

Attachment No. PC 3

Mitigation Monitoring &
Reporting Program

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MITIGATION MONITORING AND REPORTING PROGRAM

THE KOLL CENTER RESIDENCES ENVIRONMENTAL IMPACT REPORT SCH NO. 2017011002

Prepared for

City of Newport Beach
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Date

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1.1 PROJECT LOCATION AND DESCRIPTION

The project site is at 4400 Von Karman Avenue in the City of Newport Beach, County of Orange, California. The approximately 13.16-acre project site includes land legally described as Assessor Parcel Numbers (APNs) 445-131-04, -09, -29, and -30.

The project site is an irregularly-shaped property generally bordered by Birch Street to the northeast, Von Karman Avenue to the west, and existing office uses and associated surface parking lots and parking structures to the east and south within Koll Center Newport. Koll Center Newport is an approximately 154-acre mixed-use development area generally bordered on the northeast by Campus Drive, on the southeast by Jamboree Road, and on the west by MacArthur Boulevard.

The Project would allow for the development of a mixed-use infill residential and retail development with 260 residential condominiums, 3,000 sf of ground-floor retail uses, a 1.17-acre public park, a free-standing parking structure, and the reconfiguration of some of the existing surface parking areas. The 260 dwelling units would be in three, 13-story buildings with a maximum building height of 160 feet in conformance with the height restrictions set forth by the Federal Aviation Administration (FAA) Federal Aviation Regulations (FAR) Part 77. The buildings would have two levels of above-grade and two to three levels of below-grade structured parking. The public park would be located adjacent Birch Street.

Implementation of the Proposed Project would require the demolition of existing surface parking and landscaping within the limits of disturbance. All Project residential parking would be provided on site in the residential building parking structures, with additional on-site surface parking for the proposed public park and retail uses. Office parking removed during construction and by the proposed development would be provided in a new free-standing parking structure, the Building 1 parking structure, and surface parking areas.

1.2 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or 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 Project Design Features (PDFs), Standard Conditions (SCs), and mitigation measures (MMs) outlined in the Koll Center Residences Final Environmental Impact Report (EIR), State Clearinghouse No. SCH NO. 2017011002. The Koll Center Residences MMRP has been prepared in conformance with Section 21081.6 of the Public Resources Code and City of Newport Beach Monitoring Requirements. Specifically, Section 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.

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 Newport Beach is the Lead Agency for the Koll Center Residences Project and is therefore responsible for implementing the MMRP. The MMRP has been drafted to meet the requirements of Public Resources Code Section 21081.6 as a fully enforceable monitoring program.

The MMRP is comprised of the Mitigation Program and includes measures to implement and monitor the Mitigation Program. The MMRP defines the following for each PDF, SC, and MM identified in Table 1, *Mitigation Monitoring Requirements*:

- **Definition of Mitigation (PDF, SC, MM).** The mitigation measure contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, the Applicant is the responsible party for implementing the mitigation, and the City of Newport Beach or a designated representative is responsible for monitoring the performance and implementation of the mitigation measures. To guarantee that the mitigation will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.
- **Time Frame.** In each case, a time frame is provided for performance of the mitigation or the review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from agencies with permitting authority over the specific activity.

The numbering system in Table 1 corresponds with the numbering system used in the Final EIR. The last column of the MMRP table will be used by the parties responsible for documenting when implementation of the mitigation measure has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City of Newport Beach. The completed MMRP and supplemental documents will be kept on file at the City of Newport Beach Community Development Department Planning Division.

Table 1-1. Mitigation Monitoring Requirements

Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
AESTHETICS AND VISUAL RESOURCES				
SC 4.1-1: Obtain site development review approval before the issuance of a building or grading permit in compliance with the City of Newport Beach Municipal Code Section 20.52.080.	Applicant Community Development Department; other applicable departments	Prior to issuance of Grading and Building Permits	Community Development Department – Planning Division	
SC 4.1-2: The following City-adopted standard operating conditions of approval would apply: <ol style="list-style-type: none"> 1. Lighting shall be in compliance with applicable standards of the Zoning Code. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. “Walpak” type fixtures are not permitted. Parking area lighting shall have zero-cut-off fixtures and light standards shall be the minimum height required to effectively illuminate the parking area and eliminate spillover of light and glare to the adjacent property. 2. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Community Development Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated. 3. Prior to the issuance of a building permit, the Applicant shall prepare a photometric study in conjunction with a final lighting plan for approval by the Planning Department. 4. Prior to issuance of the certificate of occupancy or of final building permits, the Applicant shall schedule an evening inspection by the 	Applicant	Submittal of light plan and photometric study prior to issuance of Building Permits Final inspection prior to issuance of Certificates of Occupancy	Community Development Department – Planning Division Code and Water Quality Enforcement Division	

