

**EXHIBIT A**

**FINDINGS OF FACT**

# California Environmental Quality Act (CEQA) Findings Regarding Significant Effects for the Armorlite Lofts Specific Plan Project

SCH #2024020372

SP23-0001, GPA23-0002, R22-0001, SDP23-0003, CUP23-0002

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The City of San Marcos has prepared an Environmental Impact Report (EIR) for the proposed Armorlite Lofts Specific Plan Project (Project) in compliance with the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 *et seq.*) and the State CEQA Guidelines (14 California Code of Regulations Section 15000 *et seq.* as amended).

## Final EIR Evaluation

The Final EIR evaluated potentially significant effects for the following environmental areas of potential concern: 1) Aesthetics; 2) Air Quality; 3) Biological Resources; 4) Cultural Resources; 5) Energy; 6) Greenhouse Gas; 7) Land Use and Planning; 8) Noise; 9) Population and Housing; 10) Public Services; 11) Transportation; 12) Tribal Cultural Resources; and 13) Utilities and Service Systems. The issue areas of Agriculture/Forestry Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Recreation, and Wildfire were analyzed during the scoping process for the EIR and were determined to have no impact or less than significant impacts.

The Final EIR identified potentially significant environmental effects related to Biological Resources (nesting birds, sensitive species and sensitive habitat); Cultural Resources (unknown cultural resources and human remains during project grading); Noise (rock drill and rock crushing noise during construction); and Tribal Cultural Resources (tribal cultural resources associated with SDI-5633 during project grading).

Public Resources Code Section 21081 and CEQA Guidelines Section 15091 require that the City of San Marcos, as lead agency for this Project, prepare written findings for any identified significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings under CEQA and the CEQA Guidelines are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate, avoid or substantially lessen the significant effects on the environment.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

After consideration of an EIR, the lead agency may decide whether or how to approve or carry out the Project. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) of the Guidelines, the City finds that for each of the significant effects identified in the Final EIR, changes or alterations (mitigation measures) have been required in, or incorporated into, the Project which will avoid or substantially lessen each of the significant environmental effects

identified in the Final EIR. The significant effects (impacts) and mitigation measures are stated fully in the Final EIR. The rationale for this finding for each impact is discussed below.

The official custodian of the documents and other materials that constitute the record of proceedings is:

City of San Marcos Planning Division  
1 Civic Center Drive  
San Marcos, CA 92069

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

### **Project Description**

The applicant, Las Posas Ventures LLC, is proposing to develop 165 apartment units, 5,600 square feet (s.f.) of commercial use and associated common and private open space as contemplated on a 2.44-acre site located on Armormite Drive in the City of San Marcos.

The project applicant is requesting the following discretionary approvals from the City to allow for development of the proposed project:

**Specific Plan (SP23-0001)** – The Specific Plan establishes the development rules and regulations of all land uses within the project site. Upon adoption of the Specific Plan by the City, all development within the project site must conform to the regulations of the Specific Plan. The Specific Plan would be required to be reviewed and approved concurrently with the Multi-Family Site Development Plan application.

**General Plan Amendment (GPA23-0002)** – A General Plan Amendment would be required to change the existing Public/Institutional (PI) designation to Specific Plan Area (SPA).

**Rezone (R22-0001)** - A rezone would be required to change the existing Public-Institutional (P-I) zoning to Specific Plan Area (SPA).

**Site Development Plan (SDP23-0003)** - The Site Development Plan approval would be required to construct 165 apartment units and 5,600 s.f. of commercial and address the details of the architectural style, building elevation, fencing, landscaping, among other criteria, within the development.

**Conditional Use Permit (CUP23-0002)** - Conditional Use Permit approval would be required for potential use of a temporary rock crusher.

### **Project Objectives**

The City identified project objectives to develop a reasonable range of alternatives to analyze within the Final EIR. The objectives for the project are:

1. Maximize housing opportunities close to major transit facilities, education facilities, shopping and employment opportunities, and trails to optimize land use with transit use and active modes of transportation, reduce reliance on automobiles, and potentially reduce greenhouse gas emissions.

2. To the extent possible, given site constraints, maximize the opportunity to provide transit-oriented housing for the City of San Marcos up to 67 dwelling units per acre.
3. Develop high-quality market-rate for rent housing which meets the housing needs of the City of San Marcos and the region.
4. Provide an affordable dwelling unit component that satisfies the State of California qualifying affordable housing income category of very-low income (30 to 50% of area median income [AMI]), through development onsite.
5. Facilitate connections to the Armormite Drive complete street circulation system and provide pedestrian friendly architecture and landscaping to promote walkability and connectivity for people to surrounding transit and places.
6. Design a vehicular circulation system that adequately accommodates traffic and minimizes traffic impacts in and around the project area.
7. Establish development standards and design guidelines that ensure distinctive architecture, landscaping and recreational amenities that complement and enhance the existing surrounding neighborhood while providing a desirable living environment for residents within the Specific Plan area.
8. Provide flexible ("flex) Commercial space that is capable of adapting to future market conditions and designed to support potential future retail needs.
9. Institute a program for the long-term maintenance of the community to ensure all facilities are adequately maintained to City standards.
10. Finance or contribute a fair share of funding to all community services and infrastructure needed to support development proposed by the Specific Plan to promote economic stability.

These objectives have been considered in preparing the findings discussed below.

## **Section 1. Findings Regarding Certification of Final EIR**

Pursuant to CEQA and the Guidelines, the City Council of the City of San Marcos as the lead agency under CEQA is responsible for certification of the EIR and therefore makes the following findings:

1. The City Council has reviewed and considered the information in the Final EIR, which has been completed in compliance with CEQA;
2. The Final EIR reflects the City's, as lead agency, independent judgment and analysis; and,
3. The City Council adopts the Mitigation Monitoring and Reporting Program (Attachment A) to reduce or avoid the significant and mitigable impacts of the project.

## **Section 2. Environmental Effects Found Not to be Significant**

Through project scoping and the environmental analysis conducted for and included within the Final EIR, it was determined that the project would not result in a potential significant effect on the environment with respect to Aesthetics, Agriculture and Forestry Resources, Air Quality, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Mineral Resources, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, and Wildfire. A summary of the reasons for this determination can be found in Sections 3.1, 3.2, 3.5, 3.6, 3.7, 3.9, 3.10, 3.11, 3.13, and 5.0 of the Final EIR. No further findings are required for these subject areas.

## **Section 3. Environmental Effects Mitigated to Below a Level of Significance**

The following findings supported by substantial evidence in the record, including the Final EIR and technical appendices, have been made for the significant environmental effects identified in the Final EIR related to Biological Resources, Cultural Resources, Noise, and Tribal Cultural Resources.

### **3.1 Biological Resources**

#### **3.1.1 Biological Resources Impacts**

The project has the potential for: impacts to nesting birds or other wildlife, indirect impacts to sensitive species, and impacts to sensitive vegetation communities including Diegan coastal sage scrub and non-native grassland (Impacts BIO-1, BIO-2 and BIO-3).

#### **3.1.2 Biological Resources Mitigation Measures**

The project includes mitigation measures in the Mitigation Monitoring and Reporting Program (MMRP) that is to be adopted concurrently with these findings.

All biological resource impacts and mitigation measures are detailed in Attachment A at the end of this document. Mitigation measures MM-BIO-1a and MM-BIO-1b will mitigate Impact BIO-1 to below a level of significance. Mitigation measures MM-BIO-2a, MM-BIO-2b, MM-BIO-2c will mitigate Impact BIO-2 to below a level of significance. Mitigation measure MM-BIO-3 will mitigate Impact BIO-3 to below a level of significance.

In order to mitigate potential impacts to nesting birds or other wildlife, implementation of the following mitigation measures will be required:

In order to mitigate potential impacts to nesting birds or other wildlife (Impact BIO-1), implementation of the following mitigation measures will be required:

- MM-BIO-1a Breeding Season Avoidance.** To the extent feasible, the applicant/developer shall only remove vegetation from the project impact footprint between September 1 through February 14 to avoid the bird breeding season. Further, to the maximum extent practicable, grading activities associated with construction of the project shall occur September 1 through February 14 to avoid the breeding season. If project construction must occur during the breeding season, mitigation measure MM-BIO-1b shall be implemented.
- MM-BIO-1b Nesting Survey(s).** Take of birds protected under the Migratory Bird Treaty Act and California Fish and Game Code shall be avoided during the nesting season. To avoid any direct impacts on raptors and/or any migratory birds protected under the Migratory Bird Treaty Act and California Fish and Game Code, removal of habitat that supports active nests on the proposed area of disturbance shall occur outside of the nesting season for these species (February 15 through August 31, annually). If construction occurs during the nesting season, pre-construction nesting bird surveys must be conducted within 72 hours of construction-related activities. If nesting birds are detected by the biologist, the following buffers shall be established: (1) no work within 300 feet of a non-listed nesting migratory bird nest, and (2) no work within 500 feet of a listed bird or raptor nest. However, the biologist may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance) in conjunction with consultation with the City of San Marcos. If construction must take place within the recommended buffer widths above, the project applicant shall contact the City of San Marcos and wildlife agencies (United States Fish and Wildlife Service [USFWS] and California Department of Fish and Wildlife [CDFW]) to determine the appropriate buffer.

Additionally, take of a state candidate species is prohibited under the California Endangered Species Act (CESA). While Crotch's bumble bee has low potential to occur on site, the pre-construction surveys for Crotch's bumble bee shall be conducted within the construction footprint prior to the start of ground-disturbing activities occurring during the Crotch's bumble bee nesting period (February 1 through October 31). The survey shall ensure that no nests for Crotch's bumble bee are located within the construction area. The pre-construction survey shall include focused surveys, which shall be based on recommendations described in the *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species*, released by CDFW on June 6, 2023, or the most current version of such guidelines at the time of construction.

The surveys shall be performed by a biologist with expertise in surveying for bumble bees and include at least three (3) survey passes that are not on sequential days or in the same week, preferably spaced two (2) to four (4) weeks apart. Surveys may occur between 1 hour after sunrise and 2 hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, raining, or drizzling), and surveyors shall wait at least one (1) hour following rain. Optimal surveys are when there are sunny to partly sunny skies and a temperature greater than 60 °F. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 miles per hour). Within non-developed habitats, the biologist shall look for nest resources suitable for bumble bee use. Ensuring that all nest resources receive 100% visual coverage, the biologist shall watch the nest resources for up to five (5) minutes, looking for exiting or entering worker bumble

bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after five (5) minutes of observation. If a bumble bee worker is detected, then a representative shall be identified to species. Biologists should be able to view several burrows at one (1) time to sufficiently determine if bees are entering/exiting them, depending on their proximity to one another. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point to determine which would provide 100% visual coverage; this could include a 30- to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes).

Identification shall include trained biologists netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National Protocol Framework for the Inventory and Monitoring of Bees. The bee shall be placed in a clear container for observation and photographic documentation, if able. The bee shall be photographed using a macro lens from various angles to ensure recordation of key identifying characteristics. If bumble bee-identifying characteristics cannot be adequately captured in the container due to movement, the container shall be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of other bumble bee species, they become active shortly after removal from the cold environment, so photography must be performed quickly.

