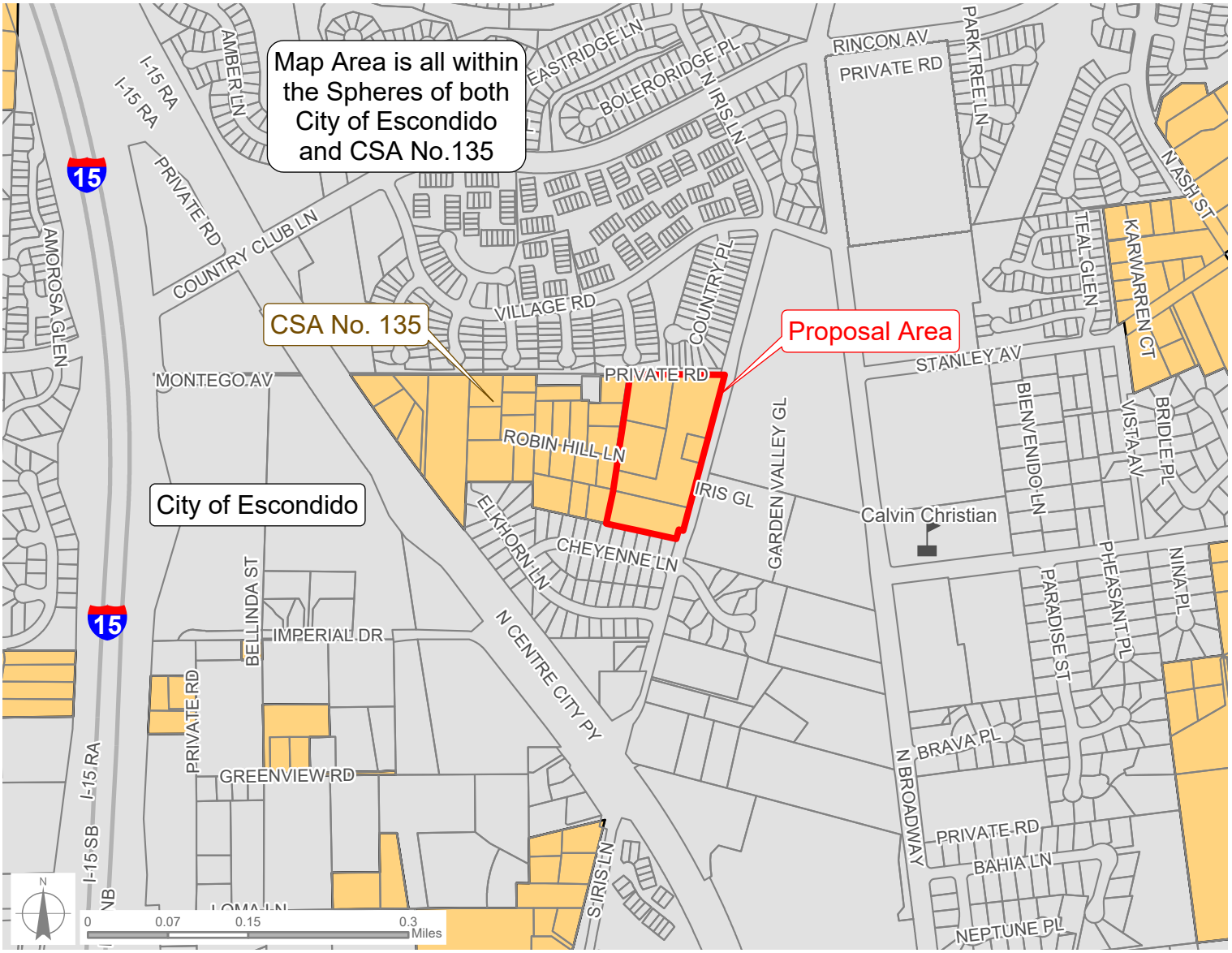
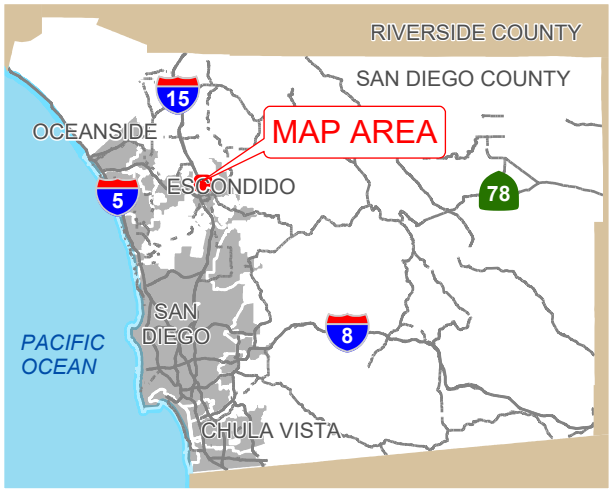






RO23-06

"NORTH IRIS LANE - HALLMARK DEVELOPMENT REORGANIZATION" | ANNEXATION TO THE CITY OF ESCONDIDO WITH CONCURRENT DETACHMENT FROM CSA NO. 135

- Proposal Area
- CSA 135 (SD Regional Comm)
- City of Escondido

SOI = Sphere of Influence

San Diego County
Local Agency Formation Commission
Regional Service Planning | Subdivision of the State of California

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Created by Dieu Ngu -- 5/19/2023

