

Appendix O: Mitigation Monitoring and Reporting Program

Appendices

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September 2022 | Mitigation Monitoring and Reporting Program
State Clearinghouse No. 2019080299

BREA MALL MIXED USE PROJECT

for City of Brea

Prepared for:

City of Brea

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1. Introduction

1.1 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor mitigation measures and conditions of approval outlined in the Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2019080299. The Mitigation Monitoring and Reporting Program has been prepared in conformance with Section 21081.6 of the Public Resources Code and City of Brea Monitoring Requirements. Section 21081.6 states:

- (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
 - (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
 - (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

1.2 PROJECT LOCATION

The project site is developed as the existing Brea Mall, at 1065 Brea Mall, City of Brea, and encompasses approximately 74 acres in northeast Orange County. The project site consists of the following Accessor's Parcel Numbers (APNs): 319-101-26, -37, -62, -63, -64, -71, -73, -75, -76, -79, -80, and 319-103-22. The project site is surrounded by commercial and residential uses and is bounded by East Birch Street to the north, the City of Brea City Hall and Embassy Suites by Hilton to the northwest, State College Boulevard to the east, Imperial Highway (State Route 90) to the south, and South Randolph Avenue to the west. The City of Brea is bordered by the cities of La Habra to the northwest; Fullerton to the southwest and south; Placentia to the south; Yorba Linda to the southeast and east; unincorporated Orange County to the east, northeast, and north; Chino Hills (San Bernardino County) to the northeast; and unincorporated Los Angeles to the northeast.

1. Introduction

1.3 PROJECT DESCRIPTION

As a result of the recent acquisition of the Sears parcel, the Simon Property Group (Simon Properties, or Applicant) is proposing redevelopment of the Sears parcel and adjoining transition areas adjacent to Nordstrom and Macy’s on the southwest portion of the Brea Mall. The proposed redevelopment would be up to 15.5 acres. The proposed project involves demolishing the now-closed Sears department store and associated auto center (161,990 square feet) and approximately 7.42 acres of surface parking in order to allow a mix of uses—including retail, new restaurants, for-rent residential apartments, a resort-type fitness center, and an outdoor gathering space (large “central green” and plaza). Table 1, *Brea Mall Mixed Use Project Land Use Summary*, provides a summary of the existing and proposed square footages of the site.

Table 1 Brea Mall Mixed Use Project Land Use Summary

Tenant	Existing Commercial Square Feet ¹	Demolition Commercial Square Feet	New Construction Square Feet	Total Brea Mall Square Feet (SF)
Major Department Stores				
Sears	161,990	-161,990	—	0
Macy’s ²	182,360	—	—	182,360
Nordstrom	176,540	—	—	176,540
JC Penney	135,800	—	—	135,800
Macy’s Men ³ & Home	192,060	—	—	192,060
Major Department Stores	848,750	-161,990	0	686,760
Other Commercial				
Lifestyle Fitness Center ⁴	0	—	90,000	90,000
Non-Anchor Mall Retail	432,514	—	69,415	293,937
Sporting Goods	0	—	50,000	254,992
Total Other Commercial	432,514	0	209,415	641,929
Outlots				
Cheesecake Factory Outlot	10,169	—	—	10,169
Total Mall	1,291,433	-161,990	209,415	1,338,858
Non-Residential Net Change from Existing	—	—	—	47,425 SF
Residential				
Residential Building Units	—	—	380	380
Residential Square Feet ⁵	—	—	393,500	393,500
Net Change from Existing	—	—	—	380 units

Notes

- ¹ Since the NOP, tenant improvements at Brea Mall have resulted in a decrease in GLA by 8,914 square feet. This EIR analyzes a maximum of 1,376,858 square feet at buildout; and therefore, modeling is conservative. In addition, the net change in GLA remains the same.
- ² Macy’s owns the buildings occupied by Red Lobster and Olive Garden; therefore, the commercial square footage for Macy’s includes these restaurants. BJ’s is not owned by Simon or the other retail anchors; therefore, the square footage for this outlot is not included in this table.
- ³ Owned by Macy’s occupied by Macy’s Mens, Children, & Home.
- ⁴ While project applicant proposes a 90,000-square-foot fitness center, the technical studies evaluated a fitness center of 128,000 square feet. Therefore, modeling in the EIR is conservative as it analyzed a larger fitness center.
- ⁵ The residential building square footage is based on the gross square footage under the California Building Code and includes the residential floors and leasing. The technical studies evaluated a 383-unit residential building; and therefore, modeling is conservative.

