

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

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

**PROJECT: Monarch Buena Vista
Certification Number R9-2016-0202
WDID: 9 000003106**

**APPLICANTS: City of Vista
200 Civic Center Drive
Vista, CA 92084**

**Monarch Buena Vista, LLC
7727 Herschel Avenue
La Jolla, CA 92037**

Reg. Meas. ID: 409641 Place ID: 828876 Party ID: 547892/573730 Person ID: 559821/573731
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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"/> Enrollment in Isolated Waters Order No. 2004-004-DWQ
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017-DWQ	

PROJECT DESCRIPTION

An application dated September 21, 2016 was submitted by the City of Vista and Monarch Buena Vista, LLC (hereinafter Applicants), for Water Quality Certification pursuant to section 401 of the Clean Water Act (United States Code (USC) Title 33, section 1341) for the proposed Monarch Buena Vista Project (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on Date. The Applicants propose to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site. The Applicants have also applied for a Clean Water Act section 404 permit from the United States Army Corps of Engineers for the Project (USACE File No. SPL-2017-00626-CA).

The Project is located within the City of Vista, San Diego County, California, off of East Vista Way, southeast of Townsite Drive and east of/behind 705 East Vista Way, Vista 92084. The Project center reading is located at latitude 33.2075 and longitude -117.2343. The Applicants have paid all required application and project fees for this Certification in the amount of \$3,198.00. The Applicants are required to pay all annual fees for each fiscal year or portion of

a fiscal year that this Certification is active¹. On November 15, 2017, 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.

Monarch Buena Vista, LLC propose to develop a multi-family residential development consisting of 179 units in 14 buildings, with a clubhouse, fitness center, pool complex and parking within approximately 7.98 acres of the existing 13.42-acre site.

On the remaining 5.44 acres of the site, the City of Vista (City) proposes to construct and operate a 2.35-acre off-line flood control detention basin that will be constructed in the uplands east of Buena Vista Creek, within the northern portion of the Project site. The purpose of the basin is to reduce peak flow conditions along Buena Vista Creek and reduce channel erosion and flooding in the historic downtown area during a 100-year storm event.

The detention basin components of the Project consist of the following:

1. Excavation of the basin within upland areas of the former mobile home park;
2. Construction of a hydraulic control structure at Townsite Drive (using box culverts) within Buena Vista Creek to backup and convey peak flows into the flood control detention basin through a lowered spillway;
3. Construction of a lowered spillway at the top of the creek bank to convey spillover flows from the creek to the basin; and
4. Construction of a basin drain to release water from the detention basin at a controlled rate to reduce the peak discharge rate into the creek.

The proposed Townsite Drive crossing has been designed as a double box culvert to meet both the hydraulic control requirements for the flood control detention basin and a support for a two-lane roadway crossing that will provide primary access to the proposed residential development and permanent maintenance access to the basin. Once the detention basin has been completed, a flow restriction plate will be added to the top of the box culverts to provide the desired discharge rates for the basin weir, capacity, and discharge pipe configurations.

As part of the Project, Monarch Buena Vista, LLC will also perform native riparian habitat restoration activities (On-site Creek Restoration) that includes a public walking trail along Buena Vista Creek on the adjacent City-owned lands to expand the Buena Vista Creek riparian corridor and increase flow capacity. The On-site Creek Restoration will be within a 2.82-acre portion of the 5.44 acres being retained in City ownership. The restoration includes widening and restoring Buena Vista Creek, which has been channelized, through the creation of a floodplain bench and the revegetation of native riparian habitat. The widened creek corridor will lay back portions of the eastern bank to increase the creek's active floodplain, thereby increasing channel width capacity, reducing channel erosion, and restoring some of the natural functions of the water body, such as but not limited to infiltration, pollutant removal, and wildlife

¹ Additional information regarding fees can be found electronically on the State Water Resources Control Board web site at the following location: <http://www.waterboards.ca.gov/resources/fees/>

habitat. The On-site Creek Restoration will result in a 50-foot average buffer from the existing riparian habitat along the creek with an allowance for the creek trail to be located within the outer portion of the buffer. Additionally, rounded river rock/boulders will be placed in the stream channel below a drop structure associated with the existing site pedestrian bridge to create a more natural ramping riffle environment for the purpose of improved wildlife movement. The 24-inch basin drain outlet from the detention basin will be integrated into the footprint of the natural rock wildlife ramp.

The Project will convert approximately 5.55 acres (241,640 square feet) of pervious ground cover to impervious surfaces. Runoff leaving the developed Project area would be significantly greater in volume, velocity, peak flow rate, and duration than pre-development runoff from the same area without mitigation. Post-construction best management practices (BMPs) to manage and control the effects of these runoff increases will consist of infiltration vaults. These BMPs will be designed, constructed, and maintained to meet City of Vista's 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 0.240 acre (1,273 linear feet) of stream channel waters of the United States and/or State. This impact is attributed to the placement of structures (box culverts/hydraulic control structure, spillway to the off-line flood control detention basin, and wildlife ramp/basin outfall) in the stream channel in the amount of 0.086 acre (213 linear feet) and the excavation of a 0.154-acre area of the existing south stream bank to construct a floodplain bench along 1,060 linear feet of Buena Vista Creek. The Applicants report 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 Applicants report that compensatory mitigation for the permanent fill of 0.086 acre of jurisdictional waters associated with placement of structures will be achieved through the use of 0.17 acre of re-establishment mitigation of waters of the United States and/or State provided as advance permittee-responsible mitigation for City of Vista projects (mitigation site ledger provided in Attachment 4). Mitigation for discharges of fill material to waters of the United States and/or State has been completed by the City of Vista at the Guajome Creek Preserve Wetland Mitigation Area located in the Mission hydrologic sub-area (HSA 903.11) at a minimum compensation ratio of 2:1 (area mitigated:area impacted).

The mitigation site was constructed in accordance with the *Conceptual Wetland Mitigation Plan, City of Vista Storm Water Conveyance System Maintenance Project* (for the Guajome Creek Preserve Wetland Mitigation Area), dated September 16, 2008 and revised on March 17, 2009. This Mitigation Plan describes the 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, and ecological success performance standards. The mitigation site is owned by the City of Vista and is within a preserve area.

The 0.154 acre of permanent impacts to jurisdictional waters of the State associated with the excavation work of the On-site Creek Restoration will provide an overall increase of 0.038 acres of active floodplain as well as 0.834 acre of riparian buffer, providing an overall functional lift to Buena Vista Creek. Therefore, additional compensatory mitigation is not required.

Additional Project details are provided in Attachments 2 through 4 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**

The San Diego Water Board has independently reviewed the record of the Project to analyze the extent and nature of proposed Project impacts to the water quality and beneficial uses of waters of the United States and/or State and associated compensatory mitigation required to offset impacts attributed to the Project. In accordance with this Certification, the Applicants may proceed with the Project under the following terms and conditions:

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 Applicants.

II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2016-0202 (Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 USC Title 33, section 1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicants 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/gowdr401regulated_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 Applicants 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 USC section 1313). The Basin Plan is accessible at:
- http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml
- F. Project Modification.** The Applicants 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 Board 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 Applicants 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 Applicants 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 Buena Vista Creek, its tributaries, or Buena Vista Lagoon;
 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 Applicants 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 Applicants 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. **Petitions.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification. 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 or will be provided upon request.

III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicants 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 Applicants 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 Applicants 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 Applicants 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 Applicants 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 Applicants 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 Applicants 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 Applicants 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 Applicants 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 Applicants must take all necessary measures to protect the beneficial uses of waters of Buena Vista Creek, its tributaries, or Buena Vista Lagoon. 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.B of this Certification. Associated Project activities may not resume without approval from the San Diego Water Board.

IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Post-Construction Discharges.** The Applicants shall not allow post-construction discharges from the Project site to cause or contribute to on-site 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 requirements for priority development projects in section E.3 of the Regional MS4 Permit Order No. R9-2013-0001, *National Pollutant Discharge Elimination Systems Permit and Waste Discharge Requirements for Discharges of Urban Runoff from the MS4s Draining the Watersheds within the San Diego Region* (Regional MS4 Permit) as

well as the most current BMP Design Manual for the City of Vista. Where conflict exists between the referenced documents the most stringent requirements shall apply.

- D. 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)² guidance. The Applicants 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 Buena Vista Creek and its unnamed tributaries within the Carlsbad 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:

² 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]

	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)
Permanent Impacts						
Stream Channel	0.086 ^a	213 ^a	0.17 ^b Re-establishment	2:1 ^b	b	b
	0.154 ^c	1,060 ^c	d	d	d	d

- a. Permanent fill of 0.033 acre of waters of the United States and/or State and 0.053 acre of waters of the State only to construct the double box culvert and wildlife ramp/basin drain outlet. The length of the impacted stream segments are 213 linear feet.
- b. Re-establishment of wetland waters of the U.S. and/or State at the Guajome Creek Preserve Wetland Mitigation Site within the Vista Sewer Program and Master Drainage Program Expansion Area. Linear-foot compensatory mitigation is not required for this Project. This advance compensatory mitigation by the City of Vista (see Attachment 4, Figure 2) provides a large, contiguous restoration area on a landscape-scale that restores wetland functions, services, and values, including a suite of beneficial uses (WARM and WILD). Additionally, these mitigation credits are not reported in terms of linear feet of mitigation.
- c. Permanent impact of 0.154 acre (1,060 linear feet) of waters of the State only to excavate a floodplain bench and lay back portions of the eastern bank along Buena Vista Creek as part of the On-site Creek Restoration.
- d. The On-site Creek Restoration will result in a total of 0.192 acre of expanded jurisdictional aquatic resources and 0.834 acre of additional riparian habitat/buffer along 1,060 linear foot length of the Buena Vista Creek corridor. The expanded floodplain and laid-back streambank will establish 0.055 acre of waters of the U.S. and/or State and 0.137 acre of waters of the State (only) for a net increase of 0.038 acres of stream channel and active floodplain as well as 0.834 acre of riparian buffer after the impacts of the restoration are deducted. Overall, this restoration will increase the creek's channel width capacity, reduce channel erosion, and improve the water body's functions and services (e.g., conveyance, infiltration, pollutant removal, wildlife habitat, etc.). Therefore, no additional compensatory mitigation is required.

