ATTACHMENT A
Sunrise San Marcos SDP23-0002 Project
Summary of Potential Impacts and Mitigation Measures

Biological Resources

Special Status Wildlife Species (Impact BIO-1 and Impact BIO-2)

Development of the project site has the potential to directly and indirectly impact special-status wildlife species including Crotch's bumble bee, monarch butterfly, and coastal California gnatcatcher. Mitigation measures, required as conditions of project approval, are detailed below.

Implementation of mitigation measures MM-BIO-1a, MM-BIO-1b, and MM-BIO-1d would reduce direct impacts to coastal California gnatcatcher. Mitigation measures MM-BIO-1a and MM-BIO-1b would reduce direct impacts to monarch butterfly to below a level of significance. Implementation of mitigation measure MM-BIO-1c would reduce potential direct impact to Crotch's bumble bee to below a level of significance.

Implementation of mitigation measure MM-BIO-2 would reduce indirect impacts to California gnatcatcher to below a level of significance. Additionally, mitigation measure MM-BIO-4, requires compensation at a 1:1 ratio for the loss of the Disturbed Diegan Coastal Sage Scrub habitat, which would benefit California gnatcatchers.

MM-BIO-1a Worker Environmental Awareness Program (WEAP).

The applicant shall implement a 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 and habitats 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 listed and sensitive species that may occur 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 their contract information, and worker responsibilities to maintain compliance with mitigation measures while working at the site. An acknowledgment form signed by each worker indicating that WEAP training has been completed shall be kept on record.

MM-BIO-1b Pre-Construction Biological Survey and Biological Monitoring.

Prior to initial ground disturbing project activities, including vegetation removal, a qualified biologist shall conduct a pre-construction survey to document site conditions, identify any wildlife that may be in harm's way, confirm the project disturbance limits, and provide recommendations to avoid unnecessary impacts to sensitive biological resources. During construction, a qualified biologist shall be present during initial vegetation clearing and ground disturbing activities and shall have the authority to halt project activities that may be in violation of the protective measures.

If wildlife, including special-status species such as monarch butterfly, are found within the immediate project disturbance area and the individual(s) are likely to be killed or injured, construction activities that could potentially impact them will be temporarily halted until the individual(s) have left the site. If necessary, a qualified biologist holding the appropriate permits and authorization shall be allowed sufficient time to capture and relocate the animal(s) from the project site before construction activities begin. The qualified biologist shall relocate the individual(s) the shortest distance possible to a location that contains suitable habitat not likely to be affected by project activities. The biologist shall maintain records of any individual observed, captured, or relocated and will maintain a daily monitoring log when on-site. The biologist shall report observations of sensitive species to the CNDDB.

MM-BIO-1c Crotch's Bumble Bee Surveys.

Focused surveys for Crotch's bumble bee shall be conducted by a qualified biologist, with expertise in surveying for bumble bees, within the construction footprint prior to the start of ground disturbing construction activities. The focused surveys shall be conducted prior to project implementation, and shall include (1) a habitat assessment, (2) foraging surveys, and (3) nesting surveys, in accordance with the recommendations described in the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species, released by CDFW on June 6, 2023, or the most current version at the time of construction. The CBB focused survey conducted in 2026 with negative results fulfills the survey requirement for ground disturbance completed before July 9, 2027. If more than 1 year after the completion of the focused Crotch's bumble bee surveys (i.e., date of last survey) has passed before ground disturbance has been initiated within any of the project component areas, focused surveys shall be repeated within such project areas.

The habitat assessment shall be conducted concurrently with the foraging and nesting surveys, and shall at a minimum, include historical and current species occurrences; document potential on-site habitat, including foraging, nesting, and/or overwintering resources; and identify which plant species are in bloom during the foraging and nesting surveys, as well as their percent cover. For the purpose of this mitigation measure, potential nest resources are defined as abandoned small mammal burrows, bunch grasses with a duff layer, grass thatch, hollow trees, rock piles, brush piles, and human-made structures that may support bumble bee colonies such as bird houses.

Nesting surveys shall occur during the Queen Flight Season through the Colony Active Period (February 1 through August 31 for Crotch's bumble bee). These surveys shall be conducted concurrently with foraging surveys described below. Potential nesting sites should be surveyed for active Crotch's bumble bee colonies either through observations of queens searching for nesting sites or by looking for concentrated bumble bee activity entering and exiting a given area. Potential nesting sites investigated by colony founding queens should be GPS marked if the queen exhibits signs of interest in the potential site (e.g., she doesn't emerge from the site within a few minutes and then continues to nest search). Potential nesting sites identified during the queen nest searching phase shall be evaluated later during the Colony Active Period to determine whether an active colony has been established. Potential nest sites in project areas will be observed for up to 5 minutes during the Colony Active Period to monitor for Crotch's bumble bees entering or exiting. If a nest site is

confirmed to be occupied by Crotch's bumble bees, the location GPS coordinates will be recorded; however, no flagging or visual marking of the nest location will occur until just prior to and during construction.

