

# Mitigation Monitoring and Reporting Program

## Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Environmental Impact Report has been certified which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "...reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented for the Clearwater North Tustin Project (project). The County of Orange is the Lead Agency for the project and is responsible for implementation of the MMRP. This report describes the MMRP for the project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP

## Mitigation Monitoring and Reporting Program

The MMRP for the project will be active through all phases of the project, including design, construction, and operation. There are mitigation measures that must be continuously implemented throughout the development and operation of the project.

The attached table identifies the mitigation program required to be implemented by the Clearwater North Tustin Project. The table identifies the project design features (PDFs) and mitigation measures (MM) from the MMRP for the previously-certified *The Springs At Bethsaida Senior Living Project Environmental Impact Report* (SCH #2009071081) ("Certified Final EIR No. 607") that are applicable to the Clearwater North Tustin Project, including any modifications. Table 1 identifies the PDFs and MMs included to mitigate or avoid significant adverse impacts associated with the implementation of the project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As individual PDFs and mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

## EXHIBIT B

**TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM  
CLEARWATER NORTH TUSTIN EIR**

Note: Any modifications to the mitigation measures from Certified Final EIR No. 607 are shown as <del>strike through</del> for deleted text and bold for new, inserted text. Clarification on project-specific implementation of a mitigation measure is <b><u>bold underlined</u></b> .					
MM/PDF Number		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
<b>AESTHETICS</b>					
PDF 8-1	<p><del>One story bungalow structures that are allowed along Newport Avenue, Ervin Lane and along the west property line shall not exceed a maximum height of 20 feet. The elevated portion of the structure located to the rear of the fireside room shall be reduced in height and shall not exceed 20 feet. Applicant shall submit revised plans that depict the reduction in height to the Manager, OC Communities Planning, for review and approval.</del> <b><u>Provide only one-story structures with a maximum building height (top of roof) of 20 feet. Architectural appurtenances may reach up to 28 feet in height.</u></b></p>	Project Applicant	During Project Design and Construction		
PDF 8-2	<p><del>Limit the building height of the central residential structure to the limits of the North Tustin Specific Plan, i.e. two story or 35'.</del></p>				
PDF 8-3	<p><del>Incorporate <b><u>main building setbacks that are not less than 73 feet from the property line to exceed County requirements so that</u></b> along Newport <b><u>Avenue, 43 feet to the north, and 55 feet to the south. Incorporate rear building setbacks not less than 26 feet to the north, 26 feet to the south, and 35 feet to the west.</u></b> <del>the building setbacks range from 32' to 73', on Ervin the building setbacks range from 20' to 50 feet, on the North the building setbacks 43', to 53' on the south the setbacks 55' to 75' with extensive landscape buffers.</del></del></p>	Project Applicant	During Project Design and Construction	County of Orange	
PDF 8-4	<p>Applicant shall install 8-foot high evergreen trees and landscaping along the Project's northern and southern boundaries as extensive landscape buffers.</p>	Project Applicant	During Project Design and Construction		
<b>AIR QUALITY</b>					
MM 6-1	<p>Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that the construction contractor shall utilize off-road construction equipment that conforms to Tier 3 of the United States Environmental Protection Agency, or higher emissions standards. Prior to construction, the construction contractor shall be made aware of this requirement prior to the start of</p>	Construction Contractor	Prior to issuance of grading permits.	County of Orange, Manager, Building Services	

