



MITIGATION MONITORING AND REPORTING PROGRAM

NEWPORT BANNING RANCH PROJECT CITY OF NEWPORT BEACH

STATE CLEARINGHOUSE NO. 2009031061

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**NEWPORT BANNING RANCH
MITIGATION MONITORING AND REPORTING PROGRAM**

Date:

CEQA Action: Certification of Final Environmental Impact Report

Project Applicant: Banning Ranch LLC

Project Location and Description:

The Newport Banning Ranch Project site (Project site) encompasses approximately 401.1 acres. Approximately 40 acres are located within the incorporated boundary of the City of Newport Beach (City); the remainder of the Project site is located within unincorporated Orange County, in the City's adopted Sphere of Influence, as approved by the Local Agency Formation Commission of Orange County (LAFCO). The entire site is within the boundary of the Coastal Zone, as established by the California Coastal Act (Coastal Act).

The Project site is generally bound on the north by Talbert Nature Preserve/Regional Park in the City of Costa Mesa and residential development in the City of Newport Beach; on the south by West Coast Highway and residential development south of the highway in the City of Newport Beach; on the east by a mix of land uses including residential, light industrial, institutional, and office development in the Cities of Costa Mesa and Newport Beach; and on the west by the U.S. Army Corps of Engineers (USACE)-restored salt marsh basin (a wetlands restoration area) and the Santa Ana River. The City of Huntington Beach is west of the Santa Ana River. At its nearest point, the Project site is less than 0.25 mile inland from the Pacific Ocean.

The 401-acre Project site is proposed for development with a maximum of 1,375 residential dwelling units (du); 75,000 square feet (sf) of commercial uses, and a 75-room resort inn. Approximately 51.4 gross acres are proposed for active and passive park uses including a 26.8-gross-acre public Community Park. Approximately 252.3 gross acres (approximately 63 percent) of the 401-acre site are proposed for natural resources protection in the form of open space. Of the 252.3 gross acres, approximately 16.5 gross acres would be used for the continued production of oil. Upon the future cessation of oil operations, these oil production sites would be abandoned and remediated, and restored as open space. The Project includes the development of a vehicular and a non-vehicular circulation system for automobiles, bicycles, and pedestrians, including a proposed pedestrian and bicycle bridge from the Project site across West Coast Highway to West Newport Park.

Mitigation Monitoring and Reporting Program

The California Environmental Quality Act (CEQA) requires that all public agencies establish monitoring and/or reporting procedures for mitigation measures (MMs) adopted as conditions of approval in order to mitigate or avoid significant project impacts. Specifically, Section 21081.6(a)(1) states:

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 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 Newport Banning Ranch Project and is therefore responsible for implementing the Mitigation Monitoring and Reporting Program (MMRP).

The Mitigation Program is comprised of the Project Design Features (PDFs), Standard Conditions and Requirements (SCs), and Mitigation Measures (MMs), which serve to avoid, reduce, and/or fully mitigate potential environmental impacts. The Mitigation Program has been identified and recommended through preparation of the Draft EIR with additional mitigation measures and modified measures resulting from one of the following: (1) the City, a Responsible or Trustee Agency, or the Applicant, proposed an alternative or an additional method to mitigate an impact; or (2) additional or modified measures were added in response to public comments. These additional measures have been analyzed and would not create any additional significant impacts, but will lessen impacts anticipated to occur with implementation of the Project. The Mitigation Program has been drafted to meet the requirements of *Public Resources Code* Section 21081.6 as fully enforceable monitoring programs.

The MMRP is comprised of the Mitigation Program and includes measures to implement and monitor the Mitigation Program. The MMRP defines the following for each PDF, SC, and MM:

1. **Timeframe.** In each case, a timeframe for performance of the PDF, SC, and mitigation measure (mitigation), or review of evidence that mitigation has taken place, is provided. 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 assured. All activities are subject to the approval of all required permits from local, State (including the California Coastal Commission), and federal agencies with permitting authority over the specific activity.
2. **Responsible Party or Designated Representative.** In each case, unless where otherwise indicated, the Applicant is the Responsible Party for implementing the mitigation. The City or a Designated Representative will also monitor 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.
3. **Definition of Mitigation.** In each case (except where a mitigation measure, such as a geotechnical report, is a well-known procedure or term of art), 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.

