



DATE: May 8, 2023

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN (D22-00005) AND CONDITIONAL USE PERMIT (CUP22-00005) TO ALLOW THE CONSTRUCTION AND OPERATION OF AN APPROXIMATELY 30,000 SQUARE-FOOT FARMWORKER HOUSING PROJECT TO ACCOMMODATE UP TO 338 SEASONAL FARMWOKERS AT THE WEST COAST TOMATO GROWERS, INC. AGRICULTURAL PACKING FACILITY LOCATED AT 5780 MISSION ROAD – WEST COAST TOMATO GROWERS FARMWORKER HOUSING PROJECT – APPLICANT: WEST COAST TOMATO GROWERS, INC.**

RECOMMENDATION

Staff recommends that the Planning Commission:

- 1) Adopt a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program by adopting Planning Commission Resolution No. 2023-P14; and
- 2) Approve Development Plan (D22-00005) and Conditional Use Permit (CUP22-00005) by adopting Planning Commission Resolution No. 2023-P16 with findings and conditions of approval attached herein for the development and operation of a farm worker housing project.

BACKGROUND AND PROJECT DESCRIPTION

Background: West Coast Tomato Growers (WCTG) currently cultivates 580 acres of tomato and brussels sprout crops in eastern Oceanside and operates a 25,000 square-foot packing facility on 20 acres located at 5780 Mission Avenue (APN: 157-150-63). The property has a General Plan land use designation of Residential Estate B (EB-R), a zoning designation of Agriculture (A), and is within the Guajome Neighborhood Planning Area.

Surrounding land uses include the San Luis Rey River Mitigation Bank and San Luis Rey River to the north and north east, vacant land to the east, SR-76 and single-family residences to the south, and the WCTG packing facility to the west. The project site (outlined in red) and surrounding area are depicted in Figure 1.

Figure 1 - Location Map



In 2014, the City adopted a Mitigated Negative Declaration (MND) for the creation of the San Luis Rey Mitigation Bank (located just north of the project site). As part of the approved mitigation measures, the project site was included as a potential soil placement site and served as the main access route to the mitigation site from Singh Way. The site has most recently been used for equipment and vehicle storage associated with the WCTG agricultural operations. Currently, a portable trailer that serves as office space for WCTG operations is housed on the site.

The proposed project is located on disturbed land previously used for agricultural production associated with the WCTG operations. The site slopes downward gradually to the northeast, with higher elevations in the southwest end of the project site.

As explained in the Description and Justification (Attachment 6), WCTG employs seasonal farmworkers from Central Mexico during the growing and harvesting season, which typically runs from March through November each year. For the past 10 years, WCTG has leased dormitories and modular homes for their farmworkers at a nearby location on North River Road. The previous source of housing is no longer available for WCTG and the applicant has decided to construct their own housing for the seasonal workforce adjacent to their agricultural packing facility.

Project Description: The proposed project requires two separate entitlements: a Development Plan and Conditional Use Permit. These entitlements involve the following:

Development Plan (D22-00005) represents a request to allow the construction of four

buildings, including three dormitories, a kitchen, a dining hall, laundry facilities, storage, and office space (totaling approximately 30,000 square feet) and other site improvements to accommodate up to 338 seasonal farmworkers. The proposed project site would encompass four acres of the WCTG 20-acre agricultural packing facility.

The four buildings would be prefabricated modular units to be assembled on the project site. Building materials include white-finished steel siding, metal trim, and gray shingle roofing. Three of the buildings would be two-story dormitory-style housing (two buildings for male farmworkers and one building for female farmworkers). The male dormitories are divided into eight rooms with eight to 10 bunkbeds per room, for a total of 144 beds per building. Communal bathroom facilities are centrally located on each floor of the buildings. The female dormitory is divided into three rooms with a total of 50 bunk beds. Laundry facilities and storage space is also provided on the ground floor of the female dormitory. Each dormitory meets the State and Federal requirements for safe and sanitary housing conditions as prescribed in the “Housing Standards Requirements for Employee/Migrant Housing” document prepared by the State of California Department of Housing and Community Development and the United States Department of Labor Wages and Hour Division (Attachment 4). The fourth building is a single-story building for the kitchen and dining hall. The table below provides an overall summary of the building square footage for the project.

Table 1: Project Square Footage

Building Number	Square Footage	Use
Building 1	10,044 SF	Male Housing (144 beds)
Building 2	5,094 SF	Female Housing (50 beds)
Building 3	10,044 SF	Male Housing (144 beds)
Building 4	4,415 SF	Kitchen/ Dining Facilities
Total	29,597 SF	338 Beds

Recreation areas, including a basketball court, soccer field, and an outdoor dining area, would be provided on the project site. As illustrated in Figure 2, extensive landscaping, including 25 new canopy trees, is proposed along the perimeter of the project area.

Twenty-two parking spaces are provided onsite for visitors and employees. There are no parking spaces provided for the seasonal farm workers, who would be transported from Central Mexico to the project site by bus and served by WCTG’s bus for transport to and from the growing fields and other destinations (e.g., shopping and entertainment venues).

