

# TTM 38346 Project

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FINAL INITIAL STUDY /MITIGATED  
NEGATIVE DECLARATION

Prepared for:  
**City of Menifee**



Prepared by:  
**Michael Baker International, Inc.**



August 2023

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**FINAL  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**TTM 38346 Project**

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**State Clearinghouse No. 2023070251**

**Lead Agency:**



**CITY OF MENIFEE**  
29844 Haun Road  
Menifee, California 92586  
**Contact: Mr. Fernando Herrera**  
951.723.3718

**Prepared by:**

**MICHAEL BAKER INTERNATIONAL**  
40810 County Center Drive, Suite 200  
Temecula, California 92591  
**Contact: Ms. Alicia Gonzalez**  
909.974.4933

**August 2023**

JN 192038

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## 1.0 INTRODUCTION

The TTM 38346 Project (project) proposes a multi-family residential project consisting of 162 two (2) story condominiums on an approximately 9.5 gross acre site on the northwest corner of Rouse Road and Menifee Road. The proposed project consists of 37 one (1) bedroom units, 63 two (2) bedroom units, and 62 three (3) bedroom units. A total of 352 parking spaces are being proposed, of which, 287 parking spaces will be located within a garage. The project will provide recreational amenities and proposes a community pool area, a community clubhouse, along with a Dog Park and internal paseos which will serve to connect the project. The project will also have associated offsite improvements proposed along Rouse Road and Menifee Road designed and constructed consistent with City of Menifee design standards.

The Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse No. 2023070251) was made available for public review and comment pursuant to CEQA Guidelines Section 15073. The public review commenced on July 14, 2023 and concluded on August 2, 2023. The IS/MND and supporting attachments were available for review by the general public at:

<http://www.cityofmenifee.us/325/Environmental-Notices-Documents>



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## 2.0 RESPONSE TO COMMENTS

During the public review period, comment letters were received on the IS/MND from interested public agencies and individuals. The following is a list of commenters on the IS/MND during the public review period.

Comment Letter No.	Person, Firm, or Agency	Letter Dated
1	Claritsa Duarte, Cultural Resources Analyst, Agua Caliente Band of Cahuilla Indians	July 20, 2023
2	Mauricio Alvarez, Planning Analyst, Riverside Transit Agency	July 21, 2023
3	Jackie Vega, Urban Regional Planner II, Riverside County Airport Land Use Commission	July 28, 2023

Although the CEQA Guidelines do not require a lead agency to prepare written responses to comments received (see CEQA Guidelines Section 15088), the City of Menifee has elected to prepare the following written responses with the intent of conducting a comprehensive and meaningful evaluation of the proposed project. The number designations in the responses are correlated to the bracketed and identified portions of each comment letter.



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# AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



03-057-2022-002

July 20, 2023

[VIA EMAIL TO: fherrera@cityofmenifee.us]  
 City of Menifee  
 Mr. Fernando Herrera  
 29844 Haun Road  
 Menifee, CA 92586

**Re: DEV2022-002 MND**

Dear Mr. Fernando Herrera,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the DEV2022-002 project. We have reviewed the documents and have the following comments:

\*The Mitigated Negative Declaration document included standard mitigation measures to address impacts to cultural resources. We found these measures to be sufficient.

\*At this time the concerns of the ACBCI THPO have been addressed and proper mitigation measures have been proposed to ensure the protection of tribal cultural resources. This letter shall conclude our AB52 consultation efforts.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760) 883-1134. You may also email me at ACBCI-THPO@aguacaliente.net.

Cordially,

Claritsa Duarte  
 Cultural Resources Analyst  
 Tribal Historic Preservation Office  
 AGUA CALIENTE BAND  
 OF CAHUILLA INDIANS

1-1

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## **Response No. 1**

Claritsa Duarte, Cultural Resources Analyst  
Agua Caliente Band of Cahuilla Indians  
July 20, 2023

- 1-1 This comment provides a general introduction, appreciating the efforts to include the Agua Caliente Band of Cahuilla Indians Tribal Historic Preservation Office (THPO) as part of the project's CEQA process. The comment states that the mitigation measures included in the Draft IS/MND are sufficient to protect cultural resources, and that AB 52 consultation efforts are considered closed since the concerns of the THPO have been addressed. The comment is acknowledged.

