



OLSON TOWNHOMES ON TALBERT AVENUE PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

- Project Name:** Olson Townhomes on Talbert Avenue (Planning App No. 2021-0084)
- Project Location:** The Proposed Project is located at 8371-8461 Talbert Avenue (APNs 167-531-23 and -24), at the northwest Corner of Talbert Avenue and Newland Street (Project Site). The Proposed Project encompasses approximately 2.1 net acres located south of Slater Avenue, west of Newland Street, north of Talbert Avenue, and east of Beach Boulevard in the City of Huntington Beach.
- Address:** 8371-8461 Talbert Avenue
- CEQA Action:** Initial Study/Mitigated Negative Declaration (The Initial Study/Mitigated Negative was prepared to identify any potentially significant impacts associated with the Proposed Project and incorporate mitigation measures into the Proposed Project as necessary to eliminate the potentially significant effects of the Proposed Project or to reduce the effects to a level of less than significant.)
- Entitlement Requests:**
- General Plan Amendment No. 21-002 to amend the General Plan designation from RL (Residential Low Density) to RM (Residential Medium Density);
 - Zoning Map Amendment No. 21-001 to amend the zoning designation from Low Density Residential to Medium High Density Residential;
 - Tentative Tract Map No. 19157 to subdivide approximately 2.1 acres for condominium purposes; and
 - Conditional Use Permit No. 21-004 to develop 34 attached two- and three-story townhomes up to 35 ft. tall in the RM Zone. The CUP is required for a proposed use of 10+ units in the RL or RM zone in accordance with the City's Code 210.04.
- Project Description:** Olson Urban Housing, LLC (Applicant) proposes to redevelop two parcels at the northwest corner of Talbert Ave and Newland Street with a 34-unit, attached townhome complex, ranging from two to three stories, up to 35 feet tall. All units would range from 1,258 square feet to 1,846 square feet and feature attached, two car garages. The existing four structures on two parcels would be demolished. The Applicant is including a 5 percent density bonus by dedicating three of the 34 units for moderate-income sale, and Applicant payment of a 2/10th in-lieu fee.



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Terms and Definitions:

1. **Property Owner/Developer** – Owner or developer of Olson Townhomes On Talbert Avenue Project.
2. **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 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 done 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.
3. **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 Plan will occur, as 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.
4. **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. Outside public agency review is limited to those public agencies specified in the Mitigation Monitoring Plan which have permit authority in conjunction with the mitigation measure.
5. **Ongoing Mitigation Measures** – The mitigation measures that are designated to occur on an ongoing basis as part of this Mitigation Monitoring Plan will be monitored in the form of an annual letter from the property owner/developer in January of each year demonstrating how compliance with the subject measure(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 complete. A final annual letter will be provided at the close of construction.
6. **Building Permit** – For purposes of this Mitigation Monitoring Plan, 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.



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4.4 BIOLOGICAL RESOURCES				
MM BIO-1	Prior to the issuance of a grading permit.	Prior to the issuance of a grading permit, the Property Owner/Developer shall include a note on the grading plans that bird nesting season generally extends from February 1 through September 15 in southern California and specifically, April 15 through August 31 for migratory passerine birds. Should construction occur during bird nesting season and to avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) prior to project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.	Planning and Building Department/Building Division	
4.5 CULTURAL RESOURCES				
MM CULT-1	Prior to the issuance of a grading permit.	Prior to the issuance of grading permits, the Property Owner/Developer shall retain a professional archaeologist meeting the Secretary of the Interior's Professional Standards for Archaeology (U.S. Department of Interior, 2012; Registered Professional Archaeologist preferred). The primary task of the consulting archaeologist shall be to monitor the initial ground-disturbing activities at both the subject site and any off-site Project-related improvement areas for the identification of any previously unknown archaeological and/or cultural resources. Selection of the archaeologist shall be subject to the approval of the City of Huntington Beach Community Development Department and no ground-	Planning and Building Department/Building Division	



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		disturbing activities shall occur at the Project Site or within the off-site Project improvement areas until the archaeologist has been approved by the City. If archaeological or historical resources are encountered during implementation of any phase of the Project, the Project Archaeologist will be allowed to temporarily divert or redirect grading or excavation activities in the vicinity of the find in order to make an evaluation of the find.		
MM CULT-2	Ongoing during ground-disturbing activities	If human remains are encountered during any Project-related ground-disturbing activities, Section 7050.5 of the California Health and Safety Code states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition of the materials pursuant to Section 5097.98 of the California Public Resources Code. The provisions of Section 15064.5 of the California Environmental Quality Act Guidelines shall also be followed. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission (NAHC). The NAHC will determine and notify a Most Likely Descendent (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The descendent must complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. These requirements shall be included as notes on the contractor specification and verified by the Community Development Department, prior to issuance of grading permits. This measure shall be implemented to the satisfaction of the City in consultation with the County Coroner.	Planning and Building Department/Building Division	



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4.7 GEOLOGY AND SOILS				
MM GEO-1	Prior to the issuance of grading permits	<p>Prior to the issuance of grading permits, the Property Owner/Developer shall submit to and receive approval from the City, a Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP). The PRIMMP shall include the provision for a qualified professional paleontologist (or his or her trained paleontological representative) to be on-site for any Project-related excavations that exceed three (3) feet below the pre-grade surface. Selection of the paleontologist shall be subject to approval of the City of Huntington Beach Community Development Department and no grading activities shall occur at the Project Site or within the off-site Project improvement areas until the paleontologist has been approved by the City.</p> <p>Monitoring shall be restricted to undisturbed subsurface areas of younger Quaternary alluvium. The approved paleontologist shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays. The paleontologist shall also remove samples of sediments which are likely to contain the remains of small fossil invertebrates and vertebrates. The paleontologist shall have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens.</p> <p>Collected samples of sediments shall be washed to recover small invertebrate and vertebrate fossils. Recovered specimens shall be prepared so that they can be identified and permanently preserved. Specimens shall be identified and curated and placed into an accredited repository (such as the Western Science Center or the Riverside Metropolitan Museum) with permanent curation and retrievable storage.</p> <p>A report of findings, including an itemized inventory of recovered specimens, shall be prepared upon completion of the steps outlined above. The report shall include a discussion of the significance of all recovered specimens. The report and</p>	Planning and Building Department/Building Division	