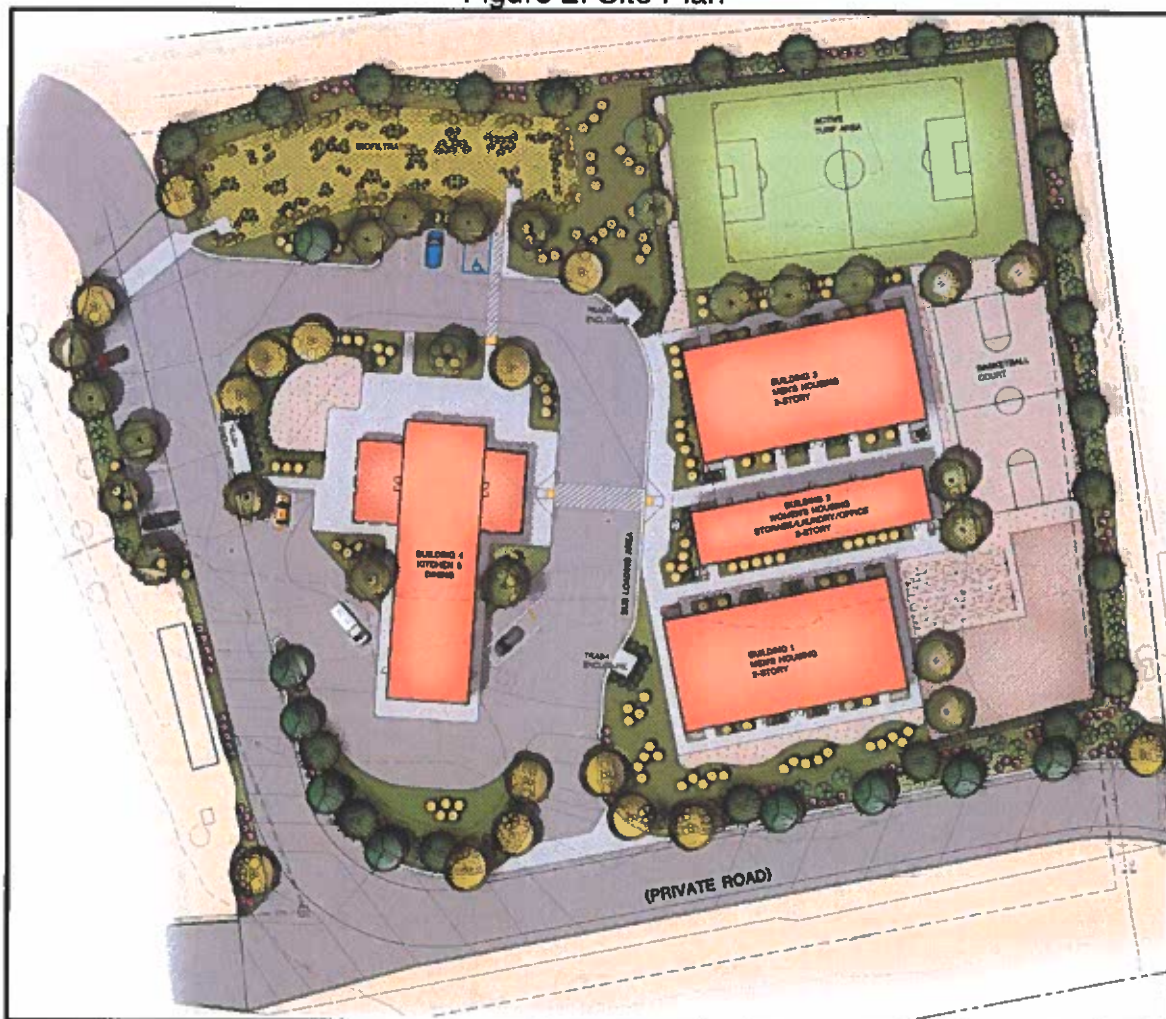
The project provides a biofiltration basin, overflow outfall, and storm drain connection at the northwest corner of the site. The biofiltration basin would treat runoff from the project site and would be planted with native coastal sage scrub and other noninvasive plant species. Due to the project site’s proximity to the San Luis Rey River, the project provides a 100’ riparian buffer from the riparian area and an additional 30’ fuel modification buffer. No development, other than the biofiltration basin, is proposed within these buffers.

The project site has approximately 0.06 acres of Diegan coastal sage scrub and 0.04

acres of coastal scrub that would be impacted by the proposed development. As described in the Mitigated Negative Declaration (MND) prepared for the project, those impacts would be mitigated at a 2:1 ratio per the resource agencies' direction. In addition to the 2:1 mitigation ratio for disturbed habitat, the California Department of Fish and Wildlife (CDFW) recommended that the mitigation site is approved by the City, US Fish and Wildlife and CDFW. The applicant has agreed to these requirements and has incorporated mitigation measures into the Mitigation and Monitoring Reporting Program.

Offsite improvements include the installation of a water main connecting the existing public water line on the south side of SR-76/Mission Avenue to the project site.

Figure 2: Site Plan



Conditional Use Permit (CUP22-00005) represents a request to allow the establishment and operation of a 338-bed farmworker housing project on agricultural zoned property pursuant to Article 14 of the Zoning Ordinance. Pursuant to Article 14, farmworker housing projects with more than 36 beds require a conditional use permit.

ANALYSIS

The proposed project has been reviewed for compliance with the General Plan, Zoning Ordinance, and the California Environmental Quality Act (CEQA).

1. General Plan Conformance

Staff has evaluated the project for consistency with the following goals, objectives, and policies of the City's General Plan as follows:

Land Use Element

II. Community Development

Goal: The continual long-term enhancement of the community through the development and use of land which is appropriate and orderly with respect to type, location, timing, and intensity.

2.5 Agricultural

Objective: To identify, conserve and enhance Oceanside's agricultural areas.

