential	19.00	No; In Entitlement Phase
6	1870913300	FNBN-Resconi, LLC	Spaced Rural Residential	17.83	No; Under Development
7	6792212500	San Elijo Hills Development	Open Space Parks & Preserve	16.43	No; Preserved

		Company, LLC			
8	6791000500	Gordon R. Bleth	Spaced Rural Residential (Available)	15.12	Yes
9	6791300200	Ronald C. Miller	Spaced Rural Residential (Available)	18.02	Yes
10	2192220200	Upham et.al	Open Space Parks & Preserve	8.26	No; Preserved
11	2192220100	Upham et.al	Open Space Parks & Preserve	8.25	No; Preserved
12	2192220300	Upham et.al	Open Space Parks & Preserve	8.4	No; Preserved
13	2192220400	Upham et.al	Open Space Parks & Preserve	8.42	No; Preserved
14	2192103500	City of San Marcos	Vacant, Undeveloped Land	11.55	Yes
15	2192232200	Superior Ready Mix Concrete, LP	Vacant, Undeveloped Land	6.14	No; Parcel too small
16	2192103400	SD Water Authority	Vacant, Undeveloped Land	0.89	No; Parcel too small
17	2192232300	SD Water Authority	Vacant, Undeveloped Land	1.34	No; Parcel too small
18	2210515600	Romero Trust B03-16-93	Open Space Parks & Preserve	14	No; Preserved
19	2200220600	Vallecitos Water District	Light Industry and Open Space Parks & Preserve	46.05	No; Preserved
20	2200212700	Palomar Community College District	Junior College	101.89	No; Parcel too large.

*ID corresponds to the number on the off-site alternatives map (Sheet 8). Some contain multiple APNs within the same parcel.

Currently, the Corps is gathering additional information in terms of site availability, environmental constraints, and ability to meet the overall project purpose for the following APNs: 2221210300, 6791000500, 6791300200, and 2192103500 to determine the practicability of these off-site alternatives (ID# 3, 8, 9, and 14 on Sheet 8).

No Federal Action Alternative Sheet 9- Under the No Federal Action Alternative, no waters of the U.S. would be affected by the proposed project and no section 404 permit would be issued by the Corps. The No Federal Action Alternative would yield a total of 7.5 acres of developable area comprised of 120 residential condominium units and 25,000 SF of retail commercial/retail use with a total of 380 parking spaces. The entire 1.9 acres of wetland waters of the U.S. would be avoided and preserved under this alternative.

Reduced Biological Effects Alternative Sheet 10- Under the Reduced Biological Effects Alternative, the development area for the Project would be decreased to avoid and minimize effects on waters of the U.S. This Alternative would completely avoid all wetland waters of the U.S. on the northern parcel and provide a 100-foot biological buffer area, while still impacting all wetlands located on the southern parcel. The Reduced Biological Effects Alternative would yield a total of 11.5 acres of developable area and would be comprised of 264 residential condominium units and 30,000 SF of retail commercial/retail use with a total of 735 parking spaces.

The Reduced Biological Effects Alternative would impact 1.23 acres of wetland waters of the U.S. Some on-going maintenance could be required within the wetland area to maintain the stream system; however, compared to the proposed Project, a portion of the wetlands would be retained on the project site.

The Reduced Biological Effects Alternative would increase costs of construction per unit

by 16%, while avoiding 35% of wetlands on-site compared to the proposed Project.

Fully Confined Stream Alternative Sheet 11- The Fully Confined Stream Alternative would look similar to the No Federal Action Alternative; however the wetlands would be confined to encompass a smaller area by widening the stream. There will also be a smaller buffer area between the stream and wetlands and the developed areas. Bridges would have to be constructed to cross over the stream to gain access to the other parcels of the Project site. This Alternative would yield a total of 11.6 acres of developable area that would be comprised of 190 residential condominiums, and 30,000 SF of commercial development with a total of 563 parking spaces. Under this Alternative a total of 0.39 acre of wetland waters of the U.S. would be impacted.

The Fully Confined Stream Alternative would increase costs of construction per unit by 36%, while preserving 80% of wetlands on-site compared to the proposed Project.

North Confined Stream Alternative Sheet 12- The North Confined Stream Alternative would look similar to the Reduced Biological Effects Alternative; however the wetlands would be confined to encompass a smaller area by widening the stream. There will also be a smaller buffer area between the stream and wetlands and the developed areas. This Alternative would yield a total of 12.8 acres of developable area that would be comprised of 292 residential condominiums, and 30,000 SF of commercial development with a total of 418 parking spaces. Under this Alternative a total of 1.33 acres of wetland waters of the U.S. would be impacted.

The North Confined Stream Alternative would increase costs of construction per unit by 11%, while preserving 30% of wetlands on-site compared to the proposed Project.

Vernal Pool Avoidance Alternative Sheet 13- Under the Vernal Pool Avoidance Alternative, all of the vernal pools (0.02) on the northern parcel and their 0.5-acre watershed would be avoided by a 50-foot buffer. The Vernal Pool Avoidance Alternative would yield a total of 11.1 acres of developable area that would be comprised of 290 residential condominiums, 30,000 SF of commercial development and a total of 796 parking spaces. Under this Alternative a total of 1.88 wetland waters of the U.S. would still be impacted.

The Vernal Pool Avoidance Alternative would increase costs of construction per unit by 11%, while preserving 1% of wetlands on-site compared to the proposed Project.

Four-story Alternative Sheet 14- The Four-story Alternative would look similar to the Fully Confined Stream Alternative with full avoidance of the main drainage course, but includes an increase in building heights to four-stories. A 25-foot-wide buffer would provide minimal separation from developed areas and allow a pedestrian loop trail around the preserved drainage course. This Alternative would only affect 0.08 acre of waters of the U.S., comprised of 0.02-acre vernal pool and 0.06 acre of emergent wetland. This Alternative would yield a total of 10.4 acres of developable area that would be constructed with 259 residential condominiums, and 30,000 SF of commercial development with a total of 688 parking spaces.

The Four-story Alternative would increase costs of construction per unit by 43%, while preserving 96% of wetlands on-site compared to the proposed Project.

Proposed Mitigation – The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guideline. In consideration of the above, the proposed

mitigation sequence (avoidance/minimization/compensation), as applied to the proposed Project is summarized below:

Avoidance: According to the Applicant because the wetlands present on-site are located in the center of the site the Applicant does not believe avoidance is possible; therefore no avoidance is proposed by the Applicant. The Corps will be conducting a 404(b)(1) alternatives analysis to determine if further avoidance is practicable.

Minimization: According to the Applicant because the wetlands present on-site are located in the center of the site the Applicant does not believe minimization is possible, therefore no minimization is proposed by the Applicant. The Corps will be conducting a 404(b)(1) alternatives analysis to determine if further minimization is practicable.

Compensation: To offset unavoidable adverse impacts to aquatic resources, project effects on wetland waters of the U.S. would be mitigated within the same, or an adjacent watershed in accordance with the Corps' Wetland Mitigation Rule (Corps 2008). The mitigation will emphasize a watershed approach in selecting the mitigation location, provide equal or greater functions and services, and include measurable and enforceable ecological performance standards and regular monitoring based on a mitigation plan that includes assurances of long-term protection, financial assurances, identification of responsible parties, and non-wasting endowments for long-term management.

At a minimum, mitigation would be provided to ensure that there is a no net loss of wetland waters of the U.S. Final mitigation requirements will be determined in consultation with the Corps and the SDRWQCB. Currently, the Applicant is proposing to conduct compensatory mitigation within the same watershed (San Marcos Creek Hydrologic Unit Code (HUC) 10, with a minimum of 1:1 in the form of wetland creation or restoration. Two sites have been proposed as compensatory mitigation for the proposed project:

Site one: Is proposed to mitigate for impacts to 0.02 acre of vernal pool wetlands. The Fry's parcel is located south of Linda Vista Drive and west of south Bent Avenue in front of the Fry's electronics store in the City of San Marcos, California (Figure 2). This parcel was set aside for preservation as a requirement of a Corps Section 404 permit for construction of the Fry's development. However, only a conservation easement to preserve the land from development was required. No restoration, enhancement, long-term management, or funding were required. Therefore, the applicant proposes to enhance 0.69 acre of existing vernal pools and enhance 4.01 acres of upland watershed, and provide a non-wasting endowment for the management of the site in perpetuity. Although restoration has been proposed the Corps is still assessing the feasibility of the proposal.

Site two: Is proposed to mitigate for impacts to 1.88 acre of wetlands. This parcel is located between North Twin Oaks Valley Road and Solar Lane, City of San Marcos, California (Figure 3). This area is within a tributary to San Marcos Creek (within the San Marcos HUC 10) and near the headwaters of this tributary. Therefore, the restoration of wetlands and removal of invasives would also benefit the watershed downstream. The Applicant proposes to restore the pond on-site by creating wetlands along the edges which are currently disturbed agricultural fields. In addition, enhancement would be performed along the pond and within the stream and adjacent wetlands downstream of the pond.

The compensatory mitigation proposed by the applicant, as described above, and a final compensatory mitigation ratio are still being reviewed by the Corps. Due to the surrounding agricultural land uses, the Corps is evaluating the benefits of requiring restoration of upland buffers to the proposed wetland mitigation area.

Public Notice Exhibits:

- Sheet 1 Regional Location Map
- Sheet 2 Plan View – and Key Map
- Sheet 3 Cross- Section A-A
- Sheet 4 Cross- Section B-B
- Sheet 5 Cross- Section C-C
- Sheet 6 Cross- Section D-D
- Sheet 7 Preferred Project Alternative
- Sheet 8 Off-site Alternatives
- Sheet 9 No Federal Action Alternative
- Sheet 10 Reduced Biological Effects Alternative
- Sheet 11 Fully Confined Stream Alternative
- Sheet 12 North Confined Stream Alternative
- Sheet 13 Vernal Pool Avoidance Alternative
- Sheet 14 4-Story Alternative

Supplemental Exhibits:

