

Appendix L. Mitigation Monitoring and Reporting Program

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ORANGETHORPE/PLACENTIA MIXED USE PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM

Project File No.: General Plan Amendment No. 2022-01, Specific Plan Amendment No. 2021-01, and Development Review Plan No. 2021-02

Applicant/Owner: Orangethorpe Investment Partners LLC, 2881 East La Cresta Avenue, Anaheim, CA 92806

INTRODUCTION

Public Resources Code, Section 21081.6 (Assembly Bill 3180) Section 21081.6 of the Public Resources Code requires a Lead Agency to 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” (Mitigation Monitoring or Reporting, Section 15097 of the *CEQA Statute and Guidelines* provides additional direction on mitigation monitoring or reporting). The City of Placentia is the Lead Agency for the Orangethorpe/Placentia Mixed Use Project (the “Project”). An Initial Study has been prepared to address the potential environmental impacts of the Project. Where appropriate, this environmental document identified project design features or recommended mitigation measures to avoid or to reduce potentially significant environmental impacts of the Project. This Mitigation Monitoring and Reporting Program (MMRP) is designed to monitor implementation of the mitigation measures identified for the Project. The MMRP is subject to review and approval by the Lead Agency as part of the adoption of the Mitigated Negative Declaration and approval of project conditions. The required mitigation measures are listed and categorized by impact area, as identified in the Initial Study, with an accompanying identification of the following:

- The responsible party to implement the required mitigation measure;
- The monitoring party of the action;
- The stage of the project during which the required mitigation measure must be implemented;
- The method of verification which the required mitigation measure must be monitored; and
- The compliance record.

The MMRP includes a checklist to be used during the mitigation monitoring period. The checklist will verify the name of the monitor, the date of the monitoring activity, and any related remarks for each mitigation measure.

TERMS AND DEFINITIONS

Environmental Equivalent/Timing – Any Mitigation Measure and timing thereof, subject to the approval of the City of Placentia, which will have the same or superior result and will have the same or superior effect on the environment. The Development Services 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.

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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 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.

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.

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 owner/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.

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.

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Cultural Resources						
CR-1: If evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines § 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during any project-related earth-disturbing activities, all earth-disturbing activities within 100 feet of the find shall be halted until the City of Placentia is notified. The project applicant shall retain an archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards for Archaeology to assess the significance of the find. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the South Central Coastal Information Center (SCCIC). Construction activities may continue on other parts of the Proposed Project Site while evaluation and treatment of prehistoric archaeological resources takes place.	Professional Archaeologist retained by Project Applicant	City of Placentia Development Services Department, Building and Safety Division	During ground disturbing activities	Written report from Professional Archaeologist and field inspection		
Geology and Soils						
GEO-1: If fossils or fossil bearing deposits are encountered during ground-disturbing activities, work within a 25-foot radius of the find shall halt (buffer area) and a professional vertebrate paleontologist (as defined by the Society for Vertebrate Paleontology) (the Qualified Paleontologist) shall be contacted immediately to evaluate the find. The paleontologist shall have the authority to stop or divert construction, as necessary. Documentation and treatment of the discovery shall occur in accordance with Society of Vertebrate Paleontology standards. Work shall be allowed to continue outside of the buffer area. At the Qualified Paleontologist’s discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing and evaluation of the find. All significant fossils shall be collected by the Qualified Paleontologist. Collected fossils shall be prepared to the point of identification and cataloged before they are submitted to their final repository. Any fossils collected shall be curated at a public, nonprofit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, they shall be donated to a local school in the area for educational purposes. Accompanying notes, maps, photographs, and a technical report shall also be filed at the repository and/or school.	Professional Paleontologist retained by Project Applicant	City of Placentia Development Services Department, Building and Safety Division and Public Works Department, Engineering Services Division	During ground disturbing activities	Written report from Professional Paleontologist and field inspection		