RESOLUTION NO. _____

SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION

MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION

"NORTH IRIS LANE-HALLMARK DEVELOPMENT REORGANIZATION"
ANNEXATION TO THE CITY OF ESCONDIDO WITH CONCURRENT DETACHMENT FROM COUNTY SERVICE AREA NO. 135
LAFCO FILE NO: RO23-06

WHEREAS, on April 10, 2023, interested landowner – Hallmark Development Company, LLC – filed a petition to initiate proceedings and an application with the San Diego County Local Agency Formation Commission, hereinafter referred to as "Commission", pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the application before the Commission seeks approval of a reorganization of approximately 7.7 acres of unincorporated territory in the County of San Diego involving annexation to the City of Escondido with concurrent detachment from the County Service Area 135; and

WHEREAS, the affected territory as proposed includes five contiguous legal parcels with four containing existing single-family residences and identified by the County of San Diego's Assessor's Office as 224-310-05, -06, -07, -08. The fifth subject parcel does not have an assigned situs and is otherwise identified as 224-310-20; and

WHEREAS, on December 5, 1984, the County of San Diego and the City of Escondido approved a Master Property Tax Transfer Agreement that will govern the property tax exchange associated with the reorganization of the affected territory to the City of Escondido; and

WHEREAS, the Commission's Executive Officer has reviewed the proposed reorganization and prepared a report with recommendations; and

WHEREAS, the Executive Officer's report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on December 4, 2023;

WHEREAS, the Commission considered all the factors required by law under Government Code Section 56668 as well as adopted local policies and procedures.

NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

1. The public meeting was held on the date set therefore, and due notice of said meeting was given in the manner required by law.

2. At the public meeting, the Commission considered the Executive Officer's report.

3. With respect to considering the effects of the proposed reorganization under the California Environmental Quality Act (CEQA), the Commission's makes the following findings:

    a) The City of Escondido serves as lead agency under CEQA for considering the reorganization and specifically the principal action to annex the affected territory to the City as part of its discretion to approve the underlying development project. In this role as lead agency, on January 12, 2023, Escondido certified a Final Environmental Impact Report (EIR) and Notice of Determination (NOD) and identified potential significant environmental impacts for all of the following categories: biological resources; cultural and tribal resources; geology and soils; hazards and hazardous materials; noise; and transportation and traffic. Escondido attests the implementation of mitigation measures via a Mitigation Monitoring and Reporting Program (MMRP) reduce these potential impacts to less than significant levels. The Commission independently believes Escondido has prepared a sufficient document as lead agency and it would be appropriate for the Commission to adopt the findings of the EIR and MMRP as a responsible agency.

    b) LAFCO serves as lead agency under CEQA for considering the secondary action associated with the reorganization to detach the affected territory from CSA No. 135 and its regional communication service function. The Commission concurs the detachment is a project under CEQA but qualifies for exemption under Guidelines Section 15320. This exemption appropriately applies given the subject service – regional communications – will be entirely transferred and assumed by Escondido without any material changes in the scope, scale, or adequacy post reorganization.

4. The Commission APPROVES the reorganization without modifications and subject to conditions as provided. Approval involves all the following:

    a) Annexation of the affected territory to the City of Escondido as shown in "Exhibit A-1" and described in "Exhibit A-2".

    b) Detachment of the affected territory from County Service Area No. 135 as shown in "Exhibit A-1" as described in Exhibit A-2".

5. The Commission CONDITIONS all approvals on the following terms being satisfied by December 4, 2024 unless an extension is requested in writing and approved by the Executive Officer:

    a) Completion of the 30-day reconsideration period provided under Government Code Section 56895.

    b) Submittal to the Commission of final map and geographic description of the affected territory as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Divisions.

    c) Written consent and related authorizations from the applicant – Hallmark Development Company, LLC – to remove the subject parcel from Rincon del Diablo

Municipal Water District's Improvement District "E" involving fire protection and emergency medical.

d) Submittal to the Commission of the following payments:

- A check made payable to LAFCO in the amount of $100.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Determination and Notice of Exemption consistent with the finding in the resolution.

- A check made payable to the State Board of Equalization for processing fees in the amount of $350.00.

6. The Commission assigns the proposal the following short-term designation: "North Iris Lane-Hallmark Development Reorganization".

7. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.

8. The Commission waives conducting authority proceedings under Government Code Section 56662.

9. The County Service Area 135 are registered-voter districts.

10. The City of Escondido and County Service Area 135 all utilize the County of San Diego assessment roll.

11. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the City of Escondido as provided under Government Section 57328, and will be subject to any previously authorized taxes, benefit assessments, fees or charges of the City of Escondido as provided under Government Code Section 57330.

12. The effective date of the approval shall be the date of recordation but not before the completion of a 30-day reconsideration period and only after all terms have been completed as attested by the Executive Officer.

13. As allowed under Government Code Section 56107, the Commission authorized the Executive Officer to make non-substantive corrections to the resolution to address any technical defects, errors, irregulates, or omissions.

14. The Executive Officer is hereby authorized and directed to transmit copies of this resolution as provided in Sections 56880-56882 of the Government Code.

15. The Executive Officer is further authorized and directed to prepare, execute, and record a Certificate of Completion, make the required filings with the County Assessor, County Auditor, and the State Board of Equalization as required by Section 57200, et seq., of the Government Code.

