

THE PINES AT SUNRISE VILLAGE MITIGATION MONITORING AND REPORTING PROGRAM

Prepared for

City of Fullerton
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Prepared by

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Date: October 2021

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 mitigation measures (MMs) outlined in The Pines at Sunrise Village Initial Study/Mitigated Negative Declaration (IS/MND). The Pines at Sunrise Village MMRP has been prepared in conformance with Public Resources Code §21081.6 and City of Fullerton Monitoring Requirements. Specifically, Public Resources Code 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.
- (b) A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or in case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.
- (c) Prior to the close of the public review period for a draft environmental impact report or mitigated negative declaration, a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit the authority of the responsible agency or an agency having jurisdiction over natural

resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Fullerton is the Lead Agency for The Pines at Sunrise Village Project and is therefore responsible for ensuring implementation of the MMRP. The MMRP has been drafted as a fully enforceable monitoring program to meet Public Resources Code Section 21081.6 requirements.

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 MM:

- **Definition of Mitigation.** 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, an applicant would be the responsible party for implementing the mitigation, and the City of Fullerton or 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 MM numbering system in the table corresponds with the MM numbering system in the IS/MND. The MMRP table's last column will be used by the parties responsible for documenting when MM implementation has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City of Fullerton. The completed MMRP and supplemental documents will be kept on file at the City of Fullerton Planning Services Division.

**THE PINES AT SUNRISE VILLAGE PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation Measures (MMs) | Implementation Timing | Monitoring/Reporting Methods | Responsible for Approval/ Monitoring | Verification | |
|--|---|---|--|--------------|----------|
| | | | | Date | Initials |
| Geology and Soils | | | | | |
| MM GEO-1: Prior to grading permit issuance, the City shall review all Project plans and all other relevant construction permits to verify compliance with the Geotechnical and Infiltration Evaluation (GeoTek, Inc. 2020) recommendations and other applicable Code requirements. | Prior to Grading Permit Issuance and During Construction | Verify Requirements Included on Grading and Construction Plans; Conduct Inspections | Planning and Building & Safety Divisions | | |
| MM GEO-2: Paleontological Resources. In the event that paleontological resources are inadvertently unearthed during excavation and grading activities, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery. The Applicant shall retain a qualified professional paleontologist subject to approval by the City of Fullerton, to evaluate the significance of the finding and appropriate course of action. If avoidance of the resource(s) is not feasible, the Applicant shall follow salvage operation requirements pursuant to State CEQA Guidelines §15064.5. After the Applicant has appropriately avoided or mitigated the find, work in the area may resume. | During Excavation and Grading Activities If Paleontological Resources are Unearthed | Verify Requirements Included on Grading and Construction Plans Acceptance of a Qualified Professional Paleontologist, If Paleontological Resources are Unearthed; Evaluate Significance of Findings | Planning and Building & Safety Divisions; Applicant; Qualified Professional Paleontologist | | |
| Hazards and Hazardous Materials | | | | | |
| MM HAZ-1: DTSC Response Plan. Prior to the issuance of demolition permits, the City shall review all Project plans and all other relevant engineering drawings to verify compliance with the recommendations from the DTSC approved Response Plan. The Response Plan would include mitigation and recommendations to address the potential soil contamination and soil vapor hazards | Prior to Demolition Permit Issuance | Verify DTSC Approved Response Plan Requirements Included on Project Plans and Engineering Drawings | Planning and Building & Safety Divisions | | |

| Mitigation Measures (MMs) | Implementation Timing | Monitoring/Reporting Methods | Responsible for Approval/Monitoring | Verification | |
|---|-----------------------|------------------------------|-------------------------------------|--------------|----------|
| | | | | Date | Initials |
| <p>from the prior Sunrise Cleaners dry cleaning use. Actions include the following:</p> <ul style="list-style-type: none"> Contaminated soil identified as exceeding screening levels shall be excavated, segregated, managed in temporarily stockpiles with appropriate cover, profiled, and transported to a licensed disposal facility. A vapor intrusion mitigation system (VIMS) consisting of a passive sub slab depressurization system (SSD) coupled with a vapor barrier system shall be installed under the proposed residences (Lots 10-34, 41-43 and building blocks 50 and 51)28. If conditions warrant, as determined by DTSC, the SSD system shall be converted to an active system, which will actively remove vapors from beneath the footprint of structures. | | | | | |

