

October 2016 | Mitigation Monitoring and Reporting Program
State Clearinghouse No. 2016021023

MUSEUM HOUSE PROJECT

for City of Newport Beach

Prepared for:

City of Newport Beach

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1. Mitigation Monitoring and Reporting Program

1.1 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program has been developed to provide a vehicle by which to monitor mitigation measures and conditions of approval outlined in the Museum House Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2016021023. The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with Section 21081.6 of the Public Resources Code and City of Newport Beach Monitoring Requirements. 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.

The 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 Newport Beach is the lead agency for the Museum House 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 consists of the mitigation program and the measures to implement and monitor the mitigation program. The MMRP defines the following for the mitigation measure outlined in Table 1, *Mitigation Monitoring Requirements*:

Mitigation Monitoring and Reporting Program

- **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, the project 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 measure 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 measure or 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 local, state, and federal agencies with permitting authority over the specific activity.

The numbering system in Table 1 corresponds with the numbering system used in the DEIR. 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.

1.2 PROJECT LOCATION

The City of Newport Beach is in the western part of Orange County in Southern California. The City is bordered by Huntington Beach to the northwest, Costa Mesa to the north, Irvine to the northeast, and unincorporated areas (Crystal Cove State Park) of Orange County to the southeast.

Regional access to the City is provided by various freeways, including Interstate 405 which runs north to south across the southern California region and intersects State Route 73 (San Joaquin Hills Transportation Corridor) and State Route 55. State Route 55 also runs north to south and terminates in the City of Costa Mesa. State Route 73 runs along the northwestern boundary of the City limits and connects with Interstate 5 further south in Laguna Niguel. Highway 1, also known as East/West Coast Highway, runs near the southeastern boundary of Newport Beach.

The project site is located in Newport Center, which includes residential, hospitality, and high- and low-rise office buildings surrounding the Fashion Island regional mall. The site itself is approximately two acres (86,942 square feet) and is located at 850 San Clemente Drive in Newport Center (Assessor's Parcel Number 442-261-05). The project site is generally bounded by Santa Cruz Drive to the east, Santa Barbara Drive to the west, San Joaquin Hills Road to the north, and San Clemente Drive to the south.

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1.3 PROJECT SUMMARY

A 25-story condominium tower is proposed for the approximately two-acre site and would consist of 100 for-sale residential units and a two-level subterranean garage. The tower footprint would measure approximately 75 feet by 220 feet, with floors becoming progressively smaller at higher levels. The building would be located in the northeastern portion of the site and angled so that the lobby entrance faces San Clemente Drive.

From finished grade of the main building entry point at approximately 187 feet above mean sea level (amsl) to the roof of the highest portion of the tower, which includes the mechanical equipment and elevator overrun, the tower is expected to be 482 feet amsl. Therefore, the tower itself, from finished grade of the main building entry point to the top of the tower would be 295 feet. Each residential floor would be approximately 11 feet in height.

The 100 residential units would consist of 54 two-bedroom units with 3 baths, and 46 three-bedroom units with 4 baths, ranging in size from approximately 1,800 to 6,000 square feet. The number of units per floor would range from three on the upper levels to five on the lower floors. All units would include private balconies.

Architectural Features

The Museum House tower would be designed as a Leadership in Energy and Environmental Design (LEED) Silver-certified building. The tower would be built with a textured stone base, masonry frames and pilasters, delicate metalwork details, and a predominantly stone and masonry exterior with large window openings. Larger-scale elements, such as multistory bay windows with French balconies and inset terraces, help define the massing in a residential manner, and multistory window groupings and large terraces at the uppermost floors create a finished cap to the building. All mechanical equipment and elevator overruns would be enclosed at the top floor.

Common Area Amenities

The proposed common area amenities would be located on Levels 1 and 2, and include both indoor and outdoor spaces. Common areas on the ground floor (level 1) could include a main lobby, bar and lounge, dining room and foyer, screening room, library, conservatory, and outdoor open space. The outdoor amenities may include a garden, lawn area, and a fountain plaza in the northern and northwestern portions of the project site, and dog run lawn along the southeastern site boundary.

Level 2 is envisioned to have additional indoor common areas, which may include, but are not limited to, a lounge, fitness center and spa, billiards room, kid's playroom, party/event room, business center, and resident services. Outdoor spaces could include two amenity decks on each side of the building with a pool and garden terrace, an infinity edge pool, outdoor kitchen and barbecue area, and indoor space. An outdoor roof terrace is planned on the 25th floor.