C. On-site Restoration Plan Implementation. The Applicants must fully and completely implement the On-site Buena Vista Creek Restoration, Maintenance, and Monitoring Plan (On-site Restoration Plan), dated May 2018, prepared on behalf of the Applicants by Merkel & Associates, Inc.

D. Temporary Project Impact Areas. The Applicants 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 Applicants must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.

- E. Long-Term Management and Maintenance.** The compensatory mitigation site(s) must be managed, protected, and maintained, in perpetuity. The aquatic habitats, riparian areas, buffers and uplands that comprise the mitigation site(s) must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:
- a. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited;
 - b. 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;
 - c. The Mitigation site(s) 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(s); and
 - d. If at any time a catastrophic natural event (e.g., fire, flood) causes damage(s) to the mitigation site(s) or other deficiencies in the compensatory mitigation project, the Applicants 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 Applicants to assess how the compensatory mitigation site(s) or project is responding to a catastrophic natural event.
- F. Mitigation Site(s) Preservation Mechanisms.** **Within 90 days from 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 site(s) 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:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.
- E. **Geographic Information System Data.** The Applicants must submit Geographic Information System (GIS) shape files of the Project impact sites within 30 days of the start of project construction and GIS shape files of the Project mitigation sites within 30 days of mitigation installation. All impact and mitigation site shape files must be polygons. Two GPS readings (points) must be taken on each line of the polygon and the polygon must have a minimum of 10 points. GIS metadata must also be submitted.
- F. **Annual Project Progress Reports.** The Applicants 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. Annual Project Progress Reports must be submitted even if Project construction has not begun. The monitoring period for each Annual Project Progress Report shall be January 1st through December 31st of each year. Annual Project Progress Reports must include, at a minimum, the following:

Project Status and Compliance Reporting. The Annual Project Progress Report must include the following Project status and compliance 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; and
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.
5. Status and monitoring reporting information specified in the On-site Restoration Plan must be submitted as part of the Annual Project Progress reporting for a period of not less than 5 years, sufficient to demonstrate that the goals of the plan have been met.

G. Final Project Completion Report. The Applicants 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”; and
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. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced.

H. 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.

- I. **Electronic Document Submittal.** The Applicants must submit all reports and information required under this Certification in electronic format via e-mail to SanDiego@waterboards.ca.gov. Documents over 50 megabytes will not be accepted via e-mail and must be placed on a disc and delivered to:

California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. R9-2016-0202:828876:lhonma
2375 Northside Drive, Suite 100
San Diego, California 92108

Each electronic document must be submitted as a single file, in Portable Document Format (PDF), and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2016-0202:828876:lhonma.

- J. **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.

- K. **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."

VII. NOTIFICATION REQUIREMENTS

- A. **Discharge Commencement Notification.** The Applicants must notify the San Diego Water Board in writing **at least 5 days prior to** the start of Project construction.
- B. **Twenty-Four Hour Non-Compliance Reporting.** The Applicants 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 Applicants becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicants 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.
- C. **Hazardous Substance Discharge.** Except as provided in Water Code section 13271(b), 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 Applicants is in violation of a Basin Plan prohibition.

- D. Oil or Petroleum Product Discharge.** Except as provided in Water Code section 13272(b), 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.
- E. Anticipated Noncompliance.** The Applicants 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.
- F. 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 Applicants 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 Applicants 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 Applicants 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 Applicants 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 Applicants 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 Applicants will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicants of responsibility for compliance with this Certification in the event that a transferee fails to comply.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The City of Vista 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 November 16, 2017 for the Final Mitigated Negative Declaration (FMND) titled *Monarch Buena Vista – P16-0394* (State Clearing House Number 2017091005). The Lead Agency has determined the Project will not 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 FMND 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 FMND are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment 5 to this Certification. The Applicants shall implement the Lead Agency's MMRP described in the FMND, 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 sections V and 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

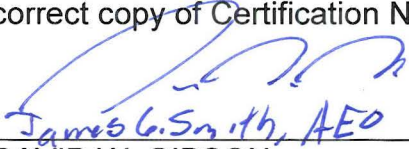
Lisa Honma, Environmental Scientist
Telephone: (619) 521-3367
Email: Lisa.Honma@waterboards.ca.gov

X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Monarch Buena Vista project** (Certification No. R9-2016-0202) 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. R9-2016-0202 issued on June 11, 2018.


for DAVID W. GIBSON
Executive Officer
San Diego Water Board

11 June 2018
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.

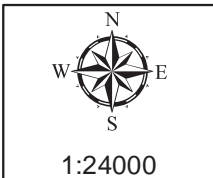
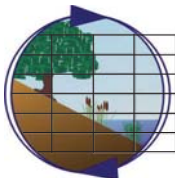
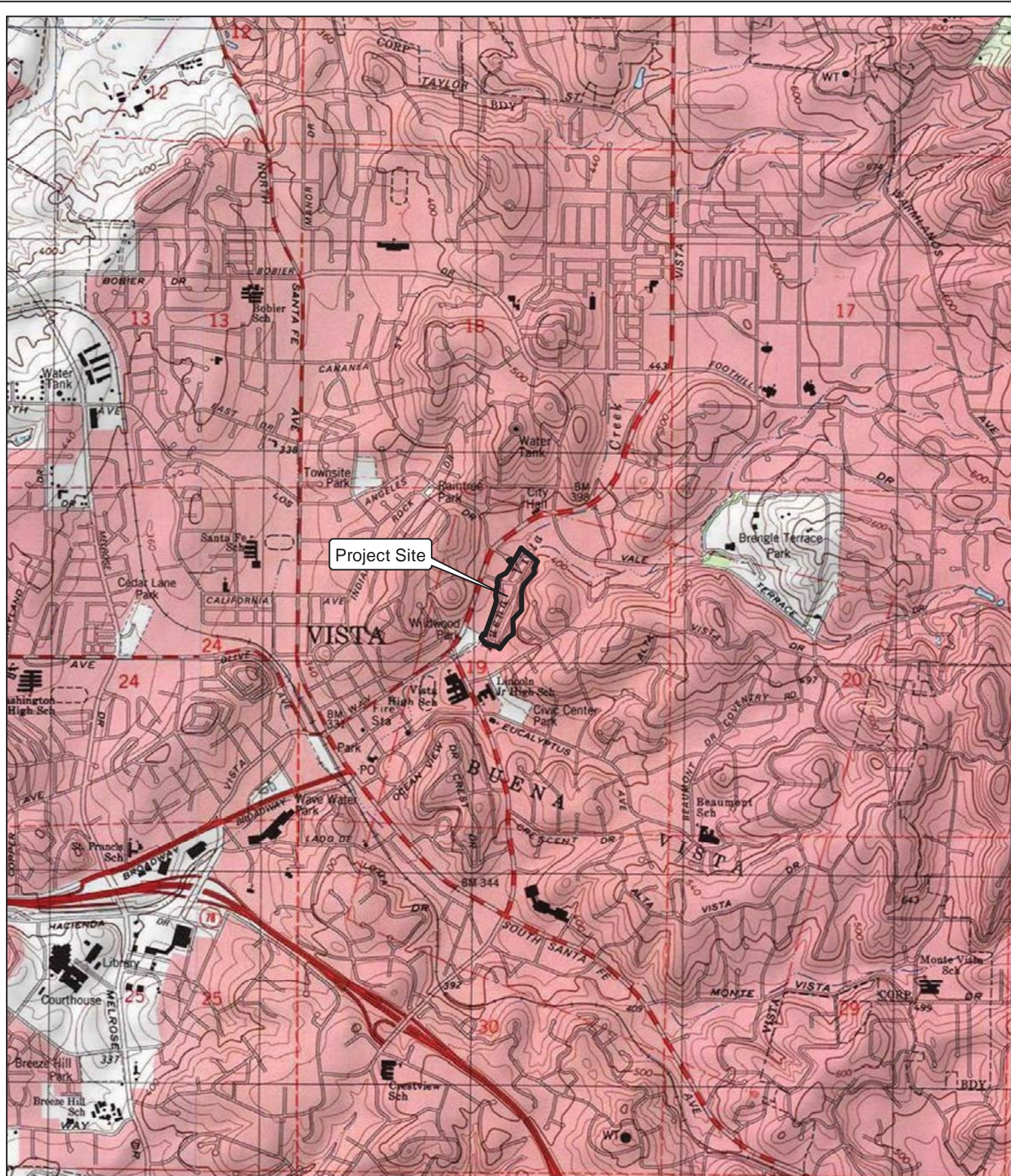
Water quality objectives and other appropriate requirements of state law – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other appropriate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

Waters of the State - means any surface water or groundwater, including saline waters, within the boundaries of the State. [Water Code section 13050, subd. (e)].

