

FINAL

**INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

501 / 503 W. MISSION AVENUE PROJECT

CITY OF ESCONDIDO

CITY PROJECT NOS. PL24-0057, PL22-0396, PL22-0397, PL22-0398, PL24-0198
TENTATIVE PARCEL MAP, CONDITIONAL USE PERMITS, AND DESIGN REVIEW PERMIT

(SCH No. 2024071028)

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TABLE OF CONTENTS

Section		Page
1.0	Introduction.....	1.0-1
1.1	Purpose	1.0-1
1.2	Description of Proposed Project.....	1.0-2
1.3	Public Review Process	1.0-2
1.4	Repository of The Final IS/MND	1.0-3
1.5	Mitigation Monitoring Plan	1.0-3
1.6	Organization of the Final IS/MND	1.0-3
2.0	Comments Received and Responses	2.0-1
3.0	Revisions to the Draft IS/MND	3.0-1
4.0	Mitigation and Monitoring and Reporting Program	4.0-1

Appendices

- A Notice of Intent
- B Notice of Completion
- C Modifications Memorandum (Transportation, Noise, and Air Quality/Greenhouse Gas/Energy Impacts)
- D Final Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration

List of Tables

Table		Page
4.0-1	Summary of Mitigation Measures and Implementation Responsibility	4.0-2

1.0 INTRODUCTION

1.1 PURPOSE

This Final Initial Study and Mitigated Negative Declaration (IS/MND), collectively “IS/MND”, has been prepared for the 501/503 W. Mission Avenue Project (Project) in accordance with the requirements of the California Environmental Quality Act (CEQA)¹ and the State CEQA Guidelines, Section 15070 to 15075.² The City of Escondido is acting as the Lead Agency, as defined by CEQA, for the environmental review of the proposed Project.

The City prepared a Draft IS/MND to evaluate the potential environmental consequences associated with the Project. The Draft IS/MND was circulated between July 25, 2024 through August 26, 2024 for public and agency comments. Based on the comments received during the 30-day review period, the City has prepared this Final MND.

1.2 DESCRIPTION OF PROPOSED PROJECT

The Project includes a request for approval of a Tentative Parcel Map to allow the subdivision of a 3.74-acre property comprised of two (2) parcels into four (4) parcels, three (3) Conditional Use Permits for drive-through facilities, and a Design Review Permit for the construction of the facilities. The Project includes a non-emergency demolition of an existing building (over 50 years old) previously occupied by a restaurant use and redevelopment of the site with three new commercial/food service uses totaling 6,110 square feet. Parcel 1, located in the westerly portion of the Project site, would be approximately 2.19 acres, and would retain the existing 85-room Quality Inn Hotel and its associated parking. Parcel 2, located in the northeasterly portion of the Project site, would be 0.50 acres and would include a 1,460 square foot coffee shop with drive through window. Parcel 3, located in the southeasterly portion of the Project site, would be 0.48 acres and would include a 2,300 square foot fast food restaurant with drive through window (pick up only - no drive through ordering). Parcel 4, located in the southeasterly portion of the Project site, would be 0.53 acres and would include a 2,350 square foot fast food restaurant with drive through window, and includes a request for a 45 percent reduction in the required amount of off-street parking spaces via the Conditional Use Permit. The Project includes ancillary improvements including but not limited to landscaping, frontage and circulation improvements

1.3 PUBLIC REVIEW PROCESS

On July 25, 2024, the City circulated a Notice of Intent (NOI), refer to **Appendix A**, of the Draft IS/MND for review and comment by the public and by responsible and reviewing agencies. The review period ended on August 26, 2024. In accordance with the State CEQA Guidelines Section 15072, the City filed the Draft IS/MND with the State Clearinghouse (SCH) for them to circulate to appropriate State Agencies

1 California Code of Regulations, sec. 21000 et seq.

2 California Code of Regulations, State CEQA Guidelines Sec. 15070-15075.

(SCH number 2024071028); a copy of the Notice of Completion (NOC) filed with the SCH is provided in **Appendix B**.

In accordance with the State CEQA Guidelines Section 15072, the City mailed a copy of the NOI to the appropriate local and regional public agencies.

