820 Gainsborough Drive Project

Final
Initial Study/Mitigated Negative Declaration
October 2025

Prepared for:

City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

Prepared by:

De Novo Planning Group
180 E. Main Street, Suite 108
Tustin, CA 92780

D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm

820 GAINSBOROUGH DRIVE PROJECT

Final

Initial Study/Mitigated Negative Declaration

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October 2025

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1.0 INTRODUCTION

The 820 Gainsborough Drive (DR-23-0131/CDP-23-0132/REP-23-0133) Project (referenced herein as "Project" or "820 Gainsborough Drive Project") site is located in the City of Laguna Beach within the County of Orange. The Project consists of an approximately 0.12-acre vacant lot parcel (APN 644-291-08) along Gainsborough Drive. Regional access to the site is provided via the Pacific Coast Highway (SR-1) located southwest of the Project site. Local access to the Project site is provided from Gainsborough Drive. Within the Project area, Diamond Street provides access to Gainsborough Drive. The Project site is undeveloped. The Project proposes to construct a new three-story, single-family residence and an attached two-car garage, with hardscaping and landscaping on a vacant lot. In addition to the three-story, 2,558 square-foot residence, the proposed residential development would include a 295 square-foot elevated deck with glass guardrails, 36-foot-tall elevator, photovoltaic panels, one off-site parking space, an off-site catch basin, retaining walls, and skylights. The Project proposes an off-site parking space which is located directly west of the Project site. The off-street parking space would include a retaining wall located along the south side of the parking space. There is an approved retaining wall along the west side of the parking space that is part of the 840 Gainsborough Drive Project. The proposed residential development would include on-site grading of approximately 2,588 cubic-yards of cut and two cubic-yards of fill and require approximately 215 truck trips over 26 days for removing soil from the site. No other street improvements are proposed.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the proposed Project.

The IS/MND was made available for public review and comment pursuant to CEQA Guidelines Sections 15073 and 15105. The public review period commenced on February 19, 2025, and concluded on March 21, 2025. The IS/MND and supporting attachments were available for review by the general public at the City of Laguna Beach, Community Development, located at 505 Forest Avenue, and on the City of Laguna Beach Website:

- http://www.lagunabeachcity.net/publicnotices

The Public Review Draft IS/MND identifies the potential environmental impacts associated with development of the Project. The Responses to Comments and Errata, together with the Public Review Draft IS/MND, constitutes the Final IS/MND for the proposed 820 Gainsborough Drive (DR-23-0131/CDP-23-0132/REP-23-0133) Project.

2.0 RESPONSES TO COMMENTS

During the public review period, comments were received on the IS/MND. The following is a list of the public agencies, organizations, and individuals that submitted comments on the IS/MND during the public review period:

Comment Letter Number	Agency, Organization or Individual	Letter Dated
A	Juaneño Band of Mission Indians, Acjachemen Nation Joyce Perry Cultural Resource Director	March 20, 2025
B	California Cultural Resource Preservation Alliance, Inc. Patricia Martz, Ph.D. President	March 21, 2025

Although the CEQA Guidelines do not require a Lead Agency to prepare written responses to comments received on an IS/MND, the City of Laguna Beach has elected to prepare the following written responses with the intent of conducting a comprehensive and meaningful evaluation of the proposed Project. The comment letter and responses follow. Each comment letter is lettered (i.e., Letter A), each comment within each letter is numbered (i.e., A-1, A-2, etc.), and each response is numbered correspondingly (i.e., A-1, A-2, etc.).

From: Joyce Perry <kaamalam@gmail.com>
Sent: Thursday, March 20, 2025 6:11:24 PM
To: Sharma, Shaveta CD <ssharma@lagunabeachcity.net>
Subject: Tribal Response to NOI MND for 820 Gainsborough Drive

[**NOTICE:** This message originated outside of City of Laguna Beach -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good Afternoon,

On behalf of the Juaneño Band of Mission Indians, Acjachemen Nation - Belardes, I am writing to formally request an amendment to the mitigation measures outlined in the Mitigated Negative Declaration for the project located at 820 Gainsborough Drive. A-1

We are concerned that the current mitigation measures grant exclusive monitoring rights to the Kizh Nation, despite the fact that this project is located within our tribal territory. To ensure that the monitoring process is equitable and inclusive, we request that the mitigation measures be revised to allow our tribe to monitor any ground-disturbing activities within our ancestral territory. We are open to coordinating a rotating schedule with any other interested tribe if that approach is preferred. A-2

Additionally, we do not have a record of receiving consultation on this project. Please provide the contact information on file to confirm how consultation efforts were conducted. A-3

For your reference, we have attached our proposed revisions to the mitigation measures. A-4

Thank you for your consideration.