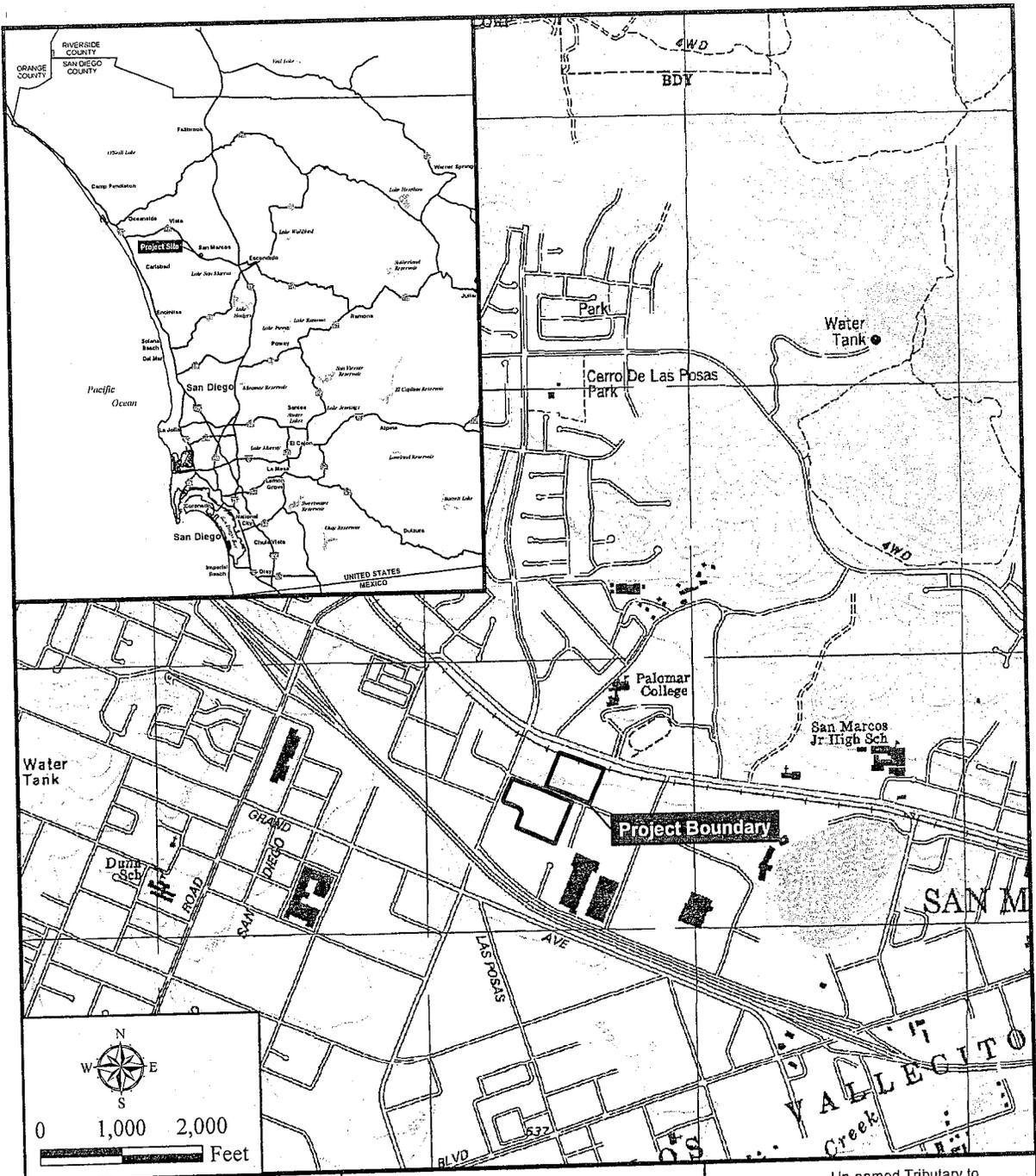
- Figure 1 Vegetation, San Diego Fairy Shrimp, and Project Impacts
- Figure 2 Frys Vernal Pool Restoration
- Figure 3 Solar Lane Mitigation Parcel

Proposed Special Conditions

Special conditions for the avoidance, minimization, and mitigation for impacts to wetland waters of the U.S., threatened and endangered species, and designated critical habitat would likely be incorporated into any Corps permit authorization issued.

For additional information please call Lanika Cervantes at 760.602.4838 or via e-mail at Lanika.L.Cervantes@usace.army.mil.

This public notice is issued by the Chief, Regulatory Division.



PURPOSE: Mixed-use Development
DATUM: MSL
ADJACENT PROPERTY OWNERS:
 21916104, 21916219, 21916257,
 21916348, 21916355

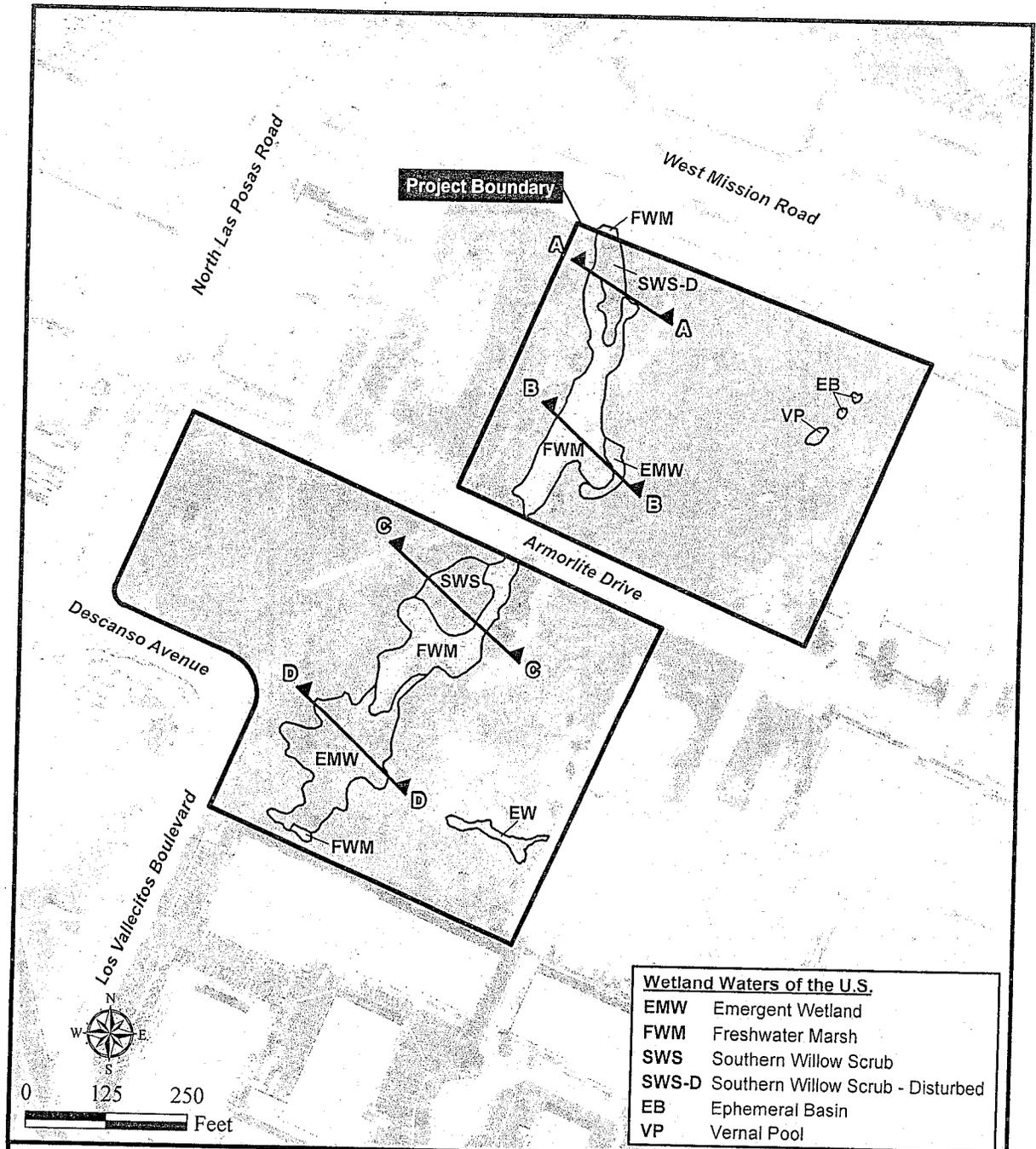
REGIONAL LOCATION MAP

PALOMAR STATION PROJECT

North of State Route 78, east of
 North Las Posas Road, and south
 of West Mission Road

WATERBODY: Un-named Tributary to
 Las Posas Creek
COUNTY: San Diego **STATE:** CA
APPLICANT: The Palomar Station Owner,
 LLC
AGENT: HELIX Environmental Planning, Inc.
 7578 El Cajon Blvd, Suite 200
 La Mesa, CA 91942
USGS Quadrangle: San Marcos
LAT: 33° 08' 46" **LONG:** 117° 11' 16"
T: N/A **R:** N/A **S:** N/A
 Los Vallecitos de San Marcos Land Grant
Sheet 1 ~~1000~~ **Date:** 03/08/12

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Wetland Waters of the U.S.	
EMW	Emergent Wetland
FWM	Freshwater Marsh
SWS	Southern Willow Scrub
SWS-D	Southern Willow Scrub - Disturbed
EB	Ephemeral Basin
VP	Vernal Pool

PURPOSE: Mixed-use Development
 DATUM: MSL
 ADJACENT PROPERTY OWNERS:
 21916104, 21916219, 21916257,
 21916348, 21916355

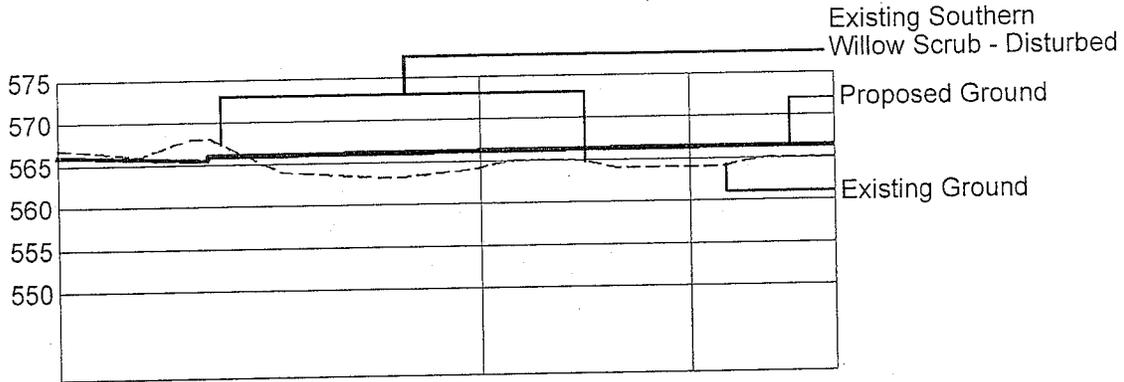
PLAN VIEW AND KEY MAP

PALOMAR STATION PROJECT

North of State Route 78, east of
 North Las Posas Road, and south
 of West Mission Road

