

Attachment E

- Mitigation Monitoring and Reporting Program

**MITIGATION MONITORING AND REPORTING PROGRAM
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION NUMBER (1882-22)**

PROJECT NAME: 901 East Katella Avenue Residential Development Project

PROJECT LOCATION: 901 East Katella Avenue, City of Orange, County of Orange, California 92867

PROJECT DESCRIPTION: The Project proposes to demolish all on site improvements and construct 49 new paired and small lot detached homes (17 paired and 15 detached) on the 2.71-acre Project site, including four open space and recreation areas and guest parking. To accommodate this proposal, a General Plan Amendment and Zone Change are requested. The General Plan Amendment would change the land use designation from General Commercial (GC) to Medium Density Residential (MDR). The Zone Change would change the zoning classification from Commercial Professional (C-P) to Multiple-Family Residential (R-3) with application of Small Lot Subdivision Development Standards (OMC 17.14.270). The proposed community would have a density of 18.1 dwelling units per acre (du/ac), approximately the midpoint of the Medium Density Residential Zone, which provides for densities of 15.1 to 24.0 dwelling unit per acre.

LEAD AGENCY: City of Orange

CONTACT PERSON/ TELEPHONE NO.: Monique Schwartz, Senior Planner/ (714) 744-7224

APPLICANT: Intracorp, SoCal-1, LLC

CONTACT PERSON/ TELEPHONE NO.: Emilie Simard / (949) 724-5923

No.	Mitigation Measure	Time Frame and Responsible Party for Implementation	Time Frame and Responsible Party for Monitoring	Verification of Compliance		
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Air Quality						
PDF AQ-1	The project must follow the standard SCAQMD rules and requirements with regards to fugitive dust control, which include, but are not limited to the following: 1. All active construction areas shall be watered two (2) times daily. 2. Speed on unpaved roads shall be reduced to less than 15 mph.					

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	<p>3. Any visible dirt deposition on any public roadway shall be swept or washed at the site access points within 30 minutes.</p> <p>4. Any on-site stockpiles of debris, dirt or other dusty material shall be covered or watered twice daily.</p> <p>5. All operations on any unpaved surface shall be suspended if winds exceed 15 mph.</p> <p>6. Access points shall be washed or swept daily.</p> <p>7. Construction sites shall be sandbagged for erosion control.</p> <p>8. Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).</p> <p>9. Cover all trucks hauling dirt, sand, soil, or other loose materials, and maintain at least 2 feet of freeboard space in accordance with the requirements of California Vehicle Code (CVC) section 23114.</p> <p>10. Use gravel aprons and track out grates at all truck exits.</p> <p>11. Replace the ground cover of disturbed areas as quickly as possible.</p>					
PDF AQ-2	All diesel construction equipment should have Tier 4 low emission "clean diesel" engines (OEM or retrofit) that include diesel oxidation					

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	catalysts and diesel particulate filters that meet the latest CARB best available control technology.					
PDF AQ-3	Construction equipment should be maintained in proper tune.					
PDF AQ-4	All construction vehicles should be prohibited from excessive idling. Excessive idling is defined as five (5) minutes or longer.					
PDF AQ-5	Minimize the simultaneous operation of multiple construction equipment units, to the maximum extent feasible.					
PDF AQ-6	The use of heavy construction equipment and earthmoving activity should be suspended during Air Alerts when the Air Quality Index reaches the “Unhealthy” level.					
PDF AQ-7	Establish an electricity supply to the construction site and use electric powered equipment instead of diesel-powered equipment or generators, where feasible.					
PDF AQ-8	Establish staging areas for the construction equipment that are as far from adjacent residential homes, as feasible.					
PDF AQ-9	Use haul trucks with on-road engines instead of off-road engines for on-site hauling.					
PDF AQ-10	The project must comply with the mandatory requirements of the California Building Standards Code, Title 24, Part 6 (Energy Code)					

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	<p>and Part 11 (CALGreen), including, but not limited to:</p> <ul style="list-style-type: none"> • Install low-flow fixtures and toilets, water-efficient irrigation systems, drought tolerant/native landscaping, and reduce the amount of turf. • Provide the necessary infrastructure to support electric vehicle charging. • Provide solar installations (or other sources of on-site renewable energy) per the prescribed Energy Design Ratings. 					
PDF AQ-11	Participate in the local waste management recycling and composting programs.					
Biological Resources						
MM BIO-1	<p>Prior to ground disturbances that would impact potentially suitable nesting habitat for avian species, the project applicant shall adhere to the following:</p> <ol style="list-style-type: none"> 1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to the extent feasible to avoid potential impacts to nesting birds and/or ground nesters. 	Prior to Ground Disturbances – Applicant/ Construction Contractor	Prior to Ground Disturbances – City			