If Crotch's bumble bee nests are not detected, no further mitigation is required. The mere presence of foraging Crotch's bumble bees shall not require implementation of additional mitigation measures because they can forage up to 10 kilometers from their nests. If nest resources occupied by Crotch's bumble bee are detected within the project construction area, no construction activities shall occur within 100 feet of the nest, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources shall be avoided for the duration of the Crotch's bumble bee nesting period (February 1 through October 31). Outside of the nesting season, it is assumed that no live individuals would be present within the nest because the daughter queens (gynes) usually leave by September, and all other individuals (original queen, workers, males) die. The gyne is highly mobile and can independently disperse to outside of the construction footprint to surrounding open space areas that support suitable hibernacula resources.

A written survey report shall be submitted to the City Planning Division Director within 30 days of the last survey pass. The report shall include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report shall include the qualifications/resumes of the surveyor(s) and approved biologist(s) for identification of photo vouchers and a detailed habitat assessment. If Crotch's bumble bee nests are observed, the survey report shall also include recommendations for avoidance, and the location information shall be submitted to the California Natural Diversity Database at the time of, or prior to, submittal of the survey report.

If Crotch's bumble bee is detected within the project site, the project applicant/developer shall consult with CDFW regarding the need to obtain an Incidental Take Permit. Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch's bumble bee may supersede measures provided in this document.

In order to mitigate potential indirect impacts to sensitive wildlife species (Impact BIO-2), implementation of the following mitigation measures will be required:

**MM-BIO-2a Construction Best Management Practices:** The project applicant shall ensure that the following conditions are implemented during project construction to minimize potential environmental impacts due to project implementation:

1. Impacts from fugitive dust shall be avoided and minimized through watering and other appropriate measures consistent with the Construction General Permit Order 2009-009-DWQ.
2. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the project site.
3. To avoid attracting predators, the project site shall be kept clean of debris. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site.
4. Pets of project personnel shall not be allowed on the project site.

**MM-BIO-2b Landscaping:** The applicant shall ensure that development landscaping habitat does not include exotic plant species that may be invasive to native habitats in the region. Exotic plant species not to be used include any species listed on the California Invasive Plant Council's "Invasive Plant Inventory" List. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides.

**MM-BIO-2c Biological Monitor Requirements and Duties:** A qualified biologist shall be on site per the discretion of the City during initial clearing/grubbing and during grading to ensure compliance with all project-imposed mitigation measures. The biologist shall be available during pre-construction and construction phases to review grading plans, address protection of potential biological resources, monitor ongoing work, and maintain communications with the Project's engineer to ensure that any issues are appropriately and lawfully managed.

The qualified biological monitor shall also be responsible for the following duties:

1. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.
2. Halt work, if necessary, and confer with the USFWS, CDFW and City of San Marcos to ensure the proper implementation of species and habitat protection measures. The biologist shall report any violation to USFWS and the City within 24 hours of its occurrence.
3. Submit a final report to the City within 60 days of project completion that includes the following: (1) as-built construction drawings for grading with an overlay of any active nests; (2) photographs of habitat areas during pre-construction and post-construction conditions; and (3) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with the avoidance/minimization provisions were achieved.



In order to mitigate direct impacts to sensitive vegetation communities, including Diegan coastal sage scrub and non-native grasslands (Impact BIO-3), implementation of the following mitigation measure will be required:

**MM-BIO-3      Off-Site Mitigation:** The permanent loss of 2.13 acres of Diegan Coastal Sage Scrub will be mitigated at a minimum 1:1 ratio and the permanent loss of 0.12 acres of non-native grassland will be mitigated at a minimum 0.5:1 ratio. The amount of mitigation acreage required for non-native grassland may be reduced if up-tiered (i.e., coastal sage scrub) habitat is available for purchase. Section 5.2.1 of the Draft Subarea Plan for San Marcos references the preferred order of mitigation to be on-site mitigation, off-site acquisition, in-lieu fees, and mitigation credits. Since on-site mitigation is not an option due to the project design, the impacted 2.13 acres of Diegan coastal sage scrub and 0.06 acres of non-native grassland will be mitigated by the project applicant through off-site acquisition, in lieu fees, a purchase of credits from Buena Creek Mitigation Bank or another approved mitigation bank, or a combination thereof as approved by the City's Planning Division Director and wildlife agencies prior to issuance of the grading permit.

### **3.1.3 Finding**

Changes or alterations have been required in, or incorporated into, the project as mitigation measures MM-BIO-1a through MM-BIO-3, which are feasible, and would mitigate, avoid or substantially lessen the significant environmental effects as identified in the Final EIR to species identified as a candidate, sensitive or special status species sensitive or special status species (nesting birds or other wildlife), and sensitive habitats (Impacts BIO-1, BIO-2, and BIO-3).

### **3.1.4 Facts in Support of Finding**

The project site contains habitat (disturbed Diegan coastal sage scrub, non-native grassland, and disturbed land), which could potentially provide opportunities for avian species to nest on site. The proposed project has the potential to impact nesting birds or other wildlife if vegetation is removed during the nesting season. Pre-construction clearance surveys for nesting birds or other wildlife would be conducted to ensure that no impacts on nesting birds that are afforded protection under the Migratory Bird Treaty Act and the California Fish and Game Code occur (see mitigation measures MM-BIO-1a and MM-BIO-1b). Mitigation measures MM-BIO-1a and MM-BIO-1b require a preconstruction survey if construction is proposed during the nesting season. If nesting birds are found, avoidance measures would be implemented to minimize impacts. MM-BIO-1b also requires a pre-construction survey for Crotch's bumble bee, even though the species has a low potential to occur on the project site. With the implementation of mitigation measures MM-BIO-1a and MM-BIO-1b, direct impacts on nesting birds and other wildlife would be less than significant.

Indirect impacts during construction may include dust, anthropogenic trash, and accidental transport of non-native plant species into the project site by vehicles, equipment, or foot traffic. Implementation of mitigation measures MM-BIO-2a, which includes industry-standard BMPs, including dust control, good housekeeping procedures, and measures to protect the site from establishment of invasive species would be required for the project to obtain a grading permit. Implementation of these measures during construction, including consistency with the Construction General Permit Order 2009-009-DWQ, would reduce any potential short-term indirect impacts to a level that is less than significant. In addition, the implementation of mitigation measure MM-BIO-2b, would ensure that the

proposed project's landscaping plan does not include exotic plant species that may be invasive and/or harmful to native habitats in the region, as well as prohibit the use of plants that require intensive irrigation, fertilizers, or pesticides. Implementation of mitigation measures MM-BIO-2c will ensure compliance with all project-imposed mitigation measures with the presence of a biological monitor on site.

Direct permanent impacts to 2.13 acres of Diegan coastal sage scrub and 0.12 acres non-native grassland communities would be significant and require mitigation. Per MM-BIO-3, these impacts will be mitigated by the project applicant through off-site acquisition, in lieu fees, a purchase of credits from Buena Creek Mitigation Bank or another approved mitigation bank, or a combination thereof as approved by the City's Planning Division Director and wildlife agencies prior to issuance of the grading permit.

With the incorporation of the above mitigation measures, significant environmental effects to biological resources would be less than significant.

## **3.2 Cultural Resources**

### **3.2.1 Cultural Resources Impacts**

The project would result in potentially significant impacts related to previously unidentified archeological resources associated with SDI-5633 or may result in previously unknown archaeological resources associated with other time periods or cultures (Impact CR-1), and potential disturbance of human remains (Impact CR-2).

### **3.2.2 Cultural Resources Mitigation Measures**

The project includes mitigation measures in the MMRP that is to be adopted concurrently with these findings.

All cultural resources impacts and mitigation measures are detailed in Attachment A at the end of this document. Mitigation measures MM-CR-1a and MM-CR-1b will mitigate Impact CR-1 (potential impact to archeological resources associated with SDI-5633 or previously unknown archaeological resources) to below a level of significance. MM-CR-2 will mitigate Impact CR-2 (potential impact to human remains) to below a level of significance.

In order to mitigate potential impacts to archaeological and/or historical resources (Impact CR-1), implementation of the following mitigation measures will be required:

**MM-CR-1a Archaeological Monitoring:** Prior to the issuance of a Grading Permit or ground disturbing activities, the Applicant/Owner or Grading Contractor shall provide written documentation (either as signed letters, contracts, or emails) to the City's Planning Division stating that a Qualified Archaeologist has been retained at the Applicant/Owner or Grading Contractor's expense to monitor ground disturbing activities associated with project construction.

The Qualified Archaeologist shall be invited to attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to present the construction monitoring program. The Qualified Archaeologist shall be present on site during grubbing, grading, trenching, and/or

other ground disturbing activities that occur in areas of native soil or other permeable natural surfaces that have the potential to unearth any evidence of potential archaeological resources. In areas of artificial paving, the Qualified Archaeologist shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that have the potential to disturb more than (6) six inches below the original pre-project ground surface to identify any evidence of potential archaeological resources. No monitoring of fill material, existing or imported, will be required if the General Contractor or developer can provide documentation to the satisfaction of the City that all fill materials being utilized at the site are either: 1) from existing commercial (previously permitted) sources of materials; or 2) are from private or other non-commercial sources that have been determined to be absent of archaeological resources by the Qualified Archaeologist.

The Qualified Archaeologist shall maintain ongoing collaborative coordination with the Native American monitor(s) (mitigation measures MM-TCR-1) during all ground disturbing activities. The requirement for the construction monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall provide written notice to the Planning Division, preferably through e-mail, of the start and end of all ground disturbing activities.

Prior to the release of any grading bonds, or prior to the issuance of any project Certificate of Occupancy, an archaeological monitoring report, which describes the results, analysis, and conclusions of the construction monitoring shall be submitted by the Qualified Archaeologist, along with any Native American monitor's notes and comments received by the Qualified Archaeologist, to the Planning Division Director for approval. Once approved, a final copy of the archaeological monitoring report shall be retained in a confidential City project file and may be released, as a formal condition of Assembly Bill (AB) 52 consultation, to consulting Tribes. A final copy of the report, with all confidential site records and appendices, will also be submitted to the South Coastal Information Center after approval by the City.

**MM-CR-1b Unanticipated Discovery Procedures:** The Qualified Archaeologist may temporarily halt or divert ground disturbing activities if previously unknown archaeological resources are discovered during construction activities. Ground disturbing activities shall be temporarily directed away from the area of discovery for a reasonable amount of time to allow a determination of the resource's potential significance. If the resource is determined to be associated with Native American culture, it will be considered a tribal cultural resource and subject to MM-TCR-4 and -5. Non-Native American resources discovered during construction shall follow the procedures below. If a discovery of a previously unknown resource is determined to be both a tribal cultural resource (subject to mitigation measures MM-TCR-4 and MM-TCR-5) and a potentially significant archaeological resource that is associated with Native American culture, then the Qualified Archaeologist, Tribes, Native American monitors, and City shall coordinate on appropriate treatment.

Isolates and clearly non-significant archaeological resources (as determined by the Qualified Archaeologist) will be minimally documented in the field. All unearthed archaeological resources will be collected, temporarily stored in a secure location until analysis and documentation are complete. If a determination is made that the archaeological resources are considered potentially significant by the Qualified Archaeologist, then an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods.

In the event that curation of archaeological resources is required by a superseding regulatory agency, curation shall be conducted by an approved local facility within San Diego County and the curation shall be guided by California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections. The City shall provide the Applicant/Owner final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The Applicant/Owner shall be responsible for all repatriation and curation costs and provide to the City written documentation from the curation facility that the curation has been completed.

In order to mitigate potential impacts human remains (Impact CR-2), implementation of the following mitigation measure will be required:

**MM-CR-2 Human Remains:** As specified by California Health and Safety Code Section 7050.5, if human remains, or remains that are potentially human, are found on the project site during ground disturbing activities or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the Qualified Archaeologist and/or the TCA Native American monitor) shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98.

