



31727 and 31735 Coast Highway Civic Site Project

Mitigation Monitoring and Reporting Program

prepared by

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August 2021



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Mitigation Monitoring and Reporting Program

1.1 Introduction to the MMRP

The California Environmental Quality Act (CEQA) requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code [PRC] 21081.6). PRC Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the Final Initial Study-Mitigated Negative Declaration (IS-MND).

This mitigation monitoring and reporting program (MMRP) is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure recommended in the IS-MND, specifications are made herein that identify the action required, the monitoring that must occur, and the agency or department responsible for oversight.

1.2 MMRP Matrix

Table 1, *Mitigation Monitoring and Reporting Program*, below, lists mitigation measures and project design features that reduce the potentially significant effects of the proposed project. These measures correspond to those discussed in in the IS-MND. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised that identifies the timing and entity/agency responsible for monitoring each measure. The City of Laguna Beach will have the responsibility for implementing the measures, and various public agencies will have the primary responsibility for enforcing, monitoring, and reporting the implementation of the mitigation measures.

Table 1 Mitigation Monitoring and Reporting Program

Mitigation Measure/ Condition of Approval	Method of Verification	Responsibility/ Timing of Implementation	Enforcement Agency
Aesthetics			
AES-1: Construction Staging Areas			
Construction equipment staging areas shall be located, to the greatest extent feasible, away from nearby existing residential uses, and utilize appropriate screening (i.e., temporary fencing with opaque material) to shield public views of construction equipment and material. Prior to issuance of a grading permit, the City Engineer shall verify that staging areas are identified on final grading/development plans and that appropriate perimeter screening is included as a construction specification.	Visual inspection and written verification	Prior to issuing a grading permit, the staging areas and method of perimeter screening will be verified and deemed appropriate by the City Engineer	City of Laguna Beach, Building Department
Biological Resources			
BIO-1: Nesting Bird Avoidance			
<p>If site preparation/construction activities including vegetation clearing, vegetation trimming, grading or other ground disturbing activities are initiated during the nesting bird season (February 1 - August 31 for passerines, January 1 – August 31 for raptors), a preconstruction nesting bird survey shall be conducted by a qualified biologist to determine the presence/absence, location, and status of any active nests onsite or within 100 feet of the site for nesting passerines, or within 250 feet of the site for nesting raptors. In areas where site access is limited or prohibited (e.g., private property) the area will be surveyed using binoculars. Nesting bird surveys shall be completed not more than 3 days before the start of construction activities.</p> <p>If active nests are discovered on the project site, a qualified biologist shall establish a species-specific avoidance buffer around the nest where no construction activity is allowed until a qualified biologist has determined that the nest is no longer active. Encroachment into the buffer can occur at the discretion of the qualified biologist with the City's consent.</p> <p>The City shall be provided with a preconstruction nesting bird survey results report within 48 hours of completion of the survey, if required, prior to obtaining the City issued grading permit, or within</p>	Preconstruction survey results and written verification of appropriate buffers or mitigation measures if bird nests are identified in the survey	Within 3 days prior to commencing construction activities that would take place between February 1 and August 31, the City will contract a qualified biologist to conduct a preconstruction nesting survey. Review record of protective measures upon notice of located active bird nests and verify that buffers and recommended measures to avoid nests are in place prior to commencing construction	City of Laguna Beach, Community Development Department