The numbering system corresponds with the numbering system used in the Final EIR. The last column of the MMRP table will be used by the parties responsible for documenting when implementation of the PDF, SC, and/or MM 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.

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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
			Date	Initials
Land Use and Related Planning Programs				
As identified in Master Development Plan	PDF 4.1-1 Through the implementation of the Master Development Plan, the Project permits a maximum of 1,375 residential dwelling units and a variety of residential housing types to provide opportunities for a range of lifestyles. Housing types include single-family detached, single-family attached, multi-family, and/or residential uses in a mixed-use configuration.	Public Works Director and Community Development Director		
As identified in Master Development Plan and Tentative Tract Map No. 17308 Tentative Tract Map Conditions of Approval	PDF 4.1-2 The Master Development Plan designates areas for a diverse public park system to include active, passive, and interpretive recreation opportunities.	Public Works Director and Community Development Director		
Annual Development Agreement review As identified in Master Development Plan and Tentative Tract Map No. 17308 Tentative Tract Map Conditions of Approval	PDF 4.1-3 The Master Development Plan designates more than 240 gross acres of the Project site as Open Space, including wetland restoration/water quality areas, interpretive trails, habitat restoration areas, and habitat preservation areas. Open Space areas also include 2 sites and a connecting road comprising approximately 17 acres designated for continuing but interim use as oil and gas production sites. At the end of the oilfield's useful life, this area will revert to Open Space land use.	Community Development Director		
Annual Development Agreement review As identified in Master Development Plan and Tentative Tract Map No. 18308 Tentative Tract Map Conditions of Approval Application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District	PDF 4.1-4 The Master Development Plan provides for a minimum of 20 gross (17 net) acres for a public Bluff Park as a visual and passive recreational amenity, trail corridor, and a transition between open space and development.	Recreation and Senior Services Director; Community Development Director		

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As identified in Master Development Plan Tentative Tract Map Conditions of Approval Application for Site Development Review for development of land uses within Mixed-Use and Residential District and the Parks and Recreation District	PDF 4.1-5 The Master Development Plan and the Newport Banning Ranch Planned Community Development Plan identify proposed uses adjacent to existing Newport Beach and Costa Mesa residential neighborhoods which are limited to either parks or open space. Proposed uses adjacent to existing commercial and light industrial areas within the City of Costa Mesa "Mesa West Bluffs Urban Plan" overlay area will be a higher density residential and/or mixed-use development of similar height and scale to those prescribed in the "Mesa West Bluffs Urban Plan". Open space and/or park uses will be sited adjacent to the Newport Crest community to provide a visual buffer between that community and Project development areas.	Community Development Director		
As identified on Tentative Tract Map No. 17308 and any subsequent tentative subdivision maps for development purposes As identified as a condition of Final Map Approval Application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District	SC 4.1-1 Approval of the Newport Banning Ranch Project would require Project implementation and all future approvals to be subject to all applicable provisions of the <i>Newport Beach General Plan</i> ; <i>Newport Banning Ranch Planned Community Development Plan</i> ; all requirements and enactments of federal, State, and local agency authorities; as well as the requirements of any other governmental entities. All such requirements and enactments will, by reference, become conditions of Project approval.	Community Development Director		
Aesthetics and Visual Resources				
Application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District Review of grading permit application	PDF 4.2-1 As identified in the Master Development Plan, contour grading will be used to minimize impacts to existing public view points from West Coast Highway.	Community Development Director		

