



MITIGATION MONITORING & REPORTING PROGRAM (MMRP) FOR THE 2351 MEYERS AVENUE PROJECT

- 1. **Project Case Number(s):** PL20-0654
- 2. **Project Title:** 2351 Meyers Avenue
- 3. **Lead Agency:** City of Escondido
Jay Paul, Project Planner
Planning Division
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- 4.
- 5. **Project Sponsor:**

Applicant/Developer	Property Owner
Rodney Boden Via West Group 2390 E. Camelback Road, Ste 305 Phoenix, AZ 85016 808.840.3985 rboden@viawestgroup.com	Steven Schwarz VWP Escondido, LLC 2390 E. Camelback Road, Ste 305 Phoenix, AZ 85016 808.840.3985 rboden@viawestgroup.com

6. **Project Location:**

The 4.26-acre vacant property is located within the westerly portion of the City of Escondido, County of San Diego, addressed at 2351 Meyers Avenue and between E. Barham Drive to the north and Corporate Drive to the south. The project site comprises Tax Assessor parcel numbers – APNs 228-312-05-00 and 228-312-06-00.

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Mitigation Measures		Responsible Party	Monitoring Timing or Frequency	Type of Verification	Verification of Compliance	
					Initials	Date
HAZARDS AND HAZARDOUS MATERIALS						
MM HAZ-1:	The Permittee/Owner shall have a noise and vibration monitoring plan (NVMP) prepared by a qualified noise and vibration expert prior to grading permit issuance. The NVMP shall provide locations where monitoring would occur over the duration of the blasting and/or removal of rock debris. The plan will outline noise and vibration monitoring methodology, equipment, duration, notification process, reporting process, vibration limits, exceedance protocol, and complaint resolution process.	Permittee/Owner	Prior to grading permit issuance	Planning and Building shall review and accept the plan		
REMARKS:						
MM HAZ-2:	The qualified noise and vibration expert shall monitor all blasting events. The blasting operator shall design the charge such that the overpressure noise level does not exceed 136 dB before mitigation or 130 dB when unmitigated, and the vibration level does not exceed 0.5 PPV in/sec at the nearest sensitive receptor. Blasts shall not occur closer than 50 feet from a sensitive receptor.	Blasting Operator	During Blasting	Qualified Noise and Vibration Expert		
REMARKS:						
MM HAZ-3:	Sound barriers shall be used if the unmitigated max charge weights are exceeded. The sound barriers shall be at least 8-feet tall and shall block any line of sight between the blasting area and adjacent buildings. The qualified noise and vibration expert shall ensure the sound barriers are appropriately installed.	Blasting Operator	During Blasting	Qualified Noise and Vibration Expert		
REMARKS:						

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MM HAZ-4:	<p>In locations where removal of rock is required when closer than 100 feet to an existing building, the project should use a nonexplosive option such as an excavator or nonexplosive agent for the removal of the large rock. The following links provide options for a nonexplosive agent. The blasting operator and the qualified noise and vibration expert shall determine the best option at the time of monitoring plan preparation (NVMP).</p> <p>http://www.ecobust.com/</p> <p>http://www.dexpan.com/dexpan-non-explosive-controlled-demolition-agent-silent-cracking-breaking.aspx</p>	Blasting Operator	During Blasting	Qualified Noise and Vibration Expert		
REMARKS:						
MM HAZ-5:	<p>Prior to finalizing plans and specifications, a construction management plan (CMP) shall be prepared for the City of Escondido's approval by the Permittee/Owner and/or their construction contractor for any construction activities encroaching into the public right-of-way. The CMP shall include measures designed to reduce the impact of temporary construction traffic and any necessary lane closures. In addition, all truck traffic shall use the City's truck routes. Such measures may include, but are not limited to, providing early notification of closures to the Escondido/San Marcos Fire Departments and Escondido/San Marcos Police Departments, residents, and nearby businesses; the use of signage before and during construction activities that clearly delineates detour routes around lane closures; and flaggers to direct traffic in the vicinity of the closure.</p>	Permittee/Owner	Prior to finalizing plans and specifications	City Engineer to Construction Management Plan		
REMARKS:						
NOISE						