1.4 ENVIRONMENTAL IMPACTS

1.4.1 Impacts Considered No Impact or Less Than Significant

The EIR identified various thresholds from the CEQA Guidelines among a number of environmental categories that would not be significantly impacts by the proposed project in Chapter 5, *Environmental Analysis*, and Chapter 8, *Impacts Found Not to Be Significant*, and therefore, did not require mitigation. Impacts to the following environmental resources were found to be less than significant or no impact:

- Aesthetics
- Agriculture and Forestry Resources
- Biological Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Utilities and Service Systems
- Wildlife

1.4.2 Potentially Significant Adverse Impacts That Can Be Mitigated, Avoided, or Substantially Lessened

The EIR concluded that the proposed project could result in one or more potentially significant impacts in the following topic areas:

- Air Quality
- Cultural and Paleontological Resources
- Hazards and Hazardous Materials
- Tribal Cultural Resources

However, the EIR also found that these impacts would be reduced, avoided, or substantially lessened through the implementation of mitigation measures, which are listed in Table 2, *Mitigation Monitoring Requirements*.

1.4.3 Unavoidable Significant Adverse Impacts

The following impact would remain significant and unavoidable after implementation of required mitigation, as identified in the EIR:

- Transportation (safety hazards on Imperial Highway)

1. Introduction

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2. Mitigation Monitoring Requirements

2.1 CATEGORIZED MITIGATION MEASURES/MATRIX

Project-specific mitigation measures (MM) and plans, programs, and policies (PPPs) have been categorized in matrix format, as shown in Table 2. The matrix identifies the environmental factor, specific mitigation measures, schedule, and responsible monitor. The mitigation matrix will serve as the basis for scheduling the implementation of, and compliance with, all mitigation measures.

2. Mitigation Monitoring Requirements

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2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