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**Gonzalez, Alicia**

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**From:** Fernando Herrera <fherrera@cityofmenifee.us>  
**Sent:** Tuesday, July 25, 2023 9:13 AM  
**To:** Gonzalez, Alicia  
**Subject:** EXTERNAL: FW: DEV2022-002 TTM 38346 PLN22-0003 Plot Plan PLN22-0004

Good morning,

We have received the following comment for DEV2022-002.

**Fernando Herrera** | Associate Planner  
Community Development Department  
City of Menifee | 29844 Haun Road | Menifee, CA 92586  
Direct: (951) 723-3718 | City Hall: (951) 672-6777 | Fax: (951) 679-2567  
[fherrera@cityofmenifee.us](mailto:fherrera@cityofmenifee.us) | [cityofmenifee.us](http://cityofmenifee.us)



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**From:** Mauricio Alvarez <malvarez@riversidetransit.com>  
**Sent:** Friday, July 21, 2023 11:39 AM  
**To:** Fernando Herrera <fherrera@cityofmenifee.us>  
**Subject:** DEV2022-002 TTM 38346 PLN22-0003 Plot Plan PLN22-0004

**[CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Fernando,

Thank you for including Riverside Transit Agency in the development review of the proposed condominium project located on the northwest corner of Menifee Rd and Rouse Rd. After reviewing the plans, there are no comments to submit for this particular project.

Thank you,

**Mauricio Alvarez, MBA**  
Planning Analyst

2-1

Riverside Transit Agency  
p: 951.565.5260 | e: [malvarez@riversidetransit.com](mailto:malvarez@riversidetransit.com)  
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)  
1825 Third Street, Riverside, CA 92507



## **Response No. 2**

Riverside Transit Agency  
Mauricio Alvarez, Planning Analyst  
July 21, 2023

- 2-1        The commenter indicates that Riverside Transit Agency has reviewed the plans for the TTM 38346 project, and does not have comments on the Draft IS/MND. The comment is acknowledged. Since this comment does not identify a specific concern with the adequacy of the Draft IS/MND or raise an issue or comment specifically related to the Draft IS/MND's environmental analysis under CEQA, no further response is warranted. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

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**From:** [Fernando Herrera](#)  
**To:** [Gonzalez, Alicia](#)  
**Subject:** EXTERNAL: FW: PLN22-0003  
**Date:** Friday, July 28, 2023 2:56:36 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

Good afternoon,

Please see the attached comment

**Fernando Herrera** | Associate Planner  
Community Development Department  
City of Menifee | 29844 Haun Road | Menifee, CA 92586  
Direct: (951) 723-3718 | City Hall: (951) 672-6777 | Fax: (951) 679-2567  
[fherrera@cityofmenifee.us](mailto:fherrera@cityofmenifee.us) | [cityofmenifee.us](http://cityofmenifee.us)



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**From:** Vega, Jaqueline <JaVega@RIVCO.ORG>  
**Sent:** Friday, July 28, 2023 1:41 PM  
**To:** Fernando Herrera <fherrera@cityofmenifee.us>  
**Subject:** PLN22-0003

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3-1

Hello Fernando,

Thank you for transmitting the above referenced project to ALUC for review. Please note that the proposed project is located in zone E of March AIA, and the proposed project does not propose any legislative actions and therefore the City of Menifee is able to conduct the ALUC review themselves.

Should you have any questions, please contact me.

Jackie Vega  
Urban Regional Planner II



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**County of Riverside California**

### **Response No. 3**

Riverside County Airport Land Use Commission  
Jackie Vega, Urban Regional Planner II  
July 28, 2023

- 3-1        The commenter notes that the project is located in zone E of the March Airport Influence Area and acknowledges that the City of Menifee can conduct its own ALUC review of the project. The comment is acknowledged. Since this comment does not identify a specific concern with the adequacy of the Draft IS/MND or raise an issue or comment specifically related to the Draft IS/MND's environmental analysis under CEQA, no further response is warranted. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

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### **3.0 MITIGATION MONITORING AND REPORTING PROGRAM**

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring plan. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 1, *Mitigation Monitoring and Reporting Checklist*, and Table 2, *Standard Conditions and Requirements Checklist*, have been prepared for the TTM 38346 Project (the “project”). This Checklist is intended to provide verification that all applicable Conditions of Approval relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the City of Menifee TTM 38346 Project file.