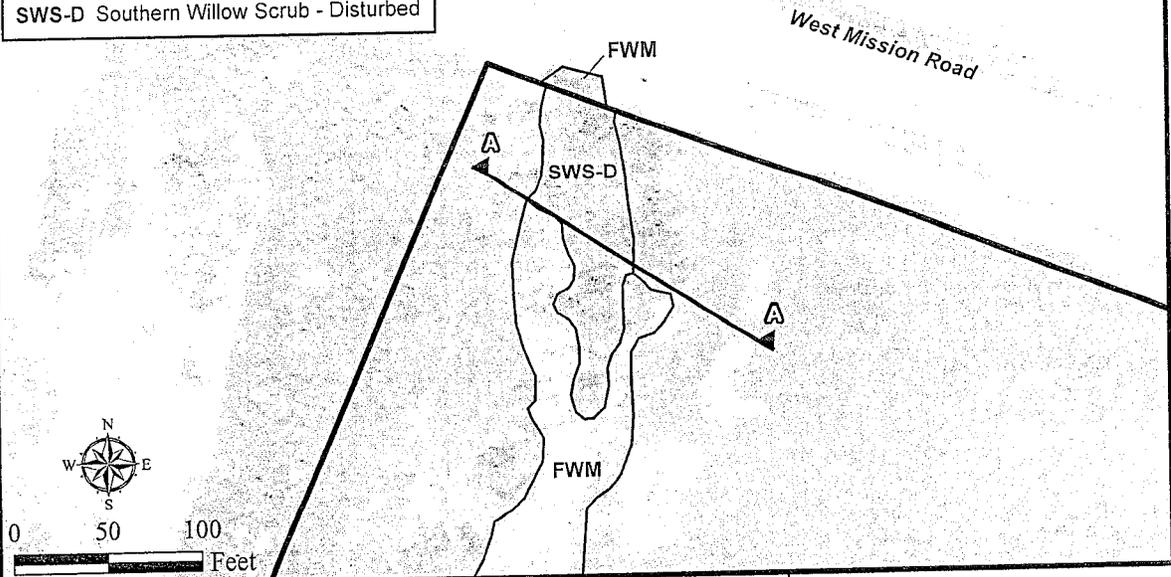
WATERBODY: Un-named Tributary to
 Las Posas Creek
 COUNTY: San Diego STATE: CA
 APPLICANT: The Palomar Station Owner,
 LLC
 AGENT: HELIX Environmental Planning, Inc.
 7578 El Cajon Blvd, Suite 200
 La Mesa, CA 91942
 USGS Quadrangle: San Marcos
 LAT: 33° 08' 46" LONG: 117° 11' 16"
 T: N/A R: N/A S: N/A
 Los Vallecitos de San Marcos Land Grant
Sheet 2 ~~3~~ **Date: 03/08/12**

F:\ArcGIS\NTPQ-05 Palomar\Map\BIO\PN\Sheet2.mxd -KF, EV



Vertical Exaggeration = 2:1

Wetland Waters of the U.S.
 FWM Freshwater Marsh
 SWS-D Southern Willow Scrub - Disturbed



PURPOSE: Mixed-use Development

DATUM: MSL

ADJACENT PROPERTY OWNERS:
 21916104, 21916219, 21916257,
 21916348, 21916355

CROSS-SECTION A-A

PALOMAR STATION PROJECT

North of State Route 78, east of
 North Las Posas Road, and south
 of West Mission Road

WATERBODY: Un-named Tributary to
 Las Posas Creek

COUNTY: San Diego STATE: CA

APPLICANT: The Palomar Station Owner,
 LLC

AGENT: HELIX Environmental Planning, Inc.
 7578 El Cajon Blvd. Suite 200
 La Mesa, CA 91942

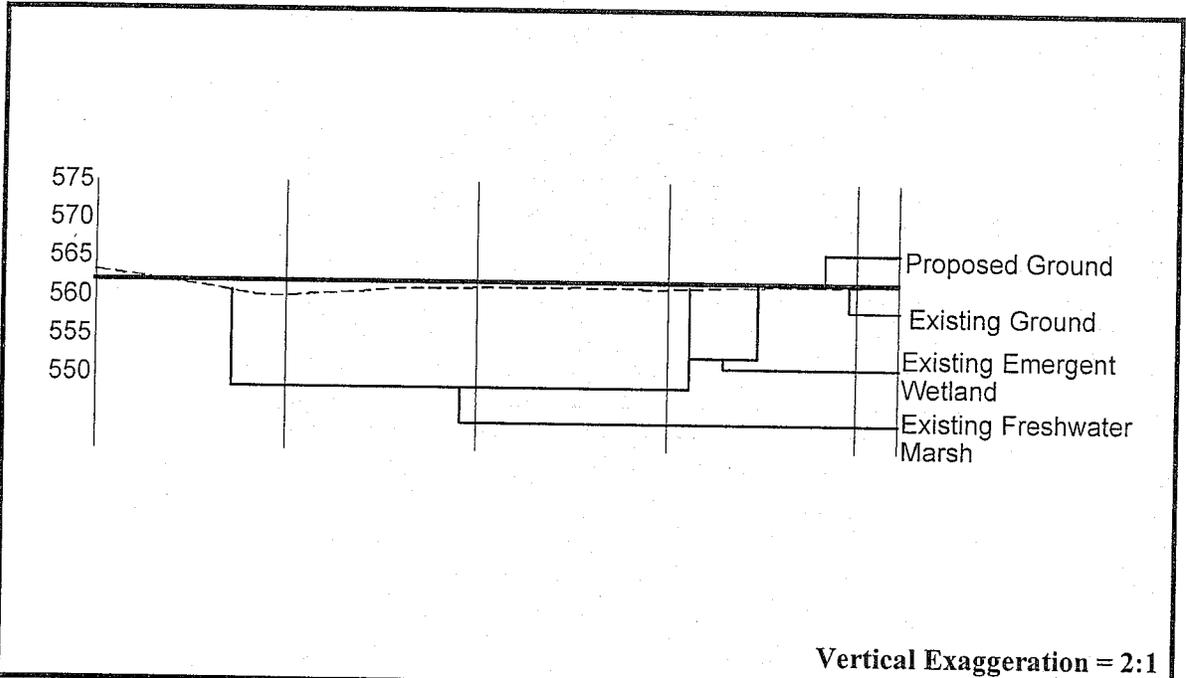
USGS Quadrangle: San Marcos

LAT: 33° 08' 46" LONG: 117° 11' 16"

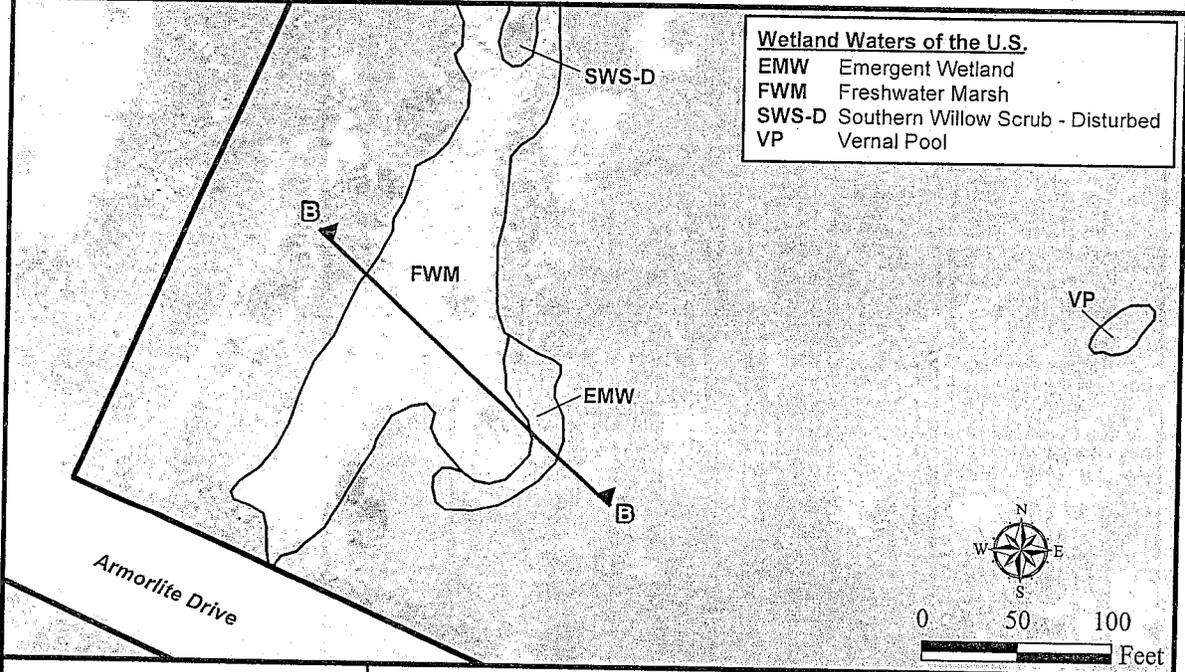
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Los Vallecitos de San Marcos Land Grant

Sheet 3 ~~03/08/12~~ Date: 03/08/12



Vertical Exaggeration = 2:1

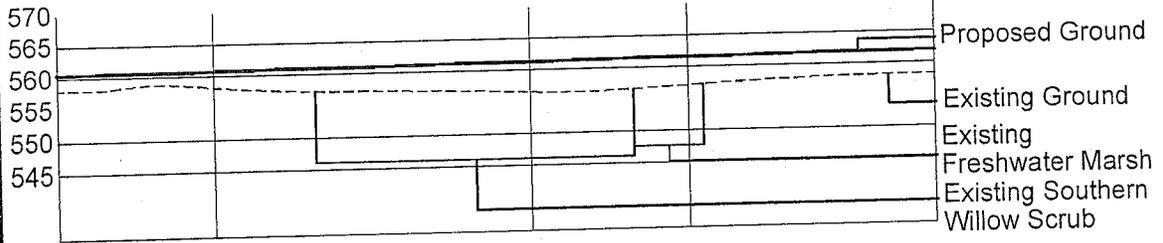


PURPOSE: Mixed-use Development
 DATUM: MSL
 ADJACENT PROPERTY OWNERS:
 21916104, 21916219, 21916257,
 21916348, 21916355

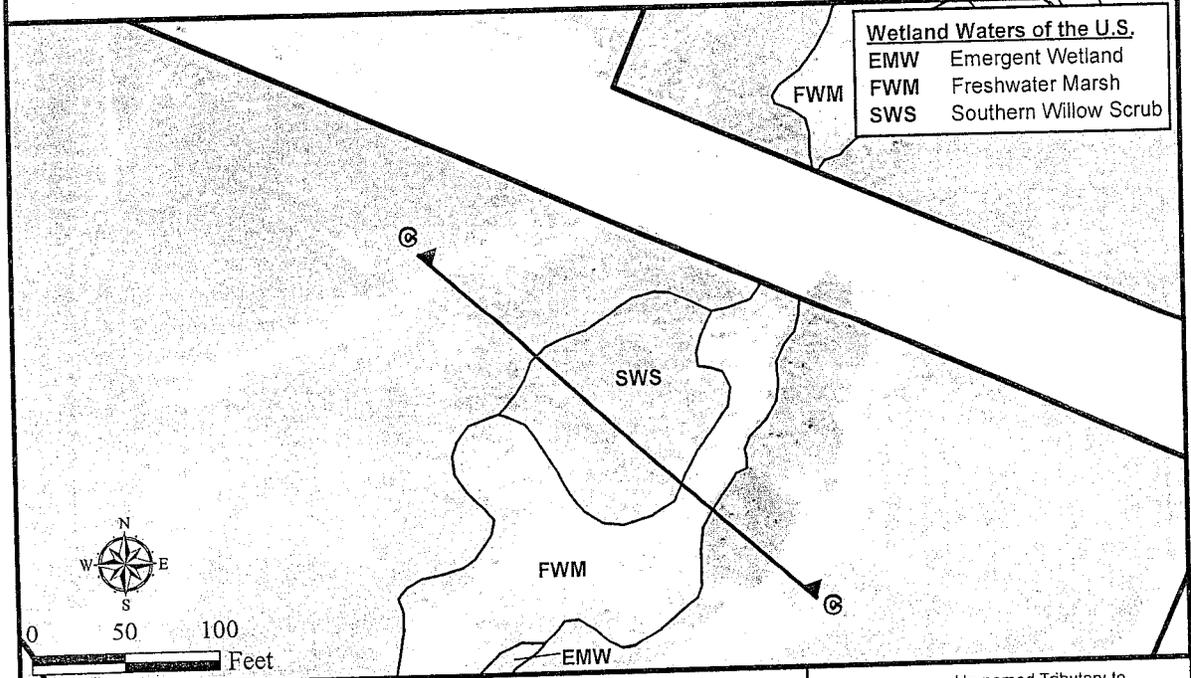
CROSS-SECTION B-B
PALOMAR STATION PROJECT
 North of State Route 78, east of
 North Las Posas Road, and south
 of West Mission Road