Joyce Stanfield Perry
Húu'uni 'óomaqati yáamaqati- Teach peace

Payomkawichum Kaamalam - President
kaamalam.com

Juaneño Band of Mission Indians, Acjachemen Nation
Cultural Resource Director

A-4
con't

Mitigation Measure Draft

TCR-1: Retention of a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.

a) The Project applicant shall retain a Native American Monitor from or approved by the Juaneno Band of Mission Indians, Acjachemen Nation- Belardes. The monitor shall be retained prior to the commencement of any ground-disturbing activity for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
b) A copy of the executed monitoring agreement shall be submitted to the (City) prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence grounddisturbing activity.

A-5

c) The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered tribal cultural resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Project applicant upon written request to the Tribe.

d) On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Tribe or Tribal monitoring agency from a designated point of contact for the Project applicant that all ground-disturbing activities and phases that may involve the Project are complete; or (2) a determination and written notification by the Tribe or Tribal monitoring agency to the Director of Community Development, or designee that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact TCRs.

TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial).
a) Upon discovery of any tribal cultural resources (TCRs), all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Native American Monitor. The Tribe or Tribal monitoring agency will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe’s sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

A-6

TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects.

a) Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
b) If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.
c) Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
d) Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.
e) Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

Response to Commenter Letter A

Joyce Perry, Cultural Resource Director
Juaneño Band of Mission Indians, Acjachemen Nation (Belardes)
March 20, 2025

A-1 The comment is introductory in nature and does not contain any information requiring changes to the Draft IS/MND. The comment is noted, and no further response is warranted.

A-2 The comment details concerns regarding the Project's current mitigation measures (TCR-1 and TCR-2), which would grant exclusive monitoring rights to the Gabrieleño Band of Mission Indians - Kizh Nation, even though the Project site is located within the territory of Juaneño Band of Mission Indians – Acjachemen Nation (Belardes). The comment also states the Tribe is open to coordinating a rotating schedule with any other interested tribe if that approach is preferred with the City. Section 4.18 of the Draft IS/MND, *Tribal Cultural Resources*, and further revised in Section 3.0 *Errata*, of this Final IS/MND, includes mitigation measures to address potential impacts to tribal cultural resources. Mitigation Measure TCR-1 has been revised to require the Project applicant to retain a Native American monitor to be present during all ground-disturbing activities, including a monitor from the Juaneño Band of Mission Indians – Acjachemen Nation (Belardes). The revised Mitigation Measure TCR-1 reads:

> TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.
>
> a) retain a Native American Monitor engage each of the consulting tribes regarding a Native American Monitor, from the Gabrieleño Band of Mission Indians-Kizh Nation, and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes. The Project applicant shall provide evidence to the City that they have reached an agreement with each of the consulting tribes regarding the designation, responsibilities, and participation of professional Native American Monitor(s) during grading, excavation, and ground-disturbing activities. The monitor(s) shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
>
> b) A copy of the executed monitoring agreement shall be submitted to the Director of Community Development, or designee prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.

b) The monitor(s) will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered tribal cultural resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Project applicant and the Director of Community Development, or designee upon written request to the Tribe(s).

c) On-site tribal monitoring shall conclude upon the latter earlier of the following (1) written confirmation to the monitor(s) and the Director of Community Development, or designee from a designated point of contact for the Project applicant that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project site or in connection with the Project are complete; or (2) a determination and written notification by the monitor to the Director of Community Development, or designee that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact TCRs.