Mitigation Measure		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
AESTHETICS					
PPP AES-1	The proposed project is required to provide a minimum landscaped coverage of 15 percent of the net site area in accordance with Municipal Code Section 20.258.020, General Development Standards for the Mixed-Use Zoning Districts.	Project Applicant	Prior to issuance of building permits.	City of Brea Planning Division	
PPP AES-2	For parking areas, the proposed project is required to maintain an equivalent of one foot candle of illumination on the average throughout the parking area. The lighting is required to be on a time-clock or photo-sensor system. The lighting shall be designed to confine direct rays to the premises. No spillover beyond the property line shall be permitted in accordance with Municipal Code Section 20.08.040(C)(5), Lighting.	Project Applicant	Prior to issuance of building permits and during operation.	City of Brea Planning Division	
PPP AES-3	All lighting, interior and exterior, shall be designed and located so as to confine all direct rays to the premises in accordance with Municipal Code Section 20.220.040(L), Lighting. Lighting for nonresidential uses shall be appropriately designed, located, and shielded to ensure that they do not negatively impact the residential uses in compliance with Section 20.08.040 (C)(5).	Project Applicant	Prior to issuance of building permits and during operation.	City of Brea Planning Division	
PPP AES-4	Signs shall be located in a manner to assure that sight distance is not impaired at all locations for vehicular traffic to and from the premises, in accordance with Municipal Code Section 20.28, Signs. Amendments to the existing signage program for erections of a new sign at the Mall entrance requires review of the Planning Commission to ensure that its size, location, movement, content, coloring, or manner of illumination, does not constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or detracting from the visibility of any official traffic control device, or by diverting or tending to divert the attention of drivers of moving vehicles from the traffic movement on the public streets and highway.	Project Applicant	Prior to issuance of building permits.	City of Brea Planning Division	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
PPP AES-5	Loading areas. Loading areas for nonresidential uses shall be located as far as possible from residential units and shall be completely screened from view from the residential portion of the project and streets in compliance with subsections 20.236.040. E, Walls and Fences, and 20.220.040. F, Fences, Walls, and Hedges, and subparagraph K. Screening and buffering standards Loading areas shall be compatible in architectural design and details with the overall project. The location and design of loading areas shall mitigate nuisances from odors when residential uses might be impacted in accordance with Section 20.258.030 (I)(3) Loading Areas.	Project Applicant	Prior to issuance of building permits.	City of Brea Planning Division	
PPP AES-6	Recycling and refuse storage facilities for nonresidential uses shall be located as far as possible from residential units and shall be completely screened from view from the residential portion of the project and streets in compliance with Section 20.236.040.E. Walls and Fences, and 20.220.040.F, Fences, Walls, and Hedges, and subparagraph K, Screening and buffering standards. Recycling and refuse storage facilities for nonresidential uses should be compatible in architectural design and details with the overall project. The location and design of trash enclosures shall mitigate nuisances from odors when residential uses might be impacted in accordance with Section 20.258.030 (J) Recycling and refuse storage facilities standards.	Project Applicant	Prior to issuance of building permits.	City of Brea Planning Division	
AIR QUALITY					
PPP AIR-1	New buildings are required to achieve the current California Building Energy and Efficiency Standards (Title 24, Part 6) and California Green Building Standards Code (CALGreen) (Title 24, Part 11). The 2016 Building and Energy Efficiency Standards were effective starting on January 1, 2017, and the 2019 Building and Energy Efficiency Standards will become effective January 1, 2020. The Building Energy and Efficiency Standards and CALGreen are updated tri-annually with a goal to achieve zero net energy for residential buildings by 2020 and nonresidential buildings by 2030.	Project Applicant	Prior to construction and issuance of building permits.	City of Brea Building and Safety Division	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
PPP AIR-2	New buildings are required to adhere to the California Green Building Standards Code (CALGreen) requirement to provide bicycle parking for new nonresidential buildings, or meet local bicycle parking ordinances, whichever is stricter (CALGreen Sections 5.106.4.1, 14.106.4.1, and 5.106.4.1.2).	Project Applicant	Prior to issuance of building permits.	City of Brea Building and Safety Division	
PPP AIR-3	Construction activities will be conducted in compliance with California Code of Regulations Title 13, Section 2499, which requires that nonessential idling of construction equipment is restricted to five minutes or less.	Construction contractor	During construction activities	City of Brea Building and Safety Division	
PPP AIR-4	Construction activities will be conducted in compliance with any applicable South Coast Air Quality Management District rules and regulations, including but not limited to the following: <ul style="list-style-type: none"> • Rule 403, Fugitive Dust, for controlling fugitive dust and avoiding nuisance. • Rule 402, Nuisance, which states that a project shall not “discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.” • Rule 1113, which limits the volatile organic compound content of architectural coatings 	Construction contractor	During construction activities	City of Brea Building and Safety Division	
