

# 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 Mitigated Negative Declaration 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 Brookhurst and Central Townhome project (project). The City of Garden Grove is the Lead Agency for the project and is responsible for implementation of the MMRP. This MMRP for the project identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

## Mitigation Monitoring and Reporting Program

This MMRP for the project applies, variably, during all project phases, including design, construction, and operation, as indicated. The attached table identifies the mitigation program required to be implemented by the City for the Brookhurst and Central Townhome project. The table identifies the mitigation measures required by the City 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 mitigation measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

*This page intentionally left blank.*

**TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM  
THE BROOKHURST AND CENTRAL TOWNHOME PROJECT**

Regulation / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<b>AESTHETICS</b>			
<p><b>Lighting.</b> Project plans and specifications shall implement compliance with GGMC Section 9.12.040.210, which states that lights provided to illuminate any parking facility or paved area shall be designed with automatic timers (photovoltaic cells), shall be maintained, and shall be directed, positioned, or shielded to avoid shining into windows of immediately adjacent residences.</p>	<p>Requirement to be included in Construction Plans and Specifications.</p> <p>Verified prior to issuance of Building and Occupancy Permits.</p>	<p>City of Garden Grove Building and Safety Division</p>	
<b>AIR QUALITY</b>			
<p><b>SCAQMD Rule 402 – Nuisance.</b> The project plans and specifications shall implement compliance with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 402. The project shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</p>	<p>Requirement to be included in Construction Plans and Specifications.</p> <p>Verified prior to issuance of Demolition and Grading Permits and during demolition and grading activities.</p>	<p>City of Garden Grove Building and Safety Division</p>	
<p><b>SCAQMD Rule 403 – Fugitive Dust.</b> The project plans and specifications shall implement compliance with the provisions of South Coast Air Quality Management District (SCAQMD) Rule 403, which includes the following:</p> <ul style="list-style-type: none"> <li>• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.</li> <li>• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the project are watered, with complete coverage of disturbed areas, at least 3 times daily during dry weather; preferably in the mid-morning, afternoon, and after work is done for the day.</li> <li>• The contractor shall ensure that traffic speeds on unpaved roads and project site areas are reduced to 15 miles per hour or less.</li> </ul>	<p>Requirement to be included in Construction Plans and Specifications.</p> <p>Verified prior to issuance of Demolition and Grading Permits and during demolition and grading activities.</p>	<p>City of Garden Grove Building and Safety Division</p>	

Regulation / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p><b>SCAQMD Rule 1113 – Architectural Coatings.</b> The project plans and specifications shall implement compliance with the provisions of South Coast Air Quality Management District Rule (SCAQMD) Rule 1113. Only “Low-Volatile Organic Compounds” paints (no more than 50 gram/liter of VOC) and/or High Pressure Low Volume (HPLV) applications shall be used.</p>	<p>Requirement to be included in Construction Plans, Specifications, and Permits.</p> <p>Verified prior to issuance of Construction Permits that involve architectural coatings and during architectural coating activities.</p>	<p>City of Garden Grove Building and Safety Division</p>	
<b>BIOLOGICAL RESOURCES</b>			
<p><b>Migratory Bird Treaty Act and California Fish and Game Code Sections 3503.5, 3511, and 3515.</b> Prior to issuance of grading or demolition permits that include vegetation and/or tree removal activities that will occur within the active breeding season for birds (February 1 through September 15), the project applicant (or their Construction Contractor) shall retain a qualified biologist (meaning a professional biologist that is familiar with local birds and their nesting behaviors) to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities.</p> <p>The nesting survey shall include the project site and areas immediately adjacent to the site that could potentially be affected by project-related construction activities, such as noise, human activity, and dust, etc. If active nesting of birds is observed within 100 feet (ft) of the designated construction area prior to construction, the qualified biologist shall establish an appropriate buffer around the active nests (e.g., as much as 500 ft for raptors and 300 ft for non-raptors [subject to the recommendations of the qualified biologist]), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.</p> <p>Prior to commencement of grading activities and issuance of any building permits, the City Community Development Director, or designee, shall verify that all project grading and construction plans are consistent with the requirements of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503.5, 3511, and 3515, as stated above, that pre-construction surveys have been completed (if needed) and the results</p>	<p>Requirement to be included in Construction Plans and Specifications.</p> <p>Verified prior to issuance of Demolition and Grading Permits involving vegetation removal.</p>	<p>City of Garden Grove Building and Safety Division</p>	