Table 1-1. Mitigation Monitoring Requirements

Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
Code and Water Quality Enforcement Division to confirm control of light and glare specified in conditions of approval. 5. Public areas shall be illuminated with a minimum maintained 0.5-foot candle on the driving or walking surface during hours of operation and one hour thereafter.				
See Noise MM 4.10-7.				
AIR QUALITY				
PDF 1: Building Design. The Applicant will pursue a Leadership in Energy and Environmental Design (LEED) Silver Certification for the Project. Project features may include the following. <ul style="list-style-type: none"> ▪ Bicycle storage and maintenance facility ▪ Electric vehicle charging stations ▪ Indoor water use reduction ▪ Optimized energy performance ▪ Low emitting materials ▪ Day lighting ▪ Enhanced indoor air quality features ▪ Earth day functions for residents 	Applicant	Prior to issuance of Building Permits; during construction Verification to City based on U.S. Green Building Council determination	Community Development Department – Planning Division	
SC 4.2-1: Dust Control. During construction, the Applicant shall require all construction contractors to comply with South Coast Air Quality Management District's (SCAQMD's) Rules 402 and 403 in order to minimize construction emissions of dust and particulates. SCAQMD Rule 402 requires that air pollutant emissions not be a nuisance off site. Rule 402 prohibits the 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	Applicant Construction Contractor	Prior to issuance of Grading and Building Permits Monitor during grading and construction	Community Development Department – Building Division	

Table 1-1. Mitigation Monitoring Requirements

Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
<p>or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.</p> <p>SCAQMD Rule 403 requires that fugitive dust be controlled with Best Available Control Measures so that the presence of such dust does not remain visible beyond the property line of the emission source. This rule is intended to reduce PM₁₀ emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. This requirement shall be included as notes on the contractor specifications. Table 1 of Rule 403 lists the Best Available Control Measures that are applicable to all construction projects. The measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> a) Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized. b) All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized. c) All material transported off site will be either sufficiently watered or securely covered to prevent excessive amounts of dust. d) The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times. e) Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface. 				
<p>SC 4.2-2: Architectural Coatings. South Coast Air Quality Management District (SCAQMD) Rule 1113 requires manufacturers, distributors, and end-users of architectural and industrial maintenance coatings to reduce reactive organic gas (ROG) emissions from the use of these coatings, primarily by placing limits on the ROG content of various coating categories. Architectural coatings shall be selected so that the volatile organic</p>	Applicant Construction Manager	Identify in contractor specifications During building plan check and construction	Community Development Department – Building Department	

Table 1-1. Mitigation Monitoring Requirements

Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
compound (VOC) content of the coatings is compliant with SCAQMD Rule 1113. This requirement shall be included as notes on contractor specifications.				
Please refer to Greenhouse Gas Emissions SC 4.6-1.				
<p>MM 4.2-1: Prior to the issuance of Grading Permit, the construction contractor shall provide evidence to the Community Development Director and City Traffic Engineer that the following measures will be implemented during construction:</p> <ul style="list-style-type: none"> a) Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow. b) Provide dedicated turn lanes for movement of construction trucks and equipment both on and off of the project site. c) Improve traffic flow by signal synchronization, and ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications. d) Require the use of electricity from power poles rather than temporary diesel or gasoline powered generators, as feasible. e) Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NO_x emissions requirements. f) During Project construction, all internal combustion engines/construction, equipment operating on the project site shall meet EPA-Certified Tier 4 emissions standards, or higher according to the following: <ul style="list-style-type: none"> ▪ All off-road diesel-powered construction equipment greater than 50 horsepower shall meet Tier 3 off-road emissions 	Applicant Construction Manager	<p>Prior to issuance of Grading and Building Permits</p> <p>Identify in approved grading and construction plans</p> <p>Monitor during grading and construction</p>	<p>Community Development Department – Building Division</p> <p>Public Works Department – Traffic Engineer</p>	