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	construction activities. Use of Tier 3 or higher off-road construction equipment shall be stated on all grading plans. The construction contractor shall maintain a list of all operating equipment in use on the Project site. The construction equipment list shall state the makes, models, and numbers of construction equipment onsite.				
MM 6-2	Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that all construction equipment has been maintained and tuned. During the construction period, the construction contractor shall properly maintain and tune all construction equipment to minimize noise emissions.	Construction Contractor	Prior to issuance of grading permits.	County of Orange, Manager, Building Services	
MM 6-3	Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that during the construction period, the construction contractor shall apply nontoxic chemical soil stabilizers to reduce wind erosion on all disturbed areas and exposed ground surfaces.	Construction Contractor	Prior to issuance of grading permits.	County of Orange, Manager, Building Services	
MM 6-4	Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that during the construction period, the construction contractor shall water exposed ground surfaces and disturbed areas a minimum of every three hours on the construction site and a minimum of three times per day during all construction activities.	Construction Contractor	Prior to issuance of grading permits.	County of Orange, Manager, Building Services	
MM 6-5	Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that during the construction period, the construction contractor shall ensure that a minimum 24-inch freeboard on trucks hauling dirt, sand, soil, or other loose materials is maintained and/or tarp materials with a fabric cover or other suitable means.	Construction Contractor	Prior to issuance of grading permits.	County of Orange, Manager, Building Services	

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County of Orange

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<b>CULTURAL RESOURCES</b>					
MM 9-1	Prior to the issuance of a grading permit, construction plans shall be evaluated by the County of Orange to determine if there will be ground disturbance greater than six feet below the surface. If earthmoving is shallower than six feet, no mitigation is required. <b><u>If earthmoving is greater than six feet, then MM 9-2 applies.</u></b>	County of Orange	Prior to issuance of a grading permit	County of Orange	
MM 9-2	Prior to the issuance of any grading permit <b><u>for ground disturbance greater than six feet below the surface</u></b> , the applicant shall provide written evidence to the County of Orange Manager, Building Services, that applicant has retained a County-certified archaeologist, to observe grading activities greater than six feet in depth and salvage and catalogue archaeological resources as necessary. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the project applicant, for exploration and/or salvage. Prior to the release of the grading bond the applicant shall obtain approval of the archaeologist's follow-up report from the Manager of OC Parks in consultation with Manager, Building Services. The report shall include the period of inspection, an analysis of any artifacts found and the present repository of the artifacts. Applicant shall prepare excavated material to the point of identification. Applicant shall offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager of OC Parks in consultation with Manager, Building Services. Applicant shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of	Project Applicant and Certified Archaeologist; Project Applicant	Prior to issuance of any grading permit; Prior to the release of the grading bond	County of Orange, Manager, Building Services	

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MM/PDF Number		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
	presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of the Manager of OC Parks in consultation with Manager, Building Services.				
MM 9-3	<p>Prior to the issuance of any grading permit <b><u>for ground disturbance greater than six feet below the surface</u></b>, the project applicant shall provide written evidence to the County of Orange Manager, Building Services, that applicant has retained a County certified paleontologist to observe grading activities greater than six feet in depth and salvage and catalogue fossils as necessary. The paleontologist shall be present at the pre-grade conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If the paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with the applicant, which ensure proper exploration and/or salvage. Prior to the release of the grading bond the applicant shall submit the paleontologist's follow up report for approval by the Manager of OC Parks in consultation with Manager, Building Services. The report shall include the period of inspection, a catalogue and analysis of the fossils found, and the present repository of the fossils. Applicant shall prepare excavated material to the point of identification. The applicant shall offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by OC Parks. Applicant shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of the</p>	Project Applicant; Project Applicant	Prior to issuance of any grading permit; Prior to release of the grading bond	County of Orange, Manager, Building Services; Manager or OC Parks and Manager, Building Services	