WATERBODY: Un-named Tributary to
 Las Posas Creek
 COUNTY: San Diego STATE: CA
 APPLICANT: The Palomar Station Owner,
 LLC
 AGENT: HELIX Environmental Planning, Inc.
 7578 El Cajon Blvd, Suite 200
 La Mesa, CA 91942
 USGS Quadrangle: San Marcos
 LAT: 33° 08' 46" LONG: 117° 11' 16"
 T: N/A R: N/A S: N/A
 Los Vallecitos de San Marcos Land Grant

I:\ArcGIS\WPQ-05 Palomar\Map\BIO\PN\Sheet4.mxd -KF,EV



Vertical Exaggeration = 2:1



PURPOSE: Mixed-use Development
 DATUM: MSL
 ADJACENT PROPERTY OWNERS:
 21916104, 21916219, 21916257,
 21916348, 21916355

CROSS-SECTION C-C

PALOMAR STATION PROJECT

North of State Route 78, east of
 North Las Posas Road, and south
 of West Mission Road

WATERBODY: Un-named Tributary to
 Las Posas Creek

COUNTY: San Diego STATE: CA

APPLICANT: The Palomar Station Owner,
 LLC

AGENT: HELIX Environmental Planning, Inc.
 7578 El Cajon Blvd. Suite 200
 La Mesa, CA 91942

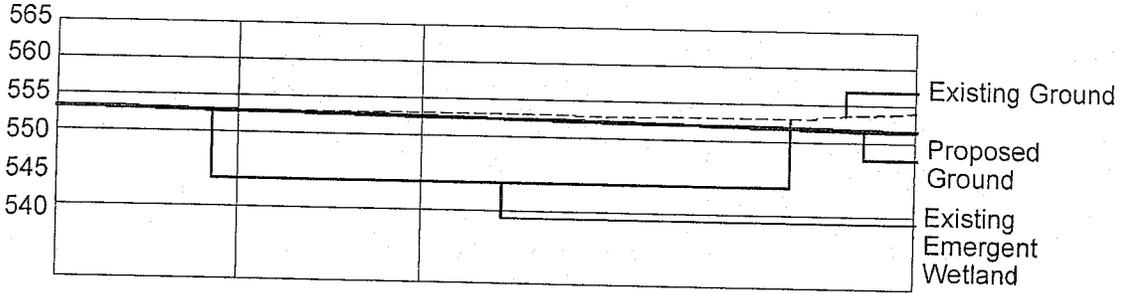
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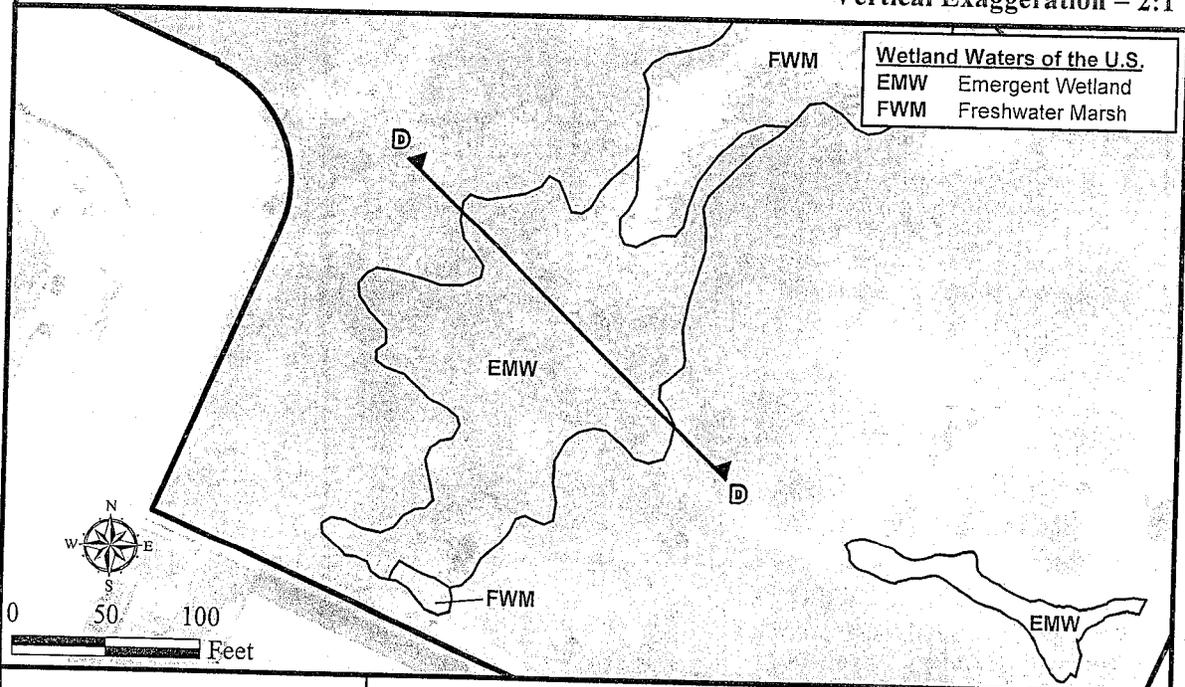
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Los Vallecitos de San Marcos Land Grant

Sheet 5 Date: 03/08/12



Vertical Exaggeration = 2:1



PURPOSE: Mixed-use Development
 DATUM: MSL
 ADJACENT PROPERTY OWNERS:
 21916104, 21916219, 21916257,
 21916348, 21916355

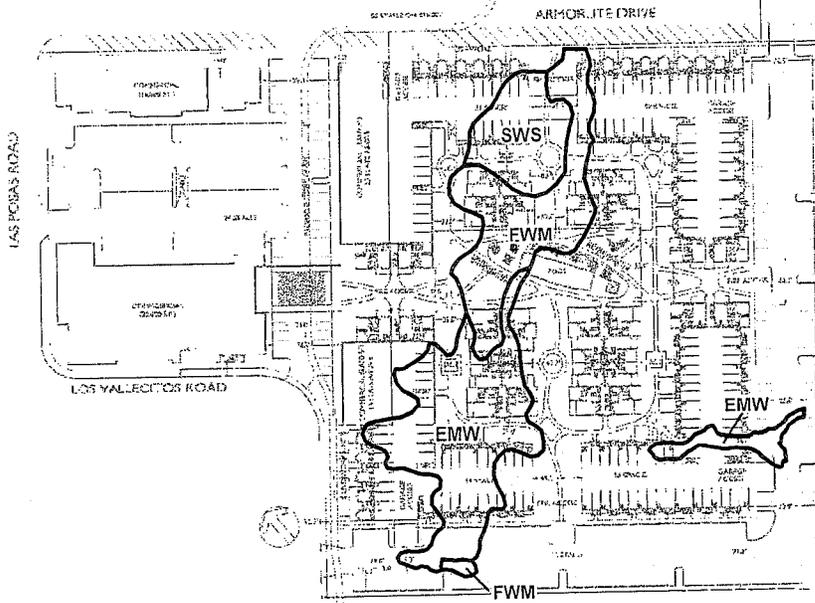
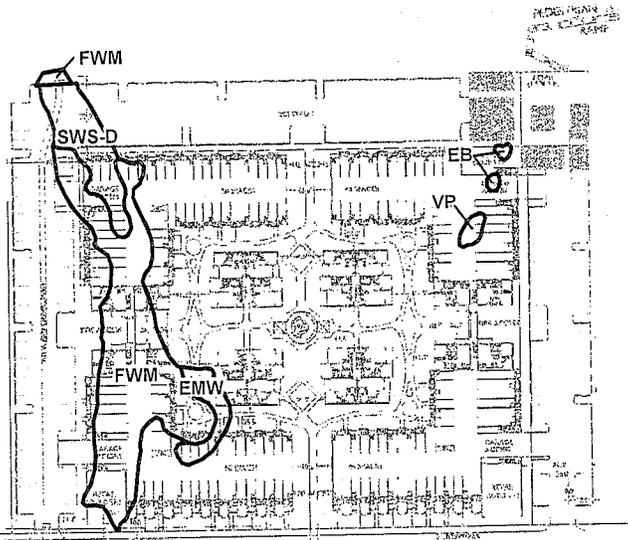
CROSS-SECTION D-D
PALOMAR STATION PROJECT
 North of State Route 78, east of
 North Las Posas Road, and south
 of West Mission Road

WATERBODY: Un-named Tributary to
 Las Posas Creek
 COUNTY: San Diego STATE: CA
 APPLICANT: The Palomar Station Owner,
 LLC
 AGENT: HELIX Environmental Planning, Inc.
 7578 El Cajon Blvd, Suite 200
 La Mesa, CA 91942
 USGS Quadrangle: San Marcos
 LAT: 33° 08' 46" LONG: 117° 11' 16"
 T: N/A R: N/A S: N/A
 Los Vallecitos de San Marcos Land Grant
 Sheet 6 ~~03/08/12~~ Date: 03/08/12

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Wetland Waters of the U.S.

- EMW Emergent Wetland
- FWM Freshwater Marsh
- SWS Southern Willow Scrub
- SWS-D Southern Willow Scrub-Disturbed
- EB Ephemeral Basin
- VP Vernal Pool



Project Summary

RESIDENTIAL SUMMARY

Total Units: 370 Homes
 Gross Area: 14.3 Acres
 Density: 25.8 DU/AC
 Parking: 2.3 SP/DU
 Product:
 3-Story Townhome & Flats
 1, 2 & 3 Bedroom, 1,000 sf avg.

