

California Environmental Quality Act (CEQA) Findings Regarding Significant Effects for the Woodward 46 Specific Plan Project

SCH #2024020372

SP22-0006, SP22-0005, GPA22-0004, MFSDP22-0005, TSM22-0004, CUP22-0005

The City of San Marcos has prepared an Environmental Impact Report (EIR) for the proposed Woodward 46 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) Geology and Soils; 7) Hydrology and Water Quality; 8) Land Use and Planning; 9) Noise; 10) Public Services; 11) Transportation; 12) Tribal Cultural Resources; and 13) Utilities and Service Systems. The issue areas of Agriculture/Forestry Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, 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).

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, Cornerstone Communities, is proposing to develop 46 duplex residential units, associated infrastructure and common and private open space on an approximately 8.57 gross acre site located on Woodward Road 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 Amendment (SP22-0006) – A Specific Plan Amendment to modify the Heart of the City Specific Plan to remove the current Richmar Sub-Plan designation on the project site in order to establish its own development criteria under the proposed Woodward 46 Specific Plan..

Specific Plan (SP22-0005) – The Woodward 46 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.

General Plan Amendment (GPA22-0004) – A General Plan Amendment to the Land Use Element for the purpose of amending land use maps and text related to changing the sub-plan designation of the subject property from Richmar Specific Plan to Woodward 46 Specific Plan.

Multi-Family Site Development Plan (MFSDP22-0005) - Multi-Family Site Development Plan approval would be required to construct 46 multi-family residential units and address the details of the architectural style, building elevation, fencing, and landscaping, among other criteria, within the development.

Tentative Subdivision Map (TSM22-0004) - Tentative Subdivision Map approval would be required for formation of residential condominium units, private driveways, and open space areas.

Conditional Use Permit (CUP22-0005) - 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:

- Provide multi-family housing opportunities close to major transit, educational facilities, shopping opportunities, employment uses, and trails to optimize alternative modes of transportation, reduce reliance on automobiles, and potentially reduce greenhouse gas emissions.
- To the extent possible given site constraints, maximize the opportunity to provide housing for the City of San Marcos in the 4.1 to 8.0 dwelling unit density range which is comparable to low-density housing developments in the City of San Marcos.
- Cluster development to lessen site impacts and minimize landform modification.
- Develop high-quality attainable housing which meets the housing needs of the City of San Marcos and the region.
- Create a development that promotes a high-quality-of-life by providing each dwelling unit its own private patio/yard space and by providing a common recreational open space gathering area.
- 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.
- Institute a program for the long-term maintenance of the community to ensure all facilities are adequately maintained to City standards.
- Finance or contribute a fair share of funding to all community services and infrastructure needed to support Specific Plan development 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 and Planning, 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, 3.8, 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: direct and indirect impacts to coastal California gnatcatcher (Impact BIO-1), direct and indirect impacts to Crotch's bumble bee through vegetation removal and grading, (Impact BIO-2), direct and indirect impact to special-status wildlife species including orange-throated whiptail, coastal whiptail, Southern California rufous-crowned sparrow, Cooper's hawk, and Bryant's woodrat (Impact BIO-3), impacts to nesting birds and raptors protected under the Migratory Bird Treaty Act (Impact BIO-4), indirect impacts to sensitive species (Impact BIO-5) and impacts to sensitive vegetation communities including Diegan coastal sage scrub and Disturbed Diegan coastal sage scrub (Impact BIO-6).

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 measure MM-BIO-2, MM-BIO-3a, MM-BIO-3c, and MM-BIO-6 will mitigate

Impact BIO-2 to below a level of significance. MM-BIO-3a, MM-BIO-3b, MM-BIO-3c, and MM-BIO-3d will mitigate Impact BIO-3 and Impact BIO-5 to below a level of significance. Mitigation measure MM-BIO-4 will mitigate Impact BIO-4 to below a level of significance. Mitigation measure MM-BIO-6 will mitigate Impact BIO-6 to below a level of significance.

In order to mitigate direct and indirect impacts to coastal California gnatcatcher (Impact BIO-1), implementation of the following mitigation measures will be required:

MM-BIO-1a An updated presence/absence protocol survey of the project site and a 500-foot buffer around the project site shall be conducted by a qualified biologist with a valid United States Fish and Wildlife Service 10(a)(1)(A) permit to further evaluate the coastal California gnatcatcher (CAGN) territories that could be affected by short term project construction activities, including vegetation clearance, and long term habitat loss and indirect impacts. In accordance with the USFWS survey protocol, a minimum of six breeding season surveys shall be conducted at least 1 week apart from March 15, through June 30, pending the anticipated construction timeline for the project. The results of the survey shall be submitted to the City and USFWS upon completion.

If CAGN is detected during the protocol survey, vegetation clearing shall only be conducted between September 1 and February 14, outside of the breeding season for CAGN. If vegetation clearing must start outside of those dates, then focused nesting surveys would be conducted prior to vegetation clearing for the project site and a 500-foot buffer zone. No more than 3 days prior to the clearing of vegetation, a qualified biologist shall conduct a pre-construction clearance survey for CAGN to confirm that the vegetation on-site is not occupied by the species. If nests are found, they would be avoided by establishing a 500-foot non-disturbance buffer around the nest. Vegetation clearance may continue with regular biological monitoring if there is no indication of disturbance to the nest(s). If the vegetation clearance is potentially disruptive to active nests a larger buffer may be implemented as determined by the qualified biologist. If CAGN are observed moving through the area during vegetation clearing activities, the project biologist may delay the removal of vegetation and/or grading until CAGN has left the area of their own volition.

If CAGN is found to be within the survey area (project site plus a 500-foot buffer) during protocol or pre-construction surveys, the following avoidance and minimization measures shall be implemented.

- a) To reduce potential noise impacts to nesting CAGN, a qualified biologist shall monitor noise levels with a noise monitoring device at an appropriate distance from the nest to determine if construction activity noise is above 60 dBA Leq, the standard level requested by the USFWS, or if noise levels above 60 dBA Leq have the potential to affect any CAGN nests.
- b) If/when an active CAGN nest is identified, an acoustician shall monitor noise at the edge of construction as directed by the qualified biologist. If noise levels continue to exceed 60 dBA Leq, the acoustician shall consult with the qualified biologist and provide requirements for the construction contractor to make operational and barrier changes to reduce noise levels to 60 dBA Leq during the breeding season (February 15 through August 31). Noise monitoring shall

occur during operational changes and installation of barriers, as needed, to ensure their effectiveness. If the noise meets or exceeds the 60 dBA Leq threshold, or if the biologist determines that the activities in general are disturbing the nesting activities, the biologist shall have the authority to halt construction and shall consult with the USFWS to devise methods to reduce the noise and/or disturbance in the vicinity. This may include methods such as, but not limited to, turning off vehicle engines and other equipment whenever possible to reduce noise, installing a protective noise barrier between the nesting coastal CAGN and the activities, and working in other areas until the young have fledged.

All active nests will be reported within 24 hours to the USFWS upon detection.

MM-BIO-1b **Long-Term Open Space Management:** A long-term open space management plan shall be developed to minimize impacts of the residential development on the adjacent coastal California gnatcatcher (CAGN) and Diegan Coastal Sage scrub habitat. The adjacent area falls within a Multiple Habitat Conservation Program Hardline Reserve, occupied by CAGN, and additional mitigation measures are necessary to minimize impacts associated with increased human and domestic pet presence from the project. The plan shall include a program of education to reduce domestic and feral cat encroachment (using the program developed by the American Society for the Prevention of Cruelty to Animals). Use of invasive exotic plant species in landscaped areas adjacent to or near sensitive vegetation communities shall be restricted. The applicant shall encourage the use of native species in the landscaping plan and shall avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California as of October 1999. This list includes such species as pepper trees (*Schinus mole*), pampas grass (*Cortaderia selloana*), fountain grass, ice plant (*Carpobrotus* sp.), myoporum (*myoporum* sp.), black locust (*Robinia pseudoacacia*), capeweed (*Arctotheca calendula*), tree of heaven (*Ailanthus altissima*), periwinkle (*Vinca major*), sweet alyssum (*Lobularia maritima*), English ivy (*Hedera helix*), French broom (*Genista monspessulana*), Scotch broom (*Cytisus scoparius*), and Spanish broom (*Spartium junceum*). The plan shall also address permanent residential lighting to be directed away from the open space.

In order to mitigate potential direct and indirect impacts to Crotch's bumble bee through vegetation removal and grading (Impact BIO-2), implementation of the following mitigation measure will be required:

MM-BIO-2 Focused surveys found the Diegan Coastal Sage Scrub on site to be occupied by Crotch's bumble bee (CBB). Thus, there is potential for take of CBB and adverse impacts may occur through the removal of occupied habitat. However, the project would incorporate the following CBB avoidance, minimization and mitigation measures to reduce significant impacts to below a level of significance. should the species remain a candidate for state listing. If the State ultimately does not list

Crotch's bumble bee under the California Endangered Species Act and the species is removed from candidate status, the mitigation measures outlined below would no longer be applicable.

