

**California Regional Water Quality Control Board, San Diego Region**

June 13, 2014

**Certified Mail – Return Receipt Requested**  
Article Number: 7011 0470 0002 8961 8224

David Zak  
NCA ESCO Escondido LLC  
14 Corporate Plaza, Suite 100  
Newport Beach, CA 92660

**In reply/refer to:**  
**amonji:802026**

**Subject: Clean Water Act Section 401 Water Quality Certification No. R9-2013-0191  
for the Escondido Boulevard Apartments Project**

Mr. Zak:

Enclosed find Clean Water Act Section 401 Water Quality Certification No. R9-2013-0191 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board ) in response to the application submitted by NCA ESCO Escondido LLC for the Escondido Boulevard Apartments (Project). A description of the Project and Project location can be found in the Certification and site maps which are included as attachments to the Certification.

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

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action pursuant to section 3867 of Title 23 of the California Code of Regulations (23 CCR). If no petition is received, it will be assumed that NCA ESCO Escondido LLC has accepted and will comply with all terms and conditions of the Certification.

In the subject line of any response, please include reference number amonji:802026. For questions or comments, please contact Alan Monji by telephone at (619) 521-3968 or by email at Alan.Monji@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON  
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. R9-2013-0191 for the Escondido Boulevard Apartments Project

DWG:jgs:db:kd:atm

cc:

U.S. Army Corps of Engineers, Regulatory Branch  
San Diego Field Office  
Shanti Santulli  
Shanti.A.Santulli@usace.army.mil

California Department of Fish and Game  
South Coast Region  
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Marilyn Fluharty  
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U.S. EPA, OWOW, Region 9  
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State Water Resources Control Board, Division of Water Quality  
401 Water Quality Certification and Wetlands Unit  
Stateboard401@waterboards.ca.gov

Glenn Lukos Associates  
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Tech Staff Info & Use	
Certification No.	R9-2013-0191
Party ID	544611
WDID	9000002680
Place ID	802026
Person ID	544612

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

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

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

**PROJECT: Escondido Boulevard Apartments  
Certification Number R9-2013-0191  
WDID: 9000002680**

Reg. Meas. ID: 394364  
Place ID: 802026  
Party ID: 544611  
Person ID: 544612

**APPLICANT: NCA ESCO Escondido LLC  
14 Corporate Plaza, Suite 100  
Newport Beach, CA 92660**

**ACTION:**

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

**PROJECT DESCRIPTION**

An application dated December 13, 2013 was submitted by NCA ESCO Escondido LLC (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341) for the proposed Escondido Boulevard Apartments Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on January 15, 2014. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site. The Applicant has also applied for a Clean Water Act section 404 permit from the United States Army Corps of Engineers (USACE) for the Project (USACE File No. SPL-2013-00411-SAS).

The Project is located within the City of Escondido, San Diego County, California at 2412 S. Escondido Blvd and 2424 S. Escondido Blvd between Centre City Parkway and Cranston Dr. and north of West Citracado Parkway. The Project center reading is located at latitude 33.091866° and longitude -117.071337°. The Applicant has paid all required fees for this Certification in the amount of \$5,466.00. On December 20, 2013, the San Diego Water Board provided public notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received.

The Project proposes to construct a residential apartment complex in the City of Escondido. The Project consists of a one-lot multi-family subdivision of property located on an

approximately 2.5-acre site. The multi-family development is composed of 76 units arranged in 4 buildings, a leasing office, a pool area and onsite parking lots throughout the site.

The site features an unnamed ephemeral stream that traverses the Project site from the northwest property boundary to the southeast property boundary. The drainage is culverted both where it enters and exits the property with no immediate connectivity to a natural drainage or open channel. As part of Project construction, the entire on-site length of the drainage will be filled and flows conveyed through an underground pipe. Most of the site will be developed and will drain via street gutters and proposed swales towards a low point located approximately midway of the southern property line, and the onsite water runoff will then drain into the existing pipe via an inlet.

The Project will convert approximately 2.03 acres of pervious ground cover to impervious surfaces. Runoff leaving the developed Project area will be significantly greater in volume, velocity, peak flow rate, and duration than pre-development runoff from the same area. Post-construction best management practices (BMPs) to manage and control the effects of these runoff increases will consist of Low Impact Development (LID) and site design strategies to minimize pollutants from adversely affecting water quality. Curb-cuts will be designed in order to convey run-off flow directly into landscaped areas. Driveways, sidewalks, and bike-paths will also be designed to allow for drainage into landscaped areas. Retaining walls will be incorporated to reduce steepness of slopes and to help collect concentrated flows in stabilized drains and channels. Three bioretention basins will be designed to provide biofiltration areas between impermeable surfaces and the Project site. Permeable pavers were chosen in areas where bioretention basins were not feasible due to area requirements. These BMPs will be designed, constructed, and maintained to meet the City of Escondido Low Impact Development (LID) Capture Volume and hydromodification treatment requirements.

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

Project construction will permanently impact 0.02 acre (355 linear feet) of ephemeral streambed waters of the United States and/or State. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density.

The Applicant reports that compensatory mitigation for the permanent loss of 0.02 acre of jurisdictional waters will be achieved through the enhancement of 1.72 acres of waters of the United States and/or State. All waters of the United States and/or State receiving temporary discharges of fill material will be restored upon removal of the fill. Mitigation for discharges of fill material to waters of the United States and/or State will be completed by the Applicant at

the Fenton Ranch Site located in the Las Lomas Muertas hydrologic sub-area (HSA 905.32) at a minimum compensation ratio of 86:1 (area mitigated:area impacted).

