

11.0 MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code Section 21081.6(a)(1) requires that a mitigation monitoring and reporting program (MMRP) be adopted upon certification of an EIR to ensure that the mitigation measures are implemented. The mitigation monitoring and reporting program specifies the mitigation measures, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The proposed Ocean View Tower project as described in this EIR focused on issues determined to be potentially significant by the City. The issues addressed in the EIR include land use, aesthetics, transportation and circulation, air quality, greenhouse gas, geology and soils, hazards and risks of upset, hydrology and water quality, noise, paleontological resources, and public utilities. After analysis, potentially significant impacts requiring mitigation were identified for transportation and circulation and paleontological resources. The environmental analysis concluded that all of these significant and potentially significant impacts could be avoided or reduced through implementation of recommended mitigation measures.

The MMRP for the project is under the jurisdiction of the City of Chula Vista from which the Director of Development Services and the City Clerk are the designated custodians of these documents and the materials which constitute the record of proceedings upon which its decision is based. The MMRP for the project addresses only the issue areas identified as significant. The following is an overview of the MMRP to be completed for the project.

11.1 Monitoring Team

Monitoring activities would be accomplished by individuals identified in the attached MMRP table. While specific qualifications should be determined by the City, the monitoring team should possess the following capabilities:

- Interpersonal, decision-making, and management skills with demonstrated experience in working under trying field circumstances;
- Knowledge of and appreciation for the general environmental attributes and special features found in the project area;
- Knowledge of the types of environmental impacts associated with construction of cost-effective mitigation options; and
- Excellent communication skills.

11.2 Program Procedures

Prior to any construction activities, a preconstruction meeting is required and will include all parties involved in the monitoring program to establish the responsibility and authority

of the participants. Mitigation measures that need to be defined in greater detail will be addressed prior to any project plan approvals in follow-up meetings designed to discuss specific monitoring effects.

An effective reporting system must be established prior to any monitoring efforts. All parties involved must have a clear understanding of the mitigation measures as adopted and these mitigations must be distributed to the participants of the monitoring effort. Those that would have a complete list of all the mitigation measures adopted by the City would include the City of Chula Vista and the mitigation monitor representing the City. The mitigation monitor would distribute to each environmental monitor a specific list of mitigation measures that pertain to his or her monitoring tasks and the appropriate time frame that these mitigations are anticipated to be implemented.

In addition to the list of mitigation measures, the monitors will have mitigation monitoring report (MMR) forms, with each mitigation measure written out on the top of the form. Below the stated mitigation measure, the form will have a series of questions addressing the effectiveness of the mitigation measure. The monitors shall complete the forms and file it with the mitigation monitor following the monitoring activity. The mitigation monitor will then include the conclusions of the MMR into an interim and final comprehensive construction report to be submitted to the City. This report will describe the major accomplishments of the monitoring program, summarize problems encountered in achieving the goals of the program, evaluate solutions developed to overcome problems, and provide a list of recommendations for future monitoring programs. As appropriate, each environmental monitor will be required to fill out and submit a daily log report to the mitigation monitor. The daily log report will be used to record and account for the monitoring activities of the monitor. Weekly and/or monthly status reports, as determined appropriate, will be generated from the daily logs and compliance reports and will include supplemental material (i.e., memoranda, telephone logs, and letters). This type of feedback is essential for the City to confirm the implementation and effectiveness of the mitigation measures imposed on the project.

11.3 General Non-Compliance Requirements

In general, if the mitigation monitor issues a noncompliance, the project may follow three separate actions associated with the adopted conditions of approval:

- Noncompliance requiring an immediate halt to a specific task or piece of equipment;
- Infraction that warrants an immediate corrective action, but does not result in work or task delay; and
- Infraction that does not warrant immediate corrective action and results in no work or task delay.

It is the City's responsibility to take action should a noncompliance take place. If the noncompliance continues, there are a number of options the City may choose in order to further enforce the MMRP. Some methods that could be used include "stop work" orders, fines and penalties (civil), restitution, permit revocations, citations, and injunctions. It is important for all parties involved in the MMRP to understand the authority and responsibility of the project monitors.

11.4 Summary of Project Impacts and Mitigation Measures

Table 11-1 summarizes the potentially significant project impacts and lists the associated mitigation measures and the monitoring efforts necessary to ensure that the measures are properly implemented. All the mitigation measures identified in the EIR are stated herein and are subject to be modified by the City during various stages of project implementation.

TABLE 11-1
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE OCEAN VIEW TOWER EIR