Regulation / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
reviewed by staff, and that the appropriate buffers (if needed) are noted on the plans and established in the field with orange snow fencing.			
<b>CULTURAL RESOURCES</b>			
<p><b>Human Remains.</b> In the event that human remains are encountered on the project site, work within 50 ft of the discovery shall cease and the County Coroner shall be notified immediately consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e). State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. Prior to the issuance of grading permits, the City shall verify that all grading plans specify the requirements of CCR Section 15064.5(e), State Health and Safety Code Section 7050.5, and PRC Section 5097.98, as stated above.</p>	<p>Requirement to be included in Construction Plans and Specifications.</p> <p>Verified prior to issuance of Grading Permits.</p>	<p>City of Garden Grove Building and Safety Division</p>	
<p><b>Mitigation Measure CUL-1: Archaeological Resources.</b> Construction plans and specifications shall state that in the event that potential archaeological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find and the City shall be immediately notified. A qualified archaeologist meeting the Secretary of Interior’s Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A shall flag the area in the field and shall evaluate the find to determine whether the find constitutes a “unique archaeological resource,” as defined in Section 21083.2(g) of the California Public Resources Code. If the find is considered a “unique archaeological resource” the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the City. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation an established accredited professional repository by the archaeologist or repatriation of the recovered resources in cooperation with the designated most likely descendant shall occur as needed. The archaeologist shall have a repository agreement in hand prior to initiating recovery of the resource. If unique archaeological resources cannot be preserved in</p>	<p>Requirement to be included in Construction Plans and Specifications.</p> <p>Verified prior to issuance of Grading Permits and during ground disturbing activities.</p>	<p>City of Garden Grove Building and Safety Division</p>	

Regulation / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>place or left in an undisturbed state, recovery, salvage and treatment shall be required at the developer/applicant's expense. The archaeologist shall prepare a comprehensive report complete with methods and results that shall be submitted to the City of Garden Grove Building and Safety Division, the South Central Coastal Information Center, and the State Historic Preservation Office (SHPO), if required. Prior to commencement of grading activities, the Director of the City of Garden Grove Building and Safety Division shall verify that all project grading and construction plans include specific requirements regarding Public Resources Code Section 21083.2(g) and the treatment of archaeological resources as specified herein.</p>			
<b>ENERGY</b>			
<p><b>CalGreen Compliance.</b> The project plans and specifications shall implement compliance with the CalGreen Building Code as included in the City's Municipal Code Section 18.04.010 to ensure efficient use of energy. CalGreen specifications are required to be incorporated into building plans as a condition of building permit approval.</p>	<p>Requirement to be included in Construction Plans and Specifications.  Verified prior to issuance of Building Permits.</p>	<p>City of Garden Grove Building and Safety Division</p>	
<b>GEOLOGY AND SOILS</b>			
<p><b>California Building Code.</b> The project plans and specifications shall implement compliance with the California Building Code as included in the City's Municipal Code Section 9.12.040.210 to preclude significant adverse effects associated with seismic hazards. California Building Code related and geologist and/or civil engineer specifications for the project are required to be incorporated into grading and building plans and specifications prior to issuance of grading and building permits.</p>	<p>Requirement to be included in Construction Plans and Specifications.  Verified prior to issuance of Grading and Building Permits.</p>	<p>City of Garden Grove Building and Safety Division</p>	
<p><b>Mitigation Measure PAL-1: Paleontological Resources.</b> Construction plans and specifications shall state that in the event that potential paleontological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find until a qualified paleontologist (who meets the Society of Vertebrate Paleontology's (SVP, 2010) definition for qualified profession paleontologist) has evaluated the find. If a fossil is determined to be significant, the qualified paleontologist shall implement a paleontological salvage program to remove the resources from their location, following the guidelines of the SVP (2010). Any fossils encountered and</p>	<p>Requirement to be included in Construction Plans and Specifications.  Verified prior to issuance of Grading Permits.</p>	<p>City of Garden Grove Building and Safety Division</p>	

