



County of San Diego

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: SAN LUIS REY TRAINING CENTER MAJOR GRADING PLAN

RECORD ID: PDS2019-LDGRMJ-30228

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Attached extended studies
 - c. Draft Concurrence for De Minimus Exemption to Habitat Loss Permit Process
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

ANY PERMIT: *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

BIO#1-OFFSITE MITIGATION [PDS, FEE X2]

INTENT: In order to mitigate for the impacts to Diegan coastal sage scrub, which is a sensitive biological resource pursuant to the County's Guidelines for Determining Significance for Biological Resources, offsite mitigation shall be acquired.

DESCRIPTION OF REQUIREMENT: The applicant shall purchase habitat credit or provide for the conservation of habitat of 0.692 acres of Diegan coastal sage scrub, located at the Red Mountain Conservation Bank or other County approved mitigation bank, as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in North San Diego County as indicated below:
 1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS].
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
 4. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.
 5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state, or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains

the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall purchase the offsite mitigation credits and provide the evidence to the [PDS, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING].

TIMING: Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the mitigation shall occur. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, PPD] [DPR, GPM] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

GRADING PERMIT: *(Prior to approval of any grading and/or improvement plans and issuance of any Grading or Construction Permits).*

BIO#2–BIOLOGICAL MONITORING [PDS, FEE X2]

INTENT: In order to prevent inadvertent disturbance to areas outside the limits of grading, all work activities that involve placement of fill within the disturbed coastal sage scrub shall be monitored by a biologist. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall be contracted to perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities that involve placement of fill within the disturbed coastal sage scrub. The following shall be completed:

- a. The Biologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the [County of San Diego Biological Report Format and Requirement Guidelines](#) and this permit. The contract provided to the county shall include an agreement that this will be completed, and [a Memorandum of Understanding \(MOU\)](#) between the biological consulting company and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The cost of the monitoring shall be added to the grading bonds or bonded separately with Planning & Development Services.

DOCUMENTATION: The applicant shall provide a copy of the biological monitoring contract, cost estimate, and [MOU](#) to the [PDS, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to approval of any grading and/or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** The [PDS, PCC] shall review the contract, [MOU](#) and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, LDR], for inclusion in the grading bond cost estimate, and grading bonds. The [PDS, LDR] shall add the cost of the monitoring to the grading bond costs.

OCCUPANCY: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

BIO#3–BIOLOGICAL MONITORING [PDS, FEE X2].

INTENT: In order to ensure that the biological monitoring occurred during the grading phase of the project, a final Biological Monitoring Report shall be prepared.

DESCRIPTION OF REQUIREMENT: The “Project Biologist” shall prepare final biological monitoring report. The report shall substantiate the supervision of the grading activities, and state that grading or construction activities did not impact any additional areas of coastal sage scrub or any other sensitive biological resources. The report shall conform to the County of San Diego Report Format Guidelines for Biological Resources, and include the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.

DOCUMENTATION: The Biologist shall prepare the final report and submit it to the [PDS, PCC] for review and approval. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be approved. **MONITORING:** The [PDS, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon approval of the report, [PDS, PCC] shall inform [PDS, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [PDS, PCC] shall inform [PDS, FISCAL] to release the bond back to the applicant.

Draft Grading Plan Notes:

PRE-CONSTRUCTION MEETING: *(Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

BIO#4–BIOLOGICAL MONITORING [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to areas outside the limits of grading, all work activities that involve placement of fill within the disturbed coastal sage scrub shall be monitored by a biological monitor. **DESCRIPTION OF REQUIREMENT:** A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities that involve placement of fill within the disturbed coastal sage scrub. The Project Biologist shall also perform the following duties before construction to comply with the conditions of this Grading Plan:

1. Supervise and verify placement of temporary fencing of open space easements. The placement of such fencing shall be approved by the [PDS, PCC].
2. The Biologist shall attend the preconstruction meetings and other meetings to discuss construction requirements. Such meeting shall include the [PDS, PCC].

DOCUMENTATION: The Biological Monitor shall prepare written documentation that certifies that the temporary fencing has been installed and that all construction staff has been trained on the site sensitive biological resources that are to be avoided. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching,

grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall invite the [PDS, PCC] to the preconstruction conference to coordinate the Biological Monitoring requirements of this condition. The [PDS, PCC] shall attend the preconstruction conference and verify the installation of the temporary fencing and approve the training documentation prepared by the biologist.

