

**CITY OF ORANGE NORTH TUSTIN STREET RESIDENTIAL PROJECT  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION  
NO. ENV25-0001**

**Mitigation Monitoring and Reporting Plan**

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 plan. This requirement ensures that environmental impacts found to be potentially significant will be mitigated. The reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, the attached Mitigation Monitoring and Reporting Checklist, has been prepared for the North Tustin Street Residential Project. The table identifies Project Design Features (PDFs); Plans, Programs, and Policies (PPPs); and Mitigation Measures (MMs) required by the City to mitigate or avoid significant adverse impacts associated with the implementation of the Project. This Mitigation Monitoring and Reporting 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 measure; and 3) retention of records in the City's North Tustin Street Residential project file.

This Mitigation Monitoring and Reporting Program (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 Mitigation Monitoring and Reporting Checklist. If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
  - Departments/agencies with reporting responsibilities will review the Mitigated Negative Declaration, which provides general background information on the reasons for including specified mitigation measures.
  - Periodic meetings may be held during Project implementation to report on compliance of mitigation measures.
  - Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring
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compliance may be documented through existing review and approval programs such as field inspection reports and plan review.

- The City prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the MMRP, if required, would be made in accordance with CEQA and would be permitted after review and approval by the City. Such changes could include reassignment of monitoring and reporting responsibilities, plan redesign to make any appropriate improvements, and/or modification, substitution or deletion of mitigation measures subject to conditions described in CEQA Guidelines Section 15162. No change will be permitted unless the MMRP continues to satisfy the requirements of Public Resources Code Section 21081.

### Mitigation Monitoring and Reporting Checklist

| No.          | Project Design Feature / Plan, Program, Policy / Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Time Frame and Responsible Party for Implementation                                       | Time Frame and Responsible Party for Monitoring                    | Verification of Compliance |      |         |
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| Aesthetics   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                           |                                                                    |                            |      |         |
| PPP<br>AES-1 | <b>Exterior Lighting.</b> Exterior lighting on the Project site shall conform to the regulations within Orange Municipal Code Section 17.12.030. Lighting on any premises shall be directed, controlled, screened or shaded in such a manner as not to shine directly on surrounding premises. Lighting on any residential property shall be controlled so as to prevent glare or direct illumination of any public sidewalk or thoroughfares.                                                                                                                    | Prior to Building Permits.<br><br>City of Orange Building & Safety                        | Prior to Building Permits.<br><br>City of Orange Building & Safety |                            |      |         |
| Air Quality  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                           |                                                                    |                            |      |         |
| PPP<br>AQ-1  | <b>Rule 402.</b> The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The 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. | Prior to Demolition, Grading and Building Permits<br><br>City of Orange Building & Safety | During construction<br><br>City of Orange Building & Safety        |                            |      |         |

| No.         | Project Design Feature / Plan, Program, Policy / Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Time Frame and Responsible Party for Implementation                                                  | Time Frame and Responsible Party for Monitoring                        | Verification of Compliance |      |         |
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| PPP<br>AQ-2 | <p><b>Rule 403.</b> The Project is required to comply with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:</p> <ul style="list-style-type: none"> <li>• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.</li> <li>• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day.</li> <li>• The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less.</li> </ul> | <p>Prior to Demolition, Grading and Building Permits</p> <p>City of Orange Building &amp; Safety</p> | <p>During Construction</p> <p>City of Orange Building &amp; Safety</p> |                            |      |         |
| PPP<br>AQ-3 | <p><b>Rule 1113.</b> The Project is required to comply with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only “Low-Volatile Organic Compounds” paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Prior to Building Permits</p> <p>City of Orange Building &amp; Safety</p>                         | <p>During Construction</p> <p>City of Orange Building &amp; Safety</p> |                            |      |         |