Foraging surveys shall include at least three on-site surveys that are spaced two to four weeks apart. The timing of these surveys shall coincide with the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). Surveys may occur between 1 hour after sunrise and 2 hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, raining, or drizzling) and surveyors shall wait at least 1 hour following rain. Optimal surveys are conducted when there are sunny to partly sunny skies, temperatures are between 65°F and 90°F, and winds are less than 8 mph. Surveys may be conducted outside these weather parameters if other bees or butterflies are observed flying. A qualified biologist who is in possession of a valid MOU with CDFW (and valid Scientific Collecting Permit, if applicable) shall conduct capture surveys and record non-lethal photo vouchers of all captured bumble bees in accordance with the CDFW Survey Considerations for CEQA Candidate Bumble Bee Species document (June 2023).

A written survey report shall be submitted to the Cities of San Marcos and Carlsbad and CDFW within 30 days following completion of the focused surveys. The report shall include survey methods, weather conditions, and survey results, including a detailed habitat assessment, floral resources blooming and percent cover, bumble bee species observed and floral species bumble bees observed visiting, nesting and overwintering habitat surveyed, and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report shall also include the qualifications/resumes of the surveyor(s) and approved taxonomist(s) for identification of photo vouchers. If Crotch's bumble bee nests or individuals are observed, the location information shall be submitted to the California Natural Diversity Database at the time of, or prior to, submittal of the survey report.

If Crotch's bumble bee is not detected during the focused surveys, no further action or mitigation would be required. If Crotch's bumble bee is detected, the project proponent, in consultation with a qualified entomologist, will develop a Crotch's Bumble Bee Avoidance Plan to fully avoid direct and indirect impacts to this species. If impacts to Crotch's bumble bee cannot be feasibly avoided, the project applicant will consult with CDFW and obtain appropriate take authorization from CDFW through the CESA Incidental Take Permit process.

In the event that avoidance is not possible, and an Incidental Take Permit is needed, mitigation for direct impacts to Crotch's bumble bee shall be fulfilled through compensatory mitigation at a minimum 1:1 habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. Mitigation shall be accomplished either through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate shall be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source shall be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount

shall be established following the completion of a project specific Property Analysis Record to calculate the costs of in perpetuity land management. The Property Analysis Record shall take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s).

MM-BIO-1d Coastal California Gnatcatcher Surveys and Monitoring.

In the event vegetation clearing is not initiated until after the 2027 California gnatcatcher breeding season, then updated protocol surveys would need to be conducted to confirm the status of the species on-site. A qualified biologist with a USFWS 10(a)(1)(A) permit for California gnatcatcher shall survey the project site and up to a 500-foot buffer, as accessible and where potential suitable habitat exists, within 10 calendar days prior to the initiation of project activities and generally following the guidance of the current USFWS survey protocol for the species, such as surveying between 6:00 a.m. and 12:00 p.m. during weather conducive to detection. This pre-construction survey is not intended to be a full protocol-level survey in accordance with the USFWS survey protocol for this species. Results of the survey shall be provided to the City of San Marcos and City of Carlsbad within 10 days following the survey. If gnatcatcher is not detected during this pre-construction survey, no additional actions or mitigation is required.

If California gnatcatcher is detected during the pre-construction survey, the following shall apply.

- A qualified biologist shall monitor for gnatcatcher daily during construction until all vegetation clearing and initial grading have been completed. The biologist shall have the authority to halt work if California gnatcatcher is observed and may be impacted by project activities. Work may resume once the gnatcatcher has left the area of its own volition or would otherwise not be impacted by work activities, as determined by the monitoring biologist. If the gnatcatcher does not disperse off-site and is located within the San Marcos MHCP side of the project site, then consultation with USFWS shall be required. If the gnatcatcher is located within the Carlsbad HMP side of the project site, then the qualified biological monitor may gently flush the gnatcatcher from the project impact area. Additionally, payment of an HMP mitigation fee to achieve the required 2:1 ratio for gnatcatcher-occupied Diegan Coastal Sage Scrub shall be required.

MM-BIO-2 Construction Best Management Practices.

