

CC Resolution No. 2023-xx – Exhibit XX

Piraeus Point Project

MITIGATION MONITORING AND REPORTING PROGRAM

(SCH #2022050516)

May 2023

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Mitigation Monitoring and Reporting Program

Piraeus Point Project

Case No.: MULTI-005158-2022; CDP-005161-2022; SUB-005159-2022; SUB-005391-2022; and DR-005160-2022

State Clearinghouse (SCH) No. 2022050516

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I. INTRODUCTION

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Piraeus Point project (proposed project). An MMRP is required for the proposed project because the Environmental Impact Report (EIR) prepared for the project has identified significant adverse impacts, and measures have been identified to mitigate those impacts. This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and 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.”

II. MITIGATION MONITORING AND REPORTING PROGRAM

As the lead agency, the City of Encinitas (City) will be responsible for monitoring compliance with all mitigation measures. Different City departments may be responsible for various aspects of the project. The MMRP identifies the department with the responsibility for ensuring that each individual mitigation measure is completed; however, it is expected that one or more departments will coordinate efforts to ensure such compliance.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below.

- **Mitigation Measure:** The mitigation measures to be adopted (as identified in the EIR) are restated.
- **Timeframe of Mitigation:** Identifies at which stage of the project the mitigation measure shall be completed.
- **Monitoring, Enforcement, and Reporting Responsibility:** Identifies the department within the City with responsibility for mitigation monitoring.

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**Mitigation Monitoring and Reporting Program
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| Mitigation Measure | Timeframe of Mitigation | Monitoring, Enforcement, and Reporting Responsibility |
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| AIRQUALITY | | |
| AQ-1 Install MERV-16 Filters Within Homes . During project construction, MERV-16 filtration systems shall be installed within each residence. | During project construction | City of Encinitas Planning Division |
| BIOLOGICAL RESOURCES | | |
| BIO-1 On- and Off-site Preservation of Sensitive Habitat . The majority of preservation goals and required mitigation ratios for impacted vegetation communities (see Tables 3-3, 4-1, and 6-1 of the Biological Technical Report; ECORP Consulting, Inc., November 2022) shall be met through establishment of the on-site and off-site adjacent Preserve Area. Prior to grading, establishment of the Preserve Area shall preserve in place 5.51 acres (on-site/off-site), including 100% (0.71-acre) of California Department of Fish and Wildlife sensitive Diegan Coastal Sage Scrub/Lemonade Berry Scrub and 72%(0.81-acre) of California Department of Fish and Wildlife sensitive Southern Mixed Chaparral/Chamise-Mission Manzanita Chaparral (Table 3-4 of the Biological Technical Report; ECORP Consulting, Inc., November 2022). Preservation in perpetuity of the vegetation and habitat within the aforementioned Preserve Area shall occur and be set aside as an open space conservation easement in favor of the City of Encinitas. No trails shall be permitted within the open space conservation easement. In addition, prior to any grading, a long-term management plan shall be prepared for the mitigation areas, to the satisfaction of the City and the Wildlife Agencies. The preserve management plan shall provide an entity and endowment funding to maintain the biological open space in perpetuity. Such entity shall approve the endowment amount based on a Property Analysis Record or similar cost estimation method. Additionally, the long-term management plan shall include provisions stating that any planting stock planned to be brought onto the project site shall first be inspected by a qualified pest inspector to ensure that it is free of pest species that could invade natural areas of the adjacent preserve area. Stock determined to be infested with pests shall be quarantined, treated, or disposed of according to best management practices provided by the pest inspector to prevent invasions into the adjacent preserve area. | Prior to project grading; During long term maintenance | City of Encinitas Planning Division; California Department of Fish and Wildlife |