This Mitigation Monitoring and Reporting Program (MMRP) delineates responsibilities for monitoring the project, but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Checklist and Standard Conditions and Requirements Checklist (Table 1 and Table 2). If an adopted mitigation measure or standard condition is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Initial Study/Mitigated Negative Declaration, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.

- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the MMRP, if required, would be made in accordance with CEQA and would be permitted after further review and approval by the City. Such changes could include reassignment of monitoring and reporting responsibilities, plan redesign to make any appropriate improvements, and/or modification, substitution or deletion of mitigation measures subject to conditions described in CEQA Guidelines Section 15162. No change will be permitted unless the MMRP continues to satisfy the requirements of Public Resources Code Section 21081.6.



**Table 1**  
**Mitigation Monitoring and Reporting Checklist**

Mitigation Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Verification of Compliance		
					Initials	Date	Remarks
<b>BIOLOGICAL RESOURCES</b>							
BIO-1	<p><b>Pre-Construction Survey for Nesting Birds.</b> Ground-disturbing activities shall be conducted during the non-breeding season for birds (approximately September 1 through January 31) to avoid violations of the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code § § 3503, 3503.5 and 3513.</p> <p>If grading or construction activities, including vegetation removal with the potential to disrupt nesting birds, including burrowing owl and coastal California gnatcatcher, are scheduled to occur during the bird breeding season (February 1 through August 31), a pre-construction survey for nesting birds and coastal California gnatcatcher shall be conducted by a qualified Designated Biologist who is experienced in the identification of avian species and conduction nesting bird surveys using appropriate survey methodology. The nest survey shall include the project site and any adjacent areas (i.e., construction site entrances and/or staging areas) where the project activities have the potential to cause nest failure. The pre-construction survey shall be conducted no more than three days prior to the start of ground-disturbing activities within the bird breeding season at the appropriate time of day/night, and</p>	Designated Biologist	Community Development Department - Planning Division/ Designated Biologist	Within Three Days Prior to the Start of Ground-Disturbing Activities/ During Construction			

Mitigation Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Verification of Compliance		
					Initials	Date	Remarks
	<p>during appropriate weather conditions. If no nesting bird or gnatcatchers are observed during the survey, site preparation and construction activities may begin. If nesting birds (including nesting raptors) or gnatcatchers are found to be present, avoidance or minimization measures shall be undertaken to avoid potential project-related impacts. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.</p> <p>If an active avian nest confirmed, the Designated Biologist shall immediately establish a conservative avoidance buffer surrounding the nest based on the nest based on their best professional judgement and experience. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such project activities may be causing an adverse reaction, the Designated Biologist shall adjust the</p>						

Mitigation Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Verification of Compliance		
					Initials	Date	Remarks
	buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. All work within these buffers will be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The onsite qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping.						
BIO-2	<b>Pre-Construction Surveys for Burrowing Owl.</b> A pre-construction survey for burrowing owl shall be conducted within the project site within 30 days prior to the start of ground-disturbing activities. The surveys shall follow the methods described in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Burrowing Owl Survey Instructions (RCTLMA 2006). According to the MSHCP Burrowing Owl Survey Instructions, focused burrowing owl surveys shall be conducted because suitable habitat was recorded during the burrowing owl habitat assessment. If burrowing owls and/or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are identified on the project site during the survey and impacts to the species are unavoidable, additional mitigation may need to be implemented, such as	Applicant/ Designated Biologist	Designated Biologist/ Community Development Department - Planning Division	Within 30 Days Prior to the Start of Ground- Disturbing Activities/ During Construction			

