

# **Professional Commercial and North Commercial Zoning Code Amendment (ZA18-002) Final Program Environmental Impact Report**

## **Mitigation Monitoring and Reporting Program**

The California Environmental Quality Act (CEQA) Section 21081.6 requires that a mitigation monitoring and reporting program (MMRP) be adopted upon certification of an environmental impact report (EIR) to ensure that the mitigation measures are implemented. The MMRP specifies what the mitigation is, the entity responsible for monitoring the program, and when in the process it should be accomplished.

The proposed program is described in Chapter 3, Project Description of this Program EIR (PEIR). The issues addressed in Chapter 4 of this PEIR include land use, aesthetics, cultural resources, transportation and traffic, air quality, greenhouse gas emissions, noise, hazards and hazardous materials, biological resources, geology and soils/paleontological resources, and energy. Agriculture and forestry resources, biological resources (some issues), geology and soils, hazards and hazardous materials (some issues), hydrology and water quality, mineral resources, noise (some issues), population and housing, and wildfire are addressed in Chapter 6, Effects Found Not to be Significant. After analysis, potentially significant impacts requiring mitigation were identified for aesthetics, cultural resources, noise, biological resources, and paleontological resources. The environmental analysis concluded that all potentially significant impacts could be avoided or reduced through implementation of recommended mitigation measures. No significant and unavoidable impacts were identified for the proposed program.

The following is the MMRP for the project.

**MMRP** Table

Mitigation Monitoring and Reporting Program			
Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
<b>AESTHETICS</b>			
Direct impacts associated with changes in view as depicted in the simulated Key Views would be potentially significant (Impacts Aes-1 through Aes-5).	<b>MM-Aes-1:</b> To mitigate Impacts Aes-1 through Aes-5, future development within the NC, PC, and PF zones would undergo review by the Design Review Board, which requires future projects to comply with existing scenic resource and development regulations identified within the Del Mar Municipal Code (DMMC), the City's Design Guidelines, and the Community Plan.	Prior to approval of future project final design and landscaping plans.	City of Del Mar
Direct impacts resulting from changes in visual character and non-conformance with scenic quality regulations would be potentially significant (Impact Aes-6)	<b>MM-Aes-1:</b> To mitigate Impact Aes-6, future development within the NC, PC, and PF zones would undergo review by the Design Review Board, which requires future projects to comply with existing scenic resource and development regulations identified within the DMMC, the City's Design Guidelines, and the Community Plan.	Prior to approval of future project final design and landscaping plans.	City of Del Mar
Direct impacts resulting from light and glare from new development would be potentially significant (Impact Aes-7)	<b>MM-Aes-1:</b> To mitigate Impact Aes-7, future development within the NC, PC, and PF zones would undergo review by the Design Review Board, which requires future projects to comply with existing scenic resource and development regulations identified within the DMMC, the City's Design Guidelines, and the Community Plan.	Prior to approval of future final design and landscaping plans.	City of Del Mar
<b>CULTURAL RESOURCES</b>			
Direct impacts to unknown archaeological resources within parcel 299-071-02 would be potentially significant (Impact Cul-1).	<b>MM-Cul-1:</b> A qualified archaeological monitor and a Native American monitor shall be present during ground-disturbing activities within parcel 299-071-02. The monitors would have the authority to stop and/or divert grading, trenching, or excavating if an archaeological resource is encountered. The qualified archaeologist, and Native American monitor if the discovery is prehistoric, shall evaluate the significance of the discovery. If it is significant, a data recovery program would be implemented in order to mitigate impacts to the resource.	Prior to future project grading and prior to the first pre-construction meeting.	City of Del Mar or authorized contractor
Direct impacts to human remains within parcel 299-071-02 would be potentially significant (Impact Cul-2).	<b>MM-Cul-1:</b> A qualified archaeological monitor and a Native American monitor shall be present during ground-disturbing activities within parcel 299-071-02. The monitors would have the authority to stop and/or divert grading, trenching, or excavating if an archaeological resource is encountered. The qualified archaeologist, and Native American monitor if the discovery is prehistoric, shall evaluate the significance of the discovery. If it is significant, a data recovery program would be implemented in order to mitigate impacts to the resource.	Prior to future project grading, and prior to the first pre-construction meeting.	City of Del Mar or authorized contractor
<b>NOISE</b>			
Noise impacts associated with exterior noise standard compatibility within the NC zone at 2002 Jimmy Durante Boulevard (APN 299-071-07) and 2010 Jimmy Durante Boulevard (APN 299-071-06) would be potentially significant (Impact Nos-1).	<b>MM-Nos-1:</b> Prior to the issuance of building permits for residential development proposed in the NC zone at 2002 Jimmy Durante Boulevard (parcel 299-071-07) and 2010 Jimmy Durante Boulevard (parcel 299-071-06), a noise analysis shall be submitted demonstrating the exterior noise levels at any exterior use areas do not exceed 65 CNEL.	Prior to approval of future final design within the identified sites.	City of Del Mar or authorized contractor
Noise impacts associated with exterior noise standard compatibility within the PF zone at 2809 28th Street (APN 299-030-12) would be potentially significant (Impact Nos-2).	<b>MM-Nos-2:</b> Prior to the issuance of building permits for residential development proposed in the PF zone at 2809 28th Street (parcel 299-030-12), a noise analysis shall be submitted demonstrating the exterior noise levels at any exterior use areas do not exceed 65 CNEL.	Prior to approval of future final design within the identified sites.	City of Del Mar or authorized contractor