| Standard Conditions (SCs) | Implementation Timing | Monitoring/ Reporting Methods | Responsible for Approval/ Monitoring | Verification | |
|--|-----------------------|--|--|--------------|----------|
| | | | | Date | Initials |
| Air Quality | | | | | |
| SC AQ-1: Dust Control. During construction, construction contractors shall comply with South Coast Air Quality Management District’s (South Coast AQMD’s) Rules 402 and 403 to minimize construction emissions of dust particulates. South Coast AQMD Rule 402 requires that air pollutant emissions of dust and particulates. South Coast AQMD 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 or the public, or which cause, or have a | During Construction | Verify Requirements Included on Grading and Construction Plans; Site Inspections | Planning and Building & Safety Divisions | | |

| Standard Conditions (SCs) | Implementation Timing | Monitoring/ Reporting Methods | Responsible for Approval/ Monitoring | Verification | |
|---|-----------------------|--|--|--------------|----------|
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| <p>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 workday to remove soil tracked onto the paved surface. | | | | | |
| SC AQ-2: Architectural Coatings. South Coast Air Quality Management District (South Coast AQMD) Rule 1113 requires manufacturers, distributors, and end-users of architectural and industrial maintenance coatings to reduce reactive organic gas | Prior to Construction | Verify Requirements Included on Construction Plans | Planning and Building & Safety Divisions | | |

| Standard Conditions (SCs) | Implementation Timing | Monitoring/ Reporting Methods | Responsible for Approval/ Monitoring | Verification | |
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| | | | | Date | Initials |
| (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 compound (VOC) content of the coatings is compliant with South Coast AQMD Rule 1113. This requirement shall be included as notes on contractor specifications. | | | | | |
| Biological Resources | | | | | |
| SC BIO-1: Nesting Migratory Birds. During construction, grubbing, brushing, or tree removal shall be conducted outside of the state identified nesting season for migratory birds (i.e., typically March 15 through September 1), if possible. If construction activities cannot be conducted outside of nesting season, a Pre-Construction Nesting Bird Survey within and adjacent to the project site shall be conducted by a qualified biologist within three days prior to initiating construction activities. If active nests are found during the Pre-Construction Nesting Bird Survey, a Nesting Bird Plan (NBP) shall be prepared by a qualified biologist and implemented during construction. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, monitoring, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, nesting sage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. | During Construction; Three Days Prior to Construction, If During Migratory Bird Nesting Season | Verify Requirements Included on Grading and Construction Plans Verify Pre-Construction Nesting Bird Survey Conducted and Nesting Bird Plan Prepared, If Required | Planning and Building & Safety Divisions Qualified Biologist | | |
| Cultural Resources | | | | | |
| SC CR-1: In the event that cultural resources (archaeological, historical, paleontological) resources are inadvertently unearthed during excavation and grading activities of any future development project, the contractor shall immediately cease all earth disturbing activities within a 100-foot radius of the area of discovery. The Applicant shall retain a qualified professional (i.e., archaeologist, | During Excavation and Grading Activities If Resources are Unearthed | Verify Requirements Included on Grading and Construction Plans Acceptance of Qualified Professional | Planning and Building & Safety Divisions; Contractor; Qualified Professional Archeologist, | | |