COMMERCIAL SUMMARY

Commercial: 49,000 SF
 Parking: 196 Spaces
 (4:1,000)

PURPOSE: Mixed-use Development

DATUM: MSL

ADJACENT PROPERTY OWNERS:
 21916104, 21916219, 21916257,
 21916348, 21916355

**PREFERRED PROJECT
 ALTERNATIVE**

**PALOMAR STATION
 PROJECT**

North of State Route 78, east of
 North Las Posas Road, and south
 of West Mission Road

WATERBODY: Un-named Tributary to
 Las Posas Creek

COUNTY: San Diego STATE: CA

APPLICANT: The Palomar Station Owner,
 LLC

AGENT: HELIX Environmental Planning, Inc.
 7578 El Cajon Blvd, Suite 200
 La Mesa, CA 91942

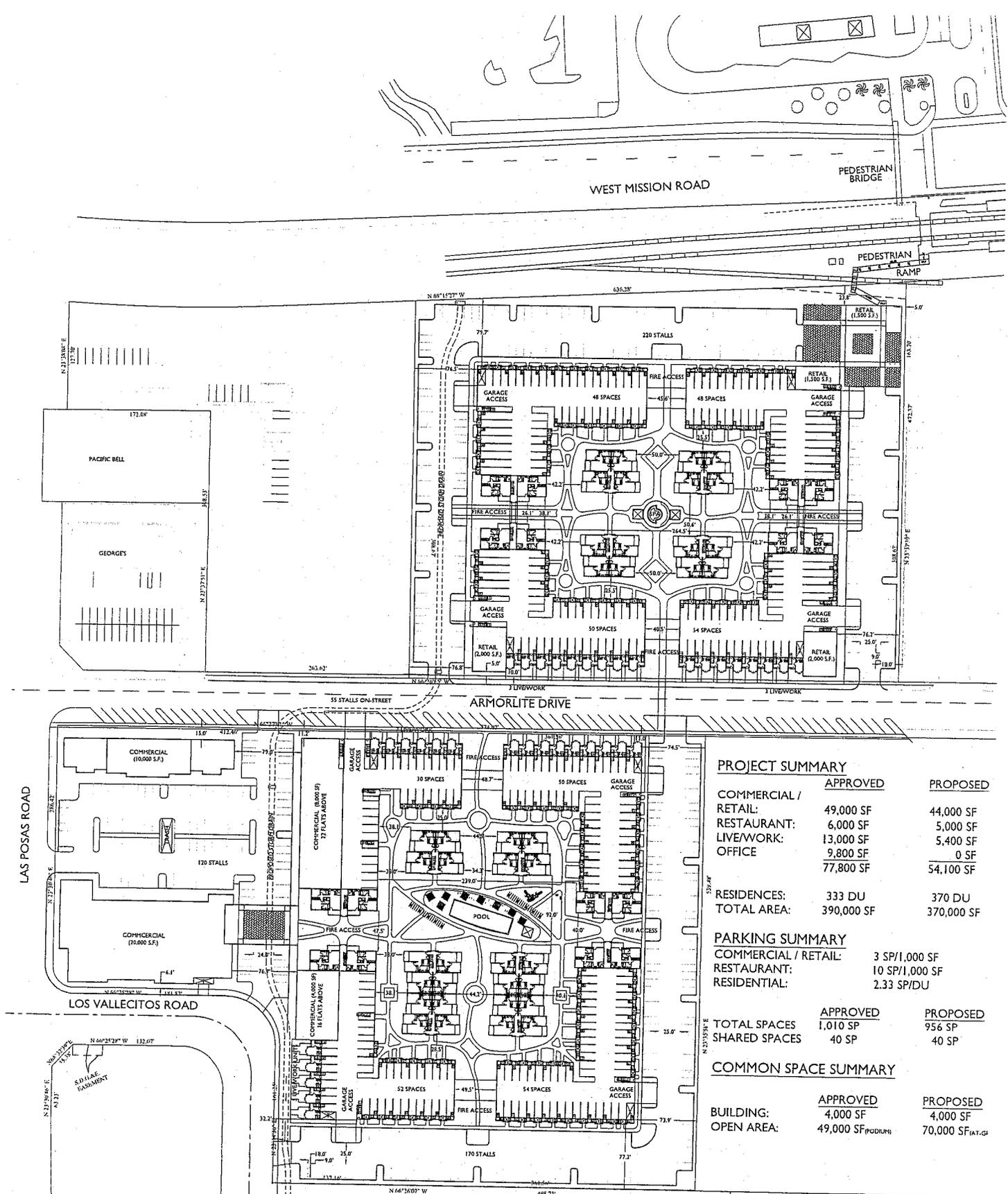
USGS Quadrangle: San Marcos

LAT: 33° 08' 46" LONG: 117° 11' 16"

T: N/A R: N/A S: N/A

Los Vallecitos de San Marcos Land Grant

Sheet 7 Date: 03/08/12



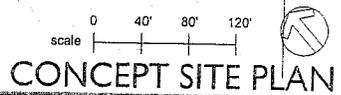
PROJECT SUMMARY		
	APPROVED	PROPOSED
COMMERCIAL / RETAIL:	49,000 SF	44,000 SF
RESTAURANT:	6,000 SF	5,000 SF
LIVE/WORK:	13,000 SF	5,400 SF
OFFICE:	9,800 SF	0 SF
	77,800 SF	54,100 SF
RESIDENCES:	333 DU	370 DU
TOTAL AREA:	390,000 SF	370,000 SF
PARKING SUMMARY		
COMMERCIAL / RETAIL:	3 SP/1,000 SF	
RESTAURANT:	10 SP/1,000 SF	
RESIDENTIAL:	2.33 SP/DU	
TOTAL SPACES:	1,010 SP	956 SP
SHARED SPACES:	40 SP	40 SP
COMMON SPACE SUMMARY		
BUILDING:	4,000 SF	4,000 SF
OPEN AREA:	49,000 SF (PDDLUM)	70,000 SF (AT-IG)

SAN MARCOS, CA

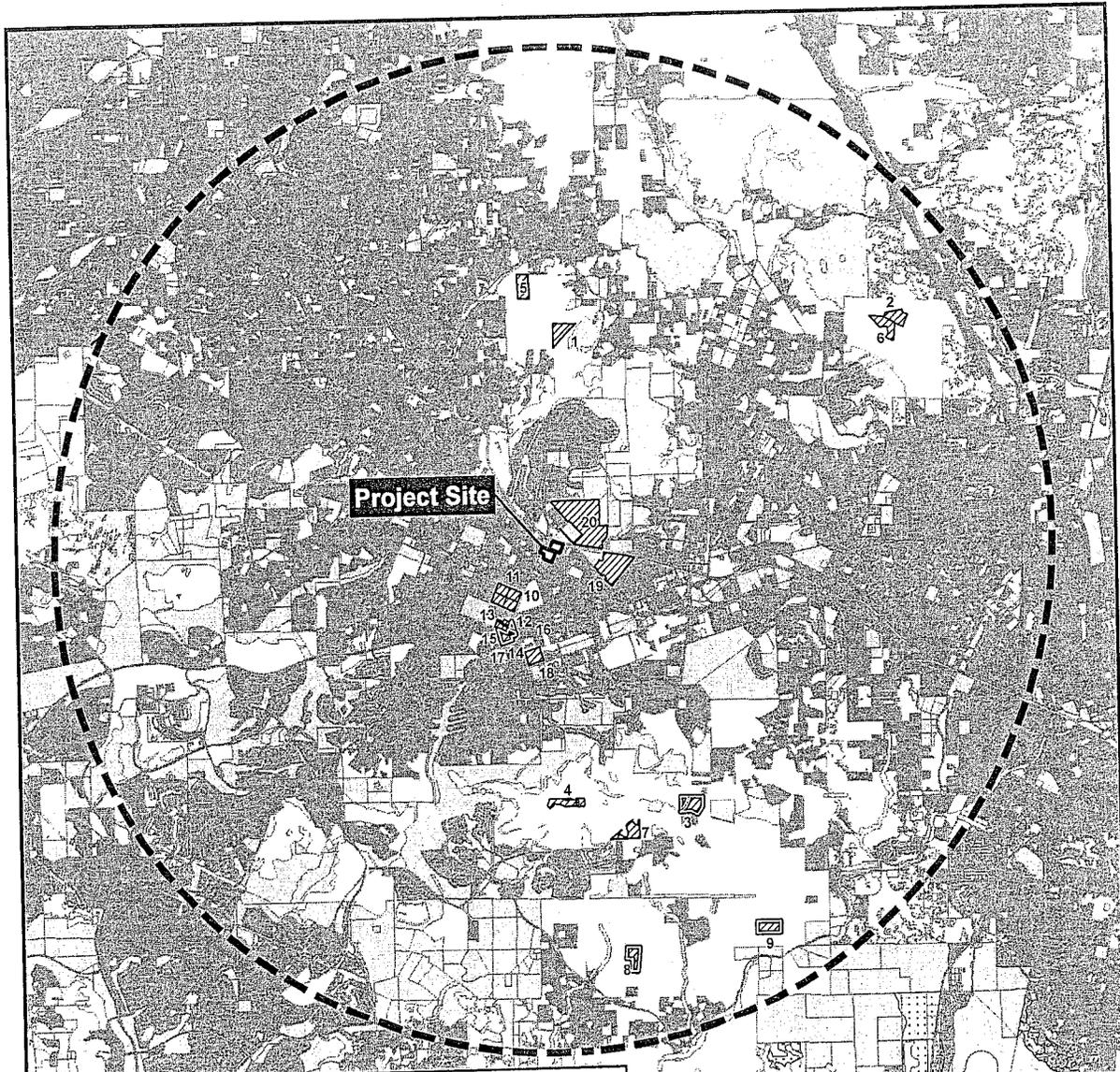
INTEGRAL COMPANIES
 2210 ENCINITAS BLVD, STE 5
 ENCINITAS, CA 92024

FEBRUARY 28, 2010

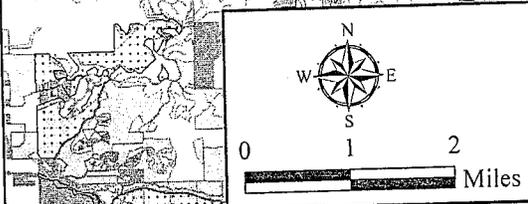
PALOMAR STATION



Sheet 7-1



- Parcels under further consideration as a potential Off-site Alternative
- Off-site Alternative
- 5 Mile Buffer
- Biological Constraints
- Undevelopable
- Developed