Policy A: Agricultural areas are characterized by their primary function that is to farm, graze, or conduct animal husbandry. Agricultural areas typically involve contiguous tracts of agricultural land uses with only very minor intrusion of non-agricultural land uses. These nonagricultural land uses are only of the type and size to service the special needs of the agricultural area.

Policy D: Land use compatibility is of primary importance to agricultural areas, since land use conflicts between agricultural and non-agricultural uses can force the economic nonviability of agricultural areas.

The proposed project, which would provide housing for 338 seasonal farmworkers, is a compatible land use to the existing agricultural land use because it would provide needed housing to support the WCTG agricultural operations. The project would help conserve agricultural resources and the economic viability of farming in Oceanside by providing necessary housing for farmworkers.

Housing Element

Goal 2: Encourage the development of a variety of housing opportunities.

Policy 2.2: Encourage both the private and public sectors to produce or assist in the production of housing with particular emphasis on housing affordable and accessible to lower income households, persons with disabilities, elderly, large families, female-headed households, farmworkers, and homeless persons.

The project is consistent with the Housing Element in that it satisfies the goal of encouraging the development of a variety of housing opportunities in Oceanside, specifically farmworker housing. The project would provide safe, clean housing that complies with the California Health and Safety Code.

3. Zoning Ordinance Compliance

Since the project is located in the A District, it is subject to agricultural development standards. The Zoning Ordinance identifies farmworker housing consisting of more than 36 beds as a use permitted in the A District subject to approval of a conditional use permit and compliance with the development standards set forth in Section 1430 of the Zoning Ordinance. As the following table demonstrates, the project complies with the applicable development standards for the A District.

Table 2: Agricultural District Development Standards

Development Standard	Required	Proposed
Minimum Lot Area	2.5 acres	4 acres
Front-Yard Setback	40'	125'
Side-Yard Setback	20'	84'
Rear-Yard Setback	30'	175'
Building Height	36' (Maximum)	23'4"
Lot Coverage	25% (Maximum)	12%
Renewable Energy*	Install renewable energy facilities to supply a minimum of 50% of forecasted energy demand	Photovoltaic will be installed on rooftops of buildings.
Permeable Surface Area*	22%	37%
Tree Canopy*	12%	16%

* *Climate Action Plan Ordinance requirement*

The project was also reviewed for compliance with the City's Climate Action Plan (CAP) Zoning Ordinances, including renewable energy facilities and urban forestry program. The project as proposed meets or exceeds the requirements for renewable energy, permeable surface area, and tree canopy. The applicant requested a waiver from Section 3048 of the Zoning Ordinance (Electric Vehicle Parking and Charging Facilities) stating the project does not qualify as a multi-family or non-residential development. Staff has concluded that the provisions of Section 3048 are not applicable to this project.

Pursuant to Article 43, the proposed project is subject to a development plan because it exceeds the threshold for administrative approval for projects located in the A District.

Articles 41 and 43 of the City's Zoning Ordinance establish specific findings which must be made in order for the City to approve a Development Plan and CUP. The required findings pursuant to Article 41, Section 4105 and Article 43, Section 4306 are provided in the Planning Commission Resolution No. 2023-16 (Attachment No.2).

Conditions of approval placed on the CUP would ensure that the farmworker housing project would not be detrimental to public health, safety or welfare of persons residing or working in or adjacent to the project site. Specifically, a Security and Management Plan shall be required prior to Certificate of Occupancy that addresses on-site security, site management, and maintenance of the facility. Additionally, the project has been conditioned to comply with all provisions of Section 17000 of the California Health and Safety Code (Employee Housing Act).

4. California Environmental Quality Act Conformance

Staff reviewed the proposed project pursuant to Section 15060 of the California Environmental Quality Act (CEQA) Guidelines. Based on the Initial Study Environmental Checklist provided for the project, staff determined a Mitigated Negative Declaration (MND) would be required for the project.

ENVIRONMENTAL DETERMINATION

An MND has been prepared stating that, if the mitigation measures identified in the Mitigation Monitoring and Reporting Program are implemented, there will not be a significant adverse impact upon the environment.

The Draft MND was circulated for a 30-day public review period beginning on January 23, 2023 and ending on February 23, 2023. During the public review period the City received seven letters from community members and public agencies (including the United States Fish and Wildlife Service, California Department of Fish and Wildlife, California Department of Transportation, and County of San Diego Department of Environmental Health and Quality). In response to comments received during the public review period, there were revisions to the Biological Technical Report and certain mitigation measures. The revisions to the Biological Technical Report are included as Attachment B in the Final MND (Attachment 7). Since the revised mitigation measures are equivalent or more effective than the publicly circulated mitigation measures, recirculation of the IS/MND is not required pursuant to CEQA Guidelines Section 15074.1. A Response to Comments was prepared and is included in the Final MND. The Draft and Final MND can be reviewed at the following link: <https://www.ci.oceanside.ca.us/government/development-services/planning/environmental-documents-ceqa/west-coast-tomato-growers-mnd> .

PUBLIC NOTIFICATION

In accordance with City Council Policy 300-14 "Enhanced Notification Program", a "Notice of Application" sign was posted and maintained on site and the City mailed a "Notice of

Application" letter to the property owners within a 1,500-foot radius and tenants within a 100-foot radius of the property boundary. Additionally, the applicant mailed a flyer to all property owners and tenants included on the project notification mailing list. The flyer provided an overview of the project and invited people to attend a community outreach meeting. The community outreach meeting was held on November 30, 2022. There were 12 members of the public in attendance. A summary of the comments received at this meeting is attached to the staff report (Attachment 5).