In accordance with AB 52, the City provided notifications to local tribes that have expressed interest in District projects. Assembly Bill (AB 52) establishes a formal consultation process for California Native American tribes on development projects. AB 52 notification letters were sent on March 2024 by the City to five (5) Tribes known to have resources in this area, describing the project and requesting any information regarding resources that may exist on or near the Project site. These Tribes include: 1) San Luis Rey Band of Mission Indians; 2) Rincon Band of Luiseño Indians; 3) Soboba Band of Luiseño Indians; 4) San Pasqual Band of Mission Indians; and 5) Mesa Grande Band of Mission Indians. The San Luis Rey Band of Mission Indians, Rincon Band of Luiseño Indians, and San Pasqual Band of Mission Indians responded pursuant to AB52. They provided a written request for consultation regarding the project as the project lies within their ancestral tribal territory, meaning belonging to or inherited from, which is a higher degree of kinship than traditional or cultural affiliation.

1.4 REPOSITORY FOR THE FINAL IS/MND

The Final IS/MND and Draft IS/MND are available at the in the Escondido Planning Division located at 201 N. Broadway, and on the City's website at: <https://escondido.gov/281/501-503-W-Mission-Avenue-Case-Number-pl2>.

The Final IS/MND, when combined with the Draft IS/MND, constitutes the complete environmental review document for the Project to be considered by the City. State CEQA Guidelines require that the Lead Agency consider the IS/MND together with any comments received during the public review prior to approving a project.³ The Lead Agency shall adopt the Final IS/MND only if it finds, on the basis of the whole record before it (including the IS/MND and any comments received), that there is no substantial evidence that the Project will have a significant effect on the environment and that the Final IS/MND reflects the Lead Agency's independent judgment and analysis.

1.5 MITIGATION MONITORING PLAN

The State CEQA Guidelines require that the Lead Agency adopt a mitigation monitoring program for reporting on or monitoring the physical changes of the Project Site and mitigating significant environmental effects.⁴

3 California Code of Regulations, State CEQA Guidelines Sec. 15074(b).

4 California Code of Regulations, State CEQA Guidelines Sec. 15074(d)

1.6 ORGANIZATION OF THE FINAL IS/MND

As required State CEQA Guidelines, the Final IS/MND consists of the following components:

Comments received from reviewing agencies on the Draft IS/MND during the public review process and responses to those comments (see **Section 2.0**).

Revisions to the Draft IS/MND (see **Section 3.0**).

A Mitigation Monitoring and Reporting Program (MMRP), which provides a summary of impacts, mitigation measures, and implementation procedures (see **Section 4.0**).

Notice of Intent (NOI) (see **Appendix A**)

- Notice of Completion (NOC) (See **Appendix B**)
- Modifications Memorandum (Transportation, Noise, and Air Quality/Greenhouse Gas/Energy Impacts) (see **Appendix C**).
- Final Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration (see **Appendix D**).

2.0 COMMENTS RECEIVED AND RESPONSES

The State CEQA Guidelines⁵ require that the Lead Agency, consider the proposed IS together with any comments received during the public review process prior to approving a project.

The following comment letter was received regarding the Draft IS/MND:

Letter No.	Agency/Commentor	Contact	Date
1	Department of Transportation	Kimberly D. Dodson	August 26, 2024

5 California Code of Regulations, State CEQA Guidelines Sec. 15074(b).

Comment Letter 1: Department of Transportation, dated August 26, 2024 (Page 1)

Comment Letter 1: Department of Transportation, dated August 26, 2024 (Page 2)

COMMENT LETTER 1: DEPARTMENT OF TRANSPORTATION, DATED AUGUST 26, 2024

Comment 1-1

Please provide a copy of the Transportation Impact Analysis (TIA) and Local Mobility Analysis (LMA) for the project. The draft TIA and LMA from 2023 was referenced but not included in the submission package with the MND.

Response 1-1

The draft TIA and LMA from 2023 that was referenced in the MND (*In-N-Out & Coffee Bean (Mission/Centre City) Transportation Impact Analysis*, Ganddini Group, February 2023 [“Project TIA”]) has since been provided to Caltrans.