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Site Circulation and Parking

Parking

The proposed project would include 200 resident and 50 guest parking spaces, the majority of which would be in a two-level subterranean garage. Residential parking would be provided entirely in the underground garage. Guest parking would be available at the surface level (12 spaces) and underground garage (38 spaces). Valet parking for guests and residents would be used on a full-time basis.

Vehicular Circulation

Primary vehicular access to the site would be at the T-intersection of San Clemente Drive and Santa Maria Road, with secondary service access from a new San Clemente Drive curb cut near the project's southeastern boundary.

Two main entry lanes would gain access to the property through a guard station and gate, which would be set back about 60 feet from the property line. One exit lane, separated by a landscaped median, would be adjacent to the entry lanes. The proposed entry lanes would lead into a motor court that could be used for drop-off/pick-up, short-term parking, and pedestrian access to the building lobby. The motor court would also provide access to the project's underground parking areas via ramps along the western edge of the site. The eastern side of the site, east of the proposed residential tower, would be improved with a fire lane and loading zone for delivery vehicles ending as a partially underground dead-end.

Pedestrian Circulation

Primary pedestrian access to the site would be from San Clemente Drive to the motor court and the lobby entrance on the western building façade. A five-foot-wide walkway along the service lane east of the building would provide secondary pedestrian access.

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

| Mitigation Measure | Responsibility for Implementation | Timing | Responsibility for Monitoring | Monitor (Signature Required) (Date of Compliance) |
|---|---|---|---|---|
| 5.2 AIR QUALITY | | | | |
| 2-1 During construction, the construction contractor(s) shall require the use of interior paint with 0 grams per liter (g/L) of volatile organic compounds (VOC) (i.e., zero VOC paint). Paints that emit less than the low-VOC limits of South Coast Air Quality Management District (SCAQMD) Rule 1113 are known as "super-compliant paints." A list of super-compliant VOC coating manufacturers is available at SCAQMD's website (http://www.aqmd.gov/prdas/brochures/paintguide.html). Use of super-compliant interior paints shall be noted on building plans. | Project Applicant; Construction Contractor | During building plan check and construction | City of Newport Beach Community Development Department – Building Division | |
| 2-2 The construction contractor(s) shall limit the daily amount of debris haul trips during the project's building demolition and asphalt demolition phases to a maximum of 17 truckloads per day (34 truck trips per day) or a total overall daily haul truck miles traveled of 680 miles. These requirements shall be noted on all construction management plans and truck trips and mileage shall be documented. | Project Applicant; Construction Contractor | During grading and construction | City of Newport Beach Community Development Department – Building Division | |
| 5.3 CULTURAL RESOURCES | | | | |
| 3-1 Prior to the issuance of grading permits, the project applicant shall demonstrate to the Community Development Department that an Orange County-certified professional archaeologist has been retained to monitor any potential impacts to archaeological resources throughout the duration of any ground-disturbing activities at the project site. The qualified archeologist shall be present at the pregrade meeting to discuss the monitoring, collection, and safety procedures of cultural resources, if any are found. If subsurface cultural resources are discovered during ground-disturbing activities, the construction contractor shall ensure that all work stops within 25 feet of the find until the qualified archeologist can assess the significance of the find and, if necessary, develop appropriate treatment or disposition of the resources in consultation with the City of Newport Beach and a representative of the affected Native American tribe (Gabrieleno or Juaneno). The archeological monitor shall have the authority to halt any project-related activities that may adversely impact | Project Applicant; Certified Archaeologist; Construction Contractor | Prior to issuance of grading permits | City of Newport Beach Community Development Department – Planning Division | |

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| <p>potentially significant archaeological resources. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until an archeological monitor has evaluated the discoveries to assess whether they are classified as significant cultural resources, pursuant to the California Environmental Quality Act and, if determined to be significant, to develop an appropriate treatment or disposition plan. As required by General Plan Policy HR 2.4, any scientifically valuable materials will be donated to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.</p> | | | | |
| <p>3-2 Prior to the issuance of grading permits, the project applicant shall demonstrate to the Community Development Department that an Orange County–certified professional paleontologist has been retained to monitor any potential impacts to paleontological resources throughout the duration of any ground-disturbing activities at the project site. The paleontologist shall develop and 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 within 25 feet of the find 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 and evaluated for significance. ▪ Significant fossils shall be cataloged and identified prior to being donated to an appropriate repository. ▪ The final report shall interpret any paleontological | <p>Project Applicant; Certified Paleontologist</p> | <p>Prior to issuance of grading permits</p> | <p>City of Newport Beach Community Development Department – Planning Division</p> | |