Avoidance, Minimization, and Mitigation Measure for Crotch's Bumble Bee

Prior to the Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, The City shall verify the following project requirements regarding the CBB are shown on the construction plans. Should this species no longer be a potential candidate for listing at the time of the preconstruction meeting, then no avoidance measures shall be required.

Incidental Take Permit:

Crotch's bumble bee has been detected onsite, and all suitable habitat is considered occupied. As avoidance of impacts is not feasible, the Project applicant shall consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq.). If an Incidental Take Permit is issued, the Project applicant shall comply with the mitigation measures detailed in the take authorization issued by CDFW. In addition, the terms and conditions of that permit shall supersede any conflicting measures contained in this document. The Project applicant shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal. Should the State decline to list the species under the California Endangered Species Act and remove its candidate status, this measure shall no longer be applicable, and an Incidental Take Permit will not be required.

Pre-activity surveys:

To avoid direct impacts on CBB, removal of habitat (i.e., defined as any habitat disturbance) must occur outside of the Colony Active Period (generally occurring between February 1 through August 31). If the removal of habitat must occur during the Colony Active Period, a Qualified Biologist shall conduct a pre-activity survey no more than three days prior to the initiation of construction activities to determine the presence or absence of CBB within the proposed area of disturbance following CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) or the latest guidance from CDFW no more than 10 days and no less than 3 days prior.

A Qualified Biologist must meet the qualifications discussed in the CDFW guidance (i.e., Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species, dated June 6, 2023). Resumes shall be provided to CDFW for review.

The pre-activity survey shall consist of non-lethal photo vouchers following California Department of Fish and Wildlife (CDFW) guidance (CDFW 2023). The surveys shall consist of passive methods unless a Memorandum of Understanding is obtained. The Qualified Biologist shall send all photographic vouchers to a CDFW approved taxonomist to confirm the identifications of the bumble bees encountered during surveys. If candidate bumble bees will be captured or handled during surveys, then the Qualified Biologist shall obtain the required authorization

via a Memorandum of Understanding or Scientific Collecting Permit pursuant to CDFW guidance (CDFW 2023).

If pre-activity surveys identify CBB individuals on-site, the Qualified Biologist shall notify and consult with CDFW to establish, monitor, and maintain no-work buffers around the associated floral/nest resources or identified nesting locations. The size and configuration of the no-work buffer shall be based on the best professional judgment of the Qualified Biologist in consultation with CDFW. Construction activities shall not occur within the no-work buffers until the bees ~~appear~~ are no longer active (i.e., associated floral resources appear desiccated and no bees are seen flying for three consecutive days indicating dispersal from the area). Take of any endangered, threatened, candidate species that results from the project is prohibited, except as authorized by State law (Fish and Game Code section 86, 2062, 2067, 2068, 2080, 2085; California Code Regulations, Title 14, section 786.9) under CESA.

Survey data shall be submitted by the Qualified Biologist to the California Natural Diversity Database (CNDDDB) in accordance with the Memorandum of Understanding with CDFW, or Scientific Collecting Permit requirements, as applicable.

Compensatory Mitigation for Impacts to Crotch's Bumble Bee Habitat

Should the species be formally listed, or remain a candidate for listing, mitigation for the loss of CBB occupied Diegan Coastal Sage Scrub shall be conducted to reduce impacts to less than significant. This mitigation will be carried out in conjunction with the Diegan coastal sage scrub mitigation described in MM-BIO-6. Specifically, the Diegan coastal sage scrub mitigation shall include habitat compensation at a minimum 1:1 ratio or as negotiated through consultation with the CDFW for an Incidental Take Permit, to also benefit the CBB. This mitigation may be satisfied through off-site acquisition, in lieu fees, purchase of credits from an approved mitigation bank, or a combination thereof. If necessary, habitat enhancement or restoration also may be incorporated, to be described in a Habitat Management and Monitoring Plan (i.e. planting of native Diegan coastal sage scrub flowering plant species known to support bumble bee populations, removal of invasive species, etc.). If prepared, the HMMP or other plans for Crotch's bumble bee habitat enhancement or restoration will be provided to CDFW for review and approval. Any land acquired as off-site mitigation to benefit CBB shall include a cost estimate for long-term management, an endowment, and a land protection mechanism such as a conservation easement. Mitigation lands for CBB must be occupied or include high quality suitable habitat. This species shall also be included in the Worker Environmental Awareness Program educational program described in MM-BIO-3a and BMP's implemented per MM-BIO-3c.

In order to mitigate potential direct and indirect impacts to special-status wildlife species including orange-throated whiptail, coastal whiptail, Southern California rufous-crowned sparrow, Cooper's hawk, and Bryant's woodrat (Impact BIO-3 and Impact BIO-5), implementation of the following mitigation measures will be required:

MM-BIO-3a **Worker Environmental Awareness Program (WEAP):** The applicant shall implement a Worker Environmental Awareness Program (WEAP) for the construction crew that will be developed by a qualified biologist. Each employee (including temporary, contractors, and subcontractors) will receive the WEAP presentation on the first day of project work. They will be advised of sensitive species in the area and avoidance measures being implemented to protect them at the site. At a minimum, the WEAP will include the following topics: occurrence of the listed and sensitive species in the area, their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of federal and State laws, reporting requirements, and project features and conditions designed to reduce direct and indirect impacts to these species, role of the Biological Monitor, and worker responsibilities to maintain compliance with mitigation measures while working at the site.

MM-BIO-3b **Work Limit Delineations:** Approved construction work area limits shall be delineated and marked clearly, by flagging or temporary orange construction fencing, in the field prior to vegetation removal. The marked boundaries shall be maintained and clearly visible to personnel on foot and by heavy equipment operators. Fencing shall be placed on the impact side of the work area to reduce the potential for encroachment and additional vegetation loss within adjacent open space. Fencing shall be put in place by a qualified surveyor per the project applicant's approved construction and grading plans. All temporary fencing shall be removed only after the conclusion of all grading, clearing, and construction. Employees shall strictly limit their activities and vehicles to the designated project areas, staging areas, and routes of travel. The biological monitor shall verify that the limits of construction have been properly staked and are readily identifiable. Intrusion by unauthorized vehicles outside of construction limits shall be prohibited, with control exercised by an on-site foreman. Access routes to the construction area outside of work hours shall be blocked with physical barriers, such as concrete blocks or large equipment.

MM-BIO-3c **Biological Monitor and Construction BMPs:** A City of San Marcos-approved, qualified biologist shall be present during all vegetation clearing and other activities with the potential to affect coastal California gnatcatcher (CAGN), orange throated whiptails, coastal whiptails, Bryant's woodrat, Coopers hawks, and southern rufus-crowned sparrow, nesting birds, and any other sensitive plant or wildlife resource, and will monitor the project for avoidance of unanticipated impacts to the aforementioned species and their habitats. Standard construction Best Management Practices will be implemented by the contractor to minimize potential impacts to sensitive species. The biologist shall have the authority to halt all associated project activities that may be in violation of the protective measures. Daily monitoring logs shall be maintained and a monthly report of compliance with biological resource measures will be provided to the City during construction. Standard Construction Best Management Practices shall include the following:

- Vehicle speeds will not exceed 10 miles per hour (mph) adjacent to CAGN habitat. Clear signage will be installed and maintained throughout the construction period.

- Placement of drip pans under parked equipment and vehicles.
- Regular inspection and maintenance of equipment to avoid spills and immediate containment of any spills.
- Chemicals and pesticides will not be used.
- Pets and firearms will not be allowed at the site.
- Trash will be removed from the site daily or be stored in wildlife proof containers
- Stormwater protection (i.e., straw wattles, silt fence) will be employed to prevent spills, runoff, or sediment from entering nearby aquatic habitats. These materials will be weed free and no project debris or rubbish will be allowed to enter into or be placed where it may be washed by rainfall or runoff in the wetlands.
- Staging/storage areas for equipment and materials will be located at least 100 feet away from the riparian areas. Equipment will be checked and maintained daily to prevent leaks of pollutants into the wetlands.
- No equipment maintenance will be carried out within 100 feet of the riparian area.
- All pipes, culverts, or similar structures with a 4-inch diameter or greater that are stored on the construction site overnight shall be thoroughly inspected for wildlife or nesting birds before the pipe is subsequently curried, capped, or otherwise used or moved in any way.
- To prevent inadvertent entrapment of wildlife during construction, all excavated, wells, steep-walled holes, or trenches more than 2 feet deep shall be covered with plywood or similar materials at the close of each working day.
- Any construction lighting will be directed toward the work area and away from adjacent habitats.

