

ATTACHMENT A
Armorlite Lofts Project
Summary of Potential Impacts and Mitigation Measures

Biological Resources

Nesting Birds (Impact BIO-1)

MM-BIO-1a Breeding Season Avoidance: The removal of coastal sage scrub from the project impact footprint shall only occur from September 1 through February 14 to avoid the bird breeding season. Further, to the maximum extent practicable, grading activities associated with construction of the project shall occur September 1 through February 14 to avoid the breeding season. If project construction must occur during the breeding season, MM-BIO-1b shall be implemented.

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

Indirect Impacts to Sensitive Wildlife Species (Impact BIO-2)

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

1. Impacts from fugitive dust shall be avoided and minimized through watering and other appropriate measures consistent with the Construction General Permit Order 2009-009-DWQ.
2. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the project site.

3. To avoid attracting predators, the project site shall be kept clean of debris. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site.
4. Pets of project personnel shall not be allowed on the project site.

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

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

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

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

Direct Impacts to Sensitive Vegetation Communities (Impact BIO-3)

MM-BIO-3 Off-Site Mitigation: The permanent loss of 2.13 acres of Diegan Coastal Sage Scrub will be mitigated at a minimum 1:1 ratio and the permanent loss of 0.12 acres of non-native grassland will be mitigated at a minimum 0.5:1 ratio. The amount of mitigation acreage required for non-native grassland may be reduced if up-tiered (i.e., coastal sage scrub) habitat is available for purchase. Section 5.2.1 of the Draft Subarea Plan for San Marcos references the preferred order of mitigation to be on-site mitigation, off-site acquisition, in-lieu fees, and mitigation credits. Since on-site mitigation is not an option due to the project design, the impacted 2.13 acres of Diegan coastal sage scrub and 0.06 acres of non-native grassland will be mitigated by the project applicant through

off-site acquisition, in lieu fees, a purchase of credits from Buena Creek Mitigation Bank or another approved mitigation bank, or a combination thereof as approved by the City's Planning Manager and wildlife agencies prior to issuance of the grading permit.

Cultural Resources

Archeological Resources (Impact CR-1)

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

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

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

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

Prior to the release of any grading bonds, or prior to the issuance of any project Certificate of Occupancy, an archaeological monitoring report, which describes the results, analysis, and conclusions of the construction monitoring shall be submitted by the Qualified Archaeologist, along with any Native American monitor's notes and comments received by the Qualified Archaeologist, to the Planning

Division 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 consulting Tribes. A final copy of the report, with all confidential site records and appendices, will also be submitted to the South Coastal Information Center after approval by the City.

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

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 their authority. If the Medical Examiner recognizes the remains to be Native American, and not under their jurisdiction, then they shall contact the Native American Heritage Commission by telephone within 24 hours. The Native American Heritage Commission will make a determination as to the Most Likely Descendent, who shall be afforded 48 hours from the time access is granted to the discovery site to make recommendations regarding culturally appropriate treatment.

If suspected Native American remains are discovered, the remains shall be kept in situ (in place) until after the Medical Examiner makes its determination and notifications, and until after the Most Likely Descendent is identified, at which time the archaeological examination of the remains shall only occur on site in the presence of the Most Likely Descendent. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. According to California Health and Safety Code, 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)).

Noise

Noise Levels During Rock Drilling and Blasting (Impact N-1)

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.

Noise Levels During Rock Crushing (Impact N-2)

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

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

Tribal Cultural Resources

Tribal Cultural Resources (Impact TCR-1)

The City has determined, in consultation with Tribes, that the proposed project would result in a significant impact to a tribal cultural resource. The following mitigation measures, which implement Section 21084.3(b)(2)(B, C) and (b)(3) of the Public Resources Code, shall be required.

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

Any project-specific Monitoring Plans and/or excavation plans prepared by the project archaeologist shall include the Tribal requirements for protocols and protection of tribal cultural resources that were agreed to during the tribal

consultation. The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during construction monitoring and from any previous archaeological studies or excavations on the project site to the Tribes for proper treatment and disposition per the Monitoring Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The requirement and timing of such release of ownership, and the recipient thereof, shall be reflected in the Monitoring Agreement.