If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the Qualified Archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by State law, the Medical Examiner will determine within (2) business days of being notified if the remains are subject to their authority. If the Medical Examiner recognizes the remains to be Native American, and not under their jurisdiction, then they shall contact the Native American Heritage Commission by telephone within 24 hours. The Native American Heritage Commission will make a determination as to the Most Likely Descendent, who shall be afforded 48 hours from the time access is granted to the discovery site to make recommendations regarding culturally appropriate treatment.

If suspected Native American remains are discovered, the remains shall be kept in situ (in place) until after the Medical Examiner makes its determination and notifications, and until after the Most Likely Descendent is identified, at which time the archaeological examination of the remains shall only occur on site in the

presence of the Most Likely Descendent. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. According to California Health and Safety Code, (6) six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). In the event that the Applicant/Owner and the Most Likely Descendant are in disagreement regarding the disposition of the remains, State law will apply, and the mediation process will occur with the NAHC. In the event that mediation is not successful, the landowner shall rebury the remains at a location free from future disturbance (see Public Resources Code Section 5097.98(e) and Section 5097.94(k)).

### **3.2.3 Finding**

Changes or alterations have been required in, or incorporated into, the project as mitigation measures MM-CR-1a through MM-CR-2, which are feasible, and will mitigate, avoid or substantially lessen the significant environmental effects as identified in the Final EIR related to archaeological and human remains.

### **3.2.4 Facts in Support of Finding**

Site SDI-5633 covers a portion of the project site. Previous data recovery mitigated the potential for the project to significantly impact the site. However, it is likely that additional resources associated with site SDI-5633 will be encountered during grading. This represents a significant impact. This impact would be mitigated to below a level of significance through implementation of mitigation measures MM-CR-1a and MM-CR-1b.

Specifically, implementation of these mitigation measures provides for the presence of archaeological monitors during ground disturbing activities that would be able to identify any previously unidentified cultural and/ or historical resources, to prevent inadvertent disturbance of any intact cultural deposits that may be present. Should any resources be identified, implementation of MM-CR-1a and MM-CR-1b would ensure proper handling and treatment of such resources by providing for a proper evaluation to determine whether additional archaeological work is necessary. To further ensure impacts to Native American archaeological resources are minimized, implementation of MM-CR-1a, MM-CR-1b and additional measures in Section 3.4 Tribal Cultural Resources below provide additional protections for significant resources and describes the process for proper treatment and handling to ensure impacts are minimized.

Potential impacts to human remains would be mitigated through implementation of mitigation measure MM-CR-2, which specifies that remains shall not be further disturbed until the San Diego County Coroner has determined origins of the remains and final treatment has been agreed to with input of the Most Likely Descendent as necessary. Therefore, with incorporation of these measures, potential impacts to cultural resources would be reduced to below a level of significance.

## **3.3 Noise**

### **3.3.1 Noise Impacts**

Due to temporary rock drilling and blasting activities during construction, the proposed project has the potential to create noise levels in excess of the 75 dBA standard if rock drilling equipment is staged closer than 160 feet to an occupied noise sensitive land use's property line (Impact N-1). Due to temporary rock crushing activities, the proposed project has the potential to create noise levels in excess of the applied operational noise standards for multi-family residential (65 dBA Leq) and commercial use (70 dBA Leq) if the rock crusher is staged within 210 feet of a multi-family residential use or within 160 feet of a commercial use (Impact N-2).

### **3.3.2 Noise Mitigation Measures**

The project includes mitigation measures in the MMRP that is to be adopted concurrently with these findings.

All noise impacts and mitigation measures are detailed in Attachment A at the end of this document. Mitigation measure MM-N-1 will mitigate Impact N-1 (exterior noise levels related to rock drill and blasting) to below a level of significance. Mitigation measure MM-N-2 will mitigate Impact N-2 (exterior noise levels related to rock crushing) to below a level of significance.

To mitigate potential noise impacts related to rock-drilling and blasting, implementation of the following mitigation measure will be required:

**MM-N-1** Prior to issuance of a blasting permit, the project applicant or contractor shall provide the final location of the construction equipment, topography, and construction schedule to the Planning Division. If the rock drill is shown to be located within 160 feet from a sensitive land use's property line, an acoustical engineer shall prepare a noise assessment to determine whether noise levels in excess of the 75 dBA standard would occur during construction.

If the rock drilling and blasting noise assessment determines noise levels at the affected property lines would exceed 75 dBA, the acoustical engineer shall develop a mitigation plan to ensure during rock drilling and blasting would be below 75 dBA at the property line. Potential measures to reduce drilling and blasting noise levels could include: 1) construction of a temporary noise barrier of solid non-gaping material ranging from 8 to 12 feet in height along any property line where the impacts could occur; 2) limits on usage of the equipment (amount of time used and/or the location in respect to the property line) or other measures to ensure the levels would be below 75 dBA. The mitigation plan shall be submitted to the Planning Division and implemented by the contractor.'

To mitigate potential noise impacts related to rock crushing, implementation of the following mitigation measure will be required:

**MM-N-2** Prior to issuance of a Conditional Use Permit for a rock crusher, the project applicant or contractor shall provide the final location and rock crusher type to the Planning Division. If the rock crusher is shown to be located within 210 feet of a multi-family residential use or within 160 feet of a commercial use without shielding, an acoustical engineer shall prepare a noise assessment to determine whether noise levels would be above the applied threshold of 65 dBA Leq for multi-family residential use and 70 dBA Leq for commercial use.

If the rock crushing noise assessment determines noise levels at the affected property lines would exceed the standards, the acoustical engineer shall develop a mitigation plan to reduced noise levels to 65 dBA at any existing multi-family use and 70 dBA at an existing commercial use. Mitigation may include sound barriers, sound absorbing materials and/or operational limits on the crusher equipment's usage. The mitigation plan shall be submitted to the Planning Division and implemented by the contractor.

### **3.3.3 Finding**

Changes or alterations have been required in, or incorporated into, the project as mitigation measures MM-N-1 and MM-N-2, which are feasible, and will mitigate, avoid or substantially lessen the significant effects as identified in the Final EIR resulting from rock drilling, blasting and rock crushing noise.

### **3.3.4 Facts in Support of Finding**

Based on the proposed location of construction equipment relative to surrounding land uses, the noise analysis prepared for the project (LDN 2024) concluded that noise impacts during construction would be below City standards and less than significant. However, the potential exists that construction equipment, specifically a rock drill and rock crusher, could be required and staged closer to sensitive uses than anticipated potentially resulting in noise levels exceeding the 75 dBA (8-hour) threshold for rock drilling and the applied operational thresholds of 65 dBA at multi-family uses and 70 dBA at commercial uses during operation of a rock crusher. These potentially significant impacts would be mitigated to below a level of significance through implementation of mitigation measures MM-N-1 through MM-N-2.

Specifically, implementation of mitigation measures MM-N-1 and MM-N-2 require preparation of a noise assessment prior to issuance of a blasting permit for the rock drill and conditional use permit for the rock crusher to confirm that noise levels would not exceed applicable City standards. If noise levels would exceed standards, then noise mitigation plans would be prepared and implemented to ensure noise levels are in compliance.

With incorporation of these mitigation measures, noise impacts related to project implementation will be reduced to below a level of significance.

## **3.4 Tribal Cultural Resources**

### **3.4.1 Tribal Cultural Resources Impact**

As a result of tribal consultation, the City has determined that construction of the proposed project has the potential to cause a substantial adverse change to a tribal cultural resource (SDI-5633) that is eligible for inclusion in the California Register of Historical Resources (Impact TCR-1).

### **3.4.2 Tribal Cultural Resources Mitigation Measures**

All tribal cultural resources impacts and mitigation measures are detailed in Attachment A at the end of this document. Mitigation measures MM-TCR-1 through MM-TCR-10 will mitigate Impact TCR-1 (potential impact to tribal cultural resources associated with SDI-5633) to below a level of significance.

In order to mitigate potential impacts to tribal cultural resources (Impact TCR-1), implementation of the following mitigation measures will be required

**MM-TCR-1      Monitoring Agreement:** Prior to the issuance of a Grading Permit, or ground disturbing activities, the Applicant/Owner shall extend the invitation to enter into a Monitoring Agreement with the Rincon Band of Luiseño Indians and the San Luis Rey Band of Luiseño Indians (Tribes). The purpose of the Monitoring Agreement shall be to formalize protocols and procedures between the Applicant/Owner and the Tribes for the monitoring for Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas, and other tribal cultural resources. Such resources may be located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional culturally appropriate archaeological studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and other ground disturbing activities. In the event that either or both tribes choose not to enter into an agreement or fail to respond to the offer, the City shall allow construction to proceed without the Native American monitor(s) as long as the offer was extended and documented.

Any project-specific Monitoring Plans and/or excavation plans prepared by the project archaeologist shall include the Tribal requirements for protocols and protection of tribal cultural resources that were agreed to during the tribal consultation. The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during construction monitoring and from any previous archaeological studies or excavations on the project site to the Tribes for proper treatment and disposition per the Monitoring Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The requirement and timing of such release of ownership, and the recipient thereof, shall be reflected in the Monitoring Agreement. Additionally, all non-tribal artifacts collected by the archaeologist shall also be subject to curation

**MM-TCR-2      Controlled Grading.** The area illustrated on the confidential exhibit attached to the grading plans shall be subject to controlled grading. Under the observation of a tribal monitor and qualified archaeologist, the contractor shall use either a small piece of equipment or observe the removal of soil by a backhoe equipped with a flat-edge bucket to excavate soil using shallow cuts made in approximately one-foot lifts. The grading equipment will push the shallow cuts of soil to the outside of the cultural deposit area and random samples may be screened to ensure adequate detection of any cultural materials that may be present. In the event that cultural materials or human remains are exposed, the procedures for unanticipated discoveries in mitigation measure TCR-4 shall apply. Controlled grading shall continue to a depth of 30 centimeters below the depth of any recorded artifacts, suggesting an end to the potential for cultural deposits, or when restrictive layers or non-cultural formational soils are encountered that predate any human occupation of this location, as determined by the qualified professional archaeologist, in consultation with the tribal monitor. Once the identified depth has been reached, the controlled grading process will be terminated and mass grading may proceed, subject to review and approval by the City.



**MM-TCR-3 Construction Monitoring:** Prior to the issuance of a Grading Permit or ground disturbing activities, the Applicant/Owner or Grading Contractor shall provide written documentation (either as signed letters, contracts, or emails) to the City's Planning Division stating that the Rincon Band and San Luis Rey Band have been retained at the Applicant/Owner or Grading Contractor's expense to implement the construction monitoring program, as described in the Monitoring Agreement. Native American monitoring shall include (1) one monitor from the Rincon Band of Luiseño Indians and (1) one monitor from the San Luis Rey Band of Luiseño Indians simultaneously. In the event that either tribe chooses not to enter into an agreement or fails to respond to the offer, the City shall allow construction to proceed without the Native American monitor(s) as long as the offer was extended and documented.

The monitors shall be provided at least 72 hours' notice of the initiation of construction and be kept reasonably apprised of changes to the construction schedule. In the event that a monitor is not present at the scheduled time, work can continue without the monitor present, as long as the notice was given and documented.