MM-BIO-3d Woodrat Middens: Woodrat middens (nests) are large nests or dens made of woody debris, such as sticks, dead cacti, and bark. Middens were observed throughout the project site and within the project impact area. The project may contain both big-eared woodrat Bryant's woodrat and all middens will be treated as potentially sensitive. Within 30 days of initial site disturbance, a pre-construction survey shall be conducted for woodrat middens. All occupied woodrat middens shall be mapped and flagged for avoidance to the extent feasible, with a minimum of 10-feet surrounding the active midden. If avoidance is not feasible, middens will be disturbed "daylighted" by a qualified biologist one night before anticipated vegetation removal to allow for the rats to escape and passively relocate prior to disturbance of the area.

In order to mitigate potential impacts to nesting birds and raptors protected under the Migratory Bird Treaty Act (Impact BIO-4), implementation of the following mitigation measure will be required:

MM-BIO-4 If site clearing activities are conducted between January 1 and August 31, a qualified biologist shall conduct a nesting bird survey no more than 3 days prior to the start of such activities to identify actively nesting birds within the project site and a 500-foot buffer around the project site. If any nests are found, their locations shall be flagged and an appropriate avoidance buffer, ranging in size from 25 to 50 feet for passerines, and up to 500 feet for raptors depending upon the species and the proposed work activity. The non-disturbance buffer zone shall be determined and demarcated by a qualified biologist with bright orange

construction fencing or other suitable flagging materials. Active nests shall be monitored at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults. No disturbance shall occur within this buffer until the qualified biologist confirms that breeding/nesting is completed, and all the young have fledged. If project activities must occur within the buffer, activities shall be conducted at the discretion of the qualified biologist and with monitoring and management to confirm that nesting birds and the nests are not disturbed. If no nesting birds are observed during the nesting survey or during other monitoring activities, then no further actions shall be necessary. A follow-up survey will be needed if site clearing does not occur within 3 days after the initial survey and/or a pause in construction activity occurs for more than 7 days.

In order to mitigate indirect impacts to sensitive species (Impact BIO-5), implementation of aforementioned mitigation measures MM-BIO-3a through MM-BIO-3d will be required.

In order to mitigate potential impacts to sensitive vegetation communities including Diegan coastal sage scrub and Disturbed Diegan coastal sage scrub (Impact BIO-6), implementation of the following mitigation measure will be required:

MM-BIO-6 The permanent loss of 5.5 acres of Diegan Coastal Sage Scrub, and Disturbed Diegan Coastal Sage Scrub shall be mitigated at a minimum 1:1 ratio. 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, or mitigation credits. For mitigation purposes, the Diegan Coastal Sage Scrub and Disturbed Diegan Coastal Sage Scrub acreages on the project site that would be impacted have been combined as these two vegetation communities are considered to have similar sensitivity under the Multiple Habitat Conservation Program. Thus, 5.5 acres of occupied coastal California gnatcatcher Diegan Coastal Sage Scrub will be preserved 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 of San Marcos Planning Manager and the Wildlife Agencies prior to issuance of the grading permit. If on site or off-site habitat mitigation will be completed by the Applicant to satisfy the compensatory mitigation requirements, it shall be carried out in accordance with a Habitat Mitigation and Monitoring Plan (HMMP) that outlines the strategy for enhancement and maintenance of the habitat for locally sensitive species occupying Diegan Coastal Sage Scrub. The HMMP will be provided to the Wildlife Agencies for review and approval. Any land acquired as off-site mitigation to benefit gnatcatcher shall include a cost estimate for long-term maintenance, and endowment, a land protection mechanism such as a conservation easement. Mitigation lands for gnatcatcher must be occupied or include high quality suitable habitat.

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-6, which are feasible, and would mitigate, avoid or substantially lessen the significant environmental effects as identified in the Final EIR to coastal California gnatcatcher, Crotch's bumble bee, other special status wildlife species, nesting birds and sensitive habitats. (Impacts BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, and BIO-6).

3.1.4 Facts in Support of Finding

Implementation of mitigation measures MM-BIO-1 through MM-BIO-6 would reduce potential direct and indirect impacts to sensitive wildlife species to below a level of significance. These measures require pre-construction surveys during the applicable nesting seasons and other measures to ensure that there are no direct impacts to California gnatcatcher, Bryant's woodrat, other sensitive species, and nesting birds.

The proposed project would also impact 5.5 acres of Diegan coastal sage scrub habitat. The project would mitigate the impact at a 1:1 ratio, as identified in mitigation measure MM-BIO-6. Per mitigation measure MM-BIO-6, 5.5 acres of CAGN-occupied Diegan Coastal Sage Scrub and disturbed Diegan coastal sage scrub would be preserved 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 Manager and wildlife agencies prior to issuance of the grading permit. In addition, MM-BIO-2 includes consultation with CDFW, potentially an Incidental Take Permit, and requires that the habitat compensation for Diegan Coastal Sage Scrub includes enhancements to benefit Crotch's bumble bee. The Diegan Coastal Sage Scrub mitigation identified under MM-BIO-6 would also serve as the habitat mitigation for Crotch's bumble bee.

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 on the project site during grading and ground disturbing activities (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 measure MM-CR-1 will mitigate Impact CR-1 (potential impact to 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 previously unidentified archaeological resources (Impact CR-1), implementation of the following mitigation measures will be required:

MM-CR-1

Unanticipated Discovery Procedures. In the event of the unanticipated discovery of cultural resources, all ground disturbing activity at that location shall temporarily halt or be diverted. 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. A Qualified Archaeologist shall be retained to assess the discovery. 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-8. 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 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.

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 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 two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner recognizes the remains to be Native American, and not

under his or her jurisdiction, then he or she 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, 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)).

3.2.3 Finding

Changes or alterations have been required in, or incorporated into, the Project as mitigation measures MM-CR-1 and 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 resources (Impact CR-1) and human remains (Impact CR-2).

3.2.4 Facts in Support of Finding

The potential exists for impacts to previously unidentified archaeological resources during project grading. These potentially significant impacts to archaeological resources and human remains would be mitigated to below a level of significance through implementation of mitigation measures MM-CR-1 and MM-CR-2. MM-CR-1 includes measures to take in the event of unanticipated discovery of cultural resources including stopping or diverting work, retaining a qualified archaeologist to assess discovery, and if applicable, curation procedures. MM-CR-2 includes measures consistent with California Health and Safety Code Section 7050.5 to follow if human remains are found on site. With incorporation of these mitigation measures, cultural resources impacts 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 the nearest 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 exterior daytime standards for single family residential use (60 dBA Leq) and multi-family use (65 dBA Leq) if the rock crusher is staged within 400 feet of a single-family residential 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 Grading 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 400 feet of a single-family residential use without shielding, an acoustical engineer shall prepare a noise assessment to determine whether noise levels would be above the applied thresholds of 60 dBA at any existing single family residential use and 65 dBA for multi-family.

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 reduce noise levels to 60 dBA at any existing single-family use and 65 dBA at any existing multi-family 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 and blasting (Impact N-1) and rock crushing noise (Impact N-2).

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 2025) concluded that noise impacts during construction would be below City standards and less than significant. However, the potential exists that construction equipment, specifically the rock drill and rock crusher, could be 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 threshold of 60 dBA at any existing single family residential use. 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 provide for preparation of a noise assessment to be prepared 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 that is determined, by the City, based on substantial evidence, to be a tribal cultural resource. (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 TCR-12 will mitigate Impact TCR-1 (potential impact to tribal cultural resources) 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 **Project-Specific Ethnographic Synthesis:** 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 the 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 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.

MM TCR-2 **Monitoring Agreement.** Prior to the issuance of a Grading Permit, or ground disturbing activities, the Applicant/Owner shall enter into a Monitoring Agreement with a Traditionally and Culturally Affiliated Native American Tribe (TCA Tribe), identified in consultation with the City. The purpose of the Monitoring Agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe 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. Any project-specific Monitoring Plans and/or excavation plans prepared by the project archaeologist shall include the TCA Tribe 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 TCA Tribe 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. If the TCA Tribe does not accept

the return of the cultural resources, then the cultural resources will be subject to curation.

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 one monitor from the Rincon Band of Luiseno Indians and one monitor from the San Luis Rey Band of Luiseno 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.

The TCA Native American monitor 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 TCA Native American monitor 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 TCA Native American monitor 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 TCA Native American monitor.

The Qualified Archaeologist (CR-1) and TCA Native American monitor 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 TCA Tribes, preferably through e-mail, of the start and end of all ground disturbing activities.

MM-TCR-4

Exclusionary Fencing of ESA: Prior to the commencement of clearing and grubbing of the project area, the contractor shall install high visibility temporary exclusionary

fencing around the western cultural feature under the direction of the Qualified Archaeologist and TCA Native American monitor. The contractor shall be responsible for ensuring that the fence is maintained throughout the duration of ground disturbing activity associated with project construction. The feature shall be designated as an Environmentally Sensitive Area on grading plans.