Potentially Significant Impact	Mitigation Measure	Time Frame of Mitigation and Responsible Party			Monitoring Reporting Agency
		Planning	Pre-Construction	During Construction	
<p>5.3 TRANSPORTATION AND CIRCULATION</p> <p>CONSTRUCTION IMPACTS</p> <p>As the project construction traffic would represent over 5 percent of the traffic entering the intersection, the project construction would result in a direct impact to the Medical Center Court/Main Hospital Driveway (LOS F in AM) intersection.</p> <p><u>Intersection</u> <ul style="list-style-type: none"> Medical Center Court/Main Hospital Driveway (near-term construction traffic) </p>	<p>To mitigate the construction-related direct intersection impact to Medical Center Court/Main Hospital Driveway, the following shall be implemented:</p> <p>TRAF-1: Prior to the issuance of any construction-related permits, such as a demolition or grading permit, the applicant shall prepare and implement a traffic control plan during the construction phase of the project. This plan may include construction personnel directing traffic, construction start/end times which avoid peak periods, and/or other traffic reducing measures. Ultimately, measures shall be included to regulate construction traffic flow to improve intersection operations to LOS D or better, to the satisfaction of the City Traffic Engineer.</p>	X	X	X	City of Chula Vista
<p>The project would result in the following significant intersection and street segment impacts:</p> <p>DIRECT IMPACTS</p> <p><u>Intersection</u> <ul style="list-style-type: none"> Medical Center Court/Main Hospital Driveway (near-term construction traffic) </p> <p>Street Segment</p> <ul style="list-style-type: none"> Medical Center Court: East of Medical Center Drive (existing + project, near-term + project, and long-term + project) 	<p>To mitigate the direct operational impact to the Medical Center Court: East of Medical Center Drive street segment in the existing + project, near-term + project, and long-term + project conditions, the following measure shall be implemented:</p> <p>TRAF-2: Prior to the issuance of occupancy permits for the Ocean View Tower, the applicant shall provide eastbound left turn lanes at the Veterans Home Driveway and the West Hospital Loop Road and restripe Medical Center Court between the West Hospital Loop Road and the Main Hospital Driveway to provide a two-way left-turn lane. Medical Center Court is currently 38 feet wide, and could accommodate two 14-foot through lanes and a 10-foot two-way left-turn lane. Curbside parking along this segment is currently prohibited.</p>			X	

TABLE 11-1

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE OCEAN VIEW TOWER EIR

Potentially Significant Impact	Mitigation Measure	Time Frame of Mitigation and Responsible Party			Monitoring Reporting Agency
		Planning	Pre-Construction	During Construction	
<p>CUMULATIVE IMPACTS</p> <p>Intersections</p> <ul style="list-style-type: none"> • Telegraph Canyon Road/I-805 NB Ramps (near-term + project) • E. Palomar Street/Medical Center Drive (long-term + project) • E. Palomar Street/Heritage Road Drive (existing + project, near-term + project) • Olympic Parkway/I-805 SB Ramps (existing + project, near-term + project) • Olympic Parkway/I-805 NB Ramps (existing + project, near-term + project) • Olympic Parkway/Oleander Avenue (near-term + project) • Olympic Parkway/Brandywine Avenue (near-term + project) • Olympic Parkway/Heritage Road (near-term + project) <p>Street Segments</p> <ul style="list-style-type: none"> • Telegraph Canyon Road: Halecrest Drive to Oleander Avenue (existing + project, near-term + project, and long-term + project) • Telegraph Canyon Road: Oleander Avenue to Medical Center Drive (existing + project, near-term + project, and long-term + project) • Olympic Parkway: I-805 Ramps to Oleander Avenue (existing + project, near-term + project) • Olympic Parkway: Oleander Avenue to Brandywine Avenue (existing + project, near-term + project) • Olympic Parkway: Brandywine Avenue to Heritage Road (existing + project, near-term + project) 	<p>TRAF-3: Prior to issuance of occupancy permits for the Ocean View Tower, the project applicant shall contribute to the City's Capital Project Fund in an amount determined by the City to be sufficient to mitigate the project's cumulative impacts. These funds would be used in conjunction with TDIF program funds to construct system improvements that address cumulative traffic impacts.</p>			X	City of Chula Vista

TABLE 11-1

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE OCEAN VIEW TOWER EIR

Potentially Significant Impact	Mitigation Measure	Time Frame of Mitigation and Responsible Party				Monitoring Reporting Agency
		Planning	Pre-Construction	During Construction	Post-Construction	
<p>SECTION 5.10 PALEONTOLOGICAL RESOURCES</p> <p>Based on the potential to encounter fossils within formations of high and moderate paleontological sensitivity, impacts due to grading and excavation, for the project would potentially impact significant paleontological resources and mitigation measures would be required.</p>	<p>PALEO-1: Prior to the issuance of grading permits for the proposed project, the Applicant shall confirm to the Development Services Director, or their designee, that a qualified paleontologist (QP) has been retained to carry out an appropriate mitigation program. A QP is defined as an individual with a doctorate or a master's degree in paleontology or geology, who is familiar with paleontological procedures and techniques. A pre-grade meeting shall be held between the paleontologist and the grading and excavation contractors.</p> <p>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. However, 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 divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for the recovery of small fossil remains such as isolated mammal teeth, it may be necessary in certain instances and at the discretion of the paleontological monitor to set up a screen-washing operation on the site.</p>	X	X			City of Chula Vista
				X		City of Chula Vista

TABLE 11-1

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE OCEAN VIEW TOWER EIR

Potentially Significant Impact	Mitigation Measure	Time Frame of Mitigation and Responsible Party			Monitoring Reporting Agency
		Planning	Pre-Construction	Post-Construction	
	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. However, 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 divert, or halt grading to allow recovery of fossil remains in a timely manner. Because of the potential for the recovery of small fossil remains such as isolated mammal teeth, it may be necessary in certain instances and at the discretion of the paleontological monitor to set up a screen-washing operation on the site.	X	City of Chula Vista		
	Prepared fossils along with copies of all pertinent field notes, photographs, and maps shall be deposited in a scientific institution with paleontological collections such as the San Diego Natural History Museum. A final summary report shall be completed. This report shall include discussions of the methods used, stratigraphy exposed, fossils collected, and significance of recovered fossils.			X	City of Chula Vista