Comment 1-2

Please include the following information in the TIA/LMA:

The SR-78 Eastbound (EB) exit ramp terminal is approximately 350 feet from the Mission Avenue/Centre City Parkway intersection. Please provide queue analysis with queue lengths for the southbound Centre City Parkway from the intersection to the EB exit ramp. Ensure that the queue length on the exit ramp to the freeway main lanes is included

Response 1-2

The requested queuing analysis is beyond the study area that was determined through a comprehensive scoping process with City of Escondido staff based on the City’s *Transportation Impact Analysis Guidelines* (April 2021), which specifies analysis of roadways where a project is expected to add more than 2% of Level of Service C capacity. Since the project trip contribution is forecast to be below this threshold, analysis of roadway operations beyond the intersection of Centre City Parkway/Mission Avenue to the north were not warranted as the project would have a negligible impact. Notwithstanding the above, the TIA found that the project trip contribution on Centre City Parkway north of Mission Avenue would result in no change to the volume-to-capacity for compared to existing condition or future conditions prior to the addition of project trips (see Tables 8 and 16 of the Project TIA).

Additionally, as documented in the *503 West Mission Commercial Project Transportation Impact Comparison* (Ganddini Group, May 2024) [“2024 Trip Generation Memo”], the proposed project is forecast to generate no more than 93 net new inbound trips during the weekday or Saturday peak hours, of which only 10 percent (i.e., no more than 9 trips per hour) are forecast to travel through the SR-78 eastbound exit ramp to Centre City Parkway based on the trip distribution patterns shown in the Project TIA. Based on a 120 second cycle length at the intersection of Centre City Parkway/Mission Avenue, the project would add less than one trip (or vehicle length) per cycle at the SR-78 eastbound exit ramp to Centre

City Parkway (9 trips per hour ÷ 30 cycles per hour = 0.3). Therefore, the project impact on queue lengths at the eastbound SR-78/Centre City Parkway ramp terminal would be negligible.

Comment 1-3

Provide the queue analysis/queue lengths for the existing, existing plus project and horizon conditions.

Response 1-3

As explained in response to Comment 2, the requested queue analysis is not warranted as the project impact on queue lengths at the eastbound SR-78/Centre City Parkway ramp terminal would be negligible.

Comment 1-4

Indicate when the peak hour counts were recorded. Typically, data used in the TIA/LMA should not be more than 2 years old.

Response 1-4

The peak hour counts were conducted in April/May 2022, which was less than one year old at the time the Project TIA was prepared in February 2023 and less than two years from the date when the environmental analysis was begun.

Comment 1-5

Please provide the revised synchro files used for the project analysis.

Response 1-5

Synchro files for the original Project TIA were provided to Caltrans. As documented in the 2024 Trip Generation Memo, the currently proposed project is forecast to generate fewer trips than originally analyzed in the Project TIA; therefore, the Synchro files were not revised for the MND as the currently proposed project would not result in new impacts beyond those identified in the original Project TIA.

Comment 1-6

Please include the following information in the LMA:

Provide an intersection analysis with Level of Service (LOS) of the Mission Avenue/Centre City Parkway intersection for the existing, existing plus project and horizon conditions.

Response 1-6

The requested LOS analysis of the Mission Avenue/Centre City Parkway intersection is included in section 3 - Local Mobility Analysis (Non-CEQA) of the Project TIA.

Comment 1-7

Synchro files: The existing roadway configuration for southbound Centre City Parkway, north of Mission Ave, features two through lanes. Please revise the synchro files to match existing roadway configuration. Add the SR-78 eastbound exit ramp to Centre City Parkway to synchro and provide output results for LOS and queue lengths for this exit ramp as mentioned above.

Response 1-7

The Synchro files provided for the original Project TIA accurately reflect the existing lane configuration of two through lanes and one right turn lane for the southbound approach at the intersection of Centre City Parkway and Mission Avenue. This comment correctly notes that southbound Centre City Parkway narrows to two through lanes at the SR-78 eastbound exit ramp to Centre City Parkway; however, this portion of the roadway extends beyond the limits of the study area and therefore the SR-78 exit ramp to Centre City Parkway is not included in the Synchro files. As noted in responses to Comment 2 and Comment 3, the requested queue analysis is not warranted as the project impact on queue lengths at the eastbound SR-78/Centre City Parkway ramp terminal would be negligible.

3.0

REVISIONS TO THE DRAFT IS/MND

As a result of public comments, no updates or clarifications were required for the Draft IS/MND.

