

MITIGATION MONITORING AND REPORTING PROGRAM

PROJECT NAME:	North Elsinore Business Park: Planning Application (PA) No. 2021-13; Tentative Parcel Map (TPM) No. 38124; Industrial Design Review (IDR) No. 2021-01; and Environmental Review No. 2021-04 (ER 2021-04)
DATE:	June 2022
PROJECT MANAGER:	Damaris Abraham, Planning Manager
PROJECT DESCRIPTION:	<p>The Project consists of Planning Application No. 2021-13 for a Tentative Parcel Map No. 38124 (TPM 38124) and Industrial Design Review No. 2021-01, collectively known as North Elsinore Business Park. The Project will provide a neighborhood business park with approximately 94,665 square feet (sq. ft.) of commercial space in 5 separate building clusters.</p> <ul style="list-style-type: none">• Total Building – 94,665 sq. ft.<ul style="list-style-type: none">○ Building 1 – 9,000 sq. ft.○ Building 2 – 8,300 sq. ft.○ Building 3 – 9,850 sq. ft.○ Building 4 – 9,140 sq. ft.○ Building 5 – 7,070 sq. ft.○ Building 6 – 5,595 sq. ft.○ Building 7 – 8,270 sq. ft.○ Building 8 – 6,120 sq. ft.○ Building 9 – 7,000 sq. ft.○ Building 10 – 8,220 sq. ft.○ Building 11 – 10,200 sq. ft.○ Building 12 – 5,900 sq. ft.
PROJECT LOCATION:	The Project site is located in the City of Lake Elsinore (City), Riverside County, California, located southerly of the I-15 freeway, between Collier Avenue and El Toro Road. The Project site consists of an approximately 7.5-acre undeveloped area (Assessor's Parcel Numbers 389-220-003, 004, 005, and 006) and is located within Section 36, Township 5S, Range 5W as shown on the Lake Elsinore, California 7.5 minute U.S. Geologic Survey (USGS) topographic map.

IS SECTION	MITIGATION MEASURE	RESPONSIBILITY FOR IMPLEMENTATION	VERIFICATION	COMMENTS
IV. BIOLOGICAL RESOURCES	MM-BIO-1: MSHCP Fees. Prior to issuance of a building permit, the applicant/developer shall pay the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) development mitigation fee for commercial development in effect at the time the permits are issued.	Applicant/Developer	CITY OF LAKE ELSINORE Planning and Building & Safety Divisions	
	MM-BIO-2: SKR Fee. Prior to issuance of a grading permit, the applicant/developer shall pay the County's Stephens' Kangaroo Rat Mitigation Fee (Riverside County Ordinance 663.10) development mitigation fee for commercial development in effect at the time the permits are issued.	Applicant/Developer	CITY OF LAKE ELSINORE Planning and Building & Safety Divisions	
	MM-BIO-3: Pre-Construction Nesting Bird Survey and Avoidance. Implementation of the following recommended measures would help assure avoidance and/or minimization of potential impacts to nesting birds and raptors: <ul style="list-style-type: none"> To avoid take of nesting birds, vegetation removal and initial ground disturbance should occur outside the nesting bird breeding season, which is approximately February 1 through August 31. If construction must begin within the bird breeding season, then no more than one (1) week prior to ground disturbance and/or vegetation removal, a nesting bird preconstruction survey should be conducted by a qualified biologist within the disturbance footprint plus a 300-foot buffer. If no nests are observed, no further action is required. If nests are found, their locations should be flagged and then mapped onto an aerial photograph of the Project site and/or recorded with the use of a GPS unit. An appropriate avoidance buffer (size of buffer depending upon the species and the proposed work activity) should be determined and demarcated by a qualified biologist. No work should occur within the avoidance buffer, and a qualified biologist should be present on site to monitor bird behavior 	Applicant/Developer and Qualified Biologist	CITY OF LAKE ELSINORE Planning Division and Engineering Dept.	

