

MITIGATION MONITORING AND REPORTING PROGRAM DEXTER VILLAGE PROJECT

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

In compliance with Public Resources Code Section 21081.6, the following Mitigation Monitoring and Reporting Checklist has been prepared for the Dexter Village project. This Mitigation Monitoring and Reporting Checklist is intended to provide verification that applicable Conditions of Approval relative to significant environmental impacts are monitored and reported. Monitoring will include: (1) verification that each mitigation measure has been implemented, (2) recordation of the actions taken to implement each mitigation measure, and (3) retention of records in the Dexter Village project file.

This Mitigation Monitoring and Reporting Program delineates responsibilities for monitoring the Program, but also allows the City of Lake Elsinore (City) flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

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

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

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

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Mitigation Measure	Monitoring Process	Monitoring Timing	Monitoring Responsibility	Date Completed
Biological Resources				
<p>MM BIO-1, Preconstruction Surveys for Burrowing Owl. A qualified biologist shall conduct pre-construction focused species surveys in accordance with the California Department of Fish and Wildlife’s (CDFW’s) <i>Staff Report on Burrowing Owl Mitigation</i> (CDFW 2012) within 30 days prior to commencement of construction activities. If burrowing owls are determined to occupy the site during pre-construction surveys and impacts to occupied burrows cannot be avoided, the City shall consult with the CDFW and prepare and implement a project-specific Burrowing Owl Mitigation Plan. The plan shall be reviewed and approved by the CDFW and implemented prior to activities that could affect burrowing owl within the project site. To avoid take, impacted individuals shall be relocated outside of the impact area by a qualified biologist prior to initiation of construction activities using passive or active methodologies approved by CDFW. The relocation shall occur outside of the breeding season for the burrowing owl. Existing burrows shall be destroyed once they are vacated.</p>	Pre-construction Survey	Prior to commencement of construction	Qualified Biologist, Project Applicant/ Developer, Planning and Engineering Depts.	Date: _____
<p>MM BIO-2, Preconstruction Surveys for Nesting Birds. To avoid violation of the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code, construction activities shall be avoided to the greatest extent feasible during the nesting season (generally February 1 to August 31).</p> <p>If construction activities are to occur during the nesting season, a pre-construction nesting survey shall be conducted within three days prior to the commencement of construction. A qualified biologist shall perform the nesting survey to ascertain whether there are active raptor nests within 500 feet of the project footprint or other protected bird nests within 300 feet of the project footprint. If no nests are found, no further action is required. If active nests are found, their locations shall be flagged and then mapped onto an aerial photograph of the site and recorded with a GPS unit. An appropriate avoidance buffer (size of buffer depending upon the species and the proposed work activity) shall be determined and demarcated by a qualified biologist. No work shall occur within the avoidance buffer, and a qualified biologist shall be present on site to monitor bird behavior and ensure no disturbance to the nest occurs, as necessary. 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 as the activity does not likewise result in disturbance to the nest or nesting bird, as determined by a qualified biologist.</p>	Pre-construction Survey	Prior to commencement of construction	Qualified Biologist, Project Applicant/ Developer, Planning and Engineering Depts.	Date: _____

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<i>Cultural Resources</i>				
<p>MM CUL-1, <i>Unanticipated Resources.</i> The Property Owner/Developer or a 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"> 1. 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. 2. The developer shall call the Community Development Director or their designee immediately upon discovery of the cultural resource to convene the meeting. 3. 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. 4. Further ground disturbance shall not resume within 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. 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. 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 	Assessment of Resources	During construction	Project Applicant/ Developer, Construction Contractor, Project Archaeologist, Tribal Monitor, Planning and Engineering Depts.	Date: _____

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<p>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 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>				
<p>MM CUL-2, <i>Archaeologist/Cultural Resources Monitoring Program</i>. 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. 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</p>	Construction Monitoring Program	Prior to issuance of a grading permit and during construction	Project Applicant/ Developer, Project Archaeologist, Tribal Monitor, Planning Dept.	Date: _____