Legal notice was published in the newspaper and notices of the Planning Commission Public Hearing were sent to property owners of record within a 1,500-foot radius of the subject property, tenants within a 100-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant, and other interested parties.

It should be noted that the applicant has complied with all the requirements of the City's Enhanced Notification Policy.

SUMMARY

Staff finds that the proposed project is consistent with the requirements of the General Plan and Zoning Ordinance. Therefore, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions of approval contained in the attached Resolution.

Staff recommends that the Planning Commission by motion:

- 1) Adopt a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program by adopting Planning Commission Resolution No. 2023-P14; and
- 2) Approve Development Plan (D22-00005) and Conditional Use Permit (CUP22-00005) by adopting Planning Commission Resolution No. 2023-P16 with findings and conditions of approval attached herein.

PREPARED BY:



Shannon Vitale
Senior Planner

SUBMITTED BY:



Sergio Madera
City Planner

Attachments:

1. Planning Commission Resolution No. 2023-P14
2. Planning Commission Resolution No. 2023-P16
3. Project Plans (Online)
4. Housing Standards Requirements for Employee/Migrant Housing (Online)
5. Community Outreach Report (Online)
6. Other Attachments (Online)
 - a. Application Page
 - b. Description and Justification
 - c. Legal Description
7. Mitigated Negative Declaration, Mitigation and Monitoring Reporting Program, Technical Appendices, and Response to Comments online at <https://www.ci.oceanside.ca.us/government/development-services/planning/environmental-documents-ceqa/west-coast-tomato-growers-mnd>

5.01 ATTACHMENT 1

PLANNING COMMISSION
RESOLUTION NO. 2023-P14

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF OCEANSIDE, CALIFORNIA ADOPTING A
MITIGATED NEGATIVE DECLARATION FOR CERTAIN REAL
PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: D22-00005, CUP22-00005
APPLICANT: West Coast Tomato Growers, Inc.
LOCATION: 5780 Mission Avenue (APN 157-150-63)

THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES
RESOLVE AS FOLLOWS:

WHEREAS, there was filed with the City’s Development Services Department a verified
petition on the forms prescribed by the City requesting approval a Development and Conditional
Use under the provisions of 41 and 43 of the Zoning to permit the following:

The construction and operation of a 29,597 square-foot farmworker housing project to
accommodate up to 338 seasonal farmworkers at the West Coast Tomato Growers, Inc.
agricultural packing facility;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 8th day
of May 2023 conduct a duly advertised public hearing as prescribed by law to consider the California
Environmental Quality Act (CEQA) review of said applications.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and the State
Guidelines thereto; an Initial Study and Mitigated Negative Declaration has been prepared stating
that if the mitigation measures identified within the Initial Study are implemented there will not be
an adverse impact upon the environment;

WHEREAS, the Mitigated Negative Declaration together with any comments received, and
the Mitigation Monitoring and Reporting Program (MMRP) incorporated into the conditions of
approval for the project, were presented to the Planning Commission, and the Planning Commission
has reviewed and considered the information contained in these documents prior to deciding on the
project pursuant to §15074 of the CEQA Guidelines.

WHEREAS, the Planning Commission has determined that the Mitigated Negative
Declaration and the Mitigation and Monitoring and Reporting Program (MMRP) are adequate

1 documents pursuant to §§15063 through 15065 of the CEQA Guidelines, and reflect the
2 independent judgment and analysis of the City.

3 WHEREAS, the documents or other material which constitute the record of proceedings
4 upon which the decision is based will be maintained by the City of Oceanside Development
5 Services Department-Planning Division, 300 North Coast Highway, Oceanside, California
6 92054.

7 WHEREAS, studies and investigations made by this Commission and on its behalf
8 reveal the following facts:

9 FINDINGS:

10 1. The Mitigated Negative Declaration together with all comments received, and the
11 Mitigation and Monitoring and Reporting Program incorporated as exhibit “A” as
12 conditions of approval for the project, were presented to the Planning Commission, and
13 the Planning Commission reviewed and considered the information contained in these
14 documents prior to making a decision on the project.

15 2. The Mitigated Negative Declaration and Mitigation and Monitoring and Reporting
16 Program have been determined to be accurate and adequate documents, which reflect
17 the independent judgment and analysis of the Planning Commission. On the basis of the
18 entire record before it, the Planning Commission finds that there is no substantial
19 evidence that the project, with implementation of the mitigation measures proposed, will
20 have a significant impact on the environment.

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NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby adopt a Mitigated Negative Declaration and the Mitigation Monitoring & Reporting Program (MMRP), attached hereto and incorporated herein as Exhibit “A.”

PASSED AND ADOPTED Resolution No. 2023-P14 May 8th, 2023 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Tom Rosales, Chairperson
Oceanside Planning Commission

ATTEST:

Sergio Madera, Secretary

I, Sergio Madera, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2023-P14.

Dated:_____

West Coast Tomato Growers Farm Worker Housing Project

Mitigation Monitoring and Reporting Program

Lead Agency:



City of Oceanside
Development Services Department
300 N. Coast Hwy
Oceanside, CA 92054

Prepared by:

HELIX Environmental Planning, Inc.
7578 El Cajon Boulevard
La Mesa, CA 91942

April 2023 | 08130.00002.001

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INTRODUCTION

California Public Resources Code Section 21081.6 requires that a lead or responsible agency adopt a reporting or monitoring plan when adopting a Mitigated Negative Declaration (MND) that identifies measures to reduce potential adverse environmental impacts. As lead agency for the project, the City of Oceanside (City) is responsible for adoption and implementation of the Mitigation Monitoring and Reporting Program (MMRP).

