

ATTACHMENT A
Hallmark-Barham Specific Plan
Summary of Potential Impacts and Mitigation Measures

Biological Resources

Impact BIO-1 Nesting Birds

MM-BIO-1 To avoid direct impacts on raptors and/or native/migratory birds, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, a qualified biologist shall conduct a preconstruction survey to determine the presence or absence of nesting birds in the proposed area of disturbance. The pre-construction (precon) survey shall be conducted within ten (10) calendar days prior to the start of construction activities (including removal of vegetation). If nesting birds are observed, a letter report or mitigation plan in conformance with applicable State and Federal Law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the CDFW and/or USFWS as applicable for review and approval and implemented to the satisfaction of those agencies. The project biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the preconstruction survey, no further mitigation is required.

Impact BIO-2 Direct Impact to Sensitive Habitats

MM-BIO-2 Direct impact to 0.61 acre of Diegan coastal sage scrub and 0.03 acre of Diegan coastal sage scrub - *Baccharis* dominated shall mitigated at a 1:1 ratio for a total of 0.64 acre. Direct Impact to 9.50 acres of non-native grassland shall be mitigated at a 0.5:1 ratio for a total of 4.75 acres. These mitigation ratios are consistent with Tables 4-6 and 4-7 of the MHCP (SANDAG 2003) and Table 4 in Section 5.2.1 of the City's Draft Subarea Plan (City of San Marcos 2001).

This mitigation shall be accomplished by the project applicant through on-site preservation, off-site acquisition, in lieu fees, a purchase of credits from an approved mitigation bank, or a combination thereof as approved by the Planning Manager. Proof of onsite preservation, off-site acquisition, payment of in lieu fees, purchase of credits from an approved mitigation bank or a combination thereof shall be provided to the Planning Manager prior to issuance of a grading permit.

Impact BIO-3 Indirect Impact to Sensitive Habitats During Project Construction

MM-BIO-3 A biologist shall be contracted to perform regular random checks (at minimum once a month) to ensure implementation of the following monitoring requirements and BMPs. Monitoring reports and a post-construction monitoring report will be prepared to document compliance with these requirements and shall be submitted to the Planning Manager.

- To prevent inadvertent disturbance to areas outside the limits of work, the construction limits shall be clearly demarcated (e.g., installation of flagging or temporary visibility construction fence) prior to ground disturbance activities and all construction activities, including equipment staging and maintenance shall be conducted within the marked disturbance limits. The work limit delineation will be maintained throughout project construction.
- Spoils, trash, and any excavation-generated debris will be removed to an approved offsite disposal facility. Trash and food items will be contained in closed containers and removed daily to reduce the attraction of opportunistic predators to the site, such as common ravens, coyotes, and feral cats and dogs that may prey on listed species.
- Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil, or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources, resulting from project-related activities, will be prevented from contaminating the soil.
- Construction activities will be limited to daylight hours to the extent feasible. If nighttime work is necessary, lighting will be shielded away from surrounding natural areas. Fixtures will be shielded to downcast below the horizontal plane of the fixture height and mounted as low as possible.

Impact BIO-4 Indirect Impact to Sensitive Habitats During Project Operation

MM-BIO-4 To avoid indirect impacts on adjacent sensitive habitats, final landscape plans will be reviewed and approved by a qualified biologist to ensure that no invasive plant materials are included in planting plans.

Cultural Resources/Tribal Cultural Resources

Archaeological Resources (Impact CR-1a) and Historical Resources (Impact CR-1b)

The following cultural resources mitigation measures shall apply for ground disturbing activities during the project construction phase.

MM-CR-1a **Pre-Excavation Agreement.** Prior to the issuance of a Grading Permit, or ground disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resources Treatment and Repatriation Agreement (Pre-Excavation Agreement) with a Traditionally and Culturally Affiliated Native American Tribe (TCA Tribe),

identified in consultation with the City. The purpose of the Pre-Excavation Agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection, treatment, and repatriation of 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 Pre-Excavation 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 Pre-Excavation Agreement. If the TCA Tribe does not accept the return of the cultural resources, then the cultural resources will be subject to curation.

MM-CR-1b

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 a Qualified Archaeologist and Traditionally and Culturally Affiliated Native American monitor (TCA Native American monitor) have been retained at the Applicant/Owner or Grading Contractor's expense to implement the construction monitoring program, as described in the Pre-Excavation Agreement.

The Qualified Archaeologist and 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 Qualified Archaeologist and 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 Qualified Archaeologist and TCA Native American monitor shall be present on the site during grubbing, grading, trenching, and/or other ground disturbing activities that have the potential to disturb more than six inches below the original pre-project ground surface to identify any evidence of potential archaeological or 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 Qualified Archaeologist and TCA Native American monitor.

The Qualified Archaeologist 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 Tribe, preferably through e-mail, of the start and end of all ground disturbing activities.

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

MM-CR-1c

Unanticipated Discovery Procedures. Both the Qualified Archaeologist and the TCA Native American monitor may temporarily halt or divert ground disturbing activities if potential archaeological resources or 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. Isolates and clearly non-significant archaeological resources (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field. All unearthed archaeological resources or tribal cultural resources will be collected, temporarily stored in a secure location (or as otherwise agreed upon by the Qualified Archaeologist and the TCA Tribe), and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction.