Table 1-1. Mitigation Monitoring Requirements

Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
<p>standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.</p> <ul style="list-style-type: none"> A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment. 				
BIOLOGICAL RESOURCES				
<p>SC 4.3-1: The Applicant shall be responsible for planting trees in the parkway abutting the building site in accordance with City rules, regulations and policies in compliance with the City of Newport Beach Municipal Code Chapter 13.09 (Parkway Trees). The parkway trees shall be at least a 36-inch box of the type, variety and/or species determined by the City in accordance with the City Street Tree Designation List. If the City determines that because of the location, terrain, or condition of the property that required tree planting is impractical at the abutting parkway, the Applicant shall plant the 36-inch box tree at a location designated by the City.</p>	Applicant Landscape Architect	<p>Prior to issuance of Grading and Building Permits, Landscape Plan review</p> <p>Site inspection</p>	Municipal Operations Department – General Services Division	
<p>MM 4.3-1: A preconstruction survey for nesting birds shall be conducted by a qualified biologist if clearing and grubbing work is conducted within the bird nesting season (typically February 15 to September 15). If an active nest is discovered, disturbance within an established buffer shall be prohibited until nesting is complete; the buffer distance shall be determined by the biologist in consultation with applicable resource agencies and in consideration of species sensitivity and existing nest site conditions. Limits of avoidance shall be demarcated with flagging or fencing. The biologist shall record the results of the recommended protective measures described above and shall submit a memo summarizing any nest avoidance measures to the City to document</p>	Qualified Biologist Applicable resource agencies (if required)	<p>Prior to issuance of Grading and Building Permits for activity scheduled to occur from February 15th through September 15th of any year.</p> <p>Where there is an active nest, establish avoidance area prior to disturbance</p>	<p>Community Development Department – Planning Division</p> <p>Municipal Operations Department – General Services Division</p>	

Table 1-1. Mitigation Monitoring Requirements

Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
compliance with applicable State and federal laws pertaining to the protection of native birds.				
CULTURAL RESOURCES				
SC 4.4-1: California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within the project site, disturbance of the site shall be halted until the coroner has conducted an investigation into the circumstances, manner and cause of death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.	Qualified Archeologist Native American Heritage Commission (NAHC) (as necessary)	County Coroner: within 24 hours of a discovery	Community Development Department – Planning Division Community Development Department – Building Division	
MM 4.4-1: The State CEQA Guidelines (14 CCR §15126.4[b][3]) direct public agencies, wherever feasible, to avoid damaging historical resources of an archaeological nature, preferably by preserving the resource(s) in place. Preservation in place options suggested by the State CEQA Guidelines include (1) planning construction to avoid an archaeological site; (2) incorporating the site into open space; (3) capping the site with a chemically stable soil; and/or (4) deeding the site into a permanent conservation easement. Prior to the issuance of a grading permit and/or action that would permit project site disturbance (whichever occurs first), the Applicant shall provide written evidence to the City that the Applicant has separately retained a qualified archaeologist and Native American monitor to observe grading activities and if preservation in place is not	Applicant Qualified Archaeologist Native American monitor	Prior to issuance of Grading Permit and/or action that would permit site disturbance (whichever occurs first) Attendance of Archaeologist and Native American monitor at pre-grade meeting	Community Development Department – Planning Division	

Table 1-1. Mitigation Monitoring Requirements

Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
feasible, to salvage and catalogue historic and archaeological resources, as necessary. The selection of a qualified Gabrieliño Band of Mission Indians Native American monitor shall be made with input from the archaeologist subject to the approval of the City. The archaeologist and Native American monitor shall be present at the pre-grade conference; the archaeologist 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. Because of the disturbed condition of the project site, the duration of monitoring by both the archaeologist and the Native American monitor shall be determined by the archaeologist and the Native American monitor. If the archaeologist and the Native American monitor, determines that they are unique historic or archaeological resources as defined by Public Resources Code (PRC) Section 21083.2 or a tribal cultural resource as defined by PRC Section 21074, then the archaeologist and Native American monitor shall conduct additional excavations as determined to be necessary to avoid impacts to these resources by the development. If they are not “unique” then no further mitigation would be required. Unique cultural resources shall be determined based on the criteria set forth in Section 21083.2 of CEQA. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the City of Newport Beach Community Development Department.		Identify in approved grading and construction plans Monitoring during grading/disturbance activities, including monitoring by Native American Monitor		
MM 4.4-2: Prior to the issuance of the first grading permit and/or action that would permit project site disturbance, the Applicant shall provide written evidence to the City of Newport Beach Community Development Department that the Applicant has retained a qualified Paleontologist to monitor any potential impacts to paleontological resources throughout the duration of any ground-disturbing activities at the project site. The paleontologist shall review the Project’s final plans and develop and	Applicant Qualified Paleontologist	Prior to issuance of Grading Permits and/or action that would permit site disturbance Identify in approved grading and construction plans	Community Development Department – Planning Division	

