



County of San Diego

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: St. Gregory of Nyssa Greek Orthodox Church

RECORD ID: PDS2005-3300-05-010

ENVIRONMENTAL LOG NO.: PDS2005-3910-0514016

**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. Environmental Analysis Form and attached extended studies for drainage, traffic, and noise.

1. California Environmental Quality Act 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:

Please refer to the attached Environmental Initial Study for the rational for requiring of the following measures:

1. CULTURAL RESOURCES CONDITIONS DURING EARTH DISTURBING ACTIVITIES:

(The following actions shall occur during any phase of the project and during any earth disturbing activities).

PRE-CONSTRUCTION MEETING: (Prior to any clearing, grubbing, trenching, grading, or any land disturbances.)

CULT#GR-1. ARCHAEOLOGICAL MONITORING – PRECONSTRUCTION MEETING (Phase 1, 2, and 3)

INTENT: In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, an Archaeological Monitoring Program shall be implemented for earth disturbing activities into native soils. **DESCRIPTION OF REQUIREMENT:**

- a. The applicant shall contract with a County approved Archaeologist (Project Archaeologist). The Project Archaeologist shall perform archaeological monitoring and a potential data recovery program during all earth disturbing activities within native soils. The applicant shall provide a copy of the contract or letter of acceptance. The contract or letter of acceptance shall include evidence that a Kumeyaay Native American monitor has been contracted to perform Native American monitoring for the project.
- b. The County approved Project Archaeologist and Kumeyaay Native American Monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the archaeological monitoring program. The Project Archaeologist and Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits (native soils) in all areas identified for development including off-site improvements. 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.
- c. **DOCUMENTATION:**
 - i. The applicant shall provide a copy of the contract or letter of acceptance to [PDS, PPD].
 - ii. The contracted Project Archeologist and Kumeyaay Native American shall 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).*

**CULT#GR-2. ARCHAEOLOGICAL MONITORING – DURING CONSTRUCTION
(Phase 1, 2, and 3)**

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 Kumeyaay Native American Monitor shall monitor the original cutting of previously undisturbed deposits (native soils) in all areas identified for development including off-site improvements. The archaeological monitoring program shall comply with the following requirements during earth-disturbing activities within native soils:

- a. **Monitoring.** During the original cutting of previously undisturbed deposits (native soils), the Project Archaeologist and Kumeyaay Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. 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 Kumeyaay Native American Monitor. Monitoring of the cutting of previously disturbed deposits (native soils) will be determined by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor.
- c. **Inadvertent Discoveries.** In the event that previously unidentified potentially significant cultural resources are discovered:
 1. The Project Archaeologist or the Kumeyaay 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 cultural resources.
 2. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist.
 3. The Project Archaeologist, in consultation with the PDS Staff Archaeologist and the Kumeyaay Native American Monitor, shall determine the significance of the discovered resources.
 4. Construction activities will be allowed to resume in the affected area only after the PDS Staff Archaeologist has concurred with the evaluation.
 5. Isolates and clearly non-significant deposits shall be minimally documented in the field. Should the isolates and/or non-significant deposits not be collected by the Project Archaeologist, then the Kumeyaay Native American monitor may collect the cultural material for transfer to a Tribal Curation facility or repatriation program.
 6. If cultural resources are determined to be significant, a Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist in consultation with the Kumeyaay Native American Monitor. The County Archaeologist shall review and approve the Program, which shall be carried out using professional archaeological methods. The

Program shall include (1) reasonable efforts to preserve (avoidance) "unique" cultural resources or Sacred Sites; (2) the capping of identified Sacred Sites or unique cultural resources and placement of development over the cap, if avoidance is infeasible; and (3) data recovery for non-unique cultural resources. The preferred option is preservation (avoidance).

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 Kumeyaay Native American monitor.
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.

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.

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

CULT#GR-3. ARCHAEOLOGICAL MONITORING – ROUGH GRADING (Phase 1, 2, and 3)

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 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 curation 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 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.