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| <p>resources discovered in the regional context and provide the catalog and all specialists' reports as appendices.</p> <p>An executed curation agreement shall be part of the plan, and the project proponent shall bear all expenses of the mitigation program, including curation of materials meeting significance criteria.</p> | | | | |
| <p>3-3 During construction activities, the project applicant shall allow representatives of cultural organizations, including Native American tribes (i.e., Gabrieleno Band of Mission Indians), to access the project site on a volunteer basis to monitor grading and excavation activities.</p> | Project Applicant | During grading and construction | City of Newport Beach Community Development Department – Planning Division | |
| 5.4 GEOLOGY AND SOILS | | | | |
| <p>4-1 Given that the project would require excavation extending to the property line, shoring is required to support subterranean excavation. Prior to issuance of grading permits, the City of Newport Beach Building Division shall confirm that the grading plans include the shoring requirements detailed in the project's geotechnical study. Cantilever, tied-back or internally braced shoring systems can be used for the subterranean excavation. Cantilever shoring systems are typically limited to a maximum retained height of 15 feet. Tied-back shoring walls will require a temporary or permanent easement from the adjacent property owners and the City of Newport Beach.</p> <p>The shoring system shall be designed to resist a uniform pressure equal to 25 pounds per square foot (psf). An allowable passive earth pressure of 200 psf per foot of depth below the bottom of the excavation shall be used for design of the shoring system.</p> <p>The residential tower would be located approximately 26 feet from the property line. Therefore, it may be possible to excavate to the subgrade elevation without the use of shoring. Temporary slope in the marine terrace deposit may be excavated at slopes where the proportion of the height of the rise is less than or equal to the length of the slope (1H:1V). Alternatively, sloped excavations may be used to reduce the height of the shored</p> | Project Applicant | Prior to issuance of grading permits | City of Newport Beach Community Development Department – Building Division | |

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| <p>excavation. In the case, the earth pressures above may be increased and will be handled on a case by case basis when the height of the sloped excavation is known.</p> <p>All shoring and excavation shall comply with current Occupational Safety and Health Administration regulations and observed by the designated competent person on site.</p> | | | | |
| <p>4-2 The bedding zone is defined as the area containing the material specified that is supporting, surrounding, and extending to one foot above the top of any proposed utility pipes. During grading and construction plan reviews, the City of Newport Beach Building Divisions shall confirm that the project's proposed bedding satisfies the requirements of the Standard Specifications for Public Works Construction (SSPWC) Section 306- 1.2.1. There shall be a 4-inch minimum of bedding below the pipe and 1-inch minimum clearance below a projecting bell. There shall be a minimum side clearance of 6 inches on each side of the pipe. Bedding material shall be sand, gravel, crushed aggregate, or native free-draining material having a sand equivalent of not less than 30, or other material approved by the engineer. Materials used for the bedding zone shall be placed and compacted with light mechanical means to reduce the potential of damaging the pipe; jetting shall not be allowed.</p> | Project Applicant | Prior to issuance of grading permits | City of Newport Beach Community Development Department – Building Division | |
| <p>4-3 Backfill shall be considered as starting 12 inches above the pipe. On-site excavated materials are suitable as backfill. During construction activities, any boulders or cobbles larger than three inches in any dimension shall be removed before backfilling. All backfill shall be placed in loose lifts not exceeding 6 to 8 inches in thickness and be compacted to at least 90 percent relative compaction. The upper 12 inches below pavement shall be compacted at least to 95 percent relative compaction. Mechanical compaction will be required to accomplish compaction above the bedding along the entire pipeline alignments.</p> <p>In backfill areas, where mechanical compaction of soil backfill is impractical due to space constraints, sand-cement slurry may be substituted for compacted backfill. The slurry shall contain</p> | Project Applicant; Construction Contractor | Prior to issuance of grading permits and during construction | City of Newport Beach Community Development Department – Building Division | |