City of Vista/Monarch Buena Vista, LLC
Monarch Buena Vista Project
Certification No. R9-2016-0202

ATTACHMENT 2
PROJECT LOCATION MAPS

Figure 1 – Project Vicinity Map

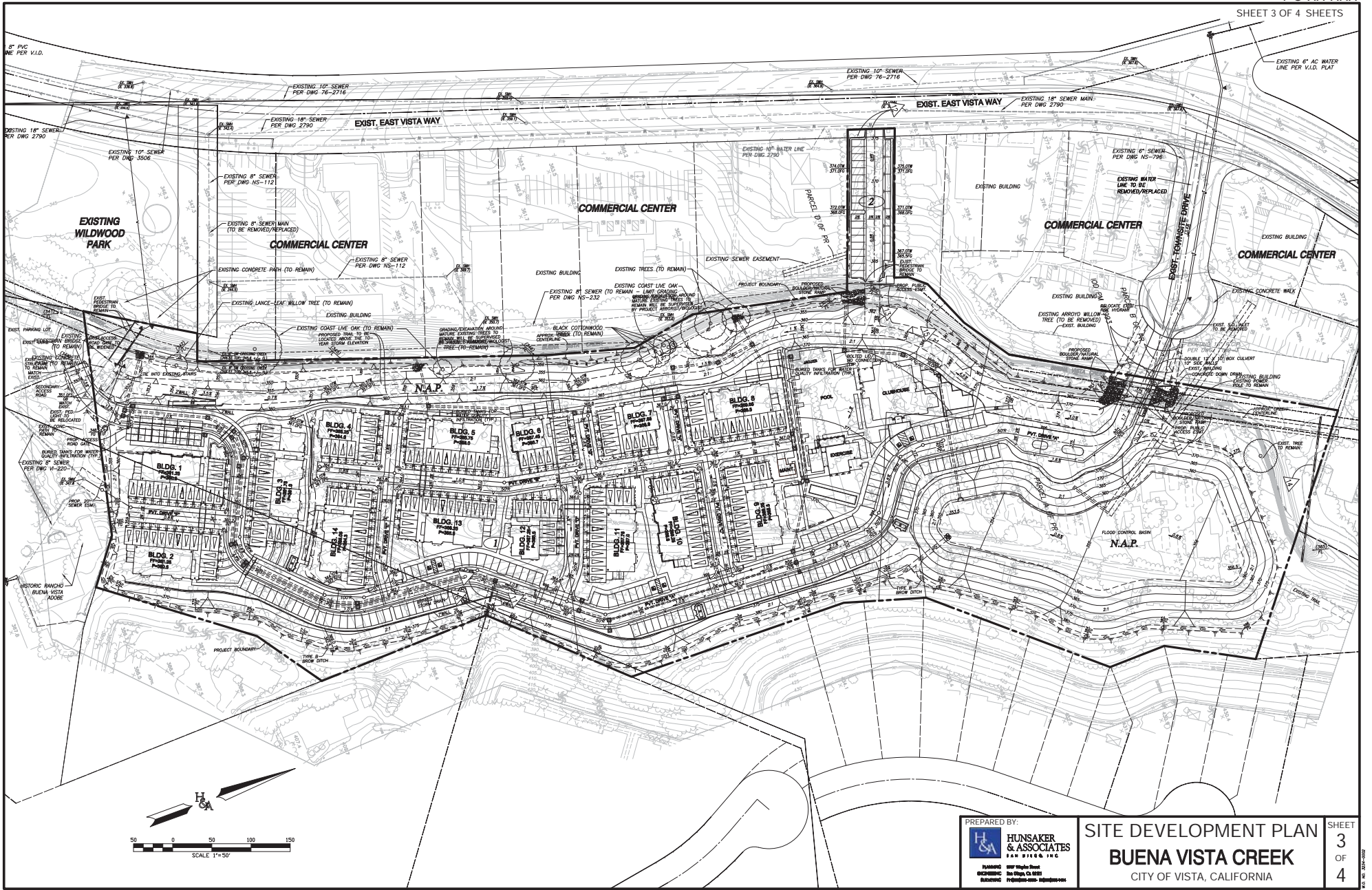


Project Vicinity Map
Monarch Buena Vista
Source: USGS 7.5' San Marcos, CA Quadrangle

Figure 1

**ATTACHMENT 3
PROJECT SITE PLANS**

Site Development Plan, Sheet 3 of 4
Figure 4a – Townsite Drive Double Box Culverts – Profile View
Figure 4b – Double Box Culvert Plan View
Figure 5 – Wildlife Ramp Design
Figure 2a – Creek Restoration Area/Jurisdictional Resources Map
Figure 2b – Creek Restoration Area/Jurisdictional Resources Map
Figure 3 – Floodplain Bench at East Bank of Creek
Figure 4 – Planting Plan View

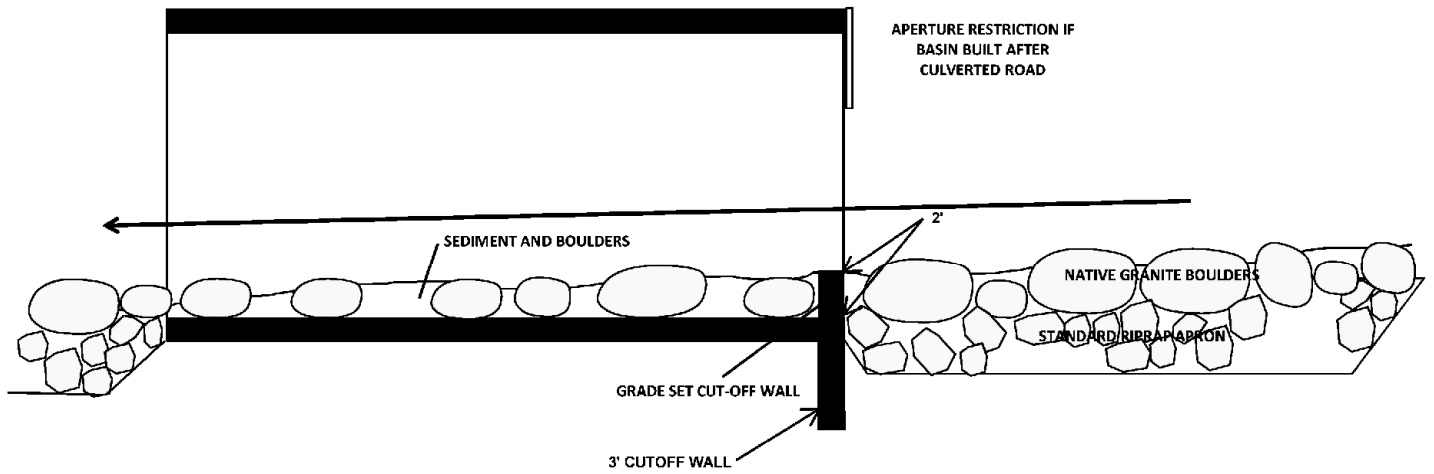


PREPARED BY:
 **HUNSAKER & ASSOCIATES**
 SAN DIEGO, CALIFORNIA

SITE DEVELOPMENT PLAN
BUENA VISTA CREEK
 CITY OF VISTA, CALIFORNIA

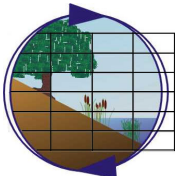
SHEET
3
 OF
4

8/23/14/14/14 Buena Vista Creek TH-SP 014 3/24/14/14-02/05/15



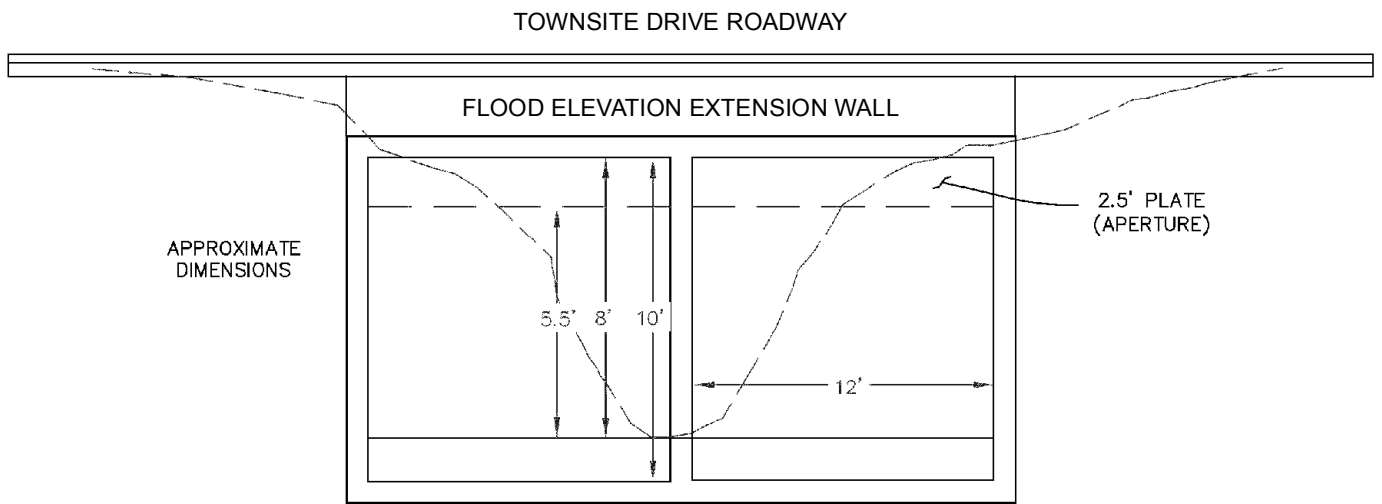
Source: Tory R. Walker Engineering

NOT TO SCALE



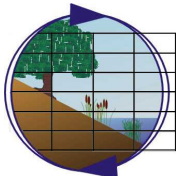
Townsite Drive Double Box Culvert - Profile View
Buena Vista Creek