AQ-1	The construction contractor(s) shall, at minimum, use equipment that meets the United States Environmental Protection Agency’s (USEPA) Tier 4 (Final) emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by Tier 4 emissions standards for a similarly sized engine, as defined by the California Air Resources Board’s regulations. Prior to construction, the project engineer shall ensure that all plans clearly show the requirement for USEPA Tier 4 emissions standards for	Construction contractor	Prior to construction and during construction activities	City of Brea Building and Safety Division	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	<p>construction equipment over 50 horsepower for the specific activities stated above. During construction, the construction contractor shall maintain a list of all operating equipment associated with building demolition in use on the site for verification by the City. The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations.</p>				
CULTURAL AND PALEONTOLOGICAL RESOURCES					
PPP CUL-1	<p>Native American historical and cultural resources and sacred sites are protected under PRC Sections 5097.9 to 5097.991, which require that descendants be notified when Native American human remains are discovered and provide for treatment and disposition of human remains and associated grave goods.</p>	Qualified Archaeologist and Project Applicant	Prior to issuance of grading permits and during construction activities	City of Brea Planning Division	
PPP CUL-2	<p>The removal, without permission, of any paleontological site or feature is prohibited from lands under the jurisdiction of the state or any city, county, district, authority, or public corporation, or any agency thereof (PRC Section 5097.5). This applies to agencies' own activities, including construction and maintenance, and permit actions by others.</p>	Qualified Archaeologist and Project Applicant	Prior to issuance of grading permits and during grading/construction activities	City of Brea Planning Division	
PPP CUL-3	<p>Adverse impacts to paleontological resources from developments on public (state, county, city, and district) lands require reasonable mitigation. (PRC Section 5097.5)</p>	Qualified Archaeologist and Project Applicant	Prior to issuance of grading permits and during construction activities	City of Brea Planning Division	
PPP CUL-4	<p>If human remains are discovered within a project site, disturbance of the site must stop until the coroner has investigated and made recommendations for the treatment and disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative. If the coroner has reason to believe the human remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. (California Health and Safety Code Section 7050.5)</p>	Tribal Monitor, Qualified Archaeologist, and Project Applicant	During site-grading activities	City of Brea Planning Division, Project Applicant	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
CUL-1	Prior to issuance of grading permits, a qualified archaeological monitor shall be identified to be on call during ground-disturbing activities. If archaeological resources are discovered during excavation and/or construction activities, construction shall stop within 50 feet of the find, and the qualified archaeologist shall be consulted to determine whether the resource requires further study. The archaeologist shall make recommendations to the City of Brea to protect the discovered resources. Archaeological resources recovered shall be provided to an accredited museum such as the John D. Cooper Center in Fullerton or any other local museum or repository willing and able to accept and house the resource to preserve for future scientific study.	Qualified Archaeologist and Project Applicant	Prior to issuance of grading permits and during construction activities	City of Brea Planning Division	
CUL-2	Prior to construction, a qualified paleontologist shall monitor all excavations below five feet. If unique paleontological resources are discovered during excavation and/or construction activities, construction shall stop within 50 feet of the find, and the qualified paleontologist shall be consulted to determine whether the resource requires further study. The paleontologist shall make recommendations to the City of Brea to protect the discovered resources. Any paleontological resources recovered shall be provided for curation at a local curation facility such as the Los Angeles County Natural History Museum, the John D. Cooper Center in Fullerton, or any other local museum or repository willing and able to accept and house the resource to preserve for future scientific study.	Qualified Paleontologist and Project Applicant	Prior to construction or during construction activities	City of Brea Planning Division	
ENERGY AND GREENHOUSE GAS EMISSIONS					
PPP E-1 PPP GHG-1	New buildings are required to achieve the current California Building Energy Efficiency Standards (Title 24, Part 6) and California Green Building Standards Code (CALGreen) (Title 24, Part 11). The 2016 Building Energy Efficiency Standards were effective starting January 1, 2017. The 2019 Building Energy Efficiency Standards will become effective on January 1, 2020. The Building Energy Efficiency Standards and CALGreen are updated tri-annually with a goal to achieve zero net energy for residential buildings by 2020 and non-residential buildings by 2030.	Project Applicant	Prior to issuance of building permits.	City of Brea Engineering Division	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
PPP E-2 PPP GHG-2	New buildings are required to adhere to the California Green Building Standards Code (CALGreen) requirement to provide bicycle parking for new non-residential buildings, or meet local bicycle parking ordinances, whichever is stricter (CALGreen Sections 5.106.4.1, 14.106.4.1, and 5.106.4.1.2).	Project Applicant	Prior to issuance of building permits.	City of Brea Building and Safety Division	
PPP E-3 PPP GHG-3	California's Green Building Standards Code (CALGreen) requires the recycling and/or salvaging for reuse at minimum of 65 percent of the nonhazardous construction and demolition waste generated during most "new construction" projects (CALGreen Sections 4.408 and 5.408). Construction contractors are required to submit a construction waste management plan that identifies the construction and demolition waste materials to be diverted from disposal by recycling, reuse on the project, or salvaged for future use or sale and the amount (by weight or volume).	Project Applicant	Prior to issuance of building permits and during construction.	City of Brea Engineering Department	