Mitigation Measure TCR-2 has been revised to reflect that construction activities stop within 50 feet of the find and that the resource be evaluated by a qualified archaeologist in consultation with the appropriate tribal representative, including a monitor from the Juaneño Band of Mission Indians – Acjachemen Nation (Belardes). The revised Mitigation Measure TCR-2 reads:

TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial).

a) Upon discovery of any tribal cultural resources (TCRs), all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet). The City shall consult with the Project archaeologist and initiate Native American consultation procedures with the Project's consulting tribes (Gabrieleño Band of Mission Indians-Kizh Nation and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes). The consultation effort is intended to be a meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement on the appropriate treatment and disposition of TCRs discovered. A Cultural Resources and Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the consulting tribes (Gabrieleño Band of Mission Indians-Kizh Nation and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes) and all subsequent finds shall be subject to this Plan. Project construction will not resume within the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) until a Cultural Resources and Monitoring Treatment Plan is

prepared and implemented. The Plan may include, but would not be limited to, reburying, relocating, recording, and/or another culturally appropriate treatment. If it is determined that mutual agreement cannot be reached within 30 days of the initial consultation meeting, the TCR(s) under review shall be reinterred on site in a location free from future ground-disturbing construction activities. This measure does not apply to the finding of human remains which must comply with California Health and Safety Code section 7050.5. and shall not resume until the discovered TCR has been fully assessed by the Native American Monitor. The monitor and will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

These changes are reflected in Section 3.0 *Errata*, of this Final IS/MND. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

A-3 The comment requests confirmation that a consultation letter was sent to the Juaneño Band of Mission Indians – Acjachemen Nation (Belardes). Per the administrative record, a certified mail United States Postal Service (USPS) notice was sent to the Juaneño Band of Mission Indians – Acjachemen Nation (Belardes) to 4955 Paseo Segovia, Irvine, California 92603 on November 21, 2023, and was signed for. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

A-4 The comment concludes the letter and references a list of mitigation measures is attached to the email. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

A-5 The comment requests that Mitigation Measure TCR-1 to be updated to show the Juaneño Band of Mission Indians – Acjachemen Nation (Belardes). As described above in Response A-2, Mitigation Measures TCR-1 was revised in Section 3.0 *Errata*, of this Final IS/MND in consultation with the Juaneño Band of Mission Indians – Acjachemen Nation (Belardes) and the Gabrieleño Band of Mission Indians-Kizh Nation. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

A-6 The comment requests that Mitigation Measure TCR-2 to be updated to show the phrase "Tribe or Tribal monitoring agency". As described above in Response A-2, Mitigation Measures TCR-2 was revised in Section 3.0 *Errata*, of this Final IS/MND in consultation with the Juaneño Band of Mission Indians – Acjachemen Nation (Belardes) and the Gabrieleño Band of Mission Indians-Kizh Nation. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

A-7 The comment requests that the recommended language for Mitigation Measure TCR-3 be included. The proposed language for Mitigation Measure TCR-3 was included in Section 3.0 *Errata,* of this Final IS/MND. Mitigation Measure TCR-3 reads:

TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects.

a) Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.

b) If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.

c) Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).

d) Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.

e) Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

Mitigation Measure TCR-3 would address the potential discovery of human remains and associated funerary or ceremonial objects, in accordance with applicable laws, including California Public Resources Code section 5097.98(d)(1) and (2), Public Resource Code 5097.9, and Health and Safety Code Section 7050.5. This comment does not alter the Draft IS/MND analysis or conclusions, and no further response is warranted.

C.C.R.P.A.
Preserving The Past For The Future

California Cultural Resource Preservation Alliance, Inc.
An alliance of American Indian and scientific communities working for the preservation of archaeological sites and other cultural resources.

P.O. Box 54132
Irvine, CA 92619-4132

March 21, 2025

Shaveta Sharma, Senior Planner
City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

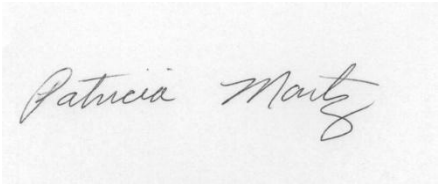
Re: Note of Intent to Adopt a Mitigated Negative Declaration for construction of a new single-family residence at 820 Gainsborough Drive, Laguna Beach, CA 92651

Dear Shaveta Sharma:

In our previous letters, we indicated that prior to European contact the Laguna Beach coast was densely populated by ancestors of the Juaneño/Acjachemen and there is the potential for the presence of buried archaeological resources. According to the Cultural Resources Memo by De Novo Planning Group, the terrain was too heavily vegetated to inspect the project area for archaeological materials and a determination that cultural resources are not present was based on the determination that the steep slopes that characterize the parcel are not condusive toward prehistoric settlement. The fact that the project terrain contains steep slopes does not necessarily preclude the presence of archaeological resources. There are many other types of archaeological sites other than a settlement, including special activity areas, temporary camps, ceremonial areas and even human remains. At a minimum, ground disturbing construction activities in virgin soils should be monitored by a qualified archaeologist and culturally related Native American.