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	<p>2. Any construction activities that occur during typical nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) will require that all suitable habitat, on-site and within 300-foot surrounding the site (as feasible), be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement ground disturbances. If active nests are identified, the biologist would establish buffers around the vegetation (500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers would be halted until the nesting effort is finished (i.e. the juveniles are surviving independent from the nest). The onsite biologist would review and verify compliance with these nesting boundaries and would verify the nesting effort has finished. Work can resume within these areas when no other active nests are found. Alternatively, a qualified biologist may determine that</p>					

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	construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to City for mitigation monitoring compliance record keeping					
Geology and Soils						
MM GEO-1	The Project Applicant shall implement the recommendations contained in the report Updated Geotechnical and Infiltration Evaluation for Proposed 49-Unit Residential Development, 901 E. Katella Avenue, City of Orange, Orange County, California, dated June 3, 2022, and prepared by GeoTek, Inc. (Appendix D) to reduce geologic hazards during implementation of the proposed Project. Included in the reports are site-specific recommendations involving such topics as, grading and earthwork, slope stability, retaining walls, seismic design, construction materials, geotechnical observation, and testing and plan reviews.	Pre ground disturbances – Applicant/ Geotechnical Engineer	Plan Check – Applicant/ City Geotechnical Engineer			

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MM GEO-2	Prior to the issuance of a grading permit, the Applicant shall prepare a final geotechnical report based on the final rough grading plans and the final geotechnical report shall incorporate all of the recommendations included in the preliminary geotechnical reports included in Appendix D. The geotechnical reports included in Appendix D have established that the site is geotechnically suitable for development and a final geotechnical report is required to ensure all construction-level geotechnical recommendations and design parameters are included on the final rough grading plans.	Prior to grading permit – Applicant/ Geotechnical Engineer	Prior to grading permit – Applicant/ City Geotechnical Engineer			
MM PALEO-1	<p>Prior to the issuance of a grading permit, the Applicant shall prepare for City review and approval a Paleontological Mitigation Monitoring Plan, as follows:</p> <ol style="list-style-type: none"> 1. Prior to initiation of any grading, drilling, and/or excavation activities, a preconstruction meeting will be held and attended by the paleontologist of record, representatives of the grading contractor and subcontractors, the project owner or developer, and a representative of the lead agency. The nature of potential 	Prior to grading permit – Applicant/ Cultural Consultant	Prior to grading permit – City			

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	<p>paleontological resources shall be discussed, as well as the protocol that is to be implemented following discovery of any fossiliferous materials.</p> <p>2. Monitoring of mass grading and excavation activities shall be performed by a qualified paleontologist or paleontological monitor. Monitoring will be conducted full-time in areas of grading or excavation in undisturbed sediments of Pleistocene old alluvial fan deposits starting at a depth of five feet. The project paleontologist should have the discretion of adjusting the monitoring schedule based on any changing geological conditions observed during monitoring.</p> <p>3. Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays. The monitor must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not</p>					

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	<p>present in the subsurface or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.</p> <p>4. Paleontological salvage during trenching and boring activities is typically from the generated spoils and does not delay the trenching or drilling activities. Fossils are collected and placed in cardboard flats or plastic buckets and identified by field number, collector, and date collected. Notes are taken on the map location and stratigraphy of the site, and the site is photographed before it is vacated and the fossils are removed to a safe place. On mass grading projects, any discovered fossil site is protected by red flagging to prevent it from being overrun by earthmovers (scrapers) before salvage begins. Fossils are collected in a similar manner, with notes and photographs being taken before removing the fossils. Precise location of the site is determined with the</p>					

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	<p>use of handheld Global Positioning System units. If the site involves a large terrestrial vertebrate, such as large bone(s) or a mammoth tusk, that is/are too large to be easily removed by a single monitor, a fossil recovery crew will excavate around the find, encase the find within a plaster and burlap jacket, and remove it after the plaster is set. For large fossils, use of the contractor's construction equipment is solicited to help remove the jacket to a safe location before it is returned to the laboratory facility for preparation.</p> <p>5. Isolated fossils are collected by hand, wrapped in paper, and placed in temporary collecting flats or five-gallon buckets. Notes are taken on the map location and stratigraphy of the site, and the site is photographed before it is vacated and the fossils are removed to a safe place.</p> <p>6. Particularly small invertebrate fossils typically represent multiple specimens of a limited number of organisms, and a scientifically suitable sample can be</p>					

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	<p>obtained from one to several five-gallon buckets of fossiliferous sediment. If it is possible to dry-screen the sediment in the field, a concentrated sample may consist of one or two buckets of material. For vertebrate fossils, the test is usually the observed presence of small pieces of bones within the sediments. If present, multiple five-gallon buckets of sediment can be collected and returned to a separate facility to wet-screen the sediment.</p> <p>7. In accordance with the “Microfossil Salvage” section of the Society of Vertebrate Paleontology guidelines (2010:7), bulk sampling and screening of fine-grained sedimentary deposits (including carbonate-rich paleosols) must be performed if the deposits are identified to possess indications of producing fossil “microvertebrates” in order to test the feasibility of the deposit to yield fossil bones and teeth.</p> <p>8. In the laboratory, individual fossils are cleaned of extraneous matrix, any breaks</p>					

