

ATTACHMENT A
San Marcos Boulevard/Bent Avenue Commercial Project Impacts and Mitigation Measures

Biological Resources

Impact BIO-1: Trees can provide nesting places for species protected under the Migratory Bird Treaty Act (MBTA). If trees are removed during the breeding season, a potential impact could occur. Implementation of the following mitigation measures, which would be required as a condition of project approval, would reduce this potential impact to below a level of significance.

MM-BIO-1a In order to avoid and minimize impacts to nesting birds (pursuant to the Migratory Bird Treaty Act), no removal of ornamental trees will occur during the avian breeding season (February 15 through August 31) within the project area, unless preconstruction surveys indicate that active nests are not present on the site or in surrounding areas. If surveys show that nesting birds are present, mitigation measure MM-BIO-1b would be implemented.

MM-BIO-1b If nesting birds are found during the preconstruction survey performed under MM-BIO-1a, a no-work buffer would be placed around the nest. The no-work buffer size would be determined by a qualified biologist and would vary based on site conditions and type of work to be conducted and what species are nesting. The no-work buffer would be maintained until the end of the breeding season or until surveys by a qualified biologist confirm that fledglings are no longer dependent on nest. If no nesting birds are detected during pre-construction surveys, no restrictions would be necessary and construction may proceed as planned.

Cultural Resources

Impact CR-1: While most of the project site has been previously disturbed by historic airport-related activities and the subsequent construction of nearby commercial buildings, it is possible that subsurface cultural deposits are still presents under the surface and construction activities could impact these resources if they are present. This represents a significant impact and mitigation is required. The following mitigation measures apply to grading and construction activity that occurs within areas of previously-undisturbed soil and would be required as a condition of project approval:

MM-CR-1a Prior to the issuance of a Grading Permit, or ground-disturbing activities, the Applicant/Owner shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with the San Luis Rey Band of Mission Indians, and/or another Traditionally and Culturally Affiliated Native American Tribe ("TCA Tribe"). The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of Native American human remains, funerary objects, cultural and/or religious landscapes, ceremonial items, traditional gathering areas and other tribal cultural resources, located within and/or discovered during ground disturbing and/or construction activities for the proposed project, including any additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, preparation for wet and dry infrastructure, and all other ground disturbing activities.

MM-CR-1b The landowner shall relinquish ownership of all non-burial related tribal cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the TCA Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement. Any burial related tribal cultural resources (as determined by the Most Likely Descendant) shall be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission pursuant to California Public Resources Code Section 5097.98. If none of the TCA Tribes accept the return of the cultural resources, then the cultural resources will be subject to the curation requirements contained herein. Additionally, in the event that curation of tribal cultural resources is required by a superseding regulatory agency, curation shall be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos shall provide the developer final curation language and guidance on the project

grading plans prior to issuance of the grading permit, if applicable, during project construction. The applicant shall provide to the City written documentation from the TCA Tribe, the Most Likely Descendant, and/or the curation facility, whichever is most applicable, that the repatriation and/or curation have been completed.

MM-CR-1c Prior to the issuance of a Grading Permit or ground-disturbing activities, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the Development Services Department stating that a Qualified Archaeologist and TCA Native American monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the Tribal Cultural Resource Treatment and Monitoring Agreement.

MM-CR-1d Prior to submittal of grading and/or improvement as-built plans, or prior to the issuance of any project Certificate of Occupancy, a monitoring report, which describes the results, analysis and conclusions of the archaeological monitoring program shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments, to the Planning Division Manager for approval. A copy of any submitted monitoring report shall be provided to the San Luis Rey Band of Mission Indians and any other TCA Tribe that requests the report.

MM-CR-1e The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the Planning Division, preferably through e-mail, of the start and end of all ground disturbing activities.

MM-CR-1f The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and TCA Native American monitor shall be present on-site full-time during grubbing, grading and/or other ground disturbing activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or cultural resources. All fill materials shall be absent of any and all cultural resources. The Applicant/Owner or Grading Contractor may submit written documentation to the City to substantiate if any fill material is absent of cultural resources. Should the City concur that the fill material is absent of cultural resources, in consultation with a Qualified Archaeologist and/or the TCA Native American monitor, then no monitoring of that fill material is required.