As a result of updates to the site plan, the proposed restaurant located on Parcel 3 would be rotated 90 degrees, as shown in **Figure 3.2: Site Plan** in the Final IS/MND (refer to **Appendix D**). There will be no change to the drive-thru queuing, necessary grading quantities, or proposed storm drain system capacity. A Memorandum was prepared (dated September 6, 2024) to document and address the minor changes to Parcel 3 (refer to **Appendix C**). According to the memorandum, the revised layout does not change the previous findings of significance related to Transportation, Noise, Air Quality, Greenhouse Gas, and Energy. Thus, no changes or revisions are required for the Draft IS/MND.

4.0 MITIGATION AND MONITORING AND REPORTING PROGRAM

As the Lead Agency under the CEQA, the City of Escondido (“City”) is required to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment as defined in the 501/503 W. Mission Avenue Project Initial Study/Mitigated Negative Declaration. The Lead Agency’s responsibility originates in Public Resources Code Section 21081.6(a) (Findings), and in the State CEQA Guidelines, Sections 15091(d) (Findings) and 15097 (Mitigation Monitoring or Reporting).

The Mitigation Monitoring and Reporting Program (MMRP) is designed to monitor implementation of the mitigation measures identified for the Project. The MMRP is subject to review and approval by the Lead Agency as part of the adoption of the Mitigated Negative Declaration and approval of project conditions. The required mitigation measures are listed in **Table 4.0-1: Summary of Mitigation Measures and Implementation Responsibility** and categorized by impact area, as identified in the Initial Study.

The first column of the MMRP table identifies the Mitigation Measures. The second column identifies the monitoring schedule or timing, while the third column names the party responsible for monitoring the required action. The fourth column “Monitoring Procedure” outlines the steps for monitoring the action identified in the mitigation measure. The fifth and sixth columns deal with reporting and provide spaces for comments and dates and initials. These last columns will be used by the City to ensure that individual mitigation measures have been monitored.

The Project Applicant shall be responsible for implementing all mitigation measures unless otherwise noted. The MMRP performance shall be monitoring and reported annually to determine the effectiveness of the measures implemented in any given year and reevaluate the mitigation needs for the upcoming year.

TABLE .0-1: SUMMARY OF MITIGATION MEASURES AND IMPLEMENTATION RESPONSIBILITY

Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
Biological Resources					
<p>BIO-1. If project construction cannot be avoided during the nesting season (February 1 through September 15), a preconstruction nesting bird survey shall be conducted by a qualified biologist hired by the applicant prior to the initiation of work to identify any active nests that may be impacted by construction activities. Surveys shall be conducted at the appropriate time of day, no more than three days prior to vegetation removal and/or disturbance. If no nesting birds are observed, no further action would be necessary. If an active bird nest is observed, the nest site shall be fenced a minimum of 200 feet in all directions, and this area shall not be disturbed until the nest is inactive.</p>	<p>Prior to construction activities</p>	<p>Qualified Biological Resources Monitor</p>	<p>Submittal of pre-activity field survey results report</p>		
Cultural Resources					
<p>CUL-1: Prior to issuance of a demolition permit, the project applicant shall ensure a Historic American Buildings Survey documentation (or equivalent) of the structure be conducted by a qualified professional in order to achieve mitigation by exhausting the research potential of the resource. Compliance with this measure and the following items shall be documented to the</p>	<p>In the event of discovery of resources during ground-disturbing activities</p>	<p>Qualified Archaeological Resources Monitor</p>	<p>Review report documenting findings and recommendation for treatment of cultural resources discovered</p>		

TABLE .0-1: SUMMARY OF MITIGATION MEASURES AND IMPLEMENTATION RESPONSIBILITY

Mitigation Measure	Mitigation Monitoring			Reporting	
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<p>satisfaction of the City of Escondido Director of Development Services prior to demolition.</p> <ul style="list-style-type: none"> Documentation shall include digital photographic recordation, a historic native report, and compilation of historic research. Documentation shall be completed by a qualified architectural historian or historian who meets the Secretary of the Interior’s Professional Qualifications Standards for History and/or Architectural History (36 CFR Part 61). The original archival-quality documentation shall be offered as donated material to organizations and repositories that will make it available for local researchers. Prior to issuance of building permits for demolition, the Applicant shall provide documentation that the materials have been offered and submitted or declined. 					
Tribal Cultural Resources					
TCR-1: Prior to the issuance of a grading permit, the Applicant shall enter into a Tribal Cultural Resource Treatment and	Prior to construction activities	Qualified Archaeologist and a Native American Monitor	Contact a TCA Tribe and enter into a Tribal Cultural Resource Treatment and		