- MM-TCR-5** **Monitoring of Activity:** When heavy equipment operation or construction-related activity that do not involve ground disturbance reach 100 feet of the eastern cultural feature, a TCA Native American monitor must be present. The purpose of the monitoring of non-ground disturbing activity at this location is to ensure that personnel do not inadvertently impact the resource. Monitoring of non-ground disturbing activity shall not be required beyond 100 feet of the eastern cultural feature.
- MM-TCR-6** **Capping:** Prior to the commencement of ground disturbing activities associated with project construction, the contractor shall, under the direction of the Qualified Archaeologist and TCA Native American monitor, cap the eastern cultural feature. The cap shall be composed of a layer of geotextile or geogrid on the surface of the feature, followed by at least a 10 foot by 10 foot area of culturally sterile soil.
- MM-TCR-7** **Controlled Grading:** Grading plans for the project construction shall direct the contractor to use controlled grading methods within 500 feet of the eastern and western cultural features. Controlled grading will involve use of a small piece of equipment or a road grader to peel away native soil using shallow cuts made in approximately five-inch-deep layers. The grading equipment will push the shallow cuts of soil to the outside of the cultural deposit area. This deposited soil may be sampled and screened to ensure adequate detection of any cultural materials that may be present. The Qualified Archaeologist and TCA Native American monitor will direct the controlled grading process, including the pace of the grading and the depth of layers to be removed. If potential tribal cultural resources are encountered, the procedures in Mitigation Measure TCR-8 shall apply. If no cultural deposits are encountered, the road grader will continue to make passes until one of two conditions are met (whichever occurs first): 1) Grading will continue to a depth of 30 centimeters below the depth of any recorded artifacts, suggesting an end to the potential for cultural deposits; or 2) non-cultural formational soils are encountered that predate any human occupation of this location. Once the cultural deposit has been completely removed, the controlled grading process will be terminated and mass grading may proceed.
- MM-TCR-8** **Unanticipated Discovery Procedures:** TCA 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 MM CR-2. 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-2), then the Qualified

Archaeologist, TCR Tribes, TCR 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 TCA Tribe and the TCA Native American monitor, then the City and the TCA 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, then the City shall require additional culturally appropriate mitigation to address the negative impact to the resource. The TCA 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 a responsible agency or court of competent jurisdiction. The removal of any artifacts from the project site will be inventoried with oversight by the TCA Native American monitor.

MM -TCR-9 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 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 two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner recognizes the remains to be Native American, and not under his or her jurisdiction, then he or she 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, 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)).

- MM-TCR-10 Reburial.** 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: 1) ensure that native plants and natural barriers are installed (in consultation with TCA tribes) as part of landscaping; 2) 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-11 Deed Restriction:** Prior to the issuance of a Certificate of Occupancy, the Applicant shall record a deed restriction with the County of San Diego for the western cultural feature that restricts ground disturbing activities at that location. A copy of the recorded deed restriction shall be provided to the City as proof of compliance.
- MM-TCR-12 Access Agreement:** 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.

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-12, 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

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 determined, by the City, based on substantial evidence, to be a tribal cultural resource.

Mitigation measures MM-TCR-1 through MM-TCR-12, which were developed in conjunction with the consulting Tribes and 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 Density 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

Under the No Project/No Development Alternative, the proposed 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, disturbed Diegan coastal sage scrub, disturbed habitat, and urban/developed areas (Rincon 2025).

Feasibility of Alternative

Since the No Project/No Development Alternative would not develop any residential 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 in the City which helps the City meet its Regional Housing Need Allocation numbers. Under this alternative there would not be any payment of the City’s Public Facilities Fee (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 provide improvements that benefit all residents of the city. Similarly, this alternative would not contribute any school fees. Finally, this 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. Typically, under a No Project/Existing Plan Alternative, the project site would be developed consistent with the site's existing land use designation. The project site has a General Plan Designation of SPA (Specific Plan Area) and is associated with the Heart of the City Specific Plan (HOCSP). The HOCSP comprises approximately 1,528 acres in the geographic center of the City. In the HOCSP, certain properties along the Mission Road corridor, including the project site, have a sub-plan designation of Richmar Specific Plan. Prior to the site's inclusion under the Richmar sub-plan, the underlying designation for the property was Single-Family Detached 2 to 4 du/ac per the HOCSP.

Development criteria for the Richmar Specific Plan have not been adopted by the City and there is no current City effort to do so. Therefore, properties requesting development within this sub-plan area are required to establish individual specific plans. As such, there is no fixed land use or density currently assigned to the project site. The Richmar Specific Plan identifies commercial, office and multifamily residential as land use options within the Richmar planning area.

Due to its location and the adjacent residential land uses, a multifamily residential development, under a Specific Plan, is the most suitable land use for the subject property. City policy requires that a secondary access be provided if more than 50 units are proposed. Given the topographical constraints of the site and the adjacent residential land uses, multifamily residential land use is assumed as the existing land use for this analysis. The project site would not be suitable for commercial or office development given the site topography and adjacent uses. It is also assumed that a maximum of 50 multifamily residential units could be built on the site given the topographical constraints and the lack of availability of a secondary/emergency vehicle access point. Under this scenario the site would have a density of 5.9 du/acre and a Specific Plan would be required.

The overall footprint of development for the 50 units (25 buildings with two units each) is assumed to be the same as the proposed project. The units would still be duplexes; however, the units would be smaller. Building heights could be up to 45 feet. Site access would be similar to the proposed project and would be via a driveway from Woodward Street. Grading, blasting and rock crushing as well as fire fuel modification would be required for this alternative.

Feasibility of Alternative

The No Project/Existing Plan Alternative would result in a slightly more intensive use on the project site, including an increase in trip generation compared to the proposed project (400 ADT compared to 368 ADT). This results in a corresponding proportional increase in air pollutants and noise from vehicles compared to the proposed project. Construction-related air pollutants are expected to be slightly increased as construction duration would be longer due to additional building construction but a similar amount of grading, blasting, rock crushing and site preparation would be required.

Construction-related noise impacts due to rock drilling and rock crushing would be similar to the proposed project. Footprint-specific impacts, such as those related to biological resources, cultural resources, and tribal cultural resources, would be similar to the proposed project, as the same amount of site area would be disturbed. This alternative would slightly increase the number of students generated for San Marcos Unified School District (SMUSD) and would increase demand for parks, libraries, and solid waste facilities compared to the proposed project. This alternative would have a similar water demand and wastewater generation as the proposed project. This alternative could meet the majority of the project objectives, as detailed in Table 1.

Because this alternative would not meet all of the project objectives and would increase ADT, air pollutants and vehicle noise, and increase demand for schools, parks, libraries and solid waste facilities, the No Project/Existing Plan Alternative was rejected in favor of the Project.

4.3 Reduced Density Alternative

Under the Reduced Density Alternative, the project site would be developed with single family residential uses at a reduced density of 2 du/acre, resulting in 16 single family homes. Prior to the last comprehensive update of the City's General Plan, the project site was designated for Single-Family Detached under the HOCSP with a density of 2 to 4 du/acre assigned to it. The Reduced Density Alternative assumes the lower end of the density range given the steep slope of the property and the preparation of a Specific Plan would be required. The maximum building height under this alternative would be 35 feet or two stories. Due to the topographical constraints of the site, access would be similar to the proposed project and would be via a driveway on Woodward Street. Grading, blasting and rock crushing as well as fire fuel modification would be required for this alternative.

Feasibility of Alternative

The Reduced Density Alternative would result in a less intensive use on the project site, including a reduction in trip generation compared to the proposed project (192 ADT compared to 368 ADT). This results in a corresponding proportional decrease in air pollutants and noise from vehicles compared to the proposed project. Grading-related air pollutants are expected to be similar under this alternative since a similar amount of grading, blasting, rock crushing and site preparation would be required. Fewer air pollutants would be generated from building coating and finishes, since seven fewer buildings would be constructed. Construction-related noise impacts due to rock drilling and rock crushing would be similar as the proposed project. Footprint-specific impacts, such as those related to biological resources, cultural resources, and tribal cultural resources, would be similar as the proposed project, as the same amount of site area would be disturbed. This alternative would reduce the number of students generated for SMUSD and would reduce demand for parks, libraries, water, sewer, and solid waste services compared to the proposed project. The Reduced Density alternative could meet the majority of the project objectives, as detailed in Table 1, but would not provide multi-family housing in the 4.1-8.0 dwelling unit range.

Among the other alternatives, not including the proposed project, the No Project/Reduced Density Alternative is the environmentally superior alternative because it would provide a reduced level of impact in some environmental analysis areas including air quality, energy, noise, public services, and utilities/service systems. Mitigation measures would still be required to mitigate impacts to biological resources, cultural resources/tribal cultural resources, and noise. However, the Reduced Density Alternative was not selected as it would result in a significant new and unmitigated impact related to transportation (vehicle miles traveled).