IS SECTION	MITIGATION MEASURE	RESPONSIBILITY FOR IMPLEMENTATION	VERIFICATION	COMMENTS
	<p>and ensure no disturbance to the nest occurs as necessary.</p> <ul style="list-style-type: none"> If disturbance is detected (e.g., alarm calling, flight from the nest) as determined by the qualified biologist, work in the area should halt immediately until such time as the young have left the nest of their own volition. Work may take place on other areas of the Project site as long the activity does not likewise result in disturbance to the nest or nesting bird, as determined by a qualified biologist. 			
V. CULTURAL RESOURCES	<p>MM-CUL-1: <i>Unanticipated Resources.</i> The developer/permit holder or any successor in interest shall comply with the following for the life of this permit. If during ground disturbance activities, unanticipated cultural resources are discovered, the following procedures shall be followed:</p> <ol style="list-style-type: none"> All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted until a meeting is convened between the developer, the Project Archaeologist, the Native American tribal representative(s) from consulting tribes (or other appropriate ethnic/cultural group representative), and the Community Development Director or their designee to discuss the significance of the find. The developer shall call the Community Development Director or their designee immediately upon discovery of the cultural resource to convene the meeting. At the meeting with the aforementioned parties, the significance of the discoveries shall be discussed and a decision is to be made, with the concurrence of the Community Development Director or their designee, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resource. Further ground disturbance shall not resume within 	Developer/Permit Holder or Any Successor in Interest	CITY OF LAKE ELSINORE Planning Division and Engineering Dept.	

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	<p>the area of the discovery until a meeting has been convened with the aforementioned parties and a decision is made, with the concurrence of the Community Development Director or their designee, as to the appropriate mitigation measures.</p> <p>5. Treatment and avoidance of the newly discovered resources shall be consistent with the Cultural Resources Treatment and Monitoring Agreements entered into with the appropriate tribes. This may include avoidance of cultural resources through project design, in-place preservation of cultural resources located in native soils, and/or re-burial on the Project property so they are not subject to further disturbance in perpetuity as identified in Non-Disclosure of Reburial Location measure.</p> <p>6. If the find is determined to be significant and avoidance of the site has not been achieved, a Phase III data recovery plan shall be prepared by the Project Archeologist, in consultation with the Tribe(s), and shall be submitted to the City for their review and approval prior to implementation of the said plan.</p> <p>7. Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the Project Applicant and the Tribe(s) cannot agree on the significance or the mitigation for the archaeological or cultural resources, these issues will be presented to the Community Development Director for decision. The Community Development Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources, recommendations of the project archeologist and shall take into account the cultural and religious principles and practices of the Tribe(s). Notwithstanding any other rights available under</p>			

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	the law, the decision of the City Community Development Director shall be appealable to the City Planning Commission and/or City Council.” Evidence of compliance with this mitigation measure, if a significant archaeological resource is found, shall be provided to City of Lake Elsinore upon the completion of a treatment plan and final report detailing the significance and treatment finding.			
	<p>MM-CUL-2: Archaeologist/CRMP. Prior to issuance of grading permits, the applicant/developer shall provide evidence to the Community Development Department that a Secretary of Interior Standards qualified, and certified Registered Professional Archaeologist (RPA) has been contracted to implement a Cultural Resource Monitoring Program (CRMP) that addresses the details of all activities that must be completed and procedures that must be followed regarding cultural resources associated with this Project. The CRMP document shall be provided to the Community Development Director or their designee for review and approval prior to issuance of the grading permit.</p> <p>The CRMP provides procedures to be followed and are to ensure that impacts on cultural resources will not occur without procedures that would reduce the impacts to less than significant. These measures shall include, but shall not be limited to, the following:</p> <p><u>Archaeological Monitor</u> - An adequate number of qualified monitors shall be present to ensure that all earth-moving activities are observed and shall be on-site during all grading activities for areas to be monitored including off-site improvements. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of</p>	Applicant/Developer	CITY OF LAKE ELSINORE Planning Division	

