



Ladyface Vista Professional Center Project

State Clearinghouse No. 2022090237

Mitigation Monitoring and Reporting Program

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Lead Agency:

City of Agoura Hills

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1.0 Purpose of Mitigation Monitoring and Reporting Program

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring/reporting procedures for mitigation adopted as conditions of approval in order to mitigate or avoid significant environmental impacts. This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle by which to monitor the mitigation measures (MMs) specified in the Ladyface Vista Professional Center Project Initial Study/Mitigated Negative Declaration (IS/MND), including minor revisions to incorporate comments received during the IS/MND public comment period. This MMRP has been prepared in accordance with City of Agoura Hills (City) monitoring requirements and Public Resources Code §21081.6. Specifically, Public Resources Code §21081.6 states:

(a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:

(1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted 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 which 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 or responsible agency, prepare and submit a proposed reporting or monitoring program.

(2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

State CEQA Guidelines §15097 clarifies mitigation monitoring and reporting requirements and provides guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during Project implementation. The City of Agoura Hills is the Lead Agency for the Project and is therefore responsible for ensuring MMRP implementation. The MMRP has been drafted to meet Public Resources Code §21081.6 requirements as a fully enforceable monitoring program.

The mitigation measure numbering in the MMRP table that follows corresponds with the IS/MND's mitigation measure numbering. The MMRP table "Verification" column will be used by the parties responsible for documenting when the mitigation measure has been completed. The City will complete ongoing documentation and mitigation compliance monitoring. The completed MMRP and supplemental documents will be maintained on file at the City of Agoura Hills Community Development Department.

**Ladyface Vista Professional Center Project
 Mitigation Monitoring and Reporting Program**

Mitigation Measures (MMs)	Implementation Timing	Monitoring/Reporting Methods	Responsible for Approval/Monitoring	Verification	
				Date	Initials
<p>MM BIO-1 Nesting Migratory Birds: Construction activities, including but not limited to, grubbing, brushing, or tree removal shall be conducted outside of the State identified nesting season for migratory birds (i.e., typically January 1 through September 15), if possible. If construction activities cannot be conducted outside the nesting season, a Pre-Construction Nesting Bird Survey within and adjacent to the Project site shall be conducted by a qualified biologist within three days prior to initiating construction activities. If active nests are found during the Pre-Construction Nesting Bird Survey, a Nesting Bird Plan (NBP) shall be prepared by a qualified biologist and implemented during construction. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, monitoring, and reporting. The buffer shall be demarcated and project activities within the buffer shall be postponed or halted, at the biologist’s discretion, until the nest is vacated, and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The size and location of all buffer zones, if required, shall be based on the nesting species, nesting sage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity.</p>	<p>Pre-Construction (if grubbing, brushing, or tree removal occurs within nesting season [January 1 – September 15])</p>	<p>Pre-Construction Nesting Bird Survey</p>	<p>Community Development Manager</p>		
	<p>Pre-Construction (if active nests are found during nesting season [January 1 – September 15])</p>	<p>Nesting Bird Plan</p>	<p>Community Development Manager</p>		
<p>MM CUL-1: Prior to the issuance of a grading permit, the Applicant shall retain an archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards for Archaeology (Qualified Archaeologist) to oversee an archaeological monitor who shall be present during construction excavations such as clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the Project. The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (native versus artificial fill soils and older versus younger soils), and the depth of excavation, and if found, the</p>	<p>Prior to Issuance of Grading Permit</p>	<p>Qualified Archaeologist/ Consultant Agreement</p>	<p>Community Development Manager</p>		
	<p>Prior to Commencement of Excavation Activities</p>	<p>Preparation of WEAP</p>	<p>Qualified Archaeologist</p>		
	<p>During Construction Excavations (e.g., clearing/grubbing,</p>	<p>Monitoring and Implementation of WEAP</p>	<p>Qualified Archaeologist</p>		