Mitigation Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Verification of Compliance		
					Initials	Date	Remarks
	<p>implementing a no-disturbance buffer around occupied burrows or seasonal work restrictions. If at any time there is a lapse of project activities for 30 days or more, another burrowing owl survey shall be conducted.</p> <p>If an occupied burrow is found within the project impact area during the pre-construction clearance survey, the onsite biologist will review and establish a conservative avoidance buffer surrounding the nest based on their best professional judgment and experience and verify compliance with this buffer and will verify the nesting effort has finished. Work can resume when no other active burrowing owl nesting efforts are observed. If active burrowing owl burrows are detected outside the breeding season, then passive and/or active relocation pursuant to a Burrowing Owl Plan that shall be prepared by the Applicant and approved by the City in consultation with the California Department of Fish &amp; Wildlife (CDFW), or the construction contractor shall stop construction activities within the buffer zone established around the active nest and shall not resume construction activities until the nest is no longer active. The Burrowing Owl Plan shall be prepared in accordance with guidelines in the MSHCP. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied and backfilled to ensure that animals do not reenter the holes/dens.</p>						
<b>GEOLOGY AND SOILS</b>							

Mitigation Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Verification of Compliance		
					Initials	Date	Remarks
GEO-1	<p><b>Paleontological Resources.</b> Prior to issuance of grading permits, the project applicant shall retain a qualified paleontologist to evaluate the site and prepare and implement a paleontological resource mitigation program (PRMP). The project paleontologist would review the grading plan and conduct any preconstruction work necessary to render appropriate monitoring and mitigation requirements, to be documented in the PRMP. During ground disturbing activities, the qualified paleontologist shall monitor ground disturbing activity within Pleistocene alluvial deposits. If evidence of subsurface paleontological resources is found during construction, excavation and other construction activity in that area shall cease and the qualified paleontologist shall contact the City of Menifee Community Development Director in writing within four hours. Unanticipated discoveries shall be evaluated for significance by the qualified paleontologist before the City of Menifee Community Development Director allows for construction activities to recommence. If significance criteria are met, the qualified paleontologist shall collect and catalogue the resource in accordance with the Society of Vertebrate Paleontology (SVP) guidelines. The PRMP shall be submitted to the City prior to issuance of a grading permit. Information contained in the PRMP would minimally include:</p> <ol style="list-style-type: none"> <li>1. Description of the project site and proposed grading operations</li> <li>2. Description of the level of monitoring required for earth-moving activities</li> </ol>	Qualified Paleontologist	Qualified Paleontologist/ Community Development Department - Planning Division	Prior to Issuance of Grading Permits/ During Ground Disturbing Activities			

Mitigation Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Verification of Compliance		
					Initials	Date	Remarks
	3. Identification and qualifications of the paleontological monitor to be employed during earth moving 4. Identification of personnel with authority to temporarily halt or divert grading to allow recovery of large specimens 5. Direction for fossil discoveries to be reported to the developer and the City 6. Means and methods to be employed by the paleontological monitor to quickly salvage fossils to minimize construction delays 7. Sampling methods for sediments that are likely to contain small fossil remains, if any. 8. Procedures and protocol for collecting and processing of samples and specimens, as necessary 9. Fossil identification and curation procedures 10. Identification of the repository to receive fossil material 11. All pertinent maps and exhibits 12. Procedures for reporting of findings 13. Acknowledgment of the developer for content of the PRMP and acceptance of financial responsibility for monitoring, reporting, and curation						
<b>HAZARDS AND HAZARDOUS MATERIALS</b>							
HAZ-1	<b>Septic Tank and Groundwater Well Abandonment.</b> Prior to ground disturbing activities, the project applicant shall retain a professional geologist to verify the presence or absence of an abandoned septic tank and/or groundwater well at the former residential structure. In the event either feature	Applicant/Qualified Geologist	Designated Geologist/ Building and Safety Department	Prior to Ground Disturbing Activities			

