

San Diego Regional Water Quality Control Board

April 20, 2016

Certified Mail – Return Receipt Requested
Article Number: 7011 0470 0002 8961 9788

Mr. Jason Han
New Urban West, Inc.
1733 Ocean Avenue, Suite 350
Santa Monica, CA 90401

In reply refer to / attn:
R9-2014-0054: 805841: amonji

Subject: Clean Water Act Section 401 Water Quality Certification No. R9-2014-0054 for the Oak Creek Project

Mr. Han:

Enclosed find Clean Water Act Section 401 Water Quality Certification No. **R9-2014-0054** (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to the application submitted by New Urban West, Inc. for the Oak Creek Project (Project). A description of the Project and Project location can be found in the Certification and site maps which are included as attachments to the Certification.

New Urban West, Inc. is enrolled under State Water Resources Control Board Order No. 2003-017-DWQ as a condition of the Certification and is required to implement and comply with all terms and conditions of the Certification in order to ensure that water quality standards are met for the protection of wetlands and other aquatic resources. Failure to comply with this Certification may subject New Urban West, Inc. to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring New Urban West, Inc. to cease and desist from violations or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

Please submit all reports and information required under this Certification in electronic format via e-mail to SanDiego@waterboards.ca.gov. Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to the San Diego Water Board, 2375 Northside Drive, San Diego, CA 92108. Each electronic document must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages;

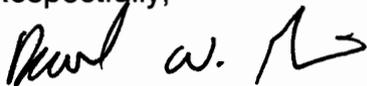
HENRY ABARBANEL, PH.D, CHAIR | DAVID GIBSON, EXECUTIVE OFFICER

2375 Northside Drive, Suite 100, San Diego, California 92108-2700 | www.waterboards.ca.gov/sandiego

electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2014-0054:805841:amonji.

For questions or comments regarding the Certification, please contact Alan Monji by telephone at (619) 521-3968 or by email at Alan.Monji@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. R9-2014-0054 for the Oak Creek Project

DWG:jgs:db:eb:atm

cc:

U.S. Army Corps of Engineers, Regulatory Branch
San Diego Field Office
Ms. Rose Galer
Rose.A.Galer@usace.army.mil

California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – South
Mr. Kevin Hupf
Kevin.Hupf@wildlife.ca.gov

U.S. EPA, OWOW, Region 9
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

Mr. Jason Han
New Urban West, Inc.
Certification No. R9-2014-0054

April 20, 2016

Mr. Eric Becker
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Tech Staff Info & Use	
Certification No.	R9-2014-0054
Party ID	31423
File No.	R9-2014-0054
WDID	9000002716
Regulatory ID	396072
Place ID	805841
Person ID	546291



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

2375 Northside Drive, Suite.100, San Diego, CA 92108
Phone (619) 516-1990 • Fax (619) 516-1994
<http://www.waterboards.ca.gov/sandiego/>

**Clean Water Act Section 401 Water Quality Certification
and Waste Discharge Requirements
for Discharge of Dredged and/or Fill Materials**

**PROJECT: Oak Creek
Certification Number R9-2014-0054
WDID: 9000002716**

Reg. Meas. ID: 396072
Place ID: 805841
Party ID: 31423
Person ID: 546291

**APPLICANT: New Urban West, Inc.
1733 Ocean Avenue, Suite 350
Santa Monica, CA 90401**

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004-DWQ
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017-DWQ	

PROJECT DESCRIPTION

An application dated April 24, 2014 was submitted by New Urban West, Inc. (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (United States Code (USC) Title 33, section 1341) for the proposed Oak Creek Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on July 3, 2014. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site. The Applicant has also applied for a Clean Water Act section 404 permit from the United States Army Corps of Engineers for the Project (USACE File No. SPL-2013-00522-RAG).

The Project is located within unincorporated San Diego County, California at the southwest corner of Hamilton Lane and Felicita Road. The Project is proposed to be annexed into the City of Escondido. The Project center reading is located at latitude 33.086300 and longitude -117.082900. The Applicant has paid all required application fees for this Certification in the amount of \$10,102.00. On an annual basis, the Applicant must also pay all active discharge fees and post discharge monitoring fees, as required under California Code of Regulations, title 23, section 2200(a)(3)¹. On May 1, 2014, the San Diego Water Board provided public

¹ The Applicant shall pay an annual active discharge fee each fiscal year or portion of a fiscal year during which discharges occur until the San Diego Water Board or the State Water Resources Control Board (State Water Board) issues a Notice of Completion of Discharges Letter to the Applicant. The Applicant shall pay an annual post-discharge monitoring fee each fiscal year or portion of a fiscal year commencing with the first fiscal year following the fiscal year in which the San Diego Water Board provided public
(footnote continued on next page)

notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received during this initial period. The public subsequently submitted three comment letters on the application for this Certification in April 2015 and the San Diego Water Board considered the comments. The San Diego Water Board also provided notice to the Applicant and interested agencies and persons of its intent to issue this Certification and provided a 38-day period for public review and comment on the Tentative Certification. The San Diego Water Board considered all comments received during this period in finalizing this Certification.

The Applicant proposes to construct 65 single-family detached residences with an average lot size of approximately 20,120 square feet. The Project will include site access and circulation improvements, along with roadway improvements along Miller Avenue and Hamilton Lane frontage and replacement of storm drains under Hamilton Lane and Felicita Road. The Project also includes remediation of hazardous waste-contaminated soils in four small areas on-site. Access to the site will be provided from a single entry off Felicita Road. Two additional emergency access gates will be located along Hamilton Lane. Approximately 1.2 acres of off-site impacts will occur in association with required road improvements to Felicita Road, construction of an associated trail, and replacement of two storm drains under Felicita Road and Hamilton Lane. Project utilities construction will include the extension of gas and electric transmission facilities, sewer and water pipelines, and communications facilities.

The Project will avoid and minimize permanent impacts to Felicita Creek by having only one road crossing across the creek that provides access to the development in the northwest corner of the Project site. Other permanent impacts include storm drain installation and storm drain replacements below Hamilton Lane along Felicita Road as part of the Felicita Road improvements. The road crossing is designed to be the minimum required width and located at the narrowest part of Felicita Creek. The Project provides for the conservation of 9.9 acres of open space within four dedicated open space lots and portions of the residential lots. The open space areas will be located primarily along riparian corridors paralleling the western site boundary and within the north-central portion of the site that drain to a pond (Duck Pond) in the southwestern corner of the site. The open space areas will be preserved in their natural state, and include enhancement and restoration as part of the Project.

The Project will convert approximately 13.2 acres of pervious ground cover to impervious surfaces. Runoff leaving the developed Project area would be significantly greater in volume, velocity, peak flow rate, and duration than pre-development runoff from the same area without mitigation. Post-construction best management practices (BMPs) to manage and control the effects of these runoff increases will consist of three water quality basins, riprap pads at all storm drain outfalls, runoff interception from frontage improvements to Hamilton Lane, Miller Avenue, and Felicita Road and runoff diversion to multiple modular wetland units for treatment.

(footnote continued from previous page)

Board or the State Water Board issued a Notice of Completion of Discharges Letter to the Applicant but continued water quality monitoring or compensatory mitigation monitoring is required. The Applicant shall pay the annual post-discharge monitoring fee each fiscal year until the San Diego Water Board or the State Water Board issues a Notice of Project Complete Letter to the Applicant. Additional information regarding fees can be found electronically at the following location:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/dredgefillcalculator.xlsx

These BMPs will be designed, constructed, and maintained to meet City of Escondido's Low Impact Development (LID) Capture Volume and hydromodification treatment requirements.

The Project application includes a description of the design objective, operation, and degree of treatment expected to be attained from equipment, facilities, or activities (including construction and post-construction BMPs) to treat waste and reduce runoff or other effluents which may be discharged. Compliance with the Certification conditions will help ensure that construction and post-construction discharges from the Project will not cause on-site or off-site downstream erosion, damage to downstream properties, or otherwise damage stream habitats in violation of water quality standards in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan).

Project construction will permanently impact 0.12 acre (665 linear feet) of wetland, riparian, and stream channel waters of the United States and/or State. All waters of the United States and/or State receiving temporary discharges of fill material will be restored upon removal of the fill. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density.

The Applicant reports that compensatory mitigation for the permanent loss of 0.12 acre of jurisdictional waters will be achieved through the purchase of 0.39 establishment and/or re-establishment mitigation bank credits from the San Luis Rey Mitigation Bank (Bank) in advance of Project construction to achieve a minimum compensation ratio of 3.25:1 (area mitigated:area impacted). The Bank is on 55.84 acres of land located in the San Luis Rey River flood plain in the lower San Luis hydrologic sub-area (HSA 903.1) in the City of Oceanside, San Diego County, California. Mitigation credit parcels, purchased from the Bank by the Applicant to satisfy compensatory mitigation requirements, are required to be protected, monitored and maintained in perpetuity by the Bank pursuant to a federal and State approved bank enabling instrument and a recorded conservation easement.

Wildlands, a habitat development and land management company, is the Bank Sponsor and is responsible for Bank design, entitlement, construction and long-term operations and management. Detailed written specifications and descriptions of the methods being used to monitor the Bank through the initial 5-year success period including, but not limited to, the geographic boundaries of the Bank timing, sequence, monitoring, maintenance, and ecological success performance standards are described in the *San Luis Rey Mitigation Bank Development Plan (Bank Development Plan) dated November 2012 for the San Luis Rey Mitigation Bank*. The Bank Development Plan was previously accepted by the San Diego Water Board under the terms and conditions of Water Quality Certification No. R9-2013-0050, issued by the San Diego Water Board for the development and maintenance of the Bank on April 13, 2014. In addition, the Applicant has prepared and submitted the *Oak Creek Project Riparian Habitat Plan (Oak Creek Mitigation Plan)*, dated August 24, 2015 to fulfill mitigation requirements required by federal and state agencies for the Project including the San Diego Water Board. Acceptance of the Oak Creek Mitigation Plan and the Bank Development Plan applies only to the Project described in this Certification and must not be construed as approval for other current or future projects that are planning to use additional acreage at the site for mitigation. The Oak Creek Mitigation Plan and the Bank Development Plan are

incorporated in this Certification by this reference as if fully set forth herein. The Oak Creek Mitigation Plan and the Bank Development Plan provide for implementation of compensatory mitigation which offsets adverse water quality impacts attributed to the Project in a manner that protects and restores the abundance, types and conditions of aquatic resources and supports their beneficial uses. Implementation of the Oak Creek Mitigation Plan and the Bank Development Plan will reduce significant environmental impacts to resources within the San Diego Water Board's purview to a less than significant level. Based on all of these considerations implementation of the Oak Creek Mitigation Plan and the Bank Development Plan will adequately compensate for the loss of beneficial uses and habitat within waters of the United States and/or State attributable to the Project.

Additional Project details are provided in Attachments 1 through 5 of this Certification.

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Attachments:

1. Definitions
2. Project Location Maps
3. Project Site Plans
4. Mitigation Figures
5. CEQA Mitigation Monitoring and Reporting Program

I. STANDARD CONDITIONS

Pursuant to section 3860 of title 23 of the California Code of Regulations, the following three standard conditions apply to all water quality certification actions:

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2014-0054 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 USC Title 33, section 1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf.
- D. **Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality

certification are incorporated by reference into this Certification as if fully stated herein. Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.

- E. **Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 USC section 1313). The Basin Plan is accessible at:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml

- F. **Project Modification.** The Applicant must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water Board for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.
- G. **Certification Distribution Posting.** During Project construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.
- H. **Inspection and Entry.** The Applicant must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:
1. Enter upon the Project or Compensatory Mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
 3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
 4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.

- I. **Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:
1. Violation of any term or condition of this Certification;
 2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of Felicita Creek or its tributaries;
 3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts;
 4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
 5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

The filing of a request by the Applicant for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Certification condition.

- K. **Duty to Provide Information.** The Applicant shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Certification or to determine compliance with this Certification.
- L. **Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.
- M. **Petitions.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicant shall not commence Project construction until all necessary federal, State, and local approvals are obtained.
- B. **Personnel Education.** Prior to the start of the Project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and BMP implementation and maintenance measures.
- C. **Spill Containment Materials.** The Applicant must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- D. **General Construction Storm Water Permit.** Prior to start of Project construction, the Applicant must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity*, (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Applicant must develop and implement a runoff management plan (or equivalent construction BMP plan) to prevent the discharge of sediment and other pollutants during construction activities.
- E. **Waste Management.** The Applicant must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or storm water runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050. Upon Project completion, all Project generated debris, building materials, excess material, waste, and trash shall be removed from the Project site(s) for disposal at an authorized landfill or other disposal site in compliance with federal, state and local laws and regulations.
- F. **Waste Management.** Except for a discharge permitted under this Certification, the dumping, deposition, or discharge of trash, rubbish, unset cement or asphalt, concrete, grout, damaged concrete or asphalt, concrete or asphalt spoils, wash water, organic or earthen material, steel, sawdust or other construction debris waste from Project activities directly into waters of the United States and or State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited.
- G. **Downstream Erosion.** Discharges of concentrated flow during construction or after Project completion must not cause downstream erosion or damage to properties or stream habitat.

- H. **Construction Equipment.** All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment.
- I. **Process Water.** Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or State or placed in locations that may be subjected to storm water runoff flows. Pollutants discharged to areas within a stream diversion must be removed at the end of each work day or sooner if rain is predicted.
- J. **Surface Water Diversion.** All surface waters, including ponded waters, must be diverted away from areas of active grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of the receiving water quality objectives. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- K. **Re-vegetation and Stabilization.** All areas that have 14 or more days of inactivity must be stabilized within 14 days of the last activity. The Applicant shall implement and maintain BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be re-vegetated with native species appropriate for the area. The re-vegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be accessed at <http://www.cal-ipc.org/ip/inventory/>.
- L. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, unused cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each Project activity involving hazardous materials.
- M. **Vegetation Removal.** Removal of vegetation must occur by hand, mechanically, or through application of United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to minimize adverse effects to beneficial uses of waters of the United States and/or State. Discharges related to the application of aquatic pesticides within waters of the United States must be done in compliance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, the *Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Weed Control in Waters of the United States*, and any subsequent reissuance as applicable.

- N. **Limits of Disturbance.** The Applicant shall clearly define the limits of Project disturbance to waters of the United States and/or State using highly visible markers such as flag markers, construction fencing, or silt barriers prior to commencement of Project construction activities within those areas.
- O. **On-site Qualified Biologist.** The Applicant shall designate an on-site qualified biologist to monitor Project construction activities within or adjacent to waters of the United States and/or State to ensure compliance with the Certification requirements. The biologist shall be given the authority to stop all work on-site if a violation of this Certification occurs or has the potential to occur. Records and field notes of the biologist's activities shall be kept on-site and made available for review upon request by the San Diego Water Board.
- P. **Beneficial Use Protection.** The Applicant must take all necessary measures to protect the beneficial uses of waters of Felicita Creek and its tributaries. This Certification requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to surface waters (including rivers or streams) occurs or monitoring indicates that the Project is violating, or threatens to violate, water quality objectives, the associated Project activities shall cease immediately and the San Diego Water Board shall be notified in accordance with Notification Requirement VII.A of this Certification. Associated Project activities may not resume without approval from the San Diego Water Board.

IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Post-Construction Discharges.** The Applicant shall not allow post-construction discharges from the Project site to cause or contribute to on-site or off-site erosion or damage to properties or stream habitats.
- B. **Storm Drain Inlets.** All storm drain inlet structures within the Project boundaries must be stamped or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. **Post-Construction BMP Design.** The Project must be designed to comply with the requirements for priority development projects in section E.3 of the Regional MS4 Permit Order R9-2013-0001, *National Pollutant Discharge Elimination Systems Permit and Waste Discharge Requirements for Discharges of Urban Runoff from the MS4s Draining the Watersheds within the San Diego Region* (Regional MS4 Permit) as well as the most current Standard Storm Water Mitigation and Hydromodification Plans for the City of Escondido. Where conflict exists between the referenced documents the most stringent requirements shall apply. Post-construction BMPs for the Project are described in the *Water Quality Technical Report (WQTR)* for Oak Creek. The WQTR is incorporated by this reference as if set forth in full herein.
- D. **Post-Construction BMP Implementation.** All post-construction BMPs must be constructed, functional, and implemented prior to completion of Project construction, occupancy, and/or planned use, and maintained in perpetuity. The post construction BMPs must include those described in the WQTR, dated July 9, 2014 prepared on

behalf of the Applicant by Hunsaker and Associates; or any subsequent version of the WQTR approved by City of Escondido.

- E. **Post-Construction BMP Maintenance.** The post construction BMPs must be designed, constructed, and maintained in accordance with the most recent California Storm Water Quality Association (CASQA)² guidance. The Applicant shall:
1. No less than two times per year, assess the performance of the BMPs to ensure protection of the receiving waters and identify any necessary corrective measures;
 2. Perform inspections of BMPs, at the beginning of the wet season no later than October 1 and the end of the wet season no later than April 1, for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
 3. Regularly perform preventative maintenance of BMPs, including removal of accumulated trash and debris, as needed to ensure proper functioning of the BMPs;
 4. Identify and promptly repair damage to BMPs; and
 5. Maintain a log documenting all BMP inspections and maintenance activities. The log shall be made available to the San Diego Water Board upon request.

V. PROJECT IMPACTS AND COMPENSATORY MITIGATION

- A. **Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable.
- B. **Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to Felicita Creek and its unnamed tributaries within the San Dieguito Watershed must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

² California Storm Water Quality Association (*California Storm Water BMP Handbook, New Development and Redevelopment 2003*), available on-line at: <http://www.cabmphandbooks.org/> [Accessed on January 15, 2012]

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
Permanent Impacts						
Stream Channel	0.07	41	0.23 Re-Establishment credits ¹	3.29:1	NA ²	NA
Wetland	0.05	624	0.16 Re-Establishment credits ¹	3.2:1	NA ²	NA

1. Project mitigation re-establishment credits purchased from the San Luis Rey Mitigation Bank, Oceanside, CA.
2. Compensatory mitigation is being provided in a contiguous area at the Mitigation Bank (approximately 55.8 acres) therefore, compensatory mitigation for linear feet is not being calculated on a project by project basis.

C. Mitigation Credits. Prior to the start of construction, the Applicant must provide documentation to the San Diego Water Board verifying the purchase of at least 0.39 acres of rehabilitation, establishment, and/or re-establishment credits from the San Luis Rey Mitigation Bank.

The use of an alternative mitigation bank to provide required compensatory mitigation must be approved by the San Diego Water Board before the credits are secured and is subject to the following conditions:

1. The Applicant must identify the USACE approved mitigation bank and submit documentation demonstrating that:
 - a. The permitted Project impacts are located within the service area of the mitigation bank; and
 - b. The mitigation bank has the appropriate number and resource type of credits available.
2. If San Diego Water Board approval of the mitigation bank is obtained, the Applicant must provide documentation verifying that the appropriate number and resource type of credits have been secured from the mitigation bank prior to the start of construction.