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Application for Site Development Review for development of land uses within the Residential Districts Visitor-Serving Resort and Residential District; and the Parks and Recreation District	PDF 4.2-2 Habitable structures will be set back at least 60 feet from the tops of bluff edges, as required in the Newport Banning Ranch Planned Community Development Plan.	Community Development Director		
Application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District	PDF 4.2-3 Implemented through the Master Development Plan, landscaping will be provided around the perimeter of buildings that are proposed adjacent to Open Space Preserve areas to provide a transition.	Community Development Director		
Application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District	PDF 4.2-4 Architectural guidelines included in the Master Development Plan provide for a range of housing types and architectural styles to avoid visual monotony and minimize impacts to existing public views of bluffs. Building architecture will be regulated through provisions contained in the Master Development Plan to ensure high quality designs that are sensitive to the natural resources and compatible with the character of Newport Beach communities within the Coastal Zone. Architectural guidelines require use of a palette of earth tone colors compatible with the open space setting.	Community Development Director		
Conditions of approval of Tentative Tract Map No. 17308 and any subsequent tentative subdivision maps for development purposes Conditions of approval of Site Development Permits As part of approved Improvement Plans As part of building permits As part of Project CC&Rs	PDF 4.6-4 The Master Development Plan requires that street lights be utilized only in key intersections and safety areas. The Planned Community Development Plan requires that a “dark sky” lighting concept be implemented within areas of the Project that adjoin habitat areas. Light fixtures within these areas will be designed for “dark sky” applications and adjusted to direct/reflect light downward and away from adjacent habitat areas. The Newport Banning Ranch Planned Community Development Plan will restrict exterior house lighting to minimize light spillage into adjacent habitat areas.	Public Works Director; Community Development Director		

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<p>Conditions of approval of Tentative Tract Map No. 17308 and any subsequent tentative subdivision maps for development purposes</p> <p>Lighting Plan as part of application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District</p> <p>Prior to the issuance of building permits</p> <p>Final inspection prior to issuance of certificates of occupancy</p>	<p>MM 4.2-1 All public roadways and private development within the Village and Colonies, South and North Bluff Park, Interpretive Parks, and Oil Consolidation sites shall have their “dark sky” lighting system and its components incorporated into the Project and approved by the City of Newport Beach Community Development Director or his/her designated representative prior to the issuance of a building permit for the applicable Village, Colony, Bluff Park, and Nature Center on the Project site. Each lighting plan shall incorporate electrical plans and structural plans that detail the provision of lighting systems for exteriors of all buildings, parking lots, loading areas, walkways, public use areas, any public art displays, fountains, or landscape areas. Lighting within the development shall be directed and shielded so that light is directed away from the Open Space Preserve, including habitat areas. Floodlamp shielding and/or sodium bulbs shall be used in developed areas to reduce the amount of stray lighting into native restoration and preservation areas. No skyward-casting lighting shall be used. Final lighting orientation and design shall be in accordance with the “dark sky” lighting standards as defined by the Illuminating Engineering Society of North America (IESNA) and shall reduce the impacts of new light sources to the extent feasible as determined by the Community Development Director or his/her designated representative. Prior to final inspection or issuance of a certificate of occupancy, where applicable, the City shall cause to be performed a photometric field inspection of the approved lighting system for the Project. The inspection shall verify the proper construction and installation of materials within the approved plan; determine the actual light patterns and values through light meter testing and observation; and determine the extent of any errant lighting. Deviations and/or violations shall be corrected prior to the final clearance for the Project.</p>	<p>Public Works Director; Community Development Director</p>		
<p>Lighting Plan as a part of Community Park improvement plans</p> <p>Testing: Prior to final inspection</p>	<p>MM 4.2-2 The lighting plan for the Community Park shall incorporate electrical plans and structural plans that detail the provision of lighting systems for sports field and hard courts; exteriors of buildings; parking lots, walkways, and/or landscape areas. All lighting within the development shall be directed and shielded so that light is directed away from the Open Space Preserve, including habitat areas. Floodlamp shielding and/or sodium bulbs shall be used in developed areas to reduce the</p>	<p>Recreation and Senior Services Director; Public Works Director; Community Development Director</p>		