Table 1-1. Mitigation Monitoring Requirements

Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
<p>implement a Paleontological Mitigation Plan, which shall include the following minimum elements:</p> <ul style="list-style-type: none"> All earthmoving activities eight-feet or more below the current surface shall be monitored full-time by a qualified paleontological monitor. If fossils are discovered, the paleontological monitor has the authority to temporarily divert work as deemed necessary to allow recovery of the fossils and evaluation of the fossil locality. Fossil localities shall require documentation including stratigraphic columns and samples for micropaleontological analyses and for dating. Fossils shall be prepared to the point of identification prior to being donated to an appropriate repository. The final report shall interpret any paleontological resources discovered in the regional context and provide the catalog and all specialists' reports as appendices. 		Monitoring during grading/ disturbance activities		
GEOLOGY AND SOILS				
<p>SC 4.5-1: The Project is required to comply with City of Newport Beach Municipal Code, Chapter 15.10, Excavation and Grading Code. Prior to the issuance of any grading permits, the City of Newport Beach Community Development Department, Building Division Manager or his/her designee shall review the grading plan for conformance with the grading shown on the approved tentative map. The grading plans shall be accompanied by geological and soils engineering reports and shall incorporate all information as required by the City. Grading plans shall indicate all areas of grading. Grading plans shall provide for temporary erosion control on all graded sites scheduled to remain unimproved for more than 30 days. If the Applicant submits a grading plan that deviates from the grading shown on the approved tentative map, as determined by the Building Manager, s/he shall review the plan for a finding of substantial conformance. If the</p>	Applicant Registered Geotechnical Engineer	<p>Prior to the issuance of Grading Permits</p> <p>Identified in approved grading and construction plans</p>	Community Development Department – Building Division	

Table 1-1. Mitigation Monitoring Requirements

Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
Building Manager finds the plan not to be in substantial conformance, the Applicant shall process a revised tentative map or, if a final map has been recorded, the Applicant shall process a new tentative map. A determination of CEQA compliance shall also be required.				
SC 4.5-2: The Project is required to comply with General Plan Safety Element Policies S 4.1 through S 4.6, which require new development to be in compliance with the most recent seismic and other geologic hazard safety standards, and help protect community health and safety through the implementation of effective, state-of-the-art standards for seismic design of structures.	Applicant Registered Geotechnical Engineer	Prior to the issuance of Grading and Building Permits Identified in approved grading and construction plans	Community Development Department – Building Division	
<p>MM 4.5-1: The Applicant shall submit to the City of Newport Beach Community Development Department, Building Division for review and approval, a site-specific, design-level geotechnical investigation prepared for the project site by a registered geotechnical engineer. The investigation shall comply with all applicable State and local code requirements and:</p> <ul style="list-style-type: none"> a) Include an analysis of the expected ground motions at the site from known active faults using accepted methodologies; b) Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable City amendments, to ensure that structures can withstand ground accelerations expected from known active faults; c) Determine the final design parameters for walls, foundations, foundation slabs, utilities, roadways, parking lots, sidewalks, and other surrounding related improvements; <p>Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigation in the site-specific investigations. The structural engineer shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the</p>	Applicant Registered Geotechnical Engineer	Prior to issuance of Grading and Building Permits	Community Development Department – Building Division	

Table 1-1. Mitigation Monitoring Requirements

Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
<p>structural design plans and shall ensure that all structural plans for the Project meet current Building Code requirements.</p> <p>The City's registered geotechnical engineer or third-party registered engineer retained to review the geotechnical reports shall review each site-specific geotechnical investigation, approve the final report, and require compliance with all geotechnical requirements contained in the investigation in the plans submitted for the grading, foundation, structural, infrastructure and all other relevant construction permits.</p> <p>The City shall review all Project plans for grading, foundations, structural, infrastructure and all other relevant construction permits to ensure compliance with the applicable geotechnical investigation and other applicable Code requirements.</p>				
HAZARDS AND HAZARDOUS MATERIALS				
<p>MM 4.7-1 Prior to the issuance of a building, grading, or demolition permit, the Applicant shall prepare a soil management plan for all excavation projects conducted on the project site, to be implemented in the event that excavation occurs in an area that may contain contaminants and for situations when contaminants that were not previously identified are suspected or discovered. The plan shall identify appropriate measures to be followed if contaminants are encountered during excavation. The appropriate measures shall identify personnel to be notified, emergency contacts, and a sampling protocol. The excavation and demolition contractors shall be made aware of the possibility of encountering known and unknown hazardous materials, and shall be provided with appropriate contact and notification information. The plan shall include a provision stating at what point it is safe to continue with the excavation, and identify the person authorized to make that determination. Removal, transportation, and disposal of impacted soil or groundwater shall be performed in accordance with applicable federal, State, and local laws, regulations, and ordinances. The soil management plan shall be submitted for City of Newport Beach for review and approval.</p>	Applicant	Prior to issuance of Grading and Building Permits	Community Development Department – Building Division	

