

**676 MOSS STREET PROJECT
DRAFT INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION
MITIGATION MONITORING
AND
REPORTING PROGRAM**

Lead Agency:

City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91910

April 2020

MITIGATION MONITORING AND REPORTING PROGRAM

PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15097 require a Lead Agency to adopt a mitigation monitoring or reporting program whenever it adopts a mitigated negative declaration in conjunction with a project approval. The purpose of the mitigation monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study and Mitigated Negative Declaration (IS/MND) prepared for the 676 Moss Street Project in Chula Vista, CA concluded that the implementation of the project could result in potentially significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval that reduce these potential impacts to less than significant level. The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to document how and when the mitigation measures adopted by the lead agency are implemented, and to document that potential environmental impacts are reduced to less than significant levels as identified in the MND.

This document does not discuss those subjects that the MND analysis demonstrates would result in less than significant impacts and for which no mitigation was proposed or necessary.

**Table 1
Mitigation Monitoring and Reporting Program**

Mitigation Measures	Time Frame of Mitigation				Monitoring Reporting Agency	Time Frame for Verification Frequency to		Date of Completion	Date of Verification
	Planning	Pre-Const.	During Const.	Post Const.		Monitor	Report		
<i>Air Quality</i>									
MM AIR-1: Prior to the issuance of any demolition or grading permit, the Project Applicant shall demonstrate to the satisfaction of the City Building Department that all off-road construction equipment that will be used on the project site in excess of 50 horsepower will be equipped with engines meeting the United States Environmental Protection Agency (EPA) Tier IV Final off-road engine emission standards. This mitigation measure shall be included on the grading plan.		X	X		City of Chula Vista Building Department				
<i>Biological Resources</i>									
MM BIO-1: Construction activities that occur during the nesting season (generally March 1 to August 31) could disturb nesting sites for birds protected by the Migratory Bird Treaty Act (MBTA) and Fish and Game Code. No action is necessary if no active nests are found or if construction occurs during the non-breeding season (generally September 1 through February 14). Implementation of the following avoidance and minimization measures would reduce impacts to nesting birds to a less than significant level. <ul style="list-style-type: none"> To prevent impacts to MBTA-protected birds, nesting raptors, and their nests, removal of trees will be limited to only those necessary to construct the proposed project. If any tree removal is necessary, then it will occur outside the nesting season, between September 1 and February 14. If trees cannot be removed outside the nesting season, pre-construction surveys will be conducted 3 days prior to tree removal to verify the absence of active nests. If an active nest is located during pre-construction surveys, the United States Fish and Wildlife Service (USFWS) and/or the California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest. Construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned or the agencies deem disturbance potential to be minimal. Restrictions may include the establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 100 feet around an active raptor nest and a 50-foot radius around an active migratory bird nest) or alteration of the construction schedule. A Qualified Biologist will delineate the buffer using Environmentally Sensitive Area (ESA) fencing, pin flags, and or yellow caution tape. The buffer zone will be maintained around the active nest site(s) until the young have fledged and are foraging independently. 		X	X		City of Chula Vista Development Services Department				
<i>Cultural and Tribal Cultural Resources</i>									
MM CUL-1 Prior to the issuance of any demolition or grading permit, the Project Applicant shall demonstrate to the satisfaction of the City Development Services Department that a program related to potential archaeological resources uncovered during construction activities on-site has been established, the program shall include that: <ol style="list-style-type: none"> The Project Applicant shall retain a qualified professional Archaeologist approved by the City to be present and monitor all ground-disturbing activities; The Archaeologist shall halt work in the immediate area in the event that archaeological resources are identified until the Archaeologist has evaluated the find and determined if the find is a "unique cultural resource" as defined in Section 21083.2 (g) of the CEQA statutes; The Project Applicant shall inform the City Development Services Department of the find; If this determination is positive, the scientifically consequential information shall be fully recovered by the Archaeologist; The Project Applicant shall stop work in the immediate location of the find until information recovery has been completed and a report has been filed with the City; the South Coastal Information Center (SCIC) at San Diego State University; and, appropriate Native American representatives; The Project Applicant may continue outside the area of the find; and, The City Development Services Department shall ensure compliance. 		X	X		City of Chula Vista Development Services Department				