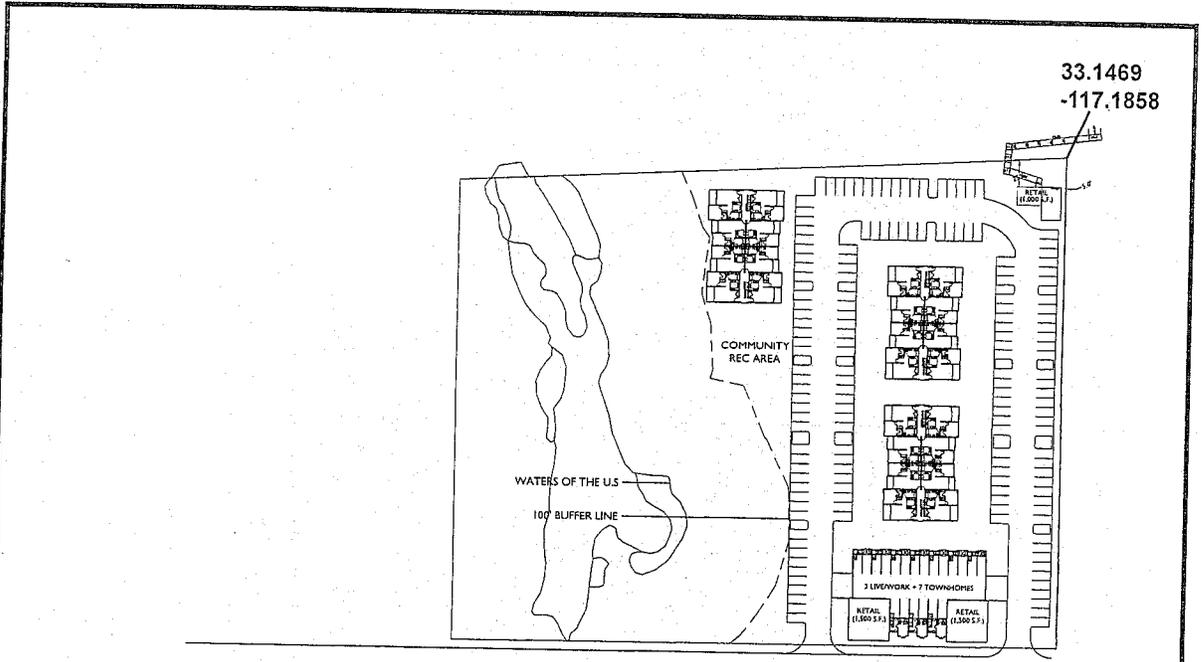
PURPOSE: Mixed-use Development
DATUM: MSL
ADJACENT PROPERTY OWNERS:
 21916104, 21916219, 21916257,
 21916348, 21916355

OFF-SITE ALTERNATIVES PALOMAR STATION PROJECT

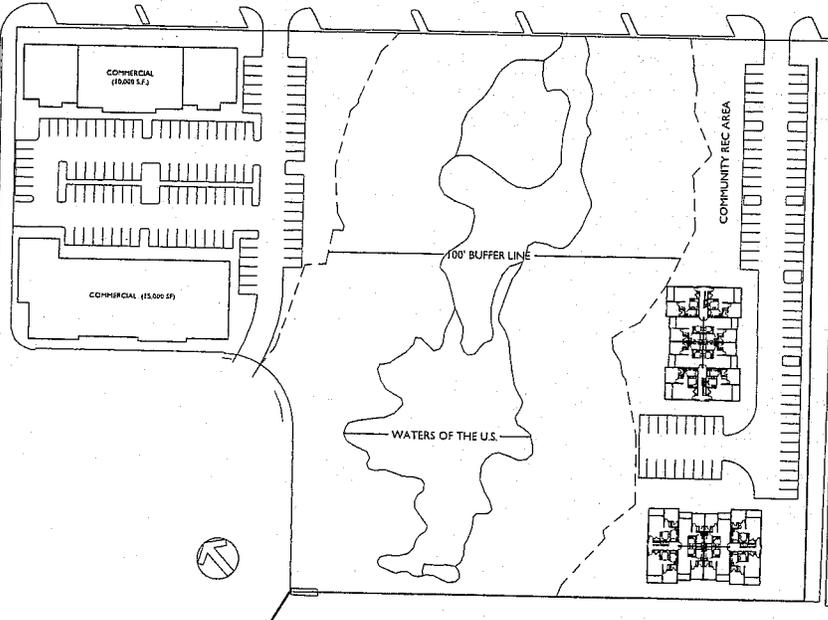
North of State Route 78, east of
North Las Posas Road, and south
of West Mission Road

WATERBODY: Un-named Tributary to
Las Posas Creek
COUNTY: San Diego **STATE:** CA
APPLICANT: The Palomar Station Owner,
LLC
AGENT: HELIX Environmental Planning, Inc.
 7578 El Cajon Blvd. Suite 200
 La Mesa, CA 91942
USGS Quadrangle: San Marcos
LAT: 33° 08' 46" **LONG:** 117° 11' 16"
T: N/A **R:** N/A **S:** N/A
 Los Vallecitos de San Marcos Land Grant
Sheet 8 ~~0013~~ **Date:** 03/08/12

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33.1469
-117.1858



33.145
-117.1894

Project Summary	
RESIDENTIAL SUMMARY	
Total Units:	120 Homes
Net Area:	5.3 Acres
Density:	23 DU/AC
Parking:	2.3 SP/DU
Product:	3-Story Townhome & Flats
	1, 2 & 3 Bedroom , 1,000 sf avg.
COMMERCIAL SUMMARY	
Commercial:	25,000 SF
Net Area:	2.2 Acres
Parking:	100 Spaces
	(4:1,000)
OPEN SPACE SUMMARY	
North:	2.8 Acres
South:	4.0 Acres

PURPOSE: Mixed-use Development
DATUM: MSL
ADJACENT PROPERTY OWNERS:
 21916104, 21916219, 21916257,
 21916348, 21916355

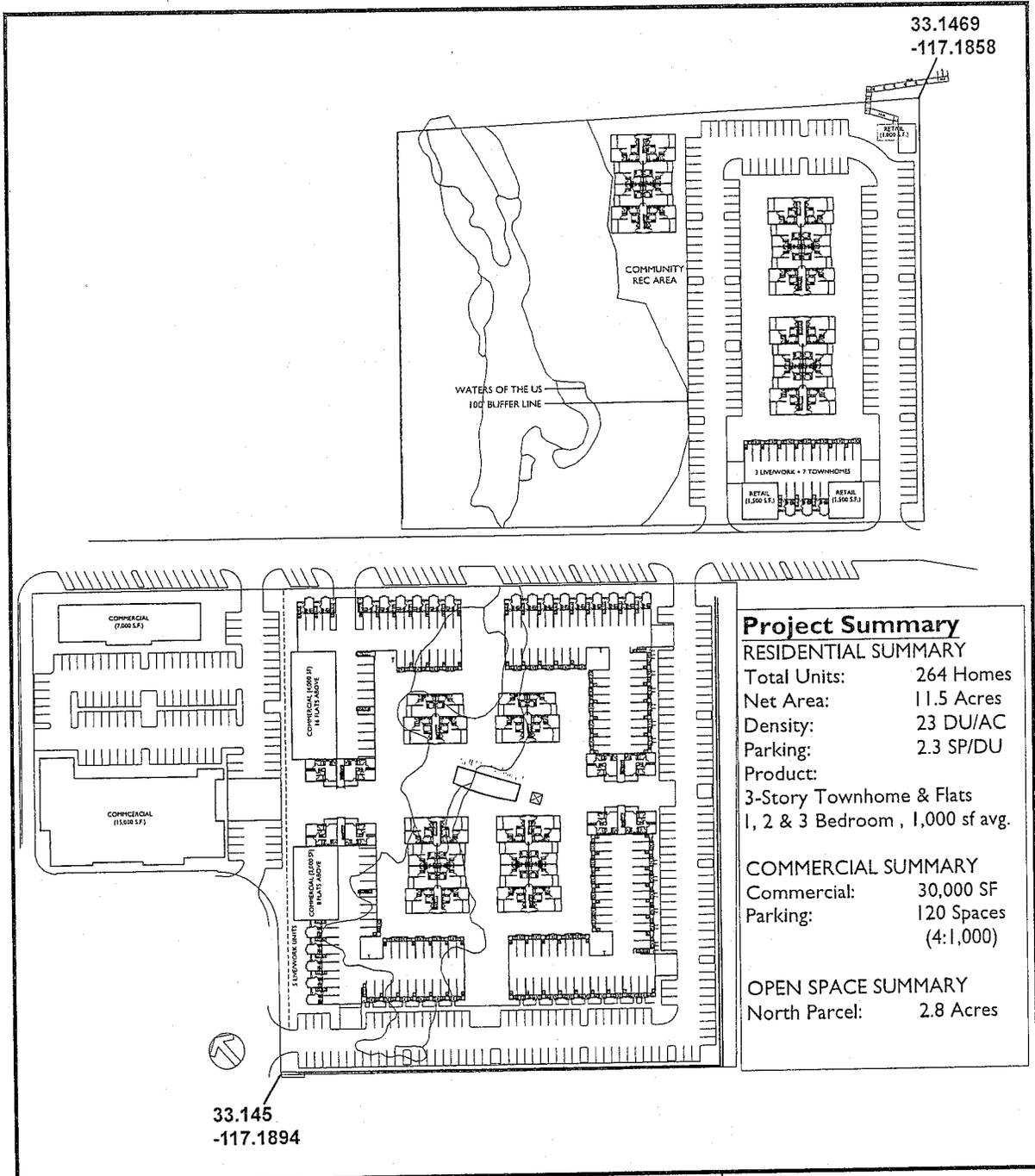
**NO FEDERAL ACTION
 ALTERNATIVE**

**PALOMAR STATION
 PROJECT**

North of State Route 78, east of
 North Las Posas Road, and south
 of West Mission Road

WATERBODY: Un-named Tributary to
 Las Posas Creek
COUNTY: San Diego **STATE:** CA
APPLICANT: Palomar Station Owner, LLC
AGENT: HELIX Environmental Planning, Inc.
 7578 El Cajon Blvd., Suite 200
 La Mesa, CA 91941
USGS Quadrangle: San Marcos
LAT: 33° 08' 46" N **LONG:** 117° 11' 16" W
T: N/A **R:** N/A **S:** N/A
 Los Vallecitos de San Marcos Land Grant
Sheet 9 of 9 Date: 03/08/12

I:\ArcGIS\MPQ-05 Palomar\Map\BIO\PN\Sheet8.indd -RK.LEV



33.1469
-117.1858

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-117.1894

Project Summary

RESIDENTIAL SUMMARY

Total Units:	264 Homes
Net Area:	11.5 Acres
Density:	23 DU/AC
Parking:	2.3 SP/DU
Product:	3-Story Townhome & Flats
	1, 2 & 3 Bedroom , 1,000 sf avg.

