

Appendix M Mitigation Monitoring and Reporting Program (MMRP)

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MITIGATION MONITORING AND REPORTING PROGRAM
FOR
THE INVITATION

CEQA Action: Initial Study / Mitigated Negative Declaration (City of Anaheim Development Plan No. DEV2019-00087)

1. **Project Description** –
 - Adoption of a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program.
 - Approval of a Zoning Reclassification to add the Mixed-Use (MU) Overlay Zone to the existing Industrial (I) Zone.
 - Approval of a Development Agreement for a proposed voluntary financial contribution to support the City’s affordable housing programs.
 - Approval of a Conditional Use Permit to allow a “Dwellings – Multi-Family” 269-unit development in the MU Overlay Zone with modified development standards (see discussion in the following section).
2. **Applicant/Developer** – Renaissance City North Anaheim LLC.
3. **Environmental Equivalent/Timing** – Any Mitigation Measure and timing thereof, subject to the approval of the City, which will have the same or superior result and will have the same or superior effect on the environment. The Planning and Building Department, in conjunction with any appropriate agencies or City departments, shall determine the adequacy of any proposed “environmental equivalent/timing” and, if determined necessary, may refer said determination to the Planning Commission. Any costs associated with information required in order to make a determination of environmental equivalency/timing shall be borne by the property owner/developer. Staff time for reviews will be charged on a time and materials basis at the rate in the City’s adopted fee schedule.
4. **Timing** – This is the point where a mitigation measure must be monitored for compliance. In the case where multiple action items are indicated, it is the first point where compliance associated with the mitigation measure must be monitored. Once the initial action item has been complied with, no additional monitoring pursuant to the Mitigation Monitoring and Reporting Program will occur because routine City practices and procedures will ensure that the intent of the measure has been complied with. For example, if the timing is “to be shown on approved building plans” subsequent to issuance of the building permit consistent with the approved plans will be final building and zoning inspections pursuant to the building permit to ensure compliance.
5. **Responsibility for Monitoring** – Shall mean that compliance with the subject mitigation measure(s) shall be reviewed and determined adequate by all departments listed for each mitigation measure.
6. **Ongoing Mitigation Measures** – The mitigation measures that are designated to occur on an ongoing basis as part of this mitigation monitoring program will be monitored in the form of an annual letter from the property applicant/developer in January of each year stating how compliance with the subject measures(s) has been achieved. When compliance with a measure has been demonstrated for a period of one year, monitoring of the measure will be deemed to be satisfied and no further monitoring will occur. For measures that are to be monitored

“Ongoing During Construction,” the annual letter will review those measures only while construction is occurring. Monitoring will be discontinued after construction is completed.

7. **Building Permit** – For purposes of this mitigation monitoring program, a building permit shall be defined as any permit issued for construction of a new building or structural expansion or modification of any existing building but shall not include any permits required for interior tenant improvements or minor additions to an existing structure or building.

Table 1 Mitigation Monitoring and Reporting Program (MMRP)

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AIR QUALITY			
Prior to issuance of any demolition or grading permit	<p>AQ-1 Prior to issuance of any demolition or grading permit, the Project Applicant shall submit evidence to the Planning and Building Department showing compliance with SCAQMD Rule #403. The evidence shall demonstrate that the construction bid specifies that exposed ground surfaces and disturbed areas shall be watered a minimum of three times per day during construction activities that include grading to minimize fugitive dust. This evidence shall include notes on all construction plans, clearly showing the watering requirement to control fugitive dust, or as otherwise deemed as appropriate by the Planning and Building Director.</p>	Planning and Building Department, Building Division	
CULTURAL RESOURCES			
Prior to issuance of Grading or Building Permits	<p>CUL-1 Prior to issuance of Grading or Building Permits, the Project Applicant shall provide a note on plans submitted to the Planning and Building Department indicating that in the event that the Project Applicant discovers any evidence of cultural resources during ground-disturbing activities, all work within the vicinity of the find shall stop until a qualified archaeological consultant can assess the find and make recommendations. The Project Applicant shall not attempt excavation of potential cultural resources. If the Project Applicant discovers any evidence of cultural resources during ground-disturbing activities, the qualified archaeologist shall ensure that the Proposed Project complies with the following measures.</p> <ul style="list-style-type: none"> • Prior to any ground disturbance, the qualified archaeologist, or their designee, shall provide a worker environmental awareness protection (WEAP) training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall receive proper procedures to follow if there is the discovery of unanticipated cultural resources during construction. Workers will have contact information and protocols to follow in the event of any inadvertent discoveries. The WEAP training can be in the form of a video or PowerPoint presentation. The training may include printed literature (handouts) distributed to new workers and contractors to avoid continuous training over the course of the construction. • In the event that the Project Applicant encounters unanticipated cultural material during any phase of project construction, all construction work within 50 feet (15 meters) of the find shall cease, and the qualified archaeologist shall assess the find for importance. Construction activities may continue in other areas. If, in consultation with the City, the discovery is determined not to be important, work will be permitted to continue in the area. • If the qualified archaeologist determines a resource to constitute a “historical resource” pursuant to CEQA Guidelines Section 15064.5(a) or a “unique archaeological resource” pursuant to Public Resources Code Section 21083.2(g), the qualified archaeologist shall coordinate with the Project Applicant and the City 	Planning and Building Department, Planning Services Division	