| Mitigation Measure | Timeframe of Mitigation | Monitoring, Enforcement, and Reporting Responsibility |
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| <p>All permanent lighting for the project adjacent to the preserve area shall be directed away from the preserve area, and lighting from the proposed residences adjacent to the preserve area shall be shielded with vegetation, as necessary.</p> | | |
| <p>BIO-2 Biological Monitoring. A qualified biologist (biological monitor) with experience monitoring for and identifying sensitive biological resources known to occur in the area shall be present during all staging, fencing, site preparation, vegetation clearing, and ground-disturbing activities related to the project to the satisfaction of the City, permit requirements, and other environmental commitments made.</p> <p>The biological monitor, with assistance from crews when necessary, shall deconstruct woodrat middens prior to vegetation clearing within the Development Area. Woodrat middens within the Fire Management Zone shall be protected in place to the maximum extent practicable, but may be deconstructed if deemed a fire hazard.</p> <p>Biological monitoring duties include, but are not limited to, conducting worker education training, verifying compliance with the project’s biological resources protection requirements, and periodically monitoring the work area to ensure that work activities do not generate excessive amounts of dust and that impacts are restricted to the designation work areas. The biological monitor shall be responsible for providing a Worker Environmental Awareness Training program with required elements to the project prior to the start of staging and construction activities, and be responsible for verifying that the Worker Environmental Awareness Training program has been provided to all personnel working on the project prior to the start of staging or construction activities. The training shall include: (i) the purpose for resource protection; (ii) a description of the gnatcatcher and its habitat; (iii) the compliance measures that should be implemented during project construction to conserve the sensitive resources, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); (iv) best management practices developed specifically for this project; (v) the protocol to resolve conflicts that may arise at any time during the construction process; and (vi) the general provisions of the environmental regulations that apply to the project, the need to adhere to the provisions of the Endangered Species Act, and the penalties associated with noncompliance with the Act and other regulations. The project shall maintain documentation on the implementation</p> | <p>Prior to project ground disturbing activities; During project site preparation, vegetation clearing, and ground disturbing activities; Following completion of grading and construction activities</p> | <p>City of Encinitas Planning Division</p> |

| Mitigation Measure | Timeframe of Mitigation | Monitoring, Enforcement, and Reporting Responsibility |
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| <p>of The Worker Environmental Awareness Training. This documentation shall include education program materials and a record of workers that received the materials and information.</p> <p>During ground-disturbing activities, including any vegetation removal within the Development Area and Fire Management Zone, the biological monitor shall have the right to halt all activities in the area affected if a special-status wildlife species is identified in a work area and is in danger of injury or mortality. If work is halted in the area affected as determined by the biological monitor, work shall proceed only after the hazard(s) to the individual is removed and the animal is no longer at risk, or the individual has been removed from harm's way in accordance with the project's permits and/or management/translocation plans. The biological monitor shall take representative photographs of the monitored activities and maintain a monitoring log that documents general project activities and compliance with the project's biological resources protection requirements. The biologist shall document non-compliances in the log, including any measures that were implemented to rectify the issue.</p> <p>In order to ensure that the biological monitoring occurred during the grading phase of the project, a final biological monitoring report shall be prepared. The project biologist shall prepare the final biological monitoring report. The report shall substantiate the supervision of the grading activities, and confirm that grading or construction activities did not impact any additional areas or any other sensitive biological resources.</p> <p>The report shall include the following items:</p> <ul style="list-style-type: none"> a. Photos of the fencing or temporary flagging that was installed during the trenching, grading, or clearing activities. b. Monitoring logs showing the date and time that the monitor was on site. c. Photos of the site after the grading and clearing activities. <p>The biologist shall prepare the final report and submit it to the City for review and approval.</p> | | |

| Mitigation Measure | Timeframe of Mitigation | Monitoring, Enforcement, and Reporting Responsibility |
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| <p>BIO-3A Rare Plant Salvage and Avoidance. Establishment of the off-site preserve area (mitigation measure BIO-1) shall result in avoidance and protection of 103 California adolphia in place. Nine California adolphia individuals identified within the fuel modification zone shall be flagged prior to fuel reduction activities and avoided in place. Project-related impacts to 145 California adolphia individuals and 0.02-acre of California adolphia occupied habitat are anticipated to be unavoidable, therefore salvage of seed and donation to a City refuge or preserve, donation to a local native plant nursery, or propagation within an off-site mitigation area shall be required to the satisfaction of the City. A qualified biologist shall collect seed from the California adolphia during the appropriate time, store under appropriate conditions, and coordinate with the appropriate personnel to facilitate propagation of the seed. California adolphia individuals within the fuel modification zone (9 individuals) shall be flagged for avoidance by a qualified botanist prior to development and thinning of the fuel modification zone and a qualified botanist shall be present during vegetation thinning of the fuel modification zone to ensure avoidance is properly achieved. Dust control measures shall be implemented during construction to minimize impacts to rare plants within the adjacent preserve area (see mitigation measure BIO-1) as an ongoing requirement for long-term maintenance activities associated with the project, including annual maintenance of the fuel modification zone.</p> | <p>Prior to project vegetation clearing or ground disturbance; During initial project landscaping and long term maintenance</p> | <p>City of Encinitas Planning Division</p> |
| <p>BIO-3B Project Landscaping Best Management Practices. Project landscaping shall be limited to the development area and shall not include nonnative plant species that may be invasive to adjacent native habitats. The California Invasive Plant Council’s (IPC) “Invasive Plant Inventory” list shall be consulted to determine such nonnative plant species that are not to be included in project landscaping. Project landscaping adjacent to the preserve area shall not include species that require intensive irrigation, fertilizers, or pesticides, and run-off from the project shall be directed away from the offsite preserve area. The Applicant shall submit a draft list of species to be included in the landscaping to the Service at least 45 working days prior to initiating project landscaping and will allow the US Fish and Wildlife Service an opportunity to verify that no Cal-IPC invasive plants are proposed for use. The Applicant shall submit to the US Fish and Wildlife Service the final list of species to be included in the landscaping within 30 days of receiving concurrence on the draft list of species, if any changes are necessary. A list of prohibited invasive species shall also be provided in the Homeowner Association’s Covenants, Conditions, and Restrictions to the satisfaction of the US Fish and Wildlife Service.</p> | <p>During project design; Prior to installation of project landscaping; During project occupancy</p> | <p>City of Encinitas Planning Division; US Fish and Wildlife Service</p> |