**

PASSED AND ADOPTED by the Commission on December 4, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

**

ATTEST:

_____
Keene Simonds
Executive Officer

EXHIBIT A-1
MAP OF AFFECTED TERRITORY

-Placeholder-

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EXHIBIT A-2
GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY

-Placeholder-

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Part IVb: LANDOWNER PETITION

Petitions must meet minimum signature requirements (see Part V). Signatures must be secured within six months of the date on which the first signature was affixed. Petitions must be submitted to the LAFCO Executive Officer within 60 days after the last signature is affixed (Govt. Code § 56705).

Each of the undersigned states:

- I personally signed this petition.
- I am a landowner of the affected territory.
- I personally affixed hereto the date of my signing this petition and the Assessor's Parcel Number(s), or a description sufficient to identify the location of my land.

Name of Signer	Assessor's Parcel Number(s)	Date Signed	Official Use
Sign [signature] Print Christopher Hall Iris Lane 102, LLC	224-310-05 224-310-06 224-310-07 224-310-08 224-310-20	4-5-2023	
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

RESOLUTION NO. 2023-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING FINDINGS OF FACT AND A MITIGATION MONITORING AND REPORTING PROGRAM PREPARED FOR THE N. IRIS CONDOMINIUM PROJECT LOCATED AT 2039, 2047, 2085 AND 2089 N. IRIS LANE

CASE NOS.: PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128

WHEREAS, Hallmark Communities, Inc., ("Applicant") filed a land use development application (Planning Case Nos. PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 and PL21-0128) constituting a request for an Annexation/Reorganization, Prezone to Planned Development-Residential (PDR-14.6), General Plan Amendment from Suburban (S) to Urban III (U3), Tentative Subdivision Map, and a Planned Development Permit (Master and Precise Development Plan) for the development of 102 condominium units on a 7.7 gross acre (6.98 net acre) site located at 2039, 2047, 2085 and 2089 N. Iris Lane (APNs 224-310-05-00, 224-310-06-00, 224-310-07-00, 224-310-08-00 and 224-310-20-00), as more particularly described in Exhibit "A" to this Resolution, attached hereto and incorporated herein by this reference ("Property"); and

WHEREAS, pursuant to the authority of Government Code sections 65450 – 65457, 65350 et seq., 66410 et. seq., and 65864 – 65869.5, said verified application in its entirety constitutes the project ("Project"); and

WHEREAS, the Project proposes the development of the Property, which includes the demolition of all existing structures on the project site, and construction of a 102-unit air-space condominium project with a resulting residential density of 14.6 dwelling units per acre. The Project would also provide supporting open space and recreational amenities, landscaping, parking and associated site and street improvements; and

WHEREAS, said verified application was submitted to, and processed by, the Planning Division of the Development Services Department in accordance with the rules and regulations of the Escondido Municipal and Zoning Codes, and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code section 65920 et seq.) and the California Environmental Quality Act (Public Resources Code section 21000 et seq.) ("CEQA"); and

WHEREAS, pursuant to CEQA and its implementing regulations (14 California Code of Regulations Section 15000 et. seq.) ("CEQA Guidelines"), the City is the lead agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, pursuant to CEQA Guidelines section 15063, the City opted to forego the preparation of an Initial Study, and determined that an Environmental Impact Report ("EIR") would be prepared to address potential direct and cumulative impacts associated with biological resources, cultural/tribal cultural resources, geology and soils, hazards and hazardous, noise, and transportation; and

WHEREAS, in accordance with CEQA Guidelines section 15082, the City issued and distributed a Notice of Preparation ("NOP") of an EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on July 1, 2021, for a 30-day comment period, which ended on August 2, 2021. In addition to distribution of the NOP, a public scoping meeting was held on July 22, 2021; and

WHEREAS, the City prepared and circulated a Draft EIR for the Project for review and comment by the public, agencies, and organizations pursuant to the CEQA Guidelines by filing a Notice of Availability ("NOA") of the Draft EIR for review with the County Clerk of the County of San Diego. The NOA was also mailed to organizations and parties expressing interest in the Project on September 14, 2022, notifying the general public, public agencies, and interested individuals and organizations that a 45-day public review period would begin on September 20, 2022, and end on November 3, 2022. The NOA was also

filed with the City Clerk, published in the Escondido Times-Advocate, and posted on the City's website; and

WHEREAS, on September 13, 2022, pursuant to CEQA Guidelines section 15085, the City filed a Notice of Completion of the Draft EIR with the Office of Planning and Research through the State Clearinghouse (SCH No. 2021060702), circulating the Draft EIR to State Agencies for review; and

WHEREAS, during the 45-day public comment period of the Draft EIR, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to CEQA Guidelines sections 15086 and 15087; and

WHEREAS, the City received comments concerning the Draft EIR from public agencies, organizations, and individuals, and, pursuant to CEQA Guidelines section 15088, the City prepared responses to all written comments received on the Draft EIR which raised environmental issues; and

WHEREAS, the City has determined that the comments received on the Draft EIR did not contain any significant new information within the meaning of CEQA Guidelines section 15088.5 and therefore, recirculation of the Draft EIR is not required; and

WHEREAS, the City prepared a Final EIR that contains the information required by CEQA Guidelines section 15132, including the Draft EIR; the technical appendices and referenced documents; revisions and additions to those documents; public and agency comments on the Draft EIR; a list of persons, organizations, and agencies who commented on the Draft EIR; and the City's responses to said comments; and

WHEREAS, the Final EIR concludes that all potentially significant environmental impacts would be mitigated to less-than-significant levels; and