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	<p>inspections will be determined by the Project Archaeologist, in consultation with the Tribal monitor.</p> <p><u>Cultural Sensitivity Training</u> - The Project Archaeologist and a representative designated by the consulting Tribe(s) shall attend the pre-grading meeting with the contractors to provide Cultural Sensitivity Training for all Construction Personnel. Training will include a brief review of the cultural sensitivity of the Project and the surrounding area; what resources could potentially be identified during earthmoving activities; the requirements of the monitoring program; the protocols that apply in the event unanticipated cultural resources are identified, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated; and any other appropriate protocols. This is a mandatory training, and all construction personnel must attend prior to beginning work on the Project site. A sign-in sheet for attendees of this training shall be included in the Phase IV Monitoring Report.</p> <p><u>Unanticipated Resources</u> - In the event that previously unidentified potentially significant cultural resources are discovered, the Archaeological and/or Tribal Monitor(s) shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The Project Archaeologist, in consultation with the Tribal monitor(s) shall determine the significance of the discovered resources. The Community Development Director or their designee must concur with the evaluation before construction activities will be allowed to resume in the affected area. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered, and features recorded using professional archaeological methods.</p>			

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	<p>Phase IV Report - A final archaeological report shall be prepared by the Project archaeologist and submitted to the Community Development Director or their designee prior to grading final. The report shall follow County of Riverside requirements and shall include at a minimum: a discussion of the monitoring methods and techniques used; the results of the monitoring program including any artifacts recovered; an inventory of any resources recovered; updated DPR forms for all sites affected by the development; final disposition of the resources including GPS data; artifact catalog and any additional recommendations. A final copy shall be submitted to the City, Project Applicant, the Eastern Information Center (EIC), and the Tribe.</p>			
	<p>MM-CUL-3: Cultural Resources Disposition. In the event that Native American cultural resources are discovered during the course of grading (inadvertent discoveries), the following procedures shall be carried out for final disposition of the discoveries: One or more of the following treatments, in order of preference, shall be employed with the tribes. Evidence of such shall be provided to the Community Development Department:</p> <ol style="list-style-type: none"> 1. Preservation-In-Place of the cultural resources, if feasible. Preservation in place means avoiding the resources, leaving them in the place where they were found with no development affecting the integrity of the resources. 2. Relocation of the resources on the Project property. The measures for relocation shall include, at least, the following: Measures and provisions to protect the future reburial area from any future impacts by means of a deed restriction or other form of protection (e.g., conservation easement) in order to demonstrate avoidance in perpetuity. 3. Relocation shall not occur until all legally required cataloging and basic recordation have been 	Applicant/Developer and Archaeological/ Native American Monitors	CITY OF LAKE ELSINORE Planning Division	

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	<p>completed, with an exception that sacred items, burial goods and Native American human remains are excluded. Any reburial process shall be culturally appropriate. Listing of contents and location of the reburial shall be included in the confidential Phase IV report. The Phase IV Report shall be filed with the City under a confidential cover and not subject to Public Records Request.</p> <p>4. If preservation in place or reburial is not feasible then the resources shall be curated in the culturally sensitive matter at a Riverside County curation facility that meets State Resources Department of Office of Historic Preservation Guidelines for the Curation of Archaeological Resources ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that all fees have been paid, shall be provided by the landowner to the City. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains. Results concerning finds of any inadvertent discoveries shall be included in the Phase IV monitoring report. Evidence of compliance with this mitigation measure, if a significant archaeological resource is found, shall be provided to the City of Lake Elsinore upon completion of a treatment plan and final report detailing the significance and treatment of finding.</p>			
	<p>MM-CUL-4: Tribal Monitoring. Prior to the issuance of a grading permit, the applicant shall contact the consulting Native American Tribe(s) that have requested monitoring through consultation with the City during the AB 52 and/or the SB 18 process ("Monitoring</p>	Applicant/Developer	CITY OF LAKE ELSINORE Planning Division	