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| <p>BIO-4A Coastal California Gnatcatcher Protection and Pre-Construction Breeding Season Surveys. Focused surveys determined presence of this species on the project site. Project-related impacts to two pair (4 individuals) and their territories are unavoidable, therefore the project applicant shall obtain US Fish and Wildlife Service approval pursuant to Section 10 of the federal Endangered Species Act for the impacts to the coastal California gnatcatcher prior to the issuance of any grading permits. The on-site preservation of sensitive habitat (see mitigation measure BIO-1) would preserve one single male coastal California gnatcatcher territory in place and a small portion of one additional breeding pair’s territory. The preserve area would allow for the safe passage of the two displaced pairs of coastal California gnatcatchers to preserved habitat north of the project site and continuous with open space areas to the north, northeast (which includes at least one additional breeding pair of coastal California gnatcatchers within 500 feet of the off-site preserve area), and to Batiquitos Lagoon State Marine Conservation Area which functions to preserve important coastal-inland wildlife movement. If construction activities are planned within 500 feet of coastal sage scrub habitat during gnatcatcher breeding season, at least three pre-construction surveys shall be conducted a maximum of seven days prior to construction activities, one of which is to be performed the day immediately before beginning construction activities. The project shall require development of a Low-Effect Habitat Conservation Plan under Section 10 of the Endangered Species Act.</p> | <p>Prior to ground disturbance</p> | <p>City of Encinitas Planning Division; US Fish and Wildlife Service</p> |
| <p>BIO-4B Construction Best Management Practices. During construction, best management practices shall be implemented to minimize impacts to the coastal California gnatcatcher and avoid attracting its predators. The project site shall be kept clear of debris, including food-related trash items, and pets of project personnel shall not be permitted on the project site.</p> | <p>During project construction</p> | <p>City of Encinitas Planning Division</p> |
| <p>BIO-4C Coastal California Gnatcatcher Compliance Monitoring. Due to the displacement of two pairs of coastal California gnatcatchers and the presence of suitable breeding habitat adjacent to the development, weekly compliance monitoring surveys shall be conducted by a 10(a)(1)(A) permitted gnatcatcher biologist throughout the coastal California gnatcatcher nesting season (February 15 to August 31) when initial vegetation removal, fence installation activities, and heavy construction activities are scheduled to occur within 500 feet of the preserve area(s) in order to avoid unanticipated impacts to this federally listed species during the breeding season. Should an active coastal California gnatcatcher nest (e.g., nest with eggs or potential to hold eggs within one</p> | <p>Prior to and during project construction</p> | <p>City of Encinitas Planning Division; US Fish and Wildlife Service</p> |