D. Compensatory Mitigation Plan Implementation. The Applicant must fully and completely implement the Oak Creek Mitigation Plan; any deviations from, or revisions to, the Mitigation Plan must be pre-approved by the San Diego Water Board.

- E. Performance Standards.** Compensatory mitigation required under this Certification shall be considered achieved once it has met the ecological success performance standards contained in the Oak Creek Mitigation Plan (Section 9, Table 9) and the Bank Development Plan (Section G.2, Monitoring and Success Criteria) to the satisfaction of the San Diego Water Board.
- F. Compensatory Mitigation Site Design.** The compensatory mitigation site(s) shall be designed to be self-sustaining once performance standards have been achieved. This includes minimization of active engineering features (e.g., pumps) and appropriate siting to ensure that natural hydrology and landscape context support long-term sustainability in conformance with the following conditions:
1. Most of the channels through the mitigation sites shall be characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
 2. As viewed along cross-sections, the channel and buffer area(s) shall have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope shall contain physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
 3. The mitigation sites shall have a well-developed plant community characterized by a high degree of horizontal and vertical interspersion among plant zones and layers.
- G. Temporary Project Impact Areas.** The Applicant must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge of pollutants to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and re-vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.
- H. Long Term Management and Maintenance.** The compensatory mitigation site(s), must be managed, protected, and maintained, in perpetuity, in conformance with the approved Bank Enabling Instrument and the final ecological success performance standards identified in the Oak Creek Mitigation Plan and Bank Development Plan. The aquatic habitats, riparian areas, buffers and uplands that comprise the mitigation site(s) must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:
1. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited;
 2. Maintenance activities must be limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species, and remedial measures deemed necessary for the success of the compensatory mitigation project;

3. The Mitigation site(s) must be maintained, in perpetuity, free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the mitigation site(s); and
4. If at any time a catastrophic natural event (e.g., fire, flood) causes damage(s) to the mitigation site(s) or other deficiencies in the compensatory mitigation project, the Applicant must take prompt and appropriate action to repair the damage(s) including replanting the affected area(s) and address any other deficiencies. The San Diego Water Board may require additional monitoring by the Applicant to assess how the compensatory mitigation site(s) or project is responding to a catastrophic natural event.

VI. MONITORING AND REPORTING REQUIREMENTS

- A. **Representative Monitoring.** Samples and measurements taken for the purpose of monitoring under this Certification shall be representative of the monitored activity.
- B. **Monitoring Reports.** Monitoring results shall be reported to the San Diego Water Board at the intervals specified in section VI of this Certification.
- C. **Monitoring and Reporting Revisions.** The San Diego Water Board may make revisions to the monitoring program at any time during the term of this Certification and may reduce or increase the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.
- D. **Records of Monitoring Information.** Records of monitoring information shall include:
 1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.
- E. **Discharge Commencement Notification.** The Applicant must notify the San Diego Water Board in writing **at least 5 days prior** to the start of Project construction.
- F. **Annual Project Progress Reports.** The Applicant must submit annual Project progress reports describing status of BMP implementation, compensatory mitigation, and compliance with all requirements of this Certification to the San Diego Water Board prior to **March 1** of each year following the issuance of this Certification, until the Project has reached completion. The Annual Project Progress Reports must contain compensatory mitigation monitoring information sufficient to demonstrate how the

compensatory mitigation project is progressing towards accomplishing its objectives and meeting its performance standards. Annual Project Progress Reports must be submitted even if Project construction has not begun. The monitoring period for each Annual Project Progress Report shall be January 1st through December 31st of each year. Annual Project Progress Reports must include, at a minimum, the following:

1. **Project Status and Compliance Reporting.** The Annual Project Progress Report must include the following Project status and compliance information:
 - a. The names, qualifications, and affiliations of the persons contributing to the report;
 - b. The status, progress, and anticipated schedule for completion of Project construction activities including the installation and operational status of best management practices project features for erosion and storm water quality treatment;
 - c. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion; and
 - d. A description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
2. **Compensatory Mitigation Monitoring Reporting.** Mitigation monitoring information must be submitted as part of the Annual Project Progress Report for a period of not less than five years, sufficient to demonstrate that the compensatory mitigation project has accomplished its objectives and met ecological success performance standards contained in the Mitigation Plan. Following Project implementation the San Diego Water Board may reduce or waive compensatory mitigation monitoring requirements upon a determination that performance standards have been achieved. Conversely the San Diego Water Board may extend the monitoring period beyond five years upon a determination that the performance standards have not been met or the compensatory mitigation project is not on track to meet them. The Annual Project Progress Report must include the following compensatory mitigation monitoring information:
 - a. Names, qualifications, and affiliations of the persons contributing to the report;
 - b. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the Mitigation Plan monitoring program, and all quantitative and qualitative data collected in the field;
 - c. A description of the following mitigation site(s) characteristics:
 - i. Detritus cover;

- ii. General topographic complexity;
 - iii. General upstream and downstream habitat and hydrologic connectivity; and
 - iv. Source of hydrology
- d. Monitoring data interpretations and conclusions as to how the compensatory mitigation project(s) is progressing towards meeting performance standards and whether the performance standards have been met;
- e. A description of the progress toward implementing a plan to manage the compensatory mitigation project after performance standards have been achieved to ensure the long term sustainability of the resource in perpetuity, including a discussion of long term financing mechanisms, the party responsible for long term management, and a timetable for future steps;
- f. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
- g. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after mitigation site construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced;
- h. As-built drawings of the compensatory mitigation project site(s), no bigger than 11"X17"; and
- i. A survey report documenting boundaries of the compensatory mitigation site(s).

G. Final Project Completion Report. The Applicant must submit a Final Project Completion Report to the San Diego Water Board **within 45 days of completion of the Project**. The final report must include the following information:

1. Date of construction initiation;
2. Date of construction completion;
3. BMP installation and operational status for the Project;
4. As-built drawings of the Project, no bigger than 11"X17";
5. Photo documentation of implemented post-construction BMPs and all areas of permanent and temporary impacts, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include

Global Positioning System (GPS) coordinates for each of the photo points referenced; and

- H. **Reporting Authority.** The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.
- I. **Electronic Document Submittal.** The Applicant must submit all reports and information required under this Certification in electronic format via e-mail to SanDiego@waterboards.ca.gov. Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:

California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. R9-2014-0054:805841:amonji
2375 Northside Drive, Suite 100
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2014-0054:805841:amonji.

- J. **Document Signatory Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described above.
 - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c. The written authorization is submitted to the San Diego Water Board Executive Officer.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

- K. **Document Certification Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

VII. NOTIFICATION REQUIREMENTS

- A. **Twenty Four Hour Non-Compliance Reporting.** The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within **24 hours** from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- B. **Hazardous Substance Discharge.** Except as provided in Water Code section 13271(b), any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of San Diego, in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Applicant is in violation of a Basin Plan prohibition.
- C. **Oil or Petroleum Product Discharge.** Except as provided in Water Code section 13272(b), any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged

or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.

- D. **Anticipated Noncompliance.** The Applicant shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.
- E. **Transfers.** This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:
1. **Transfer of Property Ownership:** The Applicant must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, but not be limited to, a statement that the Applicant has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the San Diego Water Board **within 10 days of the transfer of ownership.**
 2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**
 3. **Transfer of Post-Construction BMP Maintenance Responsibility:** The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Applicant must provide such notification to the San Diego Water Board **within 10 days of the**

transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of this Certification in the event that a transferee fails to comply.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The City of Escondido is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367, and has filed a Notice of Determination dated March 5, 2015 for the Final Environmental Impact Report (FEIR) titled Oak Creek Project (State Clearing House Number 2014041092). The Lead Agency has determined the Project will have a significant effect on the environment and mitigation measures were made a condition of the Project.
- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has considered the Lead Agency's FEIR and finds that the Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.
- C. The San Diego Water Board has required mitigation measures as a condition of this Certification to avoid or reduce the environmental effects of the Project to resources within the Board's purview to a less than significant level.
- D. The Lead Agency has adopted a mitigation monitoring and reporting program pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097 to ensure that mitigation measures and revisions to the Project identified in the FEIR are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment 5 to this Certification. The Applicant shall implement the Lead Agency's MMRP described in the FEIR, as it pertains to resources within the San Diego Water Board's purview. The San Diego Water Board has imposed additional MMRP requirements as specified in sections V and VI of this Certification.
- E. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

IX. SAN DIEGO WATER BOARD CONTACT PERSON

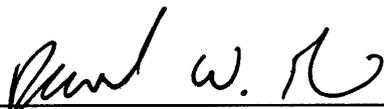
Alan Monji, Environmental Scientist
Telephone: (619)-521-3968
Email: Alan.Monji@waterboards.ca.gov

X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Oak Creek Project** (Certification No. R9-2014-0054) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' Project description and/or the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. R9-2014-0054 issued on April 20, 2016.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

20 April 2016
Date

ATTACHMENT 1

DEFINITIONS

Activity - when used in reference to a permit means any action, undertaking, or project including, but not limited to, construction, operation, maintenance, repair, modification, and restoration which may result in any discharge to waters of the state.

Buffer - means an upland, wetland, and/or riparian area that protects and/or enhances aquatic resource functions associated with wetlands, rivers, streams, lakes, marine, and estuarine systems from disturbances associated with adjacent land uses.

California Rapid Assessment Method (CRAM) - is a wetland assessment method intended to provide a rapid, scientifically-defensible and repeatable assessment methodology to monitor status and trends in the conditions of wetlands for applications throughout the state. It can also be used to assess the performance of compensatory mitigation projects and restoration projects. CRAM provides an assessment of overall ecological condition in terms of four attributes: landscape context and buffer, hydrology, physical structure and biotic structure. CRAM also includes an assessment of key stressors that may be affecting wetland condition and a "field to PC" data management tool (eCRAM) to ensure consistency and quality of data produced with the method.

Compensatory Mitigation Project - means compensatory mitigation implemented by the Applicant as a requirement of this Certification (i.e., applicant -responsible mitigation), or by a mitigation bank or an in-lieu fee program.

Credit

Credit means a unit of measure (e.g., a functional or areal measure or other suitable metric) representing the accrual or attainment of aquatic functions at a compensatory mitigation site. The measure of aquatic functions is based on the resources restored, established, enhanced, or preserved.

Discharge of dredged material – means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States and/or State.

Discharge of fill material – means the addition of fill material into waters of the United States and/or State.

Dredged material – means material that is excavated or dredged from waters of the United States and/or State.

Ecological Success Performance Standards – means observable or measurable physical (including hydrological), chemical, and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives.

Enhancement – means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment – means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist. Creation results in a gain in aquatic resource area.

Fill material – means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body.

Isolated wetland – means a wetland with no surface water connection to other aquatic resources.

Mitigation Bank – means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing mitigation for impacts authorized by this Certification.

Preservation - means the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/ historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/ historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Start of Project Construction - For the purpose of this Certification, "start of Project construction" means to engage in a program of on-site construction, including site clearing, grading, dredging, landfilling, changing equipment, substituting equipment, or even moving the location of equipment specifically designed for a stationary source in preparation for the fabrication, erection or installation of the building components of the stationary source within waters of the United States and/or State.

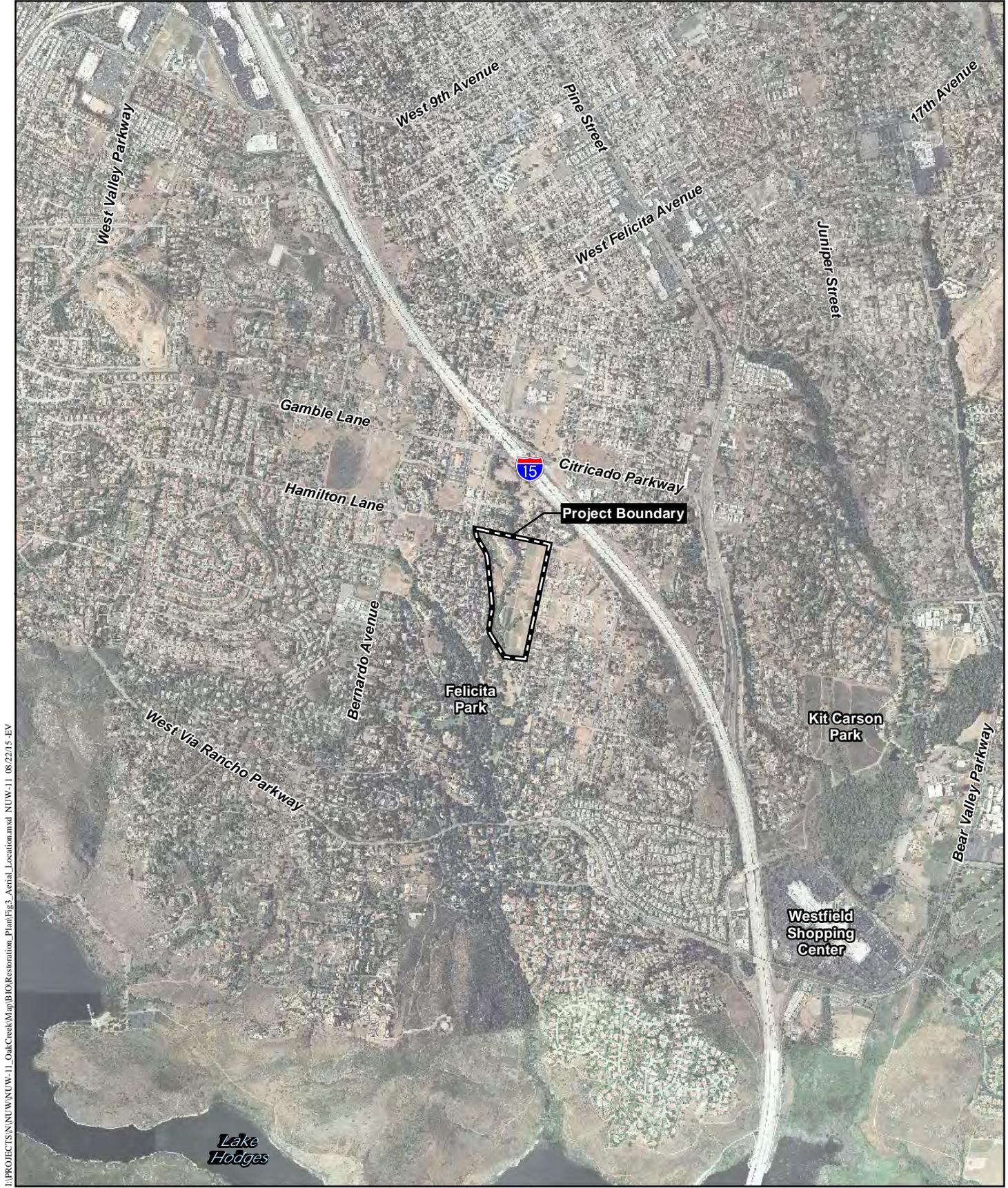
Uplands - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and constructed stock ponds lack aboveground hydrological connection to other aquatic areas. In the watershed context, uplands comprise the landscape matrix in which aquatic areas form. They are the primary sources of sediment, surface runoff, and associated chemicals that are deposited in aquatic areas or transported through them.

Water quality objectives and other appropriate requirements of state law – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other appropriate requirement of state law.

ATTACHMENT 2

LOCATION MAPS AND FIGURES

1. Helix Environmental Planning, Project Vicinity Map USGS Topography, Figure 2
2. Helix Environmental Planning, Project Vicinity Map Aerial Photograph, Figure 3



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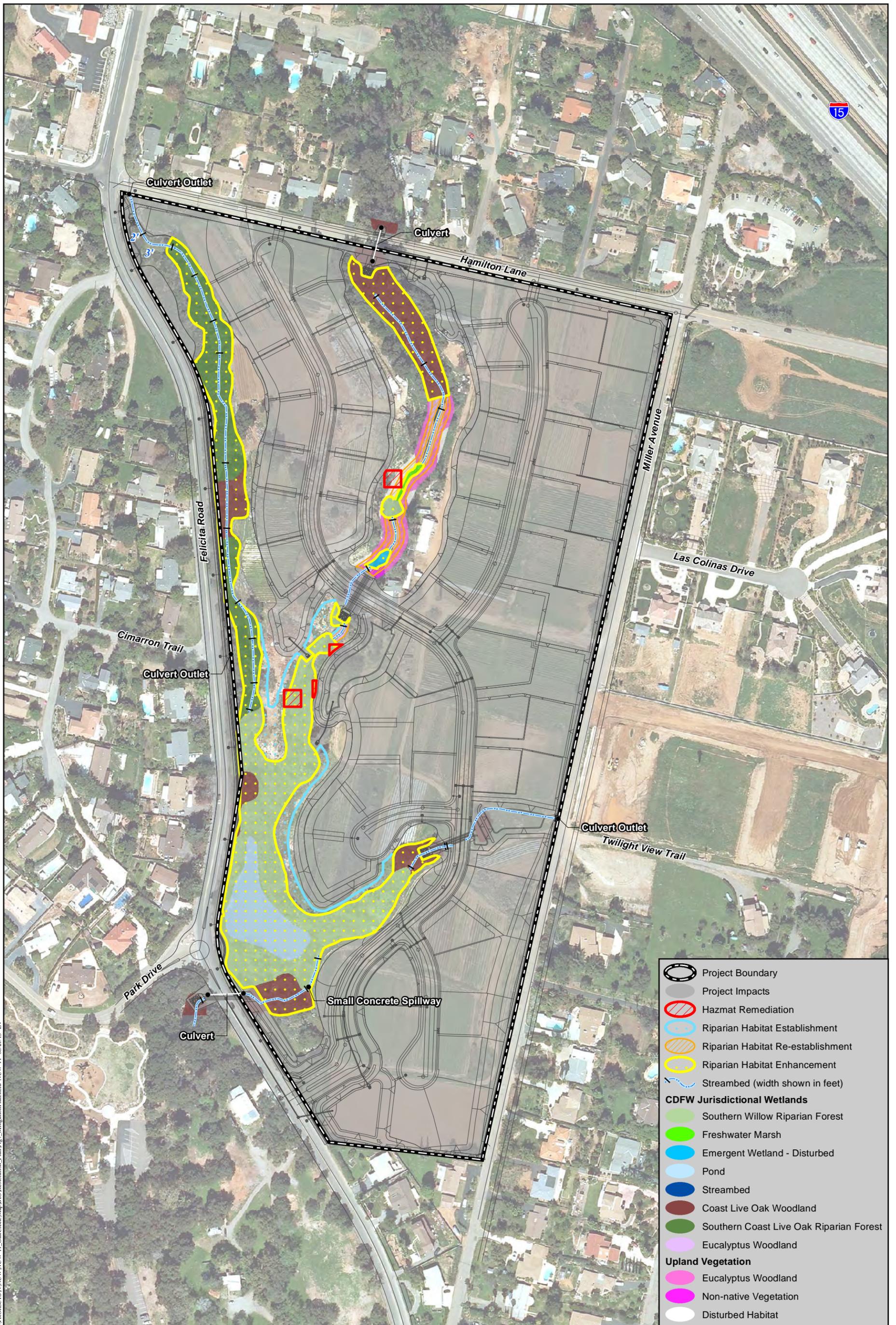
Project Vicinity Map (Aerial Photograph)

OAK CREEK

ATTACHMENT 3

PROJECT FIGURES

1. Helix Environmental Planning, Mitigation Plan, Figure 7
2. Hunsaker and Associates Tentative Map/Grading Exemption Oak Creek, Sheets 1 - 10.