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See MM HAZ-1 through MM HAZ-5

REMARKS:

TRANSPORTATION

See MM HAZ-5

REMARKS:

TRIBAL CULTURAL RESOURCES

<p>MM TCR-1:</p>	<p>Prior to the issuance of a grading permit, the Applicant shall enter into a Tribal Cultural Resource Treatment and 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-TCR-1 through MM-TCR-10 and the following information:</p> <ul style="list-style-type: none"> • Parties entering into the agreement and contact information. • Responsibilities of the Property Owner or their representative, archaeological monitors, and tribal monitors. 	<p align="center">Applicant Permittee/Owner</p>	<p align="center">Prior to issuance of grading permit</p>	<p align="center">Provide proof of agreement to City Planning and Building</p>		
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	<ul style="list-style-type: none"> • 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. • Regulations that apply to cultural resources that have been identified or may be identified during project construction. 					
REMARKS:						
MM TCR-2:	<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 associated with a TCA Tribe. The City, prior to any pre-construction</p>	Applicant Permittee/Owner	Prior to issuance of grading permit	Provide written verification to the City		

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	meeting, shall approve all persons involved in the monitoring program.					
REMARKS:						
MM 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.	Qualified archaeologist and a Native American Monitor	Pre-construction meetings	General Contractor shall require		
REMARKS:						
MM TCR-4:	During the initial grubbing, site grading, excavation, or disturbance of the 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 excavation rate, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. In consultation with the Native American monitor, the qualified archaeologist 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	Qualified archaeologist and a Native American Monitor	During the initial grubbing, site grading, excavation, or disturbance of the ground surface	General Contractor shall require		

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potential to contain cultural deposits (i.e., soil conditions are comprised solely of fill or granitic bedrock).					
REMARKS:					
MM 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 find's significance 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 unearthened archaeological resources or tribal cultural 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.	Qualified archaeologist and a Native American Monitor	In the event that previously unidentified tribal cultural resources are discovered	Qualified archaeologist and a Native American Monitor	
REMARKS:					
MM 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	Qualified archaeologist and a Native American Monitor	Immediately notify the City	The qualified archaeologist, the consulting TCA Tribe(s), and the Native American	

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	<p>Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. In consultation with the City, the qualified archaeologist, the consulting TCA Tribe(s), and the Native American monitor shall determine the significance of the discovered resource. The qualified archaeologist shall make a recommendation for the tribal cultural resource's treatment and disposition in consultation with the TCA Tribe(s) and be submitted to the City for review and approval. Appropriate treatment measures will be implemented if the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) (c). Work may not 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>			monitor shall determine the significance		
REMARKS:						
MM TCR-7:	<p>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</p>	<p>City's Director of Community Development (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA Tribe(s),</p>	<p>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>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</p>		

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	archaeologist, in consultation with the TCA 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.			measures for the Project)		
REMARKS:						
MM 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 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 a forensic anthropologist discovered them 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	Contractor or his or her authorized representative	If human remains are found on the project site during construction or during archaeological work	Notify the San Diego County Coroner's office		

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<p>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 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 the 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.</p>						
REMARKS:						
MM TCR-9:	<p>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 that are unearthed during the</p>	<p>Qualified archaeologist</p>	<p>Collection of any tribal cultural resources</p>	<p>The Native American monitor must be present during any</p>		

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ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources for later reburial on the Project site or storage at a local curation facility. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe for reburial on the Project site. Should the 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.			cataloging of those resources		

REMARKS:

MM 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 the California Department of Parks and Recreation Primary and 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.	Qualified archaeologist	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		
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REMARKS:

WILDFIRE

See MM HAZ-5

REMARKS:

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