| Mitigation Measure | Timeframe of Mitigation | Monitoring, Enforcement, and Reporting Responsibility |
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| <p>week, chicks, or fledglings still dependent on the nest) be found to occur within 500 feet of the project impact area, the Project Biologist shall establish a 500-foot buffer around the nest and will visibly flag the limits of the nest buffer in areas that overlap the project impact area. The contractor shall be immediately notified to stop work within the buffer and/or shift heavy construction activities to areas outside the 500-foot buffer until US Fish and Wildlife Service has been notified and noise monitoring measures below (mitigation measure BIO-4D) have been implemented.</p> <p>Nest updates shall occur on a weekly basis to update the nest status (active/inactive) and stage (incubation, nestlings, etc.). If no nesting behavior is observed after two hours of continuous observation and the 10(a)(1)(A) permitted gnatcatcher biologist has significant reason to believe that the nest is no longer active, the nest shall be approached to determine the state of the nest. Binoculars shall be used to the greatest extent practical to confirm gnatcatchers are no longer exhibiting breeding behaviors or tending to the nest prior to approaching the nest directly to determine the nest’s fate. The Project Biologist shall use the distance to the project impact area and local topography to determine if construction activities are likely to significantly disturb nesting activities. The Project Biologist shall implement further measures to alleviate disturbance, including establishment of a noise monitoring station, turning off vehicle engines and other equipment whenever possible to reduce noise, recommendations for deployment of a temporary sound/visual barrier, and, if minimization measures are insufficient, temporarily halting construction activities within 500 feet during critical nest stages when abandonment is most likely to occur (i.e., egg incubation). During this time, construction activities shall be directed to other areas farther than 500 feet from the active nest(s). Unrestricted construction activities may resume, with weekly compliance monitoring as described above, when the nest is deemed no longer active and no other active nests are found within 500 feet of the impact area.</p> | | |
| <p>BIO-4D Coastal California Gnatcatcher Noise Monitoring. Construction noise levels shall not exceed an hourly limit of 60 A-weighted decibel units (dBA) equivalent noise level or ambient level (whichever is greater) when construction is within 500 feet of an active nest. Noise monitoring shall be conducted daily when construction activities are scheduled to occur within 500 feet of an active coastal California gnatcatcher nest. Noise levels shall be monitored by a qualified biological monitor under the authority of the 10(a)(1)(A) permitted gnatcatcher biologist at a pre-</p> | <p>During project construction</p> | <p>City of Encinitas Planning Division</p> |

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| <p>established noise meter station that has been selected by the 10(a)(1)(A) permitted gnatcatcher biologist (no closer than 30 feet from the nest and that replicates the distance, topography, and vegetative screening of the nest location in proximity to the project impact area). Measurements of noise levels shall be conducted in 1 minute intervals for at least 60 minutes per each measurement. Results of the noise monitoring shall be documented in the daily monitoring log and charted in a graph. Construction activities that exceed the 60-dB hourly threshold shall be halted by the noise monitor until effective noise reduction measures have been implemented or until the nest is deemed no longer active by the Project Biologist.</p> | | |
| <p>BIO-4E Coastal California Gnatcatcher Resident Education Program. Prior to occupation of the project site, a resident education program shall be developed to advise residents of the occurrence of coastal California gnatcatchers in the project area how to prevent adverse impacts to gnatcatchers resulting from insect pests or free-roaming pets; and potential penalties for killing, injuring, or harming the species. Informational pamphlets shall be distributed to each residence. The Applicant shall develop the resident education program in coordination with the US Fish and Wildlife Service as part of the Low-Effect Habitat Conservation Plan and Section 10 consultation process.</p> | <p>Prior to project occupancy</p> | <p>City of Encinitas Planning Division; US Fish and Wildlife Service</p> |
| <p>BIO-5 Pre-Construction Survey for Nesting Birds and Special-Status Species. Where feasible, ground-disturbing activities, including vegetation removal, shall be conducted during the non-breeding season (approximately September 1 through February 14) to avoid violations of the Migratory Bird Treaty Act and California Fish and Game Code §§3503, 3503.5 and 3513. Several species were identified as having potential to occur nest year-round; therefore, regardless of time of year, a pre-construction survey for nesting birds and special-status species shall be conducted by a qualified biologist (experienced in the identification of special-status species and conducting nesting bird surveys) if activities with the potential to disrupt nesting birds or impacting special-status avian species are scheduled to occur. The survey shall include the project and adjacent areas where project activities have the potential to cause nest failure or directly impact native wildlife. The pre-construction survey shall be conducted no more than three days prior to the start of ground-disturbing activities (including vegetation removal and fuel modification zone thinning) and repeated as necessary whenever these activities are scheduled to occur within the bird breeding season (February 15 through August 31 annually). Site preparation and construction</p> | <p>Prior to project construction and vegetation clearing activities</p> | <p>City of Encinitas Planning Division</p> |