Standard construction Best Management Practices will be implemented during construction and shall include the following:

- Approved construction work area limits shall be delineated and marked clearly, by flagging, temporary orange construction fencing, or similar, in the field prior to the start of project activities. The marked boundaries shall be maintained and clearly visible to personnel on foot and by heavy equipment operators for the duration of the construction.

- Vehicle speeds shall not exceed 10 miles per hour in all construction areas and signs shall be clearly posted.

- Vehicles and equipment shall be driven and parked on pavement, existing roads, or previously disturbed and compacted bare ground prior to the clearing of vegetation or site-wide grading to the greatest extent feasible.

- Drip pans or other suitable containment shall be placed under staged equipment and vehicles, which shall be regularly inspected, maintained, and kept in good working condition and free of leaks.

- Spills shall be immediately contained and cleaned up and any contaminated materials shall be properly disposed. A spill kit shall be on the project site and readily available.

- Chemicals and pesticides shall not be used.

- Pets and firearms shall not be allowed at the site.

- Trash shall be removed from the site daily or be stored in wildlife proof containers. Construction personnel shall not feed or otherwise attract wildlife to the construction area.

- Stormwater protection (i.e., straw waddles, silt fence) shall be employed to prevent spills, runoff, or sediment from entering nearby habitats. These materials shall be weed free, and no project debris or rubbish shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into adjacent habitat.

- All pipes, culverts, or similar structures with a 4-inch diameter or greater opening that are stored or installed on-site shall be capped or the opening otherwise covered and secured to prevent wildlife entry and entrapment. Pipes, culverts, or similar structures stored on-site overnight shall be thoroughly inspected for wildlife, including nesting birds, before being subsequently curried, capped, or otherwise used or moved in any way.

- To prevent inadvertent entrapment of wildlife during construction, all excavated wells, steepwalled holes, trenches, or similar that are more than 2 feet deep shall be covered with plywood or similar materials and the edges sealed at the close of each working day. Alternatively, a wildlife escape ramp may be installed and maintained.

- Construction lighting will be directed toward the work area and away from adjacent habitats.

- On-site noise reduction and attenuation techniques shall be incorporated, as appropriate, to avoid impacts to special-status wildlife, including nesting birds, from elevated noise levels during construction. Weekly noise monitoring shall be implemented to ensure that elevated construction noise levels are appropriately attenuated at the edge of sensitive biological resources (i.e., the MHCP Conservation Area and California gnatcatcher critical habitat, or any sensitive wildlife/nesting bird location, whichever is closest). Noise levels shall

not exceed an hourly average of 60 dBA Leq. or 3 dBA Leq. above existing ambient levels, whichever is greater, to avoid adversely affecting wildlife behavior.

Potential Impact to Nesting Birds (Impact BIO-3)

Impacts to birds protected by the California Fish and Game Code and Migratory Bird Treaty Act would be reduced to less than significant through implementation of mitigation measure MM-BIO-3 (Nesting Bird Surveys). Additionally, implementation of mitigation measure MM-BIO-1a (Worker Environmental Awareness Program) includes providing education to construction workers that may encounter nesting birds and "no work" buffers for avoidance of active nests. Implementation of MM-BIO-1b (Pre-Construction Biological Survey and Biological Monitoring) and MM-BIO-2 (Construction Best Management Practices) would further reduce impacts to nesting birds.

MM-BIO-3 Nesting Bird Surveys.

Vegetation and initial ground disturbing activities shall be conducted outside the bird breeding season (generally February 1 to August 15; raptors January 1 to August 31). If this is not feasible, or work is initiated but then delayed until the bird breeding season, a qualified biologist shall conduct a nesting bird survey(s) no more than three days prior to the start of vegetation and ground disturbing activities. Once initiated, if construction is stopped for more than seven days during the nesting season, a follow-up survey shall be conducted prior to the restart of construction activities. Surveys shall include the disturbance area plus a 100-foot buffer for passerine species and up to a 300-foot buffer for raptors, as feasible.

- If an active nest is identified, an appropriate non-disturbance buffer shall be established by the biologist within which no work activity that could adversely impact the nest would be allowed. The size of the avoidance buffer shall be established by the qualified biologist on a case-by-case basis based on the species and site-specific conditions such as topography, line of sight to the nest, or the existing ambient level of activity. The nest and buffer area shall be monitored by the biologist until the young have fledged and are independent of the nest site or the nest is determined to be inactive. At the discretion of the qualified biologist, short duration, low intensity work may occur within a buffer. The qualified biologist shall be present to monitor the activities and evaluate the nesting individuals for signs of adverse disturbance. The biologist shall have the authority to halt construction activities that may lead to nest failure.