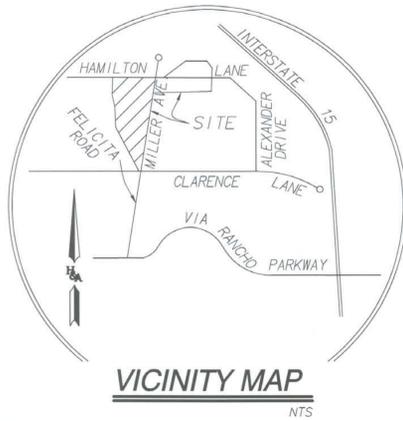
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Mitigation Plan

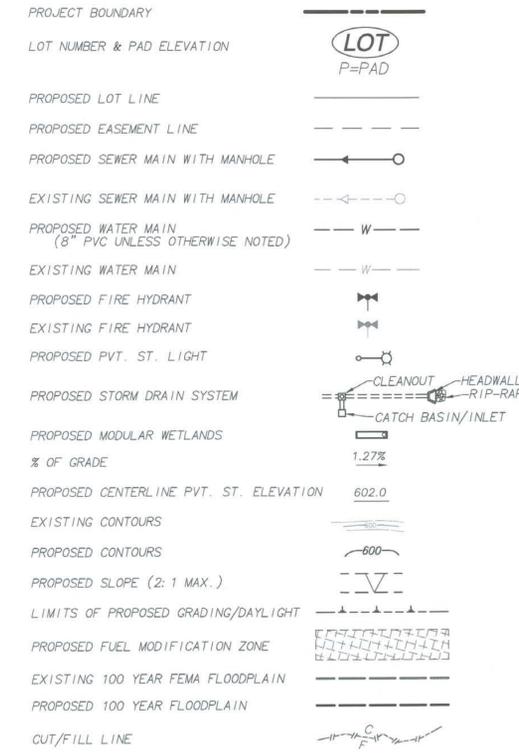
OAK CREEK

Figure 7

TENTATIVE MAP / GRADING EXEMPTION (SUB 13-0002) OAK CREEK City of Escondido, California



LEGEND



LOTING SUMMARY

OAK CREEK			
LOT #	GROSS LOT AREA SQ. FT.	NET LOT AREA SQ. FT. (EXCLUDES PANHANDLE S ²)	20,000 SQ. FT. NET LOT SQ. FT.
1	12,866	12,866	7,138
2	13,556	13,556	6,444
3	12,211	12,211	7,289
4	22,076	22,076	-
5	13,854	13,854	6,146
6	13,710	13,710	6,290
7	20,332	20,332	-
8	12,491	12,491	7,599
9	22,006	22,006	-
10	14,047	14,047	5,953
11	11,139	11,139	8,861
12 *	13,540	11,439	8,561
13 *	15,557	13,308	6,892
14	10,882	10,882	9,138
15	14,813	14,813	5,187
16 *	15,576	16,160	3,240
17 *	15,793	13,386	6,814
18	13,496	13,496	6,504
19	10,159	10,159	9,841
20 *	15,013	12,934	7,066
21 *	14,125	11,903	8,997
22	10,959	10,959	9,941
23	10,491	10,491	9,509
24 *	14,246	11,989	8,011
25 *	14,385	12,130	7,870
26	10,058	10,058	9,942
27	10,882	10,882	9,138
28 *	15,483	12,869	7,131
29 *	20,124	15,308	4,892
30	11,046	11,046	8,954
31	13,251	13,251	6,749
32	10,243	10,243	9,757
33	10,015	10,015	9,986
34	10,060	10,060	9,832
35	10,872	10,872	9,128
36	10,218	10,218	9,782
37	10,078	10,078	9,922
38	10,017	10,017	9,883
39	10,413	10,413	9,587
40	10,001	10,001	9,999
41	10,000	10,000	10,000
42	10,322	10,322	9,878
43	12,154	12,154	7,846
44	10,000	10,000	10,000
45	10,000	10,000	10,000
46	10,040	10,040	9,952
47	10,029	10,029	9,971
48	22,500	22,500	-
49	11,076	11,076	9,924
50	10,634	10,634	9,366
51	10,136	10,136	9,862
52	10,041	10,041	9,959
53	10,833	10,833	9,187
54	11,147	11,147	8,853
55	10,397	10,397	9,603
56	10,000	10,000	10,000
57	10,123	10,123	9,877
58	10,962	10,962	9,038
59 *	15,865	13,390	6,610
60 *	12,463	10,015	9,985
61	10,240	10,240	9,760
62	10,096	10,096	9,902
63	11,282	11,282	8,718
64	11,633	11,633	8,367
65	13,389	13,389	8,611
RES. SUBTOTAL SF	818,015	787,696	519,228
RES. SUBTOTAL AC	18.78	18.08	11.92
MAX	22,500	22,500	61 Lots
MIN	10,000	10,000	-
RES. AVG. LOT SIZE	12,666	12,118	8,512
PVT. INTERNAL ST. LOT 66	170,343	-	-
STREET SUBTOTAL	170,343	3,91 AC.	-
OS LOT "A"	153,841	3,53 AC.	-
OS LOT "B"	403,344	9,26 AC.	-
OS LOT "C"	34,281	0.79 AC.	-
OS LOT "D"	15,194	0.35 AC.	-
OS SUBTOTAL	606,660	13.93 AC.	-
PROPOSED TOTAL SF	1,595,018	-	-
PROPOSED TOTAL AC	36.62	-	-
OVERALL TOTAL	36.62	-	-

ABBREVIATIONS

FL	FLOW LINE	R/W	RIGHT OF WAY
TW	TOP OF WALL	PL	PROPERTY LINE
BW	BOTTOM OF WALL	GB	GRADE BREAK
TF	TOP OF FOOTING	P1	POINT OF INTERSECTION (V.C.)
FS	FINISH SURFACE	P	PAD ELEVATION
S	SEWER	SF	GROSS SQ. FT.
W	WATER	NSF	NET SQ. FT.
RW	RECLAIMED WATER	FP	FLOOD PLAIN
SD	STORM DRAIN	VC	VERTICAL CURVE
NTS	NOT TO SCALE	MH	MANHOLE
ELEV	ELEVATION	RCP	REINFORCED CONCRETE PIPE
IE	INVERT ELEVATION		

PUBLIC UTILITIES AND DISTRICTS

WATER	RINCON DEL DIABLO MUNICIPAL WATER DIST.
SEWER	CITY OF ESCONDIDO
POLICE	CITY OF ESCONDIDO
FIRE	CITY OF ESCONDIDO
GAS AND ELECTRICITY	SAN DIEGO GAS AND ELECTRIC
HIGH SCHOOL DISTRICT	ESCONDIDO UNION HIGH SCHOOL DISTRICT
ELEMENTARY SCHOOL DIST.	ESCONDIDO UNION ELEMENTARY SCHOOL DIST.
POLICE	CITY OF ESCONDIDO

LEGAL DESCRIPTION

SEE SHEET NO. 8 FOR LEGAL DESCRIPTION.

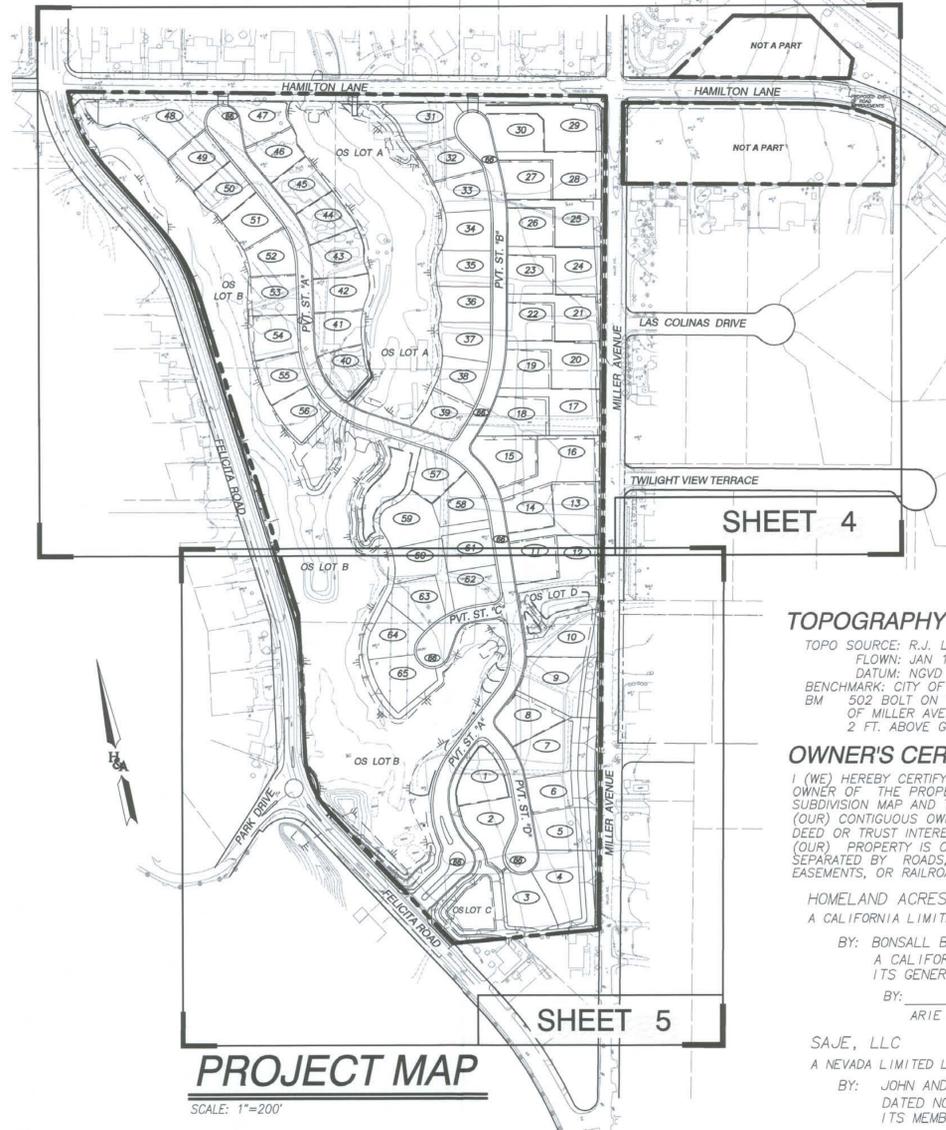
EASEMENT NOTES

SEE SHEET NO. 8 FOR EASEMENT INFORMATION.

GRADING EXEMPTIONS

A GRADING EXEMPTION IS REQUESTED FOR SLOPE HEIGHTS PER ARTICLE 55. EXCAVATION AND GRADING SECTION 33-1066(b) 1-6

- CUT SLOPES OVER 20 FEET IN HEIGHT TO ESTABLISH BUILDING PADS ON LOTS 5, 6, 7 AND 9.
- FILL SLOPES OVER 10 FEET IN HEIGHT TO ESTABLISH BASIN ON LOT C.



PROJECT SUMMARY

	SQ. FT.	AC.	% OF SITE
EXISTING GROSS SITE AREA	1,637,552	37.99	100.00%
PROP. RIGHT-OF-WAY DEDICATION HAMILTON LN	22,413	0.51	-
PROP. RIGHT-OF-WAY DEDICATION MILLER AVE	19,542	0.45	-
PROP. RIGHT-OF-WAY DEDICATION FELICITA	547	0.01	-
TOTAL RIGHT-OF-WAY DEDICATION AREA	42,502	0.98	-
RESIDENTIAL LOT AREA	818,015	18.78	51.3%
PRIVATE STREET LOT 66 AREA (SURFACE)	170,343	3.91	10.7%
PRIVATE OS AREA LOTS A - D	606,660	13.93	38.0%
PROPOSED GROSS SITE AREA	777,003	36.62	100.00%

OPEN SPACE SUMMARY

OPEN SPACE DESCRIPTION	SQ. FT.	AC.
PRIVATE OPEN SPACE LOTS A through D	606,660	13.93
TOTAL	606,660	13.93
TOTAL LOT AREA UNDER 20,000 SF	519,228	11.92
EXCESS OPEN SPACE PROVIDED	87,432	2.01

TOPOGRAPHY

TOPO SOURCE: R.J. LUNG CO., INC.
FLOW: JAN 17, 2013
DATUM: NGVD 29
BENCHMARK: CITY OF ESCONDIDO NO. 502 EL 627.3
BM 502 BOLT ON TELCO POLE # 662944H AT NW CORNER OF MILLER AVE. & HAMILTON LANE.
2 FT. ABOVE GROUND ELEV 627.3

OWNER'S CERTIFICATE

I (WE) HEREBY CERTIFY THAT I (WE) AM (ARE) THE RECORD OWNER OF THE PROPERTY SHOWN ON THE TENTATIVE SUBDIVISION MAP AND THAT SAID MAP SHOWS ALL MY (OUR) CONTIGUOUS OWNERSHIP IN WHICH I (WE) HAVE ANY DEED OR TRUST INTEREST. I (WE) UNDERSTAND THAT MY (OUR) PROPERTY IS CONSIDERED CONTIGUOUS EVEN IF IT IS SEPARATED BY ROADS, PRIVATE STREETS, UTILITY EASEMENTS, OR RAILROAD RIGHTS OF WAY.

HOMELAND ACRES, LTD
A CALIFORNIA LIMITED PARTNERSHIP

BY: BONNALL BRIDGE PROPERTIES, LLC
A CALIFORNIA LIMITED LIABILITY COMPANY
ITS GENERAL PARTNER

BY: ARIE DE JONG, ITS MANAGER

SAJE, LLC
A NEVADA LIMITED LIABILITY COMPANY

BY: JOHN AND ANNEKE DE JONG FAMILY TRUST,
DATED NOVEMBER 10, 1995
ITS MEMBER

BY: JOHN M. DE JONG, TRUSTEE

BY: ARIE E. DE JONG III AND SILVA DE JONG FAMILY TRUST, DATED NOVEMBER 29, 1995
ITS MEMBER

BY: ARIE E. DE JONG, TRUSTEE

SHEET INDEX

SHEET 1	TITLE SHEET
SHEET 2	STREET SECTIONS & DETAILS
SHEET 3	STREET SECTIONS & DETAILS
SHEET 4	PROJECT DESIGN
SHEET 5	PROJECT DESIGN
SHEET 6	EXISTING TOPO AND CONDITIONS MAP
SHEET 7	RECORD BOUNDARY & ENCUMBRANCES
SHEET 8	RECORD BOUNDARY & ENCUMBRANCE NOTES
SHEET 9	SITE CROSS SECTIONS
SHEET 10	ROAD VACATION DEDICATION DETAILS

GENERAL NOTES

- EXISTING GROSS SITE AREA: 37.59 ACRES (EXCLUDES NOT A PART PARCELS)
PROPOSED GROSS SITE AREA: 36.62 ACRES
(PROPOSED GROSS SITE AREA EXCLUDES STREET DEDICATION AREA FOR MILLER AVE. & HAMILTON LANE & A PORTION OF FELICITA ROAD OF APPROXIMATELY 0.98 ACRES.)
- NUMBER OF LOTS: 70 (65 SF RES. LOTS, 4 OPEN SPACE LOTS, 1 PVT. ST. LOT.)
- NUMBER OF RESIDENTIAL LOTS: 65
- ASSESSOR'S PARCEL NUMBERS: 238-370-01-00, 238-370-04-00, 238-370-05-00, 238-370-06-00, 238-370-07-00, 238-370-08-00, 238-380-01-00
- EXISTING GENERAL PLAN LAND USE DESIGNATION: ESTATE 11
PROPOSED GENERAL PLAN LAND USE DESIGNATION: ESTATE 11
MINIMUM PERMITTED LOT SIZE: 10,000 SF PER GP RESIDENTIAL CLUSTER POLICY 5.1
- PROPOSED ZONING: P-D (PLANNED DEVELOPMENT)
- PROJECT DENSITY: 1.75 DU/AC (65 UNITS/37.07 AC.)-INCLUDES MILLER AVE.
- THOMAS BROTHERS COORDINATES: 1129 J7 & 1149 J1
- INDIVIDUAL TRASH PICKUP IS PROPOSED WITH THIS SUBDIVISION.

GENERAL DESIGN NOTES

- ALL PRIVATE STREET DESIGNS AND FIRE HYDRANTS SHALL CONFORM TO THE CITY OF ESCONDIDO DESIGN STANDARDS AND/OR AS APPROVED BY THE CITY ENGINEER.
- EASEMENTS SHALL BE PER CITY ENGINEER AND PUBLIC UTILITIES AND DISTRICTS.
- CONTOUR INTERVALS: 2 AND 10 FOOT
- FINISHED GRADES ARE APPROXIMATE ONLY AND SUBJECT TO CHANGE IN FINAL DESIGN CONSISTENT WITH THE CITY'S SUBSTANTIAL CONFORMANCE POLICY.
- APPROXIMATE RAW GRADING QUANTITIES: RAW CUT: 92,000 C.Y.
RAW FILL: 57,200 C.Y.

RAW QUANTITIES SHOWN DO NOT INCLUDE THE EFFECTS OF REMEDIAL GRADING. THE PROJECT BALANCES ON SITE AFTER TAKING SHRINKAGE AND BULKING INTO CONSIDERATION BASED ON INFORMATION PROVIDED BY SOILS ENGINEER.

- SOILS LETTER REPORT PREPARED BY GEOSOLS, INC DATED MARCH 28, 2013.
- CUT AND FILL SLOPES SHALL NOT EXCEED 2:1.
- ALL PROPOSED LOTS SHALL BE ON A SANITARY SEWER SYSTEM.
- ALL PROPOSED SEWER AND WATER IMPROVEMENTS SHOWN ON THIS MAP SHALL BE PUBLIC WITHIN THE PROJECT BOUNDARY AND PUBLIC OUTSIDE OF THE BOUNDARY.
- THIS PROJECT IS A "MULTIPLE PHASE" SUBDIVISION. IT IS THE INTENT THAT MULTIPLE FINAL MAPS MAY BE FILED PURSUANT TO SECTION 66456.1 OF THE SUBDIVISION MAP ACT. THE FINAL MAY CONSIST OF ONE OR MORE MULTIPLE LOTS AS SHOWN ON THIS TENTATIVE MAP.
- THIS PROJECT WILL BE CONCURRENTLY REQUESTING APPROVAL OF A PRE-ZONE, A PRELIMINARY DEVELOPMENT PLAN, A MASTER DEVELOPMENT PLAN, A PRECISE DEVELOPMENT PLAN AND REORGANIZATION (INCLUDING ANNEXATION TO THE CITY OF ESCONDIDO AND DETACHMENT FROM CSA # 135).