| Mitigation Measure | Timeframe of Mitigation | Monitoring, Enforcement, and Reporting Responsibility |
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| <p>activities may begin if no nesting birds or special-status species are observed during the survey. If nesting birds or raptors or special-status avian species are found to be present, biological monitoring in accordance with mitigation measure BIO-2 in addition to nest avoidance and minimization measures shall be implemented to avoid potential project-related impacts to the species. Avoidance and minimization measures shall be developed by the qualified biologist and may include seasonal work restrictions, additional nesting bird survey and nest monitoring requirements, and/or establishment of non-disturbance buffers around active nests until the biologist has determined that the nesting cycle is completed. The width of non-disturbance buffers established around active nests shall be determined by the qualified biologist (typically 300 feet for songbirds and 500 feet for raptors and listed species). The qualified avian biologist shall consider and have the authority to reduce or increase non-disturbance buffers based on vertical distances, species life history, sensitivity to disturbances, individual behavior and sensitivity to disturbances, nest stage (incubation, feeding nestlings, etc.), location of nest and site conditions, presence of screening vegetation or other features, ambient and ongoing construction activities at the time of nest establishment, and remaining project activities in the immediate area when determining non-disturbance buffers. Once nesting is deemed complete by the qualified biologist as determined through periodic nest monitoring, the non-disturbance buffer shall be removed by the qualified biologist and project work may resume in the area. The Pre-Construction Nesting Bird Survey shall be an ongoing requirement for long-term maintenance activities associated with the project, including annual maintenance of the fuel modification zone.</p> | | |
| <p>BIO-6 Construction Fencing. The limits of project impacts (including construction staging areas and access routes) shall be clearly delineated by the construction contractor under the direct supervision of a qualified biological monitor with bright orange plastic fencing, stakes, flags, or markers that shall be installed in a manner that does not impact habitats to be avoided, and such that they are clearly visible to personnel on foot and operating heavy equipment. Silt fence barriers shall be installed as required to prevent the spread of silt from the construction zone into adjacent habitats and aquatic features. Temporary construction fencing and markers shall be maintained in good repair until the completion of project construction. The applicant shall submit the final plans for project construction to the City for approval at least 30 days prior to initiating project impacts. The applicant shall also submit to the US Fish and Wildlife Service, at least 5 working days prior to initiating project impacts, the final plans for initial vegetation clearing and</p> | <p>During project pre-construction activities; Prior to project ground disturbing activities; During project construction</p> | <p>City of Encinitas Planning Division; US Fish and Wildlife Service</p> |

| Mitigation Measure | Timeframe of Mitigation | Monitoring, Enforcement, and Reporting Responsibility |
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| <p>project construction. These final plans shall include photographs that show the fenced limits of impact and areas to be impacted or avoided.</p> <p>The construction team shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced area (development footprint). All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering adjacent open space and shall be shown on the construction plans. Equipment fueling shall take place within existing disturbed areas. Contractor equipment shall be checked for leaks prior to operation and repair, as necessary. "No-fueling" zones shall be designated on construction plans. If work occurs beyond the fenced limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the US Fish and Wildlife Service. Temporary construction fencing and sediment trapping devices shall be removed upon project completion.</p> | | |
| <p>BIO-7 Off-site Mitigation. Prior to any grading, off-site mitigation shall be required for an additional 1.92 acres of impacts to sensitive and/or mitigated habitats not achieved within the preserve area including 1.60 acres of coastal sage scrub within the Coastal Zone and 0.32 acre of Southern Mixed Chaparral/Chamise-Mission Manzanita Chaparral. This can be achieved through purchasing of mitigation credits or acquiring additional land within the Coastal Zone. Because available land and established mitigation banks within the Coastal Zone are not available, and because the City of Encinitas Subarea Plan is still in draft form, purchasing of mitigation credits within a North County Multiple Habitat Planning Area mitigation bank (https://www.sandiegocounty.gov/content/sdc/pds/mitbnks.html) or at another City-approved preserve area in the process of being established shall be negotiated to the satisfaction of the City, California Department of Fish and Wildlife, and US Fish and Wildlife Service.</p> | <p>Prior to project grading</p> | <p>City of Encinitas Planning Division; California Department of Fish and Wildlife; US Fish and Wildlife Service</p> |
| <p>BIO-8 Limited Building Zone Easement. A Limited Building Zone Easement shall be granted to prohibit the building of structures that would require vegetation clearing within the protected biological open space for fuel management purposes. The easement must extend at least 100 feet from the Biological Open Space Boundary.</p> | <p>During preparation of Tentative Map; Prior to Final</p> | <p>City of Encinitas Planning Division</p> |