Figure 4a



Source: Tory R. Walker Engineering

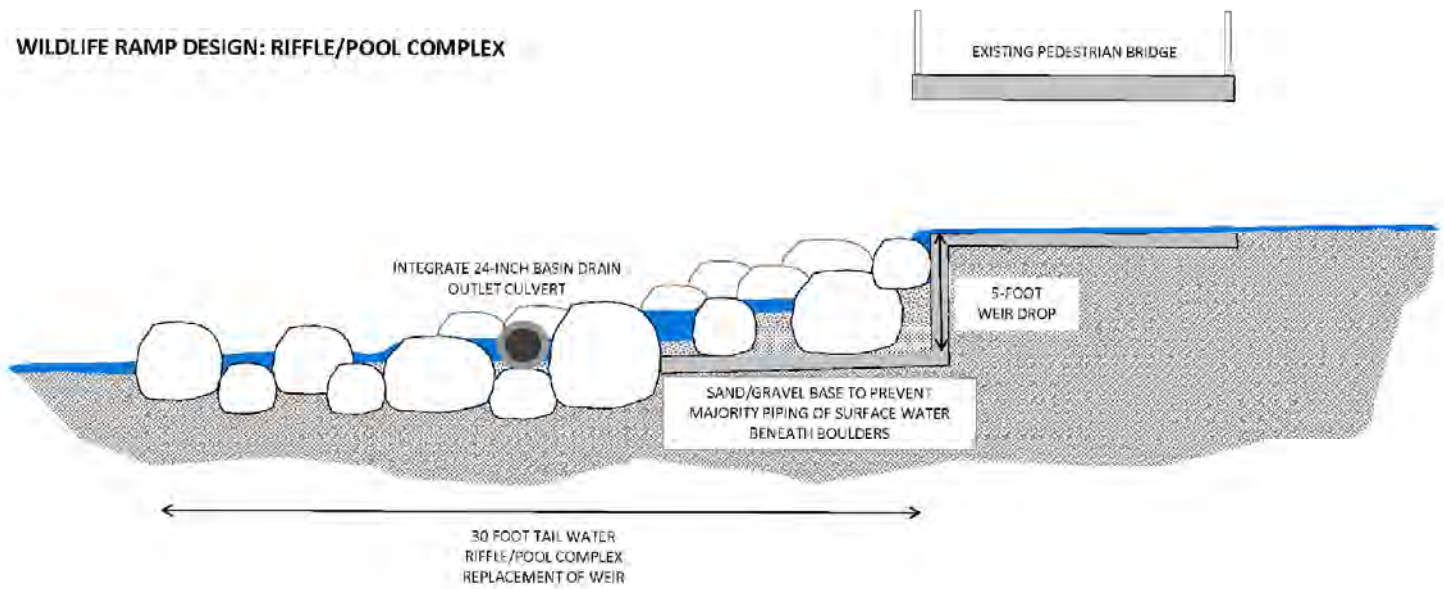
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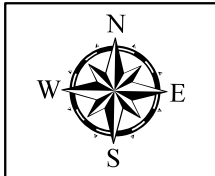
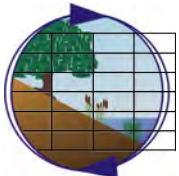
Double Box Culvert Plan View
Buena Vista Creek

Figure 4b

WILDLIFE RAMP DESIGN: RIFFLE/POOL COMPLEX



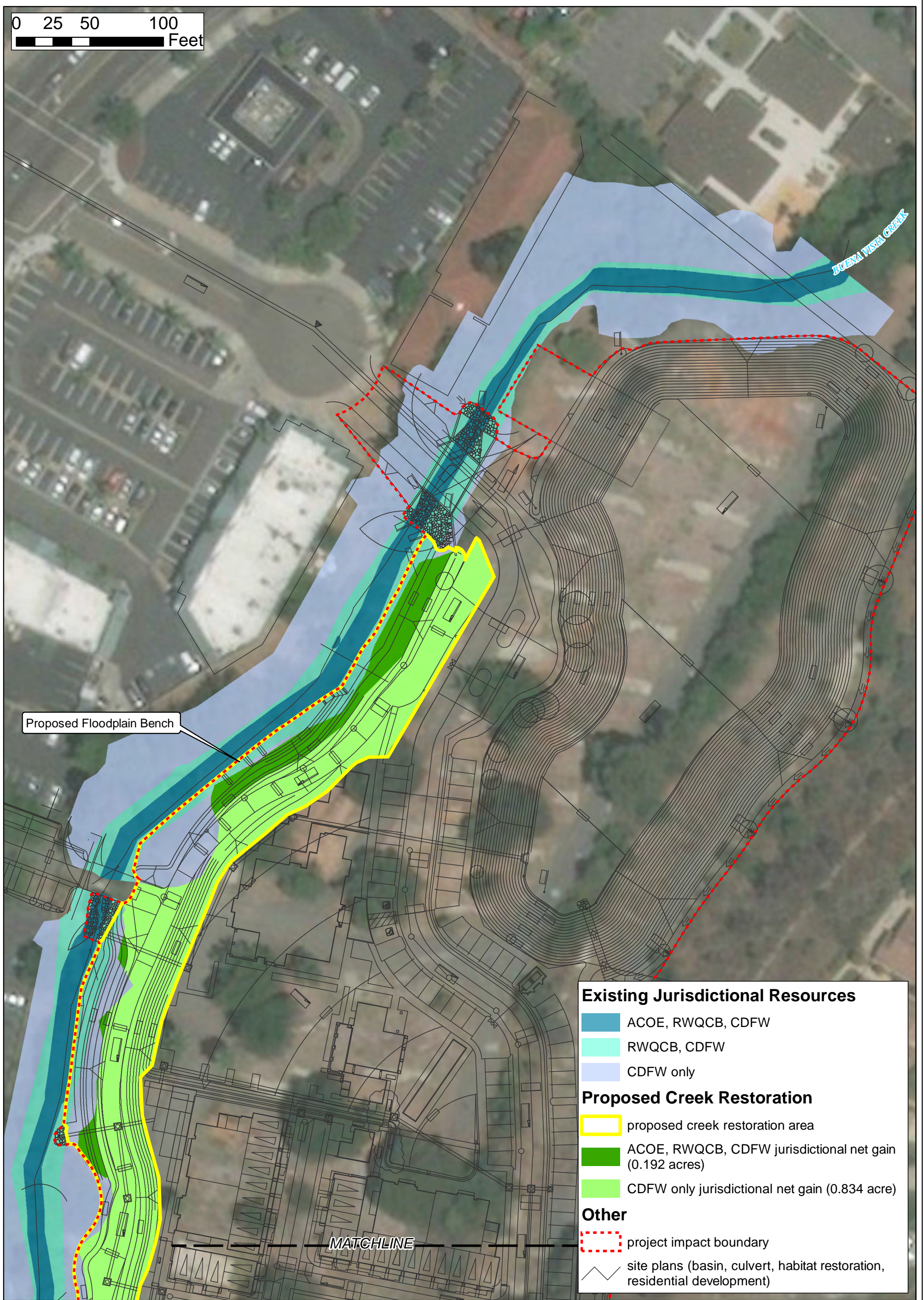
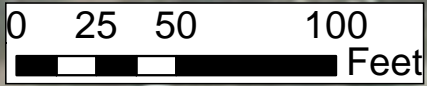
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Wildlife Ramp Design

Monarch Buena Vista

Figure 5



Proposed Floodplain Bench

BUENA VISTA CREEK

MATCHLINE

Existing Jurisdictional Resources

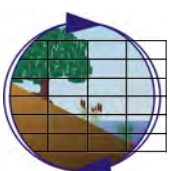
- ACOE, RWQCB, CDFW
- RWQCB, CDFW
- CDFW only

Proposed Creek Restoration

- proposed creek restoration area
- ACOE, RWQCB, CDFW jurisdictional net gain (0.192 acres)
- CDFW only jurisdictional net gain (0.834 acre)

Other

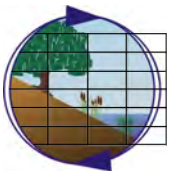
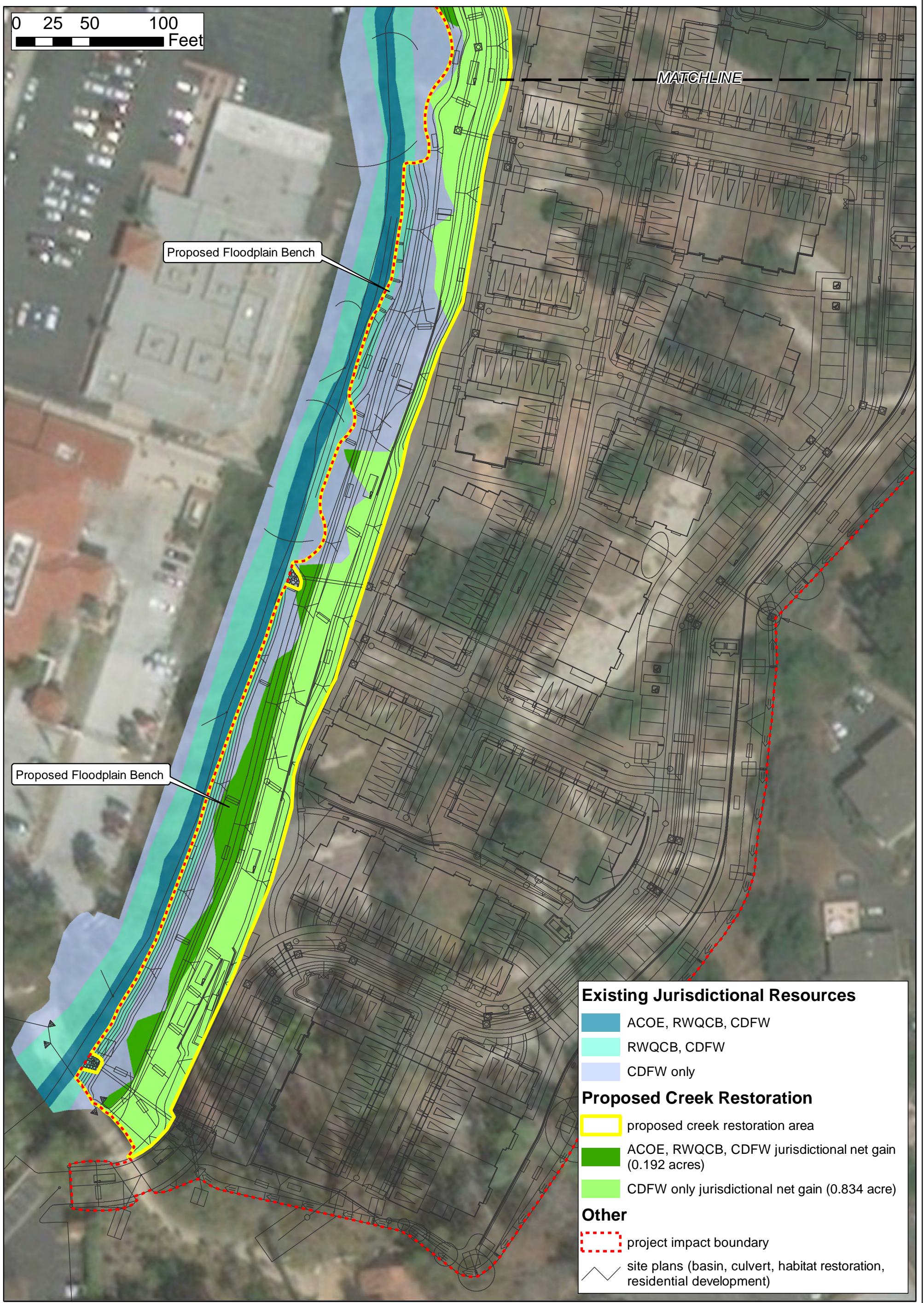
- project impact boundary
- site plans (basin, culvert, habitat restoration, residential development)



