

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
Biological Resources						
<p>MM BIO-1</p> <p>Prior to the issuance of any permit (i.e. grading, tree-trimming, or vegetation removal) by the City the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that if initial grading and vegetation removal activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird breeding season for migratory birds and raptors (January 15 and September 15), the Project Applicant shall retain a qualified biologist to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the Migratory Bird Treaty Act and California</p>	<p>Prior to issuance of Grading Permit</p> <p>Prior to construction</p> <p>On-going during construction</p>	<p>General Contractor to consult with qualified biologist to verify compliance with requirements</p> <p>Qualified biologist to submit report documenting compliance with requirements</p>	<p>Verification by City of Escondido</p>			

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<p>Fish and Game Code. The pre-construction survey shall be performed no more than seven (7) days before the start of the activities. If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no construction activities shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist.</p>						
<p>MM BIO-2</p> <p>Prior to the issuance of any grading permit that would impact coastal California gnatcatcher (CAGN) protocol surveys in accordance with Wildlife</p>	<p>Prior to issuance of Grading Permit</p> <p>Prior to construction</p> <p>On-going during construction</p>	<p>General Contractor to consult with qualified biologist to verify compliance with requirements</p> <p>Qualified biologist to submit report</p>	<p>Verification by City of Escondido</p>			

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<p>Agency criteria shall be accomplished. <u>(This includes:</u> from March 15 to June 30, a minimum of six (6) surveys shall be conducted at least one week apart; or, between July 1 and March 14, nine (9) surveys are required, to be conducted at minimum two (2) week intervals.) If surveys document absence of CAGN no additional avoidance or minimization measures are required. If surveys document the presence of CAGN occupied coastal sage scrub shall be fenced and construction within 500 feet of occupied habitat shall occur only between September 1 and February 15 to avoid indirect impacts to nesting CAGN. If avoidance is not feasible, a temporary noise barrier shall be used during construction, at the appropriate location(s), in coordination with Resources Agencies. The noise barrier</p>		documenting compliance with requirements				

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<p>shall attenuate noise levels to 60 dBA or less at the edge of breeding habitat.</p> <p>No permit (i.e. grading, tree-trimming, or vegetation removal) that would impact Coastal Sage Scrub, Southern Mixed Chaparral, or Coast Live Oak Woodland habitat on the project site shall be issued until the Project Applicant shall demonstrates to the satisfaction of the City Community Development Director or City designee that they will/have purchased off-site of suitable habitat within a City approved mitigation bank (such as the Daley Ranch Conservation Bank) at mitigation ratios noted in Table 4.3-2.</p>						
<p>MM BIO-3</p> <p>Prior to the issuance of any permit (i.e. grading, tree-trimming, or vegetation removal) by the City the Project Applicant shall demonstrate to the</p>	<p>Prior to issuance of Grading Permit</p> <p>Prior to construction</p>	<p>General Contractor to consult with qualified biologist to verify compliance with requirements</p>	<p>Verification by City of Escondido</p>			

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satisfaction of the City Community Development Director or City designee that the replacement of impacted mature trees will occur. Unless otherwise determined by the City mature trees will be replaced at a minimum 1:1 ratio. The Project Applicant shall replace protected trees at a minimum 2:1 ratio, unless otherwise determined by the City. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the City's Director of Community Development or City designee.	On-going during construction	Qualified biologist to submit report documenting compliance with requirements				
Cultural Resources						
MM CR-1 The City of Escondido Planning Division ("City") recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as	Prior to issuance of Grading Permit	Grading plan must include this measure as a note Agreement must be completed prior to	Verification by City of Escondido			

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<p>a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (“TCA Tribe”) prior to issuance of a grading permit. The Pauma tribe shall be consulted prior to contracting with the Native American Monitor. 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 proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.</p>		issuance of grading permit				

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<p>MM CR-2</p> <p>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 from a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	<p>Prior to issuance of Grading Permit</p> <p>The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	<p>Grading plan must include this measure as a note</p> <p>Project 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</p>	<p>Verification by City of Escondido</p>			
<p>MM CR-3</p> <p>The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading</p>	<p>On-going during construction</p>	<p>Grading plan must include this measure as a note</p> <p>Native American monitor shall attend the pre-grading meeting</p>	<p>Verification by City of Escondido</p>			