| Mitigation Measure | Timeframe of Mitigation | Monitoring, Enforcement, and Reporting Responsibility |
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| <p>Grant to the City of Encinitas a limited building zone easement to the satisfaction of the City. The only exceptions to this prohibition are structures that do not require fuel modification/vegetation management. The limited building zone easement shall also include language that rare plant avoidance within the limited building zone shall be required by requiring a biologist on site prior to any fuel management activities.</p> <p>Prior to recordation of the Final Map, the applicant shall show the easement on the Final Map with the appropriate granting language on the title sheet concurrent with Final Map review.</p> | <p>Map recordation</p> | |
| <p>BIO-9 Open Space Signage. In order to protect the proposed open space easement from entry, or disturbance, permanent fencing and signage shall be installed along the easement boundary as follows. Such fencing and signage shall be installed prior to any occupancy, final grading release, or use of the premises in reliance of the approved project permit.</p> <p>Open space signage shall be placed every 500 feet along the southern and western portion of the biological open space boundary.</p> <ul style="list-style-type: none"> Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed. The sign must be corrosion resistant, a minimum of 6 inches by 9 inches in size, on posts not less than three feet in height from the ground surface, and must state the following: <p><i>Sensitive Environmental Resources Area Restricted by Easement</i></p> <p>Entry without express written permission from the City of Encinitas is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the City of Encinitas, Development Services Department.</p> <p>Reference: MULTI-005158-2022</p> | <p>Prior to occupancy, final grading release, or use of premises</p> | <p>City of Encinitas Planning Division</p> |

| Mitigation Measure | Timeframe of Mitigation | Monitoring, Enforcement, and Reporting Responsibility |
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| <p>The applicant shall install the signage as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space signage has been installed at the open space easement boundary.</p> <p>The City of Encinitas Development Services Department shall review the photos and statement for compliance with this condition.</p> | | |
| CULTURAL RESOURCES | | |
| <p>CR-1 Cultural Resources Monitoring Program. Prior to the commencement of any ground disturbing activities, a Cultural Resource Mitigation Monitoring Program shall be established to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the proposed project. The monitoring shall consist of the full-time presence of a qualified archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for “pre-historic” (i.e., pre-contact) and historic archaeology. Further, a Native American monitor from each tribe that is traditionally and culturally affiliated (TCA) with the project area that has requested tribal cultural monitoring during the AB52 Consultation process shall be retained to monitor all ground-disturbing activities associated with project construction, including vegetation removal, clearing, grading, trenching, excavation, or other activities that may disturb original (pre-project) ground, including the placement of imported fill materials and related roadway improvements (i.e., for access).</p> <ul style="list-style-type: none"> • The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. • Prior to the start of construction activities, the project proponent shall submit a letter of engagement or a copy of a monitoring contract to the City to demonstrate that each archaeological and culturally affiliated Native American monitors have been retained for the project. • The qualified archaeologist and each TCA Native American monitor shall attend all applicable preconstruction meetings with the contractor and/or associated subcontractors. • Monitors shall be provided at least 72 hours notice of the initiation of construction and be kept reasonably apprised of changes to the construction schedule. In the event that a monitor | <p>Prior to and during project ground disturbing activities and construction</p> | <p>City of Encinitas Planning Division</p> |

| Mitigation Measure | Timeframe of Mitigation | Monitoring, Enforcement, and Reporting Responsibility |
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| <p>is not present at the scheduled time, work can continue without the monitor present, as long as the notice was given and documented.</p> <ul style="list-style-type: none"> A reburial location shall be identified as an “environmentally sensitive area” on project plans and communicated to the consulting tribes. If cultural materials discovered during project construction are reburied in this location, the landowner shall record a deed restriction over the reburial area within 30 days of the completion of ground disturbing activities. If the location is not used for reburial of materials, then recording a deed restriction on this location shall not be required. <p><i>During Construction</i></p> <ul style="list-style-type: none"> The qualified archaeologist shall maintain ongoing collaborative consultation with each TCA Native American monitor during all ground-disturbing or altering activities, as identified above. The qualified archaeologist and/or each TCA Native American monitor shall have the authority to temporarily halt ground-disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, if subsurface deposits believed to be cultural or human in origin are discovered during construction, all work shall halt within a 100-foot radius of the discovery and ground-disturbing activities shall be temporarily directed away from these deposits to allow a determination of potential significance, the subject of which shall be determined by the qualified archaeologist and the TCA Native American monitor(s). Ground-disturbing activities shall not resume until the qualified archaeologist, in consultation with each TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the qualified archaeologist’s discretion, the location of ground-disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources. If the professional archaeologist determines with full agreement from the TCA monitor(s) that the find does not represent a cultural resource, work may resume immediately and no agency notifications are required. The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. | | |

