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|  | **MITIGATION MONITORING or REPORTING PROGRAM (MMRP)****FOR LUISEÑO VILLAGE RETAIL CENTER (DRAFT)** |

1. **Project Case Number(s):**

SPDR-17-17 – Site Plan & Design Review Case

1. **Project Title:** Luiseño Village Retail Center (Project)

1. **Lead Agency:** Kevin White, Senior Planner

City of San Jacinto

Planning Department

595 S. San Jacinto Avenue

San Jacinto, CA 92583

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1. **Project Sponsor**:

**Applicant/Developer/Property Owner**

Ruben De Los Santos

Soboba Band of Luiseño Indians

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(951) 654-5544

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1. **Project Location:**  Southwest corner of Main Street and Ramona Expressway in the City of San Jacinto. The Project Site is located within an unsectioned area of the Rancho San Jacinto Viejo land grant, Township 4 South, Range 1 West (San Bernardino base line and meridian) as shown on the San Jacinto, California 7.5-minute U.S. Geological Survey (USGS) quadrangle. The project site is comprised of 4 parcels with 7 Tax Assessor Parcel Numbers (APNs): 433-160-024, 027, 028, 029, 032, 033, and 034.

**THE FOLLOWING REPRESENTS THE CITY’S MITIGATION MONITORING OR REPORTING PROGRAM FOR THE MITIGATED NEGATIVE DECLARATION FOR THE ABOVE PROJECT)**