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<b>BIOLOGICAL RESOURCES</b>			
Direct impacts to sensitive habitat and wildlife within parcels 299-071-02 and 299-100-33 in the NC zone would be potentially significant (Impact Bio-1).	<b>MM-Bio-1:</b> Future development applications for projects within parcels 299-071-02 and 299-100-33 in the NC zone, shall be required to submit site-specific biological surveys to delineate the precise location of sensitive habitat and assess project-specific impacts. The biological survey shall include identification of temporary and permanent impacts to sensitive habitat and include mitigation measures in accordance with federal, state, and City requirements.	Prior to approval of future final design within the identified sites.	City of Del Mar or authorized contractor
Indirect impacts to sensitive species residing in vegetation adjacent to development areas throughout the NC zone would be potentially significant (Impact Bio-2).	<p><b>MM-Bio-2:</b> Future development applications for projects throughout the NC zone would restrict removal of sensitive habitat and vegetation to outside the breeding seasons of any sensitive species identified within adjacent properties. If vegetation clearing must begin during the breeding season, the following measures would be required:</p> <p>Before Construction:</p> <ul style="list-style-type: none"> <li>• A qualified biologist shall attend the pre-construction meeting to discuss biological resource issues of the project and identify measures to avoid impacts to sensitive species during construction.</li> <li>• A qualified biologist shall conduct surveys to determine if active nests are present in the impact area or within the relevant number of distance as dictated by rules set for breeds identified. If active nests are found, a no-activity buffer zone shall be established at the discretion of the qualified biologist in consultation with the City, until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. If active nests of any sensitive avian species for which a noise threshold has been established (i.e., coastal California gnatcatcher, least Bell's vireo, etc.) then a noise study shall be conducted to determine the anticipated construction noise levels and attenuation measures to be implemented to reduce noise levels at the nest to below the threshold. If no nests are found, no mitigation will be needed.</li> </ul> <p>During Construction:</p> <ul style="list-style-type: none"> <li>• On the first day of construction, a qualified biologist shall attend the on-site meeting and conduct training for contractors and construction personnel, including explaining the purpose for protecting biological resources and any avoidance measures that should be implemented during project construction.</li> <li>• A qualified biologist shall monitor construction activities full time during vegetation clearing and grubbing, and weekly thereafter to direct crews on avoidance measures. The biological monitor shall verify the following: <ul style="list-style-type: none"> <li>○ Any installed construction fencing or silt fencing shall remain intact, and movement of construction personnel, vehicles, and equipment shall be confined to existing roads and areas within the defined project footprint.</li> <li>○ Equipment maintenance, staging, and fuel dispensing areas shall be situated such that runoff from these areas remains outside of the lake basins or any other areas of sensitive habitat.</li> <li>○ All trash (including, but not limited to, food scraps, wrappers, and beverage containers) shall be removed from work sites or completely secured in a wildlife-proof container at the end of each workday.</li> </ul> </li> </ul>	Prior to future project grading throughout the NC zone.	City of Del Mar or authorized contractor