The Applicant applied for Water Quality Certification in 2005. The San Diego Water Board did not act on Certification Application No. 05C-056 within the regulatory time frame and therefore, a 404 Permit was issued for the Project by the USACE without 401 Certification (USACE File No. SPL-2013-00411-SAS). The USACE approved compensatory mitigation project was initiated in February 2011 but the construction of the Project was not started before the 404 Permit expired. The San Diego River Park Joint Powers Authority is responsible for the implementation and monitoring of the mitigation site which is now in year 3 of post-implementation mitigation monitoring. Section VI of this Certification requires continued monitoring and reporting of the mitigation site conditions.

Detailed written specifications and work descriptions for the compensatory mitigation project including, but not limited to, the geographic boundaries of the project, timing, sequence, monitoring, maintenance, ecological success performance standards and provisions for long-term management and protection of the mitigation areas are described in the *ESCO Mixed Use Development (Shopkeeper Cottages) Wetland Mitigation Plan (Mitigation Plan)*, dated June 2005. San Diego Water Board acceptance of the Mitigation Plan applies only to the Project described in this Certification and must not be construed as approval for other current or future projects that are planning to use additional acreage at the site for mitigation. The Mitigation Plan is incorporated in this Certification by reference as if set forth herein. The Mitigation Plan provides for implementation of compensatory mitigation which offsets adverse water quality impacts attributed to the Project in a manner that protects and restores the abundance, types and conditions of aquatic resources and supports their beneficial uses. Implementation of the Mitigation Plan will reduce significant environmental impacts to resources within the San Diego Water Board's purview to a less than significant level. Based on all of these considerations, the Mitigation Plan will adequately compensate for the loss of beneficial uses and habitat within waters of the United States and/or State attributable to the Project.

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

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### Attachments:

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

## I. STANDARD CONDITIONS

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

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

## II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2013-0191 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 U.S.C. §1344) permit issued by the USACE for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:  
  
[http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/go\\_wdr401regulated\\_projects.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/go_wdr401regulated_projects.pdf).
- D. **Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality

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

- E. Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 U.S.C §1313.)
- F. Project Modification.** The Applicant must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.
- G. Certification Distribution Posting.** During Project construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.
- H. Inspection and Entry.** The Applicant must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:
1. Enter upon the Project or Compensatory Mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
  2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
  3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
  4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.
- I. Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to



any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.

J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:

1. Violation of any term or condition of this Certification;
2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of the San Dieguito Creek or its tributaries or Lake Hodges;
3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts;
4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

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

K. **Duty to Provide Information.** The Applicant shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Certification or to determine compliance with this Certification.

L. **Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.

M. **Petition.** Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

### III. CONSTRUCTION BEST MANAGEMENT PRACTICES

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

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

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

#### IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Post-Construction Discharges.** The Applicant shall not allow post-construction discharges from the Project site to cause or contribute to onsite or off-site erosion or damage to properties or stream habitats.
- B. **Storm Drain Inlets.** All storm drain inlet structures within the Project boundaries must be stamped or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. **Post-Construction BMP Design.** The Project must be designed to comply with the most current Standard Storm Water Mitigation Plan and hydromodification requirements for the City of Escondido. Post-construction BMPs, including those described in the *Water Quality Technical Report for Tract No. 91R, December, 4, 2013 (WQTR)*, must treat 100 percent of the added impervious surface.
- D. **Post-Construction BMP Implementation.** All post-construction BMPs must be constructed, functional, and implemented prior to completion of Project construction, occupancy, and/or planned use, and maintained in perpetuity. The post construction BMPs must include those described in the WQTR, dated December 4, 2013, prepared on behalf of the Applicant by Masson and Associates; or any subsequent version of the WQTR approved by the City of Escondido.

**E. Post-Construction BMP Maintenance.** The post construction BMPs must be designed, constructed, and maintained in accordance with the most recent California Storm Water Quality Association (CASQA)<sup>1</sup> guidance. The Applicant shall:

1. No less than two times per year, assess the performance of the BMPs to ensure protection of the receiving waters and identify any necessary corrective measures;
2. Perform inspections of BMPs, at the beginning of the wet season no later than October 1 and the end of the wet season no later than April 1, for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
3. Regularly perform preventative maintenance of BMPs, including removal of accumulated trash and debris, as needed to ensure proper functioning of the BMPs;
4. Identify and promptly repair damage to BMPs; and
5. Maintain a log documenting all BMP inspections and maintenance activities. The log shall be made available to the San Diego Water Board upon request.

**V. PROJECT IMPACTS AND COMPENSATORY MITIGATION**

**A. Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable.

**B. Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to San Dieguito Creek and Lake Hodges within the Hodges Hydrologic Area (HA) Watershed must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
<b>Permanent Impacts</b>						
Streambed	0.02	355	1.72 Enhancement <sup>1</sup>	86:1	450 Enhancement <sup>1</sup>	1.28:1

1. Streambed enhancement offsite at the Fenton Ranch Site, San Pasqual Valley, San Pasqual HA.

<sup>1</sup> California Storm Water Quality Association (*California Storm Water BMP Handbook, New Development and Redevelopment 2003*), available on-line at: <http://www.cabmphandbooks.org/> [Accessed on January 15, 2012]

- C. **Compensatory Mitigation Plan Implementation.** The Applicant must fully and completely implement the Mitigation Plan; any deviations from, or revisions to, the Mitigation Plan must be pre-approved by the San Diego Water Board.
- D. **Performance Standards.** Compensatory mitigation required under this Certification, in the form of eradication and removal of exotic plants species such as *Arundo* (*Arundo donax*), tamarisk (*Tamarix* sp.), castor bean (*Ricinus communis*), poison hemlock (*Conium maculatum*), and tree tobacco (*Nicotiana glauca*), shall be considered as achieved once it has met the ecological success performance standards contained in the chapter 8.5 of the Mitigation Plan to the satisfaction of the San Diego Water Board.
- E. **Compensatory Mitigation Site Design.** The compensatory mitigation site shall be designed to be self-sustaining once performance standards have been achieved. This includes minimization of active engineering features (e.g., pumps) and appropriate siting to ensure that natural hydrology and landscape context support long-term sustainability in conformance with the following conditions:
1. Most of the channels through the mitigation sites shall be characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
  2. As viewed along cross-sections, the channel and buffer area(s) shall have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope shall contain physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
  3. The mitigation sites shall have a well-developed plant community characterized by a high degree of horizontal and vertical interspersions among plant zones and layers.
- F. **Temporary Project Impact Areas.** The Applicant must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge of pollutants to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and re-vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.
- G. **Long Term Management and Maintenance.** The compensatory mitigation site, must be managed, protected, and maintained, in perpetuity, in conformance with the long term management plan and the final ecological success performance standards identified in the Mitigation Plan. The aquatic habitats, riparian areas, buffers and uplands that comprise the mitigation site must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area in a manner consistent with the following requirements:
1. Any maintenance activities on the mitigation site that do not contribute to the success of the mitigation site and enhancement of beneficial uses and ecological functions and services are prohibited;