WHEREAS, the Planning Commission did hold a duly noticed public hearing as prescribed by law to consider the certification of the Final EIR on December 13, 2022, during which it considered all factors

relating to the EIR and the Project, including additional evidence and public testimony from those wishing to be heard regarding certification of the Final EIR; and

WHEREAS, at that meeting, the Planning Commission adopted Planning Commission Resolution No. 2022-14, recommending that the City Council certify the Final EIR, adopt the CEQA Findings of Fact, and adopt the Mitigation Monitoring and Reporting Program ("MMRP"), and approve the Project; and

WHEREAS, pursuant to Public Resources Code section 21092.5, the City provided a Notice of City Council Public Hearing to all organizations and individuals who had previously requested such notice, and published the Notice of Public Hearing in the Escondido Time-Advocate and The Paper, and posted the Notice on the City's website; and

WHEREAS, on January 11, 2023, the City Council held a duly noticed public hearing as prescribed by law to consider the Planning Commission's recommendation to certify the Final EIR and approve the Project, during which it considered all factors relating to the EIR and the Project, including additional evidence and public testimony from those wishing to be heard regarding certification of the Final EIR; and

WHEREAS, the City Council has carefully reviewed and considered all environmental documentation comprising the Final EIR, including the Draft EIR and the revisions and additions thereto, the technical appendices and referenced documents, and the public comments and the responses thereto, contained in Exhibit "B" on file in the Office of the City Clerk and incorporated herein by this reference as though fully set forth herein, and has found that the Final EIR considers all potentially significant environmental impacts of the Project and is complete and adequate, and fully complies with all requirements of CEQA and the CEQA Guidelines; and

WHEREAS, at the January 11, 2023, public hearing, City Council members independently and jointly reviewed and analyzed the Draft and Final EIR, and these documents reflect the independent judgment of the City Council and the City as the Lead Agency for the Project. The City Council considered all significant impacts, mitigation measures, Project alternatives identified in the Final EIR, and considered

all written and oral communications from the public regarding the environmental analysis, and found that all potentially significant impacts of the Project have been reduced to a less-than-significant level; and

WHEREAS, CEQA and the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an EIR has been completed that identifies one or more significant effects of the project unless the public agency makes certain written findings for each of the significant effects, accompanied by a statement of facts supporting each finding; and

WHEREAS, pursuant to CEQA Guidelines sections 15091 and 15097, the City of Escondido has prepared CEQA Findings of Fact, attached as Exhibit "C," and an MMRP, attached as Exhibit "D," which are incorporated herein by this reference as though fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Escondido, in its independent judgment, hereby finds that:

1. The foregoing recitations are true and correct.

2. In determining whether the proposed Project has a significant impact on the environment, and in adopting these Findings pursuant to Public Resources Code section 21081, the City has based its decision on substantial evidence and has complied with Public Resources Code sections 21081.5 and 21082.2 and CEQA Guidelines section 15901(b). In addition, the City has analyzed the potential for adverse secondary impacts that could result from the mitigation measures proposed as part of the Project pursuant to CEQA Guidelines section 15126.4(a)(1)(D), and finds that no additional significant adverse impacts would result from implementation of Project mitigation measures.

3. The Record of Proceedings upon which the City Council bases its decision includes, but is not limited to: (1) the Final EIR and the appendices and technical reports cited in and/or relied upon in preparing the Final EIR; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the Final EIR and the Project itself; (3) the evidence, facts, findings and other determinations set forth herein; (4) the General Plan and the Escondido Municipal Code; (5) all

designs, plans, studies, data and correspondence submitted to the City in connection with the Final EIR and the Project itself; (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the Final EIR and/or elsewhere during the course of the review of the Project itself; (7) the recommendations of the Planning Commission and City staff; and (8) all other matters of common knowledge to the City, including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas.

4. The Final EIR was published on the City's web site, made available for public review on December 8, 2022, and response to comments were forwarded to public agencies and others that provided comments on the draft EIR. The Final EIR also has been made available to the City Council to enable ample opportunity for individual review in advance of the public hearing.

5. The Final EIR is adequate and provides good-faith disclosure of available information on the Project and all reasonable and feasible alternatives thereto.

6. The information provided in the various reports submitted in connection with the Project and in the responses to comments on the Draft EIR, the information added to the Final EIR, and the evidence presented in written and oral testimony at public hearings on the Project, do not constitute significant new information that would require recirculation of the EIR pursuant to Public Resources Code section 21092.1 and CEQA Guidelines section 15088.5.

7. The findings of the Planning Commission, contained in Planning Commission Resolution No. 2022-14, on file with the Office of the City Clerk and incorporated herein by reference, are hereby adopted as the findings of the City Council.

8. The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed Project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the proposed Project.

9. The City Council finds and determines that the applicable provisions of CEQA and the State CEQA Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto. The City Council finds and determines that (a) the Final EIR is complete and adequate in scope and has been completed in compliance with CEQA and the State CEQA Guidelines for implementation thereof; (b) the Final EIR was presented to the City Council, and the City Council has fully reviewed and considered the information in Final EIR prior to approving the Project; and (c) the Final EIR reflects the City Council' s independent judgment and analysis; and, therefore, the Final EIR is hereby declared to be certified in relation to the subject of this Resolution. The Final EIR and CEQA Findings of Fact are attached hereto as Exhibit “B” and Exhibit “C,” respectively, and are incorporated herein by reference as though fully set forth herein.

10. Pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15091(d), the City Council hereby adopts and approves the MMRP with respect to the significant environmental effects identified in the Final EIR, and hereby makes and adopts the provisions of the MMRP as conditions of approval for the Project. The MMRP is attached hereto as Exhibit “D,” which is incorporated herein by reference as through fully set forth herein.

11. This action is final on the date this Resolution is adopted by the City Council. Time limits for judicial review, as governed by Code of Civil Procedure section 1094.6, shall apply.

12. Pursuant to Public Resources Code section 21081.6(a)(2) and CEQA Guidelines section 15091(e), all documents and other materials which constitute the record of proceedings are located at the City of Escondido, City Hall. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council' s decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

North Iris Project (PHG20-0032, PL20-0738, PL20-0739, PL21-0126, PL21-0127 PL21-0128 and PHG20-0032). SCH No. 2021060702

INTRODUCTION AND SUMMARY

Pursuant to Section 21081.6 of the Public Resources Code and the *California Environmental Quality Act (CEQA) Guidelines* Section 15097, public agencies are required to adopt a monitoring or reporting program to assure that mitigation measures and revisions identified in Final Environmental Impact Report (FEIR) are implemented. As stated in Section 21081.6 of the Public Resources Code:

> *"... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment."*

Pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the F5 makers coincidental to certification of the FEIR. The Mitigation Monitoring and Reporting Program (MMRP) must be adopted when making the findings (at the time of approval of the project).

As defined in the CEQA Guidelines, Section 15097, "reporting" is suited to projects that have readily measurable or quantitative measures or which already involve regular review. "Monitoring" is suited to projects with complex mitigation measures, such as wetland restoration or archaeological protection, which may exceed the expertise of the local agency to oversee, are expected to be implemented over a period of time or require careful implementation to assure compliance. Both reporting and monitoring would be applicable to the proposed project.

MITIGATION MATRIX

To sufficiently track and document the status of mitigation measures, a mitigation matrix has been prepared and includes the following components:

- Impact
- Mitigation Measure
- Action
- Timing
- Responsibility

The mitigation matrix is included in Table 0.4-1. Additionally, the project will be required to adhere to the project design and compliance measures listed in Table 0.4-2.

Table 0.4-1. North Iris Residential Project Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Action	Timing	Responsibility
BIOLOGICAL RESOURCES				
BIO-1 The Project has the potential to impact avian species protected under the MBTA if tree removal, vegetation removal, or other construction activities occur during the nesting season.	**MM-BIO-1** Trimming, grubbing, and clearing of vegetation shall be avoided during the avian breeding season, which generally runs from February 15 to August 31 (as early as January 1 for some raptors) to the extent feasible. If trimming, grubbing, or clearing of vegetation is proposed to occur during the general avian breeding season, a pre-construction survey shall be conducted by a qualified biologist no more than seven days prior to vegetation clearing to determine if active bird nests are present in the affected areas. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, trimming, grubbing, and clearing of vegetation shall be allowed to proceed. If active bird nests are confirmed to be present during the pre-construction survey, a buffer zone will be established by the biologist. Construction activities shall avoid any active nests until a qualified biologist has verified that the young have fledged, or the nest has otherwise become inactive.	If construction is proposed during the breeding season, conduct a pre-construction survey. If nesting birds are present, implement buffer zone and avoidance measures. If nesting birds are not detected during the preconstruction survey, no further mitigation is required.	For construction activities proposed for the period of February 15 through August 31, conduct survey within seven days prior to the start of construction activities.	Applicant/Land Owner, Project Biologist, Contractor
BIO-2 Direct impact to 0.1 acre of disturbed wetland and 2.5 acres of non-native grassland.	**MM-BIO-2** Prior to impacts to any sensitive habitats (disturbed wetland and non-native grassland), the applicant shall purchase off-site mitigation credits at a mitigation bank approved by the City. Mitigation ratios shall be consistent with regional standards (i.e., the Escondido Draft Subarea Plan): non-native grassland minimum 0.5:1 and disturbed wetland minimum 1:1. The disturbed wetland mitigation shall consist of establishment/re-establishment mitigation to achieve regional no-net-loss standards for potential wetlands. Proof of mitigation purchase shall be provided to the City prior to issuance of the grading permit. Prior to	Provide proof of off-site mitigation credits at a city-approved mitigation bank submitted to the City Director of Development Services	Prior to issuance of grading permit.	Applicant/Land Owner, Project Biologist

