

**BONITA GLEN PROJECT
FINAL MITIGATED NEGATIVE DECLARATION
MONITORING AND REPORTING PROGRAM
SCH No. 2018121041**

Lead Agency:

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

APRIL 2019

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

This mitigation monitoring and reporting program (MMRP) was prepared by the City of Chula Vista (City) for the Bonita Glen Project (proposed project or project) to ensure compliance with Public Resources Code Section 21081.6(a)(1), which requires public agencies to adopt such programs to ensure effective implementation of mitigation measures. This monitoring program is dynamic in that it will undergo changes as additional mitigation measures are identified and additional conditions of approval are placed on the project throughout the project approval process. Pursuant to Public Resources Code Section 21081.6(a)(2), the City of Chula Vista designates the Director of Development Services and the City Clerk as the custodians of the documents or their material which constitute the record of proceedings upon which its decision is based.

This monitoring program will serve a dual purpose of verifying completion of the mitigation identified in the Mitigated Negative Declaration (MND) and generating information on the effectiveness of the mitigation measures to guide future decisions. The program includes the following:

- Monitor qualifications
- Specific monitoring activities
- Reporting system
- Criteria for evaluating the success of the mitigation measures

The proposed project is 170-unit apartment development within six three-story garden-style buildings (two 21-plex buildings, two 18-plex buildings, and two 13-plex buildings) and one four-story, podium-style building (66 units). The development would consist of 6 studio units, 122 1-bedroom units, and 42 2-bedroom units on approximately 5.3 acres. Total building area for the proposed project is approximately 149,913 square-feet. The proposed project includes and total of 231 parking spaces: 101 covered spaces and 130 uncovered spaces. The project also includes recreation areas including a swimming pool, clubhouse, and dog run.

The proposed project uses State Density Bonus provisions that promote affordable housing through the use of density bonus, incentives or concessions, waivers or reductions to development standards, and parking ratios in accordance with Section 65915 of the Government Code and Chapter 19.90 of the Chula Vista Municipal Code. The proposed project provides 9 affordable dwelling units (5%) restricted for 55 years to lower income households (50% of the area median income) in a recorded restrictive covenant.

The proposed project is described in the MND under Section B, Project Description. The MND, incorporated herein as referenced, addressed all environmental issues listed in Appendix G of the CEQA Guidelines.

MITIGATION MONITORING TEAM

The 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.

PROGRAM PROCEDURAL GUIDELINES

Prior to any construction activities, meetings should take place between all the parties involved to initiate the monitoring program and 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 of Chula Vista would include the City of Chula Vista and its Mitigation Monitor. The Mitigation Monitor would distribute to each Environmental Specialist and 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 MMR 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. In addition, and if appropriate, each Environmental Monitor or Environmental Specialist 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.

ACTIONS IN CASE OF NONCOMPLIANCE

There are generally three separate categories of noncompliance 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.

There are a number of options the City may use to enforce this program should noncompliance continue. Some methods that could be used include “stop work” orders, fines and penalties (civil), restitution, permit revocations, citations, and injunctions. It is essential that all parties involved in the program understand the authority and responsibility of the on-site monitors. Decisions regarding actions in case of noncompliance are the responsibility of the City.

SUMMARY OF MITIGATION MEASURES

Table 1 summarizes the mitigation measures identified in the MND and lists the monitoring efforts necessary to ensure that the measures are properly implemented. All the mitigation measures identified in the MND are conditions of project approval and are stated herein in language appropriate for such conditions. In addition, during various stages of implementation the City will further refine the mitigation measures.

