

MITIGATED NEGATIVE DECLARATION

Mitigation Monitoring and Reporting Plan

OUR LADY OF GUADALUPE SENIOR RESIDENTIAL PROJECT



City of Fountain Valley
10200 Slater Avenue
Fountain Valley, CA 92708
(714) 593-4400

Project Proponent:

Irwin Partners Architects
245 Fischer Avenue, Suite B-2
Costa Mesa, CA 92626
(714) 557-2448

Environmental Consultant:

Phil Martin & Associates
2987 NW Fairway Heights Drive
Bend, Oregon 97703
(949) 454-1800

September 1, 2023

1.0 MITIGATION MONITORING AND REPORTING PLAN

1.1 Introduction

This is the Mitigation Monitoring and Reporting Plan (MMRP) for the proposed Our Lady of Guadalupe Senior Residential Project that is proposed at 17103 Magnolia Street. The MMRP has been prepared pursuant to the requirements of Public Resources Code §21081.6 which, among other things, states that when a governmental agency adopts or certifies a CEQA document that contains the environmental review of a proposed project, “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.”

The City of Fountain Valley is the lead agency for the project, and is therefore, responsible for administering and implementing the MMRP. The decision-makers must define specific reporting and/or monitoring requirements to be enforced during project implementation prior to final approval of the proposed project.

1.2 Project Overview

The City of Fountain Valley, as the Lead Agency, has prepared a Mitigated Negative Declaration (MND) for the Our Lady of Guadalupe Senior Residential project pursuant to the California Environmental Quality Act. The discretionary actions required from the City of Fountain Valley include a General Plan Amendment (GPA) from General Commercial to High Density Residential, a Zone Change (ZC) from C-1 (Local Business) to R4 (High Density Multiple Dwelling), Density Bonus of 47.6 dwelling units/acre, Precise Plan for the construction of a new building, a Conditional Use Permit (CUP) for a multiple dwelling in the R4 zone and a Density Bonus and Affordable Housing Agreement. The project is located at 17103 Magnolia Street and totals approximately 2.1 gross acres. The project site is currently developed with the Our Lady of Guadalupe senior apartment building that is a 62 plus senior apartment building with 71 studio and 1-bedroom senior apartments and three stories in height. The project applicant proposes the development of 29 low-income senior independent living units in an 18,039 square foot, two-story building on the 2.1 acre site. The two-story building consists of one separate building that is connected by a second floor corridor. The project proposes 14 independent units on the first floor that totals 6,538 square feet of living space and 15 independent units on the second floor that total 6,960 square feet of living space for a total of 13,498 square feet of living space. The project proposes 68 parking spaces, which includes retaining 25 existing spaces, 21 relocated spaces and 22 new parking spaces. Access to the project site would be from Magnolia Avenue that extends along and forms the east project boundary.

The project proposes two floor plans with 15 studio units and 14 one-bedroom units. The size of the studio units are 378 square feet, 422 square feet and the one-bedroom units are 556 square feet. There is no maximum floor area ratio (FAR) requirement in the R4 zone. The project lot coverage is 31%. The architectural style is Contemporary Spanish. The project proposes open space consisting of a 713 square foot pet area, a 591 square foot walking path, 2 patios outside of the recreation room of 172 square feet and 495 square feet and a 421 square foot patio near the entry of the new building. The project is scheduled to be constructed in one phase with construction tentatively scheduled to start October 2023 and completed in October 2024.

1.3 Monitoring and Reporting Procedures

This MMRP includes the following information: (1) mitigation measures that will either eliminate or lessen the potential impact from the project; (2) the monitoring milestone or phase during which the measure should be complied with or carried out; (3) the enforcement agency responsible for monitoring mitigation measure compliance; and (4) the initials of the person verifying the mitigation measure was completed and the date of verification.

The MMRP will be in place through all phases of a project including project design (preconstruction), project approval, project construction, and operation (both prior to and post-occupancy). The City will ensure that monitoring is documented through periodic reports and that deficiencies are promptly corrected. The designated environmental monitor will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to rectify problems.

Each mitigation measure is listed and categorized by impact area, with an accompanying discussion of:

- The phase of the project during which the measure should be monitored;
 - Project review and prior to project approval
 - During grading or building plan check review and prior to issuance of a grading or building permit
 - On-going during construction
 - Throughout the life of the project
- The enforcement agency; and
- The initials of the person verifying completion of the mitigation measure and date. The MMP is provided as Table 1 (Mitigation and Monitoring Reporting Program).