2. Maintenance activities must be limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species, and remedial measures deemed necessary for the success of the compensatory mitigation project;
  3. The mitigation site must be maintained, in perpetuity, free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the mitigation site; and
  4. If at any time a catastrophic natural event (e.g., fire, flood) causes damage(s) to the mitigation site or other deficiencies in the compensatory mitigation Project, the Applicant must take prompt and appropriate action to repair the damage(s) including replanting the affected area(s) and address any other deficiencies. The San Diego Water Board may require additional monitoring by the Applicant to assess how the compensatory mitigation site or Project is responding to a catastrophic natural event.
- H. **Timing of Mitigation Site Construction.** The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the start of Project construction. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.
- I. **Mitigation Site(s) Preservation Mechanism.** **Within 60 days from the start of Project construction**, the Applicant must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. **Within 12 months of the issuance of this Certification**, the Applicant must submit proof of a completed final preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation properties must be adequate to demonstrate that the sites will be maintained without future development or encroachment on the sites which could otherwise reduce the functions and values of the sites for the variety of beneficial uses of waters of the United States and/ or State that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the sites. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

## VI. MONITORING AND REPORTING REQUIREMENTS

- A. **Representative Monitoring.** Samples and measurements taken for the purpose of monitoring under this Certification shall be representative of the monitored activity.
- B. **Monitoring Reports.** Monitoring results shall be reported to the San Diego Water Board at the intervals specified in section VI of this Certification.
- C. **Monitoring and Reporting Revisions.** The San Diego Water Board may make revisions to the monitoring program at any time during the term of this Certification and may reduce or increase the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.
- D. **Records of Monitoring Information.** Records of monitoring information shall include:
- a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
- E. **Annual Project Progress Reports.** The Applicant must submit annual Project progress reports describing status of BMP implementation and compliance with all requirements of this Certification to the San Diego Water Board prior to **March 1** of each year following the issuance of this Certification, until the Project has reached completion. The report must include the following information:
1. The names, qualifications, and affiliations of the persons contributing to the report;
  2. The status, progress, and anticipated schedule for completion of Project construction activities including the installation and operational status of best management practices project features for erosion and storm water quality treatment;
  3. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion;
  4. A description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance;



**H. Final Project Completion Report.** The Applicant must submit a Final Project Completion Report to the San Diego Water Board **within 30 days of completion of the Project**. The final report must include the following information:

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

**I. Annual Compensatory Mitigation Monitoring Report.** The Applicant must submit compensatory mitigation monitoring reports, annually, by **March 1** of each year containing sufficient information to demonstrate how the compensatory mitigation project is progressing towards accomplishing its objectives and meeting its performance standards. Mitigation monitoring reports must be submitted annually for a period of not less than five years, sufficient to demonstrate that the compensatory mitigation project has accomplished its objectives and met ecological success performance standards contained in the Mitigation Plan. Following Project implementation the San Diego Water Board may reduce or waive compensatory mitigation monitoring requirements upon a determination that performance standards have been achieved. Conversely the San Diego Water Board may extend the monitoring period beyond five years upon a determination that the performance standards have not been met or the compensatory mitigation project is not on track to meet them.

The monitoring reports must include, but not be limited to, the following information:

1. Names, qualifications, and affiliations of the persons contributing to the report;
2. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the Mitigation Plan monitoring program, and all quantitative and qualitative data collected in the field;
3. A description of the following mitigation site(s) characteristics:
  - a. Detritus cover;
  - b. General topographic complexity;
  - c. General upstream and downstream habitat and hydrologic connectivity; and
  - d. Source of hydrology

4. Monitoring data interpretations and conclusions as to how the compensatory mitigation Project is progressing towards meeting performance standards and whether the performance standards have been met;
  5. A description of the progress toward implementing a plan to manage the compensatory mitigation project after performance standards have been achieved to ensure the long term sustainability of the resource in perpetuity, including a discussion of long term financing mechanisms, the party responsible for long term management, and a timetable for future steps;
  6. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
  7. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after mitigation site construction. Photo documentation must be conducted in accordance with guidelines posted at [http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/401\\_certification/docs/StreamPhotoDocSOP.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf). In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced;
  8. A qualitative comparison to adjacent preserved streambed areas;
  9. As-built drawings of the compensatory mitigation project site(s), no bigger than 11"X17"; and
  10. A survey report documenting boundaries of the compensatory mitigation site(s).
- J. **Reporting Authority.** The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.
- K. **Electronic and Paper Media Documents.** The Applicant must submit all reports and information required under this Certification in both hardcopy (paper) and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable. All paper and electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2013-0191;PIN 802026.
- L. **Document Signatory Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.

2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
4. A duly authorized representative may sign applications, reports, or information if:
  - a. The authorization is made in writing by a person described above.
  - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c. The written authorization is submitted to the San Diego Water Board Executive Officer.