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**Table 1
Mitigation Monitoring and Reporting Program**

Mitigation Measure	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-AQ-1: Prior to the issuance of the first building permit, the applicant or its successor shall require the installation of high-efficiency return air filters on all heating, ventilation, and air conditioning (HVAC) systems serving the project. This requirement shall be noted on the project's architectural plan. The air filtration system shall reduce at least 90% of particulate matter emissions, such as can be achieved with a Minimum Efficiency Reporting Value 13 (MERV 13) air filtration system installed on return vents in residential units. The property management for the project shall maintain the air filtration system on any HVAC system installed for the specified residential units in accordance with the manufacturer's recommendations for the life of the project.	X	X			City of Chula Vista				
MM-AQ-2: Prior to the issuance of the first building permit, the applicant or its successor shall locate air intake vents on the residential buildings such that they do not face the 805 freeway and are as far from 805 freeway as practicable. This requirement shall be noted on the project's architectural plans.	X	X			City of Chula Vista				
MM-AQ-3: Prior to issuance of the first certificate of occupancy, a City-approved, ASHRAE certified specialist shall verify the implementation of the installation of high-efficiency air filtration systems on return vents to reduce ambient particulate matter concentrations prior to occupancy of the residential units. Ongoing maintenance of the installed filtration systems shall be the responsibility of the applicant or its successor. The City may enforce that the systems are in accordance with the manufacturer's recommendations for the life of the project.				X	City of Chula Vista				
<i>Biological Resources</i>									
MM-BIO-1: Prior to issuance of land development permits, including clearing, grubbing, grading and construction permits, the applicant shall mitigate direct impacts to 4.35 acres of non-native grassland pursuant to the City of Chula Vista (City) Multiple Species Conservation Program (MSCP) Subarea Plan (Subarea Plan). The applicant shall secure mitigation credits within a City-approved Conservation Bank or other approved location offering mitigation credits consistent with the ratios specified in Table 5-3 of the Subarea Plan. The applicant is required to provide the City with verification of mitigation credit purchase prior to issuance of any land development permits. If mitigation credits are not purchased, the applicant must prepare a habitat mitigation and monitoring plan to the satisfaction of the City. The plan shall include, at a minimum, an implementation plan to provide the required mitigation acreages of non-native grassland, a maintenance and monitoring program, an estimated completion time, performance standards, and any relevant contingency measures. The applicant shall also be required to implement the habitat mitigation and monitoring plan subject to the oversight of the City.		X			City of Chula Vista				
MM-BIO-2: To avoid any direct or indirect impacts to nesting birds, construction activities should occur outside of the breeding season (February 15 to August 31). If construction activity is scheduled during the general bird nesting season, a qualified biologist shall conduct a pre-construction survey to determine the presence or absence of nesting bird species within the proposed work areas. The pre-construction survey shall be conducted within 4 calendar days prior to the start of construction activities. The applicant shall submit the results of the pre-construction survey to City staff for review and approval prior to initiating any construction activities. If nesting birds are detected, a letter report or mitigation plan in conformance with the City's biology guidelines and applicable state and federal law (e.g., appropriate follow-up surveys, monitoring schedules, construction and noise barriers/buffers) shall be prepared and shall include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and shall be implemented to the satisfaction of the City. The City Resident Engineer and/or project biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting birds are not detected during the pre-construction survey, no further mitigation is required.		X	X		City of Chula Vista				
MM-BIO-3: To avoid any unexpected impacts (i.e., encroachment) into vegetation and/or jurisdictional waters, the project contractors will delineate (in coordination with the project biologist) all approved access paths and construction work areas. The limits of work, including the designated footpath access, will be delineated with flagging or fencing as appropriate and will be installed prior to work activities. A pre-construction meeting shall be held between all contractors and the qualified project biologist and during this meeting, the biologist will educate the contractors on sensitive biological resources (including non-wetland waters of the United States/state) and project avoidance measures. All project site personnel shall provide written acknowledgment of having received avoidance training. This training shall include information on the location of the approved access paths and work areas, the necessity of preventing damage and impacts to sensitive biological resources, and discussion of work practices that will accomplish such. Lastly, the project biologist will conduct weekly monitoring to ensure that the appropriate avoidance measures are implemented. If unauthorized impacts occur outside of the approved project boundary, the contractor shall notify the City Resident Engineer and project biologist immediately. The project biologist shall evaluate the additional impacts to determine the size of the impact and the		X	X		City of Chula Vista				