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		inventory, when submitted to the City of Huntington Beach Planning Division, will signify completion of the program to mitigate impacts to paleontological resources.		
4.18 TRIBAL CULTURAL RESOURCES				
MM TCR-1	Prior to the commencement of any grading and/or construction activities.	<p>Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities</p> <p>A. The Property Owner/Developer shall retain a Native American monitor(s) from (or approved by) the Gabrieleño Band of Mission Indians – Kizh Nation (the “Kizh” or the “Tribe”) - Juaneno Band of Mission Indians, Acjachemen Nation- Belardes (the “Belardes” or the “Tribe”) the direct lineal descendants of the project location. The monitor(s) shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project, at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>B. A copy of the executed monitoring agreement(s) shall be provided to the lead agency prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The Property Owner/Developer shall provide the Tribes with a minimum of 30 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.</p>	Planning, Engineering, and Building Department/Building Division	



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		<p>D. The Property Owner/Developer shall hold at least one (1) pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribes will inform and educate the project’s construction and managerial crew and staff members (including any project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the Project Site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the project’s compliance with the TCR mitigation measures.</p> <p>E. The monitor(s) will complete daily monitoring logs that will provide descriptions of the relevant ground- disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribes. Monitor logs will 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 will be provided to Property Owner/Developer and/or lead agency upon written request.</p> <p>F. Native American monitoring for the project shall conclude upon the latter of the following: (1) written confirmation from a designated project point of contact to the Tribes that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the Project Site and at any off-site project location are complete; or (2) written notice by the Tribes to the Property Owner/Developer and/or lead agency that no future, planned construction activity and/or development/construction phase (known by the Tribes at that time) at the Project Site and at any off-site project location possesses the potential to impact TCRs.</p>		



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MM TCR-2	Ongoing during any grading and/or construction activities.	<p>Discovery of TCRs, Human Remains, and/or Grave Goods</p> <p>A. Upon the discovery of a TCR, all construction activities in the immediate vicinity of the discovery (i.e., not less than the surrounding 50 feet) shall cease. The Tribe shall be immediately informed of the discovery, and a Kizh and/or Belardes monitor and/or Kizh and/or Belardes archaeologist will promptly report to the location of the discovery to evaluate the TCR and advise the project manager regarding the matter, protocol, and any mitigating requirements. No project construction activities shall resume in the surrounding 50 feet of the discovered TCR unless and until the Tribe(s) have completed assessment/evaluation/recovery of the discovered TCR and surveyed the surrounding area.</p> <p>B. The Tribes will recover and retain all discovered TCRs in the form and/or manner the Tribes deems appropriate in its sole discretion, and for any purpose the Tribes deems appropriate, including but not limited to, educational, cultural and/or historic purposes.</p> <p>C. If Native American human remains and/or grave goods are discovered or recognized on the Project Site or at any off-site project location, then all construction activities shall immediately cease. Native American “human remains” are defined to include “an inhumation or cremation, and in any state of decomposition or skeletal completeness.” (Pub. Res. Code § 5097.98 (d)(1).) Funerary objects, referred to as “associated grave goods,” shall be treated in the same manner and with the same dignity and respect as human remains. (Pub. Res. Code § 5097.98 (a), d)(1) and (2).)</p> <p>D. Thereafter, construction activities may resume in other parts of the Project Site at a minimum of 200 feet away from discovered human remains and/or grave goods, if the Tribes determine in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other</p>	Planning, Engineering, and Building Department/Building Division	



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		<p>mitigation measures the Tribal monitors and/or archaeologists deem necessary). (14 Cal. Code Regs. § 15064.5(f).)</p> <p>E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or grave goods.</p>		
MM TCR-3		<p>Procedures for Burials, Funerary Remains, and Grave Goods:</p> <p>A. The Burial Policy of the determined applicable Tribe shall be implemented for all discovered Native American human remains and/or grave goods. Tribal Traditions include, but are not limited to, the preparation of the soil for burial, the burial of funerary objects and/or the deceased, and the ceremonial burning of human remains.</p> <p>B. If the discovery of human remains includes four (4) or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.</p> <p>C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated “grave goods” (aka, burial goods or funerary objects) are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, as well as other items made exclusively for burial purposes or to contain human remains. Cremations will either be removed in bulk or by means necessary to ensure complete recovery of all sacred materials.</p> <p>D. In the case where discovered human remains cannot be fully recovered (and documented) on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to divert the project while keeping the remains in</p>	<p>Planning, Engineering, and Building Department/Building Division</p>	



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		<p>situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.</p> <p>E. In the event preservation in place is not possible despite good faith efforts by the Property Owner/Developer, before ground-disturbing activities may resume on the Project Site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. The site of reburial/repatriation shall be agreed upon by the Tribe and the landowner and shall be protected in perpetuity.</p> <p>F. Each occurrence of human remains and associated grave goods will be stored using opaque cloth bags. All human remains, grave goods, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items will be retained and shall be reburied within six months of recovery.</p> <p>G. The Tribes will work closely with the project’s qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribes, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribes do NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.</p>		