

CHAPTER D

MITIGATION MONITORING AND REPORTING PROGRAM

This document identifies mitigation measures which would reduce or eliminate potential environmental impacts of the proposed development. The City of Oceanside is required to implement all adopted mitigation measures. To ensure compliance, the following Mitigation Monitoring Program and checklist is provided. This program is to be adopted by the Lead and Responsible agencies upon formulation of Findings, to comply with Assembly Bill 3180 (Public Resources Code Section 21080.6).

The Planning, Public Works Department, and Building (Code Enforcement) Departments of the City of Oceanside will administer the Mitigation Monitoring Plan. Augments by possible contract personnel, these Departments are responsible for enforcement of City zoning regulations, which is provided on a full-coast recovery basis by the City. Authorization to commence any on-site activity occurs only after concurrence of the respective City Departments.

Information contained within the following checklist identifies the mitigation measure, the conditions required to verify compliance, the department responsible for determining compliance, and the monitoring schedule. The City of Oceanside determines which measures are applicable to the specific discretionary actions identified in the monitoring schedule.

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PAVILION AT OCEANSIDE - MITIGATION MONITORING CHECKLIST

| AIR QUALITY | | | |
|---|------|-------------------|---------------------------------|
| MITIGATION MEASURES | TYPE | MONITOR | SCHEDULE |
| <p>Mitigation. Short term impacts generated from construction activities would be reduced to levels below significance through surface wetting at least three times daily. Dust control measures such as this will be utilized to suppress dust particulates and keep them from becoming airborne.</p> | CM | Planning Division | During construction and grading |

| BIOLOGICAL RESOURCES | | | |
|---|-----------|--------------------------|--|
| MITIGATION MEASURE | TYPE | MONITOR | SCHEDULE |
| <p><u>Mitigation.</u></p> <ul style="list-style-type: none"> A monitoring biologist (approved by the City) shall: 1) attend a preconstruction meeting, 2) be present during initial clearing and grubbing of habitat, and 3) be present during project construction within 500 feet of preserve habitat to ensure compliance with all conservation measures. The monitoring biologist shall ensure that: the contractor and construction personnel are educated about the sensitivity of adjacent habitats, construction fencing is installed, seasonal restrictions on grading are followed, trash is removed from sensitive habitat areas or adjacent areas, vehicle fueling occurs outside sensitive areas, pets of project personnel are not brought to the project site, construction night lighting is minimized to avoid impacts to sensitive habitats, and violations are reported and mitigated appropriately. The biologist shall submit a letter to the City that documents compliance with mitigation measures at the conclusion of construction. Wetland impacts to 0.12 acre of southern willow scrub shall be mitigated at a 3:1 ratio (0.36 acre); impacts to 0.39 acre of disturbed southern willow scrub and 0.22 acre of disturbed wetland shall be mitigated at a 2:1 ratio (0.78 acre and 0.44 acres, respectively), for a combined total of 1.58 acres. Mitigation for these impacts would be accomplished off-site by a combination of wetland creation and purchase of mitigation credits from the Mission Resource Conservation District arundo (giant reed) removal program. The mitigation for jurisdictional areas will include creation of 0.28 acre (no net loss) and purchase of 0.40 acre of mitigation credits. Due to the highly disturbed nature of the habitats, mitigation for non-jurisdictional areas (0.62 acre) will consist of purchase of mitigation credits. The total mitigation for | <p>CM</p> | <p>Planning Division</p> | <p>During grading and construction</p> |
| | <p>CM</p> | <p>Planning Division</p> | <p>Upon project completion</p> |