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<p>two weeks if not required for permit issuance. The report shall include date of the survey, date of the report, authors and affiliations, contact information, methods, study location, results, and discussion/recommendations. If nesting birds are found, a map must be included with locations, buffers, and recommended measures to avoid impacts to the nests.</p>			
Cultural Resources			
CR-1: Archaeological Monitoring			
<p>Subsequent to the removal of the existing facilities and hardscaping, a qualified archaeologist shall monitor initial ground disturbance activities. If, during initial ground disturbance, the qualified archaeologist determines that the construction activities have little or no potential to impact cultural resources (e.g., excavations are within previously disturbed, non-native soils, or within soil formation not expected to yield cultural resources deposits), the qualified archaeologist may recommend that monitoring be reduced or eliminated.</p>	<p>Monitoring contract with qualified archaeologist</p>	<p>Prior to the issuance of construction permits, the City shall provide written evidence that a Qualified archaeologist has been retained and ensure that this measure applies during ground disturbing phases of construction</p>	<p>City of Laguna Beach, Community Development Department</p>
CR-2: Unanticipated Discovery of Archaeological Resources			
<p>In the event that archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall halt, and an archaeologist meeting the Secretary of Interior’s Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. Evaluation of significance for the find may include the determination of whether or not the find qualifies as an archaeological site. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources or National Register of Historic Places eligibility. If the discovery proves to be significant and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate any significant impacts to archaeological resources. Mitigation of significant impacts to the find may include a damage assessment of the find, archival research, and/or data recovery to remove any identified</p>	<p>Written verification of compliance with procedures for treatment of discovered archaeological resources</p>	<p>The City shall provide written evidence that a Qualified archaeologist has been retained and ensure that this measure applies during ground disturbing phases of construction</p>	<p>City of Laguna Beach, Community Development Department</p>

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<p>archaeological deposits, as determined by the qualified archaeologist. After effects to the find have been appropriately mitigated, work in the area may resume.</p>			
CR-3: Unanticipated Discovery of Human Remains			
<p>If human remains are found, the State of California Health and Safety Code Section 7050.5 states no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the Coroner would notify the Native American Heritage Commission, which would determine and notify a most likely descendant (MLD). The MLD has 48 hours from being granted site access to make recommendations for the disposition of the remains. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from subsequent disturbance.</p>	<p>Written verification from the County Coroner of compliance with procedures for treatment of discovered human remains</p>	<p>If construction contractors find human remains during construction activities, construction should be halted, and the Orange County Coroner Division should be immediately notified.</p>	<p>City of Laguna Beach, Orange County Sheriff's Department - Coroner Division</p>
Geology and Soils			
GEO-1: Paleontological Resources Mitigation and Monitoring Program			
<p>Prior to the commencement of project construction, a qualified paleontological monitor (i.e., a paleontologist who meets the SVP [2010] standards as a Paleontological Resource Monitor) shall be retained to conduct paleontological monitoring during ground-disturbing activities (including, but not limited to site preparation, grading, excavation, and trenching) of native (i.e., previously undisturbed) Quaternary old paralic deposits, Units 2-6 (Qop₂₋₆). Monitoring shall be supervised by a Qualified Paleontologist (i.e., a paleontologist who meets the SVP [2010] standards as a Qualified Professional Paleontologist). Full-time monitoring shall be conducted for all ground-disturbing activities associated with excavations for the proposed subterranean parking. These project activities have a high potential of disturbing native (previously undisturbed)</p>	<p>Monitoring agreement with qualified paleontologist. Written verification from the qualified paleontologist that the procedures for treatment of discovered paleontological resources have been carried out.</p>	<p>Prior to the issuance of construction permits, the City shall provide written evidence that a qualified paleontologist has been retained and ensure that this measure applies during ground disturbing phases of construction</p>	<p>City of Laguna Beach, Building Department</p>

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<p>paleontologically sensitive deposits (i.e., Quaternary old paralic deposits, Units 2-6 [Qop₂₋₆]). If Quaternary old paralic deposits, Units 2-6 (Qop₂₋₆) are not observed at the full depth of excavations associated with the proposed fire station (i.e., 12 feet below ground surface), monitoring can be discontinued. Ground-disturbing activities that impact previously disturbed sediments (i.e., artificial fill) only do not require paleontological monitoring.</p> <p>The duration and timing of the monitoring shall be determined by the Qualified Paleontologist. If the Qualified Paleontologist determines that full-time or part-time monitoring is no longer warranted based on observed geology, he or she may recommend reducing monitoring to periodic spot-checking or may recommend that monitoring cease entirely. Monitoring shall be reinstated if any new ground disturbances of previously undisturbed areas are required, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time.</p> <p>If a paleontological resource is discovered, the monitor shall have the authority to temporarily divert construction equipment around the find until it is assessed for scientific significance and collected. Once salvaged, significant fossils shall be prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection (such as the NHMLAC or UCMP). Curation fees are the responsibility of the City.</p> <p>A final report shall be prepared describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to City. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.</p>			