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| historian, architect, paleontologist, Native American Tribal monitor), subject to approval by the City of Fullerton, to evaluate the significance of the finding and appropriate course of action. If avoidance of the resource(s) is not feasible, salvage operation requirements pursuant to Section 15064.5 of the State CEQA Guidelines shall be followed. After the find has been appropriately avoided or mitigated, work in the area may resume. | | Archeologist, Historian, Architect, Paleontologist, or Native Tribal Monitor Evaluate Significance of Finding | Historian, Architect, Paleontologist, or Native Tribal Monitor Qualified Professional Archeologist, Historian, Architect, Paleontologist, or Native Tribal Monitor | | |
| SC CR-2: In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to State Health and Safety Code Section 7050.5, no further disturbance shall occur until the County coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendant of the deceased Native American, who shall serve as consultant on how to proceed with the remains. | During Excavation and Grading Activities, If Remains are Unearthed | Verify Requirements on Construction Plans Site Inspections | Planning and Building & Safety Divisions County Coroner | | |
| Geology and Soils | | | | | |
| SC GEO-1: Project plans and designs shall comply with FMC Chapter 14.03 – Building Code, which incorporates the 2019 California Building Standards Code which contains all regulations for how buildings are designed and constructed and are intended to ensure the maximum structural integrity and safety of private and public buildings. | Prior to Building Permit Issuance | Verify Requirements on Construction Plans; Conduct Inspections | Planning and Building & Safety Divisions | | |

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| | | | | Date | Initials |
| Greenhouse Gases | | | | | |
| SC GHG-1: Prior to issuance of building permits, the Applicant shall be required to demonstrate to the Community and Economic Development Department, Building Division that building plans meet the applicable Title 24 Energy Efficiency Standards for Residential Buildings (California Code of Regulations [CCR], Title 24, Part 6). These standards are updated, nominally every three years, to incorporate improved energy efficiency technologies and methods | Prior to Building Permit Issuance | Verify Requirements on Construction Plans; Conduct Inspections | Community and Economic Development Department; Planning and Building & Safety Divisions | | |
| SC GHG-2: Prior to issuance of building permits, the Applicant shall be required to demonstrate to the Community and Economic Development Department, Building Division that building plans meet the applicable California Green Building Standards (CalGreen) Code (24 CCR 11). | Prior to Building Permit Issuance | Verify Requirements on Construction Plans; Conduct Inspections | Community and Economic Development Department; Planning and Building & Safety Divisions | | |
| Hazards and Hazardous Materials | | | | | |
| SC HAZ-1: Prior to structural demolition/renovation activities, a Certified Environmental Professional shall confirm the presence or absence of ACM’s and LBPs. Should ACMs or LBPs be present, demolition materials containing ACMs and/or LBPs shall be removed and disposed of at an appropriate permitted facility. | Prior to Demolition | Conduct Inspections | Certified Environmental Professional; Planning and Building & Safety Divisions | | |
| Hydrology | | | | | |
| SC HYD-1: Prior to issuance of any Grading or Building Permit, and as part of the future development’s compliance with the NPDES requirements, a Notice of Intent shall be prepared and submitted to the Santa Ana RWQCB providing notification and intent to comply with the State of California General Construction Permit. Also, a Stormwater Pollution Prevention Plan (SWPPP) shall be reviewed and approved by the Director of Engineering for water | Prior to Grading and Building Permit Issuance | Verify Requirements on Construction Plans, Notice of Intent, and SWPPP Conduct Inspections | Director of Engineering; Santa Ana RWQCB; Planning and Building & Safety Divisions | | |