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| <p>If avoidance is not feasible, a Data Recovery Plan may be authorized by the City as the lead agency under CEQA. If a Data Recovery Plan is required, then each TCA Native American monitor shall be notified and consulted in drafting and finalizing any such recovery plan.</p> <ul style="list-style-type: none"> • The qualified archaeologist and/or each TCA Native American monitor may also halt ground-disturbing activities around known archaeological artifact deposits or cultural features if, in their respective opinions, there is the possibility that they could be damaged or destroyed. • The landowner shall relinquish ownership of all tribal cultural resources collected during the cultural resource mitigation monitoring conducted during all ground-disturbing activities, and from any previous archaeological studies or excavations on the project site, to each TCA Native American Tribe for respectful and dignified treatment and disposition, including reburial, in accordance with the tribe’s cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the most likely descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. | | |
| <p>CR-2 Prepare Monitoring Report and/or Evaluation Report. Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the results, analysis, and conclusions of the cultural resource mitigation monitoring efforts (such as but not limited to the Research Design and Data Recovery Program), shall be submitted by the qualified archaeologist, along with the TCA Native American monitor’s notes and comments, to the City’s Development Services Director for approval.</p> | <p>Prior to release of grading bond</p> | <p>City of Encinitas Planning Division</p> |
| <p>CR-3 Identification of Human Remains. 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 by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the qualified archaeologist and/or the TCA Native American monitor) shall occur until the coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the qualified archaeologist and/or the TCA Native</p> | <p>During project ground disturbing activities</p> | <p>City of Encinitas Planning Division</p> |

| Mitigation Measure | Timeframe of Mitigation | Monitoring, Enforcement, and Reporting Responsibility |
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| <p>American monitor), and consultation and treatment could occur as prescribed by law. As further defined by State law, the coroner shall determine within two working days of being notified if the remains are subject to his or her authority. If the coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the most likely descendent. If Native American remains are discovered, the remains shall be kept in situ (“in place”), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American monitor.</p> | | |
| GEOLOGY AND SOILS | | |
| <p>GEO-1 Paleontological Data Recovery and Monitoring Plan. A Data Recovery and Monitoring Plan shall be prepared to the satisfaction of the City. The plan shall document paleontological recovery methods.</p> <ol style="list-style-type: none"> 1. Prior to grading permit issuance, the project applicant shall implement a paleontological monitoring and recovery program consisting of the following measures, which shall be included on project grading plans to the satisfaction of the Development Services Department: <ol style="list-style-type: none"> a. The project applicant shall retain the services of a qualified paleontologist to conduct a paleontological monitoring and recovery program. A qualified paleontologist is defined as an individual having an MS or PhD degree in paleontology or geology, and who is a recognized expert in the identification of fossil materials and the application of paleontological recovery procedures and techniques. As part of the monitoring program, a paleontological monitor may work under the direction of a qualified paleontologist. A paleontological monitor is defined as an individual having experience in the collection and salvage of fossil materials. b. The qualified paleontologist shall attend the project preconstruction meeting to consult with the grading and excavation contractors concerning the grading plan and paleontological field techniques. c. The qualified paleontologist or paleontological monitor shall be on-site during grading and/or excavation of previously undisturbed deposits of moderate and high sensitivity | <p>Prior to grading and building permit issuance; During project grading and excavation</p> | <p>City of Encinitas Planning Division</p> |