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

CULT#GR-4. ARCHAEOLOGICAL MONITORING – FINAL GRADING (Phase 1, 2, and 3)

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 cultural materials have been curated and/or repatriated as follows:

Evidence that all prehistoric materials collected during the archaeological monitoring program have been submitted to a San Diego curation facility or a culturally affiliated Native American Tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated Native American Tribal 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 prehistoric archaeological materials have been received and that all fees have been paid.

or

Evidence that all prehistoric materials collected during the grading monitoring program have been repatriated to a Native American group of appropriate tribal affinity and shall be accompanied by payment of the fees necessary, if required. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

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.

- d. 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) 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.

2. The payment of the Transportation Impact Fee, which will be required at issuance of building permits of applicable phases of the project, will be required to demonstrate conformance with the County of San Diego Transportation Impact Fee Ordinance. Pursuant to Section 77.210 of the County of San Diego Transportation Impact Fee Ordinance, a sanctuary of the proposed church is exempt from the Regional Transportation Congestion Improvement Program (RTCIP) Impact Fee.
3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws, regulations, ordinances, and the General Plan and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

1. **NOISE#1–INTERIOR NOISE ASSESSMENT**

INTENT: In order to reduce the exposure to noise levels in excess of standards established by the [County of San Diego General Plan Noise Element \(Table N-1 & N-2\)](#). **DESCRIPTION OF REQUIREMENT:** The proposed multi-purpose building and church buildings, closest to Jamacha Road shall comply with the following:

- a. A County Approved Acoustical Consultant, shall perform an acoustical analysis, which demonstrates that the proposed **multi-purpose and church** structures would not be exposed to present and anticipated future noise levels exceeding the allowable sound level limit of the [General Plan](#) community noise equivalent levels (CNEL) of 50 dB for interior noise for churches used part of day pursuant to the [General Plan Noise Element \(Table N-1 & N-2\)](#). Future traffic noise level estimates, must utilize a Level of Service “C” traffic flow for Jamacha Road which is its designated General Plan Mobility Element buildout roadway classification.
- b. The acoustical analysis shall make recommendations that shall be implemented in the project design and building plans, so the proposed structures and project site can comply with the noise standards referenced above.
- c. The unauthorized removal of documented noise control measures at a future date after the initial condition is satisfied shall make the affected noise sensitive land use still subject to this building restriction for protection of these uses before subsequent approval of any future building permit.
- d. Prior to the approval of any Building Plan and issuance of any Building Permit, the applicant shall prepare the acoustic analysis and incorporate the proposed project design recommendations, into the Building Plans. The applicant shall submit the acoustical analysis along with the building plans to the [PDS, BD] for review and approval before the building permits can be issued. To the satisfaction of the [PDS, PCC], the applicant shall revise the building plans or site design to incorporate any additional proposed design recommendations.

DOCUMENTATION: The applicant shall prepare an interior acoustic analysis and incorporate the proposed project design recommendations, into the Building Plans. The applicant shall submit the acoustical analysis along with the building plans to the [PDS, BD] for review and approval before the building permits can be issued. To the satisfaction of the [PDS, PCC], the applicant shall revise the building plans or site design to incorporate any additional proposed design features. **TIMING:** Prior to the approval of any building plan and the issuance of any building permit for Phase II and III (the multi-purpose or church buildings) construction as referenced within the approved plot plans, the requirements of this condition shall be completed. **MONITORING:** The [PDS, BD] shall route the building plans and noise analysis to the [PDS, PCC] for review. The [PDS, PCC] shall review the interior acoustical analysis and building plans for compliance with this condition, and make any recommendations that shall be implemented on the proposed building plans. The [PDS, BPPR], shall verify that the building plans comply with this condition and the recommendations of [PDS, PCC].

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

on _____

Ashley Smith, Planning Manager
Project Planning Division