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| quality construction activities on-site. A copy of the SWPPP shall be available and implemented at the construction site at all times. The SWPPP shall outline the source control and/or treatment control BMPs to avoid or mitigate runoff pollutants at the construction site to the "maximum extent practicable." All recommendations in the Plan shall be implemented during area preparation, grading, and construction. The project applicant shall comply with each of the recommendations detailed in the Study, and other such measure(s) as the City deems necessary to mitigate potential stormwater runoff impacts. | | | | | |
| SC HYD-2: Prior to issuance of any Grading Permit, future development projects shall prepare, to the satisfaction of the Director of Engineering, a Water Quality Management Plan or Stormwater Mitigation Plan, which includes Best Management Practices (BMPs), in accordance with the Orange County DAMP. All recommendations in the Plan shall be implemented during post construction/operation phase. The project applicant shall comply with each of the recommendations detailed in the Study, and other such measure(s) as the City deems necessary to mitigate potential water quality impacts. | Prior to Grading Permit Issuance | Verify Requirements on Construction Plans; Conduct Inspections | Planning and Building & Safety Divisions | | |
| SC HYD-3: Site development shall not result in the increase of storm water run-off and flow intensity to the adjacent properties nor obstruct storm water flow into the site. | Prior to Construction; Construction Completion | Site Inspection | Planning and Building & Safety Divisions | | |
| Noise | | | | | |
| SC N-1: All construction and general maintenance activities that are anticipated to exceed the noise standards set forth in FMC Section 15.90 shall be limited to the hours of 7 a.m. to 8 p.m. Monday through Saturday, except in the case of an emergency. Noise associated with construction, repair, remodeling or grading of any real property must comply with the standards set forth in FMC Section 15.90 between 8 p.m. and 7 a.m. Monday through Saturday | During Construction | Verify Requirements on Construction Plans; Conduct Inspections | Planning and Building & Safety Divisions | | |

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| and at any time on Sunday or City-recognized holidays. All on-site construction equipment shall have properly operating mufflers and applicant should utilize the quietest equipment available. | | | | | |
| <p>SC N-2: The applicant shall ensure through contract specifications that construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed by the City prior to issuance of a grading or building permit (whichever is issued first). The construction BMPs shall include the following:</p> <ul style="list-style-type: none"> ▪ Ensure that construction equipment is properly muffled according to industry standards and be in good working condition. ▪ Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible. ▪ Use electric air compressors and similar power tools rather than diesel equipment, where feasible. ▪ Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes. <p>Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.</p> | During Construction | Verify Requirements on Construction Plans; Conduct Inspections | Planning and Building & Safety Divisions | | |
| Public Services | | | | | |
| SC PS-1: The Applicant shall comply with the Fullerton Fire Prevention Ordinance as per FMC Chapter 13, Fullerton Building Code as per FMC Chapter 14, the California Fire Code, and the CBC in regards to design of fire facilities. | Prior Building Permit Issuance | Site Inspections | Planning and Building & Safety Divisions | | |

| Standard Conditions (SCs) | Implementation Timing | Monitoring/ Reporting Methods | Responsible for Approval/ Monitoring | Verification | |
|--|---|---|---|--------------|----------|
| | | | | Date | Initials |
| SC PS-2: Prior to the issuance of building permits, the Applicant shall submit evidence to the City of Fullerton that legally required school impact fees have been paid per the mitigation established by the applicable school district. | Prior to the issuance of building permits | Fee Submittal Record | Planning and Building & Safety Divisions | | |
| Recreation | | | | | |
| SC REC-1: In accordance with FMC Chapter 21.12, prior to the issuance of each building permit, the Applicant shall pay the most current park dwelling fee and/or negotiated park fees to the City. All money collected as fees imposed by FMC Chapter 21.12 shall be deposited in the park dwelling fund and used for the acquisition, development, and improvement of public parks and recreational facilities in the City, as proposed by the City's Five-Year Capital Improvement Program. The Community and Economic Development Department shall confirm compliance with this requirement prior to issuance of a building permit. | Prior Building Permit Issuance | Fee Submittal Record | Planning and Building & Safety Divisions; Community and Economic Development Department | | |
| Transportation | | | | | |
| SC TRANS-1: Prior to construction, future developers shall prepare a Traffic Control Plan for implementation during the construction phase, as deemed necessary by the City Traffic Engineer. The Plan may include the following provisions, among others: <ul style="list-style-type: none"> • At least one unobstructed lane shall be maintained in both directions on surrounding roadways. • At any time only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flag persons), or other appropriate traffic controls to allow travel in both directions. • If construction activities require the complete closure of a roadway segment, the developer shall provide appropriate signage indicating detours/alternative routes. | Prior Construction | Verify Requirements on Traffic Control Plan | City Traffic Engineer | | |
| Tribal Cultural Resources | | | | | |
| <i>SC CR-1 and SC CR-2 are applicable to this section.</i> | | | | | |