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	<p>to develop a formal treatment plan. The plan should serve to reduce impacts to the resources and allow construction to proceed. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Section 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment.</p> <ul style="list-style-type: none"> • If the qualified Archaeologist makes the determination that preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource and subsequent laboratory processing and analysis. • The Project Applicant shall offer any historic archaeological material that is not Native American in origin for curation at a public, nonprofit institution with a research interest in the materials, such as the South Central Coastal Information Center at California State University, Fullerton. If no institution accepts the archaeological material, the Project Applicant shall donate the archaeological material to a local school or historical society in the area for educational purposes, as determined appropriate by the City. 		
GEOLOGY AND SOILS AND PALEONTOLOGICAL			
Prior to issuance of demolition, grading and building permits	GEO-1 Prior to issuance of demolition, grading and building permits, the Project Applicant shall demonstrate on plans submitted to the Public Works Department, to the satisfaction of the City Engineer, that during site preparation, grading, and construction the Proposed Project will demonstrate that all or equivalent recommendations have been incorporated into the Proposed Project's plans from the "Geotechnical Exploration, Proposed Multi-Family Residential Development Project, 1122 N. Anaheim Boulevard, City of Anaheim, California," prepared by Leighton and Associates, Inc. (September 24, 2019), or any updates to that report. Compliance with the approved Geotechnical Exploration shall be verified in the field by the Engineer of Record.	Public Works Department; Planning and Building Department	
HAZARDS AND HAZARDOUS MATERIALS			
Prior to issuance of grading permit	HAZ-1 Any project-related hazardous materials and hazardous wastes will be transported to and/or from the Project Site in compliance with applicable state and federal requirements, including the US Department of Transportation regulations listed in the Code of Federal Regulations (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards.	Planning and Building Department, Building Division	
Prior to issuance of grading permit	HAZ-2 Any project-related hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with the Subtitle C of the Resource Conservation and Recovery Act (Code of Federal Regulations, Title 40, Part 263),	Planning and Building Department, Building Division	

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	including the management of nonhazardous solid wastes and underground tanks storing petroleum and other hazardous substances.		
Prior to issuance of grading permit	<p>HAZ-3 Any project-related underground storage tank (UST) removals will be conducted in accordance with the California UST Regulations (Title 23, Chapter 16 of the California Code of Regulations). Any unauthorized release of hazardous materials will require release reporting, initial abatement, and corrective actions that will be completed with oversight from the Regional Water Quality Control Board, Department of Toxic Substances Control, Anaheim Fire and Rescue's Hazardous Materials Section, South Coast Air Quality Management District and/or other regulatory agencies, as necessary.</p>	Anaheim Fire and Rescue's Hazardous Materials Section	
	<p>HAZ-4 Prior to the issuance of building permits, the Project Applicant shall remove the 20,000-gallon diesel underground storage tank (UST) and pipelines abandoned in-place on the south side of the truck freight shop under the oversight of the Anaheim Fire and Rescue (AFR). This work shall consist of the following:</p> <ul style="list-style-type: none"> • Obtain a UST removal permit from the AFR; • Notify AFR to inspect and schedule an inspection; • Remove soil from above the UST sufficiently to allow access to the tank top for verification of the tank contents (assumed to be concrete slurry); • Excavate and stockpile soil surrounding the UST, collect soil samples for profiling (either for onsite reuse or offsite disposal); • Remove the UST (may require cutting tank and slurry loading/disposal); • Collect any required confirmation soil samples from beneath the UST for laboratory analysis as directed by the AFR inspector; • Submit documentation of UST Removal to AFR for issuance of a UST Closure letter; and • Compile soil sampling results for inclusion into a larger report documenting the condition of all onsite soil and requesting a closure from the Regional Water Quality Control Board. 		
	<p>HAZ-5 Prior to the issuance of building permits, the Project Applicant shall receive a No Further Action from the Regional Water Quality Control Board (RWQCB) by taking the following steps to remove the Total Petroleum Hydrocarbons (TPH)-impacted soil from two areas: 1) approximately 50 cubic yards of impacted soil with concentrations up to 13,120 milligram per kilogram (mg/kg) to a maximum depth of 10 feet below ground surface (bgs) in the vicinity of the former dispenser island in the truck freight shop, and 2) approximately 36 cubic yards of impacted soil with</p>		