Creek Restoration Area/Jurisdictional Resources Map

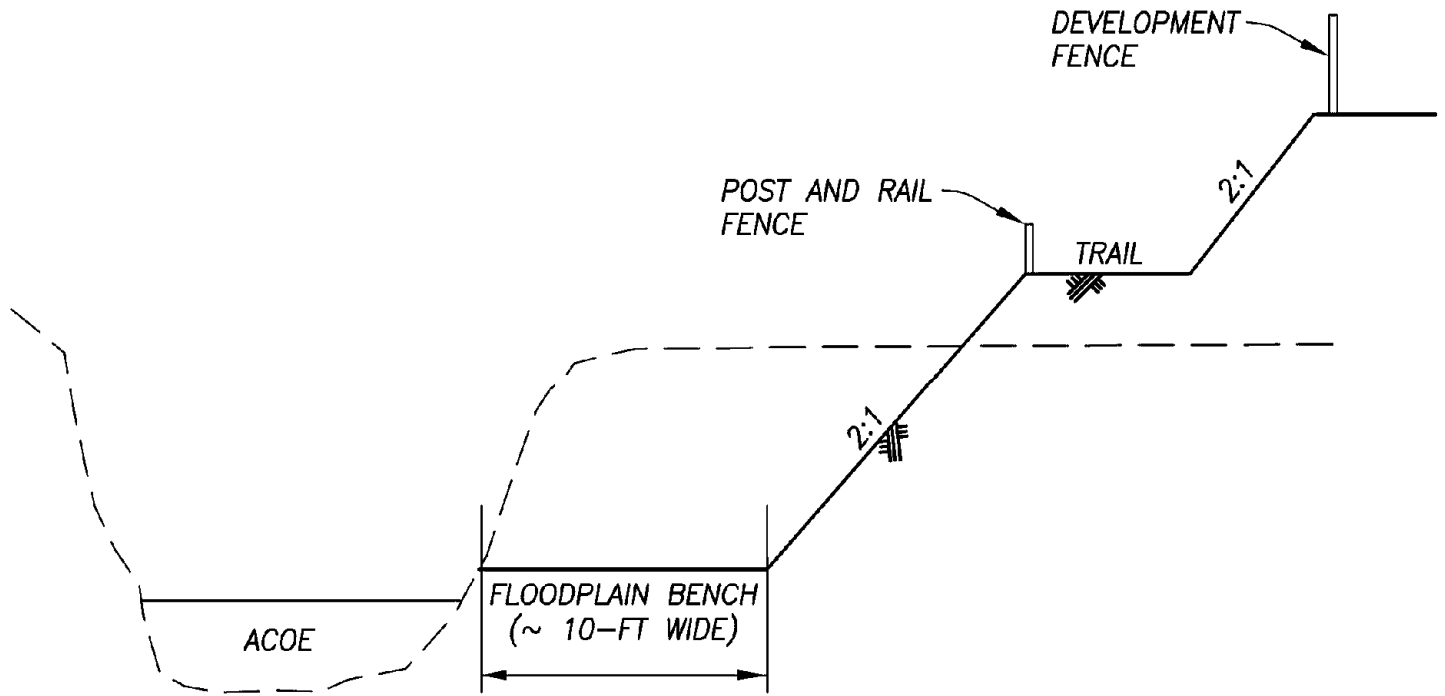
Monarch Buena Vista

Figure 2a



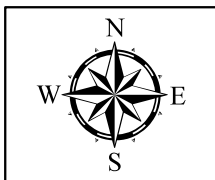
Creek Restoration Area/Jurisdictional Resources Map
Monarch Buena Vista

Figure 2b



Source: Tory R. Walker Engineering

NOT TO SCALE



Floodplain Bench at East Bank of Creek
Monarch Buena Vista

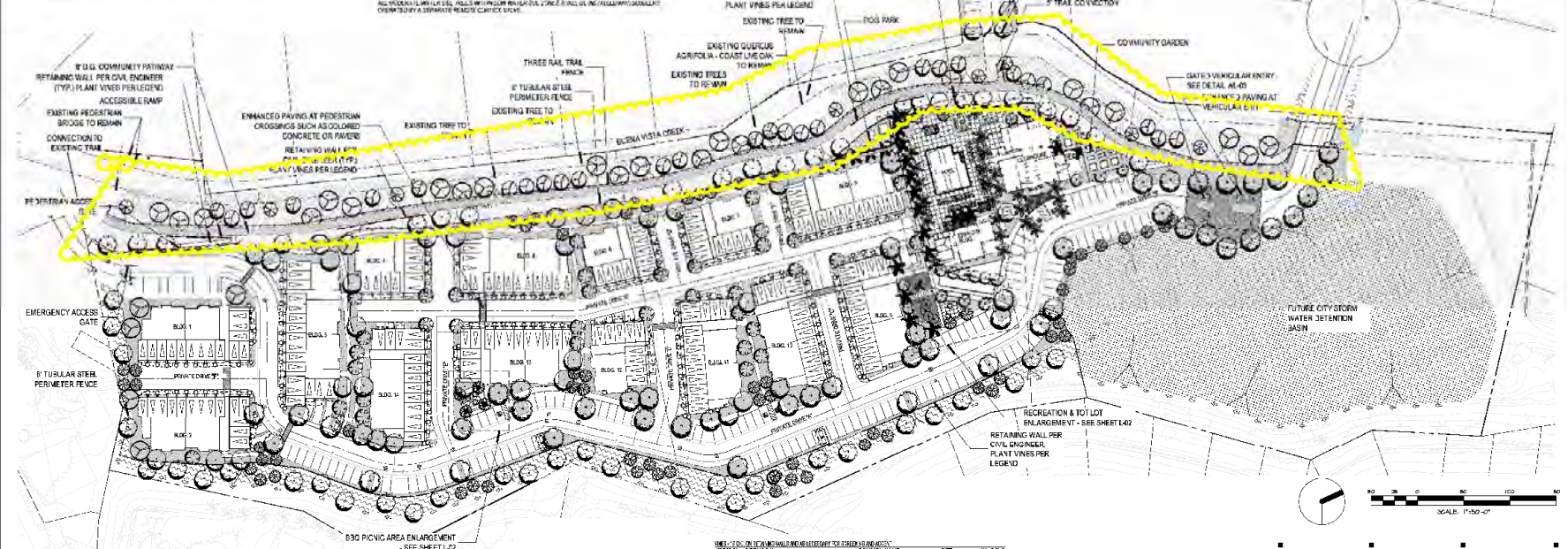
Figure 3

NOT TO SCALE

SYMBOL	COMMON NAME	SIZE	W/COLS
[Symbol]	WESTERN SPOKANE	18 OIL	M
[Symbol]	RIALTO GUMMATION	18 GAL	M
[Symbol]	GOVERNOR BLACK WALNUT	18 GAL	M
[Symbol]	ARIZONA WALNUT	18 GAL	M
[Symbol]	CALIFORNIA RED MALE PLANT	1 GAL @ 2' O.C. / 1 GAL @ 3' O.C.	L
[Symbol]	CONCRETE GRASS	18 GAL	M

SYMBOL	COMMON NAME	SIZE	W/COLS
[Symbol]	GRASS	1 GAL @ 2' O.C.	L
[Symbol]	GRASS	1 GAL @ 2' O.C.	L
[Symbol]	GRASS	1 GAL @ 2' O.C.	L
[Symbol]	GRASS	1 GAL @ 2' O.C.	L
[Symbol]	GRASS	1 GAL @ 2' O.C.	L

NOTES:
 ALL STAIR AREAS SHALL RECEIVE 1" LAYER OF BARK MULCH.
 INTERCOURSE NOTE:
 ALL LANDSCAPE AREAS ARE PLANTED EXCLUSIVELY WITH LOW CARBON-FOOTPRINT WATER USE PLANT SPECIES. ALL PLANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF PALMDALE WATER CONSERVATION PLAN. ALL PLANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF PALMDALE WATER CONSERVATION PLAN. ALL PLANTS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF PALMDALE WATER CONSERVATION PLAN.