B-1

Sincerely,



Patricia Martz, Ph.D.
President

Response to Commenter Letter B

Patricia Martz, Ph.D., President
California Cultural Resource Preservation Alliance, Inc.
March 21, 2025

B-1 The comment raises concerns regarding the potential impacts on archaeological and paleontological resources within the Project site, and that ground disturbing construction activities in virgin soils should be monitored by a qualified archaeologist and culturally related Native American. As discussed in Section 4.5 of the Public Review Draft IS/MND in Response 4.5(b), if previously unidentified cultural resources are encountered during ground disturbing activities, the Project Applicant would be required to follow Mitigation Measure CUL-1, where all work within 100 feet of the find is to be suspended until the resource is evaluated by a qualified archaeologist. With implementation of Mitigation Measure CUL-1, the Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 and impacts would be less than significant. Additionally, as discussed in Section 4.18 of the Public Review Draft IS/MND in Response 4.18(a), as part of Assembly Bill (AB) 52 tribal consultation, responses to the request for tribal consultation was received by the California Cultural Resource Preservation Alliance. The California Cultural Resources Preservation Alliance responded on December 20, 2023, but they did not request formal consultation; however, they recommended that a professional archaeologist and culturally-related Native American be present to monitor during grading activities. The Cultural Resources Memo determined that the site has a low potential for archaeological resources, and no previously documented cultural resources within or adjacent to the site were identified. Measures recommended by California Cultural Resources Preservation Alliance are included within the mitigation measures requested by the Gabrieleño Band of Mission Indians – Kizh Nation.

The Project also includes Mitigation Measure TCR-1, which requires the applicant to engage each of the consulting tribes regarding a Native American Monitor, from the Gabrieleño Band of Mission Indians-Kizh Nation, and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes. The Project applicant will provide evidence to the City that they have reached an agreement with each of the consulting tribes regarding the designation, responsibilities, and participation of professional Native American Monitor(s) during grading, excavation, and ground-disturbing activities, which requires the retention of a qualified Native American Monitor who would be present during all construction related ground disturbances. In the event tribal cultural resources are unearthed, the City will consult with the Project archaeologist and initiate Native American consultation procedures with the Project's consulting tribes (Gabrieleño Band of Mission Indians-Kizh Nation and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes). A Cultural Resources and Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the consulting tribes and all subsequent finds shall be subject to this Plan. Project construction will not resume within the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) until a Cultural Resources and Monitoring Treatment Plan is prepared and implemented. The Plan may include, but would not be limited to, reburying,

relocating, recording, and/or another culturally appropriate treatment (Mitigation Measure TCR-2). The comment does not contain any information requiring changes to the Public Review Draft IS/MND. No further response is warranted.

3.0 ERRATA

Changes to the Public Review Draft IS/MND are noted below. A double underline indicates additions to the text; ~~strikethrough~~ indicates deletions to the text. Changes have been analyzed and responded to in Section 2.0, Responses to Comments, of this Final IS/MND. The changes to the Public Review Draft IS/MND do not affect the overall conclusions of the environmental document. Changes are listed by page and, where appropriate, by paragraph.

These errata address the comments received on the Public Review Draft IS/MND, which was circulated from February 19, 2025 through March 21, 2025. In addition, as discussed in Section 4.18 of the Public Review Draft IS/MND in Response 4.18(a), in compliance with AB 52, the City of Laguna Beach provided formal notification via email and hardcopy mailing via the United States Postal Service (USPS) to those California Native American Tribal representatives providing notification in accordance with AB 52, including the Gabrieleño Band of Mission Indians - Kizh Nation and Juaneño Band of Mission Indians, Acjachemen Nation-Belardes, on November 21, 2023. Tribes appearing on a Native American Contact List dated August 23, 2023, and provided by the NAHC were also contacted. A response requesting consultation was received from the Gabrieleno Band of Mission Indians – Kizh Nation, on December 1, 2023. In response to the request for consultation, the City engaged with the Gabrieleno Band of Mission Indians – Kizh Nation, which included email correspondence. Although no Native American tribal cultural resources are known to occur within the Project site, based on the Gabrieleno Band of Mission Indians – Kizh Nation's cultural affiliation with the area and the findings of the Cultural Resources Memo, the parties agreed to impose mitigation measures to mitigate potential impacts to previously unidentified Native American tribal cultural resources. The California Cultural Resources Preservation Alliance responded on December 20, 2023, but they did not request formal consultation; however, they recommended that a professional archaeologist and culturally-related Native American be present to monitor during grading activities. The site was determined to have a low potential for archaeological resources, and no previously documented cultural resources within or adjacent to the site were identified. Measures recommended by California Cultural Resources Preservation Alliance are included within the mitigation measures requested by the Gabrieleno Band of Mission Indians – Kizh Nation. The IS/MND was then published for a 30-day public review period from February 19, 2025 through March 21, 2025.