BIO#5–TEMPORARY FENCING [PDS, FEE]

INTENT: In order to prevent inadvertent disturbance to areas outside the limits of grading, temporary construction fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading and/or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of areas outside the limits of grading. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed. **DOCUMENTATION:** The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PCC] for approval. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **MONITORING:** The [PDS, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.

BIO#6–CALIFORNIA GNATCATCHER RESOURCE AVOIDANCE [PDS, FEE X2]

INTENT: In order to avoid impacts to the coastal California gnatcatcher, which is a sensitive biological resource pursuant to the County's Guidelines for Determining Significance for Biological Resources and the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed within 500 feet of coastal California gnatcatcher nesting habitat during the breeding season of the coastal California gnatcatcher within RAA as indicated on these plans. The breeding season is defined as occurring between February 15 and August 31. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no coastal California gnatcatchers are present in the vicinity of the brushing, clearing, or grading as demonstrated by a survey completed no more than 72-hours prior to the start of grading or clearing. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

BIO#7-RESOURCE AVOIDANCE [PDS, FEE X2]

INTENT: In order to avoid impacts to migratory birds and raptors, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed within 300 feet of migratory bird nesting habitat and 500 feet of raptor nesting habitat during the breeding season within RAA as indicated on these plans. The breeding season is defined as occurring between January 15 and August 31. The Director of PDS [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that migratory birds and raptors are present in the vicinity of the brushing, clearing, or grading as demonstrated by a survey completed no more than 72-hours prior to the start of grading or clearing. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, no grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.

BIO#8-CROTCH'S BUMBLE BEE PRE-CONSTURCTION SURVEY [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to Crotch's bumble bee, a pre-construction focused survey shall be conducted. **DESCRIPTION OF REQUIREMENT:** A County-approved biologist shall perform a pre-construction focused survey as described below:

- Prior to vegetation removal, a pre-construction CBB nesting survey shall occur prior to ground-disturbing or vegetation-trimming activities within the Project's work area and a 50-foot buffer. The timing of these surveys shall coincide with the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). A qualified CBB biologist, with a Memorandum of Understanding (MOU) authorized under CESA, will conduct a CBB nesting and foraging survey within 1 week of ground disturbing construction activities. Surveys shall be conducted during daylight hours when ambient temperatures are between 60 and 90°F. Surveys shall not be conducted during wet conditions (e.g., foggy, rainy, or drizzling) and surveyors shall wait at least one hour following rain. Optimal surveys are those conducted when there are sunny to partly sunny skies.
- If Crotch's bumble bee nests or individuals are not detected during focused surveys, no further mitigation would be required. In the event that a bumble bee nest is suspected (i.e., bumble bee was observed to have entered a burrow or disappeared under a shrub or into thatch), the suspected nest location will be passively observed for at least 20 minutes to confirm the presence/absence of a nest. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point to determine which would provide 100 percent visual coverage; this could include a 30-to 50-footwide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until to verify nest activity is confirmed (no

longer than 30 minutes). Netting/capture shall be conducted by the biologist authorized under the MOU and identification shall be verified by sending photographic vouchers to a CDFW approved taxonomist. The bee shall be placed in a clear container for observation and photographic documentation, if able. The bee shall be photographed using a macro lens from various angles to ensure recordation of key identifying characteristics. If bumble bee identifying characteristics cannot be adequately captured in the container due to movement, the container shall be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of other bumble bee species, they become active shortly after removal from the cold environment, so photography must be performed quickly. A 50-foot buffer will be established and visibly flagged for avoidance if a nest location is discovered, and the discovery shall be reported to CDFW by the qualified CBB biologist within 24 hours of discovery to determine if an Incidental Take Permit would be required. If an Incidental Take Permit is required, it shall be obtained prior to issuance of Grading Permit, Demolition Plans/Permits and Building Plans/Permits, and all necessary permit conditions shall be fulfilled prior to initiation of project activities.

- A written survey report shall be submitted to the City and CDFW within 30 days of the preconstruction survey. The report shall include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report shall include the qualifications/resumes of the surveyor(s) and approved biologist(s) for identification of photo vouchers and a detailed habitat assessment. Survey results are considered valid until the start of the next Colony Active Period.

DOCUMENTATION: The Biological Monitor shall prepare written documentation that certifies that the survey has been completed and that Crotch's bumble bee have been avoided. **TIMING:** Prior to any clearing, grubbing, grading, or any land disturbances, this condition shall be completed and approved. **MONITORING:** The [DPW, PDCI] shall not allow any grading, unless a concurrence from the [PDS, PPD] is received. The [PDS, PPD] shall review the concurrence letter.