DESIGN STANDARDS WAIVER REQUEST

- A REDUCTION OF PAVEMENT WIDTH FROM PRIVATE RESIDENTIAL STREET STANDARDS OF 36" CURB TO CURB DOWN TO 32".
- REDUCTION OF CENTERLINE HORIZONTAL RADIUS FROM PRIVATE RESIDENTIAL STREET STANDARDS FROM 300' DOWN TO A MINIMUM OF 200'. GATED ENTRANCE PROPOSES A CENTERLINE RADIUS OF 50'.
- A WAIVER FROM THE REQUIRED MINIMUM 200' STREET LIGHT SPACING STANDARD FOR PRIVATE STREETS "A-D" TO ONE STREET LIGHT PER INTERSECTION AND CUL-DE-SAC.

APPLICANT

NEW URBAN WEST, INC
JASON HAN, PARTNER
SAN DIEGO COUNTY/ORANGE COUNTY PRESIDENT
1733 OCEAN AVE, STE 350
SANTA MONICA, CA 90401
(310) 394-3379 (PH)
(310) 394-6872 (FAX)

SUBDIVIDER

ESCONDIDO OAK POND, LLC
A DELAWARE LIMITED PARTNERSHIP
BY: URBAN 2, L.L.C.
A DELAWARE LIMITED LIABILITY COMPANY
ITS SOLE MEMBER

BY: NUWI CAPITAL PARTNERS, LLC
A DELAWARE LIMITED LIABILITY COMPANY
ITS SOLE MEMBER



ENGINEER



CERTIFIED
SUB 13-0002
AS IN SUBSTANTIAL CONFORMANCE WITH APPROVED TENTATIVE MAP AND PLANNING DEPARTMENT CONDITIONS FOR APPROVAL
PLANNING: *[Signature]* DATE: 4/15/15
RAYMOND L. MARTIN R.C.E. 48670 DATE: 4/15/15
MY REGISTRATION EXPIRES ON 6/30/16

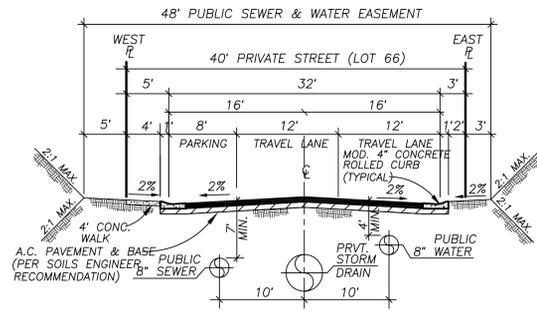
PREPARED BY:

H&A HUNSAKER & ASSOCIATES
SAN DIEGO, INC
ENGINEERING: 9707 Waples Street
San Diego, CA 92121
SURVEYING: PH: 619-585-4500 FAX: 619-585-1414

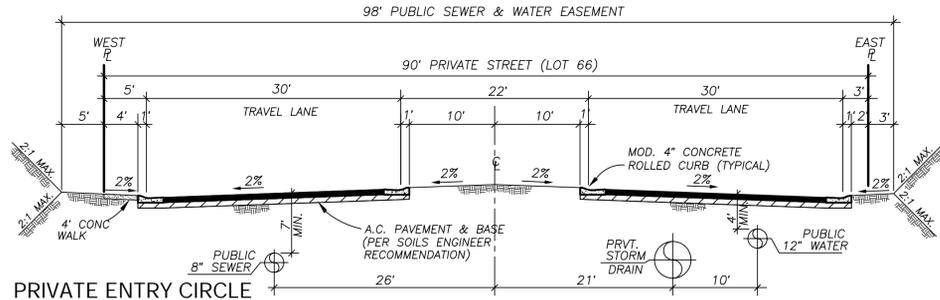
NO.	REVISIONS	DATE	BY
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2	RESUBMITTAL	07/08/13	H&A
3	RESUBMITTAL	11/26/13	H&A
4	RESUBMITTAL	01/24/14	H&A
5	RESUBMITTAL	02/24/14	H&A
6	RESUBMITTAL	06/09/14	H&A
7	RESUBMITTAL	10/07/14	H&A
8	RESUBMITTAL	11/05/14	H&A
9	RESUBMITTAL	12/03/14	H&A
10	RESUBMITTAL (PC HEARING)	01/06/14	H&A
11	RESUBMITTAL (CC HEARING)	02/18/14	H&A

TENTATIVE MAP / GRADING EXEMPTION
(SUB 13-0002)
OAK CREEK
City of Escondido, California

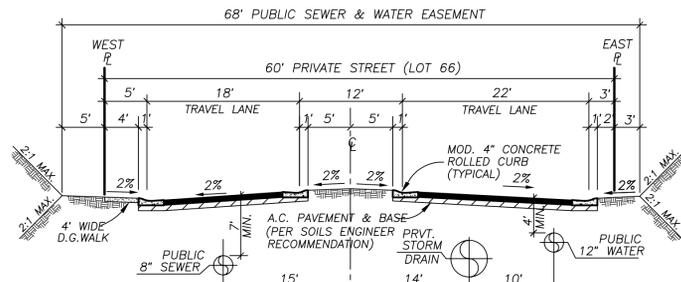
SHEET 1 OF 10



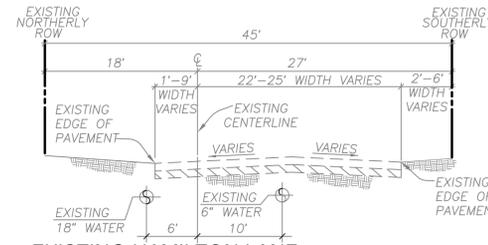
**TYPICAL PRIVATE STREET
STREETS 'A' THRU 'D'**
NTS



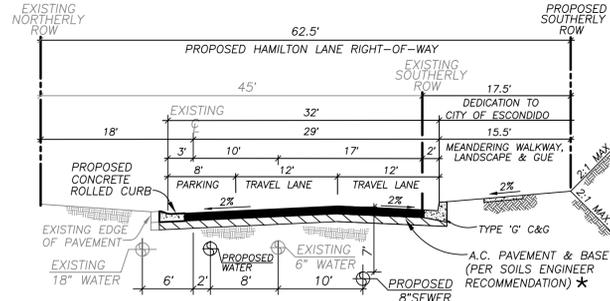
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PORTION OF STREET 'A'**
NTS



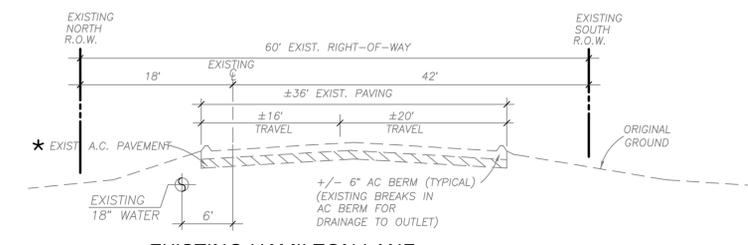
**PRIVATE ENTRY DRIVE
PORTION OF STREET 'A'**
NTS



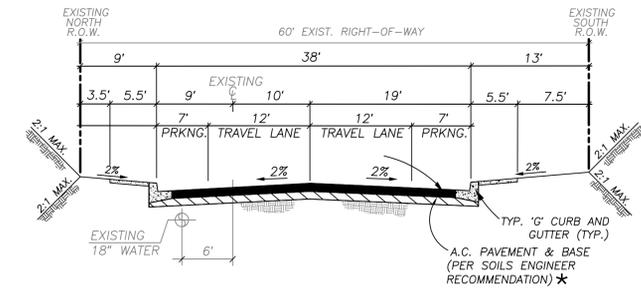
EXISTING HAMILTON LANE (FROM FELICITA TO MILLER AVE.)
NOT TO SCALE



**MODIFIED LOCAL COLLECTOR
PROPOSED HAMILTON LANE (FROM FELICITA TO MILLER AVE.)**
NOT TO SCALE

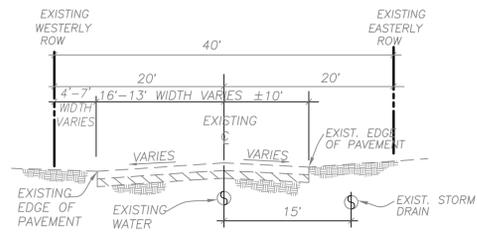


EXISTING HAMILTON LANE (EAST OF MILLER AVE. TO PROJECT BOUNDARY)
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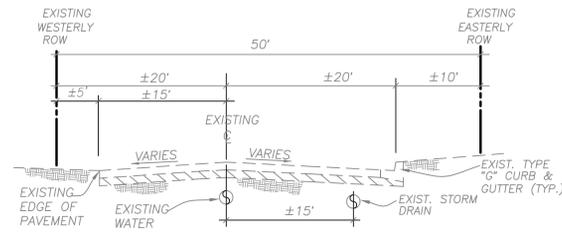


**MODIFIED LOCAL COLLECTOR
PROPOSED HAMILTON LANE (EAST OF MILLER AVE. TO PROJECT BOUNDARY)**
NOT TO SCALE

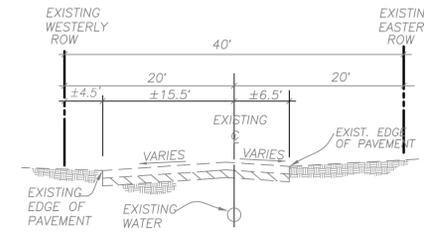
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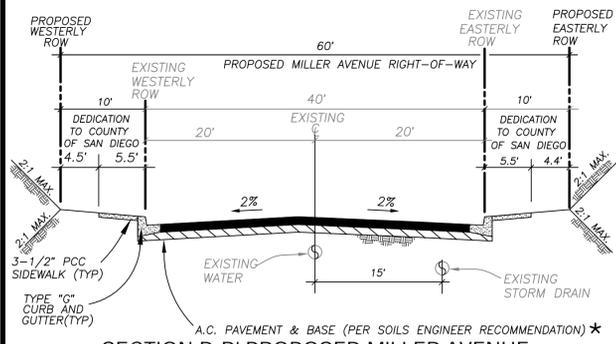
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NOT TO SCALE



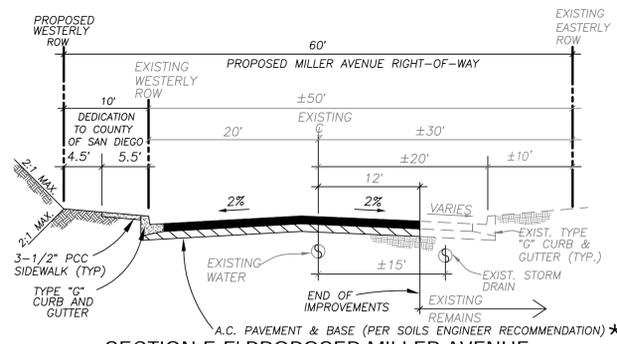
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NOT TO SCALE



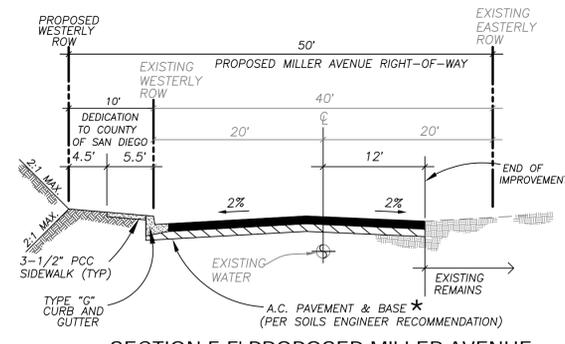
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NOT TO SCALE



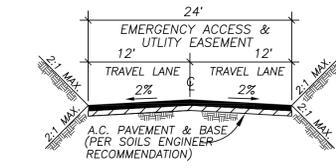
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NOT TO SCALE



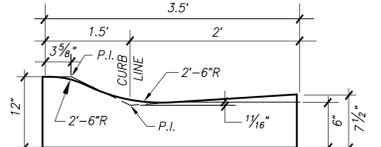
SECTION E-E' PROPOSED MILLER AVENUE
NOT TO SCALE



SECTION F-F' PROPOSED MILLER AVENUE
NOT TO SCALE



**TYPICAL PRIVATE EMERGENCY ACCESS
@ PRIVATE ST. 'A' & 'B' CUL-DE-SAC**
NTS



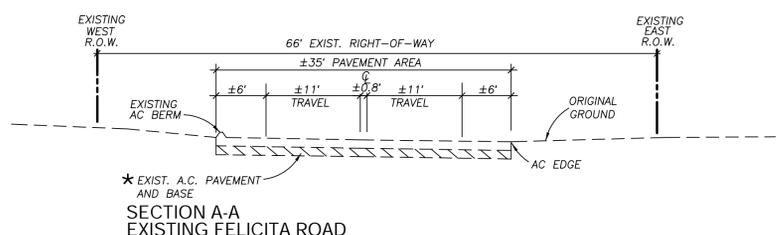
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STREET SECTIONS AND DETAILS

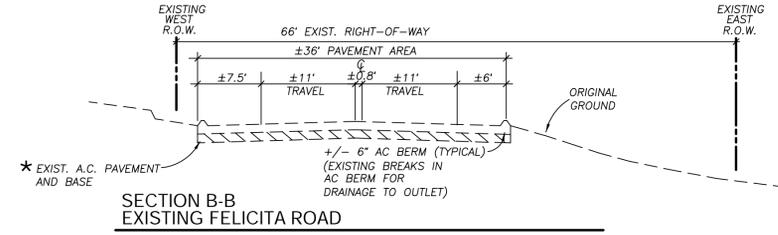
PREPARED BY:
HUNSAKER & ASSOCIATES
SAN DIEGO, INC.
PLANNING 9707 Waples Street
ENGINEERING San Diego, Ca 92121
SURVEYING PH(650)558-4500 - FX(650)558-1414

TENTATIVE MAP / GRADING EXEMPTION
(SUB 13-002)
OAK CREEK
City of Escondido, California

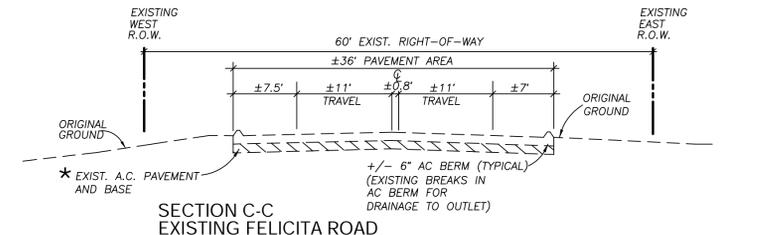
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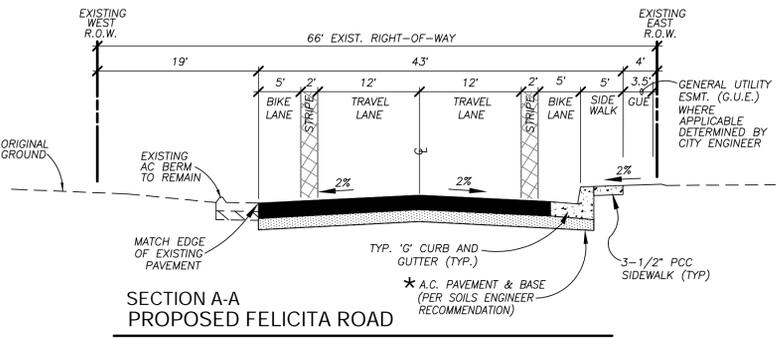
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EXISTING FELICITA ROAD



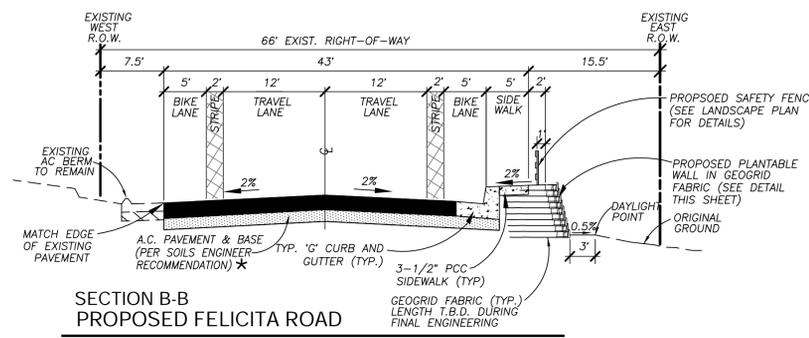
SECTION B-B
EXISTING FELICITA ROAD



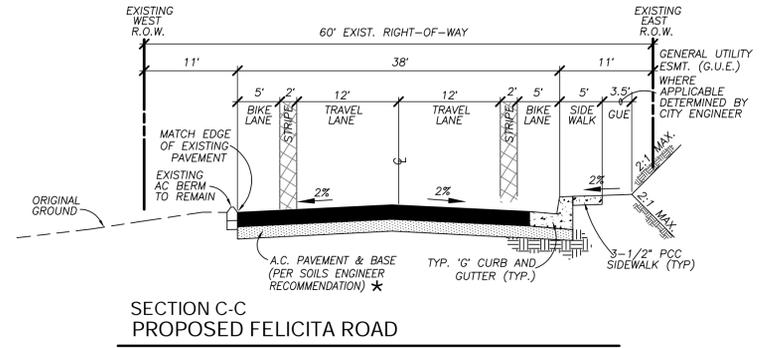
SECTION C-C
EXISTING FELICITA ROAD



SECTION A-A
PROPOSED FELICITA ROAD

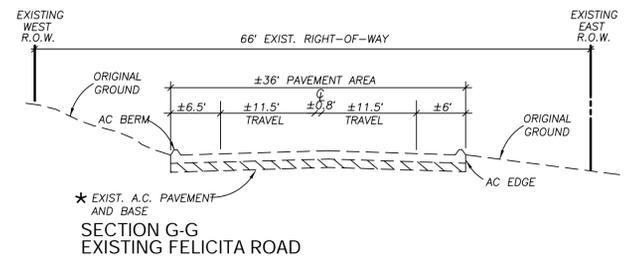


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PROPOSED FELICITA ROAD

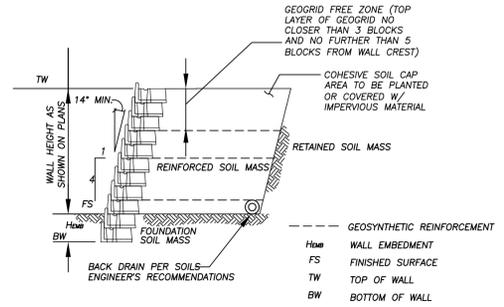


SECTION C-C
PROPOSED FELICITA ROAD

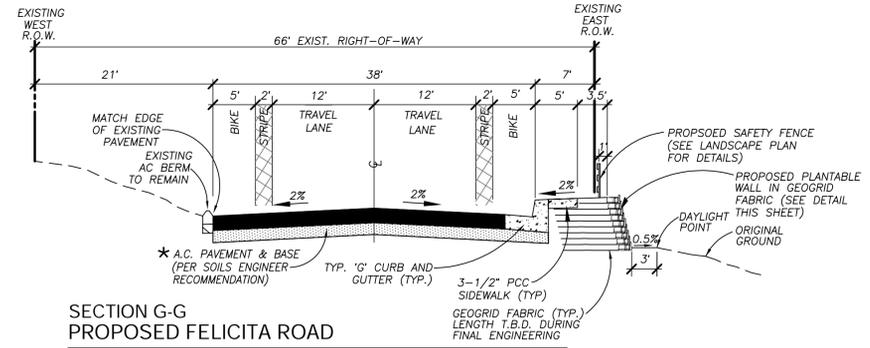
* EXISTING PAVEMENT MAY BE SAVED AND OVERLAYED IN LIEU OF REPLACEMENT, SUBJECT TO APPROVAL OF CITY ENGINEER.