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	<p>concentrations up to of 4,100 mg/kg at depths of 2.5 and 5 feet bgs in the vicinity of the oil/water separator on the north side of the truck freight shop:</p> <ul style="list-style-type: none"> • Prepare a Work Plan for the excavation and offsite disposal of soil with concentrations in excess of Residential Use Screening Levels promulgated and accepted by Cal EPA and the Regional Water Quality Control Board (RWQCB); • Meet with RWQCB to present the Work Plan and to discuss site redevelopment plans and facilitate rapid review and approval of the Work Plan; • Following RWQCB approval and start date notification, excavate impacted soil from both areas, either stockpiling or directly loading the removed soil for proper offsite disposal; • Collect confirmation soil samples specified in the Work Plan for laboratory analysis; and. • Compile all site soil sample results for inclusion in a Remedial Excavation Report documenting the condition of remaining onsite soil and request a No Further Action Letter from the RWQCB. 		
LAND USE AND PLANNING			
<p>Prior to approval of the first tentative tract map</p>	<p>LU-1 Prior to approval of the first tentative tract map, the Project Applicant shall complete the following to the satisfaction of the Public Works Department:</p> <ul style="list-style-type: none"> • The Project Applicant shall determine and develop cost estimates of the right-of-way and construction costs of improvements needed at Project Opening Year to install a Traffic Signal at Anaheim Boulevard and Carl Karcher Way, as described in The Invitation (formerly known as Renaissance Apartments) Traffic impact Analysis prepared by Urban Crossroads and dated July 2020. • The Project Applicant shall submit said information to the Public Works Department for review and approval. • The Project Applicant shall pay an appropriate fair share fee to install a traffic signal at the Anaheim Boulevard/Carl Karcher Way intersection to the Public Works Department. 	<p>Public Works Department; Planning and Building Department, Planning Services Division</p>	
NOISE			
<p>Prior to any permit issuance</p>	<p>N-1 Prior to any permit issuance, the Project Applicant shall specify in the construction note and ensure that a static roller in lieu of a vibratory roller shall be used during paving activity within 20 feet of nearby structures.</p>	<p>Planning and Building Department, Building Division</p>	

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TRANSPORTATION			
Prior to any construction work	<p>TRAN-1 Prior to any construction work, the Project Applicant shall prepare a site-specific construction worksite staging and traffic control plan and submit it to the Traffic Engineering Division of the City of Anaheim Public Works Department for review and approval. This plan shall include such elements as the location of any potential partial lane closures, hours during which lane closures (if any) would not be allowed; local traffic detours (if any); and protective devices and traffic controls, such as barricades, cones, flag persons, lights, warning beacons, temporary traffic signals, and warning signs. It shall indicate that lane closures are permitted on Anaheim Boulevard during construction between 8:30 AM and 3:30 PM, Mondays through Fridays. The Proposed Project will be required to comply with the City-approved plan measures.</p>	Public Works Department; Planning and Building Department; City Attorney's Office	
TRIBAL CULTURAL RESOURCES			
Prior to the issuance of grading permits	<p>TCR-1 Prior to the issuance of grading permits, the Project Applicant shall retain a Native American monitor/consultant and submit a copy of the executed contract to the City of Anaheim Planning and Building Department. The tribal monitor/consultant will only be present on-site during the construction phases that involve ground-disturbing activities. Ground-disturbing activities are defined by the Gabrieleño Band of Mission Indians - Kizh Nation as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching within the project area. The tribal monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the Project Site grading and excavation activities are completed, or when the tribal representatives and monitor/consultant have indicated that the Project Site has a low potential for affecting tribal cultural resources.</p> <p>Upon discovery of any archaeological resources, construction activities shall cease in the immediate vicinity of the find until a qualified archaeologist and/or tribal monitor/consultant can assess the find. The evaluation of all archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians - Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians - Kizh Nation shall coordinate with the Project Applicant regarding treatment and curation of these resources. Typically, the tribe will request reburial or preservation for educational purposes. The Project Applicant may continue work on other parts of the Project Site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). If a qualified archaeologist determines a resource to constitute a</p>	Planning and Building Department, Planning Services Division	

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	<p>“historical resource” or “unique archaeological resource,” time allotment and funding sufficient to allow for implementation of avoidance measures or appropriate mitigation must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Section 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. The Project Applicant shall be responsible for ensuring that a public, nonprofit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material, curate any historic archaeological material that is not Native American in origin. If no institution accepts the archaeological material, the Project Applicant shall offer it to a local school or historical society in the area for educational purposes.</p>		