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	<p>After Construction:</p> <ul style="list-style-type: none"> <li>The biological monitor shall provide a letter to the City describing monitoring activities and any biological issues identified.</li> </ul>		
Direct impacts to riparian/ wetland habitat within parcels 299-071-02 and 299-100-33 would be potentially significant (Impact Bio-3)	<p><b>MM-Bio-1:</b> Future development applications for projects within parcels 299-071-02 and 299-100-33 in the NC zone, shall be required to submit site-specific biological surveys to delineate the precise location of sensitive habitat and assess project-specific impacts. The biological survey shall include identification of temporary and permanent impacts to sensitive habitat and include mitigation measures in accordance with federal, state, and City requirements.</p>	Prior to approval of future final design within the identified sites.	City of Del Mar or authorized contractor
	<p><b>MM-Bio-2:</b> Future development applications for projects throughout the NC zone would restrict removal of sensitive habitat and vegetation to outside the breeding seasons of any sensitive species identified within adjacent properties. If vegetation clearing must begin during the breeding season, the following measures would be required:</p> <p>Before Construction:</p> <ul style="list-style-type: none"> <li>A qualified biologist shall attend the pre-construction meeting to discuss biological resource issues of the project and identify measures to avoid impacts to sensitive species during construction.</li> <li>A qualified biologist shall conduct surveys to determine if active nests are present in the impact area or within the relevant number of distance as dictated by rules set for breeds identified. If active nests are found, a no-activity buffer zone shall be established at the discretion of the qualified biologist in consultation with the City, until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. If active nests of any sensitive avian species for which a noise threshold has been established (i.e., coastal California gnatcatcher, least Bell's vireo, etc.) then a noise study shall be conducted to determine the anticipated construction noise levels and attenuation measures to be implemented to reduce noise levels at the nest to below the threshold. If no nests are found, no mitigation will be needed.</li> </ul> <p>During Construction:</p> <ul style="list-style-type: none"> <li>On the first day of construction, a qualified biologist shall attend the on-site meeting and conduct training for contractors and construction personnel, including explaining the purpose for protecting biological resources and any avoidance measures that should be implemented during project construction. <ul style="list-style-type: none"> <li>A qualified biologist shall monitor construction activities full time during vegetation clearing and grubbing, and weekly thereafter to direct crews on avoidance measures. The biological monitor shall verify the following: Any installed construction fencing or silt fencing shall remain intact, and movement of construction personnel, vehicles, and equipment shall be confined to existing roads and areas within the defined project footprint.</li> <li>Equipment maintenance, staging, and fuel dispensing areas shall be situated such that runoff from these areas remains outside of the lake basins or any other areas of sensitive habitat.</li> </ul> </li> </ul>	Prior to future project grading throughout the NC zone.	City of Del Mar or authorized contractor