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<p>abundance and type of archaeological resources encountered, as determined by the Qualified Archaeologist. The frequency of monitoring shall be determined based on the factors presented above, and can be reduced to part-time inspections or ceased entirely if determined appropriate by the Qualified Archaeologist. Prior to commencement of excavation activities, the Qualified Archaeologist shall prepare a Worker’s Environmental Awareness Program (WEAP) and provide training to construction personnel to alert field personnel to the possibility of buried prehistoric or historic cultural deposits. The training shall be carried out by the Qualified Archaeologist and shall focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.</p>	<p>grading, trenching, or any other construction excavation activity)</p>				
<p>MM CUL-2: Prior to the issuance of a grading permit, the Applicant shall retain a Native American tribal monitor from a consulting Tribe approved by the City. The appropriate Native American tribal monitor shall be selected based on ongoing consultation under Assembly Bill 52. The Native American monitor shall be present during construction excavations such as clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the Project. The frequency of monitoring shall take into account the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (native versus artificial fill soils and older versus younger soils), and the depth of excavation, and if found, the abundance and type of prehistoric archaeological resources encountered. The frequency of monitoring shall be determined based on the factors presented above, and can be reduced to part-time inspections or ceased entirely if determined appropriate by the consulting Tribe.</p>	<p>Prior to Issuance of Grading Permit</p> <p>During Construction Excavations (e.g., clearing/grubbing, grading, trenching, or any other construction excavation activity)</p>	<p>Native American Tribal Monitor/Consultant Agreement</p> <p>Monitoring</p>	<p>Community Development Manager</p> <p>Native American Tribal Monitor</p>		
<p>MM CUL-3. In the event that historic (e.g., bottles, foundations, refuse dumps/privies, railroads, etc.) or prehistoric (e.g., hearths, burials, stone tools, shell and faunal bone remains, etc.)</p>	<p>During Construction if Unanticipated Discovery of Historic</p>	<p>Qualified Archaeologist and Consulting Tribe Resource Evaluation</p>	<p>Community Development Manager/Qualified</p>		

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<p>archaeological resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A 50-foot buffer within which construction activities shall not be allowed to continue shall be established by the Qualified Archaeologist around the find. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by Project construction activities shall be evaluated by the Qualified Archaeologist and the consulting Tribe.</p> <p>If the resources are Native American in origin, the consulting Tribe shall consult with the City and Qualified Archaeologist regarding the treatment and curation of any prehistoric archaeological resources. If a resource is determined by the Qualified Archaeologist to constitute a “historical resource” pursuant to CEQA Guidelines §15064.5(a) or a “unique archaeological resource” pursuant to Public Resources Code §21083.2(g), the Qualified Archaeologist shall coordinate with the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines §15064.5(f) for historical resources and Public Resources Code §21083.2(b) for unique archaeological resources. The treatment plan shall be provided to the consulting Tribe for review. The treatment plan shall incorporate the consulting Tribe’s treatment and curation recommendations. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If in coordination with the City, it is determined that preservation in place is not feasible, appropriate treatment of the resource shall be developed by the Qualified Archaeologist in coordination with the City and may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. In coordination with the consulting Tribe, any archaeological material collected shall be curated at a public, non-profit institution with a research</p>	<p>or Prehistoric Resources Occurs</p>		<p>Archaeologist / Consulting Tribe</p>		

