

MITIGATION MONITORING AND REPORTING PROGRAM / PROJECT DESIGN FEATURES

Arroyo Verde Shopping Center

City of Oceanside, California

Project No. D16-00014/CUP16-00012/ZA17-00003

SCH. No.: 2018051044

September 2018

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Mitigation Monitoring and Reporting Program and Project Design Features

The California Environmental Quality Act (CEQA) requires that public agencies adopting a Mitigated Negative Declaration (MND) take action to ensure that mitigation measures approved for a project are indeed implemented following project approval.

When changes or alterations have been required or incorporated into a project that mitigate or avoid the project's significant effects, the Lead Agency, in this case the City of Oceanside, is required to adopt a Mitigation Monitoring and Reporting Program (MMRP), pursuant to CEQA Guidelines §15097. The MMRP shall provide a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental impacts (CEQA Guidelines, Section 15074(d)). This MMRP will be utilized by the City of Oceanside, as the Lead Agency, to ensure that all approved mitigation measures for the Proposed Action are implemented in accordance with the adopted MND for the Arroyo Verde Shopping Center Project.

Implementation of the approved project mitigation measures will reduce significant impacts to air quality, biological resources, cultural resources, land use and planning, noise, transportation/traffic and tribal cultural resources to less than significant. As all significant adverse effects can be mitigated to less than significant levels, as identified in the Final MND and the MMRP, a Statement of Findings and a Statement of Overriding Considerations are not required for this project.

The MMRP is provided in checklist format (see Table 1, below) which identifies the proposed mitigation measures by resource area. For each mitigation measure, the following are provided: the mitigation language; the timing of implementation of the measure (i.e. prior to, during, or after construction); the party responsible for monitoring implementation of the mitigation measures; and, verification/initials of the person responsible for monitoring the mitigation measure. The checklist format allows for tracking of each mitigation measure and provides an area to identify the completion/implementation of each.

Table 2 provides a list of the Project Design Features (PDFs) that are proposed for incorporation into the project to reduce certain project effects. These PDFs will be made a Condition of Approval for the project, as adopted by the City of Oceanside with approval of the Project.

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Table 1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
Air Quality			
<p>MM AQ-1 Prior to issuance of a Grading Permit, the Project applicant shall obtain final approval of a Construction Management Plan from the City Planner or their designee. The Construction Management Plan shall be implemented during the entire duration of Project construction. Ongoing daily implementation of the Construction Management Plan shall be the responsibility of the onsite Project contractor.</p>	<p>Prior to issuance of a grading permit</p>	<p>City of Oceanside Planning Department</p>	
Biological Resources			
<p>MM BIO-1 Impacts to migratory birds from construction-related noise may occur if it is not feasible to avoid the breeding season (January 1-August 31). Protection of general avian wildlife in compliance with the Migratory Bird Treaty Act (MBTA) shall be accomplished by conducting a biological preconstruction survey for nesting bird species in all suitable habitat. A qualified biologist shall conduct the bird nest survey 72 hours prior to the commencement of work. If any active nests are detected, the area shall be flagged and mapped on construction plans along with a minimum 300-foot buffer up to a 500- foot maximum for raptors, or as recommended by a qualified biologist. The nesting bird buffer areas established by the qualified biologist shall be avoided until the nesting cycle is complete or it is determined that the nest has failed and no new nesting attempts are made.</p>	<p>Prior to any ground-disturbing activities</p>	<p>City of Oceanside Planning Department</p>	
<p>MM BIO-2 Prior to Project construction, potential construction noise-related impacts to the federally endangered least Bell’s vireo during the breeding season (February 15-August 31) shall be mitigated by conducting a focused least Bell’s vireo survey during the appropriate season. The survey shall be conducted by an experienced least Bell’s vireo biologist listed with the USFWS. If a nest is detected, a 300-foot buffer shall be maintained around the nest site and a biological monitor shall enforce the buffer until the nestlings have fledged or the nest is no longer active.</p>	<p>Prior to Project construction</p>	<p>City of Oceanside Planning Department</p>	