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

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

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

- N. Document Submittal Address.** The Applicant must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
Attn: 401 Certification No. R9-2013-0191:PIN 802026  
2375 Northside Drive, Suite 100  
San Diego, California 92108

## VII. NOTIFICATION REQUIREMENTS

- A. Twenty Four Hour Non-Compliance Reporting.** The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within **24 hours** from the time the Applicant becomes aware of the circumstances. A written submission shall also be

provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- B. Hazardous Substance Discharge.** Except for a discharge which is in compliance with this Certification, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of San Diego, in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Applicant is in violation of a Basin Plan prohibition.
- C. Oil or Petroleum Product Discharge.** Except for a discharge which is in compliance with this Certification, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.
- D. Anticipated Noncompliance.** The Applicant shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.
- E. Transfers.** This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:
- 1. Transfer of Property Ownership:** The Applicant must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in

ownership must include, but not be limited to, a statement that the Applicant has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the San Diego Water Board **within 10 days of the transfer of ownership.**

2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**
3. **Transfer of Post-Construction BMP Maintenance Responsibility:** The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Applicant must provide such notification to the San Diego Water Board **within 10 days** of the transfer of BMP maintenance responsibility.

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

- F. **Discharge Commencement.** The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the start of Project construction.

## VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The City of Escondido is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367, and has filed a Notice of Determination dated September 8, 2005 for the Final Environmental Impact Report (FEIR) titled Mitigated Negative Declaration for Escondido Shopkeeper Units, TR 911, 2005-03-CZ/PD (State Clearing House Number 2005061091). The Lead Agency has determined the Project will have a significant effect on the environment and mitigation measures were made a condition of the Project.

- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has considered the Lead Agency's FEIR and finds that the Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.
- C. The San Diego Water Board has required mitigation measures as a condition of this Certification to avoid or reduce the environmental effects of the Project to resources within the Board's purview to a less than significant level.
- D. The Lead Agency has adopted a mitigation monitoring and reporting program pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097 to ensure that mitigation measures and revisions to the Project identified in the FEIR are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment 5 to this Certification. The Applicant shall implement the Lead Agency's MMRP described in the FEIR, as it pertains to resources within the San Diego Water Board's purview. The San Diego Water Board has imposed additional MMRP requirements as specified in section VI of this Certification.
- E. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

#### IX. SAN DIEGO WATER BOARD CONTACT PERSON

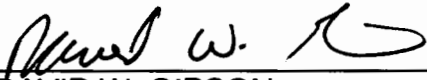
Alan Monji, Environmental Scientist  
California Regional Water Quality Control Board, San Diego Region  
2375 Northside Drive, Suite 100  
San Diego, California 92108  
Telephone: 619-521-3968  
Email: [Alan.Monji@waterboards.ca.gov](mailto:Alan.Monji@waterboards.ca.gov)

#### X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Escondido Boulevard Apartments** (Certification No. R9-2013-0191) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

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

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. R9-2013-0191 issued on June 13, 2014.

  
\_\_\_\_\_  
DAVID W. GIBSON  
Executive Officer  
San Diego Water Board

13 June 2014  
Date

# ATTACHMENT 1

## DEFINITIONS

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



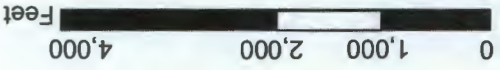
NCA ESCO Escondido LLC  
Escondido Boulevard Apartments  
Certification No. R9-2013-0191

- 1 -

**ATTACHMENT 2**

**LOCATION MAP**

Adapted from USGS Esccondido, CA quadrangle



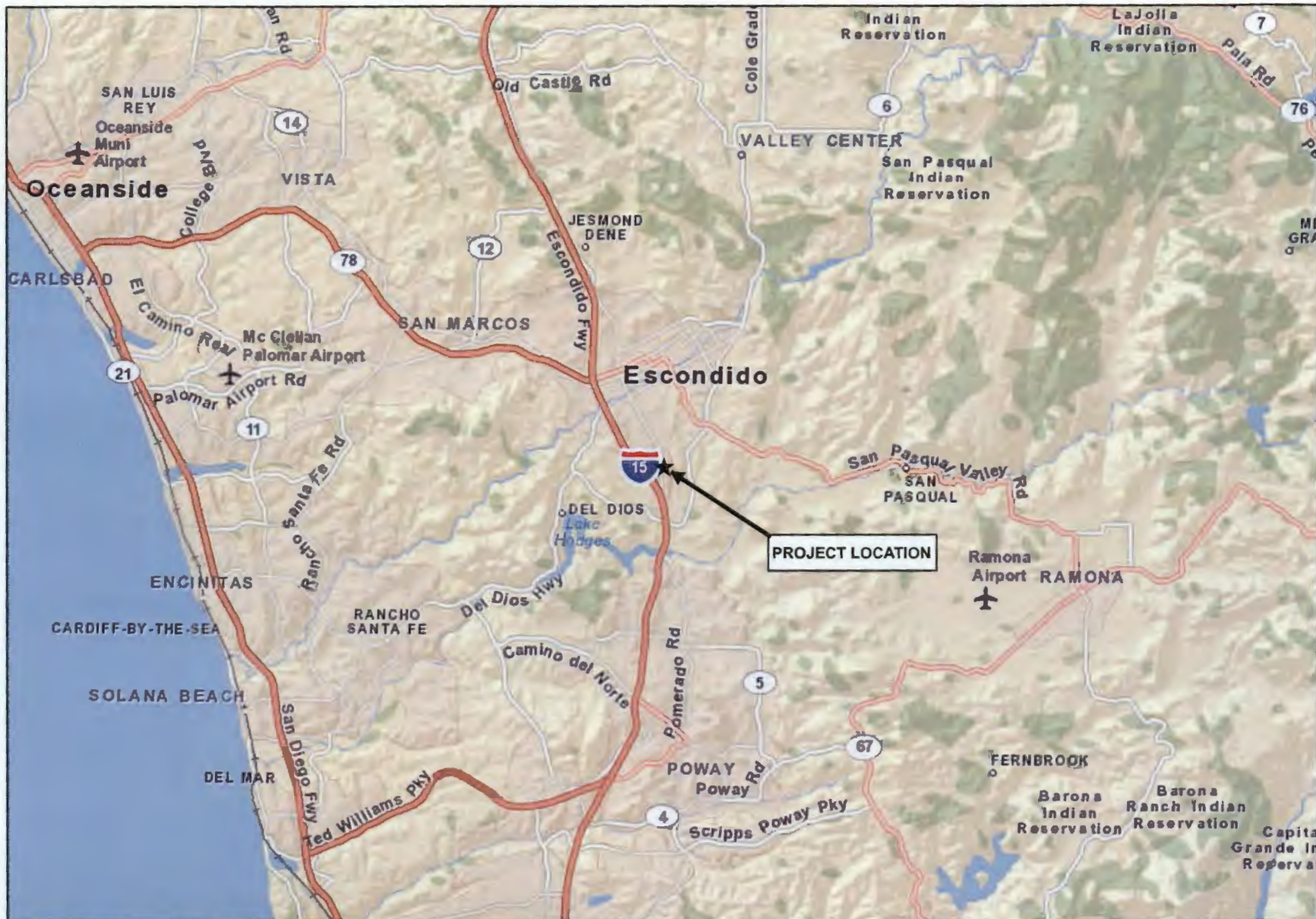
**ESCONDIDO BOULEVARD APARTMENTS**  
Vicinity Map