Native American monitors shall be invited to attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to present the construction monitoring program. The Native American monitors shall be present on-site during grubbing, grading, trenching, and/or other ground disturbing activities that occur in areas of native soil or other permeable natural surfaces that have the potential to unearth any evidence of potential archaeological resources or tribal cultural resources. In areas of artificial paving, the Native American monitors shall be present on-site during grubbing, grading, trenching, and/or other ground disturbing activities that have the potential to disturb the original pre-project ground surface to identify any evidence of potential tribal cultural resources. No monitoring of fill material, existing or imported, will be required if the General Contractor or developer can provide documentation to the satisfaction of the City that all fill materials being utilized at the site are either: 1) from existing commercial (previously permitted) sources of materials; or 2) are from private or other non-commercial sources that have been determined to be absent of tribal cultural resources by the Native American monitors.

The Qualified Archaeologist (mitigation measure MM-CR-1a) and Native American monitors shall maintain ongoing collaborative coordination with one another during all ground disturbing activities. The requirement for the construction monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall provide written notice to the Planning Division and the Tribes, preferably through e-mail, of the start and end of all ground disturbing activities.

**MM-TCR-4 Unanticipated Discovery Procedures:** Native American monitors may temporarily halt or divert ground disturbing activities if previously unknown tribal cultural resources are discovered during construction activities. Ground disturbing activities shall be temporarily directed away from the area of discovery for a reasonable amount of time to allow a determination of the resource's potential significance. If the resource is determined to be not associated with Native

American culture, it will be subject to mitigation measure MM-CR-1b. Native American tribal cultural resources discovered during construction shall follow the procedures below. If a discovery of a previously unknown resource is determined to be both a tribal cultural resource and a potentially significant archaeological resource that is associated with Native American culture (subject to mitigation measure MM-CR-1b), then the Qualified Archaeologist, Tribes, monitors, and City shall coordinate on appropriate treatment.

All unearthed tribal cultural resources will be collected, temporarily stored in a secure location, and repatriated according to the consulting tribes, unless ordered to do otherwise by responsible agency or court of competent jurisdiction.

If a determination is made that the tribal cultural resources are considered potentially significant by the Tribe and the Native American monitor, then the City and the Tribe shall determine, in consultation with the Applicant/Owner, the culturally appropriate treatment of those resources.

All sacred sites and significant tribal cultural resources encountered within the project area shall be avoided and preserved as the preferred mitigation. If avoidance of the resource is determined to be infeasible by the City as the Lead Agency (as defined by the California Environmental Quality Act [CEQA]), then the City shall require additional culturally appropriate mitigation to address the negative impact to the resource. The Tribe shall be notified and consulted regarding the determination and implementation of culturally appropriate mitigation. Any cultural materials that cannot be avoided or preserved in place as the preferred mitigation shall be temporarily stored in a secure location on site and repatriated according to the terms of the Monitoring Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The removal of any artifacts from the project site will be inventoried with oversight by the Native American monitor. Any testing, taking of photos or 3D prints are prohibited, unless all monitoring tribes give prior written approval.

**MM-TCR-5      Human Remains:** As specified by California Health and Safety Code Section 7050.5, if human remains, or remains that are potentially human, are found on the project site during ground disturbing activities or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office by telephone. The procedures in mitigation measure MM-CR-2 shall apply.

**MM-TCR-6      Reburial:** Prior to the approval of grading plans, the Applicant/Owner shall designate a reburial location onsite and note the location as excluded from construction-related activity on grading plans. The reburial location shall be used to rebury any cultural materials encountered during monitoring, and to rebury existing collections from the previous data recovery effort. Following the completion of all ground disturbing activity and reburial of all materials and before the issuance of a Certificate of Occupancy, the Applicant shall file a deed restriction on the parcel that protects the reburial location from future disturbance and provide a copy to the City. The exhibit for the deed restriction and purpose of it shall be kept confidential and out of the public record.

- MM-TCR-7**      **Access Agreement and Management Plan:** Prior to the issuance of a Certificate of Occupancy, the Applicant/Owner shall extend a written offer to each consulting tribe to enter into an access agreement, which is binding on successors and heirs to the property, that allows for legal access to visit the reburial location after construction is completed. If more than (1) one tribe elects to enter into an access agreement, each tribe shall have its own agreement. In the event that one or more consulting tribe does not respond to the offer within 30 days of receipt, then the City will deem this mitigation measure satisfied provided that the offer was extended and documented in accordance with this measure. Management of the reburial area is to include the development of a revegetation plan in consultation with the consulting tribes, including notification process for proposed maintenance of the reburial area.
- MM-TCR-8**      **Native Vegetation:** Prior to clearing and grubbing of vegetation in the project area, a qualified professional botanist shall flag the presence of white sage for transplanting into the landscaping or offsite. In the event that transplanting is determined infeasible by the botanist, in their professional judgement, the Applicant/Owner shall ensure that native white sage is included in the landscaping plan for the project.
- MM-TCR-9**      **Land Acknowledgement Statement:** The project applicant shall develop and post a Land Acknowledgement Statement inside a common area of the development. The statement shall be developed in coordination with Tribes and address the acknowledgement that the project is on the ancestral lands of culturally affiliated tribes that have been the original and ongoing stewards of the land. In the event that consulting tribes do not respond to the offer within 30 days of receipt, then the City will deem this mitigation measure satisfied provided that the offer was extended and documented in accordance with this measure. The location of the Land Acknowledgement Statement shall be noted on elevation and/or plan view drawings for the common area of the development.
- MM-TCR-10**      **Project-Specific Ethnographic Synthesis:** The Applicant/Owner shall fund the preparation of a project-specific ethnographic synthesis, not to exceed what is described in the confidential proposal provided by the Rincon Band of Luiseño Indians dated August 27, 2024. No later than 30 days after the final project approval, the Applicant/Owner shall extend a written offer to the Rincon Band of Luiseño Indians to enter into an agreement with their ethnographer to conduct and prepare the ethnographic synthesis in accordance with the aforementioned proposal. In the event of a dispute between the parties in entering into the agreement for the ethnographic synthesis, and after a good faith and reasonable effort, the City shall serve as the final arbiter. The City will determine the scope and content of an ethnographic synthesis in that event.

The synthesis will draw from oral histories, elder knowledge, and other sources of confidential Indigenous knowledge that relate to the tribal cultural resource affected by the proposed project. The ethnographer shall be afforded up to 90 days following funding of the ethnography to carry out any field visits with appropriate tribal representatives. After 90 days, or sooner if the ethnographer completed its field studies, the Applicant/Owner shall be permitted to proceed with ground disturbing activities and construction of the project while non-field-based data

gathering, such as ethnographic interviews of informants and review of tribal documents, is being carried out. Upon completion, a public (redacted) version of the ethnographic synthesis shall be submitted to the California Historical Resources Information System and the City. The final non-redacted study shall belong to the Rincon Band of Luiseño Indians.

### **3.4.3 Finding**

Changes or alterations have been required in, or incorporated into, the project as mitigation measure MM-TCR-1 through MM-TCR-10, which are feasible, and will mitigate, avoid or substantially lessen the significant effects as identified in the Final EIR related to tribal cultural resources.

### **3.4.4 Facts in Support of Finding**

The City has determined, in consultation with Tribes, that the proposed project has the potential to cause a substantial adverse change to a tribal cultural resource (SDI-5633) that is eligible for inclusion in the California Register of Historical Resources. Mitigation measures MM-TCR-1 through MM-TCR-10, which implement Section 21084.3(b)(2)(B, C) and (b)(3) of the Public Resources Code, would reduce tribal cultural resources impacts to below a level of significance.

Mitigation measures MM-TCR-1 through MM-TCR-10, which were developed in conjunction with the consulting Tribes, would treat the resources with culturally-appropriate dignity taking into account the tribal cultural meaning of the resources, including protecting the traditional use of the resources and protecting the confidentiality of the resource. The project also incorporates a permanent conservation easement within a portion of the project site, with culturally appropriate management criteria for the purpose of preserving or utilizing the resources or places. Implementation of mitigation measures MM-TCR-1 through MM-TRC-10 would reduce the level of impact to tribal cultural resources to less than significant.

## **Section 4. Findings Regarding Project Alternatives**

The CEQA Guidelines states that the “range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects” (Section 15126[c]). The Final EIR evaluated a reasonable range of alternatives to the project. These alternatives are:

- No Project/No Development Alternative
- No Project/ Existing Plan Alternative
- Reduced Development Footprint Alternative
- Reduced Intensity Alternative

When a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. An alternative may be “infeasible” if it fails to achieve the most basic project objectives identified within the EIR.

Table 1 provides a qualitative comparison of each alternative's conformance to the project objectives.

Further, "feasibility" under CEQA encompasses the desirability of the project based on a reasonable balancing of relevant economic, environmental, social, or other considerations which make infeasible the project alternatives identified in Section 4.0 of the Final EIR.

#### **4.1 No Project/No Development Alternative**

CEQA requires a No Project Alternative to be addressed in an EIR. Under the No Project/No Development Alternative, the project would not be implemented, and the project site would remain undeveloped and in its current condition. No grading or construction would occur on the project site under this alternative. The project site is currently undeveloped and supports Diegan coastal sage scrub, non-native grassland, and disturbed habitat. Habitat on the project site would not be impacted under this alternative.

##### **Feasibility of Alternative**

Since the No Project/No Development Alternative would not develop any residential or commercial uses on the project site, overall impacts would be less than those of the proposed project or eliminated entirely. There are some benefits of the project that would not be realized under this alternative, including providing additional housing units, including affordable units, which helps the City meet its Regional Housing Need Allocation numbers. Under this alternative, off-site water, sewer, and stormwater infrastructure improvements would not be realized. Also, under this alternative there would not be any payment of the City's public facility fees (PFF), which goes toward supporting a variety of services and improvements in the City, including but not limited to Circulation Streets, State Route 78 Interchanges, National Pollutant Discharge Elimination System, Tech Improvements, Parks, and Habitat Conservation. Payment of these fees provides improvements that benefit all residents of the city. Similarly, this alternative would not contribute any school fees. Finally, there would not be any protection or repatriation afforded to the existing cultural resources and tribal cultural resources on the site and they could be subject to future disturbance from those who may access the site without authorization. The No Project/ No Development Alternative would not meet any of the project objectives (see Table 1).

The No Project/No Development Alternative was rejected in favor of the project, because it does not meet any of the project objectives.

#### **4.2 No Project/ Existing Plan Alternative**

CEQA Guidelines Section 15126.6(e)(3), states that when the project is a revision of an existing land use plan, the no project alternative will be the continuation of the existing plan in the future. Under the No Project/Existing Plan Alternative, the project site would be developed consistent with the site's existing land use designation. The project site has an existing General Plan Land Use designation of Public/Institutional (PI) which has a maximum floor area ratio (FAR) of 3.0. According to Table 2-3 of the Land Use Element of the City's General Plan, this designation is for "facilities built and maintained for public use such as academic facilities, institutional uses, community service facilities, water and sewer facilities, detention and drainage facilities, cemeteries, police and fire stations, and other government buildings and properties. This designation may include privately owned facilities built and maintained for public use" (City of San Marcos 2012).

One development scenario that would meet the P-I (Public/Institutional) zoning requirements would be a three-story, 160,000 s.f. telecommunications building that would be used as a data center. This is similar to the existing use of the adjacent AT&T facility and since AT&T was the previous owner of the project site, a data center would be a logical alternative use. Overall, the development footprint would stay the same as the proposed project.

### **Feasibility of Alternative**

The No Project/Existing Plan Alternative would result in fewer average daily trips (ADT) but would require 285 times more electricity than the proposed project which results in a corresponding proportional increase in air pollutant and greenhouse gas (GHG) emissions.