SECTION G-G
EXISTING FELICITA ROAD



TYPICAL PLANTABLE WALL DETAIL
NOT TO SCALE



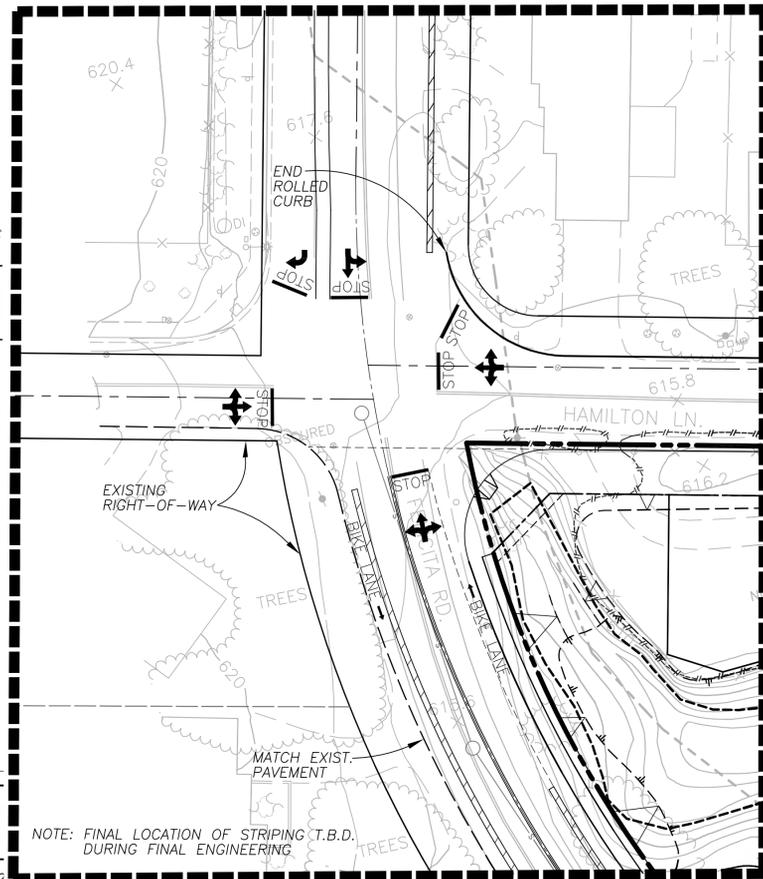
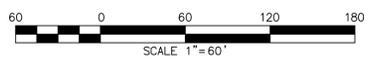
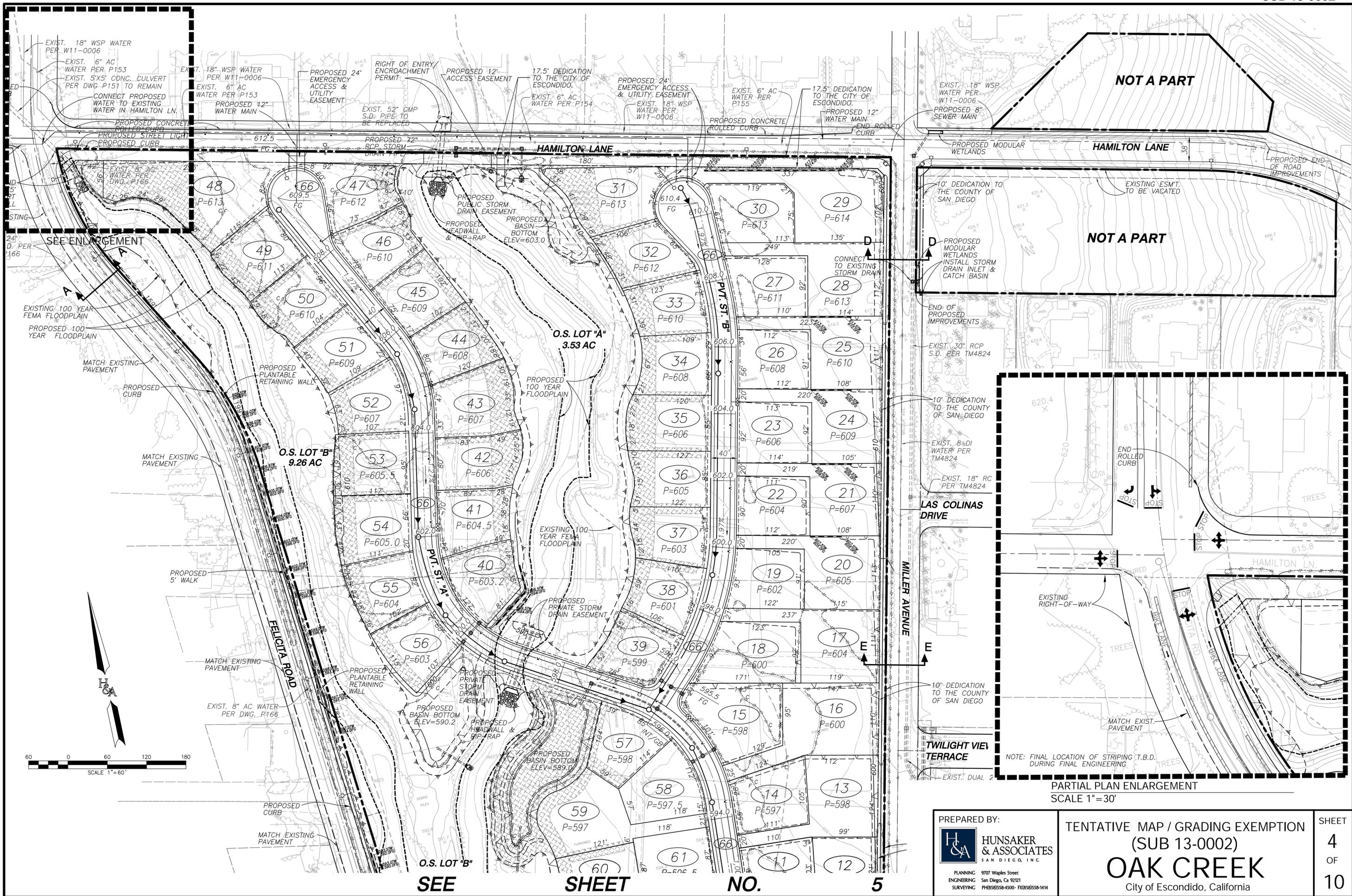
SECTION G-G
PROPOSED FELICITA ROAD

STREET SECTIONS AND DETAILS

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TENTATIVE MAP / GRADING EXEMPTION
(SUB 13-002)
OAK CREEK
City of Escondido, California

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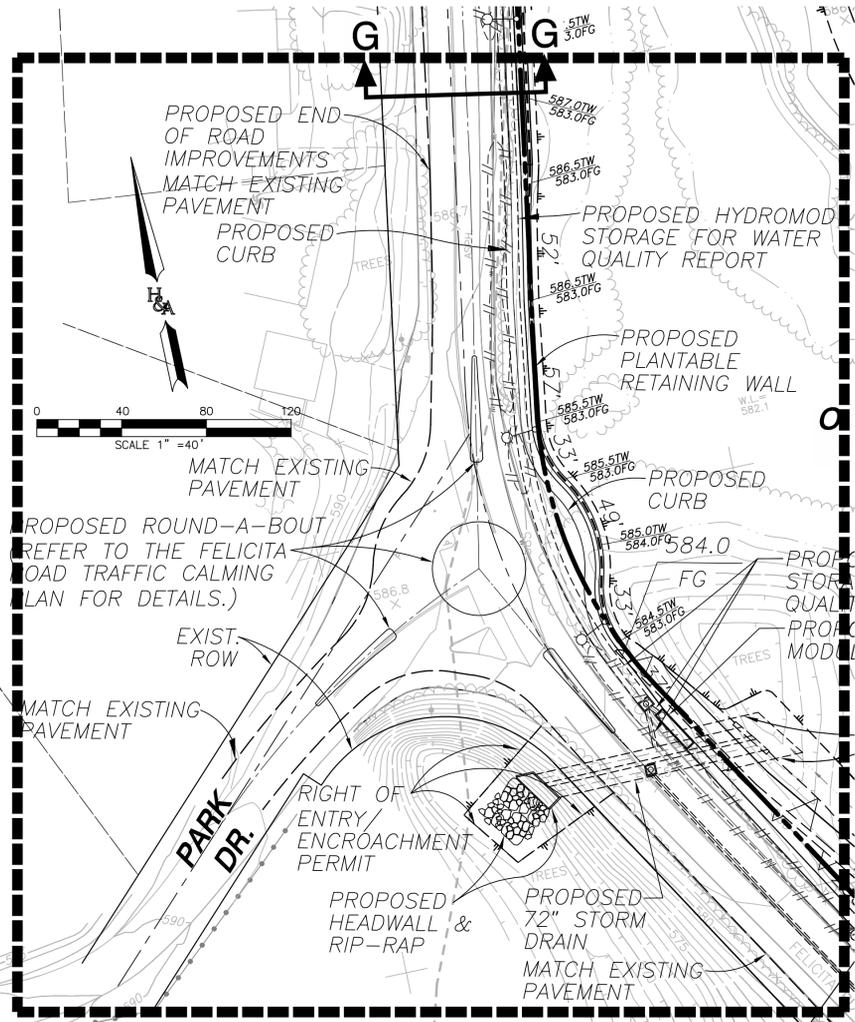
SEE SHEET NO. 5

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TENTATIVE MAP / GRADING EXEMPTION
 (SUB 13-0002)
OAK CREEK
 City of Escondido, California

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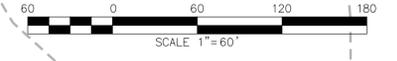
SEE SHEET NO. 4



PARTIAL PLAN ENLARGEMENT



SEE ENLARGEMENT



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 PLANNING 9707 Wiggles Street
 ENGINEERING San Diego, Ca 92121
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TENTATIVE MAP / GRADING EXEMPTION
 (SUB 13-0002)
OAK CREEK
 City of Escondido, California

SHEET
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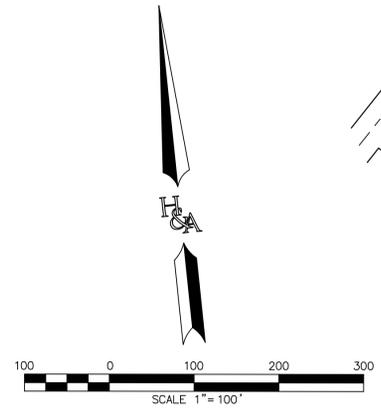
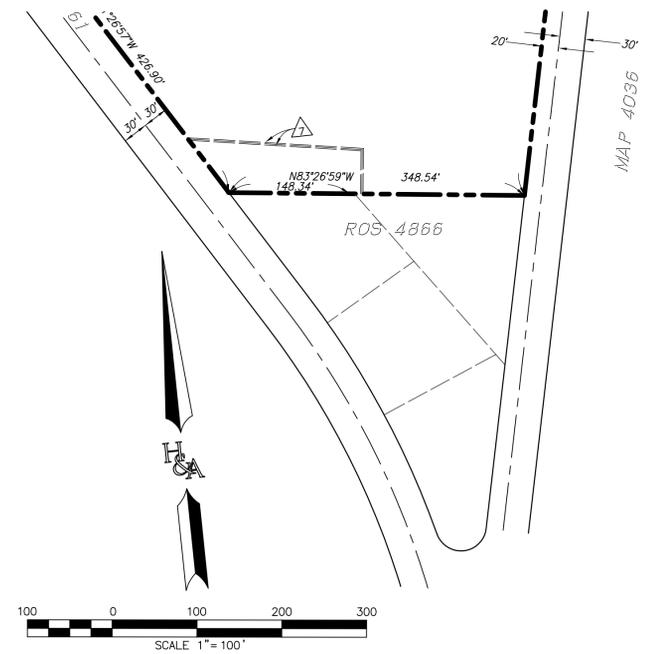
FOR CONTINUATION SEE UPPER RIGHT

EXISTING TOPO AND CONDITIONS MAP

PREPARED BY:
 **HUNSAKER & ASSOCIATES**
 SAN DIEGO, INC.
 PLANNING 9707 Wiggles Street
 ENGINEERING San Diego, Ca 92121
 SURVEYING PH(650)558-4500 - FX(650)558-1414

TENTATIVE MAP / GRADING EXEMPTION
 (SUB 13-002)
OAK CREEK
 City of Escondido, California

SHEET
6
 OF
10



FOR CONTINATION SEE UPPER RIGHT

LEGAL DESCRIPTION
SEE SHEET NO. 8 FOR LEGAL DESCRIPTION.

EASEMENT NOTES
SEE SHEET NO. 8 FOR EASEMENT INFORMATION.

BOUNDARY AND ENCUMBRANCES

PREPARED BY:

HUNSAKER & ASSOCIATES
 SAN DIEGO, INC
 PLANNING 9707 Wiggles Street
 ENGINEERING San Diego, Ca 92121
 SURVEYING PH(858)558-4500 - FX(858)558-1414

TENTATIVE MAP / GRADING EXEMPTION
 (SUB 13-002)
OAK CREEK
 City of Escondido, California

SHEET
7
 OF
10

ASSESSOR'S PARCEL NO.S

238-370-01-00
 238-370-05-00
 238-370-04-00
 238-370-07-00
 238-370-08-00
 238-370-06-00
 238-380-01-00

LEGEND:

————— INDICATES SITE BOUNDARY
 (R) INDICATES RADIAL BEARING

TITLE REPORT

INFORMATION SHOWN IS BASED ON THE PRELIMINARY REPORT ISSUED BY FIRST AMERICAN TITLE COMPANY AS ORDER NO. NHSC-4115119 DATED JULY 20, 2012 AND DOES NOT INCLUDE PARCELS SHOWN AS "NOT A PART".

LEGAL DESCRIPTION: – NHSC 4115119

REAL PROPERTY IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 1, 2, 3 AND 4 IN BLOCK 7 OF HOMELAND ACRES ADDITION TO ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1205, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 1, 1909.

TOGETHER WITH THAT PORTION OF THE EASTERLY ONE-HALF OF SAN DIEGO BOULEVARD ADJOINING SAID LOT 1 ON THE WEST AS VACATED BY ORDER OF THE BOARD OF SUPERVISORS OF SAN DIEGO COUNTY ON FEBRUARY 25, 1958, A CERTIFIED COPY OF WHICH ORDER IS RECORDED IN BOOK 6980, PAGE 88 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY.

ALSO TOGETHER WITH THE NORTHEASTERLY HALF OF SAN DIEGO BOULEVARD ADJOINING SAID LOT 4 ON THE SOUTHWEST, AS VACATED BY ORDER OF THE BOARD OF SUPERVISORS OF SAN DIEGO COUNTY ON OCTOBER 8, 1923, A CERTIFIED COPY OF WHICH ORDER IS RECORDED IN BOOK 751, PAGE 336 OF DEEDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

EXCEPTING THEREFROM THAT PORTION OF LOT 1 IN BLOCK 7 OF HOMELAND ACRES ADDITION TO ESCONDIDO, ACCORDING TO MAP THEREOF NO. 1205, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, LYING WESTERLY OF THE CENTER LINE OF THAT CERTAIN RIGHT OF WAY FOR PUBLIC HIGHWAYS CONVEYED TO THE COUNTY OF SAN DIEGO BY EASEMENT RECORDED IN BOOK 6944, PAGE 31 OF OFFICIAL RECORDS OF SAID COUNTY, AND LYING NORTHERLY OF THE EASTERLY PROLONGATION OF THE SOUTH LINE OF THE NORTH 180 FEET OF LOT 1 IN BLOCK 8 OF SAID HOMELAND ACRES ADDITION TO ESCONDIDO.

ALSO EXCEPTING FROM THE ABOVE DESCRIBED LAND THAT PORTION THEREOF DESCRIBED IN DEED TO KONSTANTIN L. MICHAEL, RECORDED JUNE 22, 1953 IN BOOK 4896, PAGE 601 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 4 IN BLOCK 7 AND OF LOT 1 IN BLOCK 9 OF HOMELAND ACRES ADDITION TO ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1205, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 1, 1909, TOGETHER WITH THAT PORTION OF SAN DIEGO BOULEVARD, NOW VACATED AND CLOSED TO PUBLIC USE, DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 OF SAID BLOCK 9; THENCE ALONG THE NORTHWESTERLY LINE OF LOT 1 IN SAID BLOCK 9, NORTH 43°59' EAST 221.60 FEET TO THE MOST NORTHERLY CORNER OF SAID LOT 1; THENCE SOUTH 17°38' EAST 297.72 FEET; THENCE SOUTH 29°24' WEST 119.27 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 29°24' WEST 60.73; THENCE SOUTH 1°5' EAST 460.18 FEET; THENCE SOUTH 23°55' EAST 381.01 FEET, MORE OR LESS TO AN INTERSECTION WITH THE CENTER LINE OF THE COUNTY ROAD, (KNOWN AS CLARENCE LANE) AS SAID COUNTY ROAD IS SHOWN ON ROAD SURVEY NO. 1018, ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF SAID COUNTY; THENCE ALONG SAID CENTER LINE, SOUTH 78°02'30" EAST (RECORD SOUTH 77°59' EAST) 354.18 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE CENTER LINE OF MILLER AVENUE AS SHOWN ON SAID MAP NO. 1205; THENCE NORTH 12°01'30" EAST ALONG SAID SOUTHERLY PROLONGATION AND ALONG SAID CENTER LINE OF MILLER AVENUE A DISTANCE OF 881.69 FEET; THENCE NORTH 77°58'30" WEST 20.00 FEET TO A POINT IN THE WESTERLY LINE OF SAID MILLER AVENUE; THENCE NORTH 83°59'20" WEST 653.50 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING FROM THE FIRST ABOVE DESCRIBED LAND THAT PORTION THEREOF LYING WITHIN THE PUBLIC HIGHWAY (COUNTY ROAD SURVEY NO. 461) AS SAID HIGHWAY IS DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO RECORDED JULY 6, 1956 IN BOOK 6169, PAGE 194 OF OFFICIAL RECORD.