The City has prepared an MND for the West Coast Tomato Growers Farm Worker Housing Project (project) in conformance with State Guidelines for the implementation of the California Environmental Quality Act (CEQA). The purpose of the MND is to identify any potentially significant impacts associated with the proposed project and incorporate mitigation measures into the project as necessary to eliminate the potentially significant effects of the project or to reduce the effects to a level of insignificance.

The purpose of the MMRP is to ensure that the mitigation measures required by the MND for the project (SCH No. 2023010426) are properly implemented. The City is responsible for monitoring implementation of the mitigation measures required for the project. The MMRP Checklist contained in Table 1 below provides a mechanism for monitoring the mitigation measures in compliance with the MND.

The following checklist is organized by categories of environmental topic identified in the Initial Study to have impacts that would be “Potentially Significant Unless Mitigated.” For each impact area, the required mitigation measures are listed and the following items are identified for implementation of each mitigation measure: (1) timing for implementation of the mitigation measure; (2) party responsible for the verification of implementation of the measure; and (3) a space to note the date of completion of the measure.

With the MND and related documents, this MMRP will be kept on file at the following location: City of Oceanside Planning Department 300 North Coast Highway Oceanside, California 92054.

**Table 1
Mitigation Monitoring and Reporting Program Checklist**

Mitigation Measure	Implementation Timing	Verification Responsibility	Date of Completion
Biological Resources			
<p>BIO-1: Mitigation for impacts to coastal California gnatcatcher habitat (0.06 acre of Diegan coastal sage scrub and 0.04 acre of coastal scrub) shall occur as described in BIO-9.</p> <p>The preferred approach to site development would be for no grubbing or clearing of vegetation to occur within 500 feet of occupied Diegan coastal sage scrub or coastal scrub during the breeding season of the coastal California gnatcatcher (February 15 through August 31). All grading permits and improvement plans shall state the same. For construction between September 1 and February 14, a qualified gnatcatcher biologist shall conduct a pre-construction survey to determine whether gnatcatchers occur within the impact area(s). The pre-construction survey shall consist of three site visits occurring on three separate days, beginning no more than 30 days prior to performing vegetation clearing with the third visit occurring one day prior to the start of clearing and grubbing. To avoid take under the federal ESA, the project biologist shall direct workers to begin initial vegetation clearing in an area away from gnatcatchers. In addition, the project biologist will passively flush birds toward areas of appropriate vegetation that is to be avoided. The project biologist will have the authority to stop or modify work to ensure gnatcatchers will not be injured or killed by initial vegetation clearing/grubbing. The project biologist shall record the number and map the location of any gnatcatchers disturbed by initial vegetation clearing/grubbing or construction and report these numbers and locations to the USFWS within 24 hours.</p> <p>If construction must occur within 500 feet of Diegan coastal sage scrub or coastal scrub during the gnatcatcher breeding season, the pre-construction survey shall consist of three site visits occurring on three separate days, beginning no more than 7 days prior to starting work, with the third visit occurring one day prior to the start of work. Additional surveys shall be done once a week during project construction in the gnatcatcher or vireo breeding seasons, unless suspended as approved by the USFWS. The project biologist or applicant shall notify the USFWS at least seven days prior to the initiation of surveys and within 24 hours of locating any gnatcatchers or vireo. If there are no gnatcatchers nesting (includes nest building or other breeding/nesting behavior) within that area, grading and clearing shall be allowed to proceed upon receipt of concurrence from City.</p> <p>If any gnatcatchers are observed nesting or displaying breeding/nesting behavior during the pre-construction survey, clearing, and grubbing of the area in which gnatcatchers have been observed shall be postponed until nesting (or breeding/nesting behavior) has ceased or until</p>	<p>Prior to clearing or grubbing</p>	<p>City of Oceanside; USFWS</p>	

Mitigation Measure	Implementation Timing	Verification Responsibility	Date of Completion
<p>after August 31. (See BIO-4 for mitigation for indirect noise effects.) Any impacts to this species would require take authorization from the USFWS.</p>			
<p>BIO-2: Temporary toad exclusionary fencing (silt fencing) shall be installed along the project boundary prior to initiation of clearing or grading activities. Following exclusionary fencing installation, an arroyo toad survey of the entire area inside the fence would be conducted by a qualified biologist to ensure no toads are present in the work area. Project activities (except for utilities extension outside of the project site) shall be confined within the fenced area. Ingress/egress locations would be resealed at the conclusion of each workday (prior to dusk) to ensure the exclusionary fencing is complete and fully functional. The fencing to be installed across the ingress/egress location each night shall be installed at least two feet high, with one foot of material stretching outward along the ground and secured with a continuous line of sandbags (i.e., there should be no space between the sandbags). Once project activities begin, a qualified biological monitor would be on site weekly or as necessary to ensure the integrity of the exclusionary fencing. If the arroyo toad exclusion fencing is found damaged during construction, the contractor would be responsible for repairing the fence within 24 hours. If arroyo toad is found on-site, the project would require approval from the City and wildlife agencies to relocate arroyo toad individuals from within the impact area to the north of the project site along the San Luis Rey River. Any impacts to this species would require take authorization from the USFWS.</p>	<p>Prior to clearing or grading</p>	<p>City of Oceanside</p>	
<p>BIO-3: The preferred approach to site development would be for no grubbing or clearing of vegetation to occur during the general avian breeding season (January 15 through July 15 for raptors and February 15 through August 31 for general nesting birds). All grading permits and improvement plans shall state the same. If grubbing or clearing must occur during the general avian breeding season within 300 feet of general nesting bird habitat or 500 feet of nesting raptor habitat, a qualified biologist shall conduct a pre-construction survey no more than three days prior to the commencement of the activities to determine if active bird nests are present in the affected areas, with results submitted to the City. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, clearing and grubbing shall be allowed to proceed. Furthermore, if grubbing and clearing activities are to resume in an area where they have not occurred for a period of seven or more days during the breeding season, an updated survey for avian nesting shall be conducted, with results submitted to the City. If active nests or nesting birds are observed within the area, the biologist shall submit the nesting bird survey results and proposed nest buffers to the City. The biologist shall flag buffers around the active nest buffers and clearing and grubbing activities shall avoid active nests until nesting behavior has ceased, nests have failed, or young have fledged, with results submitted to the City.</p>	<p>Prior to grubbing or clearing</p>	<p>City of Oceanside</p>	