CULT#GR-1 - ARCHAEOLOGICAL MONITORING

INTENT: In order to mitigate for potential impacts to undiscovered buried archaeological resources, an Archaeological Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT:** A County Approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform archaeological monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The archaeological monitoring program shall include the following:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for

Cultural Resources. The Project Archaeologist and Native American monitor of an affiliated tribe shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter of acceptance provided to the County shall include an agreement that the archaeological and tribal monitoring will be completed, and a Memorandum of Understanding (MOU) between the Project Archaeologist and the County of San Diego shall be executed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.

- b. The Project Archeologist shall provide evidence that a Native American monitor of an affiliated tribe has been contracted by the property owner or their representative to perform Native American Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds or bonded separately.

DOCUMENTATION: The applicant shall provide a copy of the Archaeological Monitoring Contract or letter of acceptance, copy of the Tribal monitoring contract, cost estimate, and MOU to [PDS, PPD]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** [PDS, PPD] shall review the contracts or letter of acceptance, MOU and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, PPD] for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

CULT#GR-2 - CULTURAL RESOURCES TREATMENT AGREEMENT AND PRESERVATION PLAN

INTENT: In order to mitigate for impacts to Traditional Cultural Properties, develop and enter into a Cultural Resources Treatment Agreement and Preservation Plan with culturally-affiliated Tribes. **DESCRIPTION OF REQUIREMENT:** A Cultural Resources Treatment Agreement and Preservation Plan shall be developed between the applicant or their representative, the County of San Diego, and consulting culturally-affiliated Tribes. The Cultural Resources Treatment Agreement and Preservation Plan shall be reviewed and agreed to by the County prior to final signature and authorization. The Cultural Resources Treatment Agreement and Preservation Plan shall include but is not limited to the following:

- a. Parties entering into the agreement and contact information.
- b. Responsibilities of the Property Owner or their representative, Principal Investigator, archaeological monitors, Native American monitors of an affiliated tribe, and consulting tribes.
- c. Requirements of the Archaeological Monitoring Program including unanticipated discoveries. The requirements shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, and analysis of identified cultural materials.

- d. Excavated soils. Soils are to stay onsite. Consultation with the culturally-affiliated tribes shall occur should excavated soils need to be exported offsite.
- e. Treatment of identified Native American cultural materials. Any identified Native American cultural materials with the exception of Native American human remains and associated grave goods (described in item g below) are to be reburied onsite. The Treatment Agreement and Preservation Plan shall identify a suitable location for reburial of cultural materials should they be encountered and recovered during construction monitoring. Should the reburial area be required, the location shall be recorded on Department of Parks and Recreation (DPR) forms, and an open space easement shall be dedicated for the protection of the resources in perpetuity. If the proposed reburial location is not required, then neither recordation on DPR forms, nor dedication of an open space easement over the proposed location is required.
- f. Deed restriction. Details of the requirement for a deed restriction for reburial of identified Native American cultural materials. The requirements shall address protection of Native American cultural materials, access, and responsibilities for management and maintenance of the open space.
- g. Treatment of Native American human remains and associated grave goods. Consultation with the Most Likely Descendant (MLD) pursuant to Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered. The Treatment Agreement and Preservation Plan shall identify a suitable location for reburial of human remains, sacred items, and funerary items, should they be encountered and recovered during construction monitoring. Should the reburial area be required, the location shall be recorded on Department of Parks and Recreation (DPR) forms, and an open space easement shall be dedicated for the protection of the resources in perpetuity. If the proposed reburial location is not required, then neither recordation on DPR forms, nor dedication of an open space easement over the proposed location is required.
- h. Confidentiality of cultural information including location and data.
- i. Negotiation of disagreements should they arise during the implementation of the Treatment Agreement and Preservation Plan.
- j. Regulations that apply to cultural resources that have been identified or may be identified during project construction.

DOCUMENTATION: A copy of the implemented agreement shall be submitted to the [PDS, PPD] for approval. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances. **MONITORING:** The [PDS, PPD] shall review the implemented agreement for compliance this condition.