Impact to Disturbed Diegan Coastal Sage Scrub (Impact BIO-4)

Implementation of the project, including the off-site fuel modification zone (FMZ), will result in impact to 0.71 acre of Disturbed Diegan Coastal Sage Scrub.

Implementation of mitigation measure MM-BIO-4, which would be required as a condition of project approval, would reduce impacts to Disturbed Diegan Coastal Sage Scrub to less than significant.

MM-BIO-4 Disturbed Diegan Coastal Sage Scrub.

Although disturbed, for mitigation purposes, the Disturbed Diegan Coastal Sage Scrub on-site is considered to have the same sensitivity under the MHCP as Habitat Group C

and under the HMP as Habitat Group D (Unoccupied Coastal Sage Scrub). The project site is not within an MHCP Focused Planning Area; therefore, the permanent loss of 0.71 acres of Disturbed Diegan Coastal Sage Scrub (0.53 acres in San Marcos and 0.18 acres in Carlsbad) shall be mitigated at a minimum 1:1 ratio, which is also consistent with the City of Carlsbad HMP for unoccupied (by California gnatcatcher) coastal sage scrub habitat. 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.

As on-site mitigation is not feasible, the removal of 0.53 acre of Disturbed Diegan Coastal Sage Scrub in the City of San Marcos is expected be mitigated by the project applicant through off-site acquisition, in lieu fees, a purchase of credits from an approved mitigation bank, or a combination thereof as approved by the Planning Director and the Wildlife Agencies prior to issuance of the grading permit. 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. Off-site mitigation shall be achieved through the purchase of Diegan Coastal Sage Scrub credits at the Cleveland Corridor Conservation Bank

The permanent loss of 0.18 acres of unoccupied coastal sage scrub habitat within the City of Carlsbad shall be mitigated by payment of an HMP mitigation fee at a 1:1 ratio.

Cultural Resources

Archaeological Resources (Impact CR-1)

Due to grading and ground disturbing activities, the proposed project has the potential to impact unidentified archaeological resources on the project site. Mitigation measures, required as conditions of approval, are detailed below.

Mitigation measures MM-CR-1a through MM-CR-1d, detailed below, apply to grading and construction activity that occurs within areas of previously unmonitored areas, as determined by a Qualified Archaeologist and a TCA Native American Monitor, Implementation of MM-CR-1a through MM-CR-1d would reduce impacts to below a level of significance.

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-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 email, 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 Pechanga Band of Indians, Rincon Band of Luiseño Indians, San Luis Rey Band of Mission Indians 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.

MM-CR-1d 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 their 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 Descendant, 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 Descendant is identified, at which time the archaeological examination of the remains shall only occur on-site in the presence of the Most Likely Descendant. 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)).

Human Remains (Impact CR-2)

There is a potential for project construction activities to disturb previously unidentified human remains on the project site. Implementation of mitigation measure CR-1d would reduce this impact to below a level of significance.

Geology and Soils

Unsuitable Fill Material (Impact GEO-1)

The existing surficial fill soils are considered unsuitable, in their present condition, for the support of settlement-sensitive improvements. This represents a significant impact (Impact GEO-1) and mitigation is required. As a condition of project approval, implementation of the following mitigation measure (MM-GEO-1) would be required, and would reduce the impact to below a level of significance:

MM-GEO-1

The project applicant shall implement the geotechnical recommendations identified beginning on pages 6 through 28 of the preliminary geotechnical report prepared by Geocon (2023) for the project site. These recommendations address (among other topics) soil and excavation characteristics, grading, foundations, pavement, retaining walls, storm water management slope maintenance and plan review.

Transportation

Vehicle Miles Traveled (VMT) (Impact TR-1)

Using the San Diego Association of Governments (SANDAG) screening map for employee projects, the project site is located in census tract 200.27 and would be expected to generate 17.4 VMT/employee. This equates to 92.1% of the regional average VMT/employee. Hence, the project is 7.1% over the City of San Marcos's VMT threshold of 85% or less of the regional average, which represents a significant VMT impact. Implementation of mitigation measures MM-TR-1a and MM-TR-1b, detailed below and required as conditions of project approval. would reduce the impact to below a level of significance.

MM-TR-1a Implement Commute Trip Reduction (CTR) Marketing.

The project shall implement and maintain a permanent information sharing program available to all employees:

- Provide a web-based information center to promote and provide information for alternative mobility options. The web-based information center shall be operational after issuance of the final conditions of approval and shall be managed by the project's Human Resources coordinator.