**GLENN LUKOS ASSOCIATES**

Exhibit 2



Source: ESRI World Street Map



# ESCONDIDO BOULEVARD APARTMENTS

Regional Map

GLENN LUKOS ASSOCIATES

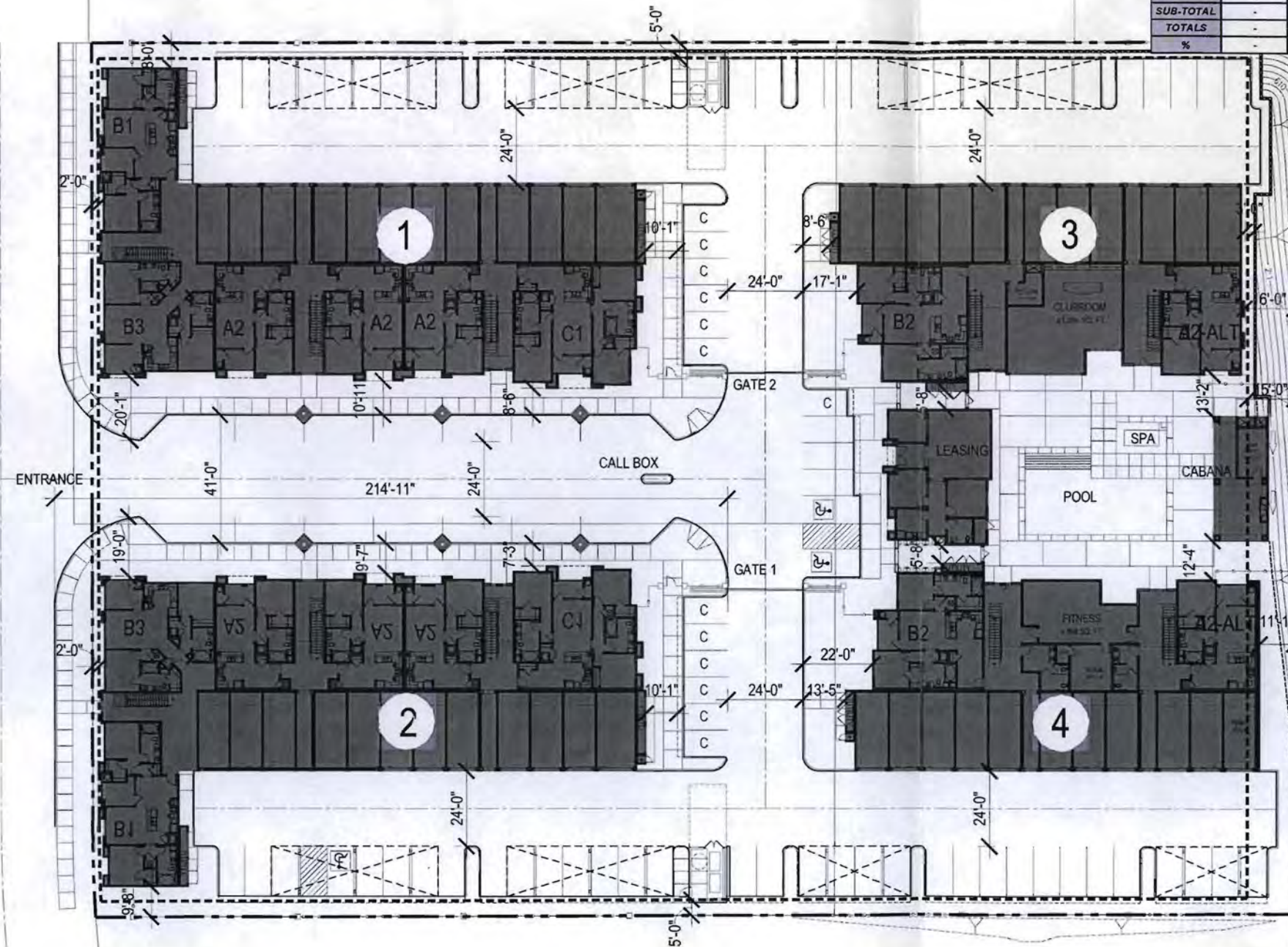


Exhibit 1

**ATTACHMENT 3**  
**PROJECT SITE PLANS**



S. ESCONDIDO BLVD.



**BUILDING/UNIT MIX**

BLDG. DEST.	TYP.	1 BDRM. UNITS				2 BDRM. UNITS				3 BDRM.	TOTAL UNIT	TOTAL ATTACHED GARAGE
		A1	A1-ALT	A2	A2-ALT	B1	B2	B2-ALT	B3	C1		
1	I	-	2	9	-	7	-	-	3	3	24	12
2	I	-	2	9	-	7	-	-	3	3	24	12
3	II	2	2	-	3	2	3	2	-	-	14	11
4	III	2	2	-	3	2	3	2	-	-	14	10
SUB-TOTAL		4	8	18	6	18	6	4	6	6	78	45
TOTALS				38				34		6	78	45
%				47%				45%		8%	100%	-