CULT#GR-3 - ARCHAEOLOGICAL MONITORING – PRECONSTRUCTION MEETING

INTENT: In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The County approved Project Archaeologist and

Native American Monitor of an affiliated tribe shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist and Native American Monitor of an affiliated tribe shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The Project Archaeologist and Native American monitor of an affiliated tribe shall also evaluate fill soils to determine that they are clean of cultural resources. The archaeological monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources and as outlined in the Treatment Agreement and Preservation Plan. **DOCUMENTATION:** The applicant shall have the contracted Project Archeologist and Native American monitor of an affiliate tribe attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall confirm the attendance of the approved Project Archaeologist.

DURING CONSTRUCTION: *(The following actions shall occur throughout the duration of the grading construction).*

BIO#8–BIOLOGICAL MONITORING [PDS, FEE X3]

INTENT: In order to prevent inadvertent disturbance to coastal sage scrub habitat and sensitive wildlife species, all grading shall be monitored by a biological monitor.

DESCRIPTION OF REQUIREMENT: A County approved biologist shall perform biological monitoring during all grading, clearing, grubbing, trenching, and construction activities. The Project Biologist shall supervise and monitor grading activities to ensure against damage to biological resources that are intended to be protected and preserved. The monitor(s) shall be on site during all grading and clearing activities that are in or adjacent to any sensitive habitats. If there are disturbances, the monitor must report them immediately to the [PDS PCC]. Additionally, the biologist shall perform the following duties:

1. Perform weekly inspection of fencing and erosion control measures (daily during rain events) near proposed preservation areas and report deficiencies immediately to the DPW Construction Inspector.
2. Perform periodically monitor the work area for excessive dust generation in compliance with the County grading ordinance and report deficiencies immediately to the DPW Construction Inspector.
3. Conduct training for contractors and construction personnel, including the purpose for resource protection, a description of the gnatcatcher and its habitat, and the conservation measures that should be implemented during project construction.
4. Monitor construction lighting periodically to ensure lighting is the lowest illumination possible allowed for safety, selectively placed, shielded, and directed away from preserved habitat.
5. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US.

6. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector and [PDS PCC] within 24 hours; (8) produce periodic (monthly during grading) and final reports and submit to the Wildlife Agencies and the PDS (final report will release bond).
7. Confer with the Wildlife Agencies and [PDS PCC] within 24 hours any time protected habitat or gnatcatchers are being affected by construction.
8. Attend construction meetings and other meetings as necessary.
9. Conduct monitoring sweeps for sensitive wildlife species, including arroyo toad, western spadefoot toad, orange-throated whiptail, coastal whiptail, southern California legless lizard, and coast horned lizard, and relocate sensitive wildlife species prior to commencement of work.

DOCUMENTATION: The Project Biologist shall prepare and submit to the satisfaction the [PDS, PCC] monitoring reports, which indicate that the monitoring has occurred as indicated above. **TIMING:** The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall assure that the Project Biologist is on-site performing the Monitoring duties of this condition during all applicable grading activities as determined by the Biologist. The [DPW, PDCI] shall contact the [PDS, PCC] if the Project Biologist or applicant fails to comply with this condition. The [PDS, PCC] shall review and approve the monitoring reports for compliance with this condition.

CULT#GR-4 - ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Cultural Resource Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist and Native American Monitor of an affiliated tribe shall monitor the original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. **Monitoring.** The Project Archaeologist and Native American Monitor of an affiliated tribe shall be onsite as determined necessary by the Project Archaeologist in consultation with the tribal representative. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American Monitor of an affiliated tribe. Monitoring of the cutting of previously disturbed deposits will be determined by the Project Archaeologist in consultation with the Native American Monitor of an affiliated tribe.
- b. **Inadvertent Discoveries of Native American Resources.** In the event that previously unidentified potentially significant Native American resources are discovered:
 - The Project Archaeologist or the Native American monitor of an affiliated tribe, shall have the authority to divert or temporarily halt ground disturbance operations in the

area of discovery to allow evaluation of potentially significant Native American resources.