On March 24, 2025, the City received a response from Brandy Salas of Kizh Nation requesting consultation. From March 25, 2025 through May 19, 2025, the City consulted with the Kizh Nation on the tribal cultural resource mitigation measures, including discussion of the Kizh Nation's requested changes to the mitigation measures and the City's further modification to the mitigation measures. On May 19, 2025 the City provided the Kizh Nation with a copy of the revised Mitigation Measures, and requested any additional comments to be received by May 23, 2025. No additional comments on the revised Mitigation Measures were received from the Kizh Nation.

In addition, on April 23 and May 19, 2025, the City also engaged in further consultation with the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes.

In response to consultation with the Gabrieleño Band of Mission Indians - Kizh Nation and the Juaneño Band of Mission Indians, Mitigation Measures TCR-1 and TCR-2 were revised to satisfy concerns raised

during consultation. Mitigation Measure TCR-3 was also added. On May 19, 2025, the City provided the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes with a copy of the revised Mitigation Measures. On May 22, the City received a response indicating the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes approved the revised Mitigation Measures.

Mitigation Measures TCR-1, TCR-2, and TCR-3 have been updated/added in Section 3.0, *Errata,* of the Final IS/MND to ensure access to the site during ground disturbing activities to tribes that have ancestral ties to the region for monitoring on their own behalf, as well as clarifying the treatment and disposition in the case of discovery of tribal cultural resources on the Project site.

These clarifications and modifications are not considered to result in any new or substantially greater impacts as compared to those identified in the Draft IS/MND.

SECTION 4.18, TRIBAL CULTURAL RESOURCES

Pages 104-105

The tribal consultation response from the Gabrieleño Band of Mission Indians – Kizh Nation indicated that the Project site is located within a sensitive area for tribal resources. In response to the request for consultation, the City engaged the Gabrieleño Band of Mission Indians – Kizh Nation, emailing on July 12, 2024 as an alternative to meeting in person. To mitigate potential impacts to previously unidentified Native American tribal cultural resources, Mitigation Measure TCR-1 would require the retention of a qualified Native American Monitor who would be present during all construction related ground disturbances. In the event tribal cultural resources are unearthed, they would be evaluated by the Native American Monitor and if determined to be Native American in origin, would be recovered and retained in the form and/or manner the Tribe deems appropriate, including for educational, cultural and/or historic purposes (Mitigation Measure TCR-2). If human remains were discovered within the Project site, then Mitigation Measure TCR-3 would be applied, ensuring compliance with PRC 5097.98(d)(1) and (2), and Health and Safety Code 7050.5.

The California Cultural Resources Preservation Alliance responded on December 20, 2023. Although formal consultation was not requested, they recommended that a professional archaeologist and culturally-related Native American be present to monitor during grading activities. The Cultural Resources Memo determined that the site has a low potential for archaeological resources, and no previously documented cultural resources within or adjacent to the site were identified. Measures recommended by California Cultural Resources Preservation Alliance are included within the mitigation measures requested by the Gabrieleño Band of Mission Indians – Kizh Nation.

