

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide the mechanism by which to monitor mitigation measures outlined in the Addendum to the General Plan Final EIR for the 16800 Magnolia Project (Project).

State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and 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 Fountain Valley is the Lead Agency for the Project and is therefore responsible for ensuring MMRP implementation. This MMRP has been prepared in conformance with Section 21081.6 of the Public Resources Code and the City of Fountain Valley Monitoring Requirements.

The MMRP Checklist is intended to provide verification that all applicable mitigation measures related to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the Project file.

This MMRP delineates responsibilities for monitoring the Project, but also allows the City flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the MMRP Checklist. If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

The numbering system in the following table corresponds with the Addendums numbering system, which is reflective of the City of Fountain Valley General Plan Final Program Environmental Impact Report (State Clearinghouse [SCH]# 2022100563) (General Plan FEIR). The MMRP table "Verification" column will be used by the parties responsible for documenting when the mitigation measure has been completed. The City of Fountain Valley will complete ongoing documentation and mitigation compliance monitoring. The completed MMRP and supplemental documents will be kept on file at the City of Fountain Valley Community Development Department.

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Mitigation Monitoring and Reporting Program Checklist

Applicable General Plan FEIR Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Verification		
				Initials	Date	Remarks
CULTURAL RESOURCES						
Mitigation Measures						
CUL-5: Prior to construction activities, the future project applicant shall retain a qualified archaeologist to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. If cultural resources are discovered during ground disturbing activities, all ground disturbing activities within 50 feet of the find shall be halted until a meeting is convened between the developer, archaeologist, tribal representatives, and the Director of the Community Development Department. At the meeting, the significance of the discoveries shall be discussed and after consultation with the tribal representatives, developer, and archaeologist, a decision shall be made, with the concurrence of the Director of the Community Development Department, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.	Qualified archaeologist Monitor	Prior to construction activities	City of Fountain Valley Community Development Department			
GEOLOGY AND SOILS						
Mitigation Measures						
GEO-1 High Sensitivity. Projects involving ground disturbances in previously undisturbed areas mapped as having "high" paleontological sensitivity shall be monitored by a qualified paleontological monitor during all ground disturbing	Qualified Paleontologist	During all ground disturbing activities, in previously undisturbed	City of Fountain Valley Community Development Department			

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<p>activities. Monitoring shall include inspection of exposed sedimentary units during active excavations within sensitive geologic sediments. The monitor shall have authority to temporarily divert activity away from exposed fossils to evaluate the significance of the find and, if the fossils are determined to be significant, professionally and efficiently recover the fossil specimens and collect associated data. The paleontological monitor shall use field data forms to record pertinent location and geologic data, measure stratigraphic sections (if applicable), and collect appropriate sediment samples from any fossil localities.</p>		<p>areas mapped as having "high" paleontological sensitivity</p>				
<p>GEO-2 Low-to-High Sensitivity. Prior to issuance of a grading permit for projects involving ground disturbance in previously undisturbed areas mapped with "low-to-high" paleontological sensitivity, the project applicant shall consult with a geologist or paleontologist to confirm whether the grading would occur at depths that could encounter highly sensitive sediments for paleontological resources. If confirmed that underlying sediments may have sensitivity, construction activity shall be monitored by a qualified paleontologist. The paleontologist shall have the authority to halt construction during ground disturbing activities as outlined in Mitigation Measure GEO-3.</p>	<p>Qualified Paleontologist</p>	<p>Prior to the issuance of grading in areas mapped as having "low-to-high" paleontological sensitivity</p>	<p>City of Fountain Valley Community Development Department</p>			