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

If the Qualified Archaeologist, the TCA Tribe, and the TCA Native American monitor cannot agree on the significance or mitigation for such resources, these issues will be presented to the Planning Division Manager for decision. The Planning Division Manager shall make a determination based upon the provisions of CEQA and California Public Resources Code Section 21083.2(b) with respect to archaeological resources and California Public Resources Section 21704 and

21084.3 with respect to tribal cultural resources, and shall take into account the religious beliefs, cultural beliefs, customs, and practices of the TCA Tribe.

All sacred sites, significant tribal cultural resources, and/or unique archaeological 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, such as, but not limited to, the funding of an ethnographic study and/or a data recovery plan, as determined by the City in consultation with the Qualified Archaeologist and the TCA Tribe. The TCA Tribe shall be notified and consulted regarding the determination and implementation of culturally appropriate mitigation and the drafting and finalization of any ethnographic study and/or data recovery plan, and/or other culturally appropriate mitigation. Any archaeological isolates or other cultural materials that cannot be avoided or preserved in place as the preferred mitigation shall be temporarily stored in a secure location on site (or as otherwise agreed upon by the Qualified Archaeologist and TCA Tribe), and repatriated according to the terms of the Pre-Excavation Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The removal of any artifacts from the project site will be inventoried with oversight by the TCA Native American monitor.

If a data recovery plan is authorized as indicated above and the TCA Tribe does not object, then an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. If the Qualified Archaeologist collects such resources, the TCA Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the TCA Native American monitor may, at their discretion, collect said resources for later reburial or storage at a local curation facility, as described in the Pre-Excavation Agreement.

In the event that curation of archaeological resources or tribal cultural 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 TCA Tribe or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.

Human Remains (Impact CR-2)

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)).

Geology/Soils

Due to the fact that the Pleistocene old alluvial floodplain deposits have an unproven/undetermined sensitivity there is a potential that the site could contain paleontological resources that could be disturbed during grading activities for the project. The following mitigation is required.

- MM-GEO-1** Prior to project grading the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and a qualified paleontological monitor shall be retained to monitor the initial cut in any areas that have the potential to contain paleontological resources.

Land Use

Project traffic will result in an increase in delay greater than 2 seconds at the San Marcos Boulevard / Bent Avenue intersection. This represents a **significant impact (Impact LU-1)** related to inconsistency with the level of service (LOS) guidance identified in the Mobility Element of the City's General Plan. Implementation of mitigation measure LU-1, which will be required as a condition of project approval, will reduce this impact to below a level of significance:

Traffic Mitigation

The following improvements are recommended to mitigate the identified significant impacts under Near Term 2025 and Horizon Year 2050 With Project conditions (as indicated).

Rancheros Drive/ SR-78 WB Ramp - Near Term 2025 during AM and PM peak hour (Impact LU-1).

MM-LU-1 Prior to the issuance of the first building permit, the Project Developer shall pay the local and regional Public Facility Fees (PFF) development fees assessed to address the impact to the City of San Marcos' SR 78 Interchanges.

Northbound left-turn movement out of the E. Barham Drive/ Project Driveway (West) Near Term 2025 (Impact LU-2a) and Horizon Year 2050 (Impact LU-2b) during PM Peak Hour.

MM-LU-2 The project shall restrict left-turns out of the western project driveway between the hours of 4 PM and 6 PM. Signage shall be placed at the western project driveway identifying the turning movement timing restriction. The signage requirement shall be noted on the final project plans and shall be put in place prior to project operation.

Northbound left-turn movement out of the E. Barham Drive/ Project Driveway (East) Near Term 2025 (Impact LU-3a) and Horizon Year 2050 (Impact LU-3b) during PM Peak Hour.

MM-LU-3 The project shall restrict left-turns out of the eastern project driveway between the hours of 4 PM and 6 PM. Signage shall be placed at the eastern project driveway identifying the turning movement timing restriction. The signage requirement shall be noted on the final project plans and shall be put in place prior to project operation.

Transportation

Impact TR-1 Conflict with Policies Addressing Roadways

Implementation of mitigation measures LU-1, LU-2 and LU-3, which were identified in Section 3.10, Land Use, are applicable to this impact:

MM-LU-1 Prior to the issuance of the first building permit, the Project Developer shall pay the local and regional Public Facility Fees (PFF) development fees assessed to address the impact to the City of San Marcos' SR-78 Interchanges.

MM-LU-2 The project shall restrict left-turns out of the western project driveway between the hours of 4 PM and 6 PM. Signage shall be placed at the western project driveway.

identifying the turning movement timing restriction. The signage requirement shall be noted on the final project plans and shall be put in place prior to project operation.

MM-LU-3 The project shall restrict left-turns out of the eastern project driveway between the hours of 4 PM and 6 PM. Signage shall be placed at the eastern project driveway identifying the turning movement timing restriction. The signage requirement shall be noted on the final project plans and shall be put in place prior to project operation.

Impact TR-2 Vehicle Miles Traveled

There are no applicable or feasible mitigation measures to reduce the project's VMT impact. The impact remains significant and unavoidable.