COMMERCIAL SUMMARY

Commercial:	30,000 SF
Parking:	120 Spaces
	(4:1,000)

OPEN SPACE SUMMARY

North Parcel:	2.8 Acres
---------------	-----------

PURPOSE: Mixed-use Development

DATUM: MSL

ADJACENT PROPERTY OWNERS:
21916104, 21916219, 21916257,
21916348, 21916355

**REDUCED BIOLOGICAL
EFFECTS ALTERNATIVE**

**PALOMAR STATION
PROJECT**

North of State Route 78, east of
North Las Posas Road, and south
of West Mission Road

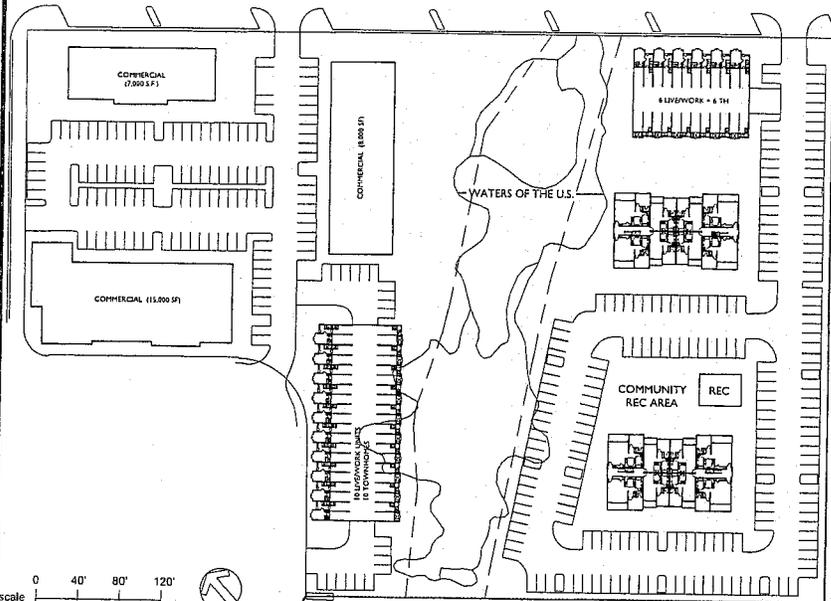
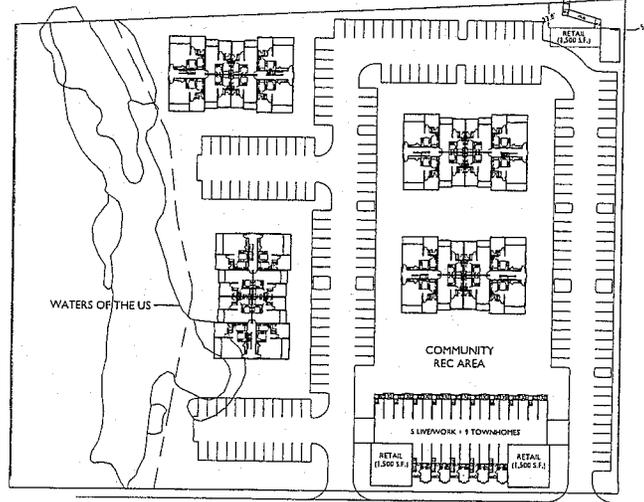
WATERBODY: Un-named Tributary to
Las Posas Creek
COUNTY: San Diego STATE: CA

APPLICANT: Palomar Station Owner, LLC

AGENT: HELIX Environmental Planning, Inc.
7578 El Cajon Blvd., Suite 200
La Mesa, CA 91941

USGS Quadrangle: San Marcos
LAT: 33° 08' 46" N LONG: 117° 11' 16" W
T: N/A R: N/A S: N/A
Los Vallecitos de San Marcos Land Grant
Sheet 10 Date: 03/08/12

33.1469
-117.1858



33.145
-117.1894

Project Summary

RESIDENTIAL SUMMARY

Total Units: 190 Homes
 Net Area: 8.4 Acres
 Density: 23 DU/AC
 Parking: 2.3 SP/DU
 Product: 3-Story Townhome & Flats
 1, 2 & 3 Bedroom, 1,000 sf avg.

COMMERCIAL SUMMARY

Commercial: 30,000 SF
 Net Area: 3.2 Acres
 Parking: 120 (4:1,000)

OPEN SPACE SUMMARY

North: 1.5 Acres
 South: 1.2 Acres

PURPOSE: Mixed-use Development

DATUM: MSL

ADJACENT PROPERTY OWNERS:
 21916104, 21916219, 21916257,
 21916348, 21916355

**FULLY CONFINED STREAM
 ALTERNATIVE**

**PALOMAR STATION
 PROJECT**

North of State Route 78, east of
 North Las Posas Road, and south
 of West Mission Road

WATERBODY: Un-named Tributary to
 Las Posas Creek
 COUNTY: San Diego STATE: CA

APPLICANT: Palomar Station Owner, LLC

AGENT: HELIX Environmental Planning, Inc.
 7578 El Cajon Blvd, Suite 200
 La Mesa, CA 91941

USGS Quadrangle: San Marcos

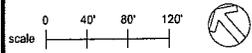
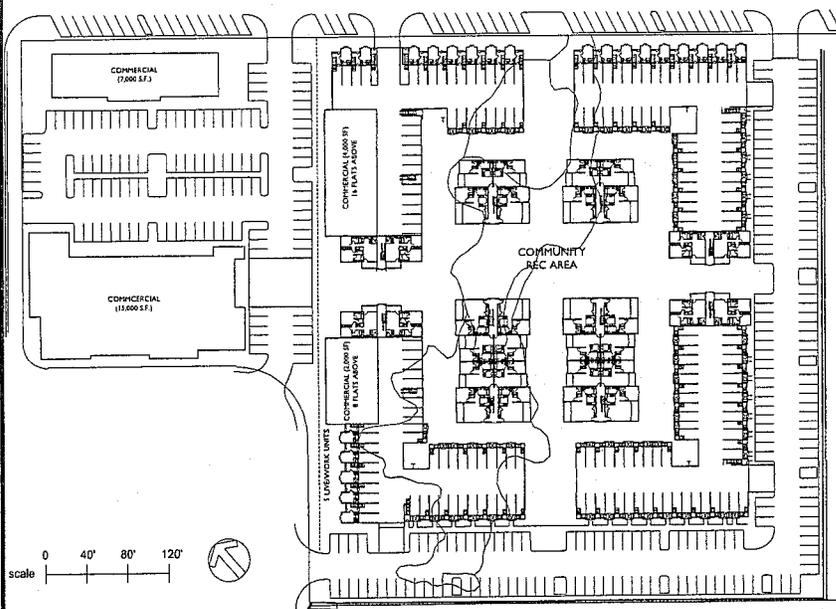
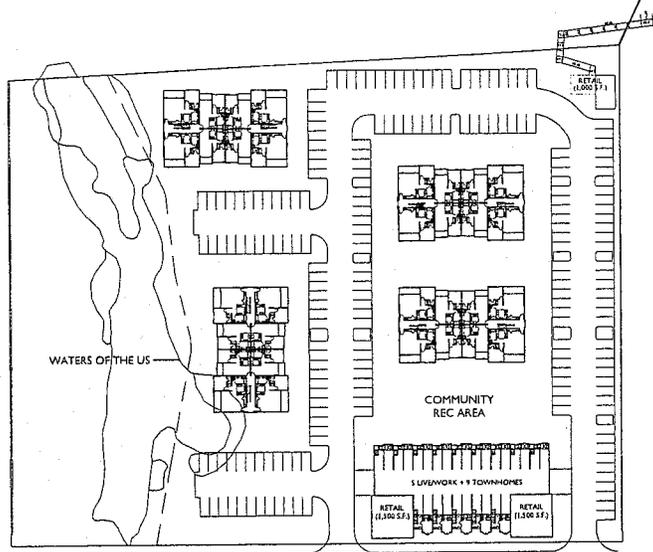
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T: N/A R: N/A S: N/A

Los Vallecitos de San Marcos Land Grant

Sheet 11 Date: 03/08/12

33.1469
-117.1858



33.145
-117.1894

Project Summary

RESIDENTIAL SUMMARY
 Total Units: 292 Homes
 Net Area: 12.8 Acres
 Density: 23 DU/AC
 Parking: 2.3 SP/DU
 Product:
 3-Story Townhome & Flats
 1, 2 & 3 Bedroom, 1,000 sf avg.

COMMERCIAL SUMMARY
 Commercial: 30,000 SF
 Parking: 120 Spaces
 (4:1,000)

OPEN SPACE SUMMARY
 North Parcel: 1.5 Acres

PURPOSE: Mixed-use Development
 DATUM: MSL
 ADJACENT PROPERTY OWNERS:
 21916104, 21916219, 21916257,
 21916348, 21916355

**NORTH CONFINED STREAM
 ALTERNATIVE**

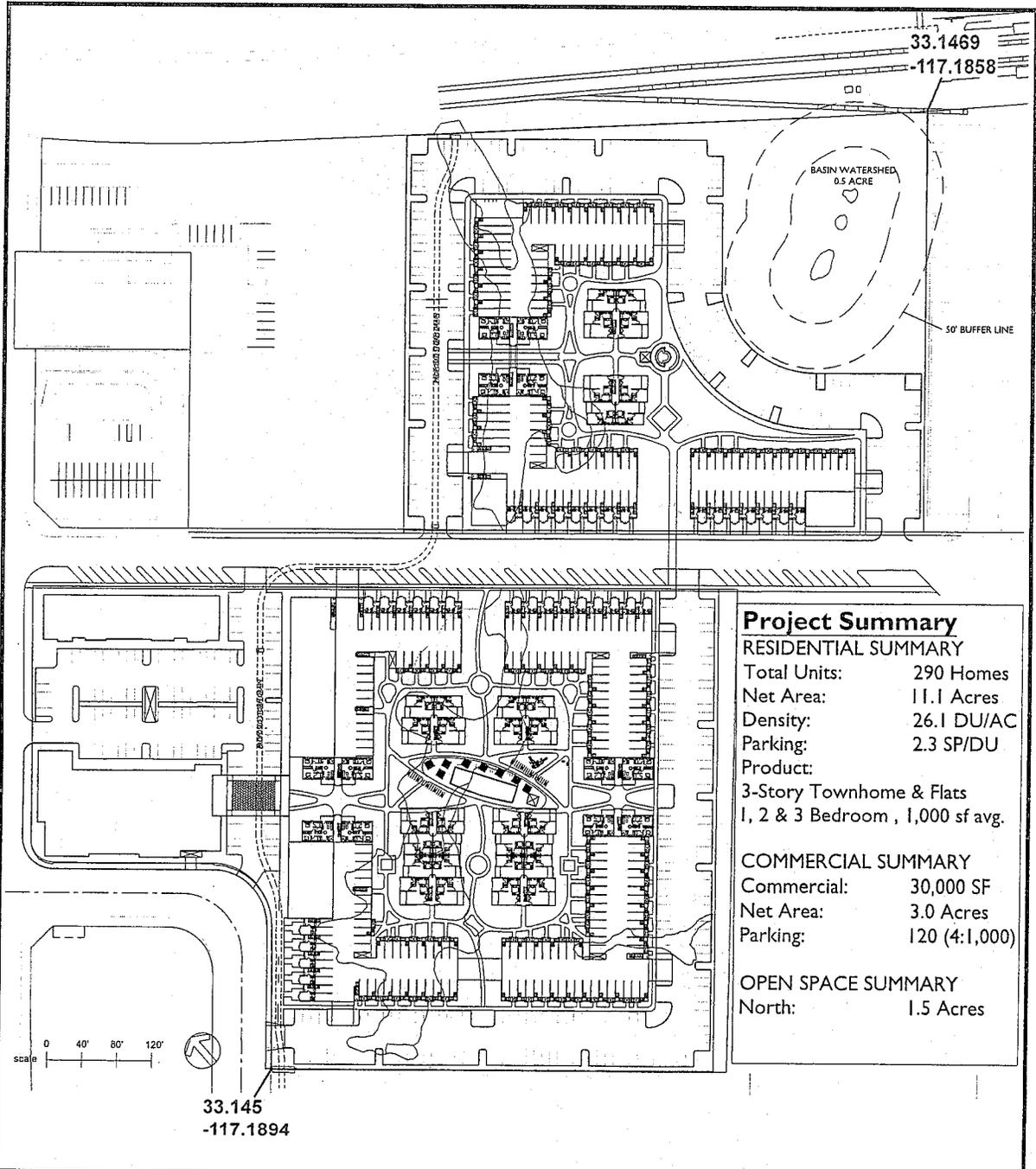
**PALOMAR STATION
 PROJECT**

North of State Route 78, east of
 North Las Posas Road, and south
 of West Mission Road