| BIOLOGICAL RESOURCES CONT. | | TYPE | MONITOR | SCHEDULE |
|--|--|------|-------------------|--------------------------|
| <p>MITIGATION MEASURES</p> <p>wetland impacts (including jurisdictional areas) would consist of creation of 0.28 acre and purchase of 1.3 acres of mitigation credits.</p> <ul style="list-style-type: none"> The proposed wetland mitigation plan would create 0.28 of wetland habitat with a 20-foot wide Diegan coastal sage scrub buffer totaling approximately 0.11 acre on a site located approximately 500 feet north of the project boundary and located within designated critical habitat for the least Bell's vireo. Impacts to upland habitat consisting the loss of 39.8 acres of non-native grassland shall be mitigated at an 0.5:1 ratio (19.9 acres). While the Draft HCP envisions mitigation within the proposed WCPZ for the loss of habitat within the proposed WCPZ, no pre-approved mitigation areas or banks are currently available within the proposed WCPZ. The location of all off-site mitigation will require consultation with the City of Oceanside and the resource agencies. While the proposed plant list for the on-site 100-foot wide corridor currently consists of native species including coastal sage scrub constituents that are compatible with the City's recommended plant guidelines, the final species selection will be subject to approval by the fire marshal as part of landscape work drawings. The conservation easement over the onsite 100-foot corridor will be provided for review and approval by the Wildlife Agencies as a condition of project approval. | | CM | Planning Division | Upon project completion |
| | | CM | Planning Division | Upon project completion |
| | | CM | Planning Division | Upon project completion |
| | | CM | Planning Division | Prior to project grading |

| BIOLOGICAL RESOURCES CONT. | | | |
|---|------|-------------------|---------------------------------|
| MITIGATION MEASURES | TYPE | MONITOR | SCHEDULE |
| <ul style="list-style-type: none"> Construction limits: To ensure that construction activity remains within the defined limits of work, all construction and staging areas shall be fenced with orange construction fencing and silt fencing or fiber rolls. Delineated areas shall be regularly inspected by the project biologist per the construction monitoring schedule. Lighting: Lighting within the project area adjacent to the San Luis Rey River shall be selectively placed, directed away from the river, and of the lowest illumination possible for human safety. <p>Mitigation Implementation and Monitoring. Proof of purchase of mitigation credits or other mitigation methods such as preservation/conservation for the loss of on-site upland habitats shall be required prior to issuance of the project's grading permit. Mitigation for the loss of jurisdictional waters would be conditions of the permits issued by the ACOE and CDFG. The applicant will submit the required jurisdictional delineation to the Corps as part of Clean Water Act permitting. Said permits will be obtained prior to grading in these areas. The proposed wetland mitigation plan (Appendix C) includes a 5-year monitoring program that includes regular monitoring visits, an annual report on the success of the restoration effort and the need for any remedial actions, and a final report at the end of the 5-year program.</p> | CM | Planning Division | During grading and construction |
| | CM | Planning Division | During grading and construction |
| | CM | Planning Division | Prior to project grading |

CULTURAL AND PALEONTOLOGICAL RESOURCES

| MITIGATION MEASURES | TYPE | MONITOR | SCHEDULE |
|--|---|--|---|
| <p><u>Cultural Resources.</u> An archaeological monitoring program would be implemented to ensure that project development would have no significant impacts to cultural resources within the project area. The program would consist of the following:</p> <ul style="list-style-type: none"> • The development of a pre-excavation agreement between the applicant and the appropriate Luiseño tribe(s) or other Native Americans as determined by the City. • The presence of a qualified archaeologist and invitation to a Native American monitor at the pre-construction meeting. • A Native American monitor to be invited and an archaeological monitor will be on-site during initial grading, trenching, or other ground-disturbing activities of existing soils. Monitoring will not be required during the subsequent soil import and grading operations as it will not disturb native soils. • The analysis of any cultural material found. • The preparation of a report detailing the methods and results of the monitoring program. • The curation or repatriation of the cultural material collected. <p>Implementation of this monitoring program would ensure that project development would have no significant impacts to cultural resources within the project area.</p> | <p>CM</p> <p>CM</p> <p>CM</p> <p>CM</p> <p>CM</p> <p>CM</p> <p>CM</p> | <p>Planning Division</p> <p>Planning Division</p> <p>Planning Division</p> <p>Planning Division</p> <p>Planning Division</p> <p>Planning Division</p> <p>Planning Division</p> | <p>Prior to project grading</p> <p>Prior to project grading</p> <p>During grading and construction</p> <p>During grading and construction</p> <p>During and/or following grading and construction</p> <p>During and/or following grading and construction</p> |

CULTURAL AND PALEONTOLOGICAL RESOURCES CONT.