Regulation / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>recovered shall be prepared to the point of identification, catalogued, and curated at a public, non-profit institution with a research interest in the material and with retrievable storage, 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, and photographs shall also be filed at the repository and/or school.</p> <p>If any fossil remains are discovered, the paleontologist shall make a recommendation whether monitoring shall be required for the continuance of earth moving activities. Prior to commencement of grading activities, the City of Garden Grove Building and Safety Division, shall verify that all project grading and construction plans specify the requirements herein related to the unanticipated discovery of paleontological resources.</p> <p>After completion of the salvage and curation of any resources, the qualified paleontologist shall prepare a report summarizing the results of the monitoring and salvage efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted to the City Director of the City Community Development Department, or designee, and the Natural History Museum of Los Angeles County.</p>			
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
<p><b>Asbestos Containing Materials.</b> Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building and Safety Division that an asbestos survey has been conducted pursuant to SCAQMD Rule 1403. If asbestos is found, the project applicant shall follow all procedural requirements and regulations of SCAQMD Rule 1403. Rule 1403 regulations require that the following actions be taken: notification of SCAQMD prior to construction activity, asbestos removal in accordance with prescribed procedures, placement of collected asbestos in leak-tight containers or wrapping, and proper disposal.</p>	<p>Requirement to be included in Construction Plans and Specifications.</p> <p>Verified prior to issuance of Demolition Permit.</p>	<p>City of Garden Grove Building and Safety Division</p>	
<p><b>Lead Based Paint.</b> Prior to issuance of demolition permits, the project applicant shall submit verification to the City Building and Safety Division that a lead-based paint survey has been conducted. If lead-based paint is found, the project applicant shall follow all procedural requirements and regulations for proper removal and disposal of the lead-based paint. Cal-OSHA has established limits of exposure to lead contained in dusts and</p>	<p>Requirement to be included in Construction Plans and Specifications.</p>	<p>City of Garden Grove Building and Safety Division</p>	

Regulation / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>fumes. Specifically, CCR Title 8, Section 1532.1 provides for exposure limits, exposure monitoring, and respiratory protection, and mandates good working practices by workers exposed to lead.</p>	<p>Verified prior to issuance of Demolition Permit.</p>		
<b>HYDROLOGY AND WATER QUALITY</b>			
<p><b>Stormwater Pollution Prevention Plan.</b> Prior to grading permit issuance, the project developer shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared by a QSD (Qualified SWPPP Developer) in accordance with the County Drainage Area Management Plan (DAMP). The SWPPP shall incorporate all necessary Best Management Practices (BMPs) and other DAMP requirements to comply with the National Pollutant Discharge Elimination System (NPDES) regulations to limit the potential of polluted runoff during construction activities. Project contractors shall be required to ensure compliance with the SWPPP and permit periodic inspection of the construction site by City of Garden Grove staff or its designee to confirm compliance.</p>	<p>Requirement to be included in Construction Plans and Specifications.  Verified prior to issuance of Grading Permits.</p>	<p>City of Garden Grove Building and Safety Division, and Public Works Engineering Division</p>	
<p><b>Water Quality Management Plan.</b> Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Building and Safety Division. The WQMP shall identify all post-construction, site design, source control, and treatment control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters. The WQMP shall comply with GGMC Section 6.40.050, the Orange County DAMP, and the Santa Ana Region, Regional Water Quality Control Board (RWQCB) requirements in effect at the time permitting.</p>	<p>Requirement to be included in Construction Plans and Specifications.  Verified prior to issuance of Grading Permits.</p>	<p>City of Garden Grove Building and Safety Division, and Public Works Engineering Division</p>	
<b>NOISE</b>			
<p><b>Construction Noise.</b> Project construction plans and specifications shall detail that construction activities shall occur in compliance with Municipal Code Section 8.47.060(d), which states that it shall be unlawful for any person within a residential area, or within a radius of 500 feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures, or projects, or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day in such a manner that a person of normal sensitiveness, as determined utilizing the criteria</p>	<p>Requirement to be included in Construction Plans and Specifications.  Verified prior to issuance of Demolition, Grading, and Construction Permits and during these activities.</p>	<p>City of Garden Grove Building and Safety Division</p>	



Regulation / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>established in Section 8.47.050(B), is caused discomfort or annoyance unless such operations are of an emergency nature.</p>			
<p><b>Mitigation Measure NOI-1: Air Conditioner Units.</b> The project plans, mechanical specifications, and occupancy permits shall require that the air conditioning condenser units for the proposed townhomes Nos: 23 to 30, which are located on the east side of the project site shall not exceed a manufacturer sound rating of 74 dBA at one meter; or shall include installation of a manufacturer developed sound blanket for air conditioning units with manufacturer sound ratings above 74 dBA at one meter. Installation of sound blanket kits on the air conditioning condenser units shall provide a minimum noise reduction to achieve 74 dBA at one meter.</p>	<p>Requirement to be included in Project Plans and Mechanical Specifications.</p> <p>Verified prior to Occupancy Permits.</p>	<p>City of Garden Grove Building and Safety Division</p>	
<p><b>Mitigation Measure NOI-2: Construction Equipment.</b> The project's grading and construction plans and permitting specifications shall include the following requirements:</p> <ul style="list-style-type: none"> <li>• Operation of all large bulldozers that are powered by a greater than 150 horsepower engine are restricted from operating within 10 feet of the eastern property line of the project site. The project construction plans and permitting specifications shall require the use of a small bulldozer (i.e., D1, D2, or D3 dozers) or other type of equipment that is less than 150 horsepower to perform all grading activities that are located within 10 feet of the eastern property line of the project site.</li> <li>• All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receiver nearest the project site.</li> <li>• The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers nearest the project site during all construction.</li> </ul>	<p>Requirement to be included in Construction Plans and Specifications.</p> <p>Verified prior to Demolition, Grading, and Construction Permits and during these activities.</p>	<p>City of Garden Grove Building and Safety Division</p>	