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<p>MM CUL-2: Prior to the issuance of any demolition or grading permit, the Project Applicant shall demonstrate to the satisfaction of the City Development Services Department that a program related to any human remains that might be encountered during ground-disturbing activities on-site has been established, the program shall include:</p> <ol style="list-style-type: none"> 1. The Project Applicant shall halt work in the immediate area of the find; 2. The Project Applicant shall contact the San Diego County Coroner, City Development Services Department, and Sherriff's Department; 3. The Project Applicant shall be responsible for ensuring that the Native American Heritage Commission (NAHC) and the appropriate Native American representatives are contacted and that the NAHC contacts the most appropriate most likely descendant (MLD) as maybe directed by either the San Diego County Coroner, City Development Services Department, or Sherriff's Department; 4. The City Development Services Department shall direct the treatment of the remains pursuant to Coroner and MLD recommendations. 		X	X		City of Chula Vista Development Services Department				
<i>Geology and Soils</i>									
<p>MM GEO-1: All recommendations included in the Preliminary Geotechnical Report, included as Appendix D of this Draft IS/MND, shall be implemented during construction activities.</p>		X	X		City of Chula Vista Development Services Department				
<p>MM GEO-2: The City of Chula Vista assesses and mitigates the potential impacts of private development and public facilities and infrastructure to paleontological resources pursuant to the provisions of CEQA. Pursuant to Section 15065 of the CEQA Guidelines, a lead agency must find that a project may have a significant effect on the environment where the project has the potential to eliminate important examples of the major periods of California prehistory, which includes the destruction of significant paleontological resources.</p> <p>With the implementation of Mitigation Measure (MM) GEO-2, impacts to any previously undiscovered paleontological resources would be less than significant.</p> <p>Because excavations may extend into undisturbed high sensitivity geological units, and may be greater than 10 feet below the ground surface in certain areas of the project, a Paleontological Monitor will be required.</p> <p>Prior to the issuance of any demolition or grading permit, the Project Applicant shall demonstrate to the satisfaction of the City Development Services Department that a program related to paleontological resources potentially uncovered during ground-disturbing activities on-site has been established, the program shall include:</p> <ol style="list-style-type: none"> 1. The Project Applicant shall halt work in the immediate area of the find; 2. The Project Applicant shall notify the City Development Services Department; 3. The Project Applicant shall retain a qualified professional Paleontologist approved by the City: <ul style="list-style-type: none"> • The Paleontologist shall assess the discovered material(s). • The Paleontologist shall prepare a survey, study or report evaluating the find. • The Paleontologist's survey, study, or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the find. • The Report shall be reviewed and approved by the City Development Services Department. • The Project Applicant shall comply with the recommendations of the report as approved by the City. • Project development activities in the immediate area of the find will resume when copies of the report are submitted in a manner acceptable to the City Development Services Department. • A find(s) recovered should be deposited in a manner approved by the City Development Services Department. <p>Prior to the issuance of any building permit, the Project Applicant shall submit a letter to the City Development Services Department indicating what, if any, paleontological reports have been prepared for the project site, or a statement indicating that no material was</p>		X	X		City of Chula Vista Development Services Department				

