ATTACHMENT A
Oakcrest Specific Plan Project
Summary of Potential Impacts and Mitigation Measures

Biological Resources

Special Status Plant Species (Impact BIO-1)

Impact BIO-1: The project has the potential for inadvertent temporary and permanent impacts to special-status plant species if grading occurs outside the identified limits.

MM-BIO-1a Construction Boundary Controls

To avoid potential inadvertent impacts beyond the authorized project footprint (Impact BIO-1), prior to any site preparation activities, such as vegetation clearing, brushing, construction machinery or equipment staging, or grading or other related earth-moving operations, the construction drawings shall clearly show the authorized work limits, including the delineation of temporary exclusion zones. To protect adjacent environmentally sensitive areas from unintended disturbance, high-visibility temporary fencing (e.g., orange safety fencing or equivalent), along with erosion control barriers like silt fencing where applicable, shall be erected along the perimeter of the approved construction impact grading footprint. This barrier system shall be in place prior to the start of construction and remain intact until all construction activities are complete. Installation of such work limits fencing shall be carried out in a manner that avoids damage to adjacent sensitive habitats or species. A qualified biologist (i.e., project's biological monitor) shall conduct a pre-installation assessment to ensure the fence layout adheres to the approved plans and that no special-status plant species would be affected by the installation process. If any such species are present, the fencing route shall be adjusted to avoid direct impacts, as directed by the biologist.

The project's biological monitor shall be present to monitor the installation of work limits fencing and confirm installation per the approved construction drawings. Verification shall be provided via email or brief memorandum to the City by the Applicant within 24 hours following confirmation. Routine inspections (i.e., at least twice per week) of the construction boundary fencing may be needed at the direction of the project biological monitor. If any construction activity is found to extend beyond the established boundaries, operations in the affected area shall stop immediately until corrective measures are identified and/or implemented to the satisfaction of the City and the project biologist. All temporary fencing materials must be removed after the completion of construction activities.

MM-BIO-1b Worker Environmental Awareness Program (WEAP)

Prior to any ground disturbance, a qualified biologist shall provide Worker Environmental Awareness Program (WEAP) training to all construction personnel. Training shall cover the purpose of resource protection, role of biological construction monitoring, and identification of sensitive habitats and special-status species known to occur on site. The training shall present, at minimum, the project mitigation measures for biological resources, the limits of disturbance, environmentally responsible construction practices, spill prevention and site housekeeping, and noise/dust minimization. It shall also summarize biological regulations/permits relevant to the project and outline stop-work and reporting procedures if sensitive resources are encountered. Attendance shall be documented by the biologist and new workers on-site shall receive the WEAP training prior to starting work. Implementation of this measure shall assist in ensuring the avoidance of potential inadvertent impacts beyond the project footprint.

MM-BIO-1c Biological Construction Monitoring

To avoid potential inadvertent impacts beyond the project footprint (Impact BIO-1), a qualified biologist shall be retained to monitor construction activities and ensure compliance with all biological mitigation measures and regulatory permits issued for the project. The biologist shall be onsite to oversee installation of temporary construction fencing and verify that work limits are correctly staked and sensitive habitats outside the approved footprint are protected (MM-BIO-1a). The biologist shall conduct pre-construction surveys and environmental awareness training for construction personnel, as required by MM-BIO-1b. The biological monitor shall be onsite daily during all vegetation or ground disturbance work associated with initial mass grading of the site. During construction, the biologist shall regularly (i.e., at least twice per week) inspect active work areas, staging zones, and BMP installations to confirm activities remain within approved limits and that erosion, dust, and spill prevention measures are effective. If non-compliance is observed, the biologist shall have stop-work authority in the affected area and coordinate with the construction superintendent to implement corrective actions. The biologist shall prepare weekly monitoring reports summarizing the activities onsite, the observations during the biological monitoring, compliance status (including any corrective actions), and submit the report to the City by the end of each month during implementation of the Project. Any unauthorized impacts to sensitive resources, or substantial (at the discretion of the biologist) issues of non-compliance, shall be documented and reported to the City or regulatory agency (if applicable) within 72 hours, and mitigation consistent with this report shall be implemented to the City's satisfaction, or regulatory agency if applicable. Within 30 days following completion of construction, the biologist shall prepare a final biological monitoring report and submit to the City, which shall document, at minimum, monitoring activities, incidents of non-compliance, and confirmation that project mitigation measures were fully implemented.