- At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist and culturally-affiliated tribes as identified in the Treatment Agreement and Preservation Plan.
- All ground disturbance activities within 100 feet of the discovered Native American resources shall be halted until a meeting is convened between the developer, the project archaeologist, tribal monitor(s), and the tribal representative(s) to discuss the significance of the find. Optionally, the County Archaeologist may attend the meeting to discuss the significance of the find.
- Construction activities shall not resume in the area of discovery until an agreement has been reached by all parties as to appropriate mitigation. Work shall be allowed to continue outside of the buffer area and shall be monitored.
- Isolates and clearly non-significant deposits shall be minimally documented in the field. The isolates and/or non-significant deposits shall be reburied onsite as identified in the Treatment Agreement and Preservation Plan.
- Treatment and avoidance of the newly discovered resources shall be consistent with the Treatment Agreement and Preservation Plan entered into with the appropriate tribes. This may include avoidance of the cultural resources through project design, in-place preservation of cultural resources located in native soils and/or re-burial on the Project property so they are not subject to further disturbance in perpetuity.
- If Native American resources are identified, one or more of the following treatments, in order of preference, shall be employed:
 - ❖ Preservation in place of the Native American Resources, if feasible. Preservation in place means avoiding the resources, leaving them in place where they were found with no development affecting the integrity of the resources.
 - ❖ Reburial of the resources on the project property. The measures for reburial shall include, at least, the following:
 - Measures and provisions to protect the future reburial area from any impacts in perpetuity.
 - Reburial shall not occur until all legally required cataloging and basic recordation have been completed, with the exception that sacred items, burial goods, and Native American human remains are excluded.
 - Any reburial process shall be culturally appropriate.
 - Listing of contents and location of the reburial shall be included in the confidential appendix of the Monitoring Report.
 - The Monitoring Report shall be filed with the County under a confidential cover and is not subject to Public Records requests.
 - ❖ If preservation in place or reburial is not feasible, consultation with consulting Tribes (Pala and Rincon) is required to find an alternative solution which may include repatriation.
 - ❖ If avoidance, reburial, or other alternative solution is not feasible, a Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist in consultation with the Tribe, and the Native American Monitor of an affiliated tribe and approved by the County Archaeologist prior to implementation. There shall be no destructive or invasive testing on sacred items, burial goods, and Native American human remains. Results concerning

finds of any inadvertent discoveries shall be included in the Monitoring Report.

Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the landowner and the Tribe(s) cannot agree on the significance or the mitigation for the archaeological or cultural resources, these issues will be presented to the Planning & Development Services Director for decision. The Planning & Development Services Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources, recommendations of the project archeologist and shall take into account the cultural and religious principles and practices of the Tribe.

- c. **Inadvertent Discoveries of Historic Resources (Non-Native American).** In the event that previously unidentified potentially significant historic resources are discovered:
- The Project Archaeologist or the Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant historic resources.
 - At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist.
 - All ground disturbance activities within 100 feet of the discovered historic resources shall be halted until a meeting is convened between the developer and the project archaeologist to discuss the significance of the find. Optionally, the County Archaeologist may attend the meeting to discuss the significance of the find.
 - Construction activities shall not resume in the area of discovery until an agreement has been reached by all parties as to appropriate mitigation. Work shall be allowed to continue outside of the buffer area and shall be monitored.
 - Isolates and clearly non-significant deposits shall be minimally documented in the field.
 - If historic resources are identified, a Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist and approved by the County Archaeologist prior to implementation. Results concerning finds of any inadvertent discoveries shall be included in the Monitoring Report.
- d. **Human Remains.** If any human remains are discovered:
1. The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
 2. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Native American monitor of an affiliated tribe.
 3. If the remains are determined to be of Native American origin, the NAHC shall immediately contact the Most Likely Descendant (MLD).

4. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
 5. The MLD may with the permission of the landowner, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.
 6. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- e. **Tribal Cultural Resources.** If tribal cultural resources are discovered, the Project Archaeologist shall conduct consultation with culturally-affiliated tribes to determine the most appropriate mitigation. Should the two parties not be able to reach consensus, then the County Archaeologist shall consider the concerns of the culturally-affiliated tribe and the Project Archaeologist, and the Director of Planning & Development Services shall make a final decision regarding appropriate mitigation.
- f. **Fill Soils.** The Project Archaeologist and Native American monitor of an affiliated tribe shall evaluate fill soils to determine that they are clean of cultural resources.
- g. **Monthly Reporting.** The Project Archaeologist shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

DOCUMENTATION: The applicant shall implement the Archaeological Monitoring Program pursuant to this condition. **TIMING:** The following actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the Project Archeologist or applicant fails to comply with this condition.

PALEO#GR-1 - PALEONTOLOGICAL MONITORING

INTENT: In order to comply with the [San Diego County Guidelines for Determining Significance for Paleontological Resources](#), a Paleontological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** This project site has marginal levels of sensitive Paleontological resources. All grading activities are subject to the [County of San Diego Grading Ordinance Section 87.430](#), if any significant resources (Fossils) are encountered during grading activities.