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Hazards and Hazardous Materials			
HAZ-1: Hazardous Building Materials			
<p>Asbestos In the event that any suspect ACMs are discovered during demolition activities, the materials shall be sampled and analyzed for asbestos content prior to any disturbance. Prior to the issuance of the demolition permit, the applicant shall provide a letter from a qualified asbestos abatement consultant that no ACMs are present in the building. If ACMs are found to be present, all asbestos removal operations shall be performed by a California Occupational Safety and Health Administration (Cal/OSHA) Division of Occupational Safety and Health (DOSH)-registered and California-licensed asbestos contractor. All disturbances of ACMs, and/or abatement operations, shall be performed under the surveillance of a third-party Cal/OSHA Certified Asbestos Consultant. All disturbances of ACMs, and/or abatement operations, shall be performed in accordance with the Cal/OSHA requirements set forth in 8 CCR 1529. Asbestos abatement must also be performed in accordance with SCAQMD requirements set forth in Rule 1403 as well as all other applicable state and federal rules and regulations.</p> <p>Lead Any suspect LBP shall be sampled prior to any renovations or demolition activities. Prior to the issuance of the demolition permit, the applicant shall provide a letter from a licensed LBP abatement contractor that no LBP is present in the building. If identified, LBP located within building scheduled for renovation or demolition, or noted to be damaged, shall be abated by a licensed LBP abatement contractor, and disposed of according to all state and local regulations.</p> <p>All construction work shall be subject to 29 Code of Federal Regulations Part 1926.62 "Lead Exposure in Construction Interim Final Rule," which was adopted and incorporated into California's own standard Title 8 CCR Section 1532.1.</p>	<p>Monitoring agreements with a qualified asbestos abatement consultant and LBP abatement contractor and written verification of presence or absence of ACMs and LBP</p>	<p>Prior to the issuance of demolition permits, the City shall hire qualified asbestos and LBP abatement contractors and confirm workers received training prior to the start of demolition activities</p>	<p>City of Laguna Beach, Building Department</p>

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Tribal Cultural Resources			
TCR-1: Retain a Native American Monitor			
<p>The lead agency shall retain and compensate for the services of a Tribal monitor/consultant who has ancestral ties to the region. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities include, but are not limited to, pavement removal, pot-holing 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 site has a low potential for impacting tribal cultural resources.</p>	<p>Monitoring contract with Native American monitor and visual inspection of daily monitoring logs throughout the construction period</p>	<p>The City shall enter into a monitoring agreement with a Tribal monitor/consultant prior to issuance of construction permits. The monitor shall submit daily logs to the City for review to ensure compliance throughout ground disturbing phases of construction</p>	<p>City of Laguna Beach, Community Development Department</p>
TCR-2: Unanticipated Discovery of Tribal Cultural Resources			
<p>Upon discovery of any tribal cultural resources, construction activities in the immediate vicinity of the find will cease until the find can be assessed. Tribal cultural resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, the consulting tribes shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time</p>	<p>Written verification from Tribal monitor/consultant of compliance with procedures for treatment of discovered Tribal cultural resources</p>	<p>The City shall retain a Native American Monitor prior to issuance of construction permits and monitoring will be conducted continuously during ground disturbing activities</p>	<p>City of Laguna Beach, Community Development Department</p>

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<p>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.</p> <p>Pursuant to Public Resources Code Sections 21083.2(b), 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. All tribal cultural resources shall be returned to the Tribe.</p>			