Special Status Avian Species (Impact BIO-2)

Impact BIO-2: Removal of habitat that supports nesting, foraging and sheltering for Special Status Avian Species (Southern California rufous-crowned sparrow and Western bluebird).

MM-BIO-5 Conservation of Sensitive Communities

To offset project-related impacts (Impact BIO-7) to sensitive upland vegetation (i.e., Diegan coastal sage scrub), habitat loss shall be mitigated through a combination of on-site and/or off-site habitat preservation, restoration, or enhancement, consistent with the guidelines established in the MHCP.

The mitigation ratios shall be applied based on the habitat type impacted, as follows:

- Diegan coastal sage scrub: provide a minimum 1:1 ratio (one acre preserved/restored for every one acre impacted).

Mitigation may occur through:

- Onsite preservation of undisturbed habitat within the project boundary that is set aside permanently in a conservation easement;
- Offsite mitigation within a City-approved area or mitigation bank;
- Or a combination of both, as determined appropriate by the City.

Onsite preservation shall be protected through a recorded conservation easement prior to grading. The easement shall cover all preserved habitat areas and restrict incompatible land uses. Additionally, a qualified land manager or conservation organization shall be designated to oversee the long-term stewardship and biological integrity of the preserved lands. A Preserve Management Plan shall be provided to the City to ensure successful habitat preservation over time.

MM-BIO-6 Preserve Management Plan

Prior to issuance of any land disturbance, clearing, grubbing, or issuance of grading permits for the site, a Preserve Management Plan (PMP) shall be prepared and approved by the City and any applicable permit-issuing resource agency (i.e., USFWS, USACE, RWQCB, and/or CDFW) to guide the perpetual protection and stewardship of preserved habitat areas associated with the project. The PMP shall include a detailed map and description of all preserve lands, identify the qualified land manager or conservation organization responsible for implementation, and establish a permanent funding mechanism (e.g., Property Analysis Record or comparable cost analysis estimate) to ensure long-term management. The plan shall include specific management directives such as invasive species control, vegetation monitoring, fencing and signage maintenance, public awareness measures, adaptive management provisions, and reporting requirements. The PMP shall also consider the need for targeted surveys for special-status species. Surveys for the coastal California gnatcatcher shall be considered during the recognized breeding season (February 15 to August 31) in accordance with USFWS protocol survey guidelines, unless otherwise specified in the approved PMP. Additionally, surveys for Crotch's bumble bee shall be considered during the appropriate blooming season for foraging habitat and use methods consistent with current CDFW guidance, including timed visual surveys (i.e., queen or colony flight seasons) and net capture when feasible as authorized, unless otherwise specified in the approved PMP. If special-status species are detected, the PMP shall include avoidance or minimization measures.

Implementation of the PMP shall be overseen by a City-approved qualified land manager or conservation organization with proven experience managing biological preserves, such as those listed on the CDFW roster of approved entities. The PMP shall remain in effect in perpetuity to ensure continued protection and maintenance of the conserved habitat areas.

Coastal California Gnatcatcher (Impact BIO-3)

Impact BIO-3: Potential impact to coastal California gnatcatcher.

MM-BIO-2 Coastal California Gnatcatcher Protection

Prior to the issuance of any land disturbance, clearing, grubbing, or grading permits for project construction activities that would occur on and/or within 500 feet of suitable habitat for coastal California gnatcatcher (i.e., Diegan coastal sage scrub), the project proponent shall implement the following:

- The project proponent shall compensate direct impacts to suitable habitat for coastal California gnatcatcher through implementation of MM-BIO-5 and MM-BIO-6, which require compensatory mitigation for impacts to suitable habitat at a minimum 1:1 ratio in addition to preparation and implementation of a Preserve Management Plan, including recordation of a Conservation Easement or similar protective instrument, non-wasting endowment funding, and long-term management for the project's onsite biological open space preserve in perpetuity.
- The project proponent shall retain a qualified biologist possessing a Section 10(a)(1)(A) Recovery Permit from the USFWS to conduct pre-construction surveys for coastal California gnatcatcher. The

surveys shall be conducted in accordance with the most current USFWS survey protocol applicable during the time of the surveys. The survey area shall include all suitable habitat for the coastal California gnatcatcher that occurs on and within 500 feet of the direct project impact areas, where access is permitted. The final survey shall occur no more than 5 days prior to initial land disturbance, clearing, grubbing, or grading of suitable habitat. If no coastal California gnatcatchers are observed or otherwise detected during the surveys, then project activities shall be allowed to commence with no additional requirements pertaining to coastal California gnatcatcher.