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GEO-3 All Projects. In the event of any fossil discovery, regardless of depth or geologic formation, ground disturbing activities shall halt within a 50-foot radius of the find until its significance can be determined by a qualified paleontologist. Significant fossils shall be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility in accordance with the standards of the Society of Vertebrate Paleontology. The most likely repository is the Natural History Museum of Los Angeles County. The repository shall be identified, and a curatorial arrangement shall be signed prior to collection of the fossils.	Qualified Paleontologist	If fossils are discovered for all projects	City of Fountain Valley Community Development Department			
NOISE						
Mitigation Measures						
N-1 Prior to issuance of demolition, grading and/or building permits on sites adjacent to sensitive receptors, a note shall be provided on construction plans indicating that during grading, demolition, and construction, the project applicant shall be responsible for requiring contractors to implement the following measures to limit construction-related noise: <ul style="list-style-type: none"> During the entire permitted activity, equipment and trucks used for the project shall utilize the best available noise control techniques (e.g., improved mufflers, intake silencers, 	Project Applicant	Prior to issuance of demolition, grading, and/or building permits on sites adjacent to sensitive receptors	City of Fountain Valley Community Development Department			

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<p>ducts, engine enclosures, and acoustical attenuation), wherever feasible.</p> <ul style="list-style-type: none"> • Require impact tools (e.g., jack hammers and hoe rams) that are hydraulically or electrically powered whenever feasible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools. • Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses. • Stockpiling shall be located as far as feasible from nearby noise-sensitive receptors. • Prior to the start of construction activities, a sign shall be posted at the job site, clearly visible to the public, which includes permitted construction days and hours, as well as contact information for the City's Building Inspection Supervisor and contractor's authorized representative. If the authorized contractor's representative receives a noise or vibration complaint, they shall investigate, take appropriate corrective action, and report the action to the City. • Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along 						

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<p>queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.</p> <ul style="list-style-type: none"> • During the entire active construction period, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall be responsible for adjusting alarms based on the background noise level, or utilizing human spotters when feasible and in compliance with all safety requirements and laws. • Erect temporary noise barriers, where feasible, when construction noise is predicted to exceed the established noise standards and when the anticipated construction duration is greater than is typical (e.g., two years or greater). 						
TRIBAL CULTURAL RESOURCES						
Mitigation Measures						
TCR-1 Prior to any ground disturbing construction activities, the project applicant shall retain a Native American monitor. The tribal monitor shall only be present onsite during the construction phases that involve ground-disturbing activities. Ground-disturbing activities are defined as activities that may include, but are not limited to, pavement removal, potholing or	Native American Monitor	Prior to any ground disturbing construction activities	City of Fountain Valley Community Development Department			

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<p>auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching within a project site. The tribal monitor 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 onsite monitoring shall end when the grading and excavation activities are completed or when the tribal representatives and monitor have indicated that the project site has a low potential for affecting tribal cultural resources.</p> <p>Upon discovery of any tribal cultural resources, construction activities shall cease in the immediate vicinity of the find until the tribal monitor can assess the find. The evaluation of all tribal cultural resources unearthed by project construction activities shall be evaluated by a qualified archaeologist and/or tribal monitor. If the resources are Native American in origin, the tribal monitor shall coordinate with the project applicant and Director of the Community Development Department regarding treatment and curation of these resources as well as notifying local tribes of the find. Typically, the tribe(s) will request reburial or preservation for educational purposes. The project applicant may continue working on other parts of the project site while evaluation and, if necessary, mitigation</p>						

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<p>takes place (CEQA Guidelines Section 15064.5[f]). If the tribal monitor determines a resource to constitute a “historical resource” or “unique archaeological resource,” time 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 and Public Resources Code Section 21083.2(b) for unique archaeological resources.</p> <p>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. The project applicant and Director of the Community Development Department shall be responsible for ensuring that a public, nonprofit institution with a research interest in the materials, such as the Orange County Museum of Natural History, curate any historic archaeological material that is not Native American in origin if such an institution agrees to accept the material. If no institution accepts the archaeological material, the project applicant and Director of the Community Development Department shall offer it to a local historical society for educational purposes or retain</p>						

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the material and use it for educational purposes						