Table 1-1. Mitigation Monitoring Requirements

Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
HYDROLOGY AND WATER QUALITY				
PDF 2: Utilize Best Management Practices to Capture and Treat Storm Water a. <i>Podium.</i> The Project will use a biotreatment or bioretention strategies for treating the design capture volume. Roof drainage shall be directed, as appropriate, into landscape areas in the podium gardens. Roof areas will be 100 percent treated in the podium gardens and then discharge directly onto the adjacent landscaped marsh areas that include bioretention strategies with an underdrain. b. <i>Street.</i> The bio-treatment strategy includes the use of proprietary biotreatment devices such as a Modular Wetland System, or an approved equivalent, in streets and parking. Tributary drainage areas and resulting design capture volumes will be treated within the treatment capacities of each biotreatment device. c. <i>Park.</i> Vegetated swales will be used in the park to treat the design capture volume. Vegetated swales will provide pollutant removal through settling and filtration in the vegetation lining the channels. Volume reduction can be incorporated by adding a gravel drainage layer underneath the swale allowing additional flows to be retained and infiltrated. If additional support is needed to detain the entire design capture volume, infiltration drywell systems will be incorporated.	Applicant Construction Manager	Prior to issuance of Grading and Building Permits	Community Development Department – Building Division	
SC 4.8-1: Prior to the issuance of rough grading permits, an SWPPP and Notice of Intent (NOI) to comply with the General Permit for Construction Activities shall be prepared, submitted to the State Water Resources Control Board (SWRCB), and made part of the construction program. This SWPPP shall detail measures and practices that would be in effect during construction to minimize the Project’s impact on water quality and storm water runoff volumes.	Applicant SWRCB	Prior to issuance of Grading and Building Permits	Community Development Department – Building Division	

Table 1-1. Mitigation Monitoring Requirements

Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
SC 4.8-2: Prior to issuance of precise grading permits, the Applicant shall prepare and submit a Water Quality Management Plan (WQMP) for the project, subject to the approval of the Community Development Department, Building Division and Code and Water Quality Enforcement Division. The WQMP shall include appropriate BMPs to ensure project runoff is adequately treated.	Applicant	Prior to issuance of Grading and Building Permits	Community Development Department – Building Division Water Quality Enforcement Division	
SC 4.8-3: During construction, if groundwater is unexpectedly encountered, the Applicant would apply for dewatering coverage and adhere to the monitoring and reporting program under the Santa Ana Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) Order No. R8-2009-0003.	Applicant	During grading and construction	Community Development Department – Building Division Water Quality Enforcement Division Santa Ana RWQCB	
LAND USE AND PLANNING				
SC 4.9-1: Approval of the Project would require project implementation and all future approvals to be subject to all applicable provisions of the Newport Beach General Plan; Koll Center Newport Planned Community; all requirements and enactments of federal, State, and local agency authorities; as well as the requirements of any other governmental entities. All such requirements and enactments will, by reference, become conditions of project approval.	Applicant	Ongoing conditions of approval	Community Development Department – Planning Division	
SC 4.9-2: Pursuant to the Federal Aviation Administration determination of No Hazard to Air Navigation for a project, the Applicant is required to file FAA Form 7460-2, Notice of Actual Construction or Alteration within five days after the construction reaches its greatest height.	Applicant	Within five days after the construction reaches its greatest height.	Community Development Department – Planning Division	
NOISE				
SC 4.10-1: To ensure compliance with Newport Beach Municipal Code Section 10.28.040, grading and construction plans shall include a note indicating that loud noise-generating Project construction activities (as defined in Section 10.28.040 of the Newport Beach Municipal Code) shall	Applicant Construction Manager	Condition of Grading and Building Permits Monitor during grading and construction	Community Development Department – Building Division	

Table 1-1. Mitigation Monitoring Requirements

Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
take place between the hours of 7:00 AM and 6:30 PM on weekdays and from 8:00 AM to 6:00 PM on Saturdays. Loud, noise-generating construction activities are prohibited outside of these hours and on Sundays and federal holidays.				
SC 4.10-2: Heating, ventilation and air conditioning (HVAC) units shall be designed and installed in accordance with Section 10.26.045 of the Newport Beach Municipal Code, which specifies the maximum noise levels for new HVAC installations and associated conditions. All mechanical equipment shall be screened from view of adjacent properties and adjacent public streets for each residential structure, as authorized by a Site Development Review Permit.	Applicant Construction Manager	Prior to issuance of Grading and Building Permits	Community Development Department – Building Division	
SC 4.10-3: As required by General Plan Policy N 2.3, the hours of truck deliveries to commercial uses abutting residential uses and other noise sensitive land uses shall be limited to minimize excessive noise unless there is no feasible alternative. Any exemption shall require compliance with nighttime (10:00 P.M. to 7:00 A.M.) noise standards.	Applicant Building Management	Ongoing	Community Development Department – Building Division	
MM 4.10-1: Grading plans and specifications shall include temporary noise barriers for all grading, hauling, and other heavy equipment operations that would occur within 300 feet of sensitive receptors and occur for more than 20 working days. The noise barriers shall be a minimum height of 12 feet high. The barriers shall be solid from the ground to the top of the barrier, and have a weight of at least 2.5 pounds per square foot, which is equivalent to ¾ inch thick plywood. The barrier design shall optimize the following requirements: (1) the barrier shall be located to maximize the interruption of line of sight between the equipment and the receptor; (2) the length and of the barrier shall be selected to block the line of sight between the construction area and the receptors; (3) the barrier shall be located as close as feasible to the receptor or as close as feasible to the construction area.	Applicant Construction Manager	Prior to issuance of Grading and Building Permits Identify in approved grading and construction plans Monitor during grading and construction	Community Development Department – Planning and Building Divisions	