| MITIGATION MEASURE | TYPE | MONITOR | SCHEDULE |
|---|------|-------------------|---------------------------------|
| <p><u>Paleontological Resources.</u> The following measures are required to offset potential impacts to paleontological resources:</p> <ul style="list-style-type: none"> • Prior to issuance of grading permits, the applicant shall confirm to the City of Oceanside that a qualified paleontologist has been retained to carry out the mitigation program. (A qualified paleontologist is defined as an individual with an M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques.) The paleontologist shall attend pre-grade meetings to consult with grading and excavation contractors. | CM | Planning Division | Prior to project grading |
| <ul style="list-style-type: none"> • A paleontological monitor shall be onsite during grading operations to evaluate the presence of fossils within previously undisturbed sediments of the Santiago Formation to inspect cuts for contained fossils. (A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials.) The paleontological monitor shall work under the direction of a qualified paleontologist. | CM | Planning Division | During grading and construction |
| <ul style="list-style-type: none"> • When fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time. Some fossil specimens (such as a complete whale skeleton) may require an extended salvage time. In these instances, the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading. To allow recovery of small fossil remains such as isolated mammal teeth, it may be necessary in certain instances to set up a screen-washing operation on the site. | CM | Planning Division | During grading and construction |

CULTURAL AND PALEONTOLOGICAL RESOURCES CONT.

| MITIGATION MEASURES | TYPE | MONITOR | SCHEDULE |
|---|------|-------------------|--|
| <ul style="list-style-type: none"> Prepared fossils along with copies of all pertinent field notes, photos, and maps shall be deposited (with the applicant's permission) in a scientific institution with paleontological collection such as the San Diego Natural History Museum. A final summary report shall be completed and distributed to the City and other interested agencies which outlines the results of the mitigation program. This report shall include discussions of the methods used, stratigraphy exposed, fossils collected, and significance of recovered fossils. | CM | Planning Division | During and/or following grading and construction |
| <p>Mitigation Implementation and Monitoring. Prior to issuance of the project's grading permit, the applicant shall confirm to the City of Oceanside that a qualified paleontologist has been retained to carry out the mitigation program. The paleontologist shall attend pre-grade meetings to consult with grading and excavation contractors.</p> | CM | Planning Division | Prior to project grading |

| GEOLOGY/SOILS | | | |
|---|----|---|---|
| MITIGATION MEASURES | | MONITOR | SCHEDULE |
| <p>Mitigation. To mitigate the potentially significant impacts associated with ground settlement, the following mitigation measures shall be implemented:</p> <ul style="list-style-type: none"> Loose surficial soil in the upper 1 to 2 feet would be over-excavated prior to placement of fill or in building pad locations. The upper 5 to 10 feet of soil, which is loose to medium dense, would be over-excavated in deep fill areas, and compacted as engineered fill. To mitigate potential differential settlement of structures, two options may be used. One is to perform conventional grading with reduced foundation bearing capacities, and the other would be to improve the subsurface with deep dynamic compaction with higher bearing capacities for foundations. <p>On-site soil generated from cut areas following clearing and grubbing that is free of excess organic material (3% or less by weight) or debris may be suitable for use as structural fill. Imported Select Fill should be non-expansive, having a Plasticity Index of 12 or less, an R-Value greater than 40, and enough fines so the soil can bind together. Imported soil should be free of organic materials and debris, and not contain rocks or lumps greater than 3 inches in maximum size. Imported Select Fill shall be approved by the geotechnical engineer prior to delivery on-site.</p> | | <p>Engineering Division</p> <p>Engineering Division</p> | <p>During grading and construction</p> <p>During grading and construction</p> |
| CM | CM | | |

GEOLOGY/SOILS CONT.