Mitigation Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Verification of Compliance		
					Initials	Date	Remarks
	is identified, the former septic tank and/or groundwater well shall be abandoned and/or removed in accordance with applicable laws, ordinances, and regulations. The City of Menifee Building and Safety Department shall verify these features have been abandoned and/or removed prior to ground disturbance activities.						
HAZ-2	<b>Contaminated Soils.</b> Prior to ground disturbing activities, the project applicant shall retain a qualified Phase II specialist to conduct soil sampling to identify the presence or absence of lead-based paint and/or OCP-contaminated soils at the former residential structure. If found, removal of soils contaminated with lead-based paints or OCPs must be completed with an approved Health and Safety Plan prepared by a qualified Phase II specialist. Disposal of lead paints or OCP containing soils must be done at an approved disposal facility. The City of Menifee Building and Safety Department shall verify contaminated soils have been removed and properly disposed of prior to ground disturbance activities.	Applicant/Qualified Phase II Specialist	Phase II Specialist/Building and Safety Department	Prior to Ground Disturbing Activities			
<b>TRANSPORTATION</b>							
TRA-1	<b>Traffic Management Plan.</b> Prior to issuance of grading permits, the project applicant shall prepare a Traffic Management Plan (TMP) for approval by the City of Menifee Traffic Engineer. The TMP shall include measures to minimize potential safety impacts during the short-term construction process if partial or full lane closures are required. The TMP shall specify that one direction of travel in each direction on adjacent roadways (i.e., Rouse Road and Menifee Road) must always be maintained during	Applicant	City of Menifee Traffic Engineer	Prior to Issuance of Grading Permits			

Mitigation Number	Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Verification of Compliance		
					Initials	Date	Remarks
	project construction activities. If full lane closures are required and one direction of travel in each direction cannot be maintained, the TMP shall identify planned detours. The TMP shall include measures such as construction signage, limitations on timing for lane closures to avoid peak hours, temporary striping plans, and use of construction flagperson(s) to direct traffic during heavy equipment use. The TMP shall be incorporated into project specifications for verification prior to final plan approval.						
TRA-2	<b>Intersection No. 4 Striping Plan Improvement.</b> Prior to issuance of grading permits, the City of Menifee Traffic Engineer shall verify that the project Applicant has revised the striping plan to include a 200-foot southbound dedicated right turn lane plus taper at the intersection of Menifee Road and Rouse Road (Intersection No. 4).	Applicant	City of Menifee Traffic Engineer	Prior to Issuance of Grading Permits			



**Table 2**  
**Standard Conditions and Requirements**

Condition Number	Standard Conditions and Requirements	Implementation Responsibility	Monitoring Responsibility	Timing	Verification of Compliance		
					Initials	Date	Remarks
<b>CULTURAL RESOURCES</b>							
SC-CUL-1	<p><b>Archeologist Retained.</b> Prior to issuance of a grading permit, the project applicant shall retain a Riverside County qualified archaeologist to monitor all ground disturbing activities in an effort to identify any unknown archaeological resources.</p> <p>The project Archaeologist and the Tribal monitor(s) shall manage and oversee monitoring for all initial ground disturbing activities and excavation of each portion of the project site including clearing, grubbing, tree removals, mass or rough grading, trenching, stockpiling of materials, rock crushing, structure demolition and etc. The project Archaeologist and the Tribal monitor(s), shall have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources in coordination with any required special interest or tribal monitors.</p> <p>The developer/permit holder shall submit a fully executed copy of the contract to the Community Development Department to ensure compliance with this condition of approval. Upon verification, the Community Development Department shall clear this condition.</p>	Qualified Archaeologist/ Tribal Monitor	Community Development Department - Planning Division	Prior to the Issuance of a Grading Permit/ During Ground Disturbing Activities			