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

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

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

Native American monitors shall be invited to attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to present the construction monitoring program. The Native American monitors shall be present on-site during grubbing, grading, trenching, and/or other ground disturbing activities that occur in areas of native soil or other permeable natural surfaces that

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

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

MM-TCR-4 Unanticipated Discovery Procedures: Native American monitors may temporarily halt or divert ground disturbing activities if previously unknown tribal cultural resources are discovered during construction activities. Ground disturbing activities shall be temporarily directed away from the area of discovery for a reasonable amount of time to allow a determination of the resource's potential significance. If the resource is determined to be not associated with Native American culture, it will be subject to MM-CR-1b. Native American tribal cultural resources discovered during construction shall follow the procedures below. If a discovery of a previously unknown resource is determined to be both a tribal cultural resource and a potentially significant archaeological resource that is associated with Native American culture (subject to MM-CR-1b), then the Qualified Archaeologist, Tribes, monitors, and City shall coordinate on appropriate treatment.

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

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

All sacred sites and significant tribal cultural resources encountered within the project area shall be avoided and preserved as the preferred mitigation. If avoidance of the resource is determined to be infeasible by the City as the Lead Agency, then the City shall require additional culturally appropriate mitigation to address the negative impact to the resource. The Tribe shall be notified and consulted regarding the determination and implementation of culturally appropriate mitigation. Any cultural materials that cannot be avoided or preserved

in place as the preferred mitigation shall be temporarily stored in a secure location on site and repatriated according to the terms of the Monitoring Agreement, unless ordered to do otherwise by responsible agency or court of competent jurisdiction. The removal of any artifacts from the project site will be inventoried with oversight by the Native American monitor. Any testing, taking of photos or 3D prints are prohibited, unless all monitoring tribes give prior written approval.

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

MM-TCR-6 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 file a deed restriction on the parcel that protects the reburial location from future disturbance and provide a copy to the City. The exhibit for the deed restriction and purpose of it shall be kept confidential and out of the public record.

MM-TCR-7 Access Agreement and Management Plan: Prior to the issuance of a Certificate of Occupancy, the Applicant shall extend a written offer to each consulting tribe to enter into an access agreement, which is binding on successors and heirs to the property, that allows for legal access to visit the reburial location after construction is completed. If more than one tribe elects to enter into an access agreement, each tribe shall have its own agreement. In the event that one or more consulting tribe does not respond to the offer within 30 days of receipt, then the City will deem this mitigation measure satisfied provided that the offer was extended and documented in accordance with this measure. Management of the reburial area is to include the development of a revegetation plan in consultation with the consulting tribes, including notification process for proposed maintenance of the reburial area.

MM -TCR-8 Native Vegetation: Prior to clearing and grubbing of vegetation in the project area, a qualified professional botanist shall flag the presence of white sage for transplanting into the landscaping or offsite. In the event that transplanting is determined infeasible by the botanist, in their professional judgement, the Applicant shall ensure that native white sage is included in the landscaping plan for the project.

MM-TCR-9 Land Acknowledgement Statement: The project applicant shall develop and post a Land Acknowledgement Statement inside a common area of the development. The statement shall be developed in coordination with Tribes and address the acknowledgement that the project is on the ancestral lands of culturally affiliated tribes that have been the original and ongoing stewards of the land. The location

of the Land Acknowledgement Statement shall be noted on elevation and/or plan view drawings for the common area of the development.

MM-TCR-10 Project-Specific Ethnographic Synthesis: The Applicant shall fund the preparation of a project-specific ethnographic synthesis, not to exceed what is described in the confidential proposal provided by the Rincon Band of Luiseño Indians dated August 27, 2024. No later than 30 days after the final Project approval, the Applicant shall extend a written offer to the Rincon Band of Luiseño Indians to enter into an agreement with their ethnographer to conduct and prepare the ethnographic synthesis in accordance with the aforementioned proposal. In the event of a dispute between the parties in entering into the agreement for the ethnographic synthesis, and after a good faith and reasonable effort, the City shall serve as the final arbiter. The City will determine the scope and content of an ethnographic synthesis in that event.

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