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| <p>geologic units (e.g., Santiago Formation) to inspect exposures for any contained fossils. If the qualified paleontologist or paleontological monitor ascertains that the noted formations are not fossil-bearing, the qualified paleontologist shall have the authority to terminate the monitoring program. The paleontological monitor shall work under the direction of a qualified paleontologist. An adaptive approach is recommended, which involves initial part-time paleontological monitoring (e.g., up to 4 hours per day). As the project proceeds, the qualified paleontologist shall evaluate the monitoring results and, in consultation with the City and subject to the City’s consent, may revise the monitoring schedule (i.e., maintain part-time monitoring, increase to full-time monitoring, or cease all monitoring).</p> <p>d. If fossils are discovered, recovery shall be conducted by the qualified paleontologist or paleontological monitor. In most cases, fossil salvage can be completed in a short period of time, although some fossil specimens (such as a complete large mammal skeleton) may require an extended salvage period. In these instances, the paleontologist (or paleontological monitor) shall have the authority to temporarily direct, divert, or halt grading to allow recovery of fossil remains in a timely manner.</p> <p>e. If subsurface bones or other potential fossils are found anywhere within the project site by construction personnel in the absence of a qualified paleontologist or paleontological monitor, the qualified paleontologist shall be notified immediately to assess their significance and make further recommendations.</p> <p>f. Fossil remains collected during monitoring and salvage shall be cleaned, sorted, and catalogued. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall be deposited (as a donation) in a scientific institution with permanent paleontological collections such as the San Diego Natural History Museum.</p> <p>2. Prior to building permit issuance, a final summary report outlining the results of the mitigation program shall be prepared by the qualified paleontologist and submitted to the Development Services Department for concurrence. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils, as well as appropriate maps.</p> | | |

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| NOISE | | |
| <p>NOI-1 Construction Noise Control Plan. A Construction Noise Control Plan shall be prepared to the satisfaction of the City. The plan shall demonstrate compliance with the City’s noise ordinance, including the requirements that construction equipment, or combination of equipment, would not sustain or exceed the City’s 75 dBA significance threshold continuously over the course of an 8 hour period.</p> | <p>Prior to and during project construction</p> | <p>City of Encinitas Planning Division</p> |
| <p>NOI-2 Noise Barriers. A minimum 5-foot noise barrier shall be located along private rooftop decks and a minimum 8-foot barrier shall be located around the on-site common pool area.</p> | <p>During preparation of Tentative Map; During project construction</p> | <p>City of Encinitas Planning Division</p> |
| TRIBAL CULTURAL RESOURCES | | |
| <p>Implement mitigation measures CR-1 to CR-3.</p> | <p>Prior to and during project ground disturbing activities and construction; Prior to release of grading bond</p> | <p>City of Encinitas Planning Division</p> |
| WILDFIRE | | |
| <p>WF-1 Fire Protection Plan</p> <p>Prior to occupancy, the following measures identified in the Fire Protection Plan (Firewise2000, LLC 2022) shall be implemented to reduce potential fire threat and provide heightened fire protection.</p> <ol style="list-style-type: none"> 1. A fuel modification zone shall be provided to the north of the proposed retaining wall located along the northern boundary of the development area, extending 100 feet from the north side of the wall. This fuel modification zone shall include 50 feet of irrigated Zones 1A and 1B adjacent to each structure followed by 50 feet of non-irrigated thinning Zone 2. The | <p>Prior to and during project construction; Prior to occupancy</p> | <p>City of Encinitas Planning Division</p> |

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| <p>homeowners association shall be required to oversee and perform the described fuel treatments as described in the Fire Protection Plan on an ongoing basis.</p> <ol style="list-style-type: none"> 2. Prior to occupancy, the homeowners association shall be approved and in place to ensure ongoing fire safety. 3. All newly constructed structures shall be built to ignition resistant building requirements, including the installation of automatic interior fire sprinkler systems. 4. All vents used in the proposed on-site structures shall be “Brandguard,” “O’Hagin Fire & Ice Line – Flame and Ember Resistant,” or equivalent type vents. 5. All operable windows shall be provided with metal (not vinyl) mesh bug screens over the operable opening to prevent embers from entering the structure during high wind conditions when windows may be inadvertently left open. 6. As mitigation for driveways that exceed 150 feet in length, the following additional building measures shall be required of the structures shown in grey on the Fire Protection Plan Map (Appendix F of the Fire Protection Plan; Firewise2000, LLC 2022): <ol style="list-style-type: none"> a. Exterior walls facing the driveway shall have two hour rated walls. b. Interior fire sprinkler shall be extended to the attic space including the areas over bathrooms and closets. | | |
| <p>WF-2 Construction Fire Protection Plan</p> <ol style="list-style-type: none"> 1. Prior to the commencement of project construction, the following measures shall be completed: <ol style="list-style-type: none"> a. During construction, at least 50 feet of clearance around the structures shall be kept free of all flammable vegetation as an interim fuel modification zone, with exception of where habitat protection is required. b. In reference to mitigation measure BIO-8, a Limited Building Zone easement shall be granted to the City of Encinitas. | <p>Prior to and during project construction</p> | <p>City of Encinitas Planning Division</p> |

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