- As part of the CTR marketing, the project will provide a guaranteed ride home service or reimburse ridesharing expenses for employees in cases of inclement weather, illness, late departures, emergencies or similar circumstances.

MM-TR-1b Provide Ridesharing Program.

The project shall implement and maintain a permanent ridesharing program available to all employees including the following measures:

- Provide a dedicated parking space for ridesharing vehicles in a convenient location within the parking garage across from the elevator lobby.

- Provide a dedicated parking space near the guest drop-off zone which will serve as a loading zone for ridesharing vehicles.

Potential for Limited Sight Lines at Western Driveway on Paseo Plomo (Impact TR-2)

The project's landscape plan includes a "sight visibility triangle" which would limit the type of vegetation that would be planted that could block line of sight for drivers (see sheet L1.1 of the preliminary landscape plan). This would allow drivers to have a clear view of vehicles still on San Elijo Road before entering Paseo Plomo. In addition, vehicles traveling on San Elijo Road would need to decelerate to make a westbound right turn comfortably, which would also provide additional time for drivers exiting the pickup/drop-off area to safely enter Paseo Plomo. However, if tall landscaping or trees are planted in this area, there is a potential for driver views to be limited. This represents a significant impact and mitigation is required. Implementation of mitigation measure MM-TR-2, detailed below and required as a condition of project approval, would reduce this potential impact to below a level of significance.

MM-TR-2

The area between the western driveway on Paseo Plomo of the pickup/drop-off area and San Elijo Road shall be kept clear of any obstructions over two feet high such that adequate sight distance is maintained for drivers.

Applicable University Commons Specific Plan Mitigation Measures

The project site is located within the University Commons Specific Plan (UCSP). As such, the project shall be required to adhere to the applicable UCSP mitigation measures and the following applicable mitigation measures are from the UCSP Final Environmental Impact Report and are carried forward for the project.

The following landform/visual quality mitigation measures have been carried forward to this environmental document (MM-VIS-A through MM-VIS-I) and implementation of these measures will be required as a condition of project approval.

1. **MM-VIS-A** Visible manufactured slopes shall be contoured to simulate the natural terrain, except where such contouring will conflict with the geotechnical engineer's recommendations are where the granitic nature of the terrain makes it physically or economically infeasible.
2. **MM-VIS-B** Special landscaping techniques using plant material of varying heights shall be used in conjunction with contour grading to create a modulated slope appearance. The City Planning Department shall review and approve all final landscape plans to ensure compliance with the landscape guidelines contained in the proposed project SPA.
3. **MM-VIS-C** With the exception of natural habitat areas, existing landforms may be recontoured, as necessary, to provide a smooth and gradual transition to graded slopes, while preserving the basic character of the site.
4. **MM-VIS-D** If off-site disposal of export is required, the disposal site and haul route shall be identified at the time of Development Plan review. At that time, additional environmental review of the potential impacts associated with a proposed disposal site and the haul route may be required in compliance with CEQA.
5. **MM-VIS-E** The final grading plan shall be reviewed and approved by the City Planning Department and City Engineer to ensure substantial conformance with the Conceptual Grading Plan and grading guidelines contained in the proposed project SPA.
6. **MM-VIS-F** Prior to issuance of building permits, the City Planning Department shall review architecture plans to ensure compliance with the architecture guidelines contained in the proposed project SPA and applicable design goals and objectives of the City General Plan Land Use Element.
7. **MM-VIS-G** A comprehensive landscape program, including the use of vegetative screening and varying plant heights as approved by the City, shall be implemented and maintained. The City Planning Department shall review and approve all final landscape plans to ensure compliance with the landscape guidelines contained in the proposed project SPA.
8. **MM-VIS-H** Architectural and landscaping treatments shall be used to minimize aesthetic impacts. Use of texturing, plasters and other architectural treatments will be incorporated to the satisfaction of the Planning Director. Landscaping will be installed to the satisfaction of the Planning Director. Landscaping will be installed between the noise barrier and the sidewalk/road, to provide a visual buffer, to the satisfaction of the Planning Director.
9. **MM-VIS-I** Any manufactured cuts exceeding 10 feet in height will have a heightened landscaping and/or architectural treatment installed to reduce visual impacts. For cuts in areas that will support landscaping, enhanced landscaping will be installed to reduce visual impacts. For cuts in areas that are steeper than 2:1 or in hard substrate that cannot be effectively landscaped, additional treatments will be required (e.g., shot-crete textured and colored to mimic the natural substrate, contouring cuts such that long perpendicular planes are avoided). The additional treatments will be implemented to the satisfaction of the Planning Director.