Table 1-1. Mitigation Monitoring Requirements

Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
<p>MM 4.10-2: Prior to the start of grading, the Construction Manager shall provide evidence acceptable to the City of Newport Beach Public Works Director and/or Community Development Director, that:</p> <p>All construction vehicles and equipment, fixed or mobile, shall be maintained in good operating condition and be equipped with all internal combustion, engine-driven equipment fitted with intake and exhaust muffles, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.</p> <p>a) Where stationary equipment, such as generators, cranes, and air compressors, is located within 50 feet of a sensitive receptor including offices, the equipment shall be equipped with appropriate noise reduction measures (e.g., silencers, shrouds, or other devices) to limit equipment noise.</p> <p>b) Equipment maintenance, vehicle parking, and material staging areas shall be located as far away from office buildings adjacent to the project site as feasible.</p> <p>c) Electrically powered equipment instead of pneumatic or internal combustion powered equipment shall be used to the extent possible.</p> <p>d) All internal combustion engine idling both on the site and at nearby queuing areas shall be limited to no more than five minutes for any given vehicle or machine. Signs shall be posted at the job site and along queueing lanes to reinforce the prohibition of unnecessary engine idling.</p> <p>e) The use of noise producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only. Use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters.</p>	Applicant Construction Manager	<p>Prior to issuance of Grading and Building Permits</p> <p>Identify in approved grading and construction plans</p> <p>Monitor during grading and construction</p>	<p>Community Development Department – Building Division</p> <p>Public Works – Traffic Engineer</p>	

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MM 4.10-3: At least 30 days prior to the start of any ground disturbing or other noise generating activities, the contractor shall notify all businesses within 500 of the project site of the planned start date, duration, nature of the construction activity, and noise abatement measures to be provided. The notification shall include a contact telephone number for questions and the submittal of any complaints of excess, unanticipated noise or vibration.	Applicant Construction Manager	Written notice at least 30 days prior to ground disturbance	Community Development Department – Building Division	
MM 4.10-4: Prior to the beginning of construction activities, a sign shall be posted at the entrance to the job site, clearly visible to the public, that contains a contact name and telephone number of the construction contractor's authorized representative to respond in the event of a vibration or noise complaint. If the authorized representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City of Newport Beach's Community Development Director.	Applicant Construction Manager	Prior to the start of grading and construction activities	Community Development Department – Building Division	
MM 4.10-5: All residential units shall be designed to ensure that interior noise levels in habitable rooms from exterior sources (including aircraft and vehicles on adjacent roadways) shall not exceed 45 dBA CNEL. This mitigation measure complies with the applicable sections of the California Building Code (Title 24 of the <i>California Code of Regulations</i>). Prior to granting of a building permit, the Applicant shall submit to the City of Newport Beach Community Development Department for review and approval architectural plans and an accompanying noise study that demonstrates that interior noise levels in the habitable rooms of residential units would be 45 dBA CNEL or less. Where closed windows are required to achieve the 45 dBA CNEL limit, Project plans and specifications shall include ventilation as required by the California Building Code.	Applicant Qualified acoustical consultant	Prior to issuance of Building Permits Final inspection prior to issuance of Certificates of Occupancy	Community Development Department – Planning and Building Divisions	
MM 4.10-6: Prior to issuance of building permits for Phase 1 and Phase 2, a detailed acoustical study based on architectural plans shall be prepared by a qualified acoustical consultant and submitted to the Community Development Department to demonstrate that all residential units would meet the City's 60 dBA daytime (7:00 AM to 10:00 PM) exterior noise	Applicant Qualified acoustical consultant	Prior to issuance of Building Permits for Phase 1 and Phase 2	Community Development Department – Planning and Building Divisions	