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interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school, Tribe, or historical society in the area for educational purposes.					
MM CUL-4: The Qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation (DPR) 523 Site Forms at the conclusion of archaeological monitoring. The report shall include a description of resources unearthed, if any, treatment of the resources, results of the artifact processing, analysis, and research, and evaluation of the resources with respect to the California Register of Historical Resources and CEQA. The report and the Site Forms shall be submitted to the City, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the development and required mitigation measures. The City shall also disseminate the report to consulting tribes that requested consultation under Assembly Bill 52.	Conclusion of Archaeological Monitoring	Preparation of Final Report and DPR 523 Site Forms	Community Development Manager		
MM GEO-1: Prior to issuance of grading permit, the Applicant shall retain a qualified paleontologist who meets the Society of Vertebrate Paleontology guidelines to oversee a paleontological monitor who shall be present during grading activities within sensitive older alluvial material and the Topanga Bedrock Formation. The monitor does not have to be present if recent alluvial material or volcanic material is being encountered. The paleontological monitor shall be approved by the City of Agoura Hills and retained and paid for by the Applicant. The paleontological monitor will also be able to halt construction within a 50-foot radius of a fossil discovery until the fossil can either be removed off site or the City is notified of the need to further assess the discovery. If the find is large enough to warrant further evaluation and/or extraction, then the following fossil "discovery" protocol shall be followed:	Prior to Issuance of Grading Permit	Qualified Paleontologist/ Consultant Agreement	Community Development Manager		
	During Grading Activities within Sensitive Older Alluvial Material and the Topanga Bedrock Formation	Monitoring	Qualified Paleontologist		
	During Construction if Unanticipated Discovery of Paleontological	Depositing of Recovered Fossils	Qualified Paleontologist		

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<p>a) The paleontologist shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The paleontologist’s survey, study, or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.</p> <p>b) The Applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study, or report.</p> <p>c) Any fossils recovered during mitigation should be deposited in an accredited and permanent scientific institution for the benefit of current and future generations.</p> <p>d) Prior to the issuance of any building permit, the Applicant shall submit a letter to the City for the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.</p>	<p>Resources Occurs</p> <p>Prior to Issuance of Building Permit</p>	<p>Letter to City Regarding Paleontological Reports or Statement Indicating No Material was Discovered</p>	<p>Qualified Paleontologist</p>		
<p>MM TCR-1: The Project shall retain a professional Native American monitor to be present during construction excavations such as clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the Project. If cultural resources are encountered, the Native American monitor will have the authority to request ground disturbing activities cease within 50-feet of discovery to assess and document potential finds in real time. Monitoring activities will cease when potential for significant buried resources have been exhausted (e.g., at the completion of construction excavation activity), as determined by the Qualified Archaeologist and in consultation with the Native American monitor. The Native American monitor and archaeological monitor will be present during construction excavation activity. Personnel needs would be determined during a pre-construction meeting.</p>	<p>Prior to Issuance of Grading Permit</p> <p>Pre-Construction Meeting</p> <p>During Construction Excavations (e.g., clearing/grubbing, grading, trenching, or any other construction excavation activity)</p>	<p>Native American Tribal Monitor/Consultant Agreement</p> <p>Monitoring</p>	<p>Community Development Manager/ Qualified Archaeologist/ Consulting Tribe</p> <p>Qualified Archaeologist/ Consulting Tribe</p>		
<p>MM TCR-2: If significant Pre-Contact (predating Native American contact with Europeans) and/or Post-Contact (postdating Native</p>	<p>During Construction if Unanticipated</p>	<p>Qualified Archaeologist and Consulting Tribe</p>	<p>Community Development</p>		

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American contact with Europeans) cultural resources are discovered and avoidance cannot be ensured, the Qualified Archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the consulting Tribe retained Native American monitor for review and comment, as detailed within CUL-3.	Discovery of Pre-Contact and/or Post-Contact Cultural Resources Occurs	Resource Evaluation Monitoring and Treatment Plan	Manager/Qualified Archaeologist / Consulting Tribe		
MM TCR-3: The Applicant shall, in good faith, consult with the Tribe or Tribal Government that requested consultation under AB 52 retained Native American monitor on the disposition and treatment of any artifacts or other cultural materials if encountered during the Project grading.	During Construction If Cultural Materials Are Encountered	Consultation with Tribe or Tribal Government	Community Development Manager / Consulting Tribe		
MM TCR-4: If human remains or funerary objects are encountered during any activities associated with the Project, work in the immediate vicinity (within a 50-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code shall be enforced for the duration of the Project.	During Construction If Human Remains or Funerary Objects Are Encountered	Notification of County Coroner	Community Development Manager		