Condition Number	Standard Conditions and Requirements	Implementation Responsibility	Monitoring Responsibility	Timing	Verification of Compliance		
					Initials	Date	Remarks
	<p>In addition, the project Archaeologist, in consultation with the Consulting Tribe(s), the contractor, and the City, shall develop a Cultural Resources Management Plan (CRMP) in consultation pursuant to the definition in AB 52 to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. A consulting tribe is defined as a tribe that initiated the AB 52 tribal consultation process for the project, has not opted out of the AB 52 consultation process, and has completed AB 52 consultation with the City as provided for in Cal Pub Res Code Section 21080.3.2(b)(1) of AB 52. Details in the Plan shall include:</p> <ul style="list-style-type: none"> <li>a. Project grading and development scheduling;</li> <li>b. The project archeologist and the Consulting Tribes(s) shall attend the pre-grading meeting with the City, the construction manager and any contractors and will conduct a mandatory Cultural Resources Worker Sensitivity Training to those in attendance. The Training will include a brief review of the cultural sensitivity of the project and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event inadvertent discoveries of cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and</li> </ul>						

Condition Number	Standard Conditions and Requirements	Implementation Responsibility	Monitoring Responsibility	Timing	Verification of Compliance		
					Initials	Date	Remarks
	<p>any other appropriate protocols. All new construction personnel that will conduct earthwork or grading activities that begin work on the project following the initial Training must take the Cultural Sensitivity Training prior to beginning work and the project archaeologist and Consulting Tribe(s) shall make themselves available to provide the training on an as-needed basis; and</p> <p>c. The protocols and stipulations that the contractor, City, Consulting Tribe(s) and project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources' evaluation.</p>						
SC-CUL-2	<p><b>Non-Disclosure of Location Reburials.</b> It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254(r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).</p>	Contractor	Community Development Department - Planning Division	During Ground Disturbing Activities			

Condition Number	Standard Conditions and Requirements	Implementation Responsibility	Monitoring Responsibility	Timing	Verification of Compliance		
					Initials	Date	Remarks
SC-CUL-3	<p><b>Inadvertent Archeological Find.</b> If during ground disturbance activities, unique cultural resources are discovered that were not assessed by the archaeological report(s) and/or environmental assessment conducted prior to project approval, the following procedures shall be followed. Unique cultural resources are defined, for this condition only, as being multiple artifacts in close association with each other, but may include fewer artifacts if the area of the find is determined to be of significance due to its sacred or cultural importance as determined in consultation with the Native American Tribe(s).</p> <p>i. All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the archaeologist, the tribal representative(s) and the Community Development Director to discuss the significance of the find.</p> <p>ii. At the meeting, the significance of the discoveries shall be discussed and after consultation with the tribal representative(s) and the archaeologist, a decision shall be made, with the concurrence of the Community Development Director, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.</p> <p>iii. Grading of further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by all parties as to</p>	Contractor/ Qualified Archaeologist/ Tribal Monitor	Community Development Department - Planning Division	During Ground Disturbing Activities			

Condition Number	Standard Conditions and Requirements	Implementation Responsibility	Monitoring Responsibility	Timing	Verification of Compliance		
					Initials	Date	Remarks
	<p>the appropriate mitigation. Work shall be allowed to continue outside of the buffer area and will be monitored by additional Tribal monitors if needed.</p> <p>iv. Treatment and avoidance of the newly discovered resources shall be consistent with the Cultural Resources Management Plan and Monitoring Agreements entered into with the appropriate tribes. This may include avoidance of the cultural resources through project design, in-place preservation of cultural resources located in native soils and/or re-burial on the project property so they are not subject to further disturbance in perpetuity as identified in Non-Disclosure of Reburial Condition.</p> <p>v. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the landowner and the Tribe(s) cannot agree on the significance or the mitigation for the archaeological or cultural resources, these issues will be presented to the City Community Development Director for decision. The City Community Development Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources, recommendations of the project archeologist and shall take into account the cultural and religious principles and practices of</p>						

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	<p>the Tribe. Notwithstanding any other rights available under the law, the decision of the City Community Development Director shall be appealable to the City Planning Commission and/or City Council.</p> <p>vi.</p>						
SC-CUL-4	<p><b>Cultural Resources Disposition.</b> In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries:</p> <p>a. One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the City of Menifee Community Development Department:</p> <p>i. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources.</p> <p>ii. Reburial of the resources on the project property. The measures for reburial shall include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts in perpetuity. Reburial shall not occur until all legally required cataloging and basic recordation have been completed, with an exception that sacred items, burial goods and Native</p>	Qualified Archaeologist/ Tribal Monitor	Community Development Department - Planning Division	During Ground Disturbing Activities			