Table 1
Our Lady of Guadalupe Senior Residential Project
Mitigation Monitoring and Reporting Plan

Mitigation Number	Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Responsibility	Verification of Compliance		
					Initials	Date	Remarks
Air Quality							
1.	<p>The project contractor shall implement the following dust control measures throughout project demolition, grading and construction:</p> <ul style="list-style-type: none"> Exposed surfaces shall be watered a minimum of 3 times/day. 	On-going throughout project construction	Developer	City of Fountain Valley Building Department			
2.	<p>The project contractor shall implement the following measures throughout project demolition, grading and construction:</p> <ul style="list-style-type: none"> Apply soil stabilizers or moisten inactive areas. Cover all stock piles with tarps at the end of each day or as needed. Provide water spray during loading and unloading of earthen materials. Minimize in-out traffic from construction zone. Cover all trucks hauling dirt, sand, or loose material and require all trucks to maintain at least two feet of freeboard. 	On-going throughout project construction	Developer	City of Fountain Valley Building Department			

**Table 1
Our Lady of Guadalupe Senior Residential Project
Mitigation Monitoring and Reporting Plan**

Mitigation Number	Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Responsibility	Verification of Compliance		
					Initials	Date	Remarks
	<ul style="list-style-type: none"> Sweep streets daily if visible soil material is carried out from the construction site. 						
Biological Resources							
3.	<p>Nesting Birds:</p> <ul style="list-style-type: none"> All necessary clearing and removal of vegetation for project construction shall be conducted outside of the typical nesting season for birds (February 15 through September 1). If any construction activities are scheduled to occur during the nesting bird season (February 15 through September 1), a qualified biologist shall conduct a survey to determine whether there are any active bird nests within the on-site trees. The nesting bird survey shall occur no more than 7-days prior to the start of construction and include a search for nesting birds 	Prior to issuance of demolition permits or removal of vegetation	Developer	City of Fountain Valley Planning Department			

Table 1
Our Lady of Guadalupe Senior Residential Project
Mitigation Monitoring and Reporting Plan

Mitigation Number	Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Responsibility	Verification of Compliance		
					Initials	Date	Remarks
	<p>within the project site.</p> <ul style="list-style-type: none"> If any active nests are observed, they should be avoided until after all young have fledged from the nest, or work shall be monitored by a biologist to ensure against negative impacts to nesting birds. 						
Cultural Resources							
4.	<p>The project developer shall retain a qualified professional archaeologist who meets U.S. Secretary of the Interior's Professional Qualifications and Standards, to conduct an Archaeological Sensitivity Training for construction personnel prior to commencement of excavation activities. The training session shall be carried out by a cultural resource professional with expertise in archaeology, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. The training session shall include a handout and focus on how to identify archaeological resources that may be encountered during</p>	<p>Prior to issuance of grading permit</p>	<p>Developer</p>	<p>City of Fountain Valley Building Department</p>			

**Table 1
Our Lady of Guadalupe Senior Residential Project
Mitigation Monitoring and Reporting Plan**

Mitigation Number	Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Responsibility	Verification of Compliance		
					Initials	Date	Remarks
	earthmoving activities and the procedures to be followed in such an event, the duties of archaeological monitors, and the general steps a qualified professional archaeologist would follow in conducting a salvage investigation if one is necessary.						
5.	In the event that archaeological resources are unearthed during ground-disturbing activities, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer area of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by project construction activities shall be evaluated by a qualified professional archaeologist hired by the project developer, who meets the U.S. Secretary of the Interior's Professional	On-going throughout project construction	Developer	City of Fountain Valley Building Department			

Table 1
Our Lady of Guadalupe Senior Residential Project
Mitigation Monitoring and Reporting Plan

Mitigation Number	Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Responsibility	Verification of Compliance		
					Initials	Date	Remarks
	Qualifications and Standards. Should the newly discovered artifacts be determined to be prehistoric, Native American Tribes/Individuals shall be contacted and consulted, and Native American construction monitoring shall be initiated. The City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.						
6.	The project developer's archaeological monitor, under the direction of a qualified professional archaeologist who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards, shall prepare a final report at the conclusion of archaeological monitoring. The report shall be submitted to the City, the South Central Costal Information Center and representatives of other appropriate or concerned agencies to signify the satisfactory	Prior to the issuance of a certificate of occupancy	Developer	City of Fountain Valley Building Department			