Table 1. Summary of Alternatives and Project Objectives

Objective	Proposed Project	No Project/No Development	No Project/Existing Plan Alternative	Reduced Density Alternative
Provide multi-family housing opportunities close to major transit, educational facilities, shopping opportunities, employment uses, and trails to optimize alternative modes of transportation, reduce reliance on automobiles, and potentially reduce greenhouse gas emissions.	Meets objective	Does not meet this objective	Meets objective	Does not meet this objective
To the extent possible given site constraints, maximize the opportunity to provide housing for the City of San Marcos in the 4.1 to 8.0 dwelling unit density range which is comparable to low-density housing developments in the City of San Marcos.	Meets objective	Does not meet this objective	Meets objective	Does not meet this objective
Cluster development to lessen site impacts and minimize landform modification.	Meets 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
Develop high-quality attainable housing which meets the housing needs of the City of San Marcos and the region.	Meets 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
Create a development that promotes a high-quality-of-life by providing each dwelling unit its own private patio/yard space and by providing a common recreational open space gathering area.	Meets 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
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	Could be designed in a manner that meets this objective	Could be designed in a manner that meets this objective
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	Could be designed in a manner that meets 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 Density Alternative
Finance or contribute a fair share of funding to all community services and infrastructure needed to support Specific Plan development to promote economic stability.	Meets 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

Woodward 46 Specific Plan Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action	Timing	Responsibility
BIOLOGICAL RESOURCES				
BIO-1: The proposed project has the potential to result in direct and indirect impacts to coastal California gnatcatcher.	<p>MM-BIO-1a An updated presence/absence protocol survey of the project site and a 500-foot buffer around the project site shall be conducted by a qualified biologist with a valid United States Fish and Wildlife Service 10(a)(1)(A) permit to further evaluate the coastal California gnatcatcher (CAGN) territories that could be affected by short term project construction activities, including vegetation clearance, and long term habitat loss and indirect impacts. In accordance with the USFWS survey protocol, a minimum of six breeding season surveys shall be conducted at least 1 week apart from March 15, through June 30, pending the anticipated construction timeline for the project. The results of the survey shall be submitted to the City and USFWS upon completion.</p> <p>If CAGN is detected during the protocol survey, vegetation clearing shall only be conducted between September 1 and February 14, outside of the breeding season for CAGN. If vegetation clearing must start outside of those dates, then focused nesting surveys would be conducted prior to vegetation clearing for the project site and a 500-foot buffer zone. No more than 3 days prior to the clearing of vegetation, a qualified biologist shall conduct a pre-construction clearance survey for CAGN to confirm that the vegetation on-site is not occupied by the species. If nests are found, they would be avoided by establishing a 500-foot non-disturbance buffer around the nest. Vegetation clearance may continue with regular biological monitoring if there is no indication of disturbance to the nest(s). If the vegetation clearance is potentially disruptive to active nests a larger buffer may be implemented as determined by the qualified biologist. If CAGN are observed moving through the area during vegetation clearing activities, the project biologist may delay the removal of vegetation and/or grading until CAGN has left the area of their own volition.</p> <p>If CAGN is found to be within the survey area (project site plus a 500-foot buffer) during protocol or pre-construction surveys, the</p>	<p>Conduct CAGN protocol surveys and submit results to City and USFWS.</p> <p>If CAGN is detected, avoid vegetation clearing during breeding season but If construction is proposed during the breeding season, conduct a pre-construction nesting survey. If nests are present, implement buffer zone and avoidance measures.</p>	<p>Protocol surveys to occur between March 15 and June 30 prior to construction.</p> <p>If CAGN is detected during the protocol survey, vegetation clearing shall only be conducted between September 1 and February 14, outside of the breeding season for CAGN. If clearing occurs during nesting season (February 15 to August 31), pre-construction nesting surveys shall be conducted no more than 3 days prior to vegetation clearing.</p>	Applicant/ Landowner, Project Biologist, Contractor.

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>following avoidance and minimization measures shall be implemented.</p> <p>a) To reduce potential noise impacts to nesting CAGN, a qualified biologist shall monitor noise levels with a noise monitoring device at an appropriate distance from the nest to determine if construction activity noise is above 60 dBA Leq, the standard level requested by the USFWS, or if noise levels above 60 dBA Leq have the potential to affect any CAGN nests.</p> <p>b) If/when an active CAGN nest is identified, an acoustician shall monitor noise at the edge of construction as directed by the qualified biologist. If noise levels continue to exceed 60 dBA Leq, the acoustician shall consult with the qualified biologist and provide requirements for the construction contractor to make operational and barrier changes to reduce noise levels to 60 dBA Leq during the breeding season (February 15 through August 31). Noise monitoring shall occur during operational changes and installation of barriers, as needed, to ensure their effectiveness. If the noise meets or exceeds the 60 dBA Leq threshold, or if the biologist determines that the activities in general are disturbing the nesting activities, the biologist shall have the authority to halt construction and shall consult with the USFWS to devise methods to reduce the noise and/or disturbance in the vicinity. This may include methods such as, but not limited to, turning off vehicle engines and other equipment whenever possible to reduce noise, installing a protective noise barrier between the nesting coastal CAGN and the activities, and working in other areas until the young have fledged.</p> <p>All active nests will be reported within 24 hours to the USFWS upon detection.</p>		<p>All active nests will be reported within 24 hours to the USFWS upon detection.</p>	
	<p>MM-BIO-1b Long-Term Open Space Management</p> <p>A long-term open space management plan shall be developed to minimize impacts of the residential development on the adjacent</p>	Develop long-term open space management plan.	Prior to issuance of Grading Permit.	Applicant/ Landowner, Project Biologist.

Impact	Mitigation Measure	Action	Timing	Responsibility
	coastal California gnatcatcher (CAGN) and Diegan Coastal Sage scrub habitat. The adjacent area falls within a Multiple Habitat Conservation Program Hardline Reserve, occupied by CAGN, and additional mitigation measures are necessary to minimize impacts associated with increased human and domestic pet presence from the project. The plan shall include a program of education to reduce domestic and feral cat encroachment (using the program developed by the American Society for the Prevention of Cruelty to Animals). Use of invasive exotic plant species in landscaped areas adjacent to or near sensitive vegetation communities shall be restricted. The applicant shall encourage the use of native species in the landscaping plan and shall avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California as of October 1999. This list includes such species as pepper trees (<i>Schinus mole</i>), pampas grass (<i>Cortaderia selloana</i>), fountain grass, ice plant (<i>Carpobrotus sp.</i>), myoporum (<i>myoporum sp.</i>), black locust (<i>Robinia pseudoacacia</i>), capeweed (<i>Arctotheca calendula</i>), tree of heaven (<i>Ailanthus altissima</i>), periwinkle Vinca major), sweet alyssum (<i>Lobularia maritima</i>), English ivy (<i>Hedera helix</i>), French broom (<i>Genista monspessulana</i>), Scotch broom (<i>Cytisus scoparius</i>), and Spanish broom (<i>Spartium junceum</i>). The plan shall also address permanent residential lighting to be directed away from the open space.			
BIO-2: Focused surveys found the Diegan Coastal Sage Scrub on site to be occupied by Crotch's bumble bee. Thus, there is potential for "take" of Crotch's bumble bee and adverse impacts may occur through the removal of occupied habitat.	MM-BIO-2 Focused surveys found the Diegan Coastal Sage Scrub on site to be occupied by Crotch's bumble bee (CBB). Thus, there is potential for take of CBB and adverse impacts may occur through the removal of occupied habitat. However, the project would incorporate the following CBB avoidance, minimization and mitigation measures to reduce significant impacts to below a level of significance. should the species remain a candidate for state listing. If the State ultimately does not list Crotch's bumble bee under the California Endangered Species Act and the species is removed from candidate status, the mitigation measures outlined below would no longer be applicable.	Consultation with CDFW regarding Incidental Take Permit. Implement avoidance measures for CBB Implement MM-BIO-6 and MM-BIO-3a and 3c.	Prior to notice to proceed for any construction permits, including issuance of Grading Permit.	Applicant/ Landowner, Project Biologist.

