

7.0 MITIGATION AND MONITORING AND REPORTING PROGRAM

7.1 MITIGATION MONITORING REQUIREMENTS

Public Resources Code (PRC) Section 21081.6 (enacted by the passage of Assembly Bill 3180) mandates that the following requirements shall apply to all reporting or mitigation monitoring programs:

- The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval 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 that 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 agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.
- The lead agency shall specify the location and custodian of the documents or other materials that constitute the record of proceedings upon which its decision is based.
- A public agency shall provide measures to mitigate or avoid significant effects on the environment that are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents that address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.
- Prior to the close of the public review period for a Draft Environmental Impact Report (EIR), a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either (1) submit to the lead agency complete and detailed performance objectives for mitigation measures that would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or (2) refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures that mitigate impacts to resources that are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance with that requirement by a responsible agency or agency having jurisdiction over natural resources affected by a project shall not limit the authority of the responsible agency or agency having jurisdiction over natural resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

7.2 MITIGATION MONITORING PROCEDURES

The Mitigation Monitoring and Reporting Program has been prepared in compliance with PRC Section 21081.6. It describes the requirements and procedures to be followed by the City of Dana Point (City) to ensure that all mitigation measures adopted as part of the modified Dana Point Harbors Hotel Project (Modified Project) will be carried out as described in this Revised Draft EIR.

Table 7.A lists each of the mitigation measures specified in this Revised Draft EIR and identifies the party or parties responsible for implementation and monitoring of each measure.

Table 7.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Timing for Mitigation Measures
4.1 Aesthetics		
<p>Mitigation Measure 4.2-4 Prior to the issuance of a building permit, an Exterior Lighting Plan (including outdoor recreation areas) for all proposed improvements shall be prepared. The lighting plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The Lighting Plan shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property. The Lighting Plan shall be subject to review and approval by the County of Orange Dana Point Harbor Department.</p>	<p>Project Applicant and County of Orange Dana Point Harbor Department</p>	<p>Prior to issuance of building permits</p>
4.2 Air Quality		
<p>There are no potentially significant impacts related to air quality; therefore, no mitigation is required.</p>		
4.3 Cultural Resources		
<p>There are no potentially significant impacts related to cultural resources; therefore, no mitigation is required.</p>		
4.4 Energy		
<p>There are no potentially significant impacts related to energy; therefore, no mitigation is required.</p>		
4.5 Geology and Soils		
<p>Mitigation Measure 4.5-1 Incorporation of and Compliance with the Recommendations in the Preliminary Geotechnical Investigation and the Geotechnical Review. All grading operations and construction on the project site shall be conducted in conformance with the recommendations included in the Preliminary Geotechnical Investigation (GMU 2019a), the <i>Response to City of Dana Point Geotechnical Report Review</i> (GMU 2019b) the <i>Response to City of Dana Point Geotechnical Report Second Engineering Review</i> (GMU 2020), and the Geotechnical Review (Ninyo & Moore 2020). Design, grading, and construction shall be performed in accordance with the requirements of the City of Dana Point (City) Municipal Code, County of Orange (County) Codes, and the California Building Code (CBC) applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project Geotechnical Consultant as summarized in a final written report. All grading and</p>	<p>Geotechnical Consultant and Orange County Public Works Director, or designee</p>	<p>Prior to commencement of grading activities</p>

Table 7.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Timing for Mitigation Measures
<p>construction documents shall be subject to review by the Director of the County Public Works Department, or designee, prior to commencement of grading activities. Recommendations in the Preliminary Geotechnical Investigation and the Geotechnical Review include, but are not limited to, the following topics:</p> <ul style="list-style-type: none"> • Clearing and Grubbing • Remedial Grading • Foundation Design (either Mat Founds or Geopiers/ Equivalent Gravel Piers) • Appurtenant Structures/Retaining Walls • Screen Walls • Vehicular Pavement • Flatwork/Hardscape/Pedestrian Pavers • Geogrid Reinforced Fill Slopes • Temporary Excavations • Shoring • Lateral Spreading • Pole Foundations • Structural Concrete • Ferrous Metal Corrosion • Trench Backfill <p>Final Design-Level Geotechnical Report. Additional site testing and evaluation shall be conducted by the project Geotechnical Consultant to refine and enhance these recommendations during the final design phase. A corrosion engineer shall be consulted to perform more detailed testing and develop appropriate mitigation measures (if necessary). Grading plan review shall also be conducted by the Geotechnical Consultant and the Director of the County Public Works Department, or designee, prior to the start of grading to verify that the recommendations provided in the final design-level geotechnical report have been appropriately</p>		