| **LUISENO VILAGE RETAIL CENTER** |
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| **Mitigation Measures** | **Responsible Party** | **Monitoring Timing or Frequency** | **Type of Verification** | **Verification of Compliance** |
| **Initials** | **Date** |
| **IV. BIOLOGICAL RESOURCES** |
| **MM BIO 1** | * If construction occurs during the breeding season (February 1 to August 31), a burrowing owl breeding bird survey following the recommended guidelines of the MSHCP will be required within 30 days prior to construction to determine if nesting is occurring on site.
* If burrowing owl have colonized the project site, the Applicant will prepare a Burrowing Owl Protection and Relocation Plan for approval by RCA and CDFW.
* Occupied nests will not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist verifies through non-invasive methods that either (a) the adult birds have not begun egg-laying and incubation; or (b) the juveniles from the occupied nests are foraging independently and are capable of independent survival.
* If the biologist is not able to verify one of the above conditions, then no disturbance shall occur during the breeding season within a distance determined by the qualified biologist for each nest or nesting site. For the burrowing owl, the recommended distance is a minimum of 160 feet.
* Relocation of burrowing owl is subject to the above conditions and prior coordination with RCA, CDFW and the United States Fish and Wildlife Service (USFWS).
 | Developer | Prior To All Demolition, Earthmoving, and/or Grading | Planning shall ensure that survey has been received before approving grading plan |  |  |
| **REMARKS:** |
| **MM BIO 2** | * A breeding bird survey will be required to determine if nesting is occurring no more than five days prior to ground disturbing activities. Occupied nests will not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist verifies through non-invasive methods that either (a) the adult birds have not begun egg-laying and incubation; or (b) the juveniles from the occupied nests are foraging independently and are capable of independent survival.
* If the biologist is not able to verify one of the above conditions, then no disturbance shall occur during the breeding season within a distance determined by the qualified biologist for each nest or nesting site.
 | Developer | Prior To All Demolition, Earthmoving, and/or Grading | Planning shall ensure that survey has been received before approving grading plan |  |  |
| **REMARKS:** |
| **MM BIO 3** | * A condition shall be placed on grading permits requiring a qualified biologist to conduct a training session for project personnel prior to grading. The training shall include a description of the species of concern and its habitats, the general provisions of the Endangered Species Act (Act) and the MSHCP, the need to adhere to the provisions of the Act and the MSHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the species of concern as they relate to the project, and the access routes to and project site boundaries within which the project activities must be accomplished.
* Water pollution and erosion control plans shall be developed and implemented in accordance with RWQCB requirements.
* The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible.
* Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. Necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. Project related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, FWS, and CDFG, RWQCB and shall be cleaned up immediately and contaminated soils removed to approved disposal areas.
* The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species.
* Exotic species that prey upon or displace target species of concern should be permanently removed from the site to the extent feasible.
* To avoid attracting predators of the species of concern, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s).
* Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. Employees shall be instructed that their activities are restricted to the construction areas.
* The Permittee (City of San Jacinto) shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMPs.
 | Developer | Prior To All Demolition, Earthmoving, and/or Grading | Planning shall verify on Plan Check set of plansCity Engineer during inspections |  |  |
| **REMARKS:** |
| **MM BIO 4** | The following measures apply to the construction of roadway improvements with the rights-of-way of Ramona Expressway and East Main Street that are completed as part of the Project.* Plans for water pollution and erosion control will be prepared for work involving the movement of earth in excess of 50 cubic yards. The plans will describe sediment and hazardous materials control, dewatering or diversion structures, fueling and equipment management practices, use of plant material for erosion control. Plans will be reviewed and approved by the City prior to construction.
* Timing of construction activities will consider seasonal requirements for breeding birds and migratory non-resident species. Habitat clearing will be avoided during species active breeding season defined as March 1 to June 30.
* Sediment and erosion control measures will be implemented until such time soils are determined to be successfully stabilized.
* Silt fencing or other sediment trapping materials will be installed at the downstream end of construction activities to minimize the transport of sediments off-site.
* The footprint of disturbance will be minimized to the maximum extent Feasible. Access to sites will occur on pre-existing access routes to the greatest extent possible.
* Equipment storage, fueling and staging areas will be sited on non-sensitive upland wildlife habitat types with minimal risk of direct discharge into riparian areas or other sensitive wildlife habitat types.
* Exotic species removed during construction will be properly handled to prevent sprouting or regrowth.
* Training of construction personnel will be provided.
* Ongoing monitoring and reporting will occur for the duration of the construction activity to ensure implementation of best management practices.
* Active construction areas shall be watered regularly to control dust and minimize impacts to adjacent vegetation.
* All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other toxic substances shall occur only in designated areas within the proposed grading limits of the project site. These designated areas shall be clearly marked and located in such a manner as to contain run-off.
* Waste, dirt, rubble, or trash shall not be deposited in the Conservation Area or on native habitat.
 | Developer | Prior To All Demolition, Earthmoving, and/or Grading | Planning shall verify on Plan Check set of plansCity Engineer during inspections |  |  |
| **REMARKS:** |
| **V. CULTURAL RESOURCES** |
| **MM CR 1** | Should cultural/archaeological resources be encountered during ground disturbing activities for the project, work must be halted in the area within 50 feet of the find and a qualified archaeologist notified immediately to assess the significance of the find. Construction activities could continue in other areas. If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and would be discussed in consultation with the property owner, the City of San Jacinto, or any other relevant regulatory agency, as appropriate. | Developer | Monitor during all earthmoving activity | Advise the City immediately if work stops for a find |  |  |
| **REMARKS:** |
| **MM CR 2** | In the event of the discovery of human remains, the Riverside County coroner shall be immediately notified. If human remains of Native American origin are discovered during ground disturbing activities, the applicant shall comply with the State law relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that excavation be stopped near discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the California Native American Heritage Commission and the Soboba Band of Luiseño Indians shall be notified, and appropriate measures provided by State law shall be implemented to determine the most likely living descendant(s). Disposition of the remains shall be overseen by the most likely living descendants to determine the most appropriate means of treating the human remains and any associated grave artifacts. | Developer, Archaeologist and Tribal Monitors | Monitor During All Earthmoving Activity | Once City is notified Planning shall follow the process |  |  |
| **REMARKS:** |
| **VII. GEOLOGY AND SOILS** |
| **MM GEO 1** | The Soil and Foundation Report (Soils Southwest, 2017) provides foundation recommendations to minimize seismic-induced settlement hazards. These include using conventional checkered/waffle type rigid footings for exterior load bearing walls along with interior grade beams, or using a rigid mat foundation. Additional recommendations address concrete slab construction and curing, excavation and fill, pavement and utility trenches. The recommendations identified in the Soil and Foundation Report, or similar measures approved by a registered civil engineer, shall be incorporated into the construction plans. Project plans will be reviewed during the plan check process to confirm geotechnical design measures are incorporated to address the potential for seismic-induced settlement. These measures shall be incorporated into final construction plans prior to issuance of building permits. | Developer and Geotechnical Engineer | Prior to Building Permit Issuance | Engineering shall verify on Plan Check set of plans |  |  |
| **REMARKS:** |
| **MM GEO 2** | All earthmoving during project implementation at or below 4 feet requires full-time paleontological monitoring, as follows:* A qualified paleontologist (graduate degree and more than one year of professional experience as a principal investigator) will be retained to provide paleontological services. The principal paleontologist will be responsible to implement and oversee monitoring and to maintain professional standards of work. The principal paleontologist will report all mitigation and monitoring activities, or related actions of the paleontological resources team to the City, as appropriate, including discussing a reduction in monitoring from full- to part-time after monitoring is initiated and no fossils have been identified.
* A qualified paleontological monitor will perform monitoring of construction grading and excavations that take place in the older Pleistocene sediments at depths of 4 feet or more. The monitor will have authority to divert grading away from exposed fossils temporarily in order to recover the fossil specimens. Cooperation and assistance from on-site personnel will greatly assist timely resumption of work in the area of the fossil discovery.
* Discovery of fossil producing localities requires documentation including measured stratigraphic columns and geologic samples for analysis. Any fossils recovered that meet significance criteria will be prepared, identified, and cataloged before donation to an appropriate repository. The Western Science Center in Hemet, California is recommended as an appropriate repository.