Impact	Mitigation Measure	Action	Timing	Responsibility
	impacts to any sensitive habitats (disturbed wetland and non-native grassland), the applicant shall purchase off-site mitigation credits at a mitigation bank approved by the City. Mitigation ratios shall be consistent with regional standards (i.e., the Escondido Draft Subarea Plan): non-native grassland minimum 0.5:1 and disturbed wetland minimum 1:1. The disturbed wetland mitigation shall consist of establishment/re-establishment mitigation to achieve regional no-net-loss standards for potential wetlands. Proof of mitigation purchase shall be provided to the City prior to issuance of the grading permit.			
BIO-3 Direct impact to a total of 0.05 acre (494 linear feet) of USACE/RWQCB jurisdiction (non-wetland water of the US/ water of the State) and to 0.12 acre of CDFW jurisdictional areas consisting of 0.10 acre of disturbed wetland and 0.02 acre of streambed. The 0.05 acre of USACE/RWQCB occur within the CDFW jurisdictional limits.	**MM-BIO-3** Prior to any project impacts to potentially jurisdictional resources, demonstration that regulatory permits from USACE, RWQCB, and CDFW have been issued or that no such permits are required shall be provided to the City. Permanent impacts to 0.05 acre of USACE/RWQCB jurisdictional non-wetland waters of the United States/State, 0.10 acre of CDFW jurisdictional habitat, and 0.02 acre of CDFW jurisdictional streambed shall be mitigated at a minimum 1:1 ratio through one or a combination of the following off-site options, unless otherwise required by the USACE, RWQCB, and/or CDFW during the regulatory permitting process: • Purchase of establishment/re-establishment, rehabilitation, enhancement, and/or preservation credits from an off-site mitigation bank with a service area that overlaps the project and that is approved by the USACE, RWQCB, and CDFW, such as the San Luis Rey Mitigation Bank, and Brook Forest Conservation/Mitigation Bank; and/or • Acquisition or use of other off-site mitigation lands in the region to include establishment/re-establishment, rehabilitation, enhancement, and/or	Provide proof of regulatory permits or documentation that permits are not required. Provide proof of purchase of mitigation credits and /or acquisition or use of other off-site mitigation lands submitted to City Director of Development Services.	Prior to issuance of grading permit.	Applicant/Land Owner, Project Biologist, Contractor

Impact	Mitigation Measure	Action	Timing	Responsibility
	preservation of USACE, RWQCB, and CDFW jurisdictional resources. Mitigation for RWQCB-jurisdictional waters shall include a minimum 1:1 establishment/ reestablishment to ensure no-net-loss. Final mitigation requirements shall be determined during the permitting process in coordination with the USACE, RWQCB, and CDFW, as appropriate.			
BIO-4 Potential for impacts to 11 protected oak trees and 12 mature oak trees both on- and off-site.	**MM-BIO-4** The project applicant shall replace impacted mature trees at a minimum 1:1 ratio, unless otherwise determined by the City. The project applicant shall replace protected trees at a minimum 2:1 ratio, unless otherwise determined by the City. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the City's Director of Community Development. This condition can be satisfied on-site if the project's landscape plans include the appropriate number of oak trees and other tree species.	Review/approve landscape plans	Prior to certificate of occupancy.	Applicant/Land Owner, Project Biologist, Director of Community Development
BIO-5 Removal of trees on the project site has the potential to result in the spread of tree insect pests and disease leading to expediting the loss of oaks, alders, sycamore, and other trees in California which support a high biological diversity including special status species.	**MM-BIO-5** The project applicant shall prepare an infectious tree disease management plan for the project. This plan should include a description of how the infectious tree disease management plan will be implemented. All trees that would be removed by the project should be inspected for contagious tree diseases including, but not limited to, thousand canker fungus (*Geosmithia morbida*), polyphagous shot hole borer (*Euwallacea spp.),* and goldspotted oak borer (*Agrilus auroguttatus*). To avoid the spread of infectious tree diseases, diseased trees should not be transported from the project site without first being treated using best available management practices relevant for each tree disease observed.	Review/approve infectious tree disease management plan. Implement management and avoidance measures.	Prior to issuance of grading permit.	Applicant/Land Owner, Project Biologist or Arborist.

Impact	Mitigation Measure	Action	Timing	Responsibility
CULTURAL RESOURCES/TRIBAL CULTURAL RESOURCES				
CR-1 Due to grading and ground disturbing activities, the Project has the potential to impact unidentified archaeological resources on the Project site.	**MM-CR-1** Prior to the issuance of a grading permit, the Applicant shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a Pre-Excavation Agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe"). The purposes of the agreement are (1) to provide the Applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities. The agreement shall incorporate, at a minimum, the performance criteria and standards, protocols, and procedures set forth in mitigation measures MM-CR-2 through MM-CR-10, and the following information: • Parties entering into the agreement and contact information. • Responsibilities of the Property Owner or their representative, archaeological monitors, and tribal monitors. • Project grading and development scheduling, including determination of authority to adjust in the event of unexpected discovery, and terms of compensation for the monitors, including overtime and weekend rates, in addition to mileage reimbursement.	Enter into Tribal Cultural Resources Treatment and Repatriation Agreement.	Prior to issuance of Grading Permit and/or during all earth moving and ground disturbing activity.	Applicant/ Landowner, TCA Tribe

Impact	Mitigation Measure	Action	Timing	Responsibility
	• Requirements in the event of unanticipated discoveries, which shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, analysis of identified cultural materials, and on-site storage of cultural materials. • Treatment of identified Native American cultural materials. • Treatment of Native American human remains and associated grave goods. • Confidentiality of cultural information including location and data. • Negotiation of disagreements should they arise. • Regulations that apply to cultural resources that have been identified or may be identified during project construction.			
	MM-CR-2 Prior to issuance of a grading permit, the Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the Project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.	Provision of written verification that qualified archaeologist and Native American monitor associated with a TCA Tribe.	Prior to issuance of Grading Permit.	Applicant/Land Owner