**PROJECT SUMMARY**

EXISTING ZONE:	DATA
EXISTING ZONE:	GC with Mixed Use Overlay
PROPOSED ZONE:	PDR-30
TOTAL GROSS SITE AREA:	2.50 AC
TOTAL NET SITE AREA:	2.45 AC
PROPOSED TOTAL # OF DWELLING UNIT	78
PROPOSED GROSS DENSITY OF UNITS	30.4 DU/AC
PROPOSED NET DENSITY OF UNITS:	31.0 DU/AC
SITE ADDRESS:	2412 & 2424 S. ESCONDIDO BLVD.

**PARKING SUMMARY TOTAL REQUIRED**

UNIT TYPES	UNITS	RATIO	QTY.
1 BDRM. UNITS	36	1.50	54
2 BDRM. UNITS	34	1.75	60
3 BDRM. UNITS	6	2.00	12
SUB-TOTAL UNITS	76	-	-
GUESTS	-	0.25	19
TOTAL REQUIRED	-	-	145

**SITE PLAN LEGEND**

- 1 — BUILDING NUMBER
- — — — — PROPERTY LINE
- - - - - SETBACK LINE

**PARKING SUMMARY TOTAL PROVIDED**

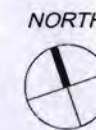
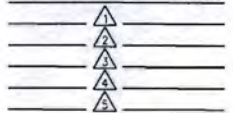
TOTAL PARKING PROVIDED	QTY.	%
TOTAL GARAGE	44	30.6%
HANDICAP GARAGE	1	0.7%
PARALLEL PARKING	14	9.7%
TOTAL OPEN STALL	31	21.5%
HANDICAP OPEN STALL	2	1.4%
TOTAL COMPACTS	13	9.0%
TOTAL CARPORTS	38	26.4%
HANDICAP CARPORTS	1	0.7%
TOTAL PROVIDED PARKING	144	100%
PARKING RATIO		1.89

	QTY.	%
TOTAL COVERED PARKING	84	58%
TOTAL UNCOVERED PARKING	60	42%
TOTAL PROVIDED PARKING	144	100%

Exhibit 3



ORIGINAL SUBMITTAL: 11/12/13



0 20' 40' 60'  
1" = 20'-0"

**A-101**

2013-098 NOVEMBER 12, 2013



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**ESCONDIDO BLVD. ESCONDIDO, CA**

**N.C.A. REAL ESTATE**

14 CORPORATE PLAZA SUITE #100 NEWPORT BEACH, CA 92660

**ARCHITECTURAL SITE PLAN**




**ARCHITECTS ORANGE**

144 NORTH ORANGE ST., ORANGE, CALIFORNIA 92866 (714) 639-9860





**Legend**

-  Project Boundary
-  Corps Non-Wetland Waters
-  Width in Feet



1 inch = 80 feet

Aerial Photo: ESRI BaseMaps World Imagery  
 Reference Elevation Datum: State Plane 6 NAD 83  
 Map Prepared by: K. Kartunen, GLA  
 Date Prepared: May 2013

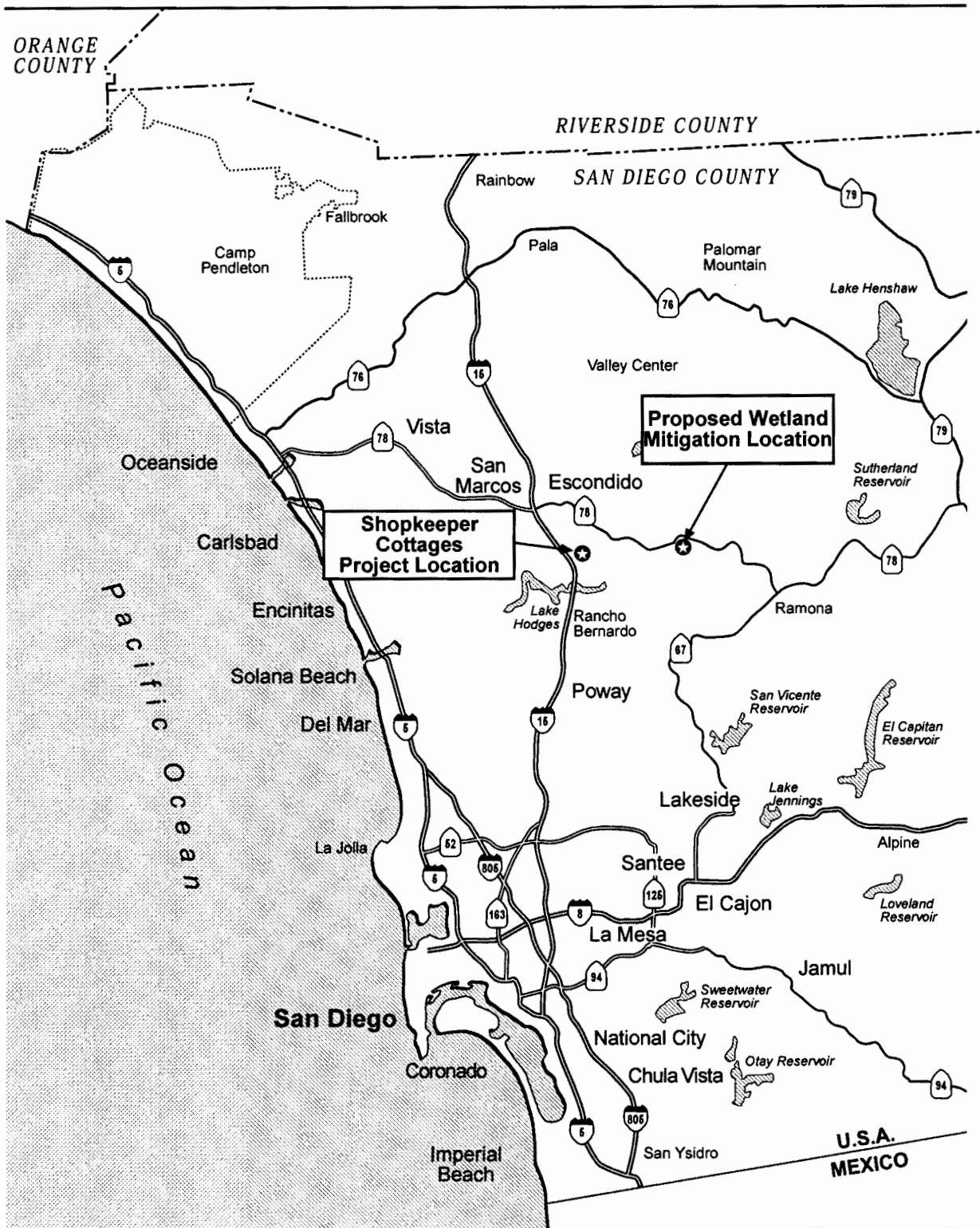
**ESCONDIDO BOULEVARD APARTMENTS**  
 Jurisdictional Delineation Map