Table 7.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Timing for Mitigation Measures
<p>incorporated into the project plans. Final design shall be based on testing and analyses of the near-surface soils following the completion of grading. Design, grading, and construction shall be conducted in accordance with the specifications of the Geotechnical Consultant as summarized in a final report based on the California Building Code (CBC) applicable at the time of grading and building and the County Municipal Code. On-site inspection during grading shall be conducted by the Geotechnical Consultant and the Director of the County of Public Works Department to ensure compliance with geotechnical specifications as incorporated into project plans.</p>		
<p>Mitigation Measure 4.5-2 California Building Code Compliance and Seismic Standards. Structures shall be designed in accordance with the seismic parameters presented in the 2022 CBC. Prior to issuance of building permits for planned structures, the project Geotechnical Consultant and the Director of the County Public Works Department, or designee, shall review building plans to verify that structural design conforms to the recommendations of the CBC.</p>	<p>Geotechnical Consultant and County of Orange Public Works Director, or designee</p>	<p>Prior to issuance of building permits</p>
<p>4.6 Greenhouse Gas Emissions</p>		
<p>There are no potentially significant impacts related to greenhouse gas emissions; therefore, no mitigation is required.</p>		
<p>4.7 Hazards and Hazardous Materials</p>		
<p>Mitigation Measure 4.7-1 Demolition Plan. Prior to the issuance of any demolition or grading permits, the Project Applicant shall provide a Demolition Plan to the Director of the County of Orange (County) Public Works Department, or designee, for review and approval. The Demolition Plan shall include the procedures for pre-demolition surveys and testing for hazardous building materials such as asbestos, lead-based paint, mercury, and polychlorinated biphenyls, and removal and disposal of hazardous building materials. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with applicable regulations. All identified hazardous materials shall</p>	<p>Project Applicant, Construction Contractor, and County of Orange Public Works Director, or designee</p>	<p>Prior to issuance of demolition or grading permits</p>

Table 7.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Timing for Mitigation Measures
<p>be removed, handled, and properly disposed of by appropriately licensed contractors according to all applicable regulations during demolition of structures. The Construction Contractor shall provide documentation (e.g., all required waste manifests, sampling, and air monitoring analytical results) to the Director of the County Public Works Department, or designee, showing that abatement of hazardous building materials has been completed in full compliance with all applicable regulations.</p>		
<p>Mitigation Measure 4.7-2 Construction Contingency Plan. Prior to the issuance of any demolition or grading permits, the Project Applicant shall provide a Construction Contingency Plan to the Director of the County of Orange (County) Public Works Department, or designee, for review and approval. The Construction Contingency Plan shall include provisions for emergency response in the event that unidentified hazardous materials, petroleum hydrocarbons, or hazardous or solid wastes are discovered during construction activities. The Construction Contingency Plan shall address field screening, contaminant materials testing methods, mitigation and contaminant management requirements, and health and safety requirements for construction workers. The construction contractor shall implement the Construction Contingency Plan during all construction activities. The plan shall indicate that if construction workers encounter underground tanks, gases, odors, uncontained spills, or other unidentified substances, the Construction Contractor shall stop work, cordon off the affected area, and notify the Orange County Fire Authority (OCFA). The OCFA responder shall determine the next steps regarding possible site evacuation, sampling, and disposal of the substance consistent with local, State, and federal regulations. If an unexpected release of oil and/or chemical substances into the environment occurs resulting in an imminent threat to public, the Construction Contractor shall notify the National Response Center by calling 1-800-424-</p>	<p>Project Applicant, Construction Contractor, and County of Orange Public Works Director, or designee</p>	<p>Prior to issuance of demolition or grading permits</p>

Table 7.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Timing for Mitigation Measures
8802 immediately. The Construction Contractor shall clean up any unexpected releases under appropriate federal, State, and local agency oversight.		
4.8 Hydrology and Water Quality		
There are no potentially significant impacts related to hydrology and water quality; therefore, no mitigation is required.		
4.9 Land Use and Planning		
There are no potentially significant impacts related to Land Use and Planning; therefore, no mitigation is required.		
4.10 Noise		
<p>Mitigation Measure 4.10-1 Operations Compliance Inspection and Monitoring. A qualified acoustical consultant shall prepare an acoustical study to confirm compliance with the City of Dana Point and County of Orange exterior daytime and nighttime noise standards from noise monitoring during three (3) peak activity weekends once the hotels are open. If it is discovered that noise levels exceed the City and County's exterior noise level requirements, additional measures recommended by a qualified acoustical consultant shall be implemented as necessary to ensure compliance with such requirements. Such measures may include, but not be limited to:</p> <ul style="list-style-type: none"> • Posting signage to identify hours in which noise level requirements are more strict; • Keeping all kitchen and service area doors closed when not in use; • Limiting the number of simultaneous events or places with amplified music; • Reducing the speaker noise levels; • Directing speakers away from sensitive receptors; • Using highly directional speakers, and • Installing noise barriers. 	City's Director of Community Development, or designee	Prior to issuance of occupancy permits

Table 7.A: Mitigation and Monitoring Reporting Program

Mitigation Measures	Responsible Party	Timing for Mitigation Measures
4.11 Public Services		
Mitigation Measure 4.11-1 Secured Fire Protection Agreement. Prior to the issuance of any building permits, the Project Applicant shall enter into a Secured Fire Protection Agreement with the Orange County Fire Authority (OCFA). This Agreement shall specify the Project Applicant’s pro-rata fair share funding of capital improvements necessary to establish adequate fire protection facilities and equipment, and/or personnel. The agreement shall be reached as early as possible in the planning process as feasible, but prior to issuance of any building permits.	Project Applicant	Prior to the issuance of any building permits
4.12 Transportation		
There are no potentially significant impacts related to transportation; therefore, no mitigation is required.		
4.13 Tribal Cultural Resources		
There are no potentially significant impacts related to tribal cultural resources; therefore, no mitigation is required.		
4.14 Utilities and Service Systems		
There are no potentially significant impacts related to utilities and service systems; therefore, no mitigation is required.		