| MITIGATION MEASURES | TYPE | MONITOR | SCHEDULE |
|---|-----------|-----------------------------|--|
| <p>Compaction requirements shall be consistent with those specified in the geotechnical report (90-95% relative compaction with 1 to 2% above optimum moisture content), and site grading shall be performed in accordance with these recommendations and the Grading and Earthwork Specifications.</p> <p>Other measures would be implemented to avoid geotechnical impacts:</p> <p>Seismic considerations. Building design would be considered in accordance with the latest edition of the Uniform Building Code (UBC), California Building Code (CBC), or International Building Code (IBC).</p> <ul style="list-style-type: none"> • Pavement recycling. The existing pavement at the drive-in theater would be recycled and used on-site; it would be ground to minus 1-inch and mixed with underlying base rock. This material could be utilized as sub-base material in paved areas or "select fill." • Buried structures. Buried structures/foundations from previous land uses encountered during construction would be removed and replaced with compacted, engineered fill. The upper 7 feet or at least 3 feet below the lowest utility in the area for the movie theater screen foundations would need to be removed. | <p>CM</p> | <p>Engineering Division</p> | <p>During grading and construction</p> |
| | <p>CM</p> | <p>Engineering Division</p> | <p>During grading and construction</p> |

GEOLOGY/SOILS CONT.

| MITIGATION MEASURES | | TYPE | MONITOR | SCHEDULE |
|--|----|----------------------|---------------------------------|----------|
| <ul style="list-style-type: none"> <p>Rainy season grading. If grading is to be undertaken during the rainy season, potential unstable subgrade conditions could be encountered. As appropriate, remedial measures such as removal and replacement, use of a geogrid, or soil treatment would be implemented subject to approval by the City Engineer. With such remedial measures, rainy season grading is allowable, although the geotechnical report recommends that avoiding construction during the rainy season would also avoid impacts with seasonal groundwater fluctuations.</p> | CM | Engineering Division | During grading and construction | |
| <p>Mitigation Implementation and Monitoring. The geotechnical consultant shall review the final project plans prior to construction, to ensure that the plans are in compliance with the recommendations and requirements set forth in the geotechnical studies. A pre-construction conference shall be held with the applicant's representative(s), general contractor, grading contractor, and project geologist prior to clearing and demolition operations. Adequacy of clearing operations shall be verified by the geotechnical engineer's representative during construction, prior to placement of engineered fill.</p> | CM | Engineering Division | Prior to project grading | |

HAZARDS AND HAZARDOUS MATERIALS

| MITIGATION MEASURES | TYPE | MONITOR | SCHEDULE |
|--|-----------|-----------------------------|--|
| <p>Mitigation. To avoid significant impacts associated with potential hazardous materials, the following measures shall be implemented.</p> <ul style="list-style-type: none"> • Due to the occurrence of pesticides detected onsite, a Report of Waste Discharge (RWD) must be submitted to the Regional Water Quality Control Board (RWQCB), where the owner/discharger must then acquire waste discharge requirements (WDRs). • An environmental geologist shall be onsite during grading for observation during soil removal in the area onsite adjacent to the former Mission Auto and Self Storage Center, at the site's southeastern boundary. If petroleum affected soils are encountered, grading will be halted until the soil has been tested and properly removed. • All trash, debris, and waste materials will be disposed of offsite, in accordance with current local, state, and federal disposal regulations and procedures. | <p>OM</p> | <p>Engineering Division</p> | <p>Prior to project grading</p> |
| | <p>OM</p> | <p>Engineering Division</p> | <p>During grading</p> |
| | <p>OM</p> | <p>Engineering Division</p> | <p>During grading and construction</p> |

HAZARDS AND HAZARDOUS MATERIALS CONT.

| MITIGATION MEASURES | TYPE | MONITOR | SCHEDULE |
|---|------|----------------------|---------------------------------|
| <ul style="list-style-type: none"> To mitigate for the presence of restricted agricultural residues onsite which were found to slightly exceed the thresholds established in the PRGs, the project shall place the dieltrin and toxaphene affected soil to depths of 2 to 3 feet, as determined by their sample locations. This measure would occur in conjunction with the import of more than 400,000 cubic yards of fill required to raise site grades an average of 3 to 4 feet, and would thereby place a minimum fill cap of 3 feet over the affected soil and a minimum of 7 feet above groundwater. Placement of the affected soil shall be in the proposed parking areas of the Pavilion Commercial Center. This would place the affected soil at least 10 feet away from the proposed underground utilities and proposed bio-swales, and more than 1,500 feet west of the San Luis Rey River levee upon grading completion, thus eliminating potential impacts to surface and groundwater. | OM | Engineering Division | During construction and grading |
| <ul style="list-style-type: none"> An asbestos and lead survey shall be performed on the structures that currently occupy the site due to their age and potential for carrying these substances. This survey should be performed by a licensed asbestos/lead contractor prior to demolition, removal, and disposal. | OM | Engineering Division | Prior to project grading |
| <ul style="list-style-type: none"> With regard to airport safety, prior to issuance of building permits, the project will be required to provide evidence of compliance with any imposed height limitations or other FAA overflight safety requirements. The project will submit a Notice of Proposed Construction or Alterations (Form 7460-1) for final FAA approval of height structures, landscape, lighting and other final design elements. | OM | Engineering Division | Prior to building permit |
| <p>Mitigation Implementation and Monitoring. Proof of remediation of any hazardous materials shall be provided to the City of Oceanside's City Planner and City Engineer prior to the issuance of the project's grading permit.</p> | OM | Engineering Division | Prior to project grading |