**GLENN LUKOS ASSOCIATES**

Exhibit 3



**ATTACHMENT 4**  
**MITIGATION DESIGN PLANS**



No Scale

Figure 1  
Regional Map



**Figure 4**  
Proposed Mitigation Area Adjacent to Santa Ysabel Creek

Source: Eagle Aerial, Nov. 2004; SanGIS, 2004; FEMA, 1997; MSCP, 2001

300 150 0 300 Feet

Scale: 1:3,000; 1 inch = 300 feet

**ATTACHMENT 5**

**MITIGATION MONITORING AND REPORTING PROGRAM**

**ATTACHMENT "A"**  
**MITIGATION MONITORING REPORT**

**PROJECT NAME:** Escondido Mixed-Use Development Project  
**PROJECT DESCRIPTION:** Mixed-use development of attached residential dwelling units and commercial/retail shopkeeper units

**NEG .NEC. NO.** ER 2005-02  
**ASSOC. CASE NO.:** TR 911, 2005-03-PD/CZ  
**APPROVAL BODY/DATE:**  
**PROJECT MANAGER:** Jay Paul, Assoc. Planner  
(760) 839-4537

**PROJECT LOCATION:** 2412 & 2424 S. Escondido Blvd. (APN 238-141-31 and -36).  
**CONTACT PERSON:** Robert Richardson, Richardson Partners, Inc.  
**PHONE NUMBER:** (760) 438-9711

**Phase at which the Mitigation Measures are to be Implemented**

NATURE OF IMPACT	MITIGATION MEASURE	ID NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENT.	CERTIFIED INITIAL/DATE	COMMENTS
Air Quality Construction equipment could result in diesel particulate emission concentrations.	Prior to issuance of grading plans and building permits, and as a condition of project approval, ensure plans designate that equipment staging areas are located a minimum of 300 feet from residential land uses, when feasible.	Air 1	Planning Division Engineering Division		
Biological Resources Direct impacts from development could result in the loss of southern willow scrub habitat.	Prior to issuance of Grading Permits Mitigation for the loss of 0.43 acre of southern willow scrub. A Mitigation Plan will be prepared and approved to provide specific measures for the proposed mitigation required by the Corps and California Department of Fish and Game (CDFG). All direct permanent impacts to jurisdictional wetland habitat are mitigated in kind at an offsite mitigation area(s), preferably in the same watershed, through some, through some combination of creation, restoration, enhancement, and/or preservation of existing habitat. Mitigation will include a minimum 1:1 creation ratio component to adhere to the federal policy of a no net loss of wetlands. The CDFG also requires replacement of affected habitat, typically at ratios similar to the Corps. The CDFG typically requires a minimum ratio of 1:1 creation for all permanent impacts to habitats within their jurisdiction. Generally, the resource agencies require more than a 1:1 replacement ratio and a ratio of 2:1 is likely to be required. The Mitigation Plan provides for a 4:1 replacement ratio for the 0.43 acre of arroyo willow scrub habitat and 0.04 acre of unvegetated waters of the U.S.	Bio 1	Project Applicant		