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	amount of stray lighting into native restoration and preservation areas. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting. Light standards used for lighting playing fields shall be either Musco Lighting™, “Light Structure Green” standards, or another comparable light standard of similar design that reduces light spillage. Final lighting orientation and design shall be in accordance with the “dark sky” lighting standards as defined by the Illuminating Engineering Society of North America (IESNA) and shall reduce the impacts of new light sources to the extent feasible, as determined by the Community Development Director. Prior to final inspection, the City shall cause to be performed a photometric field inspection of the approved lighting system for the Community Park. The inspection shall verify the proper construction and installation of materials within the approved plan; shall determine the actual light patterns and values through light meter testing and observation; and shall determine the extent of any errant lighting. Deviations and/or violations shall be corrected prior to the final clearance for the Community Park.			
Geology and Soils				
Application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; and the Parks and Recreation District	PDF 4.3-1 Habitable structures will be set back a minimum of 60 feet from the tops of bluff edges, as required in the Master Development Plan and the Newport Banning Ranch Planned Community Development Plan, and will not be constructed within identified fault setback zones.	Community Development Director		
As identified in Master Development Plan and Tentative Tract Map No. 17308 As part of applications for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; and the Parks and Recreation District As identified on applications for subsequent tentative subdivision maps for development purposes	PDF 4.3-2 The Master Development Plan identifies drainage devices to be constructed along slopes adjacent to the development edge to eliminate existing surface flow over bluffs to the extent feasible. Landscape and irrigation plans will be designed to minimize irrigation near natural areas/slopes through the use of drought-tolerant vegetation and low-flow irrigation.	Community Development Director; Public Works Director		

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<p>Conditions of approval of Tentative Tract Map 17308 and any subsequent tentative subdivision maps for development purposes</p> <p>As part of grading permits for restoration or remediation grading in the Open Space District and as part of grading permits for development in the Parks and Recreation District</p>	<p>PDF 4.3-3 The Master Development Plan includes a Bluff/Slope Restoration Plan that requires eroded portions of bluff slopes to be repaired and stabilized. In order to stabilize slopes and help avoid erosion, bluff areas devoid of vegetation after repair and stabilization efforts will be planted with native vegetation that does not require permanent irrigation.</p>	<p>Public Works Director; Community Development Director</p>		
<p>Prior to the issuance of grading permits</p> <p>Identified in approved grading and construction plans</p>	<p>SC 4.3-1 Prior to the issuance of any grading permits, the City of Newport Beach Community Development Department, Building Division Manager or his/her designee shall review the grading plan for conformance with the grading shown on the approved tentative map. The grading plans shall be accompanied by geological and soils engineering reports and shall incorporate all information as required by the City. Grading plans shall indicate all areas of grading, including remedial grading, and shall extend to the limits outside of the boundaries of an immediate area of development as required by the City. Grading shall be permitted within all Land Use Districts and outside of an area of immediate development, as approved by the City, for the grading of public roads, highways, park facilities, infrastructure, and other development-related improvements. Remedial grading for development shall be permitted in all Land Use Districts and outside of an immediate development area, as approved by the City, to adequately address geotechnical or soils conditions. Grading plans shall provide for temporary erosion control on all graded sites scheduled to remain unimproved for more than 30 days. If the Applicant submits a grading plan that deviates from the grading shown on the approved tentative map (specifically with regard to slope heights, slope ratios, pad elevations or configurations), as determined by the Building Manager, s/he shall review the plan for a finding of substantial conformance. If the Building Manager finds the plan not to be in substantial conformance, the Applicant shall process a revised tentative map or, if a final map has been recorded, the Applicant shall process a new tentative map. A determination of CEQA compliance shall also be required.</p>	<p>Community Development Department Building Division Manager</p>		

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Prior to the recordation of a subdivision map or prior to the issuance of grading permits	SC 4.3-2 Prior to the recordation of a subdivision map or prior to the issuance of any grading permit, whichever comes first, and if determined necessary by the City of Newport Beach Community Development Department, Building Division Manager, the Applicant shall record a Letter of Consent from any affected property owners permitting off-site grading, cross lot drainage, drainage diversions, and/or unnatural concentrations. This process will ensure that construction activities requiring encroachment permits or having temporary effects on adjacent parcels are properly noticed and coordinated.	Community Development Department Building Division Manager, or designated representative		
Application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District As part of applications for grading and building permits	MM 4.3-1 The Applicant shall submit to the City of Newport Beach Community Development Department, Building Division Manager or his/her designee for review and approval, a site-specific, design-level geotechnical investigation prepared for each development parcel by a registered geotechnical engineer. The investigation shall comply with all applicable State and local code requirements and: <ul style="list-style-type: none"> a) Include an analysis of the expected ground motions at the site from known active faults using accepted methodologies; b) Determine structural design requirements as prescribed by the most current version of the California Building Code, including applicable City amendments, to ensure that structures can withstand ground accelerations expected from known active faults; and c) Determine the final design parameters for walls, foundations, foundation slabs, utilities, roadways, parking lots, sidewalks, and other surrounding related improvements. <p>Project plans for foundation design, earthwork, and site preparation shall incorporate all of the mitigations in the site-specific investigations. The structural engineer shall review the site-specific investigations, provide any additional necessary measures to meet Building Code requirements, and incorporate all applicable recommendations from the investigation in the structural design plans and shall ensure that all structural plans for the Project meet current Building Code requirements.</p> <p>The City's registered geotechnical engineer or third-party registered engineer retained to review the geotechnical reports shall review each site-specific geotechnical investigation, approve the final report, and require compliance with all geotechnical requirements</p>	Community Development Department Building Division Manager Registered Geotechnical Engineer designated by the Community Development Department Building Manager		