APN: 238-370-01-00, 238-370-05-00, 238-370-04-00, 238-370-07-00, 238-370-08-00, 238-370-06-00 and 238-380-01-00

ENCUMBRANCES

THE FOLLOWING IS A LIST OF EXCEPTIONS PER A PRELIMINARY REPORT ISSUED BY FIRST AMERICAN TITLE COMPANY AS ORDER NO. NHSC-4115119 DATED APRIL 23, 2013.

1. GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2013-2014, A LIEN NOT YET DUE OR PAYABLE.
 2. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE.
 - △ AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES, RECORDED JULY 25, 1934 AS BOOK 310, PAGE 291 OF OFFICIAL RECORDS.
 IN FAVOR OF: SAN DIEGO GAS AND ELECTRIC COMPANY
 AFFECTS: THE LAND
 (TO BE VACATED)
 - △ AN EASEMENT FOR PLACE AND MAINTAIN AN ANCHOR TO SUPPORT A LINE OF POLES AND WIRES AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 19, 1936 AS BOOK 478, PAGE 164 OF OFFICIAL RECORDS.
 IN FAVOR OF: SAN DIEGO GAS & ELECTRIC COMPANY
 AFFECTS: THE LAND
 (TO BE VACATED)
 5. AN EASEMENT FOR INSTALLING PIPELINES AND INCIDENTAL PURPOSES, RECORDED APRIL 26, 1943 AS BOOK 1497, PAGE 31 OF OFFICIAL RECORDS.
 IN FAVOR OF: HOMELAND ACRES COMPANY
 AFFECTS: THE LAND
 THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
 (TO BE VACATED)
 - △ AN EASEMENT FOR EITHER OR BOTH POLE LINES, UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES, RECORDED JANUARY 28, 1947 AS BOOK 2322, PAGE 390 OF OFFICIAL RECORDS.
 IN FAVOR OF: SAN DIEGO GAS AND ELECTRIC COMPANY
 AFFECTS: THE LAND
 (TO BE VACATED)
 - △ AN EASEMENT FOR PIPELINES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED JUNE 11, 1957 AS BOOK 6615, PAGE 572 OF OFFICIAL RECORDS.
 (TO BE VACATED)
 8. A DEED OF TRUST TO SECURE AN ORIGINAL INDEBTEDNESS OF \$40,000.00 RECORDED JUNE 11, 1957 AS BOOK 6615, PAGE 575 OF OFFICIAL RECORDS.
 DATED: MAY 16, 1957
 TRUSTOR: ARIE DE JONG AND MAARTJE DE JONG, HUSBAND AND WIFE
 TRUSTEE: BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION, A NATIONAL BANKING ASSOCIATION
 BENEFICIARY: ROBERT N. MCLEAN AND MARY PAGE MCLEAN, HUSBAND AND WIFE AS JOINT TENANTS
 NOTES:
 A. IF THIS DEED OF TRUST IS TO BE ELIMINATED IN THE POLICY OR POLICIES CONTEMPLATED BY THIS REPORT/COMMITMENT, WE WILL REQUIRE ALL OF THE FOLLOWING PRIOR TO THE RECORDATION OF ANY DOCUMENTS OR THE ISSUANCE OF ANY POLICY OF TITLE INSURANCE:
 I. ORIGINAL NOTE AND DEED OF TRUST.
 II. PAYOFF DEMAND STATEMENT SIGNED BY ALL PRESENT BENEFICIARIES.
 III. REQUEST FOR RECONVEYANCE SIGNED BY ALL PRESENT BENEFICIARIES.
 B. IF THE PAYOFF DEMAND STATEMENT OR THE REQUEST FOR RECONVEYANCE IS TO BE SIGNED BY A SERVICER, WE WILL ALSO REQUIRE A FULL COPY OF THE LOAN SERVICING AGREEMENT EXECUTED BY ALL PRESENT BENEFICIARIES.
 C. IF ANY OF THE BENEFICIAL INTEREST IS PRESENTLY HELD BY TRUSTEES UNDER A TRUST AGREEMENT, WE WILL REQUIRE A CERTIFICATION PURSUANT TO SECTION 18100.5 OF THE CALIFORNIA PROBATE CODE IN A FORM SATISFACTORY TO THE COMPANY
 A DOCUMENT RECORDED FEBRUARY 4, 1988 AS BOOK 6976, PAGE 533 OF OFFICIAL RECORDS PROVIDES THAT THE LIEN OR CHARGE OF THE DEED OF TRUST WAS SUBORDINATED TO THE LIEN OR CHARGE OF THE DEED OF TRUST RECORDED JUNE 11, 1957 AS BOOK 6615, PAGE 575 OF OFFICIAL RECORDS.
 THE EFFECT OF A DOCUMENT ENTITLED "PARTIAL RECONVEYANCE", RECORDED FEBRUARY 10, 1959 AS BOOK 7489, PAGE 535 OF OFFICIAL RECORDS.
 AFFECTS: PORTION OF LOT 1
 - △ AN EASEMENT FOR PUBLIC ROAD AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 10, 1958 AS BOOK 6944, PAGE 31 OF OFFICIAL RECORDS.
 IN FAVOR OF: COUNTY OF SAN DIEGO
 AFFECTS: THE LAND
 SAID INSTRUMENT ALSO GRANTS THE PRIVILEGE AND RIGHT TO EXTEND AND MAINTAIN DRAINAGE STRUCTURES AND EXCAVATION AND EMBANKMENT SLOPES BEYOND THE LIMITS OF SAID RIGHT OF WAY WHERE REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE THEREOF.
 10. THE EFFECT OF A MAP PURPORTING TO SHOW THE LAND AND OTHER PROPERTY, FILED INSTRUMENT NO. 79-214780 OF RECORD OF SURVEYS.
 11. AN OPTION IN FAVOR OF ESCONDIDO OAK POND, LLC, A DELAWARE LIMITED LIABILITY COMPANY AS CONTAINED IN OR DISCLOSED BY A DOCUMENT RECORDED AUGUST 24, 2012 AS INSTRUMENT NO. 2012-0507568 OF OFFICIAL RECORDS.
 12. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
 13. RIGHTS OF PARTIES IN POSSESSION.
- PRIOR TO THE ISSUANCE OF ANY POLICY OF TITLE INSURANCE, THE COMPANY WILL REQUIRE:
14. WITH RESPECT TO HOMELAND ACRES, LTD., A CALIFORNIA LIMITED PARTNERSHIP:
 A. THAT A CERTIFIED COPY OF THE CERTIFICATE OF LIMITED PARTNERSHIP (FORM LP-1) AND ANY AMENDMENTS THERETO (FORM LP-2) BE RECORDED IN THE PUBLIC RECORDS;
 B. A FULL COPY OF THE PARTNERSHIP AGREEMENT AND ANY AMENDMENTS;
 C. SATISFACTORY EVIDENCE OF THE CONSENT OF A MAJORITY IN INTEREST OF THE LIMITED PARTNERS TO THE CONTEMPLATED TRANSACTION;
 D. OTHER REQUIREMENTS WHICH THE COMPANY MAY IMPOSE FOLLOWING ITS REVIEW OF THE MATERIAL REQUIRED HEREIN AND OTHER INFORMATION WHICH THE COMPANY MAY REQUIRE.

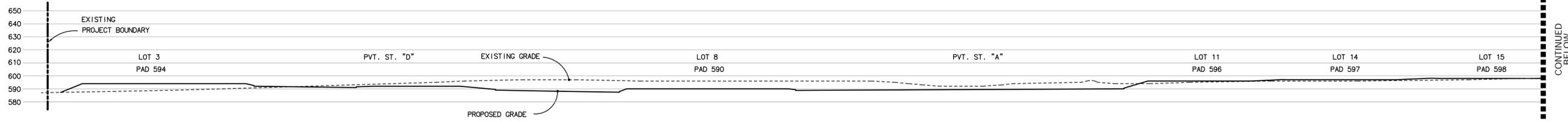
BOUNDARY AND ENCUMBRANCES NOTES

PREPARED BY:

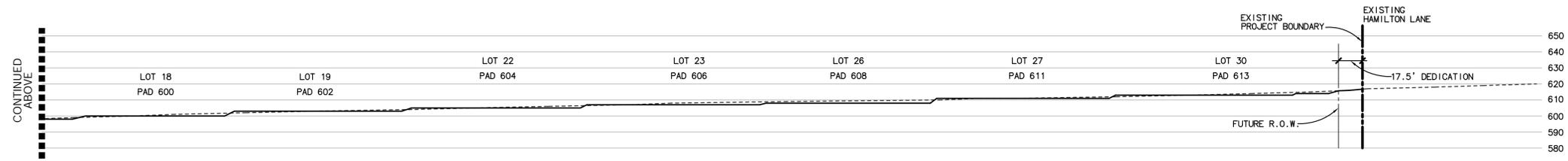
HUNSAKER & ASSOCIATES
 SAN DIEGO, INC
 PLANNING 9707 Wiggles Street
 ENGINEERING San Diego, Ca 92121
 SURVEYING PH(650)558-4500 - FX(650)558-1414

TENTATIVE MAP / GRADING EXEMPTION
 (SUB 13-0002)
OAK CREEK
 City of Escondido, California

SHEET
8
 OF
10

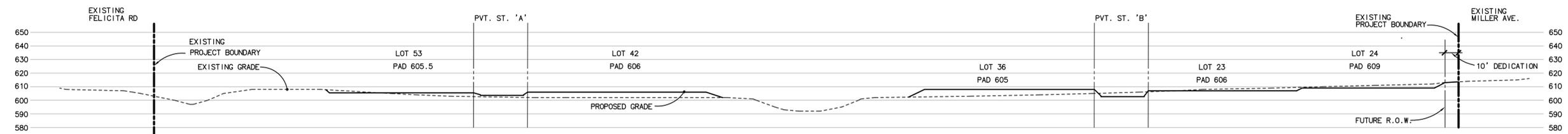


SECTION A-A'



SECTION A-A' (CONT.)

1"=40'



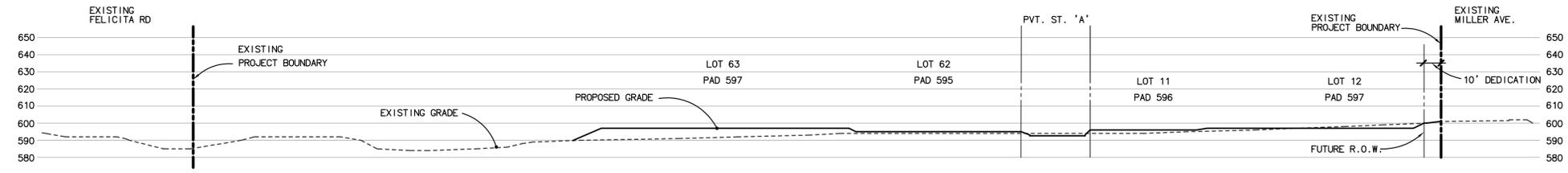
SECTION B-B'

1"=40'



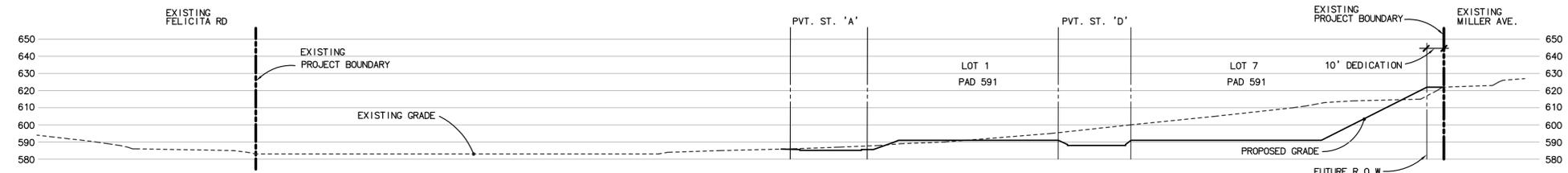
PLAN VIEW

SCALE=200'



SECTION C-C'

1"=40'



SECTION D-D'

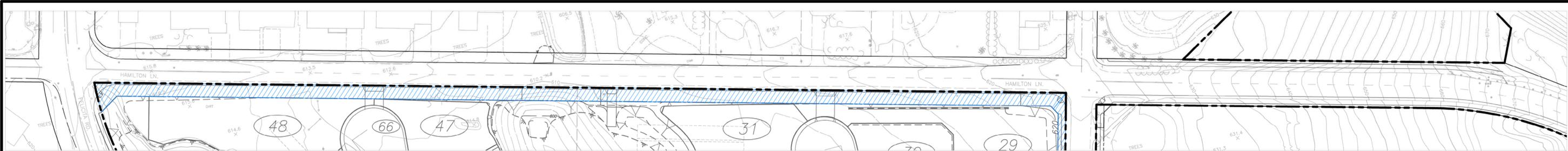
1"=40'

SITE SECTIONS

PREPARED BY:
 HUNSAKER & ASSOCIATES
 SAN DIEGO, INC.
 PLANNING 9707 Waples Street
 ENGINEERING San Diego, Ca 92121
 SURVEYING PH(650)558-4500 - FX(650)558-1414

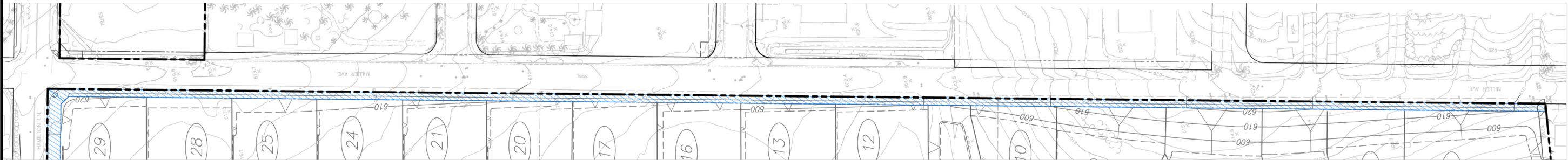
TENTATIVE MAP / GRADING EXEMPTION
 (SUB 13-0002)
OAK CREEK
 City of Escondido, California

SHEET
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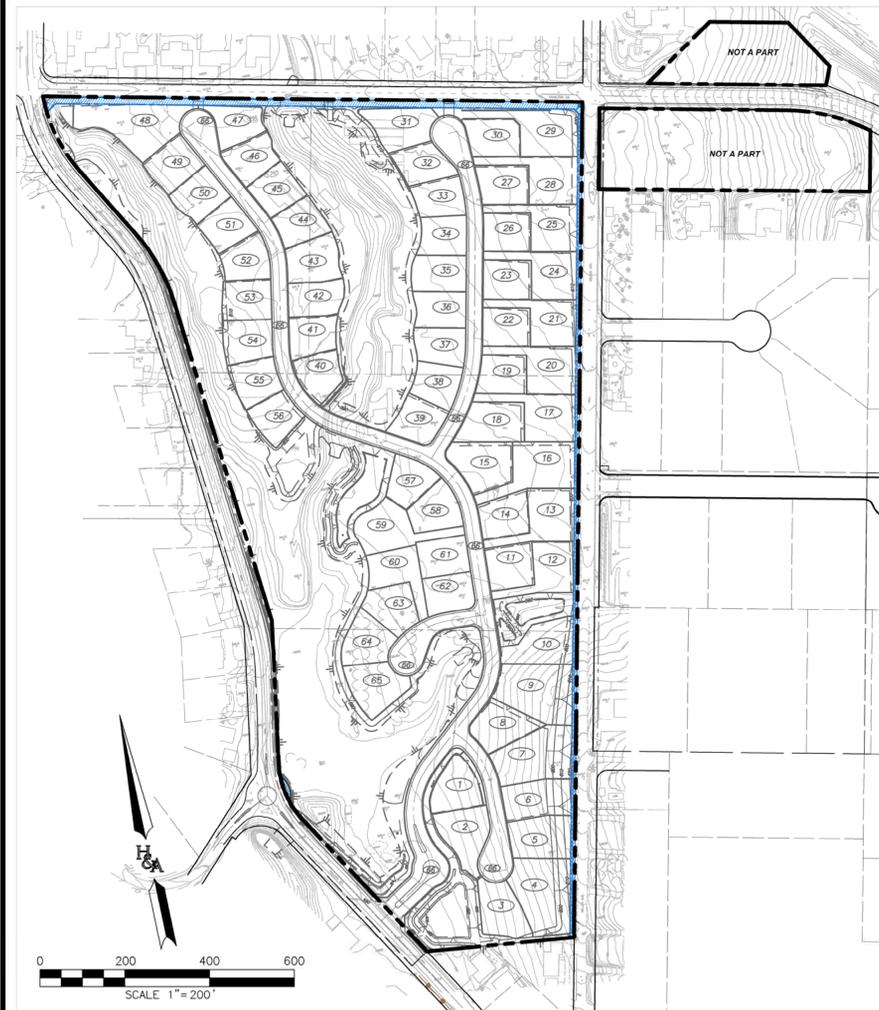
HAMILTON DEDICATION

SCALE=60'



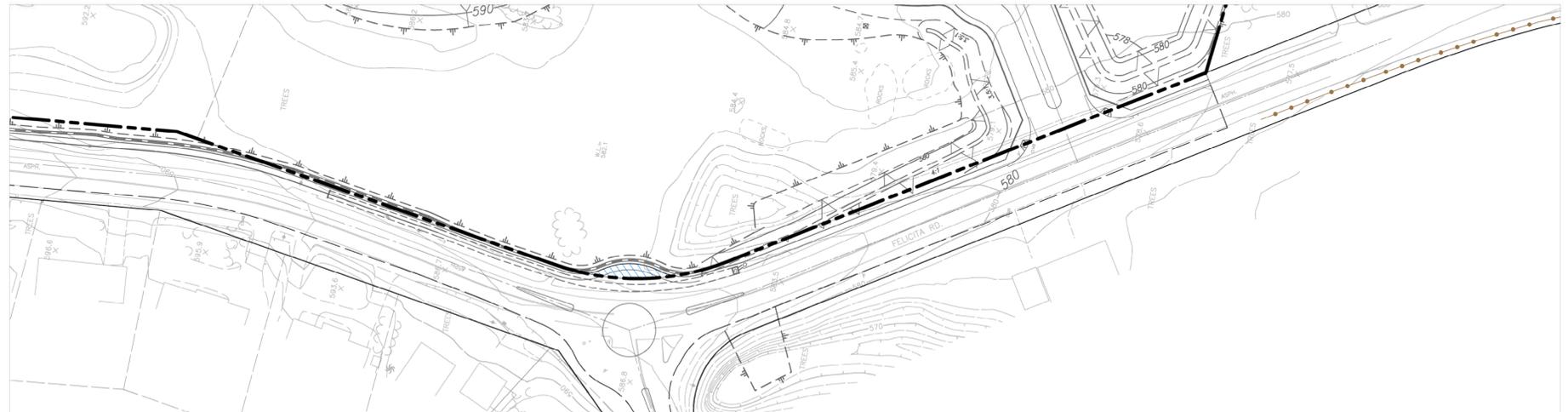
MILLER DEDICATION

SCALE=60'