TABLE .0-1: SUMMARY OF MITIGATION MEASURES AND IMPLEMENTATION RESPONSIBILITY

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Monitoring Agreement (also known as a Pre-Excavation Agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (“TCA Tribe”). The purposes of the agreement are (1) to provide the Applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. The agreement shall incorporate, at a minimum, the performance criteria and standards, protocols, and procedures set forth in mitigation measures MM-CR-2 through MM-CR-10, and the following information.			Monitoring Agreement		

-
- Parties entering into the agreement and contact information.
 - Responsibilities of the Property Owner or their representative, archaeological monitors, and tribal monitors.
 - Project grading and development scheduling, including determination of authority to adjust in the event of unexpected discovery, and terms of compensation for the monitors, including overtime and weekend rates, in addition to mileage reimbursement.
 - Requirements in the event of unanticipated discoveries, which shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and on-site storage of cultural materials.
 - Treatment of identified Native American cultural materials.
 - Treatment of Native American human remains and associated grave goods.
 - Confidentiality of cultural information including location and data.
 - Negotiation of disagreements should they arise.
-

TABLE .0-1: SUMMARY OF MITIGATION MEASURES AND IMPLEMENTATION RESPONSIBILITY

Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<ul style="list-style-type: none"> Regulations that apply to cultural resources that have been identified or may be identified during project construction 					
<p>TCR-2: Prior to issuance of a grading permit, the Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the Project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	Prior to construction activities	Qualified Archaeologist and a Native American Monitor	Provide Written Verification to City		
<p>TCR-3: The qualified archaeologist and a Native American monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to explain and coordinate the requirements of the monitoring program.</p>	Prior to construction activities	Qualified Archaeologist and a Native American Monitor	Pre-construction meeting attendance		
<p>TCR-4: During the initial grubbing, site grading, excavation or disturbance of the</p>	During the initial grubbing, site	Qualified archaeologist and a Native American	Adjust monitoring based on findings		

TABLE .0-1: SUMMARY OF MITIGATION MEASURES AND IMPLEMENTATION RESPONSIBILITY

Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
ground surface (including both on- and off-site improvement areas), the qualified archaeologist and the Native American monitor shall be present full-time. If the full-time monitoring reveals that the topsoil throughout the Project impact area (both on and off-site) has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part-time monitoring or the termination of monitoring can be implemented, as deemed appropriate by the qualified archaeologist in consultation with the Native American monitor. The frequency of subsequent monitoring shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring considering these factors. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits (i.e.,	grading, excavation, or disturbance of the ground surface	monitor			

TABLE .0-1: SUMMARY OF MITIGATION MEASURES AND IMPLEMENTATION RESPONSIBILITY

Mitigation Measure	Mitigation Monitoring			Reporting	
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<p>soil conditions are comprised solely of fill or granitic bedrock).</p> <p>TCR-5: In the event that previously unidentified tribal cultural resources are discovered, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist and the Native American monitor shall evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The qualified archaeologist and Native American Monitor shall consider the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c) in determining the significance of a discovered resource. If the professional archaeologist and Native American monitor determine that the find does not represent a culturally significant resource, work may resume immediately, and no agency notifications are required. Isolates and clearly non-significant deposits shall be documented in the field and collected and monitored grading can immediately proceed. All unearthed archaeological resources or tribal cultural</p>		<p>In the event of discovery of resources during ground-disturbing activities</p>	<p>Qualified archaeologist and a Native American monitor</p>	<p>Halt work and evaluate discoveries</p>	

TABLE .0-1: SUMMARY OF MITIGATION MEASURES AND IMPLEMENTATION RESPONSIBILITY

Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
resources shall be collected, temporarily stored in a secure location, and repatriated for later reburial on the project site, pursuant to the terms of the Pre-Excavation Agreement.					
<p>TCR-6: If the qualified archaeologist and Native American monitor determine that the find does represent a potentially significant tribal cultural resource, considering the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. The qualified archaeologist, in consultation with the City, the consulting TCA Tribe(s), and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource’s treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe(s) and be submitted to the City for review and approval. If the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c), appropriate treatment measures will be implemented. Work may not</p>	In the event of discovery of resources during ground-disturbing activities	Qualified archaeologist and a Native American monitor	The qualified archaeologist, the consulting TCA Tribe(s), and the Native American monitor shall determine the significance		