Table 1, continued

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>MM BIO-3 During Project construction, in the event that the appropriate buffers cannot be maintained during the breeding season for avian species, including the least Bell’s vireo, noise-reduction measures shall be implemented during Project construction. These noise attenuation measures shall reduce the ambient noise exposure at the vireo nest site to 60 dBA Leq or less. This may be achieved by noise path controls that may include:</p> <ul style="list-style-type: none"> • Move equipment farther away from the receiver; • Enclose especially noisy activities or stationary equipment; • Erect noise enclosures, barriers, or curtains. <p>A noise monitor shall be retained to document construction noise compliance with the established noise threshold requirements. The noise monitoring shall consist of visual observation and acoustical sound measurements. Visual observation shall consist of photo documentation of the noise reduction measures in place prior to the commencement of construction activities as required. Acoustical sound measurements shall be performed by a qualified acoustical consultant per the appropriate monitoring scheduled devised by the acoustical consultant. A monitoring biologist shall be present to assure that the vireo nest is not disturbed. Acoustical sound measurements shall be taken at the observed vireo nest sites without disturbing the nest. If noise levels are found to exceed 60 dBA Leq, additional noise reduction measures shall be implemented and additional sound measurements shall be taken. The acoustical consultant shall provide documentation of the recorded sound measurements to the City and/or Wildlife Agencies, as appropriate.</p>	<p>During Project construction</p>	<p>City of Oceanside Planning Department</p>	
<p>MM BIO-4 During Project construction, a qualified biologist (Biological Monitor) approved by the Wildlife Agencies shall be onsite: (1) during clearing and grubbing; and (2) weekly during Project construction within 300 feet of vireo habitat to ensure compliance with all conservation measures. Prior to Project ground-disturbing activities, the Project applicant shall submit the biologist’s name, address, telephone number, and work schedule on the Project to the Wildlife Agencies at least 5 working days prior to initiating grading. The Biological Monitor shall be available during pre-construction and construction phases to review grading</p>	<p>During Project construction/Prior to Project ground-disturbing activities</p>	<p>City of Oceanside Planning Department</p>	

Table 1, continued

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>plans, address protection of sensitive biological resources, monitor ongoing work to ensure that issues relating to biological resources are appropriately and lawfully managed. The Biological Monitor shall perform the following duties:</p> <ul style="list-style-type: none"> • Perform a minimum of three (3) focused surveys (or as otherwise directed by the Wildlife Agencies), on separate days, to determine the presence of Least Bell's vireo nest building activities, egg incubation activities, or brood rearing activities within 300 feet of Project construction proposed during each species' breeding season. The surveys shall begin a maximum of 7 days prior to Project construction and one survey shall be conducted the day immediately prior to the initiation of work. Additional surveys shall be conducted once a week during Project construction during the breeding season. These additional surveys may be suspended as approved by the Wildlife Agencies. • The Project applicant shall notify the Wildlife Agencies at least 7 days prior to the initiation of surveys and within 24 hours of locating any vireos. • If an active vireo nest is found within 300 feet of Project construction, the Biological Monitor shall postpone work within 300 feet of the nest(s) and contact the Wildlife Agencies to discuss: (1) the best approach to avoid/minimize impacts to nesting birds (e.g., sound walls, noise monitoring); and (2) a nest monitoring program acceptable to the Wildlife Agencies. Subsequent to these discussions, work may be initiated subject to implementation of the agreed upon avoidance/minimization approach and nest monitoring program. Nest monitoring shall occur according to a schedule approved by the Wildlife Agencies. The Biological Monitor shall determine whether bird activity is being disrupted. If the Biological Monitor determines that bird activity is being disrupted, Project applicant shall stop work and coordinate with the Wildlife Agencies to review the 			