Additionally, in the unlikely event where tribal cultural resources are found, the resources would require proper treatment in accordance with applicable laws, State CEQA Guidelines Section 15064.5. State CEQA Guidelines Section 15064.5 protects historical resources, archeological sites, human remains, and dedicated cemeteries. Should ground disturbing activities during Project construction encounter archaeological resources, Mitigation Measure CUL-1 would require all work within 100 feet of the find to be suspended until the resource is evaluated by a qualified archaeologist. In the event an identified cultural resource is Native American in origin, the qualified archaeologist shall consult with the Project owner and the Director of Community Development, or designee, to implement Native American

consultation procedures. Following compliance with the established regulatory framework (State CEQA Guidelines Section 15064.5), Mitigation Measure CUL-1, which detail the appropriate actions required in the event cultural resources are encountered, and Mitigation Measures TCR-1, ~~and~~ TCR-2, and TCR-3, the Project's potential impacts concerning tribal cultural resources would be less than significant.

Page 105, Mitigation Measures

TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.

a) retain a Native American Monitor engage each of the consulting tribes regarding a Native American Monitor, from the Gabrieleño Band of Mission Indians-Kizh Nation, and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes. The Project applicant shall provide evidence to the City that they have reached an agreement with each of the consulting tribes regarding the designation, responsibilities, and participation of professional Native American Monitor(s) during grading, excavation, and ground-disturbing activities. The monitor(s) shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

b) A copy of the executed monitoring agreement shall be submitted to the Director of Community Development, or designee prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.

c) The monitor(s) will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered tribal cultural resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Project applicant and the Director of Community Development, or designee upon written request to the Tribe(s).

d) On-site tribal monitoring shall conclude upon the latter earlier of the following (1) written confirmation to the monitor(s) and the Director of Community Development, or designee from a designated point of contact for the Project applicant that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project site or in connection with the Project are complete; or (2) a determination and written notification by the monitor to the Director of Community Development, or designee that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact TCRs.

Page 106, Mitigation Measures

TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial).

b) Upon discovery of any tribal cultural resources (TCRs), all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet). The City shall consult with the Project archaeologist and initiate Native American consultation procedures with the Project's consulting tribes (Gabrieleño Band of Mission Indians-Kizh Nation and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes). The consultation effort is intended to be a meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement on the appropriate treatment and disposition of TCRs discovered. A Cultural Resources and Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the consulting tribes (Gabrieleño Band of Mission Indians-Kizh Nation and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes) and all subsequent finds shall be subject to this Plan. Project construction will not resume within the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) until a Cultural Resources and Monitoring Treatment Plan is prepared and implemented. The Plan may include, but would not be limited to, reburying, relocating, recording, and/or another culturally appropriate treatment. If it is determined that mutual agreement cannot be reached within 30 days of the initial consultation meeting, the TCR(s) under review shall be reinterred on site in a location free from future ground-disturbing construction activities. This measure does not apply to the finding of human remains which must comply with California Health and Safety Code section 7050.5. and shall not resume until the discovered TCR has been fully assessed by the Native American Monitor. The monitor and will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects.

f) Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
g) If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.
h) Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
i) Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.
j) Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6). Specifically, Public Resources Code 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.*

This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide the mechanism by which to monitor mitigation measures outlined in the 820 Gainsborough Drive Project IS/MND. The 820 Gainsborough Drive Project MMRP has been prepared in conformance with Public Resources Code Section 21081.6 and City of Laguna Beach (City) monitoring requirements.

State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Laguna Beach is the Lead Agency for the 820 Gainsborough Drive Project and is therefore responsible for ensuring MMRP implementation. This MMRP has been drafted to meet Public Resources Code Section 21081.6 requirements as a fully enforceable monitoring program.

The MMRP Checklist is intended to provide verification that all applicable mitigation measures relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the 820 Gainsborough Drive Project file.

This MMRP delineates responsibilities for monitoring the Project, but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring

procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the MMRP Checklist. If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

The numbering system in the following table corresponds with the IS/MND's numbering system. The MMRP table "Verification" column will be used by the parties responsible for documenting when the mitigation measure has been completed. The City of Laguna Beach will complete ongoing documentation and mitigation compliance monitoring. The completed MMRP and supplemental documents will be kept on file at the City of Laguna Beach Community Development Department.