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p><u>Avoidance, Minimization, and Mitigation Measure for Crotch's Bumble Bee</u></p> <p>Prior to the Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, The City shall verify the following project requirements regarding the CBB are shown on the construction plans. Should this species no longer be a potential candidate for listing at the time of the preconstruction meeting, then no avoidance measures shall be required.</p> <p>Incidental Take Permit:</p> <ul style="list-style-type: none"> • Crotch's bumble bee has been detected onsite, and all suitable habitat is considered occupied. As avoidance of impacts is not feasible, the Project applicant shall consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq.). If an Incidental Take Permit is issued, the Project applicant shall comply with the mitigation measures detailed in the take authorization issued by CDFW. In addition, the terms and conditions of that permit shall supersede any conflicting measures contained in this document. The Project applicant shall provide a copy of a fully executed take authorization prior to the issuance of a grading permit and before any ground disturbance and vegetation removal. Should the State decline to list the species under the California Endangered Species Act and remove its candidate status, this measure shall no longer be applicable, and an Incidental Take Permit will not be required. <p><u>Pre-activity surveys:</u></p> <ul style="list-style-type: none"> • To avoid direct impacts on CBB, removal of habitat (i.e., defined as any habitat disturbance) must occur outside of the Colony Active Period (generally occurring between February 1 through August 31). If the removal of habitat must occur during the Colony Active Period, a Qualified Biologist shall conduct a pre-activity-survey no more than 			

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>three days prior to the initiation of construction activities to determine the presence or absence of CBB within the proposed area of disturbance following CDFW's Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (CDFW 2023) or the latest guidance from CDFW no more than 10 days and no less than 3 days prior.</p> <ul style="list-style-type: none"> • A Qualified Biologist must meet the qualifications discussed in the CDFW guidance (i.e., Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species, dated June 6, 2023). Resumes shall be provided to CDFW for review. • The pre-activity survey shall consist of non-lethal photo vouchers following California Department of Fish and Wildlife (CDFW) guidance (CDFW 2023). The surveys shall consist of passive methods unless a Memorandum of Understanding is obtained. The Qualified Biologist shall send all photographic vouchers to a CDFW approved taxonomist to confirm the identifications of the bumble bees encountered during surveys. If candidate bumble bees will be captured or handled during surveys, then the Qualified Biologist shall obtain the required authorization via a Memorandum of Understanding or Scientific Collecting Permit pursuant to CDFW guidance (CDFW 2023). • If pre-activity surveys identify CBB individuals on-site, the Qualified Biologist shall notify and consult with CDFW to establish, monitor, and maintain no-work buffers around the associated floral/nest resources or identified nesting locations. The size and configuration of the no-work buffer shall be based on the best professional judgment of the Qualified Biologist in consultation with CDFW. Construction activities shall not occur within the no-work 			

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>buffers until the bees appear are no longer active (i.e., associated floral resources appear desiccated and no bees are seen flying for three consecutive days indicating dispersal from the area). Take of any endangered, threatened, candidate species that results from the project is prohibited, except as authorized by State law (Fish and Game Code section 86, 2062, 2067, 2068, 2080, 2085; California Code Regulations, Title 14, section 786.9) under CESA.</p> <ul style="list-style-type: none"> Survey data shall be submitted by the Qualified Biologist to the California Natural Diversity Database (CNDDDB) in accordance with the Memorandum of Understanding with CDFW, or Scientific Collecting Permit requirements, as applicable. <p><u>Compensatory Mitigation for Impacts to Crotch's Bumble Bee Habitat</u></p> <p>Should the species be formally listed, or remain a candidate for listing, mitigation for the loss of CBB occupied Diegan Coastal Sage Scrub shall be conducted to reduce impacts to less than significant. This mitigation will be carried out in conjunction with the Diegan coastal sage scrub mitigation described in MM-BIO-6. Specifically, the Diegan coastal sage scrub mitigation shall include habitat compensation at a minimum 1:1 ratio or as negotiated through consultation with the CDFW for an Incidental Take Permit, to also benefit the CBB. This mitigation may be satisfied through off-site acquisition, in lieu fees, purchase of credits from an approved mitigation bank, or a combination thereof. If necessary, habitat enhancement or restoration also may be incorporated, to be described in a Habitat Management and Monitoring Plan (i.e. planting of native Diegan coastal sage scrub flowering plant species known to support bumble bee populations, removal of invasive species, etc.). If prepared, the HMMP or other plans for Crotch's bumble bee habitat enhancement or restoration will be provided to CDFW for review and approval. Any land acquired as</p>			

Impact	Mitigation Measure	Action	Timing	Responsibility
	off-site mitigation to benefit CBB shall include a cost estimate for long-term management, an endowment, and a land protection mechanism such as a conservation easement. Mitigation lands for CBB must be occupied or include high quality suitable habitat. This species shall also be included in the Worker Environmental Awareness Program educational program described in MM-BIO-3a and BMP's implemented per MM-BIO-3c.			
BIO-3: The proposed project has the potential to result in direct and indirect impact to special-status wildlife species including Orange-throated whiptail, coastal whiptail, Southern California rufous-crowned sparrow, Cooper's hawk, Crotch's bumble bee, and Bryant's woodrat.	MM-BIO-3a Worker Environmental Awareness Program (WEAP) The applicant shall implement a Worker Environmental Awareness Program (WEAP) for the construction crew that will be developed by a qualified biologist. Each employee (including temporary, contractors, and subcontractors) will receive the WEAP presentation on the first day of project work. They will be advised of sensitive species in the area and avoidance measures being implemented to protect them at the site. At a minimum, the WEAP will include the following topics: occurrence of the listed and sensitive species in the area, their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of federal and State laws, reporting requirements, and project features and conditions designed to reduce direct and indirect impacts to these species, role of the Biological Monitor, and worker responsibilities to maintain compliance with mitigation measures while working at the site.	Implement WEAP	Prior to and during construction.	Applicant/ Landowner, Project Biologist, Contractor.
	MM-BIO-3b Work Limit Delineations Approved construction work area limits shall be delineated and marked clearly, by flagging or temporary orange construction fencing, in the field prior to vegetation removal. The marked boundaries shall be maintained and clearly visible to personnel on foot and by heavy equipment operators. Fencing shall be placed on the impact side of the work area to reduce the potential for encroachment and additional vegetation loss within adjacent open space. Fencing shall be put in place by a qualified surveyor per the project applicant's approved construction and grading plans. All temporary fencing shall be removed only after the conclusion of all grading, clearing, and construction. Employees shall strictly limit their activities and vehicles to the designated project areas,	Delineate work area limits	Prior to and during construction.	Applicant/ Landowner, Project Biologist, Contractor.

Impact	Mitigation Measure	Action	Timing	Responsibility
	staging areas, and routes of travel. The biological monitor shall verify that the limits of construction have been properly staked and are readily identifiable. Intrusion by unauthorized vehicles outside of construction limits shall be prohibited, with control exercised by an on-site foreman. Access routes to the construction area outside of work hours shall be blocked with physical barriers, such as concrete blocks or large equipment.			
	<p>MM-BIO-3c Biological Monitory and Construction BMPs A City of San Marcos-approved, qualified biologist shall be present during all vegetation clearing and other activities with the potential to affect coastal California gnatcatcher (CAGN), orange throated whiptails, coastal whiptails, Bryant's woodrat, Coopers hawks, and southern rufus-crowned sparrow, nesting birds, and any other sensitive plant or wildlife resource, and will monitor the project for avoidance of unanticipated impacts to the aforementioned species and their habitats. Standard construction Best Management Practices will be implemented by the contractor to minimize potential impacts to sensitive species. The biologist shall have the authority to halt all associated project activities that may be in violation of the protective measures. Daily monitoring logs shall be maintained and a monthly report of compliance with biological resource measures will be provided to the City during construction. Standard Construction Best Management Practices shall include the following:</p> <ul style="list-style-type: none"> ▪ Vehicle speeds will not exceed 10 miles per hour (mph) adjacent to CAGN habitat. Clear signage will be installed and maintained throughout the construction period. Placement of drip pans under parked equipment and vehicles. ▪ Regular inspection and maintenance of equipment to avoid spills and immediate containment of any spills. ▪ Chemicals and pesticides will not be used. ▪ Pets and firearms will not be allowed at the site. 	<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
	<ul style="list-style-type: none"> Trash will be removed from the site daily or be stored in wildlife proof containers Stormwater protection (i.e., straw waddles, silt fence) will be employed to prevent spills, runoff, or sediment from entering nearby aquatic habitats. These materials will be weed free and no project debris or rubbish will be allowed to enter into or be placed where it may be washed by rainfall or runoff in the wetlands. Staging/storage areas for equipment and materials will be located at least 100 feet away from the riparian areas. Equipment will be checked and maintained daily to prevent leaks of pollutants into the wetlands. No equipment maintenance will be carried out within 100 feet of the riparian area. All pipes, culverts, or similar structures with a 4-inch diameter or greater that are stored on the construction site overnight shall be thoroughly inspected for wildlife or nesting birds before the pipe is subsequently curried, capped, or otherwise used or moved in any way. To prevent inadvertent entrapment of wildlife during construction, all excavated, wells, steep-walled holes, or trenches more than 2 feet deep shall be covered with plywood or similar materials at the close of each working day. Any construction lighting will be directed toward the work area and away from adjacent habitats. 			
	MM-BIO-3d Woodrat Middens Woodrat middens (nests) are large nests or dens made of woody debris, such as sticks, dead cacti, and bark. Middens were observed throughout the project site and within the project impact area. The project may contain both big-eared woodrat Bryant's woodrat and all middens will be treated as potentially sensitive. Within 30 days of initial site	Conduct Pre-Construction survey for woodrat middens; if present, follow avoidance and	Within 30 days of initial site disturbance and during construction.	Applicant/ Landowner, Project Biologist, Contractor.