Footprint-specific impacts, such as those related to biological resources, cultural, and tribal cultural resources, would be similar as the proposed project, as the same amount of site area would be disturbed.

This alternative would not generate any students for San Marcos Unified School District (SMUSD) and would reduce demand for parks, libraries, natural gas, solid waste, water, and sewer services compared to the proposed project. This alternative would result in a vehicle miles traveled (VMT) impact and would require mitigation to reduce VMT to 85% of the regional mean for employees. Finally, this alternative does not meet any of the project objectives (see Table 1). Because this alternative would not meet all of the project objectives and would increase electricity, air pollutants and GHG emissions along with resulting in a significant VMT impact, the No Project/Existing Plan Alternative was rejected in favor of the project.

## **4.3 Reduced Development Footprint Alternative**

Under the Reduced Development Footprint Alternative, the project site would be developed with 14 live/work rowhomes and associated infrastructure. The units would be three stories high and would be a for-sale product. No affordable housing would be proposed under this alternative. Two-car garages would be included on the ground level of each unit and five additional open parking spaces would be provided for a total of 33 spaces. This alternative would have a density of 5.83 du/acre and would include seven 3 bed/2.5 bath units (1,600 s.f.) and seven 4 bed/2.5 bath units (1,800 s.f.). Access would be via Armorlite Drive and a drive aisle adjacent to the western project boundary would provide access to some of the townhomes. Private and common open space would be provided consistent with the City's Outdoor Space Standards (Section 20.255.120 of the San Marcos Municipal Code). Architectural treatments would be incorporated into the design of this alternative to provide for visual interest and to break up the bulk and scale of the development.

Overall, the development footprint and area of disturbance would be reduced compared to the proposed project, as only 41% of the project site would be disturbed. This results in a corresponding decrease in the amount of grading that would be required for the project.

### **Feasibility of Alternative**

The Reduced Development Footprint Alternative would reduce the number of residential units constructed on the project site (14 compared to 165). This results in a corresponding decrease in vehicular trips by approximately 90% and a corresponding decrease in air pollutant emissions, GHG emissions and noise from offsite traffic compared to the proposed project. Public services, utilities and service systems, and energy demands would also be proportionally decreased. Footprint specific impacts, such as those related to biological resources, cultural resources, and tribal cultural resources,

would also be reduced as this alternative would only impact 41% of the project site. This alternative would contribute less PFF and school fees since fewer residential units would be constructed. This alternative could be designed in a manner that would meet the majority of the project objectives (see Table 1).

Among the other alternatives, not including the proposed project, the Reduced Development Footprint Alternative is the environmentally superior alternative because it would provide a reduced level of impact in some environmental analysis areas including air quality, cultural resources, GHG, noise, public services, recreation, tribal cultural resources, and utilities/service systems. Mitigation measures would still be required to mitigate impacts to biological resources, cultural resources, noise, tribal cultural resources.

#### **4.5 Reduced Intensity Alternative**

Under the Reduced Intensity Alternative, the project site would be developed under a Specific Plan with 80 residential apartments and 5,600 s.f. of commercial use for a density of approximately 32 du/acre. The project proposes a density of 67 du/acre. A General Plan Amendment and Rezone would be required for this alternative to change the site from PI (Public Institutional) to Specific Plan. Overall, the development footprint and area of disturbance would be similar to that of the proposed project, but with less density of residential units. The building would range from two to three stories high, depending on how large the units would be. Private and common open space would be provided consistent with the City's Outdoor Space Standards (Section 20.255.120 of the San Marcos Municipal Code). Architectural treatments would be incorporated into the design of this alternative to provide for visual interest and to break up the bulk and scale of the development.

#### **Feasibility of Alternative**

The Reduced Intensity Alternative would reduce the number of residential units constructed on the project site. This results in a corresponding decrease in vehicular trips by approximately 42% and a corresponding decrease in air pollutants and GHG emissions and noise from offsite traffic compared to the proposed project. Public services, utilities and service systems, and energy demands would also be proportionally decreased. Footprint-specific impacts, such as those related to biological resources, cultural and tribal cultural resources, would be similar as the proposed project since a similar area of disturbance would occur under this alternative. This alternative would contribute less PFF and school fees since fewer residential units would be constructed. This alternative would meet the majority of the project objectives (see Table 1).

**Table 1. Summary of Alternatives and Project Objectives**

Objective	Proposed Project	No Project/No Development	No Project/Existing Plan Alternative	Reduced Development Footprint Alternative	Reduced Intensity Alternative
1. Maximize housing opportunities close to major transit facilities, education facilities, shopping and employment opportunities, and trails to optimize land use with transit use and active modes of transportation, reduce reliance on automobiles, and potentially reduce greenhouse gas emissions.	Meets objective	Does not meet this objective	Does not meet this objective	Partially meets objective	Partially meets this objective
2. To the extent possible, given site constraints, maximize the opportunity to provide transit-oriented housing for the City of San Marcos up to 67.6 dwelling units per acre.	Meets objective	Does not meet this objective	Does not meet this objective	Partially meets this objective	Partially meets this objective
3. Develop high-quality market-rate for rent housing which meets the housing needs of the City of San Marcos and the region.	Meets objective	Does not meet this objective	Does not meet this objective	Does not meet this objective	Meets objective
4. Provide an affordable dwelling unit component that satisfies the State of California qualifying affordable housing income category of very-low income (30 to 50% of area median	Meets objective	Does not meet this objective	Does not meet this objective	Does not meet this objective	Could be designed in a manner that meets this objective



Objective	Proposed Project	No Project/No Development	No Project/Existing Plan Alternative	Reduced Development Footprint Alternative	Reduced Intensity Alternative
income) through development onsite.					
5. Facilitate connections to the Armorlite Drive complete street circulation system and provide pedestrian friendly architecture and landscaping to promote walkability and connectivity for people to surrounding transit and places.	Meets objective	Does not meet this objective	Does not meet this objective	Could be designed in a manner that meets this objective	Could be designed in a manner that meets this objective
6. Design a vehicular circulation system that adequately accommodates traffic and minimizes traffic impacts in and around the project area.	Meets objective	Does not meet this objective	Does not meet this objective	Could be designed in a manner that meets this objective	Could be designed in a manner that meets this objective
7. Establish development standards and design guidelines that ensure distinctive architecture, landscaping and recreational amenities that complements and enhances the existing surrounding neighborhood while providing a desirable living environment for residents within the Specific Plan area.	Meets objective	Does not meet this objective	Does not meet this objective	Could be designed in a manner that meets this objective	Could be designed in a manner that meets this objective
8. Provide flexible “flex” Commercial space to support residents of the Specific Plan Area that is also	Meets objective	Does not meet this objective	Does not meet this objective	Does not meet this objective	Could be designed in a manner that

Objective	Proposed Project	No Project/No Development	No Project/Existing Plan Alternative	Reduced Development Footprint Alternative	Reduced Intensity Alternative
capable of adapting to future market conditions and designed to support potential future retail needs.					meets this objective
9. Institute a program for the long-term maintenance of the community to ensure all facilities are adequately maintained to City standards.	Meets objective	Does not meet this objective	Does not meet this objective	Could be designed in a manner that meets this objective	Could be designed in a manner that meets this objective
10. Finance or contribute a fair share of funding to all community services and infrastructure needed to support development proposed by the Specific Plan to promote economic stability.	Meets objective	Does not meet this objective	Does not meet this objective	Could be designed in a manner that meets this objective	Could be designed in a manner that meets this objective

## **Attachment A**

### **Mitigation Monitoring and Reporting Program and Project Design Features**

### Armorlite Lofts Specific Plan Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action	Timing	Responsibility
<b>BIOLOGICAL RESOURCES</b>				
<b>BIO-1</b> Potential to impact avian species and wildlife protected under the Migratory Bird Treaty Act and California Fish and Game Code if tree removal, vegetation removal, or other construction activities occur during the nesting season.	<p><b>MM-BIO-1a Breeding Season Avoidance.</b> The removal of coastal sage scrub from the project impact footprint shall only occur from September 1 through February 14 to avoid the bird breeding season. Further, to the maximum extent practicable, grading activities associated with construction of the project shall occur September 1 through February 14 to avoid the breeding season. If project construction must occur during the breeding season, MM-BIO-1b shall be implemented.</p> <p><b>MM-BIO-1b Nesting Survey(s).</b> Take of birds protected under the Migratory Bird Treaty Act and California Fish and Game Code shall be avoided during the nesting season. To avoid any direct impacts on raptors and/or any migratory birds protected under the Migratory Bird Treaty Act and California Fish and Game Code, removal of habitat that supports active nests on the proposed area of disturbance shall occur outside of the nesting season for these species (February 15 through August 31, annually). If construction occurs during the nesting season, pre-construction nesting bird surveys must be conducted within 72 hours of construction-related activities. If nesting birds are detected by the biologist, the following buffers shall be established: (1) no work within 300 feet of a non-listed nesting migratory bird nest, and (2) no work within 500 feet of a listed bird or raptor nest. However, the biologist may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance) in conjunction with consultation with the City of San Marcos. If construction must take place within the recommended buffer widths above, the project applicant shall contact the City of San Marcos and wildlife agencies to determine the appropriate buffer.</p> <p>Additionally, take of a state candidate species is prohibited under the California Endangered Special Act (CESA). While Crotch's bumble bee has low potential to occur on site, the pre-construction surveys for Crotch's bumble bee shall be</p>	<p>Avoid construction during bird breeding season but If construction is proposed during the breeding season, conduct a pre-construction survey. If nesting birds are present, implement buffer zone and avoidance measures.</p> <p>If nesting birds are not detected during the preconstruction survey, no further mitigation is required.</p> <p>Avoid ground-disturbing activities during the Crotch's bumble bee nesting period. If ground-disturbing activities are proposed during the Crotch's bumble bee nesting period, conduct surveys, per the requirements of the mitigation measure.</p>	<p>For construction activities proposed for the period of February 15 through August 31, conduct bird survey within seven days prior to the start of construction activities.</p> <p>For ground-disturbing activities between February 1 through October 31, conduct Crotch's bumble bee surveys.</p>	Applicant/ Landowner, Project Biologist, Contractor.