| No.                  | Project Design Feature / Plan, Program, Policy / Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Time Frame and Responsible Party for Implementation                    | Time Frame and Responsible Party for Monitoring                    | Verification of Compliance |      |         |
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| Biological Resources |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                        |                                                                    |                            |      |         |
| MM BIO-1             | <b>Pre-construction Nesting Bird Survey.</b> Construction plans and Project specifications shall state that if construction or vegetation removal activities are scheduled to occur during the bird breeding season (February 1 through August 31), a pre-construction nesting bird survey shall be conducted by a qualified biologist to ensure that active bird nests will not be disturbed or destroyed. The survey shall be completed no more than three days prior to initial ground disturbance. The nesting bird survey shall include the Project area and adjacent areas where Project activities have the potential to affect active nests, either directly or indirectly due to construction activity or noise. If an active nest is identified, a qualified biologist shall establish an appropriate disturbance limit buffer around the nest using flagging or staking. Construction activities shall not occur within any disturbance limit buffer zones until the nest is deemed inactive by the qualified biologist. | Prior to Demolition and Grading Permits<br><br>City of Orange Planning | Prior to Demolition and Grading Permits<br><br>Qualified Biologist |                            |      |         |
| Cultural Resources   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                        |                                                                    |                            |      |         |
| PPP CUL-1            | <b>Human Remains.</b> In the event that human remains are encountered on the Project site, work within 50 feet of the discovery shall cease and the County Coroner shall be notified immediately consistent with the requirements of CEQA Guidelines Section                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Prior to Grading Permits.                                              | During Construction                                                |                            |      |         |

| No.                      | Project Design Feature / Plan, Program, Policy / Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Time Frame and Responsible Party for Implementation                | Time Frame and Responsible Party for Monitoring              | Verification of Compliance |      |         |
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|                          | 15064.5(e). State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. Prior to the issuance of grading permits, the City Community and Planning, Building, and Code Enforcement Department Director, or designee, shall verify that all grading plans specify the requirements of CEQA Guidelines Section 15064.5(e), Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above.. | City of Orange Planning                                            | City of Orange Planning                                      |                            |      |         |
| <b>Energy</b>            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                    |                                                              |                            |      |         |
| PPP E-1                  | <b>Title 24 CalGreen Compliance:</b> T The Project is required to comply with the Title 24 standards that are adopted by reference in Chapter 15.54 of the City of Orange Municipal Code and the CalGreen Building Code as included in the Orange Municipal Code Section 15.17.010 to ensure efficient use of energy. Title 24 and CalGreen specifications are required to be incorporated into building plans as a condition of building permit approval.                                                                                                                    | Prior to Building Permits.<br><br>City of Orange Building & Safety | Before construction.<br><br>City of Orange Building & Safety |                            |      |         |
| <b>Geology and Soils</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                    |                                                              |                            |      |         |
| PPP GEO-1                | <b>California Building Code.</b> Prior to issuance of any construction permits, the project is required to demonstrate compliance with the California Building Code as included in the Orange Municipal Code                                                                                                                                                                                                                                                                                                                                                                  | Prior to Building Permits                                          | Before construction.                                         |                            |      |         |

| No.                                | Project Design Feature / Plan, Program, Policy / Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Time Frame and Responsible Party for Implementation                        | Time Frame and Responsible Party for Monitoring             | Verification of Compliance |      |         |
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|                                    | Chapter 15.04 to preclude significant adverse effects associated with seismic hazards, including expansive and corrosive soils. California Building Code related and geologist and/or civil engineer specifications for the project are required to be incorporated into grading plans and specifications as a condition of construction permit approval.                                                                                                                                                                                                       | City of Orange Building & Safety                                           | City of Orange Building & Safety                            |                            |      |         |
| <b>Greenhouse Gas Emissions</b>    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                            |                                                             |                            |      |         |
| PPP E-1                            | <b>Title 24 CalGreen Compliance.</b> As listed previously in <i>Energy</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Prior to Building Permits<br><br>City of Orange Building & Safety          | Before Construction<br><br>City of Orange Building & Safety |                            |      |         |
| <b>Hydrology and Water Quality</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                            |                                                             |                            |      |         |
| PPP WQ-1                           | <b>NPDES/SWPPP.</b> Prior to issuance of any grading or demolition permits, the applicant shall provide the City evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan | Prior to Grading and Demolition Permits<br><br>City of Orange Public Works | Prior to Construction<br><br>City of Orange Public Works    |                            |      |         |