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Hazards and Hazardous Materials						
<p>HAZ-1: The following are some simple practices that would be included in the Proposed Project and implemented on site:</p> <ul style="list-style-type: none"> • Keep potential sources of pollution out of the rain as practicable (e.g., inside a building, covered with plastic or tarps, or sealed tightly in a leak-proof container). • Clearly identify a protected, lined area for concrete truck washouts. This area should be located away from streams, storm drain inlets, or ditches and should be cleaned out periodically. • Park, refuel, and maintain vehicles and equipment in one area of the site to minimize the area exposed to possible spills and fuel storage. This area should be well away from streams, storm drain inlets, or ditches. Keep spill kits close by and clean up any spills or leaks immediately, including spills on pavement or earthen surfaces. • Practice good housekeeping. Keep the construction site free of litter, construction debris, and leaking containers. Keep all waste in one area to minimize cleaning. • Never hose down paved surfaces to clean dust, debris, or trash. This water could wash directly into storm drains or streams. Sweep up materials and dispose of them in the trash. Never bury trash or debris. • Dispose of hazardous materials properly. 	Project Applicant; Construction Contractors	City of Placentia Development Services Department, Building and Safety Division and Public Works Department, Engineering Services Division	During construction	Field inspections		
<p>HAZ-2: A California Division of Occupational Safety and Health (DOSH/Cal-OSHA) Certified Asbestos Consultant should be contracted to conduct monitoring and clearance of any removal/abatement of Asbestos-Containing Materials/Asbestos-Containing Construction Materials (ACMs/ACCMs) and materials containing asbestos.</p>	Project Applicant; Certified Asbestos Consultant	City of Placentia Development Services Department, Building and Safety Division	Prior to the issuance of demolition permits and during demolition	Copy of consultant contract and certified asbestos consultant report		

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HAZ-3: To protect construction workers contact or ingestion of contaminated soils during grading, the following note shall be placed on grading plans prior to issuance of grading permits: "Disposable gloves shall be worn by personnel who need to have contact with contaminated soil during grading and excavation. Consideration shall be given to the requirement for tear resistant gloves; Overalls shall be worn if there is the potential for contaminated soil to contact other parts of the body (legs, arms etc.); Boot covers shall be worn by personnel who need to traverse contaminated soils during grading and excavation or washable boots worn with a boot wash in place and utilized."	Project Applicant; Construction Contractors	City of Placentia Development Services Department, Building and Safety Division and Public Works Department, Engineering Services Division	Notes on grading permit plan and during grading	Review of grading permit plan and field inspection		
HAZ-4: A soil vapor intrusion barrier with a venting system shall be installed beneath proposed future residential buildings located on the Site, in accordance with Regional Water Quality Control Board (RWQCB), the Department of Toxic Substances Control (DTSC).	Project Applicant; Construction Contractors	City of Placentia Development Services Department, Building and Safety Division and Fire and Life Safety Department	Notes on building permit plans and during construction	Review of building permit plans and field inspection		
Tribal Cultural Resources						
TCR-1: Prior to issuance of a grading permit, the applicant shall retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities: A. The project applicant shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor 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" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.	Project Applicant	City of Placentia Development Services Department, Planning Division and Public Works Department, Engineering Services Division	Prior to the issuance of grading permits and field inspections	A copy of the executed monitoring agreement and copies of daily monitoring logs		

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<p>C. The monitor 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 Tribe. 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 the project applicant/lead agency upon written request to the Tribe.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p> <p>E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.</p>						

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<p>TCR-2: Prior to issuance of grading permit, the following notes shall be listed on the grading plans for the project:</p> <p>Unanticipated Discovery of Human Remains and Associated Funerary Objects</p> <p>A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code, Section 5097.98, are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code, Section 7050.5, dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code, Section 5097.98, shall be followed.</p> <p>C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>D. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines 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 mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)</p> <p>E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.</p> <p>F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>	Project Applicant	City of Placentia Development Services Department, Planning Division and Public Works Department, Engineering Services Division	Notes on grading permit plan and during grading	Review of grading permit plan and field inspection		

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<p>TCR-3: Prior to issuance of grading permit, the following notes shall be listed on the grading plans for the project:</p> <p>Procedures for Burials and Funerary Remains</p> <p>A. As the Most Likely Descendant (“MLD”), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.</p> <p>B. If the discovery of human remains includes four 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 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; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.</p> <p>D. In the case where discovered human remains cannot be fully documented and recovered 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 recommend diverting the project and keeping the remains in 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 project applicant/developer and/or landowner, 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.</p> <p>F. Each occurrence of human remains and associated funerary objects</p>	Project Applicant; Project Archaeologist	City of Placentia Development Services Department, Planning Division and Public Works Department, Engineering Services Division	Notes on grading permit plan and during grading	Review of grading permit plan and field inspection		

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<p>will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p> <p>G. The Tribe 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 Tribe, 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 Tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.</p>						