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>conducted within the construction footprint prior to the start of ground-disturbing activities occurring during the Crotch's bumble bee nesting period (February 1 through October 31). The survey shall ensure that no nests for Crotch's bumble bee are located within the construction area. The pre-construction survey shall include focused surveys, which shall be based on recommendations described in the <i>Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species</i>, released by the California Department of Fish and Wildlife on June 6, 2023, or the most current version at the time of construction.</p> <p>The surveys shall be performed by a biologist with expertise in surveying for bumble bees and include at least three survey passes that are not on sequential days or in the same week, preferably spaced 2 to 4 weeks apart. Surveys may occur between 1 hour after sunrise and 2 hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, raining, or drizzling), and surveyors shall wait at least 1 hour following rain. Optimal surveys are when there are sunny to partly sunny skies and a temperature greater than 60° F. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 miles per hour). Within non-developed habitats, the biologist shall look for nest resources suitable for bumble bee use. Ensuring that all nest resources receive 100% visual coverage, the biologist shall watch the nest resources for up to 5 minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after 5 minutes of observation. If a bumble bee worker is detected, then a representative shall be identified to species. Biologists should be able to view several burrows at one time to sufficiently determine if bees are entering/exiting them, depending on their proximity to one another. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point to determine which would</p>			

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	<p>provide 100% visual coverage; this could include a 30- to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes).</p> <p>Identification shall include trained biologists netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National Protocol Framework for the Inventory and Monitoring of Bees. The bee shall be placed in a clear container for observation and photographic documentation, if able. The bee shall be photographed using a macro lens from various angles to ensure recordation of key identifying characteristics. If bumble bee-identifying characteristics cannot be adequately captured in the container due to movement, the container shall be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of other bumble bee species, they become active shortly after removal from the cold environment, so photography must be performed quickly.</p> <p>If Crotch's bumble bee nests are not detected, no further mitigation would be required. The mere presence of foraging Crotch's bumble bees would not require implementation of additional minimization measures because they can forage up to 10 kilometers from their nests. If nest resources occupied by Crotch's bumble bee are detected within the construction area, no construction activities shall occur within 100 feet of the nest, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources shall be avoided for the duration of the Crotch's bumble bee nesting period (February 1 through October 31). Outside of the nesting season, it is assumed that no live individuals would be present within the nest because the</p>			

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>daughter queens (gynes) usually leave by September, and all other individuals (original queen, workers, males) die. The gyne is highly mobile and can independently disperse to outside of the construction footprint to surrounding open space areas that support suitable hibernacula resources.</p> <p>A written survey report shall be submitted to the City of San Marcos Planning Division Director within 30 days of the last survey pass. The report shall include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report shall include the qualifications/resumes of the surveyor(s) and approved biologist(s) for identification of photo vouchers and a detailed habitat assessment. If Crotch's bumble bee nests are observed, the survey report shall also include recommendations for avoidance, and the location information shall be submitted to the California Natural Diversity Database at the time of, or prior to, submittal of the survey report.</p> <p>If Crotch's bumble bee is detected within the project site, the project applicant shall consult with CDFW regarding the need to obtain an Incidental Take Permit. Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch's bumble bee may supersede measures provided in this document.</p> <p>In the event that an Incidental Take Permit is needed, mitigation for direct impacts to Crotch's bumble bee shall be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. Mitigation shall be accomplished through on-site preservation of suitable habitat and/or in accordance with CDFW guidance for off-site locations. The funding source shall be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment</p>			

Impact	Mitigation Measure	Action	Timing	Responsibility
	amount shall be established following the completion of a project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record shall take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement.			
<b>BIO-2:</b> The proposed project has the potential to result in indirect impacts to sensitive species due to dust, trash, and accidental transport of non-native plant species into the project site, and invasive plant species, and noise and lighting effects.	<p><b>MM-BIO-2a Construction Best Management Practices.</b> The project applicant shall ensure that the following conditions are implemented during project construction to minimize potential environmental impacts due to project implementation:</p> <ol style="list-style-type: none"> <li>1. Impacts from fugitive dust shall be avoided and minimized through watering and other appropriate measures consistent with the Construction General Permit Order 2009-009-DWQ.</li> <li>2. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the project site.</li> <li>3. To avoid attracting predators, the project site shall be kept clean of debris. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site.</li> <li>4. Pets of project personnel shall not be allowed on the project site.</li> </ol> <p><b>MM-BIO-2b Landscaping.</b> The applicant shall ensure that development landscaping habitat does not include exotic plant species that may be invasive to native habitats in the region. Exotic plant species not to be used include any species listed on the California Invasive Plant Council's "Invasive Plant Inventory" List. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides.</p> <p><b>MM-BIO-2c Biological Monitor Requirements and Duties.</b> A qualified biologist shall be on site per the discretion of the City</p>	<p>Biological monitoring and implementation of BMPs during construction.</p> <p>Review/approve landscape plans.</p>	Prior to and during construction.	Applicant/ Landowner, Project Biologist, Contractor.



Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>during initial clearing/grubbing and during grading to ensure compliance with all project-imposed mitigation measures. The biologist shall be available during pre-construction and construction phases to review grading plans, address protection of potential biological resources, monitor ongoing work, and maintain communications with the Project's engineer to ensure that any issues are appropriately and lawfully managed.</p> <p>The qualified biological monitor shall also be responsible for the following duties:</p> <ol style="list-style-type: none"> <li>1. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.</li> <li>2. Halt work, if necessary, and confer with the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and City of San Marcos to ensure the proper implementation of species and habitat protection measures. The biologist shall report any violation to USFWS and the City within 24 hours of its occurrence.</li> <li>3. Submit a final report to the City within 60 days of Project completion that includes the following: (1) as-built construction drawings for grading with an overlay of any active nests; (2) photographs of habitat areas during pre-construction and post-construction conditions; and (3) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with the avoidance/minimization provisions were achieved.</li> </ol>			
<b>BIO-3</b> The proposed project would impact 2.13 acres of Diegan coastal sage scrub and 0.12 acres of non-native grassland-broadleaf dominated for a total of 2.25 acres of impact.	<b>MM-BIO-3 Off-Site Mitigation.</b> The permanent loss of 2.13 acres of Diegan Coastal Sage Scrub will be mitigated at a minimum 1:1 ratio and the permanent loss of 0.12 acres of non-native grassland will be mitigated at a minimum 0.5:1 ratio. The amount of mitigation acreage required for non-native grassland may be reduced if up-tiered (i.e., coastal sage scrub) habitat is available for purchase. Section 5.2.1 of the Draft Subarea Plan for San Marcos references the preferred order of mitigation to be on-site mitigation, off-site acquisition, in-lieu fees, and mitigation credits. Since on-site mitigation is not an option due to the	Proof of off-site acquisition, in-lieu fees, purchase of credits from mitigation bank, or combination thereof submitted to Planning Division Director.	Prior to issuance of Grading Permit.	Applicant/Landowner, Project Biologist.

Impact	Mitigation Measure	Action	Timing	Responsibility
	project design, the impacted 2.13 acres of Diegan coastal sage scrub and 0.06 acres of non-native grassland will be mitigated by the project applicant through off-site acquisition, in lieu fees, a purchase of credits from Buena Creek Mitigation Bank or another approved mitigation bank, or a combination thereof as approved by the City's Planning Division Director and wildlife agencies prior to issuance of the grading permit.			
<b>CULTURAL RESOURCES</b>				
<b>CR-1</b> Due to grading and ground disturbing activities, the proposed project may uncover previously unidentified archeological resources associated with SDI-5633 or may result in previously unknown archaeological resources associated with other time periods or cultures.	<p><b>MM-CR-1a Archaeological Monitoring:</b> Prior to the issuance of a Grading Permit or ground disturbing activities, the Applicant/Owner or Grading Contractor shall provide written documentation (either as signed letters, contracts, or emails) to the City's Planning Division stating that a Qualified Archaeologist has been retained at the Applicant/Owner or Grading Contractor's expense to monitor ground disturbing activities associated with project construction.</p> <p>The Qualified Archaeologist shall be invited to attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to present the construction monitoring program. The Qualified Archaeologist shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that occur in areas of native soil or other permeable natural surfaces that have the potential to unearh any evidence of potential archaeological resources. In areas of artificial paving, the Qualified Archaeologist shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that have the potential to disturb more than six inches below the original pre-project ground surface to identify any evidence of potential archaeological resources. No monitoring of fill material, existing or imported, will be required if the General Contractor or developer can provide documentation to the satisfaction of the City that all fill materials being utilized at the site are either: 1) from existing commercial (previously permitted) sources of materials; or 2) are from private or other non-commercial sources that have been determined to be absent of archaeological resources by the Qualified Archaeologist.</p>	<p>Provide documentation that a qualified archaeologist has been retained.</p> <p>Archaeologist to attend pre-construction meetings and conduct monitoring as described.</p> <p>Provide archaeologist monitoring report.</p>	<p>Prior to issuance of Grading Permit and/or during all earth moving and ground disturbing activity.</p> <p>Archaeologist monitoring report to be provided prior to the release of any grading bonds, or prior to the issuance of any project Certificate of Occupancy.</p>	Applicant/Landowner, Archaeologist, Tribal Monitor(s), Contractor.

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>The Qualified Archaeologist shall maintain ongoing collaborative coordination with the Native American monitor(s) (TCR-1) during all ground disturbing activities. The requirement for the construction monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall provide written notice to the Planning Division, preferably through e-mail, of the start and end of all ground disturbing activities.</p> <p>Prior to the release of any grading bonds, or prior to the issuance of any project Certificate of Occupancy, an archaeological monitoring report, which describes the results, analysis, and conclusions of the construction monitoring shall be submitted by the Qualified Archaeologist, along with any Native American monitor's notes and comments received by the Qualified Archaeologist, to the Planning Division Director for approval. Once approved, a final copy of the archaeological monitoring report shall be retained in a confidential City project file and may be released, as a formal condition of Assembly Bill (AB) 52 consultation, to consulting Tribes. A final copy of the report, with all confidential site records and appendices, will also be submitted to the South Coastal Information Center after approval by the City.</p>			
	<p><b>MM-CR-1b Unanticipated Discovery Procedures:</b> The Qualified Archaeologist may temporarily halt or divert ground disturbing activities if previously unknown archaeological resources are discovered during construction activities. Ground disturbing activities shall be temporarily directed away from the area of discovery for a reasonable amount of time to allow a determination of the resource's potential significance. If the resource is determined to be associated with Native American culture, it will be considered a tribal cultural resource and subject to MM-TCR-4 and -5. Non-Native American resources discovered during construction shall follow the procedures below. If a discovery of a previously unknown resource is determined to be both a tribal cultural resource (subject to MM-TCR-4) and a potentially significant archaeological resource that is associated with Native American culture, then the Qualified</p>	<p>If potential cultural resources are found, halt ground disturbance and follow procedures listed for discovery.</p>	<p>During all earth moving and ground disturbing activity.</p>	<p>Archaeologist, Tribal Monitor(s), Contractor, City (Planning Division Director).</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>Archaeologist, Tribes, Native American monitors, and City shall coordinate on appropriate treatment.</p> <p>Isolates and clearly non-significant archaeological resources (as determined by the Qualified Archaeologist) will be minimally documented in the field. All unearthed archaeological resources will be collected, temporarily stored in a secure location until analysis and documentation are complete. If a determination is made that the archaeological resources are considered potentially significant by the Qualified Archaeologist, then an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods.</p> <p>In the event that curation of archaeological resources is required by a superseding regulatory agency, curation shall be conducted by an approved local facility within San Diego County and the curation shall be guided by California State Historical Resources Commission's Guidelines for the Curation of Archaeological Collections. The City shall provide the Applicant/Owner final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction. The Applicant/Owner shall be responsible for all repatriation and curation costs and provide to the City written documentation from the curation facility that the curation has been completed.</p>			
<b>CR-2</b> There is a potential for Project construction activities to disturb previously unidentified human remains on the Project site.	<b>MM-CR-2 Human Remains:</b> As specified by California Health and Safety Code Section 7050.5, if human remains, or remains that are potentially human, are found on the project site during ground disturbing activities or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the Qualified Archaeologist and/or the TCA Native American monitor) shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98.	If human remains are found, halt ground disturbance and follow procedures listed for discovery.	During all earth moving and ground disturbing activity.	Archaeologist, Tribal Monitor(s).