Mitigation Monitoring and Reporting Program Checklist

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification		
				Initials	Date	Remarks
BIOLOGICAL RESOURCES						
Mitigation Measures						
BIO-1: Prior to any ground disturbing activities, a minimum of two pre-construction rare plant surveys shall be conducted within suitable habitat on the Project site, during the appropriate blooming period for the following species: • Intermediate mariposa lily (May to July), • Many-stemmed dudleya (April to July) • Laguna Beach dudleya (May to July) • Big-leaved crownbeard (May to July) • Mesa horkelia (February to July) and, • White rabbit-tobacco (August to November). The surveys shall be conducted by a botanist or qualified biologist in accordance with the U.S. Fish and Wildlife Service (USFWS) Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants, the CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, and the CNPS Botanical Survey Guidelines. If any special-status species are observed during the rare plant survey, the location of the individual plant or population will be recorded with a GPS device for mapping purposes. If Project-related impacts to rare plants on the Project site are unavoidable and impacts would result in deleterious effects to the regional population of the species, then Project Applicant shall consult with the CDFW and/or USFWS to develop a	Prior to the issuance of grading permit or any ground disturbing activity	Plan review/ Prior to grading or construction activities/ Prior to issuance of any grading permits	Community Development Department Director, or designee			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification		
				Initials	Date	Remarks
mitigation plan or additional avoidance and minimization measures to ensure impacts to these plant species are minimized to the maximum extent practicable. Examples of measures that may be implemented after consultation with CDFW and/or USFWS include establishing a no-disturbance buffer around locations of individuals or a population, additional monitoring requirements during Project construction, seed collection, or transplanting.						
BIO-2: Prior to any ground disturbing activities, a qualified biologist shall conduct a pre-construction survey to determine the presence/absence of sensitive wildlife species within the Project site. The survey shall be completed no more than three days prior to initial ground disturbance. If presence of sensitive species (i.e., California gnatcatcher), is determined, additional protective measures will need to be implemented including retaining a biological monitor and coordination with the resource agencies may be necessary. Other protection measures may include redirecting wildlife or capturing and relocating wildlife to areas outside the work area. Any captured species shall be relocated out of harm's way to adjacent appropriate habitat that is outside of Project impact areas. Biological monitoring shall take place until the Project Site has been completely cleared of any vegetation. However, if no sensitive wildlife species are found during the pre-construction survey, then additional protection measures will not be required.	Prior to the issuance of grading permit or any construction activity	Plan review/ Prior to grading or construction activities/ Prior to issuance of any grading permits/ During grading or construction activities	Community Development Department Director, or designee			
BIO-3: To the extent practicable, construction shall be scheduled to avoid the nesting season, which extends from February through August. If it is not possible to	Prior to the issuance of grading permit	Pre-Construction Nesting Bird	Community Development Department			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification		
				Initials	Date	Remarks
schedule construction between September and January, pre-construction surveys for nesting birds shall be conducted by a qualified biologist to ensure that there are no active nests will be disturbed during the implementation of the Project. A pre-construction survey shall be conducted no more than three days prior to the initiation of construction activities. The nest surveys shall include the Project site and adjacent areas where Project activities have the potential to cause nest failure. If no nesting birds are observed during the survey, site preparation and construction activities may begin. If nesting birds (including nesting raptors) are found to be present, avoidance or minimization measures shall be undertaken to avoid potential Project-related impacts. Measures may include establishment of an avoidance buffer until nesting has been completed and periodic nest monitoring by the Project biologist. The width of the avoidance buffer will be determined by the Project biologist. Typically, this is 300 feet from the nest site in all directions (500 feet is typically recommended by CDFW for raptors), until the juveniles have fledged and there has been no evidence of a second attempt at nesting. The monitoring biologist will monitor the nest(s) during construction and document any findings.	or any construction activity	Survey/ Prior to construction or grading activities/ Prior to issuance of any grading permits/ During grading or construction activities	Director, or designee			
CULTURAL RESOURCES						
Mitigation Measures						
CUL-1: If previously unidentified cultural resources are encountered during ground-disturbing activities, work within 100 feet of the find shall cease and the Director of Community Development shall be notified and a qualified archaeologist, defined as an archaeologist who meets the	During ground-disturbing activities	Notification of Orange County Coroner/ Notification of Native	Community Development Department			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification		
				Initials	Date	Remarks
Secretary of the Interior's Professional Qualification Standards for archaeology, shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for the California Register of Historical Resources (CRHR) or National Register of Historic Places (NRHP) eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the Project, additional work such as data recovery excavation may be warranted to mitigate any significant impacts. In the event an identified cultural resource is Native American in origin, the qualified archaeologist shall consult with the Project owner and the Director of Community Development, or designee, to implement Native American consultation procedures. Construction shall not resume in the area until appropriate protection and preservation measures are in place and have been approved by the Director of Community Development, or designee, and the qualified archaeologist states in writing that the proposed construction activities would not significantly damage any archaeological resources.		American Heritage Commission if identified remains are Native American in origin	Director, or designee			
GEOLOGY AND SOILS						
Mitigation Measures						
GEO-1: If fossils or fossil bearing deposits are encountered during ground-disturbing activities, work within a 25-foot radius of the find shall halt and the Director of Community Development shall be notified and a professional vertebrate paleontologist (as defined by the Society for Vertebrate Paleontology) shall be contacted immediately to evaluate the find. The paleontologist shall have the authority to stop or divert construction, as necessary.	During ground-disturbing activities	Assessment of resources by a professional vertebrate paleontologist/ If significant under CEQA, verify	Community Development Department Director, or designee			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification		
				Initials	Date	Remarks
Documentation and treatment of the discovery shall occur in accordance with Society of Vertebrate Paleontology standards. The significance of the find shall be evaluated pursuant to the State CEQA Guidelines. If the discovery proves to be significant, before construction activities resume at the location of the find, additional work such as data recovery excavation may be warranted, as deemed necessary by the paleontologist.		additional work, such as data recovery excavation, has been implemented				
TRIBAL CULTURAL RESOURCES						
Mitigation Measures						
Refer to Mitigation Measure CUL-1.	--	--	--			
TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities. a) The Project applicant shall engage each of the consulting tribes regarding a Native American Monitor, from the Gabrieleño Band of Mission Indians-Kizh Nation, and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes. The Project applicant shall provide evidence to the City that they have reached an agreement with each of the consulting tribes regarding the designation, responsibilities, and participation of professional Native American Monitor(s) during grading, excavation, and ground-disturbing activities. The monitor(s) shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement	Prior to the issuance of grading permit or any; During ground-disturbing activities	Grading Plan/ Prior to grading or ground disturbing activities/ Prior to issuance of any grading permits/ During grading or ground disturbing activities	Community Development Department Director, or designee			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification		
				Initials	Date	Remarks
removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. b) The monitor(s) will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered tribal cultural resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Project applicant and the Director of Community Development, or designee upon written request to the Tribe(s). c) On-site tribal monitoring shall conclude upon the earlier of the following (1) written confirmation to the monitor(s) and the Director of Community Development, or designee from a designated point of contact for the Project applicant that all ground-disturbing activities and phases that may involve ground-disturbing activities on the Project site or in connection with the Project are complete; or (2) a determination and written notification by the monitor to the Director of Community Development, or designee that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact TCRs.						