MM-CR-1g The Qualified Archaeologist or the TCA Native American monitor may halt ground disturbing activities if unknown archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits (as determined by the Qualified Archaeologist, in consultation with the TCA Native American monitor) will be minimally documented in the field, collected and be given to the TCA Tribe so that they may be reburied at the site on a later date. If a determination is made that the unearthed artifact deposits or tribal cultural resources are considered potentially significant, the San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted with in regards to the respectful and dignified treatment of those resources. 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 feasible. If, however, a data recovery plan is authorized by the City as the Lead Agency under CEQA, the contracted San Luis Rey Band of Mission Indians and/or the TCA Tribe referenced in CR-1 shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant artifact deposits, tribal cultural resources or cultural features that are part of a data recovery plan, 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 and provide them to the contracted TCA Tribe referenced in CR-1 for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. If the Developer, the Qualified Archaeologist and the TCA Tribe 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 the California Environmental Quality Act and California Public Resources Code Section 21083.2(b) with respect to archaeological resources, tribal cultural resources and shall take into account the religious beliefs, cultural beliefs, customs and practices of the TCA Tribe. Notwithstanding any other rights available under law, the decision of the Planning Division Manager shall be appealable to the Planning Commission and/or City Council.

MM-CR-1h As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction 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. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains 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, and consultation and treatment could occur as prescribed by law. By 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, he or she shall contact the Native American Heritage Commission (NAHC), by telephone, within 24 hours. The NAHC will make a determination as to the Most Likely Descendent. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the examination of the remains shall only occur on-site in the presence of a TCA Native American monitor.

Geology/Soils

Impact GEO-1: The project site contains clayey soils that have a medium to high expansion potential. As a condition of project approval, implementation of the following mitigation measure will be required, and will reduce the impact to below a level of significance:

MM-GEO-1 The project applicant shall implement the geotechnical recommendations identified on pages 6 - 15 of the Report of Geotechnical Engineering Report (Terracon 2018a). These recommendations address grading/earthwork, foundations, floor slab, lateral earth pressures and pavement requirements.

Public Services

Impact PS-1: The project site will add to the incremental demand for fire protection services in the City. As a condition of project approval, implementation of the following mitigation measure will be required, and will reduce the impact to below a level of significance:

MM-PS-1 Prior to the issuance of a grading permit, 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).

Impact PS-2: The project site will add to the incremental demand for police protection services in the City. As a condition of project approval, implementation of the following mitigation measure will be required, and will reduce the impact to below a level of significance:

MM-PS-2 Prior to the issuance of a grading permit, 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, Improvement Area No. 1 (Police).

Transportation/Traffic

Impact TR-1a: The contributes to a significant increase in delay (5.8 second increase in the AM peak and 9.1 second increase in the PM peak) at the intersection of San Marcos Boulevard/Bent Avenue in the Near-Term + Project condition.

Impact TR-1b: The project contributes to a significant increase in delay (7.3 second increase in the AM peak and 5.9 second increase in the PM peak) at the intersection of San Marcos Boulevard/Bent Avenue in the Long-Term + Project condition.

Implementation of the following mitigation measure will be required as a condition of project approval to reduce impacts TR-1a and TR-1b to below a level of significance:

MM-TR-1 Prior to project occupancy, the project shall contribute a fair share towards the widening of the northbound approach on Bent Avenue at San Marcos Boulevard to provide a left turn lane, a thru lane, and a right turn lane. The project's fair share contribution is 2.3 percent.

Impact TR-2: The 95th percentile queue for the eastbound left-turn lane exceeds the left-turn storage of 260 feet in the Long-Term + Project scenario. The 95th percentile for the southbound left-turn is calculated to queue beyond the location of the project driveway on Bent Avenue. The length of the queue would inhibit vehicles traveling along Bent Avenue from being able to make a northbound left-turn to enter the project site during peak commute hours. It would also inhibit vehicles from making a left turn out of the driveway onto Bent Avenue during peak commute hours. Implementation of the following mitigation measure will be required as a condition of project approval:

MM-TR-2 The Bent Avenue driveway shall be restricted to right-in/right-out only ingress and egress by means of driveway obstruction (e.g., park shop) or signage and striping as determined by the City Engineer. Prior to issuance of grading permit, final driveway design shall be reviewed and approved by the City Engineer.

Impact TR-3: The project will contribute to City-wide traffic resulting in potential cumulative impacts. Implementation of the following mitigation measure will be required as a condition of project approval:

MM-TR-3 Prior to the issuance of a grading permit, 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).