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<p>vegetation communities, land covers, and/or jurisdictional resources impacted. The footprint of the impact shall be recorded with a GPS, and the project biologist will report the impacts to City staff and the appropriate permitting agencies (where appropriate) for approval of the impact record and to establish any necessary follow-up mitigation measures. These measures may include additional mitigation credits purchased within a City-approved Conservation Bank or other approved location offering mitigation credits consistent with the ratios specified in Table 5-3 of the Subarea Plan.</p> <p>Any unauthorized impacts to jurisdictional waters/wetlands would require reporting to the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, Regional Water Quality Control Board, and the City as well as development of a Waters/Wetlands Restoration Plan to restore pre-impact conditions as directed by the agencies. The Revegetation Plan and/or Waters/Wetlands Restoration Plan shall include a description of the suitability of the restoration area, planting and irrigation plan, maintenance and monitoring requirements, and performance standards that ensures that the intended restoration is achieved. The plans and associated monitoring reports shall be submitted to City staff.</p>									
<i>Cultural Resources</i>									
<p>MM-CUL-1 In the unlikely event that archaeological resources are unearthed during project excavation, all project construction activities within 200 feet of the discovery shall cease. The prime contractor shall immediately notify the City of Chula Vista (City). Upon notification of the discovery, the City shall retain a qualified archaeologist who meets the Secretary of the Interior's Professional Qualification Standards to assess the potential significance of the discovery and propose appropriate mitigation per the California Environmental Quality Act (CEQA) or Section 106 of the National Historic Preservation Act. Work within 200 feet of the discovery shall not continue until the qualified archaeologist has completed the assessment of the discovery.</p>			X		City of Chula Vista				
<p>MM-CUL-2 Prior to the issuance of grading permits, the applicant shall provide written confirmation to the City that a qualified paleontologist has been retained to carry out an appropriate mitigation program. (A qualified paleontologist is defined as an individual with an MS or PhD in paleontology or geology who is familiar with paleontological procedures and techniques). A pre-grade meeting shall be held among the paleontologist and the grading and excavation contractors.</p> <p>A paleontological monitor shall be on site at all times during the original cutting of previously undisturbed sediments of highly sensitive geologic formations (i.e., San Diego 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. The monitor shall be on site on at least a half-time basis during the original cutting of previously undisturbed sediments of moderately sensitive geologic formations (e.g., Lindavista Formation) to inspect cuts for contained fossils.</p> <p>The monitor shall be on site during the original cutting of previously undisturbed sediments of moderate and high sensitivity geologic formations (e.g., Lindavista Formation and San Diego Formation, respectively) to inspect cuts for contained fossils. Monitoring is not required during excavation into low resource sensitivity geologic formations (e.g., young alluvial flood-plain deposits).</p> <p>In the event that fossils are discovered in unknown, low, or moderately sensitive formations, the applicant shall increase the per-day field monitoring time. Conversely, if fossils are not discovered, the monitoring, at the discretion of the City's Deputy City Manager/Development Services Director or its designee, shall be reduced. A paleontological monitor is not needed during grading of rocks with no resource sensitivity.</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 direct, 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> <p>Prepared fossils along with copies of all pertinent field notes, photos, 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.</p>		X	X		City of Chula Vista				
<i>Noise</i>									
<p>MM-NOI-1 Construction activities shall take place during the permitted time and day per Section 17.24.040.C.8 of the City of Chula Vista's (City's) Municipal Code. The applicant shall ensure that construction activities of the proposed project are prohibited between the hours of 10:00 p.m. and 7:00 a.m., Monday–Friday, and between the hours of 10:00 p.m. and 8:00 a.m., Saturday and Sunday. This condition shall be listed on the proposed project's final design to the satisfaction of the City Development Services Department.</p>			X		City of Chula Vista				