PLAN VIEW

SCALE=200'



FELICITA DEDICATION

SCALE=60'

STREET DEDICATION DETAILS

PREPARED BY:
 HUNSAKER & ASSOCIATES
 SAN DIEGO, INC.
 PLANNING: 9707 Wiggles Street
 ENGINEERING: San Diego, Ca 92121
 SURVEYING: PH#(658)558-4500 - FX#(658)558-1414

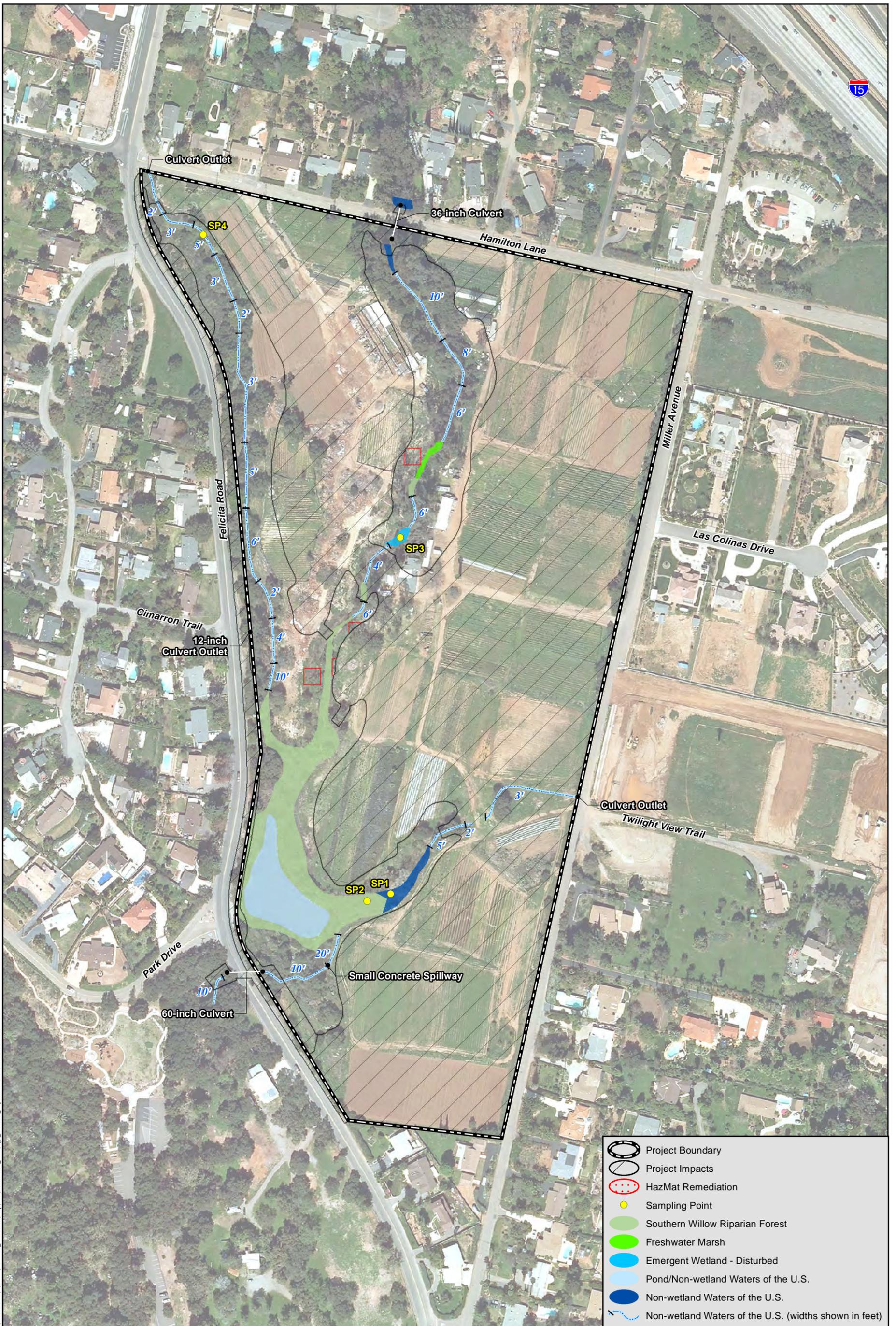
TENTATIVE MAP / GRADING EXEMPTION
 (SUB 13-0002)
OAK CREEK
 City of Escondido, California

SHEET
10
 OF
10

ATTACHMENT 4

MITIGATION FIGURES

1. Helix Environmental Planning, Waters of the U.S. Impacts, Figure 5
2. Helix Environmental Planning, Mitigation Plan, Figure 7

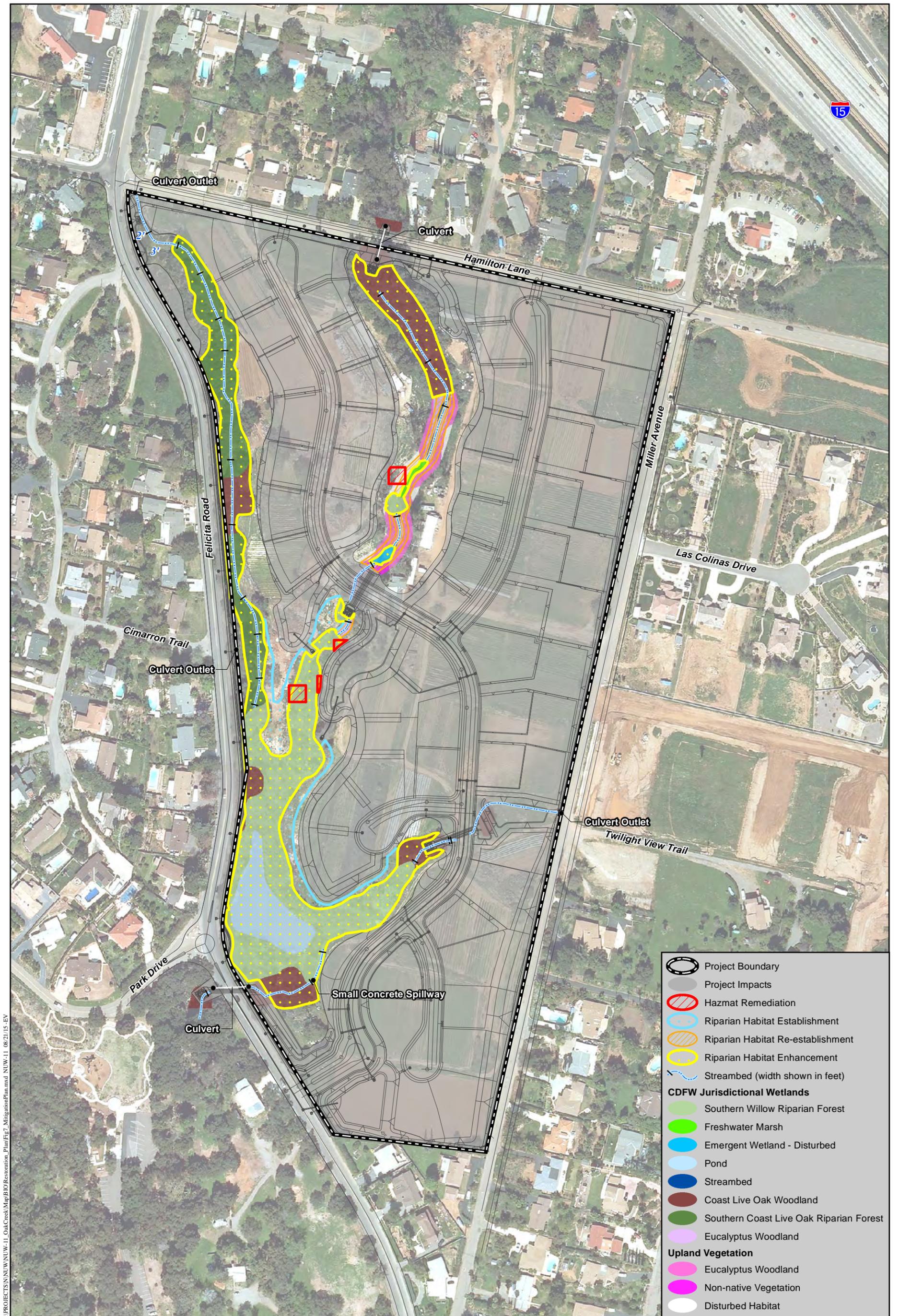


- Project Boundary
- Project Impacts
- HazMat Remediation
- Sampling Point
- Southern Willow Riparian Forest
- Freshwater Marsh
- Emergent Wetland - Disturbed
- Pond/Non-wetland Waters of the U.S.
- Non-wetland Waters of the U.S.
- Non-wetland Waters of the U.S. (widths shown in feet)

Waters of the U.S. Impacts

OAK CREEK

I:\PROJECTS\NUNW\NUNW-11_OakCreek\Map\BIO\Restoration_Plan\Fig5_USACE_Impacts.mxd NUNW-11_082115-BV



I:\PROJECTS\NUNUNUW-11_OakCreek\Map\BIO\Restoration_Plan\Fig7_MitigationPlan.mxd NUNU-11_08/21/15_EV

Mitigation Plan

OAK CREEK

Figure 7

ATTACHMENT 5

CEQA MITIGATION REQUIREMENTS

1. URS Mitigation Monitoring and Reporting Program for the Oak Creek Project Reduced Residential Footprint Alternative, MMRP Table

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
BIOLOGICAL RESOURCES					
<p>Bio-1 Potential direct impacts to migratory bird species covered under the MBTA shall be mitigated by restricting brush removal and site grading to outside of the breeding season of most bird species (February 15 to September 15). Grubbing, grading, or clearing during the breeding season of MBTA covered species could occur if it is determined through a pre-construction survey by a qualified biologist that no nesting birds are present immediately prior to grubbing, grading, or clearing activities. A nesting survey report shall be submitted to the City for review and approval confirming that no breeding or nesting avian species are present in areas proposed for grubbing, grading, or clearing no longer than seven days prior to grading.</p>	<p>Require that the specified measures be implemented prior to and during construction activities for future development projects.</p>	<p>Plan check and Site inspection</p>	<p>Prior to the issuance of any grading or building permit and At site inspection</p>	<p>City of Escondido Engineering Services-Field Engineering Section</p>	
<p>Bio-2 The following measures shall be implemented to reduce indirect impacts to sensitive species to below a level of significance.</p> <ol style="list-style-type: none"> Active construction areas and unpaved surfaces shall be watered pursuant to City grading permit requirements to ensure that generation of fugitive dust is minimized. Orange construction fencing shall be installed prior to the start of construction to define the proposed limits of construction impacts and clearly define the grading boundaries, and biological monitoring of on-site open space shall be conducted during grading and construction activities prevent unintended impacts. The Project shall address potential water quality impacts through compliance with the City's Grading Ordinance (See Section 33-1062, 33-1063, 33-1068, 33-1069) and implementation of the proposed best temporary construction management practices outlined in the Stormwater Management Plan (silt fence, fiber rolls, street sweeping and vacuuming, storm drain inlet protection, solid waste management, stabilized construction entrance/exit, desilting basin, gravel bag berm, sandbag barrier, material delivery and storage, and any minor slopes will be covered with a plastic or tarp prior to a rain event). All construction and security lighting associated with the Project shall be shielded or directed away from the open space. After construction is complete, Project landscaping shall not include any California Invasive Plant Council (Cal-IPC) List A species. 	<p>Require that the specified measures be implemented prior to and during construction activities, as applicable, for future development projects</p>	<p>Plan check and Site inspection</p>	<p>Prior to the issuance of any grading or building permit and At site inspection</p>	<p>City of Escondido Engineering Services-Field Engineering Section</p>	

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>6. A homeowner education program shall be implemented to alert homeowners of the need to keep pets outside of the on-site open space areas. The homeowners association shall be responsible for implementing rules related to resident's pets.</p> <p>7. A management plan shall be provided for the on-site open space that will include all stewardship measures, such as upkeep of fencing and signs, restricting trespassing, and removing debris. The management plan will be implemented by the HOA. All fuel modification zones in open space lots will be maintained by the HOA. The HOA will be responsible for all vegetation management throughout the common areas of the project site, in compliance with the requirements. The HOA will be responsible for ensuring long-term funding and ongoing compliance with all provisions of the Project's Fire Protection Plan, including vegetation planting, fuel modification, vegetation management, and maintenance requirements throughout the private portions of the project site. Individual property owners will be responsible for maintaining zones on their property.</p>		Plan check and Site inspection	Prior to the issuance of any grading or building permit and At site inspection	City of Escondido Engineering Services-Field Engineering Section	
<p>Bio-3 All brush removal, grading, and clearing of vegetation on the project site shall take place outside of the bird breeding season (February 15 (January 1 for tree dwelling raptors) through September 15). If construction activities are proposed to occur during the breeding season, a pre-construction survey shall be conducted by a qualified biologist no longer than seven days prior to the start of construction to determine if nesting birds are present on site. No construction activities shall occur within 300 feet of burrowing owl burrows, tree dwelling raptor nests, or least Bell's vireo, or within 800 feet of ground dwelling raptor nests, until a qualified biologist has determined that they are no longer active or that noise levels will not exceed 60 dB(A) Equivalent Energy Level (L_{eq}) at the nest site. Alternatively, noise minimization measures such as noise barriers shall be constructed to bring noise levels to below 60 dB(A) L_{eq} which will reduce the impact to below a level of significance.</p>	Require that the specified measures be implemented prior to and during construction activities, as applicable, for future development projects				

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>BIO-4 The Project would cause direct impacts to 1.1 acre of coast live oak woodland (0.9 acre of which is outside of CDFW jurisdiction), 0.1 acre of Diegan coastal sage scrub, and 3.1 acres of non-native grassland. Impacts to 0.9 acre of coast live oak woodland shall be mitigated at a 3:1 ratio through acquisition of 2.7 acres of credit from the Daley Ranch Mitigation Bank. The remaining 0.27 acre of coast live oak woodland within CDFW jurisdiction is addressed in mitigation measure BIO-5 below. Impacts to 0.1 acre of Diegan coastal sage scrub shall be mitigated at a 2:1 ratio through acquisition of 0.2 acre of credits from the Daley Ranch Mitigation Bank, while impacts to non-native grassland shall be mitigated at a 0.5:1 ratio through acquisition of 1.6 acres of credits from the Daley Ranch Mitigation Bank. See Table 5.4-8 for a summary of mitigation requirements.</p>	<p>Require that the specified measures be implemented for future development projects.</p>	<p>Plan check and site inspection</p>	<p>Prior to the issuance of any grading or building permit and At site inspection</p>	<p>City of Escondido Engineering Services-Field Engineering Section</p>	

Table 5.4-8

Resource	Impact (Acres)	Mitigation Ratio	Mitigation
Jurisdictional Habitats			
Southern willow riparian forest	0.23	3:1	0.69 acre on-site restoration
Southern coast live oak riparian forest	0.04	3:1	0.12 acre on-site restoration
Coast live oak woodland	0.27	3:1	0.81 acre on-site restoration
Eucalyptus woodland	0.02	1:1	0.02 acre on-site restoration
Streambed	0.04	1:1	0.04 acre on-site restoration
Subtotal	0.60		
Upland Habitats			
Coast live oak woodland	0.9	3:1	2.7 acres at Daley Ranch
Diegan coastal sage scrub	0.1	2:1	0.2 acre at Daley Ranch
Non-native grassland	3.1	0.5:1	1.6 acres at Daley Ranch
Subtotal	4.1		
Total	4.71		

Note: Areas are presented in acre(s) rounded to the nearest 0.01.