- If surveys confirm the presence of coastal California gnatcatchers on or within 500 feet of suitable habitat to be directly impacted by the project, then the project proponent shall postpone all project activities with the potential to have adverse direct or indirect impacts on coastal California gnatcatcher and initiate consultation with the USFWS pursuant to FESA Section 7 or Section 10, as applicable. Due to the fact that the species was found to not be breeding at the project site based on the 2025 protocol surveys, the consultation may be undertaken by either formal or informal means, at the sole discretion of the USFWS. Unless otherwise prescribed by the USFWS as a result of consultation, the project proponent shall implement the following avoidance and minimization measures if the coastal California gnatcatcher is confirmed to be present on or within 500 feet of suitable habitat to be impacted by project construction activities:

    a. No land disturbance, clearing, grubbing, or grading activities within suitable habitat shall occur during the coastal California gnatcatcher breeding season, which is defined as February 15 through August 31. Standard dust control measures shall be implemented, including watering during grading, ensuring that exposed surfaces maintain soil moisture, limiting vehicle speeds on unpaved roads, and ensuring that trucks hauling dirt, sand, soil, or other loose materials are covered with a fabric cover and maintain a freeboard to help prevent fugitive dust generated at the project site;
    b. Erosion control measures shall be implemented, including using erosion control devices such as straw wattles, mulch, mats, and/or geotextiles; using sediment catchment structures such as hay bales, gravel or sandbags, silt fencing, fiber rolls, matting, berms, or similar devices along grading boundaries and drainage courses to prevent off-site sediment transport;

backfilling, compaction, and/or covering of excavated trenches to minimize erosion potential; regularly inspecting and maintaining erosion control and sediment catchment facilities to ensure proper function and effectiveness;

c. Maintain the project site free of trash and debris; and,
d. The project's qualified biologist shall perform periodic (i.e., weekly or as needed, as determined by the qualified biologist) monitoring to help ensure Project activities remain in compliance with the avoidance and minimization measures.

Additionally, mitigation measures MM-BIO-5 and MM-BIO-6 would further mitigate impacts to this species.

Crotch's Bumble Bee (Impact BIO-4)

Impact BIO-4: Potential impact to Crotch's bumble bee.

MM-BIO-3 Crotch's Bumble Bee Protection

Should the Crotch's bumble bee no longer be a potential candidate for listing at the time of project construction, then MM-BIO-3 shall not be required.

Prior to the issuance of any land disturbance, clearing, grubbing, or grading permits for project construction activities that would occur on suitable habitat for the Crotch's bumble bee (i.e., Intensive Agriculture-Pasture and Diegan coastal sage scrub), the project proponent shall implement the following:

- The project proponent shall compensate direct impacts to suitable habitat for Crotch's bumble bee through implementation of MM-BIO-5 and MM-BIO-6, which require compensatory mitigation for impacts to suitable habitat at a minimum 1:1 ratio in addition to preparation and implementation of a Preserve Management Plan, including recordation of a Conservation Easement or similar protective instrument, non-wasting endowment funding, and long-term management for the project's on-site biological open space preserve in perpetuity. This mitigation includes a minimum 1:1 preservation of on-site habitat that supports Crotch's bumble bee foraging (nectar plants), nesting, and overwintering habitat.
- The project proponent shall retain a qualified biologist that meets the minimum requirements for surveyor qualifications in CDFW's Survey Considerations for California Endangered Species Act

Candidate Bumble Bee Species to conduct pre-construction surveys for Crotch's bumble bee. The surveys shall follow the most current CDFW survey protocol applicable during the time of the surveys. The final survey shall occur no more than five days prior to initial land disturbance, clearing, grubbing, or grading of suitable habitat. If no coastal California gnatcatchers are observed or otherwise detected during the surveys, then project activities shall be allowed to commence with no additional requirements pertaining to coastal California gnatcatcher.