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discovered.									
<i>Greenhouse Gas Emissions</i>									
MM GHG-1 Prior to the occupancy of the proposed project, the Project Applicant shall provide for the purchase of voluntary carbon credits in a manner approved by the City Development Services Department pursuant to the following performance standards and requirements: the carbon offsets shall achieve real, permanent, quantifiable, verifiable, and enforceable reductions as set forth in Cal. Health & Saf. Code Section 38562(d)(1); and ii. one carbon offset credit shall mean the past reduction or sequestration of one metric ton of carbon dioxide equivalent that is “not otherwise required” (CEQA Guidelines Section 15126.4(c)(3)). The purchase shall be from a verified greenhouse gas (GHG) emissions credit broker in an amount sufficient to offset operational GHG emissions of approximately 0 metric ton (MT) carbon dioxide equivalent (CO ₂ e) per year until 2030 and 450 MT CO ₂ e per year beginning in 2030 (or a total amount estimated over the lifetime of the proposed project, which is estimated to be 9,450 MT CO ₂ e). The purchase shall be verified as occurring prior to approval of occupancy permits. Copies of emission estimates and offset purchase contract(s) shall be provided to the City Development Services Department for review and approval.				X	City of Chula Vista Development Services Department				
<i>Hazards and Hazardous Materials</i>									
MM HAZ-1: Prior to the issuance of any demolition or grading permit, the Project Applicant shall demonstrate to the satisfaction of the City Development Services Department that the five groundwater monitoring wells on the project site will remain in place should additional groundwater testing be necessary. The Project Applicant will abandon the wells when they are longer needed in a manner approved by the City Development Services Department and San Diego County Department of Environmental Health Monitoring Well Program.		X			City of Chula Vista Development Services Department				
MM HAZ-2a: Prior to the issuance of any grading permit and subsequent to the demolition of on-site structures, the Project Applicant shall conduct soil testing on the soils the structures were on. If volatile organic compounds (VOCs) are present, soil containing elevated concentrations of VOCs shall be excavated and removed from the project site. The excavation and removal of soil to be outlined in the Soil Management Plan (SMP) approved by the San Diego County Department of Environmental Health.		X			San Diego County Department of Environmental Health				
MM HAZ-2b: Prior to issuance of any demolition permit, the Project Applicant shall obtain a permit from the San Diego County Hazardous Materials Division. The permits shall provide that hydrocarbons or “other products” that might be encountered during building demolition, grading, or construction activities, are disposed of in a manner approved by the City Development Services Department.		X	X		San Diego County Hazardous Materials Division				
MM HAZ 3: Prior to the issuance of any site development permits (demolition, grading, building, construction), the Project Applicant shall enter into the County of San Diego Department of Environmental Health Voluntary Assistance Program (VAP). Written Confirmation of VAP participation and compliance shall be received from San Diego County Department of Environmental Health prior to any site development activities.		X			County of San Diego Department of Environmental Health VAP				
<i>Noise</i>									
MM NOI-1 To meet the interior noise level standard of 45 A-weighted decibel (dBA) Community Noise Equivalent Level (CNEL), each of the proposed multi-family residential units shall be supplied with an alternative form of ventilation, such as air conditioning or noise-attenuated passive ventilation systems , that would allow an occupant the option of controlling noise by keeping the windows shut (as the interior noise standard would not be met with open windows).			X	X	City of Chula Vista Development Services Department				
MM NOI-2 To reduce potential construction noise impacts, the Project Applicant shall demonstrate to the satisfaction of the City Development Services Department that: • The Construction Contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with		X	X		City of Chula Vista Development Services				

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<p>mufflers that are in good condition and appropriate for the equipment.</p> <ul style="list-style-type: none"> • The Construction Contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited. • The Construction Contractor shall utilize “quiet” models of air compressors and other stationary noise sources where such market available technology exists. • The Construction Contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses at all times during project grading and construction. • The Construction Contractor shall designate a Noise Disturbance Coordinator who would be responsible for responding to any local complaints about construction noise. The Noise Disturbance Coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establishment reasonable actions necessary to correct the problem. The Construction Contractor shall visibly post a telephone number for the Noise Disturbance Coordinator at the construction site. • The Construction Contractor shall limit noise producing construction activities to the hours between 7:00 a.m. and 10:00 p.m., Monday through Friday, and between 8:00 a.m. and 10:00 p.m. on Saturday and Sunday. <p>Prior to the issuance of each certificate of occupancy, the Construction Contractor shall demonstrate, to the satisfaction of the City Development Services Department, compliance with Mitigation Measure (MM) NOI-2.</p>					Department				