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	<p>contained in the investigation in the plans submitted for the grading, foundation, structural, infrastructure and all other relevant construction permits.</p> <p>The City shall review all Project plans for grading, foundations, structural, infrastructure, and all other relevant construction permits to ensure compliance with the applicable geotechnical investigation and other applicable Code requirements.</p>			
Prior to the approval of a final tract map for development purposes	<p>MM 4.3-2 Prior to the approval of any applicable final tract map, the Applicant shall have completed, by a qualified geologist, additional geotechnical trenching and field investigations and shall provide a supplemental geotechnical report to confirm the adequacy of Project development fault setback limits in accordance with the mandates of the Alquist-Priolo Earthquake Fault Zoning Act. The trenching and report shall be subject to the review and approval of the City of Newport Beach Public Works Director.</p>	<p>Community Development Director; Public Works Director</p> <p>Qualified Geologist designated by the Public Works Director</p>		
Prior to approval of a Site Development Review and issuance of building permits	<p>MM 4.3-3 Prior to the approval of any applicable final tract map, development setbacks from the Upland fault segments, revised as necessary based upon the findings of additional trenching investigations, shall be incorporated into the Project consistent with requirements set forth in the California Building Code and the <i>City of Newport Beach General Plan</i>. Bluff setbacks consistent with the regulatory requirements for habitable structures shall be incorporated into the Project consistent with the beach bluff setback standards in the <i>City of Newport Beach General Plan</i>. Where applicable, setback distances consistent with recommendations in the Project's Geotechnical Report (GMU 2010) shall be incorporated. Prior to the preparation of final Project plans and specifications, additional trenching shall be conducted within the 1,300-foot gap between the 2 parts of the existing Fault Setback Zone. This additional trenching shall provide more information about the potential for active faulting in this portion of the Project site. If necessary, the development fault setback zones shall be modified after this information is obtained and analyzed in accordance with the mandates of the Alquist-Priolo Earthquake Fault Zoning Act. This information shall be subject to the review and approval of the City of Newport Beach Public Works Director and Community Development Director.</p>	<p>Public Works Director; Community Development Director</p>		

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Hydrology and Water Quality				
Timing of construction as part of conditions of approval for Tentative Tract Map No.17308 As part of Community Park Improvement Plans As part of grading permits for open space	PDF 4.4-1 The Master Development Plan requires that two water quality basins (one in the Community Park and one in the Open Space Preserve) be constructed to treat off-site urban runoff from Costa Mesa and Newport Beach and Project runoff that drains into the Lowland area.	Municipal Operations Director; Public Works Director; Community Development Director		
Timing of construction as part of conditions of Approval for Tentative Tract Map No.17308 As part of grading permit for open space	PDF 4.4-2 The Master Development Plan includes a water quality basin and a diffuser basin located within the Open Space Preserve to provide for storm water control, energy dissipation, and natural water quality treatment.	Municipal Operations Director; Public Works Director; Community Development Director		
Conditions of approval of Tentative Tract Map No.17308 As part of subdivision improvement plans	PDF 4.4-3 The Master Development Plan requires that public arterials and some selected collector roadways within the Project site be designed with "Green Street" and other Low Impact Development (LID) features, such as bioswales and bio-cells. Green Streets are designed to incorporate sustainable design elements such as narrower pavement widths, canopy street trees, traffic-calming features, and minimal use of street lighting. Landscaping along the street edges will be selectively used to treat storm water runoff from the streets and adjacent development areas.	Public Works Director, Community Development Director		
Conditions of approval of Tentative Tract Map No.17308 consistent with the approved Habitat Restoration Plan	PDF 4.4-4 The Master Development Plan requires that arroyos be planted with native riparian vegetation as part of the restoration effort to minimize potential erosion and to enhance the water-cleansing function.	Public Works Director; Community Development Director Qualified Biologist designated by the Community Development Director		