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	<p>American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV report. The Phase IV Report shall be filed with the City under a confidential cover and not subject to Public Records Request.</p> <p>iii. If preservation in place or reburial is not feasible then the resources shall be curated in a culturally appropriate manner at a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the City. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report.</p>						

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SC-CUL-5	<b>Native American Monitoring (Pechanga).</b> Tribal monitor(s) shall be required on-site during all ground-disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Pechanga Band of Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above-mentioned Tribe and the land divider/permit holder for the monitoring of the project to the Community Development Department and to the Engineering Department. The Tribal Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground-disturbance activities to allow recovery of cultural resources, in coordination with the Project Archaeologist.	Pechanga Tribal Monitor	Community Development Department - Planning Division and Engineering Department	During Ground Disturbing Activities			
SC-CUL-6	<b>Native American Monitoring (Soboba).</b> Tribal monitor(s) shall be required on-site during all ground-disturbing activities, including grading, stockpiling of materials, engineered fill, rock crushing, etc. The land divider/permit holder shall retain a qualified tribal monitor(s) from the Soboba Band of Luiseno Indians. Prior to issuance of a grading permit, the developer shall submit a copy of a signed contract between the above-mentioned Tribe and the land divider/permit holder for the monitoring of the project to the Community Development Department and to the Engineering Department. The Native American Monitor(s) shall have the authority to temporarily divert, redirect or halt the ground-disturbance	Soboba Tribal Monitor	Community Development Department - Planning Division and Engineering Department	During Ground Disturbing Activities			



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	activities to allow recovery of cultural resources, in coordination with the project Archaeologist.						
SC-CUL-7	<b>Archeology Report - Phase III and IV.</b> Prior to final inspection, the developer/permit holder shall prompt the project Archeologist to submit two (2) copies of the Phase III Data Recovery report (if required for the project) and the Phase IV Cultural Resources Monitoring Report that complies with the Community Development Department's requirements for such reports. The Phase IV report shall include evidence of the required cultural/historical sensitivity training for the construction staff held during the pre-grade meeting. The Community Development Department shall review the reports to determine adequate mitigation compliance. Provided the reports are adequate, the Community Development Department shall clear this condition. Once the report(s) are determined to be adequate, two (2) copies shall be submitted to the Eastern Information Center (EIC) at the University of California Riverside (UCR) and one (1) copy shall be submitted to the Consulting Tribe(s) Cultural Resources Department(s).	Qualified Archaeologist	Community Development Department - Planning Division	Prior to Final Inspection			
SC-CUL-8	<b>Human Remains.</b> If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resource Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has	Contractor	Community Development Department - Planning Division	During Ground Disturbing Activities			

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	been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.						
<b>NOISE</b>							
SC-NOI-1	<p><b>Noise Control Regulations – General Exemptions.</b> The project shall comply with Menifee Municipal Code, Section 9.210.060 (Noise Control Regulations), Section 9.210.060 – General Exemptions, exemptions relevant to the project include:</p> <ul style="list-style-type: none"> <li>• Property maintenance including lawnmowers, leaf blowers, etc., provided such maintenance occurs between the hours of 7 a.m. and 8:00 p.m.;</li> <li>• Motor vehicles, other than off-highway vehicles; and</li> <li>• Heating and air conditioning equipment in proper repair.</li> </ul>	Home Owners Association	City of Menifee Code Enforcement	During Operation			
SC-NOI-2	<p><b>Noise Control Regulations – Construction-Related Exemptions.</b> The project shall comply with Menifee Municipal Code, Section 9.210.060 (Noise Control Regulations), Section 9.210.060 – Construction-Related Exemptions, construction</p>	Applicant/Construction Contractor	City of Menifee Building and Safety Department	During Construction			

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	noise is exempt from applicable noise standards provided that: <ul style="list-style-type: none"> <li>• The construction project is located at least one-quarter mile from an inhabited dwelling; or</li> <li>• Construction does not occur between the hours of 7:00 p.m. and 6:30 a.m.</li> </ul>						

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