SYMBOL	COMMON NAME	SIZE	W/COLS	QTY
[Symbol]	WESTERN SPOKANE	18 OIL	M	20
[Symbol]	RIALTO GUMMATION	18 GAL	M	22
[Symbol]	GOVERNOR BLACK WALNUT	18 GAL	M	63
[Symbol]	ARIZONA WALNUT	18 GAL	M	12
[Symbol]	CALIFORNIA RED MALE PLANT	1 GAL @ 2' O.C. / 1 GAL @ 3' O.C.	L	29
[Symbol]	CONCRETE GRASS	18 GAL	M	42
[Symbol]	GRASS	1 GAL @ 2' O.C.	L	107

SYMBOL	COMMON NAME	SIZE	W/COLS
[Symbol]	WESTERN SPOKANE	18 OIL	M
[Symbol]	RIALTO GUMMATION	18 GAL	M
[Symbol]	GOVERNOR BLACK WALNUT	18 GAL	M
[Symbol]	ARIZONA WALNUT	18 GAL	M
[Symbol]	CALIFORNIA RED MALE PLANT	1 GAL @ 2' O.C. / 1 GAL @ 3' O.C.	L

SYMBOL	COMMON NAME	SIZE	W/COLS
[Symbol]	GRASS	1 GAL @ 2' O.C.	L
[Symbol]	GRASS	1 GAL @ 2' O.C.	L
[Symbol]	GRASS	1 GAL @ 2' O.C.	L
[Symbol]	GRASS	1 GAL @ 2' O.C.	L
[Symbol]	GRASS	1 GAL @ 2' O.C.	L

BUENA VISTA CREEK
 VISTA - CALIFORNIA

MONARCH GROUP
 875 PROSPECT ST., SUITE 222
 LA JOLLA, CALIF. 92037
 T: 858.490.3330
 F: 858.270.3647

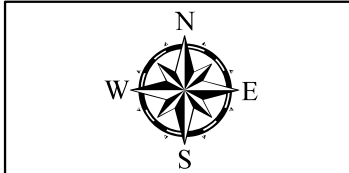
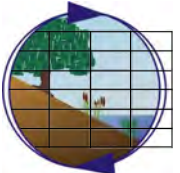
CONCEPT SITE PLAN

SHEET INDEX

SHEET #	DESCRIPTION
L-01	CONCEPT SITE PLAN
L-02	RE AREA ENLARGEMENTS
L-03	CONCEPTUAL DETAILS
L-04	WATER CONSERVATION PLAN
L-05	UTILITY OVERLAY PLAN

gmp

L-01
 SHEET #1 OF 5



Planting Plan View
 Monarch Buena Vista

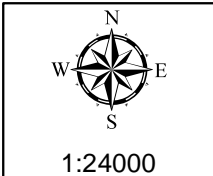
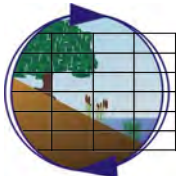
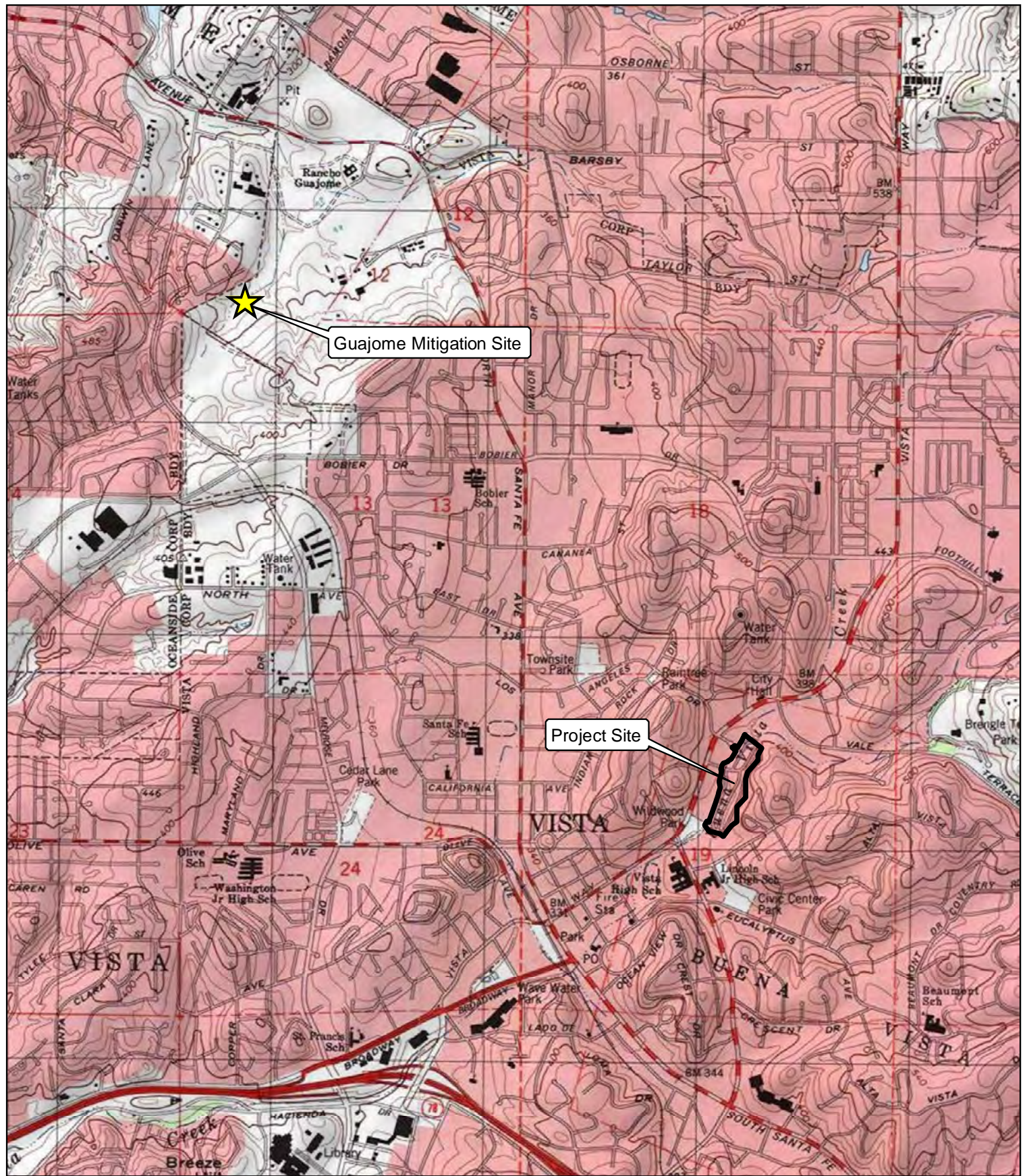
Figure 4

City of Vista/Monarch Buena Vista, LLC
Monarch Buena Vista Project
Certification No. R9-2016-0202

**ATTACHMENT 4
MITIGATION FIGURES**

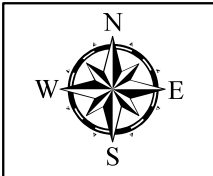
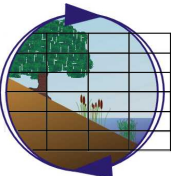
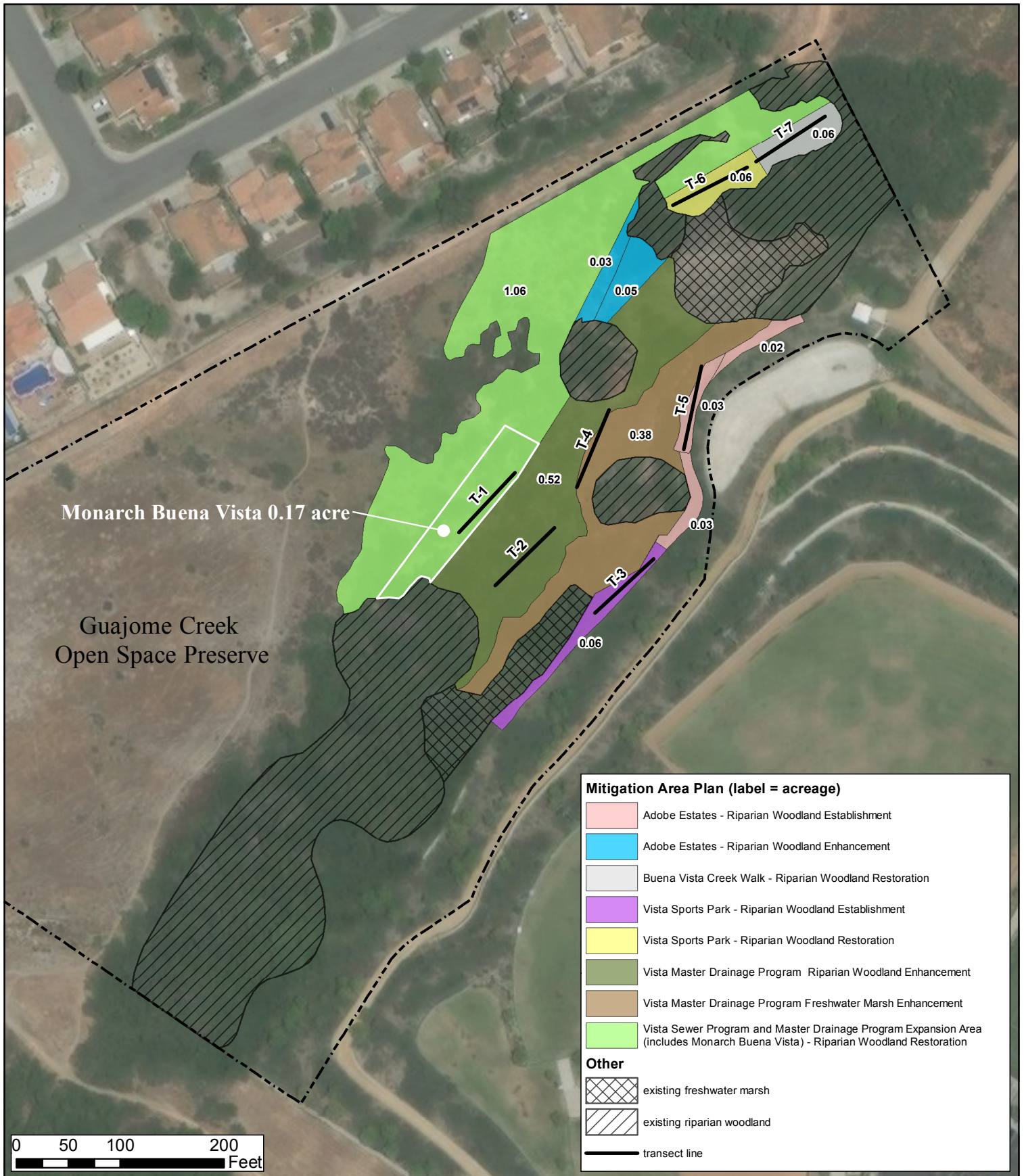
Figure 1 – Project Vicinity Map