Impact	Mitigation Measure	Action	Timing	Responsibility
	disturbance, a pre-construction survey shall be conducted for woodrat middens. All occupied woodrat middens shall be mapped and flagged for avoidance to the extent feasible, with a minimum of 10-feet surrounding the active midden. If avoidance is not feasible, middens will be disturbed "daylighted" by a qualified biologist one night before anticipated vegetation removal to allow for the rats to escape and passively relocate prior to disturbance of the area.	minimization measures.		
BIO-4: The proposed project has the potential to impact nesting birds and raptors that are afforded protection under the California Fish and Game Code and the Migratory Bird Treaty Act.	MM-BIO-4 If site clearing activities are conducted between January 1 and August 31, a qualified biologist shall conduct a nesting bird survey no more than 3 days prior to the start of such activities to identify actively nesting birds within the project site and a 500-foot buffer around the project site. If any nests are found, their locations shall be flagged and an appropriate avoidance buffer, ranging in size from 25 to 50 feet for passerines, and up to 500 feet for raptors depending upon the species and the proposed work activity. The non-disturbance buffer zone shall be determined and demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging materials. Active nests shall be monitored at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults. No disturbance shall occur within this buffer until the qualified biologist confirms that breeding/nesting is completed, and all the young have fledged. If project activities must occur within the buffer, activities shall be conducted at the discretion of the qualified biologist and with monitoring and management to confirm that nesting birds and the nests are not disturbed. If no nesting birds are observed during the nesting survey or during other monitoring activities, then no further actions shall be necessary. A follow-up survey will be needed if site clearing does not occur within 3 days after the initial survey and/or a pause in construction activity occurs for more than 7 days.	If site clearing activities occur during breeding season, conduct a pre-construction survey. If nesting birds are present, implement buffer zone and avoidance measures. If nesting birds are not detected during the preconstruction survey, no further mitigation is required.	For construction activities proposed for the period of January 1 through August 31, conduct survey within three days prior to the start of construction activities.	Applicant/ Landowner, Project Biologist, Contractor.
BIO-5: The proposed project has the potential to result in indirect impacts to sensitive species due to urban run-	Implementation of mitigation measures MM-BIO-3a through MM-BIO-3d, described above would reduce potential indirect impacts to sensitive species.			

Impact	Mitigation Measure	Action	Timing	Responsibility
off, introduction of meso-predators (e.g., dogs and cats), invasive plant species, and noise and lighting effects.				
BIO-6: The proposed project would impact 5.24 acres of Diegan coastal sage scrub and 0.26 acre of disturbed Diegan coastal sage scrub for a total of 5.50 acres of impact.	MM-BIO-6 The permanent loss of 5.5 acres of Diegan Coastal Sage Scrub, and Disturbed Diegan Coastal Sage Scrub shall be mitigated at a minimum 1:1 ratio. 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, or mitigation credits. For mitigation purposes, the Diegan Coastal Sage Scrub and Disturbed Diegan Coastal Sage Scrub acreages on the project site that would be impacted have been combined as these two vegetation communities are considered to have similar sensitivity under the Multiple Habitat Conservation Program. Thus, 5.5 acres of occupied coastal California gnatcatcher Diegan Coastal Sage Scrub will be preserved 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 of San Marcos Planning Manager and the Wildlife Agencies prior to issuance of the grading permit. If on site or off-site habitat mitigation will be completed by the Applicant to satisfy the compensatory mitigation requirements, it shall be carried out in accordance with a Habitat Mitigation and Monitoring Plan (HMMP) that outlines the strategy for enhancement and maintenance of the habitat for locally sensitive species occupying Diegan Coastal Sage Scrub. The HMMP will be provided to the Wildlife Agencies for review and approval. Any land acquired as off-site mitigation to benefit gnatcatcher shall include a cost estimate for long-term maintenance, and endowment, a land protection mechanism such as a conservation easement. Mitigation lands for gnatcatcher must be occupied or include high quality suitable habitat.	Proof of off-site acquisition, in lieu fees, purchase of credits from mitigation bank, or combination thereof submitted to Planning Manager.	Prior to issuance of Grading Permit.	Applicant/ Landowner, Project Biologist.
CULTURAL RESOURCES				

Impact	Mitigation Measure	Action	Timing	Responsibility
<p>CR-1 Due to grading and ground disturbing activities, the project has the potential to impact unidentified archeological resources on the project site.</p>	<p>MM-CR-1 Unanticipated Discovery Procedures. In the event of the unanticipated discovery of cultural resources, all ground disturbing activity at that location shall temporarily halt or be diverted. 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. A Qualified Archaeologist shall be retained to assess the discovery. 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-8. 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 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.</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</p>	<p>If potential cultural resources are found, provide documentation that a qualified archaeologist has been retained, halt ground disturbance and follow procedures listed for discovery.</p>	<p>During all earth moving and ground disturbing activity.</p>	<p>Applicant/ Landowner, Archaeologist, Tribal Monitor(s), Contractor.</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
	written documentation from the curation facility that the curation has been completed.			
CR-2 There is a potential for project construction activities to disturb previously unidentified human remains on the project site.	<p>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 5097.98.</p> <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 his or her authority. If the Medical Examiner recognizes the remains to be Native American, and not under his or her jurisdiction, then he or she 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</p>	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>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>			
NOISE				
<p>N-1 Potential for noise impacts due to rock drilling and blasting.</p>	<p>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.</p> <p>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.</p>	<p>Depending on final location of rock drill, prepare noise assessment and if necessary, mitigation plan.</p> <p>Implement identified measures including construction of temporary noise barriers as necessary.</p>	<p>Prior to issuance of a blasting permit and during rock drilling.</p>	<p>Applicant/Landowner, Acoustical Engineer, Contractor, City (Planning Division Manager).</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
N-2 Potential for noise impacts due to rock crushing.	<p>MM-N-2 Prior to issuance of a Grading 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 400 feet of a single-family residential use without shielding, an acoustical engineer shall prepare a noise assessment to determine whether noise levels would be above the applied thresholds of 60 dBA at any existing single family residential use and 65 dBA for multi-family.</p> <p>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 reduce noise levels to 60 dBA at any existing single-family use and 65 dBA at any existing multi-family 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.</p>	<p>Depending on final location of rock crusher, prepare noise assessment and if necessary, mitigation plan.</p> <p>Implement identified measures including construction of temporary noise barriers as necessary.</p>	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 Manager).
Tribal Cultural Resources				
TCR-1 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 determined by the City, based on substantial evidence to be a tribal cultural resource.	<p>MM-TCR-1 Project-Specific Ethnographic Synthesis. 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.</p> <p>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</p>	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.	<p>Agreement to prepare synthesis within 30 days of project approval.</p> <p>Synthesis to be prepared prior to ground disturbing activities</p>	Applicant/ Landowner, Rincon Band of Luiseño Indians

Impact	Mitigation Measure	Action	Timing	Responsibility
	of the ethnography to carry out any field visits with appropriate tribal representatives. After 90 days, or sooner if the ethnographer completed the 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 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.			
	<p>MM-TCR-2 Monitoring Agreement. Prior to the issuance of a Grading Permit, or ground disturbing activities, the Applicant/Owner shall enter into a Monitoring Agreement with a Traditionally and Culturally Affiliated Native American Tribe (TCA Tribe), identified in consultation with the City. The purpose of the Monitoring Agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe 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. Any project-specific Monitoring Plans and/or excavation plans prepared by the project archaeologist shall include the TCA Tribe requirements for protocols and protection of tribal cultural resources that were agreed to during the tribal consultation.</p> <p>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 TCA Tribe 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</p>	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,

Impact	Mitigation Measure	Action	Timing	Responsibility
	release of ownership, and the recipient thereof, shall be reflected in the Monitoring Agreement. If the TCA Tribe does not accept the return of the cultural resources, then the cultural resources will be subject to curation.			
	<p>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 one monitor from the Rincon Band of Luiseno Indians and one monitor from the San Luis Rey Band of Luiseno 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>The TCA Native American monitor 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 TCA Native American monitor 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 TCA Native American monitor shall be present on site during grubbing, grading, trenching, and/or other ground disturbing activities that have the potential to disturb the</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>	<p>Prior to issuance of Grading Permit and/or during all earth moving and ground disturbing activity.</p>	<p>Applicant/Landowner, Tribal Monitor(s), Archaeologist, Contractor.</p>

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>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 TCA Native American monitor.</p> <p>The Qualified Archaeologist (CR-1) and TCA Native American monitor 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 TCA Tribes, preferably through e-mail, of the start and end of all ground disturbing activities.</p>			
	<p>MM-TCR-4 Exclusionary Fencing of ESA. Prior to the commencement of clearing and grubbing of the project area, the contractor shall install high visibility temporary exclusionary fencing around the western cultural feature under the direction of the Qualified Archaeologist and TCA Native American monitor. The contractor shall be responsible for ensuring that the fence is maintained throughout the duration of ground disturbing activity associated with project construction. The feature shall be designated as an Environmentally Sensitive Area on grading plans.</p>	Install exclusionary fencing around western cultural feature.	Prior to commencement of clearing and grubbing.	Tribal Monitor(s), Archaeologist, Contractor, City (Planning Division Manager).
	<p>MM-TCR-5 Monitoring Activity. When heavy equipment operation or construction-related activity that do not involve ground disturbance reach 100 feet of the eastern cultural feature, a TCA Native American monitor must be present. The purpose of the monitoring of non-ground disturbing activity at this location is to ensure that personnel do not inadvertently impact the resource. Monitoring of non-ground disturbing activity shall not be required beyond 100 feet of the eastern cultural feature.</p>	Tribal Monitoring when construction-related activity reaches 1000 feet of the eastern cultural feature.	During non-ground disturbing construction activity.	Applicant/Landowner, Tribal Monitor(s), Archaeologist, Contractor.