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<p>and location of inspections will be determined by the Project Archaeologist, in improvements. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency 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> <p><u>Phase IV Report</u> - 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</p>				
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<p>copy shall be submitted to the City, Project Applicant, the Eastern Information Center, 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:</p> <p>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 future impacts by means of a deed restriction or other form of protection (e.g., conservation easement) in order to demonstrate avoidance in perpetuity. <p>Relocation shall not occur until legally required cataloging and basic recordation have been completed, with an exception that sacred items, burial goods and Native American human remains, as they are excluded. Reburial processes 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> <ol style="list-style-type: none"> 3. If relocation is not agreed upon by the Consulting Tribes, then the resources shall be curated in a culturally appropriate manner at a Riverside County curation facility that meets State Resources Department Office of Historic Preservation Guidelines for the Curation of Archaeological Resources, ensuring access and use pursuant to the Guidelines. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. 	Disposition of Resources	During Construction	Project Applicant/ Developer, Construction Contractor, Project Archaeologist, Tribal Monitor, Planning and Engineering Depts.	Date: _____

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Evidence of curation in the form of a letter from the curation facility stating that subject archaeological materials have been received and that 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 inadvertent discoveries shall be included in the Phase IV monitoring report.				
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 Senate Bill (SB) 18 process (“Monitoring 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 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 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.	Construction Monitoring Program	Prior to issuance of a grading permit and during construction	Project Applicant/ Developer, Tribal Monitor, Planning and Engineering Depts.	Date: _____
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 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 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.	Project Records	After construction	Project Applicant/ Developer, Project Archaeologist, Tribal Monitor	Date: _____

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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 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). 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 Native American Heritage Commission (NAHC) (Public Resources Code [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 disagree 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>	Assessment, Treatment, and Disposition of Human Remains	During construction	Project Applicant/ Developer, Construction Contractor, Project Archaeologist, Tribal Monitor, Riverside County Coroner, Planning Dept.	Date: _____
<p>MM CUL-7, <i>Non-Disclosure of Reburial Location.</i> It is understood by the parties that unless otherwise required by law, the site of reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).</p>	Non-Disclosure of Resource Reburials	During and after construction	Project Applicant/ Developer, Riverside County Coroner	Date: _____

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<p>MM CUL-8, <i>Supplemental Reburial Areas.</i> Should the project area be separated into different phases of development or separated and sold to alternative or additional developers, then supplemental reburial areas will be determined in consultation with the Pechanga Band of Indians for the reburial of Tribal Cultural Resources at least 30 days before issuance of grading permits.</p>	Tribal Consultation	Before Issuance of Grading Permits	Project Applicant/ Developer, Pechanga Band of Indians	Date: _____
<i>Geology and Soils</i>				
<p>MM GEO-1, <i>Paleontological Resources Impact Program.</i> Prior to grading, the project applicant or construction contractor shall retain a qualified paleontologist to develop a Paleontological Resources Impact Program (PRIMP) for approval by the Community Development Director. Following Community Development Director approval of the PRIMP, grading and construction activities may proceed in compliance with the provisions of the approved PRIMP. The PRIMP shall include the following measures:</p> <ol style="list-style-type: none"> 1. Monitoring of mass grading and excavation activities shall be performed by a qualified paleontologist or paleontological monitor. Starting at a depth of five feet, monitoring shall be conducted part-time in areas of grading or excavation in undisturbed alluvial sediments. The exact timing of monitoring shall be outlined in the PRIMP. Monitoring of metamorphic rocks mapped at the project is not recommended. The project paleontologist shall have the discretion of increasing or decreasing the timing of monitoring based on the geologic conditions observed during grading activities. 2. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays. The monitor shall have the authority to temporarily halt or divert equipment to allow removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. The monitor shall notify the project paleontologist, who will then notify the concerned parties of the discovery. 3. Paleontological salvage during trenching and boring activities is typically from the generated spoils and does not delay the trenching or drilling activities. Fossils shall be collected and placed in cardboard flats or plastic 	Paleontological Resources Impact Program	Prior to grading	Project Applicant/ Developer, Project Paleontologist, Community Development Director	Date: _____