Table 1
Our Lady of Guadalupe Senior Residential Project
Mitigation Monitoring and Reporting Plan

Mitigation Number	Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Responsibility	Verification of Compliance		
					Initials	Date	Remarks
	completion of the project and required mitigation measures. The report shall include a description of resources unearthed, if any, evaluation of the resources with respect to the California Register and CEQA, and treatment of the resources.						
HAZARDS AND HAZARDOUS MATERIALS							
7.	During project construction, all radon resistant construction must be completed under the direct supervision of a Radon Professional.	During project construction	Developer	City of Fountain Valley Building Department			
8.	Following the completion of construction, radon testing is required in accordance with ANSI/AARST MAMF (Protocol for Conducting Radon Decay Product Measurement in Multifamily Buildings). If post-construction test results are above the threshold (≥ 4.0 pCi/L), a retrofit of the mitigation systems or conversion from passive to fan-powered mitigation systems shall be required followed by post-mitigation testing (to confirm the systems are functioning correctly and radon concentrations have been reduced to below the EPA	Upon completion of construction and prior to issuance of an occupancy permit	Developer	City of Fountain Valley Building Department			

**Table 1
Our Lady of Guadalupe Senior Residential Project
Mitigation Monitoring and Reporting Plan**

Mitigation Number	Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Responsibility	Verification of Compliance		
					Initials	Date	Remarks
	action level). All testing and mitigation required as a result of this testing must be performed by, or under the direct supervision of a Radon Professional.						
Noise							
9.	<p>The following measures shall be implemented at the start of construction and continued through project completion:</p> <ul style="list-style-type: none"> All stationary construction equipment shall be located a minimum of 75 feet from the adjacent occupied residential residences buildings; All construction equipment shall be shut off when not in use; and Electrical power shall run air compressors and similar power tools. 	Prior to issuance of demolition permits, grading permits, and through project completion	Developer	City of Fountain Valley Building Department			
10.	Small bulldozers shall only operate within 15 feet of the existing Our Lady of Guadalupe building and the property line of the existing residences adjacent to and south and west of the project.	Prior to issuance of demolition permits, grading permits, and during project grading	Developer	City of Fountain Valley Building Department			

Table 1
Our Lady of Guadalupe Senior Residential Project
Mitigation Monitoring and Reporting Plan

Mitigation Number	Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Responsibility	Verification of Compliance		
					Initials	Date	Remarks
Tribal Cultural Resources							
11.	Prior to the commencement of any ground disturbing activity at the project site, the project applicant shall retain a Native American Monitor. A copy of the executed contract shall be submitted to the City of Fountain Valley Planning and Building Department prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Tribal monitor shall only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor shall complete daily monitoring logs that shall provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-	Prior to issuance of a grading permit	Developer	City of Fountain Valley Building Department and Planning Department			

**Table 1
Our Lady of Guadalupe Senior Residential Project
Mitigation Monitoring and Reporting Plan**

Mitigation Number	Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Responsibility	Verification of Compliance		
					Initials	Date	Remarks
	disturbing activities on the project site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the project site have little to no potential to impact Tribal Cultural Resources.						
12.	Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by project activities shall be evaluated by the qualified archaeologist and Tribal monitor. If the resources are Native American in origin, the Tribal Monitor shall retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. If human remains and/or grave goods are discovered or recognized at the project site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health &	On-going during ground disturbing activities	Developer	City of Fountain Valley Building Department and Planning Department			

**Table 1
Our Lady of Guadalupe Senior Residential Project
Mitigation Monitoring and Reporting Plan**

Mitigation Number	Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Responsibility	Verification of Compliance		
					Initials	Date	Remarks
	<p>Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code Section 5097.98(d)(1) and (2). Work may continue on other parts of the project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). If a non-Native American resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource,” time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to</p>						

Table 1
Our Lady of Guadalupe Senior Residential Project
Mitigation Monitoring and Reporting Plan

Mitigation Number	Mitigation Measure	Timing	Implementation Responsibility	Monitoring/ Responsibility	Verification of Compliance		
					Initials	Date	Remarks
	remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.						