TABLE .0-1: SUMMARY OF MITIGATION MEASURES AND IMPLEMENTATION RESPONSIBILITY

Mitigation Measure	Mitigation Monitoring			Reporting	
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<p>resume within the no-work radius until the City, through consultation as set forth herein, determines either that: 1) the discovery does not constitute a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c); or 2) the approved treatment and disposition measures have been completed.</p> <hr/> <p>TCR-7: All sacred sites, significant tribal cultural resources, and unique archaeological resources encountered within the Project area shall be avoided and preserved as the preferred mitigation. The avoidance and preservation of the significant tribal cultural resource or unique archaeological resource must first be considered and evaluated in consultation with the TCA Tribe(s) as required by CEQA and in compliance with all relevant mitigation measures for the Project. If any significant tribal cultural resource or unique archaeological resource has been discovered and such avoidance or preservation measure has been deemed to be infeasible by the City's Director of Community Development (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA</p>	<p>In the event of discovery of resources during ground-disturbing activities</p>	<p>City's Director of Community Development (after a recommendation is provided by a qualified archaeologist, in the consultation with the TCA Tribe(s)</p>	<p>Avoidance, Consultation and Treatment of Resources</p>		

TABLE .0-1: SUMMARY OF MITIGATION MEASURES AND IMPLEMENTATION RESPONSIBILITY

Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
<p>Tribe(s), making a determination of infeasibility that takes into account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant mitigation measures for the Project), then culturally appropriate treatment of those resources, including but not limited to funding an ethnographic or ethnohistoric study of the resource(s), and/or developing a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. No artifact sampling for analysis is allowed, unless requested and approved by the consulting TCA Tribe(s). Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.</p>					
<p>TCR-8: As specified by California Health and Safety Code section 7050.5, if human remains are found on the Project site during construction or during</p>	<p>In the event of discovery of resources during ground-disturbing</p>	<p>Qualified archaeologist and a Native American monitor</p>	<p>Notify the San Diego County Coroner’s office</p>		

TABLE .0-1: SUMMARY OF MITIGATION MEASURES AND IMPLEMENTATION RESPONSIBILITY

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archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner’s office. Determination of whether the remains are human shall be conducted on site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to a temporary off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (California Public Resources Code § 5097.98) for proper treatment and disposition in accordance	activities				

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with California Public Resources Code section 5097.98. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the City does not agree with the recommendations of the MLD, the NAHC can mediate (California Public Resources Code § 5097.94). If no agreement is reached, the remains shall be kept in situ, or reburied in a secure location in close proximity to where they were found and where they will not be further disturbed (California Public Resources Code § 5097.98). Work may not resume within the no work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction. The analysis of the remains shall only occur on site in the presence of the MLD, unless the forensic anthropologist and the MLD agree to remove the remains to an off-site location for examination.					
TCR-9: If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any cataloging of those resources. Moreover, if the qualified archaeologist does not collect the cultural resources	In the event of discovery of resources during ground-disturbing activities	Qualified archaeologist and a Native American monitor	The Native American monitor must be present during any cataloging of those resources		

TABLE .0-1: SUMMARY OF MITIGATION MEASURES AND IMPLEMENTATION RESPONSIBILITY

Mitigation Measure	Mitigation Monitoring			Reporting	
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that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources for later reburial on the Project site. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe for reburial on the Project site. Should the consulting TCA Tribe(s) decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.					
TCR-10: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions of the archaeological monitoring program and any data recovery program on the Project site, shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and	Prior to the release of the grading bond	Qualified archaeologist and a Native American monitor	A monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions of the archaeological monitoring program and any data recovery program on the project site shall be submitted		

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Mitigation Measure	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Monitoring Responsibility	Monitoring Procedure	Comments	Date/Initials
Archaeological Site Forms for any newly discovered resources. A copy of the final report will be submitted to the South Coastal Information Center after approval by the City.					