- To avoid impacts on Crotch's bumble bee, removal of habitat in the proposed area of disturbance must occur outside of the Colony Active Period between April 1 through August 31. If removal of habitat in the proposed area of disturbance must occur during the Colony Active Period, the project proponent shall retain a qualified biologist to conduct a pre-activity (defined as any habitat disturbance) survey no more than three days prior to the initiation of construction activities to determine the presence or absence of Crotch's bumble bee within the proposed area of disturbance. A qualified biologist must demonstrate the following qualifications: at least 40 hours of experience surveying for bee or other co-occurring aerial invertebrate species (such as Quino checkerspot butterfly) and who have completed a Crotch's bumble bee detection/identification training by an expert Crotch's bumble bee entomologist; or the biologist must have at least 20 hours of experience directly observing Crotch's bumble bee. The pre-activity survey shall consist of photographic surveys following CDFW guidance (i.e., Survey Considerations for California Endangered Species Act [CESA] Candidate Bumble Bee Species, dated June 6, 2023). The surveys shall consist of passive methods unless a Memorandum of Understanding is obtained. If additional activities (e.g., capture or handling) are deemed necessary to identify bumble bees of an unknown species that may be Crotch's bumble bee, then the Qualified Biologist shall obtain the required authorization via a Memorandum of Understanding or Scientific Collecting Permit. Survey methods that involve lethal take of species are not authorized.
- If pre-construction surveys identify Crotch's bumble bee individuals on-site, the qualified biologist shall notify and consult with CDFW to establish, monitor, and maintain no-work buffers around the associated floral resources. The size and configuration of the no-work buffer shall be based on the best professional judgment of the qualified biologist in consultation with CDFW. Construction activities shall not occur within the no-work buffers until the bees appear no longer active (i.e., associated floral resources appear desiccated

and no bees are seen flying for three consecutive days indicating dispersal from the area).

- Survey data shall be submitted by the qualified biologist to the CNDDB in accordance with the Memorandum of Understanding with CDFW, or Scientific Collecting Permit requirements, as applicable.
- If the qualified biologist determines that project activities would result in impacts to Crotch's bumble bee that would constitute a take, as defined in the CESA, then the project proponent shall consult with CDFW and submit an application for an ITP pursuant to CESA. The project proponent shall implement all avoidance, minimization, and mitigation measures prescribed by CDFW in the ITP.

Additionally, mitigation measures MM-BIO-5 and MM-BIO-6 would further mitigate impacts to this species.

Nesting Birds Protected Under the MBTA (Impact BIO-5)

Impact BIO-5: Construction noise and human presence could temporarily disturb wildlife, particularly nesting birds during the breeding season (February 15 – August 31).

MM-BIO-4 Nesting Birds Protection

Prior to the issuance of any land disturbance, clearing, grubbing, or grading permits for project construction activities that would occur on or within 300 feet of suitable nesting habitat for passerines (i.e., non-raptors) or 500 feet for raptors during the general bird breeding season (January 15 through September 15), the project proponent shall implement the following:

- Retain a qualified biologist to conduct a nesting bird survey no more than five (5) days prior to the project activities. If no active nests or nesting is detected, project work may commence as scheduled. If work does not begin within five (5) days of the survey date, the survey shall be repeated. If an active nest is discovered, the biologist shall establish an avoidance buffer around the nest until the young have fledged.
- If nesting birds are identified during the surveys, the biologist shall determine an appropriate disturbance-free (i.e., no-work-zone) buffer (typically between 100 and 500 feet) depending on the species and project activities. Buffer zones should be clearly demarcated in the field for avoidance by construction activities. The size of an established buffer may be altered if the biologist conducts behavioral observations and determines the nesting birds would not

be affected by the project activities. If this occurs, the biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting birds. If the buffer is reduced, the biologist shall remain on site to monitor the behavior of the nesting birds during construction in order to ensure that the reduced buffer does not result in take of eggs or nestlings. No construction or earth-moving activity shall occur within the established buffer until it is determined by the biologist that the young have fledged (are no longer dependent on the nest or the adults for feeding) and have attained sufficient flight skills to avoid project construction zones. If a biologist is not hired to monitor the nest, then the full buffer(s) shall be maintained in place from February 15 to August 31. The buffer may be removed, and work may proceed as otherwise planned within the buffer on September 1.