Regulation / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<b>PUBLIC SERVICES</b>			
<p><b>Schools Development Impact Fee:</b> The project will be required to pay applicable development fees levied by the Garden Grove Unified School District pursuant to the School Facilities Act (Senate Bill [SB] 50, Stats. 1998, c.407) to offset these impacts on school facilities resulting from new development.</p>	<p>Requirement to be included in Project Plans and Conditions of Approval. Verified prior to Occupancy Permits.</p>	<p>City of Garden Grove Planning Services Division and Building and Safety Division</p>	
<p><b>Park and Recreation Impact Fee:</b> The project will be required to pay applicable City development impact fees for park and recreational facilities pursuant to Municipal Code 9.44.030 In-Lieu Park Fees, which are imposed on each development project to offset the cost of providing increased park and recreation facilities.</p>	<p>In Project Plans and Conditions of Approval. Verified prior to Occupancy Permits.</p>	<p>City of Garden Grove Planning Services Division and Building and Safety Division</p>	
<b>TRIBAL CULTURAL RESOURCES</b>			
<p><b>Mitigation Measure TCR-1: Native American Monitoring.</b> The project's grading and construction plans and specifications shall state that, prior to commencement of any ground disturbing activities, a Native American monitor approved by the Gabrielino Band of Mission Indians – Kizh Nation – the tribe that consulted on this project pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18 (the "Tribe" or the "Consulting Tribe") shall be retained for the proposed project. A copy of the executed contract shall be submitted to the City of Garden Grove Planning Services Division and Building and Safety Division prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Tribe shall be contracted to conduct a Native American Indian Sensitivity Training for construction personnel prior to the start of construction activities. The training session shall include a handout and shall focus on how to identify Native American resources encountered during earthmoving activities and the procedures to be followed if resources are discovered.</p> <p>In the event that tribal cultural resources are inadvertently discovered during ground-disturbing activities, work shall be halted within 50 feet of the find until it can be evaluated by a qualified archaeologist in cooperation with a Tribal Monitor approved by the Consulting Tribe to determine if the potential resource meets the CEQA definition of historical (CEQA Guidelines 15064.5(a)) and/or unique resource (Public Resources Code Section 21083.2(g)), and/or a "nonunique archeological resource" that conforms with the criteria of Public Resources Code section 21074(a) (Public Resources Code section 21074(c), Public Resources Code section 21083.2(h)). If the find is considered</p>	<p>Requirement to be included in Construction Plans and Specifications.</p> <p>Verified prior to Demolition and Grading Permits and during grading and excavation activities.</p>	<p>City of Garden Grove Planning Services Division and Building and Safety Division</p>	

Regulation / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>a “historical resource,” a “unique archaeological resource,” or a “nonunique archeological resource” that conforms with the criteria of Public Resources Code section 21074(a), the qualified archaeologist, in cooperation with a Native American monitor, shall pursue either preservation in place or recovery, salvage and treatment of the resource. Recovery, salvage, and treatment protocols shall be developed by the qualified archeologist in accordance with applicable provisions of Public Resources Code Section 21083.2 and CEQA Guidelines 15064.5 and 15126.4. If a resource, as defined above, is not Native American in origin, cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the project applicant’s expense. All recovered and salvaged resources shall be identified and permanently preserved in an established accredited professional repository. If the resources are Native American in origin, the Consulting Tribe shall retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. Prior to commencement of grading activities, the Director of the City Community Development Department, or designee, shall verify that all project grading and construction plans require the Native American Sensitivity Training and the treatment of resources as specified in this mitigation measure.</p>			
<b>UTILITIES AND SERVICE SYSTEMS</b>			
<p><b>Construction Waste.</b> The City’s Municipal Code Section 18.60.040, Minimum Construction and Demolition Waste Diversion Requirements. Construction plans and specifications shall implement reuse, recycling, and/or diversion of the minimum percentage amount of designated recyclable and reusable materials as set forth by the CALGreen (Part 11 of Title 24, California Code of Regulations).</p>	<p>Requirement to be included in Construction Plans and Specifications.</p> <p>Verified prior to Demolition, Grading, and Construction Permits and during these activities.</p>	<p>City of Garden Grove Building and Safety Division</p>	