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contractors to explain and coordinate the requirements of the monitoring program.		Grading contractor shall explain and coordinate the requirements of the monitoring program				
<p>MM CR-4</p> <p>During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections 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. 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. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.</p>	<p>During the initial grubbing, site grading, excavation or disturbance of the ground surface.</p> <p>The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.</p>	<p>Grading plan must include this measure as a note</p> <p>During the initial grubbing, site grading, excavation or disturbance of the ground surface, the Project Applicants qualified archaeologist and the Native American monitor shall be on site full-time</p> <p>Any resources shall be addressed in accordance with CEQA</p> <p>Any resources shall be addressed as defined in California Public</p>	Verification by City of Escondido			

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		Resources Code Section 21074				
<p>MM CR-5</p> <p>In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor, shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.</p>	On-going during construction	<p>Grading plan must include this measure as a note</p> <p>Any resources shall be addressed in accordance with CEQA</p>	Verification by City of Escondido			
<p>MM CR-6</p> <p>If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the</p>	On-going during construction	<p>Grading plan must include this measure as a note</p> <p>Any resources shall be addressed in accordance with CEQA</p>	Verification by City of Escondido			

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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 and the Native American monitor and be submitted to the City for review and approval.						
<p>MM CR-7</p> <p>The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then 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. The</p>	On-going during construction	<p>Grading plan must include this measure as a note</p> <p>Any resources shall be addressed in accordance with CEQA</p>	Verification by City of Escondido			

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archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. 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>MM CR-8</p> <p>As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during 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 an</p>	On-going during construction	<p>Grading plan must include this measure as a note</p> <p>If human remains are found on the project site they shall be address as specified by California Health and Safety Code Section 7050.5 and with California Public Resources Code section 5097.98.</p>	Verification by City of Escondido			

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<p>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. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur</p>						

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on-site in the presence of a Native American monitor.						
<p>MM CR-9</p> <p>If the qualified archaeologist elects to collect any tribal cultural resources, the 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 Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation</p>	On-going during construction	<p>Grading plan must include this measure as a note</p> <p>Native American monitor must be present during any testing or cataloging of those resources</p> <p>Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe</p> <p>Any tribal cultural resources not accepted by the TCA Tribe shall be curated at the San Diego Archaeological Center</p>	Verification by City of Escondido			

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with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.						
<p>MM CR-10</p> <p>Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion 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 Archaeological Site Forms for any newly discovered resources</p>	Prior to the release of the grading bond	<p>Grading plan must include this measure as a note</p> <p>Project Applicant's cultural resource qualified archaeologist shall prepare report</p> <p>Native American monitor shall provide opportunity to include notes or comments</p> <p>The report will include CA Department of Park and Recreation Forms if needed</p> <p>City Staff must approve all persons involved prior to pre-construction meeting</p>	Verification by City of Escondido			

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Hazards and Hazardous Materials						
<p>MM HAZ-1</p> <p>Prior to the issuance of any building permit, the project applicant shall demonstrate to the satisfaction of the City Building Department that all windows adjacent to preserved vegetation are dual paned with both panes tempered.</p>	<p>Prior to the issuance of any building permit.</p>	<p>Project Applicant shall demonstrate compliance to City Staff</p>	<p>Verification by City of Escondido</p>			
<p>MM HAZ-2</p> <p>2 Prior to the approval of the Final Landscape Plan, the wall and fence component shall provide a noncombustible, 8-foot wall at the rear or side yard that would function as a heat-deflecting landscape wall as shown on Figure 4.7-1 to the satisfaction of the City Community Development Department.</p>	<p>Prior to the approval of the Final Landscape Plan.</p>	<p>Project Applicant shall demonstrate compliance to City Staff</p>	<p>Verification by City of Escondido</p>			

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<p>MM HAZ-4</p> <p>Prior to the issuance of the first Certificate of Occupancy the project applicant shall provide CC&R's that demonstrate to the satisfaction of the City's Community Development Department and City Attorney that the annual review of landscape maintenance plans includes a third party evaluation of Fuel Modification Zones (FMZ) area that meet the requirements of the FMZ and City's Fire Department (EFD).</p>	<p>Prior to the issuance of the first Certificate of Occupancy.</p>	<p>Project Applicant shall demonstrate compliance to City Attorney and Community Development Director</p>	<p>Verification by City of Escondido</p>			
Noise						
<p>MM NOI-1</p> <p>In order to reduce the noise levels at the two proposed outdoor recreation areas, the project applicant shall construct two 8-foot sound walls, with one located on the south side of the</p>	<p>Prior to the issuance of the first building permit.</p>	<p>Project Applicant shall demonstrate compliance to City Staff</p>	<p>Verification by City of Escondido</p>			