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| <p>one sack of cement per cubic yard and have a maximum slump of 5 inches. When set, such a mix typically has the consistency of hard compacted soil and allows for future excavation.</p> <p>A lean non-shrink concrete plug with a minimum width length of 3 feet shall be placed in the utility trenches at the location where off-site utilities enter the project boundaries to minimize the potential for off-site water flow onsite.</p> | | | | |
| <p>4-4 All foundation excavations shall be observed and/or tested by the project applicant's geotechnical consultant before placement of concrete to verify that the foundations would be supported in competent soils. If soft or loose soils are encountered at the subgrade level, the soils shall be removed or brought to a near-optimum moisture content (± 2 percent), recompact, and tested to a minimum of 95 percent relative compaction prior to placement of fill or footing or floor slab construction. Only granular soils shall be used for compacted fill.</p> <p>Mat foundations may also derive lateral load resistance from passive resistance along the vertical sides of the foundations. Therefore, an ultimate passive fluid pressure of 350 pounds per cubic foot (pcf) shall be used. It is recommended that an ultimate sliding friction coefficient of 0.45 to be used for design. Passive and sliding resistance may be used in combination without reduction. The required factor of safety is 1.5 for static loads and 1.1 for wind or seismic loads.</p> | Project Applicant; Geotechnical Consultant | During grading and construction | City of Newport Beach Community Development Department – Building Division | |
| 5.9 NOISE | | | | |
| <p>9-1 At least 30 days prior to commencement of demolition or any other construction activities, notification shall be given to all residents or businesses within 500 feet of the project site regarding the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, the duration and hours when construction would occur. The notification shall also include the telephone number of the construction contractor's authorized representative to respond in the event of a vibration or noise complaint.</p> | Project Applicant; Construction Contractor | At least 30 days prior to demolition or construction | City of Newport Beach Community Development Department – Building Division | |
| <p>9-2 Prior to the beginning of construction activities, a sign shall be</p> | Project Applicant; | Prior to construction | City of Newport Beach | |

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| 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. | Construction Contractor | | Community Development Department – Building Division | |
| 9-3 Route all construction-related trips (including worker commuting, material deliveries, and debris/soil hauling) so as to minimize pass-bys or residential areas around the project site. | Project Applicant; Construction Contractor | During grading and construction | City of Newport Beach Community Development Department – Building Division | |
| 9-4 All heavy construction equipment used on the proposed project shall be maintained in good operating condition, 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. | Project Applicant; Construction Contractor | During grading and construction | City of Newport Beach Community Development Department – Building Division | |
| 9-5 Electrically powered equipment instead of pneumatic or internal combustion powered equipment shall be used to the extent possible. | Project Applicant; Construction Contractor | During grading and construction | City of Newport Beach Community Development Department – Building Division | |
| 9-6 All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines; with particular attention paid to the residential complex (currently under construction) to the north of the project site. | Project Applicant; Construction Contractor | During grading and construction | City of Newport Beach Community Development Department – Building Division | |
| 9-7 Limit all internal combustion engine idling both on the site and at nearby queuing areas to no more than five (5) minutes for any given vehicle or machine. Signs shall be posted at the job site and along queuing lanes to reinforce the prohibition of unnecessary engine idling. | Project Applicant; Construction Contractor | During grading and construction | City of Newport Beach Community Development Department – Building Division | |
| 9-8 The use of noise producing signals, including horns, whistles, alarms, and bells will 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. | Project Applicant; Construction Contractor | During grading and construction | City of Newport Beach Community Development Department – Building Division | |

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| <p>9-9 A temporary noise barrier/curtain shall be erected between the construction zone and adjacent residential receptors to the north of the project site boundary. The temporary sound barrier shall have a minimum height of 16 feet and be free of gaps and holes and must achieve a Sound Transmission Class (STC) of 35 or greater. The barrier can be (a) a ¾-inch-thick plywood wall OR (b) a hanging blanket/curtain with a surface density of at least 2 pounds per square foot. For either configuration, the construction side of the barrier shall have an exterior lining of sound absorption material with a Noise Reduction Coefficient (NRC) rating of at least 0.7.</p> | <p>Project Applicant; Construction Contractor</p> | <p>During building plan check and grading and construction</p> | <p>City of Newport Beach Community Development Department – Building Division</p> | |
| 5.13 TRANSPORTATION AND TRAFFIC | | | | |
| <p>13-1 Prior to issuance of building permits, the project applicant shall prepare a construction traffic management plan to be submitted and approved by the City of Newport Beach Traffic Engineer. At a minimum, the construction traffic management plan shall include the following:</p> <ul style="list-style-type: none"> ▪ Provide detail on planned lane closures, including scheduling and duration; ▪ Detail applicable lane closure restrictions during peak hours and holiday periods and noticing to surrounding property owners and tenants; ▪ Provide measures to prevent blocking of surrounding property access points (due to construction vehicle queuing, etc.); ▪ Document specific off-site parking locations for construction workers; ▪ Project phasing; ▪ Parking arrangements for off-site parking location and on-site during construction; ▪ Anticipated haul routes; and ▪ All materials transported on and offsite shall be securely covered to prevent excessive amounts of dust or dirt. | <p>Project Applicant; Construction Contractor</p> | <p>Prior to issuance of building permits</p> | <p>City of Newport Beach Traffic Engineer</p> | |

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