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Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
standard, and 50 dBA L_{eq} nighttime (10:00 PM to 7:00 AM) exterior noise standard for all patios, balconies, and common outdoor living areas. In addition, the acoustical study shall demonstrate that interior noise levels at all residential units at the project site would meet the City's 45 dBA L_{eq} daytime threshold, and 40 dBA L_{eq} nighttime threshold. This mitigation measure complies with the applicable sections of the California Building Code (Title 24 of the <i>California Code of Regulations</i>). The necessary noise reduction may be achieved by implementing noise control measures at the receiver locations. The final grading and building plans shall incorporate the required noise barriers (patio enclosure, wall, berm, or combination wall/berm), and the property owner/developer shall install these barriers and enclosures.		Final inspection prior to issuance of Certificates of Occupancy		
MM 4.10-7: Prior to issuance of building permits for Phase A, a detailed acoustical study based on architectural plans for the free-standing parking structure shall be prepared by a qualified acoustical consultant and submitted to the Community Development Department to demonstrate that the future adjoining residences to the southeast at the Uptown Newport property would meet the City's 60 dBA L_{eq} daytime (7:00 AM to 10:00 PM) exterior noise standard, and 50 dBA L_{eq} nighttime (10:00 PM to 7:00 AM) exterior noise standard for all patios, balconies, and common outdoor living areas. In addition, the acoustical study shall demonstrate that interior noise levels at the Uptown Newport residential units would meet the City's 45 dBA L_{eq} daytime threshold, and 40 dBA L_{eq} nighttime threshold. The necessary noise reduction may be achieved by incorporating a solid perimeter barrier or other light and noise-attenuation features at the free-standing parking structure. The final building plans shall incorporate the required noise-attenuation features, and the property owner/ developer shall install these barriers and enclosures.	Applicant Qualified acoustical consultant	Prior to issuance of Building Permits for Phase A	Community Development Department – Planning and Building Divisions	
MM 4.10-8: The parking lot surface of all parking garages shall be textured to eliminate tire squeal noise. Ventilation equipment for the parking garages shall be designed to meet the City's noise limits for Zone III, not exceed exterior daytime maximum of 60 dBA and a nighttime maximum of	Applicant Qualified acoustical consultant	Prior to issuance of Building Permits for Phase A	Community Development Department – Planning and Building Divisions	

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50 dBA. This can be accomplished by selecting quieter equipment or by enclosing ventilation equipment.				
PUBLIC SERVICES				
SC 4.12-1: Prior to the issuance of a building permit for the construction of residential and commercial uses, the Applicant shall pay the required Property Excise Tax to the City of Newport Beach, as set forth in its Municipal Code (§ 2.12 et seq.) for public improvements and facilities associated with the City of Newport Beach Fire Department, the City of Newport Beach Public Library, and City of Newport Beach public parks.	Applicant	Prior to the issuance of Building Permits for Phases 1 and 2 (residential and commercial uses)	Community Development Department – Planning Division	
SC 4.12-2: Prior to City approval of individual development plans for the Project, the Applicant shall obtain Fire Department review and approval of the site plan in order to ensure adequate access to the project site.	Applicant	Prior to Site Development Review approval	Fire Department	
MM 4.12-1: a) Prior to the issuance of a building permit for the first residential unit(s), the Applicant, or any successors in interest, shall provide payment to the City of Newport Beach for the Project's pro-rata share of the cost for purchasing and equipping a new rescue ambulance with patient transport and advanced life support (ALS) capabilities to be located at Santa Ana Heights Fire Station No. 7. b) The Applicant, or any successors in interest, shall participate, on a pro-rata basis, in any City-approved funding program for the additional six firefighter/paramedic personnel to staff the new paramedic unit. The funding program may be a community facilities district or other funding program. Prior to the issuance of a building permit for the first residential unit(s), the Applicant, or any successors in interest, shall execute a written agreement with the City of Newport Beach to participate in such a funding program. c) Prior to the issuance of a certificate of occupancy for the first residential unit(s), a rescue ambulance with patient transport and	Applicant	Prior to issuance of Building Permit for first residential unit Prior to the issuance of a Certificate of Occupancy for the first residential unit	Community Development Department – Planning Division	

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Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
advanced life support (ALS) capabilities shall be located and operational at the Santa Ana Heights Fire Station No. 7.				
RECREATION				
SC 4.13-1: The Applicant shall comply with the City of Newport Beach Park Dedication and Fees Ordinance (<i>City of Newport Beach Municipal Code</i> Chapter 19.52). The City's tentative map review authority shall determine whether land dedication, an in-lieu fee, or a combination of the two shall be required in conjunction with its approval of a tentative map. Land dedications shall be offered at the time of appropriate final map recordation, either on the final map or by separate instrument.	Applicant	Condition of approval of Tentative Tract Map Land dedication at final map recordation In lieu fees prior to issuance of Building Permits	Community Development Department – Planning Division	
TRAFFIC AND TRANSPORTATION				
PDF 4: Improved Project Site Access and Circulation. The Proposed Project's new circulation pattern from the spine street will provide better overall circulation, as well as wayfinding, which will result in more accessible parking to individual buildings with the existing Koll Center Newport. The Project will also include improvements to pedestrian circulation within Koll Center Newport with the inclusion of raised crosswalks located at convenient locations within the project site.	Applicant	As a part of application for Site Development Review Prior to issuance of Grading and Building Permits Final inspection prior to issuance of Certificates of Occupancy	Community Development Department – Planning Division Public Works – Traffic Engineer	
PDF 5: Valet Parking and Shuttle Service. Valet parking, which will be provided during Phase A and Phase 3 of construction, and shuttle service, which will be provided during all phases of construction, will provide convenient parking and building access for guests and tenants of Koll Center Newport during construction of the Project.	Applicant Valet/Shuttle Contractor	Prior to issuance of Grading and Building Permits Identify in approved grading and construction plans Monitor during grading and construction	Community Development Department – Planning Division Public Works – Traffic Engineer	