Mitigation Measure	Implementation Timing	Verification Responsibility	Date of Completion
<p>BIO-4: If operation of grading and construction equipment occurs within 500 feet of suitable habitat during the breeding seasons for the coastal California gnatcatcher (February 15 through August 31), nesting raptors (January 15 through July 15), or least Bell’s vireo (March 15 through September 15), a pre-construction survey shall be conducted by a qualified biologist, as applicable, to determine whether these species occur within the areas potentially impacted by noise, with the final survey occurring within one day of the proposed start of construction and results submitted to the City. For gnatcatcher and vireo, the survey shall consist of three surveys conducted on three separate days within seven days prior to the start of work, with notification to the USFWS, as described in mitigation measure BIO-1. Additional surveys shall be conducted once a week during project construction in the gnatcatcher or vireo breeding seasons. These additional surveys may be suspended as approved by the USFWS. The applicant will notify the USFWS at least seven days prior to the initiation of surveys and within 24 hours of locating any gnatcatchers or vireo. If construction activities are to resume in an area where they have not occurred for a period of seven or more days during the breeding season, an updated survey for avian nesting shall be conducted, with results submitted to the City. If it is determined at the completion of pre-construction surveys that active nests belonging to these sensitive species are absent from the potential noise impact area, construction shall be allowed to proceed. If an active gnatcatcher or vireo nest is found within 500 feet of project construction, the project biologist shall initiate nest monitoring and postpone work within 500 feet of the nest and contact the USFWS to discuss: (i) the best approach to avoid/minimize impacts to nesting birds (e.g., sound walls, noise monitoring); and (ii) a nest monitoring program acceptable to the USFWS. After these discussions, work may be initiated subject to implementation of the agreed upon avoidance/minimization approach and nest monitoring program. Nest monitoring shall occur according to a schedule approved by the USFWS. The project biologist would determine whether bird activity is being disrupted. If the project biologist determines that bird activity is being disrupted, the applicant shall stop work and coordinate with the USFWS to review the avoidance/minimization approach. Upon agreement as to the necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued nest monitoring. Nest monitoring shall continue until fledglings have dispersed, as approved by the USFWS. All grading permits and improvement plans shall state the same.</p>	<p>Prior to operation of construction equipment</p>	<p>City of Oceanside</p>	
<p>BIO-5: Potential impacts from degraded surface water quality shall be minimized to the maximum extent practicable by using best management practices (BMPs) for erosion/sedimentation control during construction. These BMPs may include the use of a bonded fiber matrix, straw mulch, or erosion control blankets/mats to prevent erosion, and/or the installation of such items as silt fences or fiber rolls to catch any eroded material before it can reach the on-site riparian area. The project biologist shall oversee installation of and inspect temporary fencing and erosion control measures within or up-slope of avoided</p>	<p>During construction activities</p>	<p>City of Oceanside</p>	

Mitigation Measure	Implementation Timing	Verification Responsibility	Date of Completion
<p>and/or preserved areas a minimum of once per week during installation and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately.</p> <p>Potential impacts from equipment maintenance, staging, and dispensing of petroleum products and/or coolant during construction shall be minimized by adding or changing such products, if necessary, only within a designated construction staging area, within the fenced limits of impact and greater than 100 feet from jurisdictional waters. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable, in such a manner as to prevent any runoff from entering jurisdictional waters and shall be shown on the project construction plans. "No fueling" zones shall be designated on construction plans. The addition or change of such products shall occur over plastic tarps, which if contaminated, shall be disposed of in a safe and legal manner. Contractor equipment shall be checked for leaks prior to operation and repaired, as necessary. Furthermore, BMPs such as those listed above for erosion/sedimentation control also shall be used at the staging areas.</p> <p>Disposal or temporary placement of fill, brush, or other debris shall not be allowed in jurisdictional waters or on their banks.</p>			
<p>BIO-6: The construction and construction staging area limits shall be clearly delineated with orange construction fencing and silt fencing to ensure that construction activity remains within the defined limits of work. A qualified biologist shall attend a pre-construction meeting and inspect the delineated work areas once per week during installation and daily during rain events to ensure that any breaks in the fence are repaired immediately. The project biologist would also monitor the work area periodically to ensure that work activities do not generate excessive amounts of dust.</p> <p>Employees shall be required to strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint. The project site shall be kept as clean of debris as possible. All food-related trash items shall be enclosed in sealed containers and regularly removed from the project site. Pets of project personnel shall not be allowed on the project site. The project biologist shall halt work and confer with the USFWS as necessary to ensure the proper implementation of protection measures and shall report any noncompliance issue to the USFWS within 24 hours of its occurrence.</p>	<p>Prior to and during construction activities</p>	<p>City of Oceanside</p>	