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<p>outdoor recreation area that is located on the north side of Nutmeg Street and the other wall located southwest of the outdoor recreation area that is located on the south side of Nutmeg Street. The sound walls shall be constructed of a solid material (e.g., glass, concrete block, or plaster). The locations of the proposed outdoor recreation area sound walls are shown in Figure 4.10-5.</p>						
<p>MM NOI-2</p> <p>The project applicant will provide a “windows closed” condition for each proposed residential townhome. A “window closed” condition is a term that means that a home is capable of providing adequate ventilation and temperature control without opening the windows. A “windows closed” condition requires a means of mechanical ventilation per Chapter 12, Section 1205 of the Uniform Building Code. This shall be achieved with a standard forced air conditioning and</p>	<p>Prior to the issuance of the first building permit.</p>	<p>Project Applicant shall demonstrate compliance to City Staff</p>	<p>Verification by City of Escondido</p>			

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heating system with a filtered outside air intake vent for each residential unit.						
<p>MM NOI-3</p> <p>For the P1-Villas, the project applicant shall require all windows and exterior doors on the northwest, southwest, and southeast sides of Building 1 to have a minimum STC rating of 30 STC. The locations of the mitigated windows and doors are shown on Figure 4.10-5.</p>	Prior to the issuance of the first building permit for the P1-Villas.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido Staff			
<p>MM NOI-4</p> <p>For the P2-Villas, the project applicant shall require all windows and exterior doors on the southwest side of Buildings 12 to 18, the northwest side of Building 18, and the northwest side of the westernmost unit of Buildings 16 and 17 to have a minimum STC rating of 35 STC. In addition, all windows and exterior doors on the northwest side of Buildings 19 and 20 and southwest side of Building 19 and the southeast and northwest sides of Buildings 12 to 18 that</p>	Prior to the issuance of the first building permit for the P2-Villas.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido Staff			

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were not covered by the 35 STC requirement shall have a minimum STC rating of 30 STC. The locations of the mitigated windows and doors is shown on Figure 4.10-5.						
Traffic and Transportation						
<p>MM TRA-1</p> <p>Prior to the occupancy of the proposed project the intersection of North Centre City Parkway/North Nutmeg Street will be improved to the satisfaction of the City as noted below:</p> <ul style="list-style-type: none"> • Installation of a traffic signal; • Restripe the southbound approach to provide a dedicated left-turn lane; and, <p>Construct a dedicated right-turn lane on the southbound approach of the intersection</p>	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

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<p>MM TRA-2</p> <p>The proposed project at the intersection of West Country Club Lane/ North Nutmeg Street will provide the following:</p> <ul style="list-style-type: none"> • Installation of a traffic signal at the intersection; and, • Restripe the southbound approach to provide a shared left-turn/through lane and a dedicated right-turn lane. 	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			
<p>MM TRA-3</p> <p>Prior to the occupancy of the proposed project the existing right-of-way on North Nutmeg Street from West Country Club Lane to Via Alexandra will be widen to provide for a 14' wide southbound lane with curb, gutter, and sidewalk designed as a green streets facility. Improvements shall include</p>	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

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removal and reconstructions of existing driveways to private driveway standards and a parking restriction along the improved section of Nutmeg Street to the satisfaction of the City Engineer.						
<p>MM TRA-4</p> <p>The proposed project at the intersection of North Centre City Parkway/North Nutmeg Street intersection will provide the following minimum storage lengths for left turn and right-turn lanes:</p> <ul style="list-style-type: none"> • Eastbound Left-Turn Lane: 100 feet; and, • Southbound Right-Turn Lane: 125 feet 	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

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<p>MM TRA-5</p> <p>The proposed project at the intersection of Nutmeg Street/Project Access will provide 50-foot left-turn pockets for the eastbound and westbound left-turn lanes.</p>	<p>Prior to the occupancy of the project.</p>	<p>Project Applicant shall demonstrate compliance to City Staff</p>	<p>Verification by City of Escondido</p>			