The principal paleontologist retained will prepare a final report. The report will include a list of specimens recovered, documentation of each locality, interpretation of fossils recovered, and will include any specialists’ reports as appendices. | Developer and Paleontologist | Monitor During All Earthmoving Activity | Once City is notified Planning shall follow the process |  |  |
| **REMARKS:** |
| **XIII. NOISE** |
| **MM NOI 1** | Construction shall occur during the permissible hours as defined in Section 8.40.090. | Developer | Maintain time frames during Construction | The City will verify during Inspections & through Code Enforcement Complaints |  |  |
| **REMARKS:** |
| **MM NOI 2** | During construction, the contactor shall ensure all construction equipment is equipped with appropriate noise attenuating devices. | Developer | During Construction | Should complaints arise the City will ask for verification of equipment |  |  |
| **REMARKS:** |
| **MM NOI 3** | The contractor shall locate equipment staging areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction. | Developer | During Construction | The City will verify during Inspections  |  |  |
| **REMARKS:** |
| **MM NOI 4** | Idling equipment shall be turned off when not in use. | Developer | During Construction | Should complaints arise the City will ask for verification |  |  |
| **REMARKS:** |
| **MM NOI 5** | Solid Waste and recycling collection shall only occur during daytime hours (7:00 a.m. and 7:00 p.m.). | Property owner and Retail Operators | Throughout the Life of the Project | Upon a complaint Code Enforcement |  |  |
| **REMARKS:** |
| **MM NOI 6** | Truck deliveries shall only occur during daytime hours (7:00 a.m. and 7:00 p.m.). | Property owner and Retail Operators | Throughout the Life of the Project | Upon a complaint Code Enforcement |  |  |
| **REMARKS:** |
| **MM NOI 7** | All HVAC units on the roofs of the retail buildings on Parcels 1 and 2 shall be shielded to maintain the nighttime standard of 45 dBA at the adjacent residential property line. A parapet or acoustic screen shall be provided that extends two feet in height above the top of the HVAC units. A noise control analysis of the HVAC plans and specifications shall be provided prior to issuance of building permits to ensure that the HVAC units would not exceed the 45 dBA standard at the adjacent residential property line. | Developer | Prior to Building Permit Issuance | Planning shall verify on Plan Check set of plans |  |  |
| **REMARKS:** |
| **TRANSPORTATION** |
| **MM TRAF 1** | Main Street/Hewitt Street: The project applicant shall make a fair share contribution to the construction of a signal at this location. | Developer | Prior to the First Building Occupancy | Engineering & Planning shall verify that payment has been made prior to release of building permits |  |  |
| **REMARKS:** |
| **MM TRAF 2** | Ramona Expressway/Main Street-Lake Park Drive: The project applicant shall restripe the eastbound approach to include one left turn lane, one through lane, and one shared through/right turn lane. | Developer | Prior to Building Permit Issuance | Engineering shall verify on Street Improvement plans |  |  |
| **REMARKS:** |