PPP E-4 PPP GHG-4	Construction activities are required to adhere to Title 13 California Code of Regulations Section 2499, which requires that nonessential idling of construction equipment is restricted to five minutes or less.	Project Applicant	Prior to issuance of building permits and during construction.	City of Brea Building and Safety Division	
PPP E-5 PPP GHG-5	New buildings are required to adhere to the California Green Building Standards Code and Water Efficient Landscape Ordinance requirements to increase water efficiency and reduce urban per capita water demand.	Project Applicant	Prior to issuance of building permits.	City of Brea Building and Safety Division	
HAZARDS AND HAZARDOUS MATERIALS					
PPP HAZ-1	Any project-related hazardous materials and hazardous wastes will be transported to and/or from the project site in compliance with any applicable state and federal requirements, including the US Department of Transportation regulations listed in the Code of Federal Regulations (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards.	Project Applicant and Project Construction Contractor	Prior to issuance of a grading permit.	Orange County Environmental Health Department	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
PPP HAZ-2	Any project-related hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with the Subtitle C of the Resource Conservation and Recovery Act (Code of Federal Regulations, Title 40, Part 263), including the management of nonhazardous solid wastes and underground tanks storing petroleum and other hazardous substances. The proposed project will be designed and constructed in accordance with the regulations of the Orange County Environmental Health Department, which is the designated Certified Unified Program Agency and which implements state and federal regulations for the following programs: (1) Hazardous Waste Generator Program, (2) Hazardous Materials Release Response Plans and Inventory Program, (3) California Accidental Release Prevention, (4) Aboveground Storage Tank Program, and (5) Underground Storage Tank Program.	Project Applicant and Project Construction Contractor	During construction and operations	Orange County Environmental Health Department	
PPP HAZ-3	Any project-related demolition activities that have the potential to expose construction workers and/or the public to asbestos-containing materials or lead-based paint will be conducted in accordance with applicable regulations, including, but not limited to: <ul style="list-style-type: none"> • South Coast Air Quality Management District's Rule 1403 • California Health and Safety Code (Section 39650 et seq.) • California Code of Regulations (Title 8, Section 1529) • California Occupational Safety and Health Administration regulations (California Code of Regulations, Title 8, Section 1529 [Asbestos] and Section 1532.1 [Lead]) • Code of Federal Regulations (Title 40, Part 61 [asbestos], Title 40, Part 763 [asbestos], and Title 29, Part 1926 [asbestos and lead]) 	Project Applicant and Project Construction Contractor	During construction and operations	Orange County Environmental Health Department	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
PPP HAZ-4	The removal of other hazardous materials, such as polychlorinated biphenyls (PCBs), mercury-containing light ballast, and mold, will be completed in accordance with applicable regulations pursuant to 40 CFR 761 (PCBs), 40 CFR 273 (mercury-containing light ballast), and 29 CFR 1926 (molds) by workers with the hazardous waste operations and emergency response (HAZWOPER) training, as outlined in 29 CFR 1910.120 and 8 CCR 5192.	Project Applicant and Project Construction Contractor	During construction and operations	Orange County Environmental Health Department	
PPP HAZ-5	Any project-related new construction, excavations, and/or new utility lines within 10 feet or crossing existing high-pressure pipelines, natural gas/petroleum pipelines, or electrical lines greater than 60,000 volts will be designed and constructed in accordance with the California Code of Regulations (Title 8, Section 1541).	Project Applicant and Project Construction Contractor	Prior to issuance of building permits and during construction	City of Brea Building and Safety, Engineering Division	
PPP HAZ-6	As part of the project review process, the City of Brea Police Department may require approval of an Emergency Evacuation and Response Plan in the event of an emergency at Brea Mall to address emergency response and access. Additional design features to address the City of Brea Police Department's service standards will be incorporated as conditions of approval for the project.	Project Applicant and City of Brea Police Department	Prior to issuance of building permits	City of Brea Police Department	
HAZ-1	Prior to issuance of grading permits, the project applicant shall prepare a soil management plan (SMP) to ensure safe and appropriate handling, transportation, offsite disposal, reporting, oversight, and protocols used during construction to protect the health and safety of workers and future residents. The SMP shall be submitted to the City prior to issuance of a grading permit. The plan shall establish methodology and procedures to perform additional testing during grading if unknown hazardous materials are encountered and prior to grading for the soil stockpile. If additional contamination is discovered during grading activities, grading within that area shall be temporarily halted and redirected around the area until the appropriate evaluation and follow-up remedial measures are implemented in accordance with the soil management plan so that the area is suitable for grading activities to resume. If hydrocarbon impacted soil is encountered soil samples shall be collected and analyzed for total petroleum hydrocarbons (TPH) by	Project Applicant and geologist	Prior to issuance of grading permits	City of Brea Planning Division	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	the Environmental Protection Agency (USEPA) Method 8015M and volatile organic compounds (VOCs) by EPA Method 8260B. TPH results shall be compared to Orange County Health Care Agency (OCHCA) TPH cleanup standards and VOCs shall be compared to screening levels as outlined in Department of Substances Control (DTSC) Human Health Risk Assessment Note No. 3 or EPA Regional Screening Levels (RSLs). Both DTSC and EPA RSLs are updated yearly and the most recent levels shall be used. If levels encountered are above the outlined screening levels, the OCHCA shall be notified. If, soil remediation and/or export of hazardous materials is required, soil remediation must be performed in accordance with the appropriate agency requirements (Regional Water Quality Control Board, DTSC, South Coast Air Quality Management District).				