Figure 2 – Mitigation Areas/Transect Locations, Guajome Creek Wetland Mitigation Site
Guajome Creek Wetland Mitigation Site Ledger, City of Vista, dated May 24, 2018



Project Vicinity Map
Monarch Buena Vista
Source: USGS 7.5' San Marcos, CA Quadrangle

Figure 1



Mitigation Areas/Transect Locations
 Guajome Creek Wetland Mitigation Site

Aerial Source: ESRI July 2016

Figure 2

GUAJOME CREEK WETLAND MITIGATION SITE LEDGER
CITY OF VISTA

	WETLAND TYPE				TOTAL
	Riparian Woodland			Freshwater Marsh	
	<i>Establishment</i>	<i>Restoration</i>	<i>Enhancement</i>	<i>Enhancement</i>	
Initial Available Acreage	0.14	1.18	0.60	0.38	2.30
Projects/Programs Using Mitigation					
Vista Sports Park	0.06	0.06			0.12
Adobe Estates	0.08		0.08		0.16
Vista Master Drainage Program			0.52	0.38	0.90
Buena Vista Creek Walk		0.06			0.06
Vista Sewer Program/Master Drainage Program Expansion Area (including Proposed Monarch Buena Vista Project)		0.17			0.15
Used Mitigation Acreage	0.14	0.29	0.60	0.38	1.41
Remaining Mitigation Acreage Available	0.00	0.89	0.00	0.00	0.89

DATE UPDATED: 5-24-18


 Approved By: John Conley, City of Vista Community Development Director

Date: 5/24/18

City of Vista/Monarch Buena Vista, LLC
Monarch Buena Vista Project
Certification No. R9-2016-0202

ATTACHMENT 5
CEQA MITIGATION MONITORING AND REPORTING PROGRAM

Final Mitigated Negative Declaration and Initial Study Checklist, P16-0394 Monarch Buena Vista, Attachment B MMRP

ATTACHMENT B
MMRP

CITY OF VISTA
MITIGATION MONITORING AND REPORTING PROGRAM FOR
MITIGATED NEGATIVE DECLARATION PC16-0394

August 2017

Project Name:	Monarch Buena Vista Project
Description:	The proposed project includes a Site Development Plan, Tentative Subdivision Map and a Condominium Housing Permit for a 179-unit residential development located on 7.98 acres of a 13.42 acre site. The project also includes a 2.35-acre City-owned and operated flood control detention basin on a 5.44 acre parcel within the overall 13.42 acre site. Additional improvements include restoration and enhancement activities including a public trail along Buena Vista Creek; shared public parking lot improvements; and construction of an access road into the residential development from Townsite Drive, using a double culvert road crossing over Buena Vista Creek.
Location:	The subject property (APN: 176-300-54 & 55) is located at 751-753 East Vista Way, on the east side of the street, between Civic Center Drive to the south and Townsite Drive to the north, adjacent to Buena Vista Creek, in the city of Vista, California.

The following Mitigation Measures have been incorporated into the project design or are to be implemented before or during construction in accordance with the Conditions of Project Approval, thereby reducing all identified potential impacts to less than significant levels.

MITIGATION MEASURES	STAFF MONITOR	TIMING OF COMPLIANCE	DATE OF COMPLIANCE
<p>BR-1 To avoid potential significant impacts to Cooper's hawk, vegetation clearing, grubbing, and/or grading within potential nesting habitat on-site (i.e., exotic riparian woodland, nonnative vegetation, southern willow scrub-mature trees only) for this species should be conducted outside the breeding season. If work is conducted during the breeding season, then a pre-construction survey for Cooper's hawk nests should be conducted to determine the exact location of a Cooper's hawk nesting site. If a Cooper's hawk nesting site is identified within the study area, then an appropriate avoidance area (e.g., 300-foot radius buffer) from the Cooper's hawk nest site should be established and monitored by a qualified biologist to ensure normal Cooper's hawk nest chronology for the subject nest site throughout the project construction activity period.</p>	Director of Community Development	Prior to issuance of a Grading Permit	
<p>BR-2 To avoid potential significant impacts to Nuttall's woodpecker, vegetation clearing, grubbing, and/or grading within potential nesting habitat on-site (i.e., exotic riparian woodland, non-native vegetation, southern willow scrub-mature trees only) for this species should be conducted outside the breeding season. If work is conducted during the breeding season, then a pre-construction survey for nesting Nuttall's woodpecker within a tree cavity should be conducted to determine the exact location of a Nuttall's woodpecker nesting site. If a Nuttall's woodpecker nesting site is identified within the study area, then an appropriate avoidance area from the Nuttall's woodpecker nest site should be established and monitored by a qualified biologist to ensure normal Nuttall's woodpecker nest chronology for the subject nest site throughout the project construction activity period.</p>	Director of Community Development	Prior to issuance of a Grading Permit	
<p>BR-3 The proposed project mitigation for permanent direct impacts to 0.15 acre of exotic riparian woodland (i.e., ACOE, RWQCB, and CDFW regulated nonwetland waters/streambed) would consist of the preservation/conservation of 0.15-acre native riparian habitat (i.e., federal and state regulated non-wetland resources) within the Guajome Creek Wetland Mitigation Site associated with the City of Vista's Storm Water Conveyance System Maintenance Program. The allocation of 0.15-acre for mitigation shall be documented by the HMP Administrator (the City of Vista Director of Planning and Engineering) in accordance with the HMP, prior to issuance of a grading permit.</p>	Director of Community Development	Prior to issuance of a Grading Permit	
<p>BR-4 To avoid any inadvertent impacts to sensitive biological and/or jurisdictional resources, construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits shall be fenced with orange snow screen. Exclusion fencing shall be maintained until the completion of all construction activities. All employees shall be instructed that their activities are restricted to the construction areas.</p>	Director of Community Development	Ongoing during construction	
<p>BR-5 To avoid any inadvertent impacts to sensitive biological and/or jurisdictional resources, a qualified biologist shall monitor construction activities throughout the duration of the project vegetation clearing and brushing activities to ensure that all practicable measures are being employed to avoid incidental disturbance of habitat and any target species of concern outside the project footprint. The project biologist shall be empowered to halt work activity if necessary and to confer with staff from the City of Vista to ensure the proper implementation of species and habitat protection measures.</p>	Director of Community Development	Ongoing during all vegetation clearing activities	

MITIGATION MEASURES	STAFF MONITOR	TIMING OF COMPLIANCE	DATE OF COMPLIANCE
<p>BR-6 Any habitat destroyed that is not in the identified project footprint shall be disclosed immediately to the City of Vista, applicable wetland regulatory agencies, and/or Wildlife Agencies.</p>	<p>Director of Community Development</p>	<p>Ongoing during any ground disturbing activities</p>	
<p>BR-7 The proposed native habitat restoration and enhancement planting installation effort identified along the eastern side of Buena Vista Creek shall be initiated within 60 days of construction and creek widening/restoration grading along the creek, or just prior to the rainy season within the same calendar year of the impacts (in case the timing of the completion of project construction occurs within or near the summer months when planting should be not installed) to ensure that non-native invasive species do not invade and/or expand on-site and/or in the project vicinity including downstream due to the proposed project activities.</p>	<p>Director of Community Development</p>	<p>Shall be initiated within 60 days following grading or construction along the Creek</p>	
<p>BR-8 Implementation of standard construction Best Management Practices (BMPs) such as straw wattles and silt fencing will be installed where applicable but in particular along the impact footprint along the creek slope prior to construction. Similarly, these BMPs would be maintained or replaced during construction as needed and post-construction in preparation of the habitat restoration effort within temporary impact areas to avoid inadvertent impacts (e.g., erosion, runoff, sedimentation) to adjacent sensitive habitats/resources.</p>	<p>City Planner</p>	<p>Ongoing during any ground-disturbing activities</p>	
<p>BR-9 If construction cannot avoid the avian and raptor breeding season (generally defined as February 1 through September 15), a pre-construction survey for active raptor and migratory bird nests protected under MBTA and/or CDFG Code should be conducted prior to the start of construction. The results of the survey should be submitted to the City of Vista in the form of a written report, and should include the date(s) of the survey, the name(s) of the investigator(s), the total field time of the survey efforts, a description of the survey area(s), and if any active nests were found. If an active bird nest were found, then all construction activities undertaken for the project shall comply with the regulatory requirements of the federal MTBA and CDFG Codes Sections 3503 and 3513.</p>	<p>City Planner</p>	<p>Two weeks prior to the start of construction</p>	
<p>CUL-1 Cultural resource mitigation monitoring shall be conducted to provide for the identification, evaluation, treatment, and protection of any cultural resources that are affected by or may be discovered during the construction of the proposed project. The monitoring shall consist of the full-time presence of a Qualified Archaeologist and a TCA (traditionally and culturally affiliated) Native American Monitor for, but not limited to, any clearing or grubbing of vegetation, tree removal, demolition and/or removal of remnant foundations, pavements, abandonment and/or installation of infrastructure (including bridge abutments, and the City's Flood Control Detention Basin); grading or any other ground disturbing or altering activities, including the placement of any imported fill materials (note: all fill materials shall be absent of any and all cultural resources); the riparian restoration/enhancement activities and trail construction along Buena Vista Creek; and related road improvements, including, but not limited to, the installation of infrastructure, and the realignments and/or expansions to East Vista Way or the southern emergency access improvements as shown on Figure 4, Proposed</p>	<p>City Planner</p>	<p>Prior to issuance of a Grading Permit</p>	