Impact	Mitigation Measure	Action	Timing	Responsibility
	MM-CR-3 The qualified archaeologist and a Native American monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated subcontractors to explain and coordinate the requirements of the monitoring program.	Attend pre-construction meetings	Prior to and during all earth moving and ground disturbing activity.	Applicant/ Landowner, Archaeologist, Native American Monitor.
	MM-CR-4 During the initial grubbing, site grading, excavation or disturbance of the ground surface (including both on- and off-site improvement areas), the qualified archaeologist and the Native American monitor shall be present full-time. If the full-time monitoring reveals that the topsoil throughout the Project impact area (both on and off-site) has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part-time monitoring or the termination of monitoring can be implemented, as deemed appropriate by the qualified archaeologist in consultation with the Native American monitor. The frequency of subsequent monitoring shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring considering these factors. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits (i.e., soil conditions are comprised solely of fill or granitic bedrock).	Full-time Monitoring and determination of duration and frequency of subsequent monitoring.	During the initial grubbing, site grading, excavation or disturbance of the ground surface (including both on- and off-site improvement areas)	Archaeologist, Native American Monitor
	MM-CR-5 In the event that previously unidentified tribal cultural resources are discovered, all work must halt within a 100-foot radius of the discovery. The qualified archaeologist and the Native American monitor shall evaluate the significance of the find and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The qualified archaeologist and Native American	If potential tribal cultural resources are found, halt ground disturbance and follow	During all earth moving and ground disturbing activity.	Archaeologist, Native American Monitor

Impact	Mitigation Measure	Action	Timing	Responsibility
	Monitor shall consider the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c) in determining the significance of a discovered resource. If the professional archaeologist and Native American monitor determine that the find does not represent a culturally significant resource, work may resume immediately, and no agency notifications are required. Isolates and clearly non-significant deposits shall be documented in the field and collected and monitored grading can immediately proceed. All unearthed archaeological resources or tribal cultural resources shall be collected, temporarily stored in a secure location, and repatriated for later reburial on the project site, pursuant to the terms of the Pre-Excavation Agreement.	procedures listed for discovery.		
	MM-CR-6 If the qualified archaeologist and Native American monitor determine that the find does represent a potentially significant tribal cultural resource, considering the criteria identified by California Public Resources Code sections 21083.2(g) and 21074, and CEQA Guidelines sections 15064 and 15064.5(c), the archaeologist shall immediately notify the City of said discovery. The qualified archaeologist, in consultation with the City, the consulting TCA Tribe(s), and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe(s) and be submitted to the City for review and approval. If the find is determined to be a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) though (c), appropriate treatment measures will be implemented. Work may not resume within the no-work radius until the City, through consultation as set forth herein, determines either that: 1) the discovery does not constitute a Tribal Cultural Resource under CEQA, as defined in California Public Resources Code Section 21074(a) through (c); or 2) the	If potential tribal cultural resource is determined to be significant, notify the City and follow agreed upon treatment and disposition measures.	During all earth moving and ground disturbing activity.	Archaeologist, Native American Monitor, City Director of Development Services

Impact	Mitigation Measure	Action	Timing	Responsibility
	approved treatment and disposition measures have been completed.			
	MM-CR-7 All sacred sites, significant tribal cultural resources, and unique archaeological resources encountered within the Project area shall be avoided and preserved as the preferred mitigation. The avoidance and preservation of the significant tribal cultural resource or unique archaeological resource must first be considered and evaluated in consultation with the TCA Tribe(s) as required by CEQA and in compliance with all relevant mitigation measures for the Project. If any significant tribal cultural resource or unique archaeological resource has been discovered and such avoidance or preservation measure has been deemed to be infeasible by the City's Director of Community Development (after a recommendation is provided by the qualified archaeologist, in consultation with the TCA Tribe(s), making a determination of infeasibility that takes into account the factors listed in California Public Resources Code sections 21061.1, 21081(a)(3), and CEQA Guidelines section 15091, and in accordance with all relevant mitigation measures for the Project), then culturally appropriate treatment of those resources, including but not limited to funding an ethnographic or ethnohistoric study of the resource(s), and/or developing a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. No artifact sampling for analysis is allowed, unless requested and approved by the consulting TCA Tribe(s). Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.	If sacred sites, significant tribal cultural resources, and unique archaeological resources are found, halt ground disturbance and follow procedures listed for discovery including avoidance, treatment and disposition.	During all earth moving and ground disturbing activity.	Archaeologist, Native American Monitor, City Director of Development Services

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	MM-CR-9 If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any cataloging of those resources. Moreover, if the qualified archaeologist does not collect the cultural resources that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources for later reburial on the Project site or storage at a local curation facility. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe for reburial on the Project site. Should the TCA Tribe(s) decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.	Follow procedures for collection of tribal cultural resources.	During all earth moving and ground disturbing activity.	Archaeologist, Native American Monitor
	MM-CR-10 Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusions of the archaeological monitoring program and any data recovery program on the Project site, shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources. A copy of the final report will be submitted to the South Coastal Information Center after approval by the City.	Preparation of a monitoring report and/or evaluation report if necessary.	Prior to release of Grading Bond.	Archaeologist, Native American Monitor
CR-2 There is a potential for Project construction activities to disturb previously unidentified human	**MM-CR-8** As specified by California Health and Safety Code section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the	If human remains are found, halt ground disturbance and follow	During all earth moving and ground disturbing activity.	Archaeologist

Impact	Mitigation Measure	Action	Timing	Responsibility
remains on the Project site.	remains are human shall be conducted on site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to a temporary off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (California Public Resources Code § 5097.98) for proper treatment and disposition in accordance with California Public Resources Code section 5097.98. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the City does not agree with the recommendations of the MLD, the NAHC can mediate (California Public Resources Code § 5097.94). If no agreement is reached, the remains shall be kept in situ, or reburied in a secure location in close proximity to where they were found and where they will not be further disturbed (California Public Resources Code § 5097.98). Work may not resume within the no work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction. The analysis of the remains shall only occur on site in the presence of the MLD, unless the forensic anthropologist and the MLD agree to remove the remains to an off-site location for examination.	procedures listed for discovery.		