LAND USE AND PLANNING					
PPP LU-1	As part of the project review process, the City of Brea is requiring that the Brea Mall prepare a parking management plan to address holiday traffic and parking during the peak holiday season. The requirement to prepare a submit a parking management plan for holiday traffic will be incorporated as conditions of approval for the project.	Project Applicant	Prior to issuance of building permits. During construction and operational activities	City of Brea Planning Division	
NOISE					
PPP NOI-1	Project-related construction activity will be limited to the hours of 7:00 am to 7:00 pm on weekdays and Saturdays. Construction is prohibited on Sundays.	Project Applicant	During construction activities	City of Brea Building and Safety Division	
PPP NOI-2	The project will comply with City of Brea's stationary exterior noise standards summarized above in Table 5.8-3.	Project Applicant	During operation	City of Brea Building and Safety Division	
PPP NOI-3	The project will comply with the City of Brea's vibration standards of 70 VdB at the property line of the sensitive receptor.	Project Applicant	During operation	City of Brea Building and Safety Division	
PPP NOI-4	The residential development will comply with the California Building Code (CBC), Title 24, Part 2, Volume 1, Chapter 12, Interior Environment, Section 1207.11.2, Allowable Interior Noise Levels. Non-residential development will comply with the CBC, Title 24, Building Standards Administrative Code, Part 11, CALGreen.	Project Applicant	During operation	City of Brea Building and Safety Division	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
PPP NOI-5	Outdoor nonresidential uses in mixed-use projects shall be prohibited from operating between the hours of 10:00 p.m. and 7:00 a.m. in accordance with Section 20.258.030 (H)(1) Hours of Operation.	Project Applicant	During operation	City of Brea Planning Division, Police Department	
PPP NOI-6	The covenants, conditions, and restrictions of a mixed-use project shall indicate the times when the loading and unloading of goods may occur on the street, provided that in no event shall loading or unloading take place after 10:00 p.m. or before 7:00 a.m. on any day of the week in accordance with Section 20.258.030 (H)(3) Loading and Unloading Activities.	Project Applicant	During operation	City of Brea Planning Division	
PPP NOI-7	Residents of a mixed-use development project shall be notified in writing before taking up residence that they will be living in an urban type of environment and that the noise levels may be higher than a typical residential area. The covenants, conditions, and restrictions of a mixed-use project shall require that the residents acknowledge their receipt of the written noise notification. Their signatures shall confirm receipt and understanding of this information in accordance with Section 20.258.030 (H)(4) Noise Notification.	Project Applicant	Prior to issuance of an occupancy permit. During leasing.	City of Brea Planning Division, Project Applicant	
PPP NOI-8	Residential dwelling units shall be designed to be sound attenuated against present and future project noise. New projects or new nonresidential uses in existing projects shall provide an acoustical analysis report, by an acoustical engineer, describing the acoustical design features of the structure required to satisfy the exterior and interior noise standards in accordance with Section 20.258.030 (H)(6) Sound Mitigation.	Project Applicant	Prior to issuance of a building permit	City of Brea Building and Safety Division	
PPP NOI-9	Noise-generating equipment. Noise-generating equipment (e.g., refrigeration units, air conditioning, exhaust fans, etc.) shall require special consideration in their location and screening in order to avoid creating a nuisance in accordance with Section 20.258.030 (K)(3) Noise Generating Equipment.	Project Applicant	Prior to issuance of a building permit and during operation	City of Brea Building and Safety Division	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
POPULATION AND HOUSING				
No Mitigation Measures or Plans, Programs, and Policies are applicable.				
PUBLIC SERVICES				
PPP PS-1	New buildings are required to meet the fire regulations outlined in California Health and Safety Code (Sections 13000 et seq.).	Project Applicant	Prior to issuance of a building permit.	City of Brea Fire Department
PPP PS-2	The retail and residential buildings shall have required fire protection systems installed (fire sprinkler, fire alarm, standpipes, etc.) as required under the currently adopted California Fire Code, National Standards and adopted ordinances.	Project Applicant	Prior to issuance of a building permit	City of Brea Fire Department
PPP PS-3	The residential building(s) shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems at the exterior of the building. The radio coverage system shall comply with the Brea Fire Department guidance document.	Project Applicant	Prior to issuance of a building permit	City of Brea Fire Department
PPP PS-4	Submit a Fire Master Plan to the Brea Fire Department to Brea FD for review and approval. At time of submittal, the FMP shall include the fire department access road, location of existing and proposed public fire hydrants, required automatic wet standpipes, fire lane marking, hose pulls that extend to within 150 feet of all portions of the exterior walls, fire flow requirements based on construction type and total square footage of building.	Project Applicant	Prior to issuance of a building permit	City of Brea Fire Department
PPP PS-5	The project applicant is required to pay development impact fees (dispatch impact fees, fire impact fees, fire service fees).	Project Applicant	Prior to issuance of a building permit.	City of Brea Building and Safety Division
PPP PS-6	The project will be designed, built, and operated in accordance with the City of Brea's Municipal Code Chapter 15.08 Building Code and Chapter 16.04 Brea Fire Code.	Project Applicant	Prior to issuance of a building permit	City of Brea Building and Safety Division and Fire Department