MITIGATION MEASURES	STAFF MONITOR	TIMING OF COMPLIANCE	DATE OF COMPLIANCE
<p>Site Development Plan, Attachment A, in this MND. Other tasks of the monitoring program shall include the following:</p> <ul style="list-style-type: none"> • The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. • The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the Contractor and/or associated Subcontractors to present the archaeological monitoring program. • The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American Monitor during all ground disturbing or altering activities, as identified above. The Applicant, or Owner, and/or Grading Contractor shall notify the Director of Community Development, preferably through e-mail, of the start and end of all ground-disturbing activities. • The Qualified Archaeologist and/or TCA Native American Monitor may halt ground-disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, ground-disturbing activities shall be directed away from these deposits for a short time to allow a determination of potential significance, the subject of which shall be determined by the Qualified Archaeologist and the TCA Native American Monitor, in consultation with the San Luis Rey Band. Ground disturbing activities shall not resume until the Qualified Archaeologist, in consultation with the TCA Native American Monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the Qualified Archaeologist's discretion, the location of ground disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources. • The avoidance and protection of discovered unknown and significant cultural resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible, a Data Recovery Plan may be authorized by the City as the Lead Agency under CEQA. If data recovery is required, then the San Luis Rey Band shall be notified and consulted in drafting and finalizing any such recovery plan. 			
<p>CUL-2 Prior to the issuance of a Grading Permit, and subject to approval of terms by the City, the Applicant or Owner, and/or Contractor shall enter into a Pre-Excavation Agreement with the San Luis Rey Band, a TCA (traditionally and culturally affiliated) tribe. A copy of the agreement shall be included in the Grading Plan Submittals for the Grading Permit. The purpose of this agreement shall be to formalize protocols and procedures between the Applicant or Owner, and/or Contractor, and the San Luis Rey Band for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, off-site infrastructure installation, grading, and all other ground disturbing activities.</p>	City Planner	Prior to issuance of a Grading Permit	
<p>CUL-3 Prior to the issuance of a Grading Permit, and in order for potentially significant unknown archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written <i>Controlled Grade Procedure</i> shall be prepared by a Qualified Archaeologist, in consultation with the TCA Native American Monitor, the San Luis Rey Band, and the Applicant or Owner, subject to the approval of City</p>	City Planner	Prior to release of Grading Bond	

MITIGATION MEASURES	STAFF MONITOR	TIMING OF COMPLIANCE	DATE OF COMPLIANCE
<p>representatives. The <i>Controlled Grade Procedure</i> shall establish requirements for any ground disturbing work (e.g., excavations, grading, etc.) within the northern portion of the project site that is designated as the Future Flood Control Basin (see Figure 4, Proposed Site Development Plan, in Attachment A). The <i>Controlled Grade Procedure</i> shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the procedures shall be included in the Grading Plan Submittals for the Grading Permit. <u>A copy of the procedures shall also be sent to the Rincon Band of Luiseño Indians for their files.</u></p>			
<p>CUL-4 Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the results, analysis and conclusions of the cultural resource mitigation monitoring efforts (such as, but not limited to, the Research Design and Data Recovery Program) shall be submitted by the Qualified Archaeologist, along with the TCA Native American Monitor's notes and comments, to the City's Director of Community Development for review and approval. <u>A copy of the report shall also be sent to the Rincon Band of Luiseño Indians for their files.</u></p>	City Planner	Prior to release of Grading Bond	
<p>CUL-5 All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.</p>	City Planner	Ongoing during any ground disturbing activities	
<p>CUL-6 Recovered cultural material of historic significance shall be curated with accompanying catalog, photographs, and reports to a San Diego curation facility that meets federal standards per 36 CFR Part 79. Recovered cultural material of tribal cultural significance shall be repatriated as stipulated in the pre-excavation agreement as described in CR-2.</p>	City Planner	Ongoing during any ground disturbing activities	
<p>CR-7 As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the Qualified Archaeologist and/or the TCA Native American Monitor) shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the Qualified Archaeologist and/or the TCA Native American Monitor), and consultation and treatment could occur as prescribed by law. As further defined by State law, the Coroner would determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendant. If Native American remains are discovered, the remains shall be kept in situ ("in place"), or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American Monitor.</p>	City Planner	Ongoing during any ground disturbing activities	

MITIGATION MEASURES	STAFF MONITOR	TIMING OF COMPLIANCE	DATE OF COMPLIANCE
<p>HM-1 A Phase II ESA shall be conducted prior to the initiation of grading on-site to determine if residual pesticides are present in soil on the Site. The Phase II shall include soil sampling and analysis near the former permanent structures to determine if deteriorated lead from paint sources potentially impacted soil at the Site. All recommendations of the Phase II shall be implemented prior to the initiation of grading activities on-site to the satisfaction of the City.</p>	City Engineer	Prior to the initiation of grading onsite	
<p>HM-2 During grading operations, observations shall be made during any future ground disturbing activities for areas of possible contamination such as, but not limited to: the presence of underground facilities, buried debris, waste drums or tanks, or odorous soils. Should such materials be encountered, disposal shall occur in accordance with City, County of San Diego, and State and federal regulations.</p>	City Engineer	Ongoing during grading operations	
<p>N-1 Construction contractors for projects within the DVSP Area shall implement the following measures to minimize short-term noise levels caused by construction activities. Measures to reduce construction/demolition noise shall be included in contractor specifications and shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • Properly outfit and maintain construction equipment with manufacturer-recommended noise reduction devices to minimize construction-generated noise. • Operate all diesel equipment with closed engine doors and equip with factory recommended mufflers. • Use electrical power to operate air compressors and similar power tools. • Employ additional noise attenuation techniques as needed to reduce excessive noise levels so that construction noise would be in compliance with San Diego County Code Sections 36.408 and 36.409. Such techniques shall include, but not be limited to, the construction of temporary sound barriers or sound blankets between construction sites and nearby noise-sensitive receptors. • Notify adjacent noise-sensitive receptors in writing within two weeks of any construction activity such as jackhammering, concrete sawing, asphalt removal, pile driving, and large-scale grading operations that would occur within 100 feet of the property line of the nearest noise-sensitive receptor. The extent and duration of the construction activity will be included in the notification. 	City Engineer	Ongoing during all active construction phases	
<p>N-2 The Project Applicant shall employ the following construction noise attenuation measures in addition to those described in DVSP Noi-1 to be included on the construction plans that ensure compliance with the noise limit and submitted to the City of Vista Planning Division for approval prior to issuance of the grading permit. These measures include:</p> <ul style="list-style-type: none"> • Mobile or fixed “package” equipment (e.g., arc-welders and air compressors) to be equipped with shrouds and noise control features that are readily available for that type of equipment. • Unnecessary idling of internal combustion engines (e.g., in excess of 5 minutes) to be prohibited. • Material stockpiles and mobile equipment staging, parking, and maintenance areas to be located as far as practicable from noise sensitive receptors. • The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. • No project-related public address or music system shall be audible at any adjacent sensitive receptor. • The use of a dozer and scraper within 30 feet of the project’s southern, eastern, and northern boundary may be within 70 feet of a nearby residence. If this equipment is to be used within 70 feet of a nearby residence, 	City Engineer	Ongoing during all active construction phases	

MITIGATION MEASURES	STAFF MONITOR	TIMING OF COMPLIANCE	DATE OF COMPLIANCE
<p>operations shall be conducted in this area for no more than 3 hours of an 8-hour construction day. Operation of a scraper and dozer shall not be more than 40 percent of a given hour.</p> <ul style="list-style-type: none"> • The use of a breaker within 30 feet of the project's southern, eastern, and northern boundary may be within 70 feet of a nearby residence. If this equipment is to be used within 70 feet of a nearby residence, operations shall be conducted in this area for no more than 2.25 hours of an 8-hour construction day. Operation of a breaker shall not be more than 20 percent of a given hour. • The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process for the affected resident shall be established prior to construction commencement to allow for resolution of noise problems that cannot be immediately solved by the site supervisor. 			
<p>N-3 If on-site use of a rock crusher is required for existing pavement, it should be located at least 450 feet from nearby NSLUs at the western boundary, where it will have minimal impact on surrounding residences. A temporary sound barrier shall be placed around the rock crusher and should stand at least as tall as the highest part of the crusher, at a minimum of eight feet, as necessary to shield receivers to the west and south and meet threshold sound limits of 75 dBA LEQ and 82 dBA LMAX.</p>	City Engineer	Prior to the start of any rock crushing activities	
<p>TT-1 The Applicant and/or Owner shall participate in the City's Impact Fees for Arterials Streets and Traffic Signals program to pay its fair-share of the improvements needed to mitigate cumulative project impacts to the intersection of East Vista Way and Bobier Drive-Foothill Drive, and to the intersection of Civic Center Drive and Eucalyptus Avenue.</p>	City Planner	Prior to issuance of a Grading Permit	