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<p>Biological Resources Direct impacts from development could result in the loss of southern willow scrub</p>	<p>Prior to the issuance of grading permits and a condition of project approval Applicant to obtain a Section 404 Nationwide Permit from the Corps, a Section 1800-1807 Streambed Alteration Agreement from the CDFG, and a Section 401 Waste Discharge Certification from the Regional Water Quality Control.</p>	<p>Blo 1</p>	<p>Project Applicant</p>		
<p>Biological Resources</p>	<p>Prior to issuance of grading permits Ensure required Agency permits have been issued and incorporate any recommendations into plans.</p>	<p>Blo 1</p>	<p>Planning Division Engineering Div. Building Division</p>		
<p>Biological Resources Construction noise could result in potential temporary impacts to least Bell's vireo.</p>	<p>Prior to the issuance of grading and building permits, and a condition of project approval To avoid potential impacts to the federally protected least Bell's vireo, construction activities will occur outside the breeding season (March 15 through September 15). However, if construction activities do occur during the breeding season, then U.S. Fish and Wildlife Service (USFWS) protocol surveys would be required to determine the presence or absence of least Bell's vireo. If the surveys determine that least Bell's vireo is not present and nesting onsite, construction can proceed during the breeding season, as long as there are also no migratory birds nesting onsite. If the surveys determine that least Bell's vireo is breeding onsite, construction cannot proceed during its breeding season and a Section 7 Consultation with the USFWS would be required to determine appropriate mitigation.</p> <p>Pre-construction surveys will be conducted by a qualified biologist to determine the presence or absence of migratory birds protected under the Migratory Bird Treaty Act. The nest survey will also determine if migratory birds are nesting onsite. If no nesting activity is observed, construction activity can proceed. If the biologist determines that migratory birds are nesting onsite, construction shall be avoided until after the young have fledged from the nest and it is no longer occupied. Results of the nest survey will be submitted to the CDFG via a letter report.</p> <p>Should construction halt for any reason for longer than 1 week after the commencement of activities and potential nesting habitat still remains onsite, an additional focused survey for migratory bird nests would be required 1 week prior to the recommencement of construction (only if during the breeding season for migratory birds, which typically extends from February 1 through September 30). If the surveys determine that no species or nests were observed, construction could recommence during the nesting season.</p>	<p>Blo 2</p>	<p>Project Applicant Planning Division verify preconstruction surveys and results</p>		

4.9.19

NATURE OF IMPACT	MITIGATION MEASURE	ID NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENT.	CERTIFIED INITIAL/DATE	COMMENTS
<p>Biological Resources: Direct impacts from development would result in the loss of one mature oak tree with a dbh of 12 inches.</p>	<p>Nursery-grown specimen trees (24-inch box) be used as replacement trees. As such, two 24-inch box replacement trees would offset the impacts to the one protected oak tree. If possible, these replacement trees should be planted as part of any wetland/riparian restoration component for this project, or be planted on-site as part of the landscape plan.</p>	<p>Bio 3</p>	<p>Planning Division Engineering Division Building Division</p>		
<p>Biological Resources: Direct impacts from development would result in the loss of non-native grassland</p>	<p>Prior to the issuance of grading permits impacted non-native grassland (2.1 acres) will be mitigated at a 0.5:1 ratio through either of the following: a. Purchase of similar habitat as approved by the Wildlife Agencies; or b. Purchase of credits from an approved habitat mitigation bank.</p>	<p>Bio 4</p>	<p>Project Applicant</p>		
<p>Biological Resources: Direct impacts from development would result in the loss of non-native grassland</p>	<p>Prior to the issuance of grading permits, and condition of project approval: Verify appropriate off-site mitigation has been approved or credits obtained for impacts to non-native grassland</p>	<p>Bio 4</p>	<p>Planning Division Engineering Div.</p>		
<p>Biological Resources: Off-site mitigation area (Fenton Ranch)</p>	<p>A biological monitor knowledgeable of arroyo toad biology and field identification shall be present daily when planting holes are dug for container plants between September 15 and March 15, and when container plants and the drip irrigation system are checked and maintained (i.e. 3 to 4 times) between March 15 and August. Locals where arroyo toad activity is documented during this monitoring shall be flagged and planting locations shall be shifted an appropriate distance from the toad locales. Documentation from the biological monitor submitted to the Service will include depth and locale where toads may be found, distance from and elevation above the stream bed, type of vegetation in which arroyo toad is found, and number of toads detected and affected (if any).</p>	<p>Bio 5</p>	<p>Project Applicant Wildlife Agencies</p>		
<p>Biological Resources: Off-site mitigation area (Fenton Ranch)</p>	<p>Data collection by the biological monitor shall be analyzed annually during the 5-year program to determine what activities have direct impacts on arroyo toad, which activities appear to have no impact. Monitoring will not be discontinued without concurrence from the Service.</p>	<p>Bio 6</p>	<p>Project Applicant Wildlife Agencies</p>		
<p>Biological Resources: Off-site mitigation area (Fenton Ranch)</p>	<p>Work is not planned in the more open sandy habitat adjacent (e.g., within 40 feet) to the creek bottom, except for removal of scattered exotic plants. Work adjacent to the creek bottom shall be limited to periods of time when there is no surface flow. Removal of exotics adjacent to the creek bottom shall be performed September 15 to when there is creek flow. After stream flow commences, if the channel subsequently becomes dry, the maintenance activities may resume upon agreement between a qualified biologist and the Service, and continue until March 15.</p>	<p>Bio 7</p>	<p>Project Applicant Wildlife Agencies</p>		



NATURE OF IMPACT	MITIGATION MEASURE	ID NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENT.	CERTIFIED INITIAL/DATE	COMMENTS
Biological Resources: Off-site mitigation area (Fenton Ranch)	A biological monitor shall inspect the site immediately after heavy seasonal rains and prior to re-initiation of exotics removal, planting, seeding and maintenance of the drip irrigation system.	Biology	Project Applicant Wildlife Agencies		
Noise: Noise levels post-development may impact interior noise levels	Prior to the issuance of building permits, the project proponent shall submit an interior noise analysis to demonstrate to the City Planning Department that interior noise levels will remain below 45 dBA Leq.	Noise 1	Project Applicant		
Noise: Noise levels post-development may impact interior noise levels	Prior to the issuance of building permits, recommendations from the interior noise analysis shall be incorporated into the building plans.	Noise 1	Planning Division Building Division		

#### CODE COMPLIANCE

Ongoing monitoring to ensure compliance with all mitigation measures, conditions of approval, operational requirements, standards, codes and regulations.	Project Applicant City of Escondido Planning Division Wildlife Agencies	Public Works Dept. Code Enforcement Div. Police Dept.	Building Dept. City Attorney Fire Dept.
Enforcement of the project conditions, mitigation measures, codes, standards and regulations are handled through inspection and evaluation procedures by the above mentioned City Departments and upon failure to comply with the conditions, the project may be referred to the Planning Commission for review and possible modification or revocation of the permit.	City of Escondido		