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
PPP PS-7	Provide an emergency response plan with a site map showing emergency access points and detail on security, evacuation routes and procedures, assembly points, emergency exits, fire alarm stations, location of emergency contacts shall be submitted for review and approval by the Police Department prior to final occupancy. The Police Department shall verify compliance prior to building occupancy.	Project Applicant	Prior to issuance of a building permit	City of Brea Police Department	
PPP PS-8	Plans shall reflect that all restricted access points in the residential building have a full access Knox Box at points of entry, including interior hallways. The site plan and floor plan for the residential building shall identify restricted access points. The Police Department shall verify compliance prior to building occupancy.	Project Applicant	Prior to issuance of a building permit	City of Brea Police Department	
PPP PS-9	Provide details on the approach for overall safety and security of the day-to-day operation, during special events and high-peak seasonal periods. Detail should include specifics on surveillance, security lighting, resident safety, traffic management, vehicle and pedestrian circulation, operating hours, overnight activities, management of temporary events and/or general programming of special events.	Project Applicant	Prior to issuance of a building permit	City of Brea Police Department	
PPP PS-10	Provide details on implementation of security measures to protect open air pedestrian areas with devices to prevent vehicles from entering the area for security measures.	Project Applicant	Prior to issuance of a building permit	City of Brea Police Department	
PPP PS-11	Funding will be required in connection with the City's fiber optic system along with funding for our citywide Camera system for the "project area" and ALL ingress/egress points at the Brea Mall; this also includes installation of high-definition PTZ video cameras and fixed mounted ALPRs.	Project Applicant	Prior to issuance of a building permit	City of Brea Police Department	
PPP PS-12	Install radio repeater inside the Brea Mall.	Project Applicant	Prior to issuance of a building permit	City of Brea Police Department	
PPP PS-13	Provide access to and funding for the interface of Brea Mall Security CCTV system to the Brea Police Department ICC.	Project Applicant	Prior to issuance of a building permit	City of Brea Police Department	
PPP PS-14	Pursuant to AB 2926, new development is required to pay development impact fees to assist in providing school facilities to serve students generated by new development.	Project Applicant	Prior to issuance of a building permit	City of Brea Building and Safety Division	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
PPP PS-15	Pursuant to SB 50, new development is required to offset the costs associated with increasing school capacity, where the funds collected go to acquiring school sites, constructing new school facilities, and modernizing existing school facilities.	Project Applicant	Prior to issuance of a building permit	City of Brea Building and Safety Division	
RECREATION					
PPP REC-1	New development is required to fund park and recreational development and improvements through the payment of park development fees.	Project Applicant	Prior to issuance of a building permit	City of Brea Engineering Division	
PPP REC-2	The proposed project includes installation of Class II bike lanes and/or sharrows bike lanes on the "ring road" and the signalized entries of the Brea Mall. The requirement to improve bicycle and pedestrian connections will be incorporated as conditions of approval for the project.	Project Applicant	Prior to issuance of an occupancy permit	City of Brea Engineering Division	
TRANSPORTATION					
PPP TRAF-1	The proposed project is required to pay development impact fees to the City of Brea pursuant to the City's AB 1600 Transportation Improvement Nexus Program (Ordinance 966). Based on a transportation improvement nexus program study conducted in 2011, the City Council adopted Resolution 2011-096, which updated the impact fees, effective February 4, 2012. Fair-share fees serve to offset or mitigate the cumulative traffic impacts caused by new development. The program ensures all future development in the City of Brea contributes on a fair-share basis.	Project Applicant	Prior to issuance of a building permit	City of Brea Engineering Division	
PPP TRAF-2	Modifications to the roadway network, including driveways, curbs, and sidewalks, are subject to approval by the City of Brea. Construction work within the right-of-way of a public roadway requires the issuance of a permit by the City of Brea.	Project Applicant	Prior to issuance of a building permit	City of Brea Engineering Division	
PPP TRAF-3	As part of the project review process, the City of Brea is requiring that the Brea Mall prepare a parking management plan for construction and operational activities to address holiday traffic and parking during the peak holiday season. The requirement to prepare a submit a parking management plan for holiday traffic will be incorporated as conditions of approval for the project	Project Applicant in coordination with the City of Brea Planning Division, Engineering Division and Police Department	Prior to issuance of an occupancy permit	City of Brea Planning Division, Engineering Division, and Police Department	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
PPP TRAF-4	The proposed project includes installation of Class II bike lanes and/or sharrow bike lanes on the “ring road” and the signalized entries of the Brea Mall. The requirement to improve bicycle and pedestrian connections will be incorporated as conditions of approval for the project.	Project Applicant	Prior to issuance of an occupancy permit	City of Brea Engineering Division	
PPP TRAF-5	The proposed project would include improvements to State College Boulevard between the intersections of Imperial Highway and Brea Mall South. The project would be required to make minor modifications to the existing center median island between Imperial Highway and Brea Mall South and restripe the No. 1 southbound travel lane into a “trap” left-turn lane leading directly to the left-turn pocket at Imperial Highway. As a result, the left-turn storage for the State College and Imperial Highway intersection would consist of one left-turn lane of approximately 260 feet in length and the second left-turn lane of approximately 625 feet in length.	Project Applicant in coordination with the City of Brea Planning Division, and Engineering Division	Prior to issuance of a building permit	City of Brea Planning Division and Engineering Division	
TRIBAL CULTURAL RESOURCES					
PPP TCR-1	Pursuant to California Health and Safety Code Section 7050.5, if human remains are discovered in the project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation. If the coroner determines that the remains are not subject to his or her authority and has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC.	Tribal Monitor, Qualified Archaeologist, and Project Applicant	During site-grading activities	City of Brea Planning Division, Project Applicant	