Table 1, continued

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>avoidance/minimization approach. Upon agreement as to the necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued nest monitoring. Nest monitoring shall continue until fledglings have dispersed, as approved by the Wildlife Agencies.</p> <ul style="list-style-type: none"> • Oversee installation of and inspect the construction fencing and erosion control measures a minimum of once per week to ensure that any breaks in the fencing or erosion control measures are repaired immediately. • Train all contractors and construction personnel on the biological resources associated with the Project and ensure that training is implemented by construction personnel. At a minimum, training will include: (1) the purpose for resource protection; (2) a description of the vireo and its habitats (3) the mitigation measures implemented during construction, including limiting activities, vehicles, equipment, and construction materials to the fenced Project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the Project site by fencing); (4) environmentally responsible construction practices; (5) the protocol to resolve conflicts that may arise at any time during the construction process; and (6) the general provisions of the MBTA, the need to adhere to the provisions of the MBTA, and the penalties associated with violating the MBTA. • Halt work, if necessary, and confer with the Wildlife Agencies to ensure the proper implementation of species and habitat protection measures. The Biological Monitor shall report any non-compliance issue to the Wildlife Agencies within 24 hours of its occurrence. • Submit weekly and bi-monthly email reports during the breeding and non-breeding seasons, respectively, to the Wildlife Agencies during clearing of, and construction within, 300 feet of vireo habitat. The weekly reports shall document 			

Table 1, continued

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>that authorized impacts were not exceeded and general compliance with all conditions. The reports shall also outline the location of construction activities, the type of construction that occurred, and equipment used. These reports shall specify numbers, locations, and sex of vireos (if observed), their observed behavior (especially in relation to construction activities), and remedial measures employed to avoid and minimize impacts to these species. Raw field notes should be available upon request by the Wildlife Agencies.</p> <ul style="list-style-type: none"> • Submit a final report to the Wildlife Agencies within 60 days of completion of Project construction activities that includes: photographs of habitat areas that were to be avoided and other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with all conservation measures was achieved. As-built construction drawings with an overlay of habitat that was impacted and avoided shall be provided, if requested by the Wildlife Agencies and/or as appropriate, once completed. 			
Cultural Resources			
<p>MM CUL-1 Prior to any ground disturbance, and prior to the pre-construction meeting, the construction contractor shall provide evidence to the City of Oceanside that a qualified archaeologist, Native American monitor, and qualified paleontologist have been retained to:</p> <ol style="list-style-type: none"> (1) Discuss the cultural and paleontological resources monitoring programs with the construction crews; (2) Monitor all ground-disturbing activities deeper than 10 feet below the surface; (3) Temporarily halt and/or divert ground-disturbing activities in the area of unanticipated discoveries, in accordance with standard procedures, until 	<p>Prior to ground-disturbing activities/ Prior to pre-construction meeting</p>	<p>City of Oceanside Planning Department</p>	

Table 1, continued

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>the area(s) have been cleared by the archaeologist and paleontologist to resume work;</p> <p>(4) Submit and obtain authorization on a work order to perform testing of the artifacts and/or fossils, if discovered; and</p> <p>(5) Submit a final monitoring report that either documents the results of a negative testing program or provides recommendations for any additional work that may be required if testing determines that any artifacts and/or fossils are significant under Section 15064.5 of CEQA.</p>			
Land Use and Planning			
<p>Implement mitigation measures MM BIO-1 to MM BIO-4 (<i>impacts due to potential conflicts with applicable provisions of the draft North County Multiple Habitat Conservation Program Subarea Plan</i>).</p>	<p>Varies – Refer to the referenced mitigation measure for specific timing</p>	<p>City of Oceanside Planning Department</p>	
Noise			
<p>Implement mitigation measures MM BIO-1 to MM BIO-4 (<i>short-term construction-related noise impacts on sensitive wildlife</i>).</p>	<p>Varies – Refer to the referenced mitigation measure for specific timing</p>	<p>City of Oceanside Planning Department</p>	
Transportation/Traffic			
<p>MM TRA-1 The following circulation improvements shall be completed prior to issuance of certificate of occupancy:</p> <p>(1) At the Oceanside Boulevard/El Camino Real intersection, install a “No Right Turn” blank-out sign on the north side of Oceanside Boulevard to improve safety for turning movements and for fire station access. Also, pay a fair-share contribution (to be determined by the City of Oceanside) for installation of a right-turn overlap lane on northbound El Camino Real at this intersection.</p>	<p>Prior to issuance of a certificate of occupancy</p>	<p>City of Oceanside Planning and Public Works Departments</p>	