- a. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact PDS before continuing grading operations.
- b. If any paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the [San Diego County Guidelines for Determining Significance for Paleontological Resources](#).

TIMING: The following actions shall occur throughout the duration of the grading construction. **MONITORING:** The [DPW, PDCI] shall make sure that the grading contractor is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact PDS if the grading contractor or applicant fails to comply with this condition.

ROUGH GRADING: *(Prior to rough grading approval and issuance of any building permit).*

BIO#9-BIOLOGICAL MONITORING [PDS, FEE]

INTENT: In order to comply with the adopted Program (MMRP) pursuant to PDS2019-LDGRMJ-30228, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources](#), a Grading Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Biologist shall prepare and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact additional areas of coastal sage scrub or other sensitive biological resources. The report shall conform to the [County of San Diego Report Format Guidelines for Biological Resources](#). It shall also include but not be limited to the following items:

- a. Photos of the temporary fencing that was installed during the trenching, grading, or clearing activities.
- b. Monitoring logs showing the date and time that the monitor was on site.
- c. Photos of the site after the grading and clearing activities.

DOCUMENTATION: The applicant shall submit the final biological monitoring report to the [PDS, PCC] for review and approval. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the final report shall be completed. **MONITORING:** The [PDS, PCC] shall review the final report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

CULT#GR-5 - ARCHAEOLOGICAL MONITORING – ROUGH GRADING [PDS, FEE]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Project Archaeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring:

- a. **No Archaeological Resources Encountered.** If no archaeological resources are encountered during earth-disturbing activities, then submit a final Negative Monitoring Report substantiating that earth-disturbing activities are completed, and

no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Native American Monitor of an affiliated tribe must be included in the Negative Monitoring Report.

- b. **Archaeological Resources Encountered.** If archaeological resources were encountered during the earth disturbing activities, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the reburial and/or repatriation phase of the monitoring.

DOCUMENTATION: The applicant shall submit the Archaeological Monitoring Report to [PDS, PPD] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center, the Rincon Band of Luiseno Indians, and any culturally-affiliated Tribe who requests a copy. **TIMING:** Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the report shall be completed. **MONITORING:** [PDS, PPD] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

PALEO#GR-2 PALEONTOLOGICAL MONITORING

INTENT: In order to comply with the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#), a Paleontological Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** One of the following letters shall be performed upon completion of the grading activities that require monitoring:

- a. If no paleontological resources were discovered, submit a “No Fossils Found” letter from the grading contractor to PDS stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the [County of San Diego Guidelines for Determining Significance for Paleontological Resources](#).
- b. If paleontological resources were encountered during grading, a letter shall be prepared stating that the field grading monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation phase of the monitoring.

DOCUMENTATION: The applicant shall submit the letter report to PDS for review and approval. **TIMING:** Upon completion of all grading activities, and prior to Rough Grading Final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the letter report shall be completed. **MONITORING:** PDS shall review the final negative letter report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

FINAL GRADING RELEASE: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

CULT#GR-6 - ARCHAEOLOGICAL MONITORING – FINAL GRADING [PDS, FEE]

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, an Archaeological Monitoring Program shall be implemented. **DESCRIPTION OF**

REQUIREMENT: The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during earth-disturbing activities. The report shall include the following, if applicable:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all Native American cultural materials in order of preference have been conveyed as follows:
 - (1) Evidence that all Native American materials collected during the archaeological and tribal monitoring program have been avoided and preserved on site.
 - (2) Evidence that all Native American materials collected during the archaeological monitoring program have been reburied on site and preserved.

Or

- (3) Evidence that all Native American materials collected during the grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the Native American resources have been repatriated identifying that the Native American materials have been received.

- d. Evidence that all historic cultural materials have been conveyed as follows:

Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

- e. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the archaeological monitoring activities have been completed. Grading Monitoring Logs must be submitted with the negative monitoring report.

DOCUMENTATION: The applicant's archaeologist shall prepare the final report and submit it to *[PDS, PPD]* for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC), the Rincon Band of Luiseno

Indians, and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** *[PDS, PPD]* shall review the final report for compliance with this condition and the report format guidelines. Upon acceptance of the report, *[PDS, PPD]* shall inform *[PDS, LDR]* and *[DPW, PDCI]*, that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then *[PDS, PPD]* shall inform *[PDS or DPW FISCAL]* to release the bond back to the applicant.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

Director, Planning & Development Services

on September 4, 2025_

Gary Smith, Planning Manager
Project Planning Division

JA:GS:ss