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Clearwater North Tustin EIR Addendum  
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	Manager of OC Parks in consultation with Manager, Building Services.				
<b>HAZARDS AND HAZARDOUS MATERIALS</b>					
MM 11-1	Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that the removal of the <del>four</del> <b>one</b> aboveground storage tank (ASTs) from the project site shall be completed in accordance with the current regulatory guidelines prior to residential development.	Construction Contractor	Prior to issuance of grading permits.	County of Orange, Manager, Building Services	
MM 11-2	Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that the stained soil beneath the tractor and any additional <del>stained</del> <b>contaminated</b> soil, <b>to the extent discovered through site investigation required by the Phase 1 ESA</b> , shall be separated and, <b>as necessary, remediated</b> during site grading and disposed of in accordance with current regulatory guidelines.	Construction Contractor	Prior to issuance of grading permits	County of Orange, Manager, Building Services	
PDF 12-2	All electrically operated gates and access doors shall install emergency opening devices.	Project Applicant	During Project Design and Construction		
<b>HYDROLOGY AND WATER QUALITY</b>					
PDF 3-1	The proposed Project includes <del>an</del> onsite detention facility ( <b>or facilities</b> ) with a minimum storage capacity of <del>0.57</del> <b>0.51</b> acre-feet that would retain excess stormwater runoff before it exits the site through the 18-inch reinforced concrete pipe.	Project Applicant	During Project Design and Construction		
<b>NOISE</b>					
PDF 7-1	Incorporate sound walls and berming with landscape screening along Newport Avenue.	Project Applicant	During Project Design and Construction		
PDF 7-2	The property owner <del>of the proposed Project shall restrict regularly scheduled truck deliveries to the daytime hours of 7:00 AM to 7:00 PM</del> <b>shall restrict deliveries to 2 food truck deliveries per week between 7:00 AM to 5:00 PM Mondays</b>	Project Applicant, Property Owner	During Project Design and Construction		

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	<b><u>through Fridays; and 9:00 AM to 5:00 PM Saturdays, Sundays and Holidays. Trash pick-ups shall be limited to 7:00 AM to 5:00 PM Mondays through Fridays.</u></b>				
PDF 7-3	The property owner of the proposed Project shall prohibit exterior alarms on the building except as required by the Orange County Fire Authority.	Project Applicant, Property Owner	During Project Design and Construction	County of Orange	
PDF 7-4	<b><u>See language in PDF 8-3. Incorporate setbacks to exceed County requirements so that along Newport the building setbacks range from 32' to 73', on Ervin the building setbacks range from 20' to 50 feet, on the North the building setbacks range from 43' to 53' and on the south the setbacks range from 55' to 75' with extensive landscape buffers.</u></b>	Project Applicant	During Project Design and Construction	County of Orange	
MM 7-1	Prior to the approval of final building plans, the applicant shall demonstrate that the interior noise levels in habitable rooms shall not exceed 45 dBA CNEL, as defined by Title 24, Part 2, of the California Building Code through installation of Sound Transmission Class (STC) windows and doors, with an STC-rating of 25 (STC-25), on windows and/or doors for the eastern façade of the main senior living community building facing Newport Avenue.	Project Applicant	Prior to approval of final building plans	County of Orange, Manager, Building Services	
MM 7-2	Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that the construction contractor shall not operate jackhammers, loaded trucks, and large off-road construction equipment that generate equivalent levels of vibration as a large dozer as based on the Federal Transit Administration's Transit Noise and Vibration Impact Assessment study (2006), within 15 feet of the western boundary line and within 10 feet of the southern boundary line of the Project in order to minimize vibration impacts from construction to nearby vibration sensitive structures.	Construction Contractor	Prior to issuance of grading permits	County of Orange, Manager, Building Services	

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MM 7-3	Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that, all construction equipment has been maintained and tuned. During the construction period, the construction contractor shall properly maintain and tune all construction equipment to minimize noise emissions.	Construction Contractor	Prior to issuance of grading permits	County of Orange, Manager, Building Services	
MM 7-4	Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that all equipment has been fitted with air intake silencers and engine shrouds no less effective than as originally equipped by the manufacturer to minimize noise emissions.	Construction Contractor	Prior to issuance of grading permits	County of Orange, Manager, Building Services	
MM 7-5	Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that the construction contractor shall locate all stationary noise sources (e.g., generators, compressors, staging areas) as far from noise-sensitive receptors (property line) as is feasible.	Construction Contractor	Prior to issuance of grading permits	County of Orange, Manager, Building Services	
MM 7-6	Prior to the issuance of grading permits, Project Applicant shall contract with a certified acoustical engineer to oversee the installation of sound blankets at the boundaries of the Project site. The construction contractor shall install, under the direction of the certified acoustical engineer, temporary sound blankets a minimum of eight feet tall with a Sound Transmission Class (STC) rating of 18 or higher at the northern, southern, and western boundary of the Project site prior to grading activities and shall be maintained until the completion of the exterior of the main community building. Sound blankets would reduce noise by 5 to 8 dBA (FHWA 2006). If a masonry block wall with a minimum height of six feet is erected along the northern, southern, and western boundary of the Project site, the sound blankets at each corresponding side may be removed once the walls are fully constructed.	Project Applicant and Certified Acoustical Engineer	Prior to issuance of grading permits	County of Orange, Manager, Building Services	
MM 7-7	Prior to issuance of grading permits, the construction contractor shall demonstrate to the County of Orange Manager, Building Services, that during the construction period, material delivery, soil haul trucks, and equipment servicing shall be restricted to the hours of 7:00 AM to 8:00 PM as set forth in the Codified	Construction Contractor	Prior to issuance of grading permit	County of Orange, Manager, Building Services	