TCR-1	Prior to the commencement of any ground disturbing activity at the project site, the project applicant shall retain a Native American Monitor approved by the Gabrieleno Band of Mission Indians-Kizh Nation—the tribe that consulted on this project pursuant to Assembly Bill 52 (the “Tribe” or the “Consulting Tribe”)—and in concurrence with the City of Brea as the CEQA lead agency. A copy of the executed contract shall be submitted to the City of Brea Planning and Building Department prior to the issuance of any permit necessary to commence a ground-disturbing activity. <ul style="list-style-type: none"> The Tribal monitor shall only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined by the Tribe as activities 	Tribal Monitor, Qualified Archaeologist, and Project Applicant	During site-grading activities	City of Brea Planning Division, Project Applicant	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	<p>that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area.</p> <ul style="list-style-type: none"> The Tribal Monitor shall complete daily monitoring logs that provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall be concluded when all ground-disturbing activities on the project site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the project site have little to no potential for impacting Tribal Cultural Resources. 				
TCR-2	<p>If tribal cultural resources are inadvertently discovered during ground disturbing activities for this project. The following procedures will be carried out for treatment and disposition of the discoveries:</p> <ul style="list-style-type: none"> Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 100 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by project activities shall be evaluated by the qualified archaeologist and Tribal monitor approved by the Consulting Tribe. If the resources are Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. If human remains and/or grave goods are discovered or recognized at the Project Site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). Work may continue on other parts of the Project Site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). If a non-Native American resource is determined by the qualified archaeologist to 	Archaeological Monitors of Native American Tribes and Project Applicant	During construction activities (grading and excavation activities)	Project Applicant	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	<p>constitute a "historical resource" or "unique archaeological resource," time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources.</p> <ul style="list-style-type: none"> • Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. 				
UTILITIES AND SERVICE SYSTEMS					
PPP USS-1	The project will pay the Sanitary Sewer Connection Fees collected by the City of Brea, which contribute to maintenance and installation of sewer improvements in the OCSD in accordance with Section 3.32.040, Sewer Service Fees and Charges, of the Brea Municipal Code.	Project Applicant	Prior to issuance of a building permit	City of Brea Engineering Division	
PPP USS-2	As part of the project review process, the City of Brea Engineering Division will require approval of a Final Sewer Study as part of the encroachment permit issuance. The City of Brea Engineering Division will require project design features to address sewer deficiencies within the Brea Mall and within the City's right-of-way on State College Boulevard. Additional design features to address the City of Engineer's requirements will be incorporated as conditions of approval for the project, such as installation of smart covers so that the City is notified if there is any backup in the sewer segment.	Project Applicant	Prior to issuance of an encroachment permit and during construction	City of Brea Engineering Division	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
PPP USS-3	The project will pay the water impact fees and water connection fees collected by the City of Brea, which cover costs to purchase water supplies and to operate and maintain the water distribution system in accordance with Ordinance 967.	Project Applicant	Prior to issuance of a building permit	City of Brea Engineering Division	
PPP USS-4	Landscaping installed onsite shall conform to the California Green Building Standards Code and Water Efficient Landscape Ordinance requirements to increase landscape water efficiency.	Project Applicant	Prior to issuance of a building permit and during construction	City of Brea Building and Safety, Planning Division	
PPP USS-5	Plumbing fixtures installed onsite shall conform to California Green Building Standards Code requirements to increase water efficiency and reduce urban per capita water demand.	Project Applicant	Prior to issuance of a building permit and during construction	City of Brea Building and Safety	
PPP USS-6	The project would comply with the City's water conservation program during a drought or emergency situation, in accordance with Chapter 13.20, Water Management Program, of the City's Municipal Code.	Project Applicant	Prior to issuance of a building permit and during construction	City of Brea Engineering Division	
PPP USS-7	The project will be constructed and operated in accordance with the Santa Ana Regional Water Quality Control Board Municipal Stormwater (MS4) Permit for Orange County. The MS4 Permit requires the proposed project to prepare and implement a WQMP to: <ul style="list-style-type: none"> • Control release of contaminants into storm drain systems. • Educate the public about stormwater impacts. • Detect and eliminate illicit discharges. • Control runoff from construction sites. • Implement BMPs and site-specific runoff controls and treatments. 	Project Applicant	Prior to issuance of a building permit and during construction	City of Brea Engineering Division	
PPP USS-8	California's Green Building Standards Code (CALGreen) requires the recycling and/or salvaging for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste generated during most "new construction" projects (CALGreen Sections 4.408 and 5.408). Construction contractors are required to submit a construction waste management plan that identifies the construction	Project Applicant	Prior to issuance of a building permit and during construction	City of Brea Engineering Division	

2. Mitigation Monitoring Requirements

Table 2 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	and demolition waste materials to be diverted from disposal by recycling, reuse on the project, or salvage for future use or sale and the amount (by weight or volume).				
PPP USS-9	The project will abide by AB 341 and AB 1826. The project will store and collect recyclable materials in compliance with AB 341. Green waste will be handled in accordance with AB 1826.	Project Applicant	Prior to issuance of a building permit and during construction	City of Brea Engineering Division	

3. Report Preparation

3.1 LIST OF PREPARERS

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3. Report Preparation

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