| No.          | Project Design Feature / Plan, Program, Policy / Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                              | Time Frame and Responsible Party for Implementation                                     | Time Frame and Responsible Party for Monitoring                                                      | Verification of Compliance |      |         |
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|              | (SWPPP) and a monitoring program and reporting plan for the construction site.                                                                                                                                                                                                                                                                                                                                                                   |                                                                                         |                                                                                                      |                            |      |         |
| PPP<br>WQ-2  | <b>WQMP.</b> Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the City . The WQMP shall identify all Post-Construction, Site Design. Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters. | Prior to Grading and Building Permits<br><br>City of Orange Building and Public Works   | Prior to Construction<br><br>City of Orange Building and Public Works                                |                            |      |         |
| <b>Noise</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                         |                                                                                                      |                            |      |         |
| PDF-1        | <b>Interior Noise.</b> Project building plans, specifications, and permits shall detail that the third floor of the residence in the northeastern most portion of the site (Lot 54) will be developed with upgraded windows that have a minimum Sound Transmission Class (STC) rating of 31.                                                                                                                                                     | Prior to Building and Occupancy Permits<br><br>City of Orange Building and Public Works | Site inspection of Lot 54 prior to Occupancy Permits<br><br>City of Orange Building and Public Works |                            |      |         |
| MM<br>NOI-1  | <b>Vibration.</b> The City of Orange (City) Director of Community Development, or designee, shall verify prior to issuance of demolition or grading permits, that the construction plans require that the construction contractor restrict the use of heavy construction equipment (i.e., greater than 80,000 pounds), vibratory                                                                                                                 | Prior to Grading and Demolition Permits                                                 | During Construction<br><br>City of Orange Building & Safety                                          |                            |      |         |

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|                                  | rollers, large loaded trucks, and large dozers within 20 feet of any off-site receiver location. Instead, smaller, rubber-tired bulldozers (less than 80,000 pounds) shall be used within this area during Project construction to reduce vibration levels.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | City of Orange Building & Safety                                            |                                                           |                            |      |         |
| <b>Tribal Cultural Resources</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                             |                                                           |                            |      |         |
| MM<br>TCR-1                      | <p><b>Native American Monitoring.</b></p> <p>A. The Project plans, specifications, and grading permits shall state that the Project applicant shall retain a Native American Monitor. 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 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.</p> <p>B. A copy of the executed monitoring agreement shall be submitted to the City 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.</p> | <p>Prior to Ground Disturbing Activities</p> <p>City of Orange Planning</p> | <p>During Construction</p> <p>Native American Monitor</p> |                            |      |         |

| No. | Project Design Feature / Plan, Program, Policy / Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Time Frame and Responsible Party for Implementation | Time Frame and Responsible Party for Monitoring | Verification of Compliance |      |         |
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|     | <p>C. The monitor shall 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 shall identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the Project applicant/lead agency upon written request to the Tribe.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the monitoring Tribe from a designated point of contact for the Project applicant/lead agency 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 monitoring Tribe to the Project applicant/lead agency that no future, planned construction activity and/or</p> |                                                     |                                                 |                            |      |         |

| No.      | Project Design Feature / Plan, Program, Policy / Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Time Frame and Responsible Party for Implementation                | Time Frame and Responsible Party for Monitoring    | Verification of Compliance |      |         |
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|          | development/construction phase at the Project site possesses the potential to impact TCRs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                    |                                                    |                            |      |         |
| MM TCR-2 | <b>Unanticipated Discovery of Tribal Cultural Resource Objects.</b><br>A. Upon discovery of any TCRs, the monitoring tribe notify the City and Project Applicant and 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 tribal monitor and/or tribal archaeologist. The monitoring tribe shall recover and retain all discovered TCRs in the form and/or manner the monitoring tribe deem appropriate. | During Ground Disturbing Activities<br><br>City of Orange Planning | During Construction<br><br>Native American Monitor |                            |      |         |
| MM TCR-3 | <b>Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects.</b><br>A. MM TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects.<br>B. 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.                                               | During Ground Disturbing Activities<br><br>City of Orange Planning | During Construction<br><br>Native American Monitor |                            |      |         |

| No.          | Project Design Feature / Plan, Program, Policy / Mitigation Measure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Time Frame and Responsible Party for Implementation            | Time Frame and Responsible Party for Monitoring           | Verification of Compliance |      |         |
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|              | <p>C. 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.</p> <p>D. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.</p> <p>F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p> |                                                                |                                                           |                            |      |         |
| PPP<br>CUL-1 | <b>Human Remains.</b> California Health and Safety Code Section 7050.5. Listed previously in Section 5, <i>Cultural Resources</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Prior to Grading Permits</p> <p>City of Orange Planning</p> | <p>During Construction</p> <p>City of Orange Planning</p> |                            |      |         |