Impact	Mitigation Measure	Action	Timing	Responsibility
	MM-TCR-6 Capping. Prior to the commencement of ground disturbing activities associated with project construction, the contractor shall, under the direction of the Qualified Archaeologist and TCA Native American monitor, cap the eastern cultural feature. The cap shall be composed of a layer of geotextile or geogrid on the surface of the feature, followed by at least a 10 foot by 10 foot area of culturally sterile soil.	Cap eastern cultural feature	Prior to the commencement of ground disturbing activities.	Applicant/ Landowner, Tribal Monitor(s), Archaeologist, Contractor.
	MM-TCR-7 Controlled Grading. Grading plans for the project construction shall direct the contractor to use controlled grading methods within 500 feet of the eastern and western cultural features. Controlled grading will involve use of a small piece of equipment or a road grader to peel away native soil using shallow cuts made in approximately five-inch-deep layers. The grading equipment will push the shallow cuts of soil to the outside of the cultural deposit area. This deposited soil may be sampled and screened to ensure adequate detection of any cultural materials that may be present. The Qualified Archaeologist and TCA Native American monitor will direct the controlled grading process, including the pace of the grading and the depth of layers to be removed. If potential tribal cultural resources are encountered, the procedures in Mitigation Measure TCR-8 shall apply. If no cultural deposits are encountered, the road grader will continue to make passes until one of two conditions are met (whichever occurs first): 1) Grading will continue to a depth of 30 centimeters below the depth of any recorded artifacts, suggesting an end to the potential for cultural deposits; or 2) non-cultural formational soils are encountered that predate any human occupation of this location. Once the cultural deposit has been completely removed, the controlled grading process will be terminated and mass grading may proceed.	Controlled grading methods within 500 feet of eastern and western cultural features identified on grading plans and conducted under observation of tribal monitor(s) and archaeologist.	Prior to issuance of grading permit and during grading/earth disturbing within 500 feet of eastern and western cultural features	Applicant/ Landowner, Tribal Monitor(s), Archaeologist, Contractor.
	MM-TCR-8 Unanticipated Discovery Procedures. TCA 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	If potential tribal cultural resources are found, halt ground disturbance and follow	During all earth moving and ground disturbing activity.	Tribal Monitor(s), Archaeologist, Contractor, City (Planning Division Manager).

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>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 MM CR-2. 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-2), then the Qualified Archaeologist, TCR Tribes, TCR 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 TCA Tribe and the TCA Native American monitor, then the City and the TCA 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 TCA 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 a responsible agency or court of competent jurisdiction. The removal of any artifacts from the project site will be inventoried with oversight by the TCA Native American monitor.</p>	<p>procedures listed for discovery.</p>		

Impact	Mitigation Measure	Action	Timing	Responsibility
	<p>MM-TCR-9 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 5097.98.</p> <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 his or her authority. If the Medical Examiner recognizes the remains to be Native American, and not under his or her jurisdiction, then he or she 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</p>	If human remains are found, halt ground disturbance and follow procedures listed for discovery.	During all earth moving and ground disturbing activity.	Native American Monitor(s), Archaeologist,

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	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)).			
	MM-TCR-10 Reburial. 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: 1) ensure that native plants and natural barriers are installed (in consultation with TCA tribes) as part of landscaping; 2) 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.	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).
	MM-TCR-11 Deed Restriction. Prior to the issuance of a Certificate of Occupancy, the Applicant shall record a deed restriction with the County of San Diego for the western cultural feature that restricts ground disturbing activities at that location. A copy of the recorded deed restriction shall be provided to the City as proof of compliance.	File deed restriction on parcel to protect reburial location from future disturbance.	Prior to the issuance of a Certificate of Occupancy.	Applicant/ Land Owner, Tribal Representative(s), Tribal Monitor(s), City (Planning Division Director).
	MM-TCR-12 Access Agreement. 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	Extend offer to Tribe(s) and if accepted prepare access agreement (s) for future visits to the site's reburial location after construction.	Prior to the issuance of a Certificate of Occupancy.	Applicant/ Land Owner, Tribal Representative(s), Tribal Monitor(s), City (Planning Division Director).

Impact	Mitigation Measure	Action	Timing	Responsibility
	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.			

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.

Woodward 46 Specific Plan Project Design Features

Aesthetics <ul style="list-style-type: none">• Implementation of the Landscape Plan to provide a cohesive and visually appealing planting scheme.• 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.
Air Quality <ul style="list-style-type: none">• Compliance with SDACPD Rule 55 – Fugitive Dust.• 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.• Heavy diesel construction equipment shall be rated Tier IV.
Energy <ul style="list-style-type: none">• Ensure proper maintenance of all construction equipment per manufacturer recommendations.• Installation of rooftop solar consistent with Title 24.
Greenhouse Gas Emissions <ul style="list-style-type: none">• Installation of rooftop solar consistent with Title 24.• Compliance with the City's Model Water Efficient Landscape Ordinance and Municipal Code, Title 20.• None of the units would have fireplaces.• Planting of shade trees.• Each garage would be wired to accommodate an electric vehicle charger.
Geology and Soils <ul style="list-style-type: none">• Implement all recommendations from the preliminary geotechnical investigation (GeoTek 2019). These recommendations include general provisions related earthwork, and design recommendations related to stormwater infiltration, foundation design, seismic design parameters, corrosion, retaining all design and construction, and post-construction considerations. The detailed recommendations are included in Chapter 5 of the geotechnical report, which is included as Appendix G of this document.• Removal and replacement of netting along Woodward Street frontage to minimize potential for rock and debris fall on the roadway, as noted on the project grading plans.
Hazards <ul style="list-style-type: none">• Implementation of a zoned brush management plan which would provide a minimum of 150 feet of clearance from structures.• 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.

Hydrology and Water Quality

Source control BMPs include, but are not limited to:

- Preventing illicit discharges into the MS4
- Stenciling the future on-site public road storm drain inlets
- Protecting trash storage areas from rainfall, run-on, runoff, and wind dispersal.

Site design BMPs include, but are not limited to:

- Conserving natural drainage pathways and hydrologic features
- Conserving natural areas, soils, and vegetation
- Minimizing impervious areas
- Minimizing soil compaction
- Runoff collection through multiple private inlets
- Landscaping with native or drought tolerant species.

Permanent Structural BMPs, include, but are not limited to:

- Biofiltration basins and hydromodification facility including 100-year post-development detention

Noise/Vibration

- Grading, excavation, and other earth moving activities would occur between 7:00 AM and 4:30 PM, Monday through Friday. No grading, excavation and other earth moving activities would occur on the weekends or holidays in accordance with the City's Municipal Code, Section 17.32.180.
- The project would comply with all provisions identified in the City's Municipal Code Section 17.60.06 as it relates to blasting and blasting shall only be permitted between the hours of 9:00 AM and 4:00 PM during any weekday. Blasting also required issuance of a Blasting Permit from the San Marcos Fire Department.
- All construction equipment would be properly fitted with mufflers and all staging and maintenance would be conducted as far away from the existing residence as possible.
- To ensure compliance with 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).

Public Services – Fire Protection, Police Protection Schools, and Parks

- 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).
- 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).
- 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.
- Payment of Public Facility Fees, a portion of which go towards park development.

Transportation

- The applicant/developer/property owner shall construct an access point that provides adequate driveway sight distance.
- The applicant/developer/property owner shall construct a southbound left-turn pocket on Woodward Street for left-turn access to the project site outside of the southbound through lane.
- 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).
- Payment of Public Facility Fees, a portion of which go towards improvements to circulation streets and State Route 78 interchanges.

Utilities and Service Systems

- The applicant would pay applicable Water and Wastewater Capital Facility Fees to Vallecitos Water District per Ordinances Nos. 175 and 176. Proof of payment would be provided to the City's Planning Manager.
- Extend the existing 8-inch gravity sewer main located north of the project site in Woodward Street for approximately 490 feet.