HYDROLOGY/WATER QUALITY

| MITIGATION MEASURES | TYPE | MONITOR | SCHEDULE |
|---|---------------------|---|---|
| <p>Mitigation. The following measures have been incorporated into the project as required to avoid significant impacts to Hydrology/Water Quality.</p> <ul style="list-style-type: none"> • Project designers have incorporated water quality certification requirements and must obtain CWA 401 certification as a project condition. • All necessary permits shall be obtained from the San Diego Regional Water Quality Control Board (RWQCB) prior to grading in associated areas. | <p>CM</p> <p>CM</p> | <p>Engineering Division</p> <p>Engineering Division</p> | <p>Prior to project grading</p> <p>Prior to project grading</p> |

| NOISE | | | |
|---|------|----------------------|---------------------------------|
| MITIGATION MEASURES | TYPE | MONITOR | SCHEDULE |
| <p>Mitigation. A temporary ten-foot high wall would be constructed along the proposed top-of-slope adjacent to the sensitive habitat area. Implementation of this measure would lower potentially significant noise levels below the Wildlife Noise Regulation thresholds.</p> | CM | Engineering Division | During grading and construction |

| TRANSPORTATION/TRAFFIC | | | |
|---|---------------------|---|---|
| MITIGATION MEASURES | TYPE | MONITOR | SCHEDULE |
| <p>Mitigation. Impacts caused by a project (direct impacts) are to be mitigated by that project. Impacts caused by a project and other projects (indirect/cumulative impacts) are mitigated by each project paying its proportional share (fair share). Creative measures are recommended for roadway segments where widening to meet daily traffic volumes is not a reasonable or recommended improvement.</p> <p><u>Roadway Segments</u></p> <ul style="list-style-type: none"> • <u>Mission Avenue between Foussat Road and El Camino Real (project frontage).</u> <i>Creative Measure:</i> The project will install dedicated right turn lane westbound and dual eastbound left turn lanes at the project access road to improve flow along Mission Avenue. • <u>El Camino Real between Los Arbolitos Boulevard and Mission Avenue.</u> <i>Creative Measure:</i> The project will contribute its Fair Share costs for the installation of a second northbound left turn lane from El Camino Real onto Los Arbolitos Boulevard, to improve northbound traffic flow on El Camino Real. | <p>OM</p> <p>OM</p> | <p>Engineering Division</p> <p>Engineering Division</p> | <p>Upon project completion</p> <p>Upon project completion</p> |

TRANSPORTATION/TRAFFIC CONT.

| MITIGATION MEASURES | TYPE | MONITOR | SCHEDULE |
|---|------|----------------------|-------------------------|
| <ul style="list-style-type: none"> North Douglas Drive between Pala Road and El Camino Real. The City of Oceanside's General Plan Land Use Element has noted acceptable LOS could be obtained by constructing this roadway segment as a six-lane major arterial, but due to right-of-way constraints only a four-lane major arterial can be accommodated. <i>Creative Measure:</i> The segment can be improved by installation of dual northbound left turn lanes at Pala Road to improve flow on Douglas Drive will be done by the project. This improvement is also needed to mitigate project intersection impacts, and thus the project will construct this improvement. <p>These creative measures will improve traffic flow on these segments. At this time, the widening of SR 76 is planned by Caltrans, and that widening is assumed as being in place for analytic purposes, but funding and commencement dates have not been established.</p> | OM | Engineering Division | Upon project completion |
| <p><u>Intersections</u></p> <ul style="list-style-type: none"> Rancho Del Oro Drive/SR-76. The project shall construct a dedicated northbound right turn lane on Rancho Del Oro Drive and improve signal phasing at the intersection of Rancho Del Oro Drive/SR-76. As this improvement falls within the Caltrans right-of-way, encroachment permits will be required to complete this improvement. In the event the project is unable to acquire the necessary encroachment permits from Caltrans in order to start construction of the improvements prior to project occupancy, the project shall contribute in cash, letter of credit or other form acceptable to the City, prior to occupancy, an amount equivalent to the cost for design and | OM | Engineering Division | Upon project completion |