Habitat Fragmentation and Edge Effects (Impact BIO-6)

Impact BIO-6: Potential indirect permanent impacts could occur if habitat fragmentation or edge effects reduce long-term habitat suitability and connectivity.

Implementation of mitigation measures MM-BIO-1a through MM-BIO-1c, MM-BIO-5 and MM-BIO-6 would reduce this impact to below a level of significance.

Direct Impact to Diegan Coastal Sage Scrub (Impact BIO-7)

Impact BIO-7: Permanent impact to Diegan coastal sage scrub (32.4 acres permanent impact under Option A and 29.7 acres of permanent impact under Option B).

Implementation of mitigation measures MM-BIO-1a through MM-BIO-1c, MM-BIO-5 and MM-BIO-6 would reduce this impact to below a level of significance.

Indirect Impact to Diegan Coastal Sage Scrub (Impact BIO-8)

Impact BIO-8: Indirect impact to Diegan coastal sage scrub from construction generated dust or inadvertent impacts beyond the authorized work limits.

Implementation of mitigation measures MM-BIO-1a through MM-BIO-1c would reduce this impact to below a level of significance.

Direct Impact to Jurisdictional Aquatic Resources (Impact BIO-9)

Impact BIO-9: Permanent direct impact to RWQCB and CDFW jurisdictional aquatic resources.

MM-BIO-7 Aquatic Resources Compliance

Prior to construction, the project applicant shall demonstrate to the City that all required permits and authorizations for impacts to aquatic resources and Waters of the State have been obtained. This includes, as applicable, Waste Discharge Requirements Permit from the RWQCB and a California

Fish and Game Code Section 1600 Streambed Alteration Agreement (LSAA) from the CDFW. The Applicant shall implement all terms, conditions, and mitigation requirements specified in the permits, including compensatory mitigation. Mitigation shall include, at a minimum, compensation at a minimum 1:1 ratio to include on- and/or off-site establishment/re-establishment, rehabilitation, enhancement, and/or preservation, unless otherwise required by the RWQCB and/or CDFW in the permit(s). Documentation/discussion demonstrating permit compliance shall be included in the final biological monitoring report, as detailed in MM-BIO-1c.

Indirect Impacts to Downstream Areas (Impact BIO-10)

Impact BIO-10: Indirect temporary impacts to areas downstream from sedimentation discharges off-site beyond the authorized work area during construction.

Implementation of mitigation measure MM-BIO-1a through MM-BIO-1c would reduce this impact to below a level of significance.

Cultural Resources/Tribal Cultural Resources

Archaeological Resources (Impacts CR-1 and TCR-1)

Impacts CR-1 and TCR-1: Due to grading and ground disturbing activities, the proposed project has the potential to impact unidentified archaeological resources on the project site.

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.

In the event that one or more TCA Tribe chooses not to enter into an agreement, or fails to respond to the offer, the City shall extend the opportunity for another tribe to provide a monitor. In the event that more than one TCA Tribe requests to provide a TCA Native American monitor for activities subject to these measures, the City will allow for either: 1) up to one monitor from each consulting tribe to be present simultaneously; or 2) for the tribes to develop a rotating schedule that alternates monitoring between the tribes on a daily or weekly basis. The monitors shall be provided at least 72 hours' notice of the initiation of construction and be kept reasonably apprised of changes to the construction schedule. In the event that a monitor is not present at the scheduled time, work can continue without the monitor present, as long as the notice was given and documented.

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 e-mail, of the start and end of all ground disturbing activities.

Prior to the release of any grading bonds, or prior to the issuance of any project Certificate of Occupancy, an archaeological monitoring report, which describes the results, analysis, and conclusions of the construction monitoring shall be submitted by the Qualified Archaeologist, along with any 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 the Barona Group of the Capitan Grande, Pala Band of Mission Indians, Pechanga Band of Indians, Rincon Band of Luiseño Indians, and 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 his or her authorized representative, shall immediately notify the San Diego County Medical Examiner's Office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the Qualified Archaeologist and/or the TCA Native American monitor) shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98.