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<p>MM-NOI-2 The City of Chula Vista (City) shall require the applicant to adhere to the following measures as a condition of approving the grading permit: The project contractor shall, to the extent feasible, schedule construction activities to avoid the simultaneous operation of construction equipment so as to minimize noise levels resulting from operating several pieces of high noise level emitting equipment. All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers. Enforcement shall be accomplished by random field inspections by applicant personnel during construction activities, to the satisfaction of the City Development Services Department. Construction noise-reduction methods such as shutting off idling equipment, construction of a temporary noise barrier, maximizing the distance between construction equipment staging areas and adjacent residences, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from or shielded from sensitive receptors. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners to contact the job superintendent if necessary. In the event the City receives a complaint, appropriate corrective actions shall be implemented and a report of the action provided to the reporting party.</p>		X	X		City of Chula Vista																						
<p>MM-NOI-3 Prior to issuance of any building permit, construction plans shall be reviewed by a qualified noise consultant for conformance with City standards. In order to ensure that interior noise levels of the habitable rooms are 45 dBA CNEL or less, the applicant shall use windows and exterior doors with the Sound Transmission Class (STC) ratings shown in Table NOI-1 or higher. For example, the windows and exterior doors of Building 2 shall have STC ratings of 29 or higher. The proposed residential units will require mechanical ventilation systems or air conditioning systems in order to ensure that windows and doors can remain closed while maintaining a comfortable environment. With the required mitigation, the resulting interior noise levels will be less than the noise standard, and the noise impact will be less than significant.</p> <p style="text-align: center;">Table NOI-1</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th colspan="2">Minimum Window and Exterior Door Noise Attenuation Ratings</th> </tr> <tr> <th>Building Number</th> <th>Minimum Noise Attenuation Rating (STC)</th> </tr> </thead> <tbody> <tr> <td>Building 1</td> <td>25</td> </tr> <tr> <td>Building 2</td> <td>29</td> </tr> <tr> <td>Building 3</td> <td>25</td> </tr> <tr> <td>Building 4</td> <td>22</td> </tr> <tr> <td>Building 5</td> <td>22</td> </tr> <tr> <td>Building 6</td> <td>22</td> </tr> <tr> <td>Building 7</td> <td>22</td> </tr> </tbody> </table>	Minimum Window and Exterior Door Noise Attenuation Ratings		Building Number	Minimum Noise Attenuation Rating (STC)	Building 1	25	Building 2	29	Building 3	25	Building 4	22	Building 5	22	Building 6	22	Building 7	22	X	X			City of Chula Vista				
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<p>MM-NOI-4 To ensure that HVAC and other outdoor mechanical equipment would not exceed the City's stationary-source noise standards (55 dBA daytime (7:00 a.m. to 10:00 p.m.), 45 dBA nighttime (10:00 p.m. to 7:00 a.m.), for single-family residential; 60 dBA daytime (7:00 a.m. to 10:00 p.m.), 50 dBA nighttime (10:00 p.m. to 7:00 a.m.), for multifamily residential), the applicant shall incorporate the following measures: 1. No HVAC or other mechanical equipment shall be installed with a combined sound power level exceeding 79 dBA or a sound pressure level (i.e., noise level) of 44 dBA at a distance of 75 feet. Prior to issuance of building permits, construction plans shall be reviewed by a qualified noise consultant for conformance with City standards. 2. If equipment exceeding the specification in MM-NOI-5(1) is used, such equipment shall be shielded from adjacent residential land uses by mechanical shrouds, building parapet walls, or provision of acoustical enclosures such that the combined sound power level does not exceed 79 dBA, resulting in a noise level of 44 dBA or less at a distance of 75 feet.</p>	X				City of Chula Vista																						

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