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	<p>are repaired, and the specimen, if needed, is stabilized by soaking in an archivally approved acrylic hardener (e.g., a solution of acetone and Paraloid B-72).</p> <p>9. Preparation of recovered specimens to a point of identification and permanent preservation (not display), including screen-washing sediments to recover small invertebrates and vertebrates. Preparation of individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.</p> <p>10. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage (e.g., OC Parks in Santa Ana, California). The paleontological program should include a written repository agreement prior to the initiation of mitigation activities. The lead agency may select another repository if it so desires.</p>					

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	11. Preparation of a final monitoring and mitigation report of findings and significance, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). The report, when submitted to and accepted by the appropriate lead agency, will signify satisfactory completion of the project program to mitigate impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place					
Hazards and Hazardous Materials						
MM HAZ-1	Prior to the demolition of existing structures, a survey for asbestos containing materials (ACM), lead based paint (LBP), and polychlorinated biphenyl (PCBs) shall be conducted, and any such materials shall be removed and disposed of properly by qualified certified technicians in accordance with State regulations.	Prior to and during demolition – Applicant/ Professional	Prior to and during demolition – City			
Noise						
PDF NOI-1	The project will need to comply with California Title 24 building insulation requirements for					

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	<p>exterior walls, roofs, and common separating assemblies (e.g. floor/ceiling assemblies and demising walls), which shall be reviewed by the City prior to issuance of a building permit.</p> <ul style="list-style-type: none"> Interior noise levels due to exterior sources must not exceed a community noise equivalent level (CNEL) or a day-night level (LDN) of 45 dBA, in any habitable room. Party wall assembly designs must provide a minimum STC of 50, based on lab tests. Field tested assemblies must provide a minimum noise isolation class (NIC) of 45. 					
PDF NOI-2	<p>A “windows closed” condition is expected to be required for all residential units within the project site to meet the interior noise standard. To accommodate windows closed conditions, all units shall be equipped with adequate fresh air ventilation, per the requirements of the California Building Standards.</p>					
PDF NOI-3	<p>Upgraded windows and sliding glass doors with a minimum STC rating of 32 or greater are expected to be required for all units facing Cambridge Street and Katella Avenue.</p>					

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PDF NOI-4	Deliveries, loading and unloading activities, and trash pick-up hours should be limited to daytime hours only (7 a.m. – 10 p.m.).					
PDF NOI-5	Engine idling time for all delivery vehicles and moving trucks to 5 minutes or less.					
PDF NOI-6	Construction-related noise shall take place only between the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday, and 9:00 a.m. to 8:00 p.m. on Sundays and Federal holidays.					
PDF NOI-7	Provide public notifications and signage in readily visible locations along the perimeter of construction sites that indicate the dates and duration of construction activities, as well as provide a telephone number where neighbors can enquire about the construction process and register complaints to a designated construction noise disturbance coordinator.					
PDF NOI-8	All construction equipment shall be equipped with muffles and other suitable noise attenuation devices (e.g., engine shields).					
PDF NOI-9	Establish an electric connection to the site to avoid the use of diesel- and gas-powered generators, if feasible.					
PDF NOI-10	Locate staging area, generators, and stationary construction equipment as far from the adjacent residential homes as feasible.					
PDF NOI-11	Construction-related equipment, including heavy-duty equipment, motor vehicles, and					

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	portable equipment, shall be turned off when not in use for more than 5 minutes.					
Transportation and Traffic						
MM TRANS-1	The Project Applicant shall install striping modifications or signage to prohibit the southbound left turn movement from Cambridge Street into the Project.	Before final approved grading/construction plans – Applicant/City	Before final approved grading/construction plans – City			
Tribal Cultural Resource						
MM TRC-1	A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation and the Gabrielino/Tongva Nation. The monitors shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.	Prior to Ground Disturbances – Applicant and Native American Monitor	Prior to Ground Disturbances – City and Native American Monitor			

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	<p>B. A copy of the executed monitoring agreements with Gabrieleño Band of Mission Indians – Kizh Nation and Gabrielino/Tongva Nation shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The monitors will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be</p>					

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	<p>provided to the project applicant/lead agency upon written request to the Tribes.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh and Gabrielino/Tongva Nation from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh and Gabrielino/Tongva Nation to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh and Gabrielino/Tongva Nation TCRs.</p>					
MM TRC-2	A. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will	During Grading – Applicant/ Cultural Monitor	During Grading – City			

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	recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.					
MM TRC-3	<p>A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.</p> <p>C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for</p>	During Grading – Applicant/ Cultural Monitor	During Grading – City			

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	<p>discovered human remains and/or burial goods.</p> <p>E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>					