TRANSPORTATION/TRAFFIC CONT.

| MITIGATION MEASURES | TYPE | MONITOR | SCHEDULE |
|---|-----------|-----------------------------|--|
| <p>construction of the identified northbound right turn improvements and signal phasing. Use of these funds to complete improvements shall be at the discretion of the City of Oceanside Traffic Engineering Division in cooperation with Caltrans, but such funds shall be used exclusively for the overall improvement of traffic conditions at this Rancho Del Oro Drive/SR-76 intersection to mitigate incremental project impacts.</p> <ul style="list-style-type: none"> • Pala Road/ North Douglas Drive. The project will modify the traffic signal and phasing to include an eastbound right-turn overlap from Pala Road onto North Douglas Drive. The project will install dual northbound left-turn lanes at Pala Road to improve traffic flow on North Douglas Drive. These measures will improve LOS to C. <p>The import of fill portion of the project is of short duration, but the additional truck traffic will result in a deficient level of service on the segment of El Camino Real between Mesa Drive and Oceanside Boulevard. The Short-term Cumulative analysis found the segment would operate at a deficient level with or without this truck traffic. The City of Oceanside has planned roadway improvements for segments of El Camino Real, which are expected to be completed in 2008. The City has directed this project be responsible for videotaping roadway conditions prior to and after truck activities are completed. Project truck drivers will maintain daily logs of roadway conditions and report damages greater than normal wear and tear of the</p> | <p>OM</p> | <p>Engineering Division</p> | <p>Upon project completion</p> |
| <p>The import of fill portion of the project is of short duration, but the additional truck traffic will result in a deficient level of service on the segment of El Camino Real between Mesa Drive and Oceanside Boulevard. The Short-term Cumulative analysis found the segment would operate at a deficient level with or without this truck traffic. The City of Oceanside has planned roadway improvements for segments of El Camino Real, which are expected to be completed in 2008. The City has directed this project be responsible for videotaping roadway conditions prior to and after truck activities are completed. Project truck drivers will maintain daily logs of roadway conditions and report damages greater than normal wear and tear of the</p> | <p>OM</p> | <p>Engineering Division</p> | <p>During grading and construction</p> |

TRANSPORTATION/TRAFFIC CONT.

| MITIGATION MEASURES | TYPE | MONITOR | SCHEDULE |
|--|------|---------|----------|
| <p>roadways. Roadway damage directly caused by the project's truck hauling activities will be the responsibility of the project applicant. Since El Camino Real is designated by the City as a truck route, normal wear and tear and damages unrelated to project traffic will not be the responsibility of the project applicant.</p> <p>The length of time of impact could be lessened by extending the daily work time to eight hours (7:30 am - 3:30 pm) and by extending the work week to include Saturday (Appendix I). This would result in a total duration of approximately 44 working days over an approximately seven- to eight-week period. All queuing and stacking of haul trucks will be managed on-site, at both the project site and El Corazon, to minimize impacts on public roads. This may require an extension of the driveways and stacking areas.</p> <p><u>Impacts Not Mitigated to below a Level of Significance.</u></p> <p>The segment of North Douglas Drive between North River Road and Pala Road shows significant impacts to traffic flow due to the constraints of the bridge over the San Luis Rey River, included in this roadway segment.</p> <p>The impact of the trucks hauling material on the roadway segment of El Camino Real between Mesa Drive and Oceanside Boulevard would be a short-term impact that is not mitigated to below a level of significance.</p> | | | |

TYPE:

- CM = Construction Mitigation
- OM = Operations Management