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MM/PDF Number		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
	Ordinances of the County of Orange, Title 4, Division 6, Noise Control, Article 1, Section 4-6-7.				
<b>PUBLIC SERVICES</b>					
PDF 12-1	The Project will be designed to meet the requirements of the California Fire Code related to automatic sprinkler systems, supervised fire alarm systems, access to and around structures, turning radius and access for large fire department vehicles, and water supply systems to fire hydrants and fire sprinkler systems.	Project Applicant	During Project Design and Construction		
PDF 12-2	All electrically operated gates and access doors shall install emergency opening devices as approved by the Orange County Fire Authority.	Project Applicant	During Project Design and Construction		
PDF 12-3	Prior to issuance of the first building permit for the project, the project applicant or successor in interest shall enter into a Secured Fire Protection Agreement with the Orange County Fire Authority for payment of fees which will fund capital improvements necessary to establish adequate fire protection facilities, equipment, and/or personnel as determined by OCFA.	Project Applicant	Prior to issuance of first building permit	Orange County Fire Authority	
PDF 12-4	The project applicant shall comply with all applicable OCFA codes, ordinances, and standard conditions regarding fire prevention and suppression measures, relating to water improvement plans, fire hydrants, automatic fire extinguishing systems, fire access, access gates, combustible construction, water availability, fire sprinkler system, etc.	Project Applicant	During Project Design and Construction	Orange County Fire Authority	
<b>TRANSPORTATION AND TRAFFIC</b>					
PDF 5-1	The senior citizen residential community shall provide a free shuttle service to transport residents to scheduled medical appointments, grocery, pharmacy, department stores and restaurants within a 20-mile radius.	Project Applicant	During Project Design and Construction		

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MM/PDF Number		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
PDF 5-2	The senior citizen community would function on a credit system, where residents would charge food or sundry items to their accounts. Any ancillary services provided for the convenience of residents would only be accessible to and utilized by project residents. All ancillary uses would be located past the front desk and would function on a credit system thus minimizing cash transactions.	Project Applicant	During Project Design and Construction		
<b><u>PDF 5-3</u></b>	<b><u>To ensure adequate access and egress to the Project site, "STOP" signs and stop bars will be installed at each Project driveway along Newport Avenue.</u></b>	Project Applicant	During Project Design and Construction		
UTILITIES AND SERVICE SYSTEMS					
PDF 13-1	<del>2008 Building and Energy Efficiency Standards (CCR Title 24): Prior to the issuance of a permit, development plans for new structures shall be required to demonstrate that building permit the project meets the 2008 Building and Energy Efficiency Standards. Commonly known as Title 24, these standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. The 2008 standards are approximately 15 percent more energy efficient than the 2005 Building and Energy Efficiency Standards. Plans submitted for building permits shall include written notes demonstrating compliance with the 2008 energy standards and shall be reviewed and approved by the Public Utilities Department prior to issuance of building permits. Design strategies to meet this standard may include maximizing solar orientation for daylighting and passive heating/cooling; installing appropriate shading devices and landscaping; utilizing natural ventilation, and installing cool roofs. Other techniques include installing insulation (high R value) and radiant heat barriers, low-e window glazing, or double-paned windows.</del>				