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<p>buckets and identified by field number, collector, and date collected. Notes shall be taken on the map location and stratigraphy of the site, which is photographed before it is vacated and the fossils are moved to a safe place. On mass grading projects, discovered fossil sites are protected by flagging to prevent them from being overrun by earthmovers (scrapers) before salvage begins. Fossils shall be collected in a similar manner, with notes and photographs being taken before removing the fossils. Precise location of the site is determined with the use of handheld global positioning system (GPS) units. If the site involves remains from a large terrestrial vertebrate, such as large bone(s) or a mammoth tusk, that is/are too large to be easily removed by a single monitor, a fossil recovery crew shall excavate around the find, encase the find within a plaster and burlap jacket, and remove it after the plaster is set. For large fossils, use of the contractor’s construction equipment may be solicited to help move the jacket to a safe location.</p> <p>4. Isolated fossils shall be collected by hand, wrapped in paper, and placed in temporary collecting flats or five-gallon buckets. Notes shall be taken on the map location and stratigraphy of the site, which is photographed before it is vacated and the fossils are moved to a safe place.</p> <p>5. Particularly small invertebrate fossils typically represent multiple specimens of a limited number of organisms, and a scientifically suitable sample can be obtained from one to several five-gallon buckets of fossiliferous sediment. If it is possible to dry screen the sediment in the field, a concentrated sample may consist of one or two buckets of material. For vertebrate fossils, the test is used to observe the presence of small pieces of bones within the sediments. If present, multiple five-gallon buckets of sediment can be collected and returned to a separate facility to wet-screen the sediment.</p> <p>6. Bulk sampling and screening of fine-grained sedimentary deposits (including carbonate-rich paleosols) shall be performed if the deposits are identified to possess indications of producing fossil “microvertebrates” to test the feasibility of the deposit to yield fossil bones and teeth.</p>				

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<p>7. In the laboratory, individual fossils shall be cleaned of extraneous matrix, any breaks will be repaired, and the specimen, if needed, shall be stabilized by soaking in an archivally approved acrylic hardener (e.g., a solution of acetone and Paraloid B-72).</p> <p>8. Recovered specimens shall be prepared to a point of identification and permanent preservation (not display), including screen washing sediments to recover small invertebrates and vertebrates. Preparation of individual vertebrate fossils is often more time-consuming than accumulations of invertebrate fossils.</p> <p>9. Recovered specimens shall be identified and curated into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage (e.g., the WSC). The paleontological program shall include a written repository agreement prior to the initiation of mitigation activities. Prior to curation, the lead agency (e.g., the City of Lake Elsinore) shall be consulted on the repository/museum to receive the fossil material.</p> <p>10. A final report of findings and significance shall be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). The report, when submitted to, and accepted by, the appropriate lead agency, shall signify satisfactory completion of the project program to mitigate impacts to potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place.</p>				
Land Use/Planning				
<p>MM LU-1, Balcony Noise Barriers. Prior to issuance of certificate of occupancy, a minimum seven-foot-high balcony barrier shall be constructed at balconies of apartment units in the northern half of Apartment Building 8 that face Dexter Avenue, and a minimum six foot-high balcony barrier shall be constructed at balconies of townhome units facing Dexter Avenue. The barriers shall be continuous with no gaps or holes and may be any material that has a minimum transmission loss of 10 dBA at all 1/3 octave band frequencies. A 0.5-inch-thick plexiglass is an example material that would provide the minimum transmission loss.</p>	Building Plans	Prior to issuance of certificate of occupancy	Project Applicant/ Developer, Planning and Engineering Depts.	Date: _____

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<p>MM LU-2, Exterior-to-Interior Noise Analysis. For residential units along Dexter Avenue, the project applicant shall coordinate with the project architects and contractors to ensure interior noise level compliance with the 45 CNEL standard. This shall be achieved through an exterior-to-interior noise analysis once specific building plans are available. The information in the analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on other openings in the building shell. With this specific building plan information, the analysis shall determine the predicted interior noise levels at the planned on-site buildings. If predicted noise levels are found to be in excess of 45 CNEL, the report shall identify architectural materials or techniques that could be included to reduce noise levels to the 45-CNEL limit.</p>	<p>Exterior-to-interior Noise Analysis</p>	<p>Prior to issuance of certificate of occupancy</p>	<p>Project Applicant/ Developer, Acoustical Analyst, Planning and Engineering Depts.</p>	<p>Date: _____</p>
<p>Refer to MM BIO-1 above.</p>				
<p><i>Tribal Cultural Resources</i></p>				
<p>Refer to MM CUL-1 through MM CUL-8 above.</p>				