Mitigation Measure	Implementation Timing	Verification Responsibility	Date of Completion
<p>Potential impacts from night lighting of construction staging areas shall be minimized using the lowest illumination necessary for human safety. The lights shall be selectively placed, shielded, and directed away from natural habitats.</p>			
<p>BIO-7: Lighting for the project adjacent to the biological preserve shall be selectively placed, shielded, and directed away from conserved habitat and the 100-foot biological buffer to the satisfaction of the City.</p>	<p>Design phase for lighting</p>	<p>City of Oceanside</p>	
<p>BIO-8: Invasive plant species listed by the California Invasive Plant Council (Cal-IPC) shall not be used in any project landscaping. The currently proposed species palette does not include invasive plant species. Temporary and permanent irrigation will be limited to the extent feasible while fulfilling applicable landscaping and maintenance requirements. Prior to the initiation of project grading, a qualified biologist shall review the landscape plan to confirm that the proposed species palette remains free of invasive species.</p> <p>Any planting stock to be brought onto the project site for landscaping or habitat creation, restoration, and enhancement shall be first inspected by a qualified biologist or pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to Argentine ants (<i>Linepithema humile</i>), fire ants (<i>Solenopsis invicta</i>) and other insect pests. Any planting stock found to be infested with such pests will not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the USFWS that these pests already occur in natural areas around the project site. The stock will be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats.</p>	<p>During landscape design and prior to grading activities</p>	<p>City of Oceanside</p>	
<p>BIO-9: Mitigation would be provided at a 2:1 ratio for impacts to 0.06 acre of Diegan coastal sage scrub and 0.04 acre of coastal scrub. Impacts to Diegan coastal sage scrub and coastal scrub would be mitigated through off-site restoration and/or purchase of sage scrub mitigation credits at an approved mitigation bank (preferably within the Wildlife Corridor Planning Zone), or other location deemed acceptable by the City, CDFW, and USFWS. Mitigation shall occur within an approved mitigation bank, biological open space easement, or other protective mechanism. All mitigation agreements must be funded and completed prior to the approval of the grading plan.</p>	<p>Prior to grading permit issuance</p>	<p>City of Oceanside; CDFW; USFWS</p>	
<p>BIO-10: To help ensure errant impacts to sensitive vegetation communities outside of the impact footprint are avoided during construction, environmental fencing (including silt fencing where determined necessary for stormwater pollution prevention), shall be installed at the edges of the impact limits prior to initiation of grading. All construction staging shall</p>	<p>Prior to and during grading activities</p>	<p>City of Oceanside</p>	

Mitigation Measure	Implementation Timing	Verification Responsibility	Date of Completion
<p>occur within the approved limits of construction. A qualified biologist will monitor the installation of environmental fencing once per week and confirm its function daily during rain events wherever it would abut sensitive vegetation communities, jurisdictional waters or wetlands, or conserved lands (i.e., the San Luis Rey Mitigation Bank and the San Luis Rey River Park). The biologist will conduct a pre-construction environmental training session no more than 14 days prior to the start of construction for construction personnel to inform them of the sensitive biological resources on site and avoidance measures to remain in compliance with project approvals. Specifically, the training shall include the purpose for resource protection; a description of the gnatcatcher and vireo and their habitats; the CMs that shall be implemented during project construction to conserve the sensitive resources, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); BMPs provided in CMs; the protocol to resolve conflicts that may arise at any time during the construction process; and the general provisions of the Federal Endangered Species Act (FESA), the need to adhere to the provisions of the FESA, and the penalties associated with noncompliance with the FESA. The applicant will record the training and provide it to construction personnel who are not present at the pre-construction training session. The biologist also will monitor vegetation clearing, grubbing, and grading activities on a regular basis to help ensure compliance with project approvals.</p>			
<i>Cultural Resources</i>			
<p>CUL-1: Prior to the issuance of a Grading Permit, the Applicant/Owner shall enter into a monitoring agreement with a Qualified Archaeologist and a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with a “Traditionally and Culturally Affiliated (TCA) Native American Monitor. A copy of the agreement shall be included in the Grading Plan Submittals for the Grading Permit. The purpose of these agreements shall be to formalize protocols and procedures between the Applicant/Owner and the Qualified Archaeologist and the TCA Native American Monitor for the protection and treatment of archaeological resources, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and tribal cultural resources, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and other ground disturbing activities.</p>	<p>Prior to grading permit issuance</p>	<p>City of Oceanside Planning Division</p>	