WATERBODY: Un-named Tributary to
 Las Posas Creek
 COUNTY: San Diego STATE: CA
 APPLICANT: Palomar Station Owner, LLC
 AGENT: HELIX Environmental Planning, Inc.
 7578 El Cajon Blvd., Suite 200
 La Mesa, CA 91941

USGS Quadrangle: San Marcos
 LAT: 33° 08' 46" N LONG: 117° 11' 16" W
 T: N/A R: N/A S: N/A
 Los Vallecitos de San Marcos Land Grant
 Sheet 12 Date: 03/08/12

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Project Summary	
RESIDENTIAL SUMMARY	
Total Units:	290 Homes
Net Area:	11.1 Acres
Density:	26.1 DU/AC
Parking:	2.3 SP/DU
Product:	3-Story Townhome & Flats 1, 2 & 3 Bedroom , 1,000 sf avg.
COMMERCIAL SUMMARY	
Commercial:	30,000 SF
Net Area:	3.0 Acres
Parking:	120 (4:1,000)
OPEN SPACE SUMMARY	
North:	1.5 Acres

PURPOSE: Mixed-use Development

DATUM: MSL

ADJACENT PROPERTY OWNERS:
21916104, 21916219, 21916257,
21916348, 21916355

**Vernal Pool AVOIDANCE
ALTERNATIVE**

**PALOMAR STATION
PROJECT**

North of State Route 78, east of
North Las Posas Road, and south
of West Mission Road

WATERBODY: Un-named Tributary to
Las Posas Creek

COUNTY: San Diego **STATE:** CA

APPLICANT: Palomar Station Owner, LLC

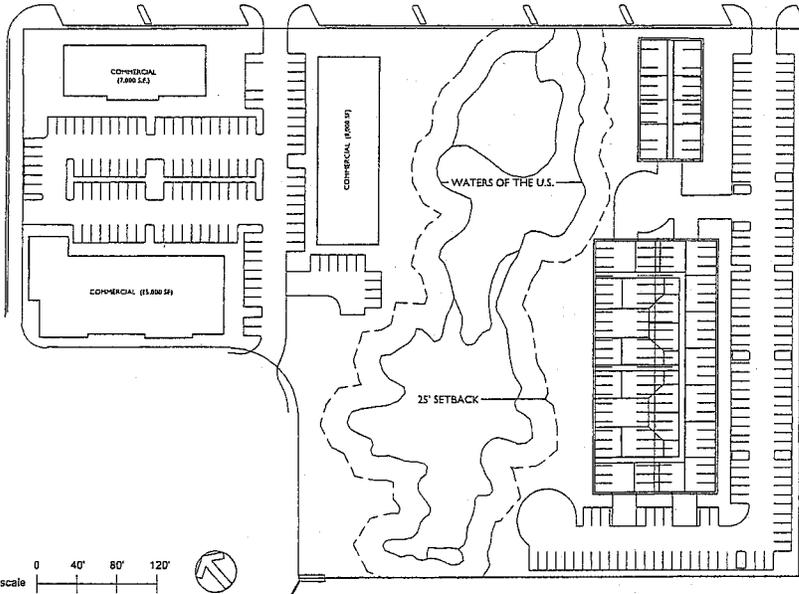
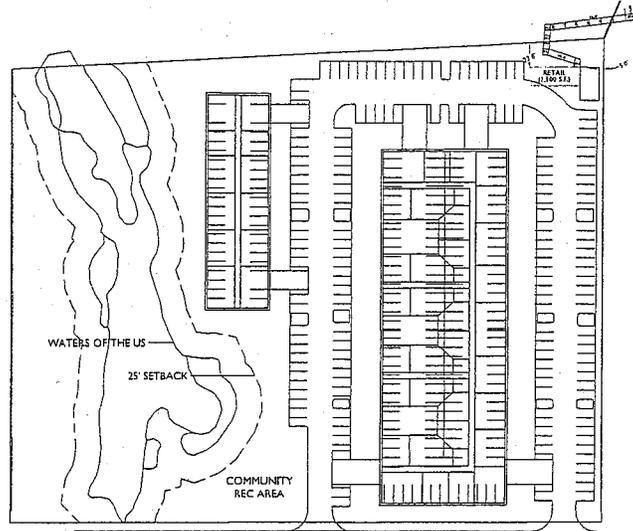
AGENT: HELIX Environmental Planning, Inc.
7578 El Cajon Blvd., Suite 200
La Mesa, CA 91941

USGS Quadrangle: San Marcos
LAT: 33° 08' 46" N LONG: 117° 11' 16" W
T: N/A R: N/A S: N/A

Los Vallecitos de San Marcos Land Grant
Sheet 13 ~~015~~ **Date:** 03/08/12

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33.1469
-117.1858



33.145
-117.1894

Project Summary

RESIDENTIAL SUMMARY

Total Units: 259 Homes
 Net Area: 7.2 Acres
 Density: 36 DU/AC
 Parking: 2.3 SP/DU
 568 SP

Product:
 3 over 1 Podium (at-grade)
 1, 2 & 3 Bedroom, 1,000 sf avg.

COMMERCIAL SUMMARY

Commercial: 30,000 SF
 Net Area: 3.2 Acres
 Parking: 120 (4:1,000)

OPEN SPACE SUMMARY

North: 1.5 Acres
 South: 1.2 Acres

PURPOSE: Mixed-use Development

DATUM: MSL

ADJACENT PROPERTY OWNERS:
 21916104, 21916219, 21916257,
 21916348, 21916355

FOUR-STORY ALTERNATIVE

**PALOMAR STATION
PROJECT**

North of State Route 78, east of
 North Las Posas Road, and south
 of West Mission Road

WATERBODY: Un-named Tributary to
 Las Posas Creek

COUNTY: San Diego STATE: CA

APPLICANT: Palomar Station Owner, LLC

AGENT: HELIX Environmental Planning, Inc.
 7578 El Cajon Blvd., Suite 200
 La Mesa, CA 91941

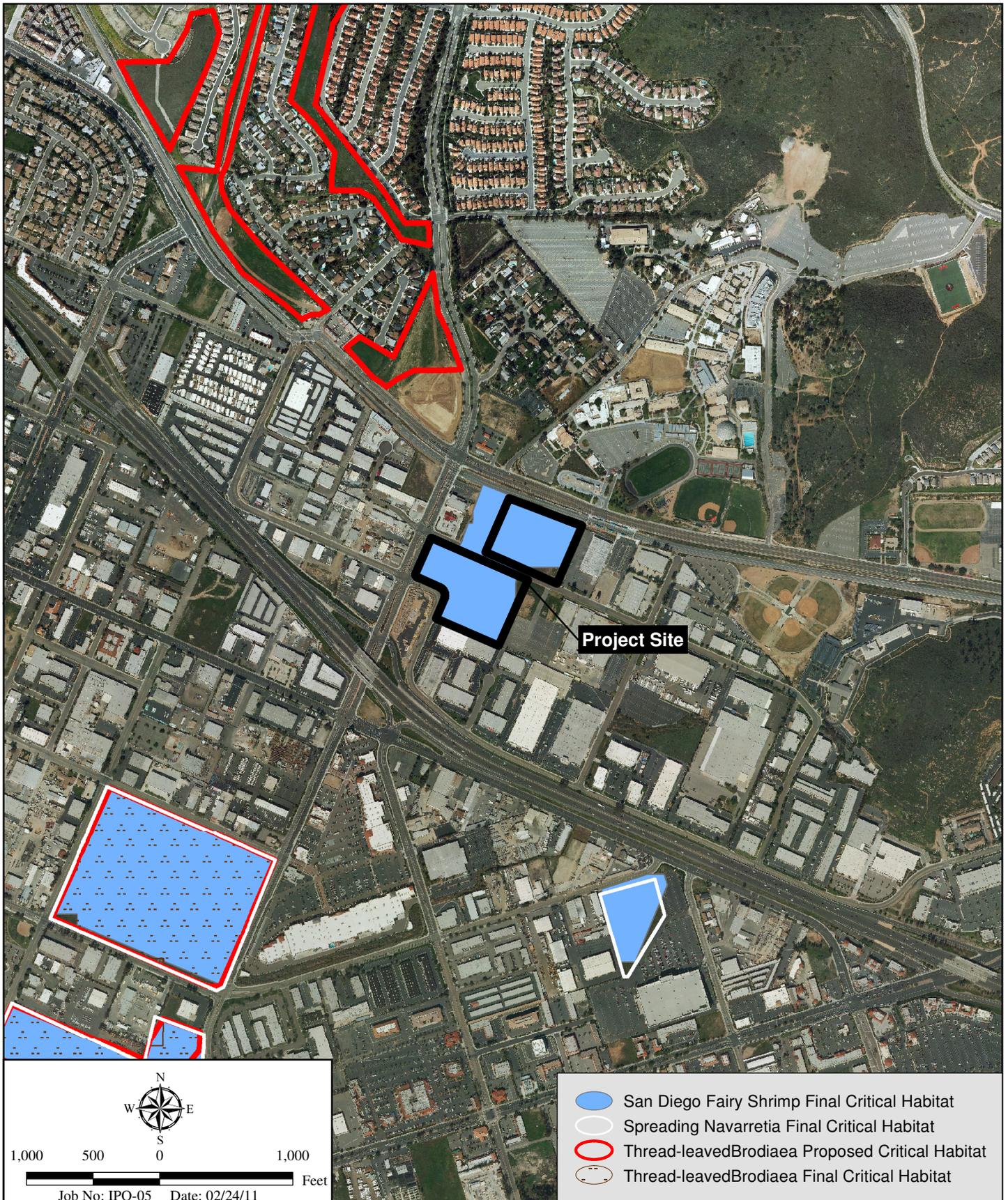
USGS Quadrangle: San Marcos

LAT: 33° 08' 46" N LONG: 117° 11' 16" W

T: N/A R: N/A S: N/A

Los Vallecitos de San Marcos Land Grant

Sheet 14 of 14 Date: 03/19/12



Designated Critical Habitat

PALOMAR STATION



I:\ArcGIS\IPQ-05 Palomar\Map\BIO\HMP\Fig3_Frys_Aerial.mxd -KF

Frys Vernal Pool Preserve

FRYS VERNAL POOL PRESERVE



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Solar Lane Potential Mitigation Parcels

PALOMAR STATION