Table 1, continued

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>(2) At the Rancho Del Oro Drive/Vista Way intersection, submit design plans and construction cost estimate for widening the south side of West Vista Way to accommodate a second left-turn lane at the eastbound approach. Also, pay a fair-share contribution (to be determined by the City of Oceanside) toward the cost of mitigation at this intersection.</p> <p>(3) At the Rancho Del Oro Drive/Mesa Drive intersection, install yellow high-visibility crosswalks at the north, south, and east legs of this intersection. Also, submit design plans and construction cost estimate for widening the east side of Rancho Del Oro Drive to accommodate a dedicated right-turn lane at the northbound approach.</p> <p>(4) At the Rancho Del Oro Drive/Seagate Way-Senior Center Drive intersection, re-stripe the westbound approach to provide a dedicated left-turn pocket and a shared left-through-right turn lane, and maintain split phasing at the eastbound and westbound approaches. Install crosswalks on all approaches as well as install closed caption television (CCTV) camera and countdown timers for pedestrians. Paint the proposed bike lane on Rancho del Oro Drive approximately 100 feet from the intersection of Rancho del Oro Drive/Seagate Way. Prepare and submit design plans for the proposed improvements in lieu of fair share contribution towards the intersection improvements.</p>			
Tribal Cultural Resources			
<p>MM TR-CUL-1 Prior to the issuance of a grading permit, the Applicant/Owner shall enter into a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with the San Luis Rey Band of Mission Indians, or other Luiseño 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/Owner 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</p>	<p>Prior to issuance of a grading permit</p>	<p>City of Oceanside Planning Department</p>	

Table 1, continued

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the Project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.</p>			
<p>MM TR-CUL-2 Prior to the issuance of a grading permit, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the City of Oceanside Planning Division stating that a Qualified Archaeologist and Luiseño Native American Monitor have been retained at the Applicant/Owner or Grading Contractor’s expense to implement the monitoring program, as described in the pre-excavation agreement.</p>	<p>Prior to issuance of a grading permit</p>	<p>City of Oceanside Planning Department</p>	
<p>MM TR-CUL-3 The Qualified Archaeologist shall maintain ongoing collaborative consultation with the Luiseño Native American monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the City of Oceanside Planning Division of the start and end of all ground disturbing activities.</p>	<p>During ground disturbing activities</p>	<p>City of Oceanside Planning Department</p>	
<p>MM TR-CUL-4 The Qualified Archaeologist and Luiseño Native American Monitor shall attend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and Luiseño Native American Monitor shall be present onsite full-time during grubbing, grading and/or other ground altering activities, including the placement of imported fill materials or fill used from other areas of the Project site, to identify any evidence of potential archaeological or tribal cultural resources. All fill materials shall be absent of any and all tribal cultural resources.</p>	<p>Prior to ground-disturbing activities / During ground disturbing activities</p>	<p>City of Oceanside Planning Department</p>	