If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the Qualified Archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by State law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner recognizes the remains to be Native American, and not under his or her jurisdiction, then he or she shall contact the Native American Heritage Commission by telephone within 24 hours. The Native American Heritage Commission will make a determination as to the Most Likely Descendent, who shall be afforded 48 hours from the time access is granted to the discovery site to make recommendations regarding culturally appropriate treatment.

If suspected Native American remains are discovered, the remains shall be kept in situ (in place) until after the Medical Examiner makes its determination and notifications, and until after the Most Likely Descendent is identified, at which time the archaeological examination of the remains shall only occur on site in the presence of the Most Likely Descendent. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). In the event that the Applicant/Owner and the Most Likely Descendant are in disagreement regarding the disposition of the remains, State law will apply, and the mediation process will occur with the NAHC. In the event that mediation is not successful, the landowner shall rebury the remains at a location free from future disturbance (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

Human Remains (Impact CR-2)

Impact CR-2: There is a potential for project construction activities to disturb previously unidentified human remains on the project site.

Mitigation measure CR-1d would mitigate this impact to less than significant.

Geology and Soils

Paleontological Resources (Impact GEO-1)

Impact GEO-1: Project grading may result in disturbance of previously unknown paleontological resources.

MM-GEO-1 Prior to project grading the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and a qualified paleontological monitor shall be retained to monitor the initial cut in any areas that have the potential to contain paleontological resources. If paleontological resources are encountered during grading or excavation, the qualified paleontologist shall evaluate the discovery and, if determined to be scientifically significant, oversee appropriate recovery, documentation, and curation of the resource in accordance with Society of

Vertebrate Paleontology professional standards, such as long-term curation at the San Diego Natural History Museum.

Noise

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

Impact N-1: Potential for noise impacts due to rock drilling for blasting activities.

MM-N-1 Prior to issuance of a blasting permit, the project applicant or contractor shall provide the final location of the construction equipment, topography and construction schedule to the Planning Division. If the rock drill is shown to be located within 160 feet from a sensitive land use's property line, an acoustical engineer shall prepare a noise assessment to determine whether noise levels in excess of the 75 dBA standard would occur during construction.

If the rock drilling noise assessment determines noise levels at the affected property lines would exceed 75 dBA, the acoustical engineer shall develop a mitigation plan to ensure rock drilling and blasting would be below 75 dBA at the property line. Potential measures to reduce drilling and blasting noise levels could include: 1) construction of a temporary noise barrier of solid non-gapping material ranging from 8 to 12 feet in height along any property line where the impacts could occur; 2) limits on usage of the equipment (amount of time used and/or the location in respect to the property line) or other measures to ensure the levels would be below 75 dBA. The mitigation plan shall be submitted to the Planning Division and implemented by the contractor.

Noise Levels During Rock Crushing (Impact N-2)

Impact N-2: Potential for noise impacts due to the use of a temporary rock crusher.

MM-N-2 Prior to issuance of a CUP for the rock crusher, the project applicant or contractor shall provide the final location and rock crusher type to the Planning Division. If the rock crusher is shown to be located within 400 feet of a single-family residential use without shielding, an acoustical engineer shall prepare a noise assessment to determine whether noise levels would be above the applied threshold of 60 dBA Leq for single-family residential use.

If the rock crushing noise assessment determines noise levels at the affected property lines would exceed the standards, the acoustical engineer shall develop a mitigation plan to reduced noise levels to 60 dBA at any existing single-family use. Mitigation may include sound barriers, sound absorbing materials and/or operational limits on the crusher equipment's usage. The mitigation plan shall be submitted to the Planning Division and implemented by the contractor.

Transportation

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

Impact TR-1: The project's per capita VMT is 18.5, which exceeds the threshold of 16.1 VMT per capita which is 85% or less of the regional average.

Implementation of the CAPCOA measures would result in a total VMT reduction of 12.67% and a reduction of 12.8% is required to fully mitigation the project's significant VMT impact. There are no additional applicable or feasible measures that would further reduce the remaining 0.13% VMT required reduction. The project would implement other non-quantifiable measures strategies through implementation of the project's TDM. Even those measures and strategies in the TDM would enhance non-vehicular mobility, they are not quantifiable and do not contribute to the overall VMT reduced. As such, the project's VMT impact remains significant and unavoidable.