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification		
				Initials	Date	Remarks
TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial). a) Upon discovery of any tribal cultural resources (TCRs), all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet). The City shall consult with the Project archaeologist and initiate Native American consultation procedures with the Project's consulting tribes (Gabrieleño Band of Mission Indians-Kizh Nation and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes). The consultation effort is intended to be a meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement on the appropriate treatment and disposition of TCRs discovered. A Cultural Resources and Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the consulting tribes (Gabrieleño Band of Mission Indians-Kizh Nation and the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes) and all subsequent finds shall be subject to this Plan. Project construction will not resume within the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) until a Cultural Resources and Monitoring Treatment Plan is prepared and implemented. The Plan may include, but would not be limited to, reburying, relocating, recording, and/or another culturally appropriate treatment. If it is determined that mutual agreement cannot be reached within 30 days of the initial consultation meeting, the	During ground-disturbing activities	Grading Plan/ Prior to grading or ground disturbing activities/ Prior to issuance of any grading permits/ During grading or ground disturbing activities	Community Development Department Director, or designee			

Mitigation Measures	Implementation Timing	Monitoring/ Reporting Methods	Responsible for Approval/ Monitoring	Verification		
				Initials	Date	Remarks
TCR(s) under review shall be reinterred on site in a location free from future ground-disturbing construction activities. This measure does not apply to the finding of human remains which must comply with California Health and Safety Code section 7050.5.						
TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects. a) Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute. b) If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed. c) Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). d) Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.	During ground-disturbing activities	Grading Plan/ Prior to grading or ground disturbing activities/ Prior to issuance of any grading permits/ During grading or ground disturbing activities	Community Development Department Director, or designee			