Table 1, continued

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>MM TR-CUL-5 The Qualified Archaeologist or the Luiseño Native American monitor may halt ground disturbing activities if unknown archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly nonsignificant deposits shall be minimally documented in the field, and before grading proceeds these items shall be given to the San Luis Rey Band so that they may be repatriated at the site on a later date. If a determination is made that the unearthened artifact deposits or cultural features are considered potentially significant, the San Luis Rey Band shall be notified and consulted with regards to the respectful and dignified treatment of those resources. The avoidance and protection of the significant cultural resource and/or unique archaeological resource is the preferable mitigation. If, however, a data recovery plan is authorized by the City as the Lead Agency under CEQA, the San Luis Rey Band shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant artifact deposits or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area shall be collected using professional archaeological collection methods. If the Qualified Archaeologist collects such resources, the Luiseño Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the cultural resources that are unearthened during the ground disturbing activities, the Luiseño Native American monitor, may at their discretion, collect said resources and provide them to the San Luis Rey Band for respectful and dignified treatment in accordance with the Tribe’s cultural and spiritual traditions.</p>	<p>During ground-disturbing activities</p>	<p>City of Oceanside Planning Department</p>	
<p>MM TR-CUL-6 Any and all uncovered tribal cultural resources of Native American importance shall be returned to the San Luis Rey Band of Mission Indians, and/or the Most Likely Descendant, if applicable, and not be curated.</p>	<p>During ground-disturbing activities</p>	<p>City of Oceanside Planning Department</p>	

Table 1, continued

Mitigation Measure	Timing	Monitoring Responsibility	Verification (Date and Initials)
<p>MM TR-CUL-7 Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (e.g., data recovery plan) shall be submitted by the Qualified Archaeologist, along with the Luiseño Native American monitor’s notes and comments, to the City of Oceanside Planning Division for approval.</p>	<p>Prior to ground-disturbing activities</p>	<p>City of Oceanside Planning Department</p>	
<p>MM TR-CUL-8 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 site or any nearby area reasonably suspected to overlie adjacent remains 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, and consultation and treatment could occur as prescribed by law. By law, the Coroner shall 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 shall make a determination as to the Most Likely Descendent. If Native American remains are discovered, the remains shall be kept insitu, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur onsite in the presence of a Luiseño Native American monitor.</p>	<p>During ground-disturbing activities</p>	<p>City of Oceanside Planning Department</p>	

Table 2. Project Design Features

Resources Area
Biological Resources
<ul style="list-style-type: none"> • Directional vectoring and shielded luminaries for parking lot light poles along the east perimeter of the proposed development would eliminate the spillover of nighttime light levels into the adjacent riparian and wetland habitats.
<ul style="list-style-type: none"> • Proposed vegetative screening from maturing coastal sage scrub restoration within the biological buffer would provide sound attenuation to help reduce long-term noise levels reaching the adjacent riparian and wetland habitats from the introduction of new noise sources associated with the Project (e.g., vehicles, delivery truck back-up alarms, events). Appendix B contains a Habitat Restoration Plan for this buffer, involving removal of non-native and invasive species, and revegetating with native coastal sage scrub plants. An existing irrigation system in this area would also be repaired and re-activated or supplemented to irrigate the restored coastal sage scrub for approximately three years, or until it is adequately established given climate conditions.
<ul style="list-style-type: none"> • Predator control devices would be selected for parking lot light poles, rooftops, and other perching locations along the eastern perimeter of the proposed development to discourage and/or minimize the potential for raptor perching which could lead to artificially elevated levels of wildlife predation.
<ul style="list-style-type: none"> • To reduce the potential for brown-headed cowbird parasitism of vireo nests, and predation of vireo nests by scavenging mammals and birds (e.g., rats, opossum, raccoon, ravens, crows, and gulls), the Project applicant will: <ol style="list-style-type: none"> 1. Place signs around the site near trash containers reminding people to pick up and throw way their trash properly; 2. Fit all trash cans and dumpsters with secure lids to prevent scattering of litter; and 3. Remove trash daily or as required to prevent overflow of trash from closed trash cans and dumpsters.

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