Mitigation Measure	Implementation Timing	Verification Responsibility	Date of Completion
<p>CUL-2: Prior to the issuance of a Grading Permit, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the City of Oceanside Planning Division stating that a Qualified Archaeologist and Native American Monitor have been retained at the Applicant/Owner or Grading Contractor’s expense to implement the monitoring program, as described in the pre-excavation agreement.</p>	<p>Prior to grading permit issuance</p>	<p>City of Oceanside Planning Division</p>	
<p>CUL-3: The Qualified Archaeologist shall maintain ongoing collaborative consultation with the Native American monitor during ground disturbing activities. The requirement for the monitoring program shall be noted on applicable construction documents, including demolition plans, grading plans, etc. The Applicant/ Owner or Grading Contractor shall notify the City of Oceanside Planning Division of the start and end of ground disturbing activities.</p>	<p>During ground disturbing activities</p>	<p>City of Oceanside Planning Division</p>	
<p>CUL-4: The Qualified Archaeologist and Native American Monitor shall attend applicable preconstruction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and Native American Monitor shall be present on-site full-time during grubbing, grading and/or other ground altering activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or tribal cultural resources. All fill materials shall be absent of all tribal cultural resources.</p>	<p>Prior to and during ground disturbing activities</p>	<p>City of Oceanside Planning Division</p>	
<p>CUL-5: In order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written “Controlled Grade Procedure” shall be prepared by a Qualified Archaeologist, in consultation with the Native American monitor, other TCA Tribes that have participated in the state-prescribed process for this project, and the Applicant/Owner, subject to the approval of City representatives. The Controlled Grade Procedure shall establish requirements for any ground disturbing work with machinery occurring in and around areas the Qualified Archaeologist and Native American monitor determine to be sensitive through the cultural resource mitigation monitoring process. The Controlled Grade Procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight, and other characteristics of the earth disturbing equipment. A copy of the Controlled Grade Procedure shall be included in the Grading Plan Submittals for the Grading Permit.</p>	<p>Prior to grading permit issuance</p>	<p>City of Oceanside Planning Division</p>	
<p>CUL-6: The Qualified Archaeologist or the Native American monitor may halt ground disturbing activities if unknown tribal cultural resources, archaeological artifact deposits or cultural features are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits will be minimally documented in the field, and before grading proceeds these items</p>	<p>During ground disturbing activities</p>	<p>City of Oceanside Planning Division</p>	

Mitigation Measure	Implementation Timing	Verification Responsibility	Date of Completion
<p>shall be secured until they can be repatriated. If items cannot be securely stored on the project site, they may be stored in off-site facilities located in San Diego County. If the Qualified Archaeologist and Native American monitor determine that the unearthed tribal cultural resource, artifact deposits or cultural features are considered potentially significant TCA Tribes that have participated in the state-prescribed consultation process for this project shall be notified and consulted regarding the respectful and dignified treatment of those resources. The avoidance and protection of the significant tribal cultural resource and/or unique archaeological resource is the preferable mitigation. If, however, it is determined by the City that avoidance of the resource is infeasible, and it is determined that a data recovery plan is necessary by the City as the Lead Agency under CEQA, TCA Tribes that have participated in the state-prescribed consultation process for this project shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant tribal cultural resources, artifact deposits or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. The data recovery plan shall also incorporate and reflect the tribal values of the TCA Tribes that have participated in the state-prescribed consultation process for this project. If the Qualified Archaeologist collects such resources, the Native American monitor must be present during any testing (conducted with the permission of all affiliated tribes) or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the tribal cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the contracted TCA Tribe, as determined through the appropriate process, for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Ground disturbing activities shall not resume until the Qualified Archaeologist, in consultation with the Native American Monitor, deems the cultural resource or feature has been appropriately documented and/or protected.</p>			
<p>CUL-7: The landowner shall relinquish ownership of tribal cultural resources unearthed during the cultural resource mitigation monitoring conducted during ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the contracted TCA Tribe, as determined through the appropriate process, for respectful and dignified treatment and disposition, including reburial at a protected location on-site, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. No tribal cultural resources shall be subject to curation.</p>	<p>During ground disturbing activities</p>	<p>City of Oceanside Planning Division</p>	

Mitigation Measure	Implementation Timing	Verification Responsibility	Date of Completion
<p>CUL-8: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the archaeological monitoring program (e.g., data recovery plan) shall be submitted by the Qualified Archaeologist, along with the Native American monitor’s notes and comments, to the City of Oceanside Planning Division for approval.</p>	<p>At conclusion of ground disturbing activities and archaeological monitoring program</p>	<p>City of Oceanside Planning Division</p>	
<p><i>Geology and Soils</i></p>			
<p>GEO-1: Prior to the start of ground disturbing activities, a qualified paleontologist shall conduct pre-construction worker paleontological resources sensitivity training. The qualified paleontologist shall contribute to any construction worker paleontological resources sensitivity training either in person or via a training module. The training shall include information on what types of paleontological resources could be encountered during excavations, what to do in case an unanticipated discovery is made by a worker, and laws protecting paleontological resources. All construction personnel shall be informed of the possibility of encountering fossils and instructed to immediately inform the construction foreman or supervisor if any bones or other potential fossils are unexpectedly unearthed in an area where a paleontological monitor is not present. The developer shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.</p>	<p>Prior to ground disturbing activities</p>	<p>City of Oceanside Planning Division; Applicant</p>	
<p>GEO-2: If paleontological resources (i.e., fossils) are discovered during ground-disturbing activities, the implementing agency will immediately be notified, and will ensure that their contractors shall stop work in that area and within 100 feet of the find until a qualified paleontologist can assess the significance of the find and develop appropriate treatment measures. Treatment measures will be made in consultation with the implementing agency.</p>	<p>During ground disturbing activities</p>	<p>City of Oceanside Planning Division</p>	
<p><i>Land Use and Planning</i></p>			
<p>See mitigation measures BIO-1 through BIO-10, CUL-1 through CUL-9, and GEO-1 through GEO-2</p>			
<p><i>Tribal Cultural Resources</i></p>			
<p>See mitigation measure CUL-1 through CUL-10.</p>			