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the Qualified Archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by State law, the Medical Examiner will determine within two working days of being notified if the remains are subject to their authority. If the Medical Examiner recognizes the remains to be Native American, and not under their jurisdiction, then they shall contact the Native American Heritage Commission by telephone within 24 hours. The Native American Heritage Commission will make a determination as to the Most Likely Descendent, who shall be afforded 48 hours from the time access is granted to the discovery site to make recommendations regarding culturally appropriate treatment.</p> <p>If suspected Native American remains are discovered, the remains shall be kept in situ (in place) until after the Medical Examiner makes its determination and notifications, and until after the Most Likely Descendent is identified, at which time the archaeological examination of the remains shall only occur on site in the presence of the Most Likely Descendent. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). In the event that the Applicant/Owner and the Most Likely Descendant are in disagreement regarding the disposition of the remains, State law will apply, and the mediation process will occur with the NAHC. In the event that mediation is not successful, the landowner shall rebury the remains at a location free from future disturbance (see Public Resources Code Section 5097.98(e) and 5097.94(k)).</p>			
<b>NOISE</b>				
<b>N-1</b> Due to temporary rock drilling and blasting activities	<b>MM-N-1</b> Prior to issuance of a blasting permit, the project applicant or contractor shall provide the final location of the construction equipment, topography, and construction schedule	Depending on final location of rock drill, prepare noise	Prior to issuance of a blasting permit and	Applicant/ Landowner, Acoustical

Impact	Mitigation Measure	Action	Timing	Responsibility
during construction, the proposed project has the potential to create noise levels in excess of the 75 dBA standard if rock drilling equipment is staged closer than 160 feet to an occupied noise sensitive land use's property line	to the Planning Division. If the rock drill is shown to be located within 160 feet from a sensitive land use's property line, an acoustical engineer shall prepare a noise assessment to determine whether noise levels in excess of the 75 dBA standard would occur during construction. If the rock drilling and blasting noise assessment determines noise levels at the affected property lines would exceed 75 dBA, the acoustical engineer shall develop a mitigation plan to ensure during rock drilling and blasting would be below 75 dBA at the property line. Potential measures to reduce drilling and blasting noise levels could include: 1) construction of a temporary noise barrier of solid non-gaping material ranging from 8 to 12 feet in height along any property line where the impacts could occur; 2) limits on usage of the equipment (amount of time used and/or the location in respect to the property line) or other measures to ensure the levels would be below 75 dBA. The mitigation plan shall be submitted to the Planning Division and implemented by the contractor.	assessment and if necessary, mitigation plan.  Implement identified measures including construction of temporary noise barriers as necessary.	during rock drilling.	Engineer, Contractor, City (Planning Division Director).
<b>N-2</b> Due to temporary rock crushing activities, the proposed project has the potential to create noise levels in excess of the applied operational noise standards for multi-family residential (65 dBA Leq) and commercial use (70 dBA Leq) if the rock crusher is staged within 210 feet of a multi-family residential use or within 160 feet of a commercial use.	<b>MM-N-2</b> Prior to issuance of a Conditional Use Permit for a rock crusher, the project applicant or contractor shall provide the final location and rock crusher type to the Planning Division. If the rock crusher is shown to be located within 210 feet of a multi-family residential use or within 160 feet of a commercial use without shielding, an acoustical engineer shall prepare a noise assessment to determine whether noise levels would be above the applied threshold of 65 dBA Leq for multi-family residential use and 70 dBA Leq for commercial use.  If the rock crushing noise assessment determines noise levels at the affected property lines would exceed the standards, the acoustical engineer shall develop a mitigation plan to reduced noise levels to 65 dBA at any existing multi-family use and 70 dBA at an existing commercial use. Mitigation may include sound barriers, sound absorbing materials and/or operational limits on the crusher equipment's usage. The mitigation plan shall be submitted to the Planning Division and implemented by the contractor.	Depending on final location of rock crusher, prepare noise assessment and if necessary, mitigation plan.  Implement identified measures including construction of temporary noise barriers as necessary.	Prior to issuance of a Conditional Use Permit for a rock crusher and during rock crushing activities.	Applicant/Landowner, Acoustical Engineer, Contractor, City (Planning Division Director).
<b>Tribal Cultural Resources</b>				

Impact	Mitigation Measure	Action	Timing	Responsibility
<b>TCR-1</b> As a result of tribal consultation, the City has determined that construction of the proposed project has the potential to cause a substantial adverse change to a tribal cultural resource that is eligible for inclusion in the California Register of Historical Resources.	<b>MM-TCR-1 Monitoring Agreement:</b> Prior to the issuance of a Grading Permit, or ground disturbing activities, the Applicant/Owner shall extend the invitation to enter into a Monitoring Agreement with the Rincon Band of Luiseño Indians and the San Luis Rey Band of Luiseño Indians (Tribes). The purpose of the Monitoring Agreement shall be to formalize protocols and procedures between the Applicant/Owner and the Tribes for the monitoring for Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas, and other tribal cultural resources. Such resources may be located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional culturally appropriate archaeological studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and other ground disturbing activities. In the event that either or both tribes choose not to enter into an agreement or fail to respond to the offer, the City shall allow construction to proceed without the Native American monitor(s) as long as the offer was extended and documented.  Any project-specific Monitoring Plans and/or excavation plans prepared by the project archaeologist shall include the Tribal requirements for protocols and protection of tribal cultural resources that were agreed to during the tribal consultation. The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during construction monitoring and from any previous archaeological studies or excavations on the project site to the Tribes for proper treatment and disposition per the Monitoring Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The requirement and timing of such release of ownership, and the recipient thereof, shall be reflected in the Monitoring Agreement. Additionally, all non-tribal artifacts collected by the archaeologist shall also be subject to curation.	Extend invitation and if accepted, enter into a Monitoring Agreement between Applicant/Owner and Tribes.	Prior to issuance of a Grading Permit or commencement of ground disturbing activities and during all earth moving and ground disturbing activities.	Applicant/Landowner, Tribal Representative(s), Tribal Monitor(s), Archaeologist,
	<b>MM-TCR-2 Controlled Grading.</b> The area illustrated on the confidential exhibit attached to the grading plans shall be subject to controlled grading. Under the observation of a tribal monitor and qualified archaeologist, the contractor shall use either a small piece of equipment or observe the removal of soil	Controlled grading under observation of tribal monitor(s) and archaeologist.	During grading/earth disturbing activities in area illustrated on	Applicant/Landowner, Tribal Monitor(s), Archaeologist, Contractor.

Impact	Mitigation Measure	Action	Timing	Responsibility
	by a backhoe equipped with a flat-edge bucket to excavate soil using shallow cuts made in approximately one-foot lifts. The grading equipment will push the shallow cuts of soil to the outside of the cultural deposit area and random samples may be screened to ensure adequate detection of any cultural materials that may be present. In the event that cultural materials or human remains are exposed, the procedures for unanticipated discoveries in Mitigation Measure TCR-4 shall apply. Controlled grading shall continue to a depth of 30 centimeters below the depth of any recorded artifacts, suggesting an end to the potential for cultural deposits, or when restrictive layers or non-cultural formational soils are encountered that predate any human occupation of this location, as determined by the qualified professional archaeologist, in consultation with the tribal monitor. Once the identified depth has been reached, the controlled grading process will be terminated and mass grading may proceed, subject to review and approval by the City.		confidential exhibit attached to grading plans.	
	<p><b>MM-TCR-3 Construction Monitoring:</b> Prior to the issuance of a Grading Permit or ground disturbing activities, the Applicant/Owner or Grading Contractor shall provide written documentation (either as signed letters, contracts, or emails) to the City's Planning Division stating that the Rincon Band and San Luis Rey Band have been retained at the Applicant/Owner or Grading Contractor's expense to implement the construction monitoring program, as described in the Monitoring Agreement. Native American monitoring shall include one monitor from the Rincon Band of Luiseño Indians and one monitor from the San Luis Rey Band of Luiseño Indians simultaneously. In the event that either tribe chooses not to enter into an agreement or fails to respond to the offer, the City shall allow construction to proceed without the Native American monitor(s) as long as the offer was extended and documented.</p> <p>The monitors shall be provided at least 72 hours' notice of the initiation of construction and be kept reasonably apprised of changes to the construction schedule. In the event that a monitor is not present at the scheduled time, work can continue without the monitor present, as long as the notice was given and documented.</p>	<p>Provide documentation that Tribal Monitor(s) have been retained.</p> <p>Tribal Monitor(s) to attend pre-construction meetings and conduct monitoring as described.</p>	Prior to issuance of Grading Permit and/or during all earth moving and ground disturbing activity.	Applicant/Landowner, Tribal Monitor(s), Archaeologist, Contractor.



Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>Native American monitors shall be invited to attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to present the construction monitoring program. The Native American monitors shall be present on-site during grubbing, grading, trenching, and/or other ground disturbing activities that occur in areas of native soil or other permeable natural surfaces that have the potential to unearth any evidence of potential archaeological resources or tribal cultural resources. In areas of artificial paving, the Native American monitors shall be present on-site during grubbing, grading, trenching, and/or other ground disturbing activities that have the potential to disturb the original pre-project ground surface to identify any evidence of potential tribal cultural resources. No monitoring of fill material, existing or imported, will be required if the General Contractor or developer can provide documentation to the satisfaction of the City that all fill materials being utilized at the site are either: 1) from existing commercial (previously permitted) sources of materials; or 2) are from private or other non-commercial sources that have been determined to be absent of tribal cultural resources by the Native American monitors.</p> <p>The Qualified Archaeologist (MM-CR-1a) and Native American monitors shall maintain ongoing collaborative coordination with one another during all ground disturbing activities. The requirement for the construction monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall provide written notice to the Planning Division and the Tribes, preferably through e-mail, of the start and end of all ground disturbing activities.</p>			
	<p><b>MM-TCR-4 Unanticipated Discovery Procedures:</b> Native American monitors may temporarily halt or divert ground disturbing activities if previously unknown tribal cultural resources are discovered during construction activities. Ground disturbing activities shall be temporarily directed away from the area of discovery for a reasonable amount of time to allow a determination of the resource's potential significance. If the resource is determined to be not associated with Native</p>	<p>If potential tribal cultural resources are found, halt ground disturbance and follow procedures listed for discovery.</p>	<p>During all earth moving and ground disturbing activity.</p>	<p>Tribal Monitor(s), Archaeologist, Contractor, City (Planning Division Director).</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>American culture, it will be subject to MM-CR-1b. Native American tribal cultural resources discovered during construction shall follow the procedures below. If a discovery of a previously unknown resource is determined to be both a tribal cultural resource and a potentially significant archaeological resource that is associated with Native American culture (subject to MM-CR-1b), then the Qualified Archaeologist, Tribes, monitors, and City shall coordinate on appropriate treatment.</p> <p>All unearthed tribal cultural resources will be collected, temporarily stored in a secure location, and repatriated according to the consulting tribes, unless ordered to do otherwise by responsible agency or court of competent jurisdiction.</p> <p>If a determination is made that the tribal cultural resources are considered potentially significant by the Tribe and the Native American monitor, then the City and the Tribe shall determine, in consultation with the Applicant/Owner, the culturally appropriate treatment of those resources.</p> <p>All sacred sites and significant tribal cultural resources encountered within the project area shall be avoided and preserved as the preferred mitigation. If avoidance of the resource is determined to be infeasible by the City as the Lead Agency, then the City shall require additional culturally appropriate mitigation to address the negative impact to the resource. The Tribe shall be notified and consulted regarding the determination and implementation of culturally appropriate mitigation. Any cultural materials that cannot be avoided or preserved in place as the preferred mitigation shall be temporarily stored in a secure location on site and repatriated according to the terms of the Monitoring Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The removal of any artifacts from the project site will be inventoried with oversight by the Native American monitor. Any testing, taking of photos or 3D prints are prohibited, unless all monitoring tribes give prior written approval.</p>			
	<p><b>MM-TCR-5 Human Remains:</b> As specified by California Health and Safety Code Section 7050.5, if human remains, or remains that are potentially human, are found on the project site during</p>	If human remains are found, halt ground disturbance	During all earth moving and ground	Native American Monitor(s), Archaeologist,