Impact	Mitigation Measure	Action	Timing	Responsibility
GEOLOGY AND SOILS				
GEO-1 The Project has the potential to disturb previously unknown paleontological resources during Project grading.	**MM-GEO-1** Prior to project grading the project applicant shall retain a qualified paleontologist to review the proposed project area to determine the potential for paleontological resources to be encountered. If there is a potential for paleontological resources to occur, the paleontologist shall identify the area(s) where these resources are expected to be present, and a qualified paleontological monitor shall be retained to monitor the initial cut in any areas that have the potential to contain paleontological resources.	Site review and if potential for paleontological resources is identified, monitoring of initial cut in any areas that have the potential for resources. construction activities and filing of mitigation report.	Prior to grading and if applicable during initial cut.	Paleontologist
HAZARDS AND HAZARDOUS MATERIALS				
HAZ-1 Improper removal of asbestos-containing materials and lead-based paint during demolition could expose construction workers to a hazardous release of asbestos or lead.	**MM HAZ-1a** Prior to demolition activities on the project site, the Applicant shall submit verification to the City of Escondido Building Department that an asbestos survey has been conducted on any buildings that are to be demolished or removed from the project site. If asbestos is found, the Applicant shall follow all procedural requirements and regulations of to properly abate and dispose of all on-site asbestos-containing materials before general demolition activities commence. **MM HAZ-1b** Prior to demolition activities on the project site, the Applicant shall submit verification to the City of Escondido Building Department that a lead-based paint survey has been conducted at all existing buildings located on the project site. If lead-based paint is found, the applicant shall follow all OSHA procedural requirements and regulations for its proper removal and disposal before general demolition activities commence.	Submit verification that asbestos and lead-based paint surveys have been conducted. If found, follow all procedural requirements for abatement, removal and disposal.	Prior to demolition activities.	Applicant/ Landowner/ Contractor

Impact	Mitigation Measure	Action	Timing	Responsibility
HAZ-2 Undocumented fill material located at 2039 North Iris Lane may contain contaminated materials.	**MM HAZ-2** Prior to construction activities on the project site, the Applicant shall submit verification that the undocumented fill material placed in front of 2039 North Iris Lane has been removed or evaluated for the potential for contaminants. If contaminated, the soil must be removed and disposed of according to local and state regulations. If contaminated soil is identified, the applicant shall follow all procedural and regulatory requirements for its proper removal and disposal before general construction activities commence.	Submit verification that the undocumented fill has been removed or evaluated for contaminants. If contaminated, follow local and state regulations for removal and disposal.	Prior to construction	Applicant/ Landowner/ Contractor
NOISE				
N-1 If rock drill staging occurs within 160 feet of any occupied noise sensitive land uses, sound levels could exceed 75 dBA at property lines.	**MM-N-1** If rock drill staging occurs within 160 feet of any occupied noise sensitive land uses, sound levels could exceed 75 dBA at property lines. A noise mitigation plan based upon the location of the construction equipment, topography and construction schedule shall be prepared by an acoustical consultant. The noise mitigation plan shall identify measures to reduce sound levels to below 75 dBA. Such measures could include a temporary noise barrier along any property line where the impacts could occur. The proposed noise barrier shall be of solid non-gapping material to adequately reduce construction noise levels below the noise threshold of 75 dBA at the property lines. The noise mitigation plan shall determine the final height and location of a temporary barrier if one is necessary. The mitigation plan may also identify location and timing restrictions on drilling equipment usage. The mitigation plan shall be submitted to the City for review and approval prior to initiation of rock drill staging activities within 160 feet of any occupied noise sensitive land use.	Preparation of noise mitigation plan and implementation of identified measures including construction of temporary noise barriers.	Prior to commencement of rock drilling activities.	Applicant/ Landowner, Acoustical Engineer, City (Planning Division Manager)

Impact	Mitigation Measure	Action	Timing	Responsibility
TRANSPORTATION				
TR-1 The project's per capita VMT exceeds the significance threshold of 15% below regional average.	**MM-TR-1a** The project shall implement CAPCOA reduction measure T-1 (Increase Residential Density). **MM-TR-1b** The project applicant shall pay the City of Escondido $67,500 for pedestrian improvements at the following five intersections to reduce VMT impacts: • Intersection of Centre City Pkwy at Iris Lane (Install high visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers)). • Intersection of El Norte at South Iris Lane (Install high visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers)). • Intersection of Broadway at Vista Ave (Install high visibility crosswalks on each leg (4 crosswalks) and install pedestrian countdown timers on each corner (4 countdown timers)). • Intersection of El Norte Parkway at Mountain View (Install pedestrian countdown timers on each corner (4 countdown timers)). • Intersection of Country Club Lane at Broadway (Install high visibility crosswalk (3 crosswalks)).	Implement CAPCOA reduction measure and make payment for pedestrian improvements.	Fee payment shall be made prior to submittal of grading plans.	Applicant/Land Owner