Source: Helix Environmental 2014



Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>Bio-5 The Project applicant shall be required to obtain wetland permits and approvals for impacts to USACE and California Department of Fish and Wildlife (CDFW) jurisdictional areas. See Table 5.4-9 for a summary of mitigation requirements for jurisdictional areas. Impacts to southern willow riparian forest, southern coast live oak riparian forest, and coast live oak woodland jurisdictional habitats are anticipated to require a 3:1 mitigation ratio through creation and/or restoration and/or enhancement of riparian or oak woodland habitat on site. Impacts to CDFW eucalyptus woodland and non-wetland Waters of the U.S./CDFW streambeds shall be mitigated through creation/restoration at a 1:1 ratio. This will require creation/restoration of approximately 0.07 acre of drainages, of which a minimum of 0.07 acre must be USACE jurisdictional. Wetland mitigation is proposed to occur within the 9.8 acres of open space along existing on-site drainages, with final mitigation requirements to be determined by the resource agencies through the permitting process. On-site mitigation is proposed to consist of recontouring a portion of the stream channel, removal of non-native species, and seeding/planting with a mix of native shrubs and trees. A detailed restoration, maintenance and monitoring plan shall be prepared by a qualified restoration ecologist/biologist and shall be approved by the City prior to issuance of a grading permit. More detail information regarding the performance standards that will be used in the implementation of this mitigation measure is provided in the Riparian Habitat Mitigation Plan for the Oak Creek Project found in Appendix G of the Biological Technical Report, which is Appendix F in the Final EIR.</p> <p>The biological open space lots would be preserved in their natural state within a permanent conservation easement and mechanism for privately funded on-going maintenance managed in perpetuity for biological resource values by the HOA. Conserved areas on site would be placed in an open space easement and managed through funding provided by the Project's Homeowners Association (HOA), with management overseen by a qualified biologist/resource manager.</p>	<p>Require that the specified measures be implemented prior to, and during grading activities for future development projects.</p>	<p>Plan check and site inspection</p>	<p>Prior to the issuance of any grading or building permit and At site inspection</p>	<p>City of Escondido Engineering Services-Field Engineering Section</p>	

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date																																														
<p>Table 5.4-9</p> <table border="1"> <thead> <tr> <th rowspan="2">Jurisdictional Area</th> <th rowspan="2">Ratio</th> <th colspan="2">USACE¹</th> <th colspan="2">CDFW</th> </tr> <tr> <th>Impacts</th> <th>Mitigation</th> <th>Impacts</th> <th>Mitigation</th> </tr> </thead> <tbody> <tr> <td>Southern willow riparian forest</td> <td>3:1</td> <td>0.05</td> <td>0.15</td> <td>0.23</td> <td>0.69</td> </tr> <tr> <td>Southern coast live oak riparian forest</td> <td>3:1</td> <td>--</td> <td>--</td> <td>0.04</td> <td>0.12</td> </tr> <tr> <td>Coast live oak woodland</td> <td>3:1</td> <td>--</td> <td>--</td> <td>0.27</td> <td>0.81</td> </tr> <tr> <td>Eucalyptus woodland</td> <td>1:1</td> <td>--</td> <td>--</td> <td>0.02</td> <td>0.02</td> </tr> <tr> <td>Non-wetland Waters of the U.S / Streambed</td> <td>1:1</td> <td>0.07</td> <td>0.07</td> <td>0.04</td> <td>0.04</td> </tr> <tr> <td>Total</td> <td>--</td> <td>0.12</td> <td>0.22</td> <td>0.60</td> <td>1.68</td> </tr> </tbody> </table> <p>Note: Areas are presented in acre(s) rounded to the nearest 0.01. ¹ USACE is a subset of the CDFW jurisdiction. Source: Helix Environmental 2014</p>						Jurisdictional Area	Ratio	USACE ¹		CDFW		Impacts	Mitigation	Impacts	Mitigation	Southern willow riparian forest	3:1	0.05	0.15	0.23	0.69	Southern coast live oak riparian forest	3:1	--	--	0.04	0.12	Coast live oak woodland	3:1	--	--	0.27	0.81	Eucalyptus woodland	1:1	--	--	0.02	0.02	Non-wetland Waters of the U.S / Streambed	1:1	0.07	0.07	0.04	0.04	Total	--	0.12	0.22	0.60	1.68
Jurisdictional Area	Ratio	USACE ¹		CDFW																																															
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Southern coast live oak riparian forest	3:1	--	--	0.04	0.12																																														
Coast live oak woodland	3:1	--	--	0.27	0.81																																														
Eucalyptus woodland	1:1	--	--	0.02	0.02																																														
Non-wetland Waters of the U.S / Streambed	1:1	0.07	0.07	0.04	0.04																																														
Total	--	0.12	0.22	0.60	1.68																																														
<p>Bio-6 Prior to the issuance of grading permits, the Project applicant shall submit a Conceptual Habitat Restoration Plan (CHRP) to the City Community Development Department for review and approval. The CHRP, which is described more fully in Appendix C Tree Management and Preservation Plan, shall be a cohesive restoration and monitoring plan that addresses site-wide restoration/mitigation efforts and includes a tree planting, canopy cover goal, and monitoring component. The CHRP shall specify native oak, willow, sycamore, and cottonwood tree planting details, locations, and long-term maintenance and monitoring for the mitigation of trees. The CHRP shall be used to prepare bidding construction documents for site preparation, tree installation, and maintenance. The CHRP shall require that a knowledgeable arborist or biologist be retained to monitor mitigation tree plantings for a period of five years. The CHRP also shall outline reporting protocols and standards for mitigation tree replacement, should it be necessary if canopy cover goals are not being achieved. Table 5.4-13, Landscape Tree Replacement Calculation, identifies the total number of plantings required to meet the intent</p>	<p>Require that the specified measures be implemented prior to grading activities for future development projects.</p>	<p>Plan check and Site inspection</p>	<p>Prior to the issuance of any grading or building permit and At site inspection</p>	<p>City of Escondido Engineering Services-Field Engineering Section</p>																																															

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
of the City's tree protection and replacement requirements. Upon approval of the CHRP, the Project applicant shall implement the plan. Implementation of the CHRP shall achieve at a minimum 2:1 replacement of trees at the end of five years.					

Table 5.4-13

Impacted Tree Type	Grading Related	Replacement Ratio	Replacement Species ¹	Total Number Replacement Trees ²
<i>Cedrus deodora</i>	1	1:1	--	1
<i>Eucalyptus camaldulensis</i>	38	1:1	--	38
<i>Eucalyptus cinerea</i>	2	1:1	--	2
<i>Eucalyptus cladocylax</i>	2	1:1	--	2
<i>Fraxinus uhdei</i>	2	1:1	--	2
<i>Olea eurpea</i>	37	1:1	--	37
<i>Phoenix canariensis</i>	2	1:1	--	2
<i>Pinus elderrica</i>	3	1:1	--	3
<i>Quercus agrifolia (protected)</i>	97	2:1	--	194
<i>Q. agrifolia (mature)</i>	98	1:1	--	98
<i>Q. engelmannii (protected)</i>	3	2:1	--	6
<i>Q. engelmannii (mature)</i>	3	1:1	--	3
<i>Salix goodingii</i>	18	1:1	--	18
<i>Salix lasiolepis</i>	11	1:1	--	11
<i>Schinus molle</i>	2	1:1	--	2
<i>S. terebinthifolius</i>	7	1:1	--	7
<i>Ulmas parvifolia</i>		1:1	--	3
<i>Washingtonia robusta</i>	24	1:1	--	24
Minimum Required Escondido Mitigation Tree Plantings				453
Minimum Proposed Landscape Plantings				453
Minimum Proposed Habitat Area Tree Plantings				1,500 to 2,000

¹ Replacement species will be a combination of native oak, sycamore, willow, and cottonwood in the riparian areas and native oak and other landscape trees within the urbanized area of the Project.

² Total replacement trees include coast live oak and other suitable native or ornamental species that would be planted to comply with Section 33-1069 of the City's Municipal Code, as well as trees that would be provided to mitigate habitat impacts as required in mitigation measures Bio-4 and Bio-5.

Source: Dudek 2014

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>4. Any planned import soil shall be very low to low expansive.</p> <p>HAZARDS AND HAZARDOUS MATERIALS</p> <p>Haz-1 At least 10 days prior to demolition or removal of existing on-site structures, the project applicant shall submit an Asbestos Demolition or Renovation Operational Plan (Notice of Intention) to the City Community Development Department. This Plan shall be prepared by an asbestos consultant licensed with the California State Licensing Board and certified by the California Occupational Safety and Health Administration to conduct an asbestos inspection in compliance with <i>Asbestos National Emission Standard for Hazardous Air Pollutants</i> (NESHAP) requirements. The Asbestos NESHAP, as specified under Rule 40, CFR 61, Subpart M, (enforced locally by the San Diego Air Pollution Control District, under authority, per Regulation XI, Subpart M - Rule 361.145), requires the owner of an establishment set for demolition to submit an Asbestos Demolition or Renovation Operational Plan at least 10 working days before any asbestos stripping or removal work begins (such as site preparation that would break up, dislodge or similarly disturb asbestos containing material.)</p> <p>Removal of all asbestos-containing material or potential asbestos-containing material on the project site shall be monitored by the certified asbestos consultant and shall be performed in accordance with all applicable laws, including California Code of Regulations, Title 8, Section 1529, Asbestos; OSHA standards; and the San Diego County Air Pollution Control District Rule 361.145, Standard for Demolition and Renovation.</p> <p>Haz-2 Demolition or removal of existing on-site structures constructed pre-1979 shall be performed by a Certified Lead Inspector/Assessor, as defined in Title 17, CCR Section 35005, and in accordance with all applicable laws pertaining to the handling and disposal of lead-based paint. Lead-based materials exposure is regulated by Cal OSHA. Title 8 CCR Section 1532.1 requires testing, monitoring, containment, and disposal of lead-based materials such that exposure levels do not exceed Cal OSHA standards.</p>	<p>Require that the specified measures be implemented prior to grading activities for future development projects.</p>	<p>Plan check and Site inspection</p>	<p>Prior to the issuance of any grading or building permit and At site inspection</p>	<p>City of Escondido Engineering Services Department – Field Engineering Section</p>	
	<p>Require that the specified measures be implemented during grading activities for future development projects.</p>	<p>Plan check and Site inspection</p>	<p>Prior to the issuance of any grading or building permit and At site inspection</p>	<p>City of Escondido Engineering Services Department – Field Engineering Section</p>	



Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>Haz-3 The following mitigation measure addresses contaminated soils and their export off-site.</p> <p>1. Prior to issuance of a grading permit the applicant shall prepare a Response Plan in conformance with DTSC standards to address risks associated with the detected concentrations of TPH-DRO and arsenic on the project site. The Response Plan shall be approved by DTSC and submitted to the City prior to the issuance of a grading permit. The Response Plan will include one of the following three remedial methods to reduce impacts to a less than significant level. Remedial Method Options 1, 2 and 3 would require a small amount of soil export amounting to up to approximately 1,353 cubic yards of soil.</p> <p>Remedial Method Option 1</p> <p>a) <u>Remedial Method</u>: Excavation and off-site disposal of TPH-impacted soil, approximately 20 cubic yards; and arsenic-impacted soil (AIS), approximately 1,333 cubic yards.</p> <p>b) <u>Overseeing Agencies</u>: California DTSC, along with California Department of Fish and Wildlife (CDFW) and RWQCB for portions of the project site near the creek.</p> <p>Remedial Method Option 2</p> <p>c) <u>Remedial Method</u>: Excavation and off-site disposal of TPH-impacted soil, approximately 20 cubic yards; and excavation and on-site burial of AIS, approximately 1,333 cubic yards.</p> <p>d) <u>Overseeing Agencies</u>: DTSC, along with CDFW and RWQCB for portions of the project site near the creek.</p> <p>Remedial Method Option 3</p> <p>e) <u>Remedial Method</u>: Excavation and off-site disposal of TPH-impacted soil, approximately 20 cubic yards; and capping of AIS with 800 cubic yards of soils (therefore, no excavation and off-site disposal of AIS is required). Capping is a process used to cover contaminated soils to prevent the migration of pollutants and is a reliable technology for sealing off contamination from the above-ground environment and significantly reducing underground migration of pollutants away from the site. The cap shall be made of soil native to the site.</p> <p>f) <u>Overseeing Agencies</u>: DTSC, along with CDFW and RWQCB for portions of the project site near the creek.</p>	<p>Require that the specified measures be implemented during grading activities for future development projects.</p>	<p>Plan check and Site inspection</p>	<p>Prior to the issuance of any grading or building permit and At site inspection</p>	<p>City of Escondido Engineering Services Department – Field Engineering Section</p>	



Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>2. Prior to issuance of a grading permit for the selected remedial method (options 1, 2, or 3), any areas proposed for disturbance on the project site where previous hazardous materials releases have occurred must be mitigated in accordance with the requirements of the overseeing regulatory agency (DTSC, RWQCB or CDFW, as appropriate) for the proposed residential use of the site. All proposed groundbreaking activities within areas of identified or suspected contamination shall be conducted according to a site-specific health and safety plan, prepared by a licensed professional in accordance with California Division of Occupational Safety and Health (Cal OSHA) regulations (contained in Title 8 of the California Code of Regulations) to protect the public and all workers in the construction area prior to the commencement of groundbreaking.</p> <p>3. Following completion of the selected remedial method, the project applicant shall seek and obtain written regulatory closure letter from the DTSC specifying that no further action is necessary in regard to the TPH- and arsenic-impacted soil. Overseeing Agencies: DTSC, along with CDFW and RWQCB for portions of the project site near the creek.</p> <p>4. The transportation of the exported soil is included as part of the grading activities associated with the Project and is described in Section 4.3.3, Site and Infrastructure Improvements and is addressed in Sections 5.3 Air Quality, 5.1.1 Noise and 5.1.4 Transportation and Traffic.</p>					

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>5. Regarding potential dust migration impacts associated with the excavation, loading and transport of contaminated soils, all trucks transporting soil or waste shall comply with 22 California Code of Regulations (CCR) Part 66263.16, Standards Applicable to Transporters of Hazardous Waste. The following mitigation measures that will be implemented include but are not limited to:</p> <ul style="list-style-type: none"> a. Dust monitoring shall be conducted during loading of contaminated soil in conformance with the procedures and standards described below under mitigation measure Haz-4. b. Water shall be used for dust suppression, if necessary. c. Transport trucks shall have the contaminated soils loads covered with a retractable during transportation; d. Transport trucks shall have at a minimum one foot of freeboard with the truck is loaded to prevent spillage. e. Standard SWPPP procedures described in Section 5.9.3.1 issue 1: Water Quality Standards and Requirements shall be implemented to prevent the migration of contaminated soil from the project site, such as installation of devices specially designed to clear tires of sediment and hold it for later cleanout. 					
<p>6. Potential human health risk mitigation measures would include the installation of soil vapor barriers beneath proposed building structures to prevent soil vapor intrusion if the vapor levels exceed regulatory standards. Additionally, the pockets of soil impacted by petroleum hydrocarbons and/or by heavy metals at concentrations above regional background levels will be mitigated through a removal action with either on-site strategic placement to eliminate the exposure pathway or off-site disposal at a suitable landfill.</p>					
<p>7. The truck haul route for the export of contaminated soils will head north from the project site along Felicita Road to Gamble Lane and then to Interstate 15. The return route would follow the same roadways.</p>					
<p>Haz-4 This measure addresses potential health impacts from exposure to contaminated dust during construction, both for workers at the Project and for residents around the Project during construction. This measure would take place during grading activities associated with remediating the contaminated soils on site and it would be monitored by a qualified hazardous materials specialist. The features of the measure are as follows.</p>					

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>1. Remedial excavation work and grading activities will be performed pursuant to a Site Health & Safety Plan developed in accordance with federal law, as set forth at 29 CFR 1910.20 (i.e., the "Hazardous Waste Operations and Emergency Response," also known as the HAZWOPER standard), which requires, among other things, that all personnel dealing with disturbed soil have the training, experience and medical clearance to work on the Project;</p> <p>2. Air will be monitored for contaminant concentrations in dust in comparison to action levels based on the Occupational Safety and Health Administration (OSHA) Permissible Exposure Limit (PEL) for arsenic of 0.01 milligrams per cubic meter (mg/m3) and the PEL for trichloroethylene (TCE) of 100 ppm. The Mitigation Report further specifies that arsenic will act as the surrogate for all other particulate exposures because it has the most stringent respirable dust action level of all the potential dust contaminants at the Project and that TCE will act as the surrogate for volatile organic compounds because it is the hazardous constituent potentially present in groundwater at the highest concentration;</p> <p>3. In the event the results of ongoing air monitoring indicate contaminant concentrations at least 75 percent of the established Action Levels, developed using the PELs for arsenic and TCE, exposure risks will be controlled through the use of personal protective equipment by workers at the Project to prevent their exposure to these contaminants, which equipment is designed to minimize the risk of exposure of contaminants by the on-site workers;</p> <p>4. In addition to the air monitoring performed during earth movement activities within the areas in which on-site workers may inhale airborne dust, air monitoring will also be performed downwind of the earth movement activities – at the boundaries of the Project. The monitoring results will be compared to exposure limits and site-specific health-based air action levels developed in consideration of the characteristics of the soils that will be disturbed at the Project (see Mitigation Report attached to the Final EIR as Appendix I-3 at pp. 2-3 and Tables I-2), in order to determine whether mitigation measures (set forth in section (5), immediately below) are warranted; and</p>	<p>Require that the specified measures be implemented during grading activities for future development projects.</p>	<p>Plan check and site inspection</p>	<p>Prior to the issuance of any grading or building permit and at site inspection</p>	<p>City of Escondido Engineering Services Department – Field Engineering Section</p>	

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>5. If, during the excavation activities, monitoring results indicate contaminant levels that are 75 percent or more of the lowest identified fugitive dust health-based air action level derived (as specified above), the following dust mitigation measures will be employed:</p> <ul style="list-style-type: none"> a. Water (or another non-hazardous agent) will be applied to exposed soil to prevent dust migration from arising during earth movement activities (e.g., excavation and/or grading); b. Water will be applied to stockpiled soil, which will also be covered with plastic sheeting to prevent dust migration; and <p>During periods of high wind (i.e., instantaneous wind speeds exceeding 25 miles per hour as measured by an anemometer), earth movement activities will be discontinued until wind speeds decrease to speeds less than 25 miles per hour. The 25 mile per hour standard is set forth at page 403-3 of the South Coast Air Quality District (SCAQMD) Rule 403 and was selected as the nearest applicable standard (because San Diego County does not have published standards regarding maximum wind speeds). SCAQMD Rule 403 is available at the following address: http://www.aqmd.gov/search?q=Rule 403.</p>	<p>Require that the specified measures be implemented during grading activities for future development projects.</p>	<p>Plan check</p>	<p>Prior to the issuance of any grading or building permit</p>	<p>City of Escondido Engineering Services Department</p>	
<p>Haz-4a As required by the DTSC, the applicant will include a deed restriction on the title for the Project that prohibits the use of groundwater at the project site for any purpose including, without limitation, any extraction of groundwater.</p> <p>Haz-5 Prior to the start of construction, the construction contractor shall notify the Escondido Police Department of the location, timing and duration of any lane closure(s) on Felicita Road, or any other road in the project area, due to project construction activities. If determined necessary by the Police Department, local emergency services, including the Escondido Fire Department and appropriate ambulance services, shall also be notified of the lane closure(s).</p>	<p>Require that the specified measures be implemented during grading activities for future development projects.</p>	<p>Plan check and Site inspection</p>	<p>Prior to the issuance of any grading or building permit and At site inspection</p>	<p>City of Escondido Engineering Services Department – Field Engineering Section</p>	



Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
HYDROLOGY AND WATER QUALITY					
<p>Hydro-1 A Letter of Map Revision (LOMR) certifying that all houses within the Project been elevated above the base flood level of the 100-year floodplain is required from the Federal Emergency Management Agency. The Project is required to model stormwater flow through the channel system as part of final Project engineering to meet FEMA requirements.</p>	<p>Require that the specified measures be implemented during grading activities for future development projects.</p>	<p>Plan check and Site inspection</p>	<p>Prior to the issuance of any grading or building permit</p>	<p>City of Escondido Engineering Services Department – Field Engineering Section</p>	
<p>Hydro-2 Impervious Cover on Homeowners Lots - The sizing for the on-site bioretention/detention basins have been calculated based on 50% impervious surface for each lot and 100% impervious for streets and fire access. The actual impervious area installed by the builder on each lot has been calculated to be an average of approximately 34%, leaving 2,053 square feet available to each homeowner to install additional impervious hardscape or impervious structural improvements on their property. The builder will be required to provide a disclosure to all homebuyers informing purchasers of this limitation. Prior to issuance of grading or building permits for improvements by a future homeowner, the landscape or architectural consultant to the HOA shall provide an area calculation of all impervious surfaces (excluding water surface area in pools) that have been installed on the property since the initial purchase date from the builder plus the additional impervious area proposed by the homeowner. This calculation shall be provided to the City of Escondido Planning Division with the plans at the time of permit application for their approval to ensure consistency with this mitigation measure and the project conditions of approval.</p>	<p>Require that the specified measures be implemented as part of future HOA or homeowner permitted development projects.</p>	<p>Plan check and Site inspection</p>	<p>Prior to the issuance of any grading or building permit</p>	<p>City of Escondido Engineering Services Department – Field Engineering Section and Planning Department</p>	