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	<p>Tribes"). The applicant shall coordinate with the Tribe(s) to develop individual Tribal Monitoring Agreement(s). A copy of the signed agreement(s) shall be provided to the City of Lake Elsinore Community Development Department, Planning Division prior to the issuance of a grading permit. The Agreement shall address the treatment of any known tribal cultural resources (TCRs) including the Project's approved mitigation measures and conditions of approval; the designation, responsibilities, and participation of professional Tribal Monitors during grading, excavation and ground disturbing activities; Project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains/burial goods discovered on the site per the Tribe(s) customs and traditions and the City's mitigation measures/conditions of approval. The Tribal Monitor will have the authority to stop and redirect grading in the immediate area of a find in order to evaluate the find and determine the appropriate next steps, in consultation with the Project archaeologist.</p>			
	<p>MM-CUL-5: Phase IV Report. Upon completion of the implementation phase, a Phase IV Cultural Resources Monitoring Report shall be submitted that complies with the Riverside County Planning Department's requirements for such reports for all ground disturbing activities associated with this grading permit. The report shall follow the County of Riverside Planning Department Cultural Resources (Archaeological) Investigations Standard Scopes of Work posted on the County website. The report shall include results of any feature relocation or residue analysis required as well as evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting.</p>	Applicant/Developer and Project Archaeologist	CITY OF LAKE ELSINORE Planning Division	

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	<p>MM-CUL-6: <i>Discovery of Human Remains.</i> In the event that human remains (or remains that may be human) are discovered at the Project site during grading or earthmoving, the construction contractors, Project archaeologist and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The Project applicant shall then inform the Riverside County Coroner and the City of Lake Elsinore Community Development Department immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b).</p> <p>Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains and that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. If human remains are determined to be Native American, the applicant shall comply with the state law relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). The coroner shall contact the NAHC within 24 hours and the NAHC will make the determination of most likely descendant. The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resource Code Section 5097.98. In the event that the applicant and the MLD are in disagreement regarding the disposition of the remains, State law will apply, and the mediation process will occur with the NAHC, if requested (see PRC Section 5097.98(e) and 5097.94(k)).</p> <p>According to the California Health and Safety Code, six or more human burial at one location constitutes a cemetery (Section 81 00), and disturbance of Native American cemeteries is a felony (Section 7052).</p>	Construction Contractors/Project Archaeologist and/or Designated Native American Monitor(s)	CITY OF LAKE ELSINORE Planning Division and Engineering Dept.	

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	MM-CUL-7: Non-Disclosure of Reburial Location. It is understood by all parties that unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).	All Parties Involved in Project	CITY OF LAKE ELSINORE Planning Division	
VI. GEOLOGY & SOILS	MM-GEO-1: <i>Compliance with Recommendations from the Soil and Foundation Evaluation Report</i> Prior to issuance of a grading permit, the proposed Project applicant/developer shall comply with all recommendations contained within the <i>Soil and Foundation Report</i> .	Applicant/Developer	CITY OF LAKE ELSINORE Engineering Dept.	
	MM-PALEO-1: <i>Unanticipated Discovery of Paleontological Resources</i> In the event an unanticipated fossil discovery is made during the course of Project development, then in accordance with Society of Vertebrate Paleontology (2010) guidelines, it is the responsibility of any worker who observes fossils within the Project site to stop work in the immediate vicinity of the find and notify a qualified professional paleontologist who shall be retained to evaluate the discovery, determine its significance and if additional mitigation or treatment is warranted. Work in the area of the discovery will resume once the find is properly documented and authorization is given to resume construction work. Any significant paleontological resources found during construction monitoring will be prepared, identified, analyzed, and permanently curated in an approved regional museum repository.	Applicant/Developer and Qualified Professional Paleontologist	CITY OF LAKE ELSINORE Planning Division and Engineering Dept.	

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XVII. TRIBAL CULTURAL RESOURCES	MM-CUL-1 through MM-CUL-7 shall apply.			