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	<ul style="list-style-type: none"> <li>○ All trash (including, but not limited to, food scraps, wrappers, and beverage containers) shall be removed from work sites or completely secured in a wildlife-proof container at the end of each workday.</li> </ul> <p>After Construction:</p> <ul style="list-style-type: none"> <li>• The biological monitor shall provide a letter to the City describing monitoring activities and any biological issues identified.</li> </ul>		
Direct impacts to federal wetland habitat within parcels 299-071-02 and 299-100-33 would be potentially significant (Impact Bio-4).	<b>MM-Bio-3:</b> Future development applications for projects within parcels 299-071-02 and 299-100-33 shall be required to submit site-specific wetland delineation reports to identify the precise locations of riparian habitat (including jurisdictional waters) and assess project specific impacts.	Prior to approval of future final design within the identified sites.	City of Del Mar or authorized contractor
	<b>MM-Bio-4:</b> Permanent and temporary impacts to wetland and riparian habitat shall be mitigated in accordance with federal and state requirements.	Prior to future project grading within the identified sites.	City of Del Mar or authorized contractor
Direct impacts to vegetation used as nesting and/or foraging habitat by bird species are protected under the MBTA and would be potentially significant (Impact Bio-5).	<p><b>MM-Bio-2:</b> Future development applications for projects throughout the NC zone would restrict removal of sensitive habitat and vegetation to outside the breeding seasons of any sensitive species identified within adjacent properties. If vegetation clearing must begin during the breeding season, the following measures would be required:</p> <p>Before Construction:</p> <ul style="list-style-type: none"> <li>• A qualified biologist shall attend the pre-construction meeting to discuss biological resource issues of the project and identify measures to avoid impacts to sensitive species during construction.</li> <li>• A qualified biologist shall conduct surveys to determine if active nests are present in the impact area or within the relevant number of distance as dictated by rules set for breeds identified. If active nests are found, a no-activity buffer zone shall be established at the discretion of the qualified biologist in consultation with the City, until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. If active nests of any sensitive avian species for which a noise threshold has been established (i.e., coastal California gnatcatcher, least Bell's vireo, etc.) then a noise study shall be conducted to determine the anticipated construction noise levels and attenuation measures to be implemented to reduce noise levels at the nest to below the threshold. If no nests are found, no mitigation will be needed.</li> </ul> <p>During Construction:</p> <ul style="list-style-type: none"> <li>• On the first day of construction, a qualified biologist shall attend the on-site meeting and conduct training for contractors and construction personnel, including explaining the purpose for protecting biological resources and any avoidance measures that should be implemented during project construction.</li> <li>• A qualified biologist shall monitor construction activities full time during vegetation clearing and grubbing, and weekly thereafter to direct crews on avoidance measures. The biological monitor shall verify the following: <ul style="list-style-type: none"> <li>○ Any installed construction fencing or silt fencing shall remain intact, and movement of construction personnel, vehicles, and equipment shall be confined to existing roads and areas within the defined project footprint.</li> </ul> </li> </ul>	Prior to future project grading.	City of Del Mar or authorized contractor

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Potential Significant Impact	Mitigation Measure	Timeframe of Mitigation	Monitoring, Enforcement, and Reporting Responsibility
	<ul style="list-style-type: none"> <li>○ Equipment maintenance, staging, and fuel dispensing areas shall be situated such that runoff from these areas remains outside of the lake basins or any other areas of sensitive habitat.</li> <li>○ All trash (including, but not limited to, food scraps, wrappers, and beverage containers) shall be removed from work sites or completely secured in a wildlife-proof container at the end of each workday.</li> </ul> <p>After Construction:</p> <ul style="list-style-type: none"> <li>• The biological monitor shall provide a letter to the City describing monitoring activities and any biological issues identified.</li> </ul>		
<b>GEOLOGY AND SOILS/PALEONTOLOGICAL RESOURCES</b>			
Direct impacts to discovered paleontological resources throughout the program area would be potentially significant (Impact Pal-1).	<b>MM-Pal-1:</b> A qualified paleontological monitor shall be on-site during grading of future projects within the program area. The monitor would have the authority to stop and/or divert grading, trenching, or excavating if a significant paleontological resource is encountered. An excavation plan would be implemented to mitigate the discovery. Excavation would include the salvage of the fossil remains (simple excavation or plaster-jacketing of larger and/or fragile specimens); recording stratigraphic and geologic data; and transport of fossil remains to laboratory for processing and curation.	Prior to future project grading and prior to the first pre-construction meeting.	City of Del Mar or authorized contractor