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Project Design Feature (PDF), Standard Condition (SC), Mitigation Measure (MM)	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature; Date of Compliance)
<p>SC 4.14-1: Traffic Management Plan. Prior to issuance of any building permit, the Applicant shall prepare for City of Newport Beach Community Development Director and Traffic Engineer review and approval a Construction Traffic Management Plan for the Project for the issuance of a Haul Route Permit. The Plan shall identify construction phasing and address traffic control for any temporary street closures, detours, or other disruptions to traffic circulation and public transit routes. The Plan shall identify the routes that construction vehicles shall use to access the site, the hours of construction traffic, traffic controls and detours, vehicle staging areas, and parking areas for the Project. Advanced written notice of temporary traffic disruptions shall be provided to emergency service providers and the affected area's businesses and the general public. This notice shall be provided at least two weeks prior to disruptions.</p> <p>Haul operations shall be monitored by the City of Newport Beach Public Works Department, and additional restrictions may be applied if traffic congestion problems arise. A staging area shall be designated on site for construction equipment and supplies to be stored during construction. No construction vehicles shall be allowed to stage on off-site roads during the grading and construction period.</p>	Applicant	<p>Prior to issuance of Grading and Building Permits</p> <p>Identify in approved grading and construction plans</p> <p>Monitor during grading and construction</p>	<p>Community Development Department – Planning Division</p> <p>Public Works – Traffic Engineer</p>	
<p>SC 4.14-2: Sight distance at all intersections shall comply with City of Newport Beach standards.</p>	Applicant	<p>Prior to issuance of Grading and Building Permits</p>	Public Works – Traffic Engineer	
<p>SC 4.14-3: In compliance with Municipal Code Chapter 15.38, Fair Share Traffic Contribution Ordinance, the Applicant shall be responsible for the payment of fair share traffic fees or right-of-way dedication or traffic improvements or a combination thereof.</p>	Applicant	<p>Prior to issuance of Grading and Building Permits</p>	<p>Community Development Department – Planning Division</p> <p>Public Works – Traffic Engineer</p>	

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UTILITIES AND SERVICE SYSTEMS				
PDF 3: Incorporate Efficient Irrigation Design Strategies along with the use of Reclaimed Water. Reclaimed water will be used for all Project landscaping including the plazas, public park, and podium outdoor spaces for each of the residential buildings. Reclaimed water would be installed to irrigate the existing Koll Center Newport landscape areas within the project site boundaries. While complying with the Model Water Efficient Landscape Ordinance in effect at the time of final design, the irrigation design will include the use of efficient irrigation systems. Those may include smart controllers, soil moisture and rain sensors, and source control strategies, all designed to minimize the use of water.	Applicant	Conditions of approval of Site Development Review As part of approved precise landscape plans	Community Development Department – Building Division Municipal Operations Department – Utilities Division IRWD	
SC 4.15-1: The Project would be required to comply with the City of Newport Beach Municipal Code Chapter 14.16 related to water conservation and supply level regulations in effect during the construction and operation of the Project, and Municipal Code Chapter 14.17 with respect to water efficient landscaping.	Applicant	Conditions of approval of Site Development Review As part of approved precise landscape plans	Community Development Department – Planning Division Municipal Operations Department – Utilities Division IRWD	
SC 4.15-2: The Project would be required to comply with Section 19.28.080 (Storm Drains) of the City’s Municipal Code which requires developers to design and construct all drainage facilities necessary for the removal of surface water from the site (e.g., open/closed channels, catch basins, manholes, junction structures), and to protect off-site properties from a project’s water runoff. The storm drain system must be designed in accordance with the standards of the Orange County Flood Division. A drainage fee is also charged to fund improvements to the City’s drainage facilities.	Applicant	Condition of Grading Permit	Municipal Operations Department – General Services Division	
SC 4.15-4: The Applicant shall prepare and obtain approval of a Construction and Demolition Waste Management Plan (CDWMD) for each phase of the Project. The CWMP shall list the types and weights or volumes	Applicant	Construction and Demolition Waste Management Plan	Municipal Operations Department – General Services Division	

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of solid waste materials expected to be generated from construction. The CDWMP shall include options to divert from landfill disposal, nonhazardous materials for reuse or recycling by a minimum of 65 percent of total weight or volume.		(CDWMD); condition of Grading and Building Permits		
Please refer to PDF 1				