Impact	Mitigation Measure	Action	Timing	Responsibility
	ground disturbing activities or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office by telephone. The procedures in MM-CR-2 shall apply.	and follow procedures listed for discovery.	disturbing activity.	
	<b>MM-TCR-6 Reburial:</b> Prior to the approval of grading plans, the Applicant shall designate a reburial location onsite and note the location as excluded from construction-related activity on grading plans. The reburial location shall be used to rebury any cultural materials encountered during monitoring, and to rebury existing collections from the previous data recovery effort. Following the completion of all ground disturbing activity and reburial of all materials and before the issuance of a Certificate of Occupancy, the Applicant shall file a deed restriction on the parcel that protects the reburial location from future disturbance and provide a copy to the City. The exhibit for the deed restriction and purpose of it shall be kept confidential and out of the public record.	Designate a reburial location on grading plan to be excluded from construction-related activities.  Bury new and/or existing cultural resources in this location.  File deed restriction on parcel to protect reburial location from future disturbance.	Prior to approval of grading plans, and prior to issuance of Certificate of Occupancy.	Applicant/Land Owner, Tribal Monitor(s), Archaeologist, City (Planning Division Director).
	<b>MM-TCR-7 Access Agreement and Management Policy:</b> Prior to the issuance of a Certificate of Occupancy, the Applicant shall extend a written offer to each consulting tribe to enter into an access agreement, which is binding on successors and heirs to the property, that allows for legal access to visit the reburial location after construction is completed. If more than one tribe elects to enter into an access agreement, each tribe shall have its own agreement. In the event that one or more consulting tribe does not respond to the offer within 30 days of receipt, then the City will deem this mitigation measure satisfied provided that the offer was extended and documented in accordance with this measure. Management of the reburial area is to include the development of a revegetation plan in consultation with the consulting tribes, including notification process for proposed maintenance of the reburial area.	Extend offer to Tribe(s) and if accepted prepare access agreement (s) for future visits to the site's reburial location after construction.  Develop and include revegetation plan.	Prior to the issuance of a Certificate of Occupancy.	Applicant/ Land Owner, Tribal Representative(s), Tribal Monitor(s), City (Planning Division Director).
	<b>MM-TCR-8 Native Vegetation:</b> Prior to clearing and grubbing of vegetation in the project area, a qualified professional botanist shall flag the presence of white sage for transplanting into the	Flag presence of white sage for transplanting into	Prior to clearing and grubbing of vegetation in the	Qualified botanist, Tribal Monitor(s),

Impact	Mitigation Measure	Action	Timing	Responsibility
	landscaping or offsite. In the event that transplanting is determined infeasible by the botanist, in their professional judgement, the Applicant shall ensure that native white sage is included in the landscaping plan for the project.	landscaping; Include white sage in Landscaping Plan.	project area and prior to final approval of landscape plan.	Applicant/ Land Owner, Contractor.
	<b>MM-TCR-9 Land Acknowledgement Statement:</b> The project applicant shall develop and post a Land Acknowledgement Statement inside a common area of the development. The statement shall be developed in coordination with Tribes and address the acknowledgement that the project is on the ancestral lands of culturally affiliated tribes that have been the original and ongoing stewards of the land. The location of the Land Acknowledgement Statement shall be noted on elevation and/or plan view drawings for the common area of the development.	Develop and post Land Acknowledgement Statement inside common area of development. Note statement on elevation and/or plan view drawings.	Prior to approval of elevation and/or plan view drawings.	Applicant/ Land Owner, City (Planning Division Director).
	<b>MM-TCR-10 Project-Specific Ethnographic Synthesis:</b> The Applicant shall fund the preparation of a project-specific ethnographic synthesis, not to exceed what is described in the confidential proposal provided by the Rincon Band of Luiseño Indians dated August 27, 2024. No later than 30 days after the final Project approval, the Applicant shall extend a written offer to the Rincon Band of Luiseño Indians to enter into an agreement with their ethnographer to conduct and prepare the ethnographic synthesis in accordance with the aforementioned proposal. In the event of a dispute between the parties in entering into the agreement for the ethnographic synthesis, and after a good faith and reasonable effort, the City shall serve as the final arbiter. The City will determine the scope and content of an ethnographic synthesis in that event.  The synthesis will draw from oral histories, elder knowledge, and other sources of confidential Indigenous knowledge that relate to the tribal cultural resource affected by the proposed project. The ethnographer shall be afforded up to 90 days following funding of the ethnography to carry out any field visits with appropriate tribal representatives. After 90 days, or sooner if the ethnographer completed its field studies, the Applicant shall be permitted to proceed with ground disturbing activities and construction of the project while non-field-based data gathering, such as ethnographic interviews of informants and review of	Extend written offer and if accepted prepare ethnographic synthesis. Submit public (redacted) version of the ethnographic synthesis to the California Historical Resources Information System and the City.	No later than 30 days after the final Project approval	Applicant/ Land Owner, Tribal Representative(s). City (Planning Division Director).

Impact	Mitigation Measure	Action	Timing	Responsibility
	tribal documents, is being carried out. Upon completion, a public (redacted) version of the ethnographic synthesis shall be submitted to the California Historical Resources Information System and the City. The final non-redacted study shall belong to the Rincon Band of Luiseño Indians.			

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## Project Design Features

The project shall incorporate the following design features and shall adhere to specific regulatory requirements that would minimize potential environmental effects. These are summarized in the table below.

<b>Aesthetics</b> <ul style="list-style-type: none"><li>• Implementation of the Landscape Plan to provide a cohesive and visually appealing planting scheme.</li><li>• Compliance with the City of San Marcos Street Lighting Standards and Specifications and San Marcos Municipal Code Title 20, Section 20.300.080, Light and Glare Standards.</li></ul>
<b>Air Quality</b> <ul style="list-style-type: none"><li>• Compliance with San Diego Air Pollution Control District (SDACPD) Rule 55 – Fugitive Dust.</li><li>• In accordance with SDAPCD Rule 67.0 (Architectural Coatings), the project would utilize low-volatile organic compound (VOC) paint that does not exceed 100 grams of VOC per liter for interior surfaces and 150 grams of VOC per liter for exterior surfaces.</li><li>• Heavy diesel construction equipment shall be rated Tier IV or better.</li><li>• Blasting activities would be limited as follows: 1) blasts would be limited to once per day; blasts are limited to six tons of ammonium nitrate for any given blast operation; and the blast area would be limited to 20,000 s.f. (100-foot X 200-foot area).</li></ul>
<b>Biological Resources</b> <ul style="list-style-type: none"><li>• The applicant/developer/property owner shall pay Public Facility Fees, a portion of which go towards City-wide habitat conservation efforts.</li></ul>
<b>Energy</b> <ul style="list-style-type: none"><li>• Ensure proper maintenance of all construction equipment per manufacturer recommendations.</li><li>• Comply with the California Air Resources Board (CARB)'s Airborne Toxics Control Measure, which restricts heavy-duty diesel vehicle idling time to 5 minutes.</li><li>• Installation of rooftop solar photovoltaic consistent with Title 24.</li></ul>
<b>Greenhouse Gas Emissions</b> <ul style="list-style-type: none"><li>• Provision of 13 Level 2 EV charging stations.</li><li>• Provision of 25 EV capable and 62 EV ready parking spaces in the community parking area.</li><li>• To meet the requirements of Reduced Parking Near Transit (Measure T-12) in the City's CAP: the project would provide 247 spaces for residential use (69 garage standard spaces, 102 garage tandem spaces, 18 tuck under spaces and 58 open spaces) and 17 spaces for the commercial uses. Commercial parking requirements would be met by providing 7 open parking spaces, and 10 of the residential open spaces would be available for commercial use from 9:00 AM to 5:00 PM to meet the required 17 spaces.</li><li>• Installation of rooftop solar photovoltaic consistent with Title 24 and the CAP compliance checklist.</li><li>• Provision of bicycle racks.</li><li>• Provision of pedestrian connection between the proposed building to Armorlite Drive.</li></ul>

<ul style="list-style-type: none"> <li>• The property manager shall provide transit information to the owners and make a good faith effort in offering transit fare subsidies to residents and businesses.</li> <li>• Designated parking for EV, carpool, vanpool, and/or park-and-ride spaces on site.</li> <li>• Provision of a workspace in the community room for telecommuting employees.</li> <li>• Compliance with the City's Model Water Efficient Landscape Ordinance and Municipal Code, Title 20.</li> <li>• Installation of electric (rather than natural gas) tank water heaters.</li> <li>• None of the units shall have fireplaces.</li> <li>• Planting of shade trees.</li> </ul>
<p><b>Hazards</b></p> <ul style="list-style-type: none"> <li>• Future residents shall be notified of potential annoyances commonly associated with proximity to airports (e.g., noise, vibrations, and overflights) through the recording of overflight notification documents as outlined in the McClellan-Palomar Airport Land Use Compatibility Plan and Chapter 20.265 of the City's Municipal Code.</li> </ul>
<p><b>Noise</b></p> <ul style="list-style-type: none"> <li>• Grading, excavation, and other earth moving activities shall occur between 7:00 AM and 6:00 PM, Monday through Friday and between 8:00 AM and 5:00 PM on Saturdays. No grading, excavation and other earth moving activities shall occur on Sunday or City holidays in accordance with the City's Municipal Code, Sections 10.24.200 and 17.080.00.</li> <li>• Compliance with Municipal Code Section 17.60.060 (Blasting Operations Procedures).</li> <li>• All equipment shall be properly fitted with mufflers and all staging and maintenance shall be conducted as far away from the existing residences as possible to reduce construction noise.</li> <li>• The residential units with direct line-of-site to W. Mission Road and Las Posas Road shall have enhanced balcony and patio shielding consisting of 3.5-foot barriers. The barriers shall be constructed of a non-gapping material consisting of masonry, ¼ inch thick glass, earthen berm, or any combination of these materials.</li> <li>• Parapet walls shall be constructed to shield rooftop HVAC units.</li> <li>• To ensure compliance with California Code of Regulations (CCR) Title 24, a final noise assessment is required prior to the issuance of the first building permit to identify the interior noise requirements based upon architectural and building plans. Interior noise levels of 45 dBA CNEL can be obtained with conventional building construction methods and providing a closed window condition requiring a means of mechanical ventilation (e.g., air conditioning) and upgraded windows for all sensitive rooms (e.g., bedrooms and living spaces).</li> </ul>
<p><b>Public Services – Fire Protection, Police Protection and Schools</b></p> <ul style="list-style-type: none"> <li>• The applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facility District: CFD 2001-01 (Fire and Paramedic).</li> <li>• The applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facility District: CFD 98-01 (Police).</li> <li>• The applicant shall pay the San Marcos Unified School District developer fees that are in effect at the time of building permit issuance. The current residential fee is \$4.79 per square foot and the current commercial fee is \$0.78 per square foot.</li> </ul>

**Transportation (Vehicle Miles Traveled)**

- The applicant/developer/property owner shall submit an executed version of petition to annex into and establish, with respect to the property, the special taxes levied by the following Community Facility District: CFD 2011-01 (Congestion Management).

**Utilities and Service Systems**

- The applicant shall pay applicable Water and Wastewater Capital Facility Fees to Vallecitos Water District per Ordinances Nos. 175 and 176.