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Conditions of approval of Tentative Tract Map No. 17308 consistent with the Habitat Restoration Plan Application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District As part of subdivision improvement plans	PDF 4.4-5 The Master Development Plan requires development of a drainage plan to ensure that runoff systems from the Project site to West Coast Highway and the Semeniuk Slough will be stabilized and maintained through the Project's drainage system.	Public Works Director; Community Development Director		
Conditions of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes Submittal of approved Project-level Water Quality Management Plan and Storm Water Pollution Prevention Plan with application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District As part of Community Park improvement plan As part of subdivision improvement plans	PDF 4.4-6 The Master Development Plan requires the use of best management practices (BMPs) for erosion control, sediment control, wind erosion control, storm water and non-storm water management, and waste management/pollution control. These BMPs will be implemented to ensure that potential effects on local site hydrology, runoff, and water quality remain in compliance with all required permits, City policies, and the Project's Water Quality Management Plan (WQMP), and Storm Water Pollution Prevention Plan (SWPPP).	Municipal Operations Director; Public Works Director; Community Development Director		

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Condition of approval of Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District As part of building permits City maintenance responsibility for Community Park	SC 4.4-1 All landscape materials and irrigation systems shall be maintained in accordance with the approved Landscape Plan. All landscaped areas shall be kept in a healthy and growing condition and shall receive regular maintenance. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.	Public Works Director; Community Development Director		
Ongoing	SC 4.4-2 The development shall be kept free of litter and graffiti. The owner or operator shall provide for removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks.	Community Development Director		
Prior to the issuance of grading permits	SC 4.4-3 Prior to the issuance of grading permits, an SWPPP and Notice of Intent (NOI) to comply with the General Permit for Construction Activities shall be prepared, submitted to the State Water Resources Control Board (SWRCB), and made part of the construction program. This SWPPP shall detail measures and practices that would be in effect during construction to minimize the Project's impact on water quality and storm water runoff volumes.	Public Works Director; Community Development Director State Water Resources Control Board (SWRCB)		
Prior to the issuance of grading permits	SC 4.4-4 Prior to issuance of grading permits, the Project Applicant shall prepare and submit a Water Quality Management Plan (WQMP) for the project, subject to the approval of the Community Development Department, Building Division and Code and Water Quality Enforcement Division. The WQMP shall include appropriate BMPs to ensure project runoff is adequately treated.	Community Development Director; Water Quality Enforcement Division		
As a part of grading and building permits	SC 4.4-5 Prior to issuance of grading permits a list of "good housekeeping" practices, consistent with the approved Water Quality Management Plan, shall be submitted by the contractor for incorporation into the long-term post-construction operation of the site to minimize the likelihood that pollutants would be used, stored, or spilled on the site that could impair water quality. These may include frequent parking area vacuum truck sweeping, removal of wastes or spills, limited use of harmful fertilizers or pesticides, and the diversion of storm water away from potential sources of pollution (e.g., trash receptacles and parking structures). The WQMP shall list and describe all structural and non-structural	Public Works Director; Community Development Director		

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	BMPs. In addition the WQMP must also identify the entity responsible for the long term inspection, maintenance, and funding for all structural (and if applicable treatment-control) BMPs.			
Hazards and Hazardous Materials				
Prior to the issuance of grading permits As a part of grading and construction permits	PDF 4.4-6 The Master Development Plan requires the use of best management practices (BMPs) for erosion control, sediment control, wind erosion control, storm water and non-storm water management, and waste management/pollution control. These BMPs will be implemented to ensure that potential effects on local site hydrology, runoff, and water quality remain in compliance with all required permits, City policies, and the Project's Water Quality Management Plan (WQMP), and Storm Water Pollution Prevention Plan (SWPPP).	Public Works Director; Community Development Director State Water Resources Control Board (SWRCB)		
Condition of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes Prior to issuance of precise grading permits for development and building permits for Residential Districts, Visitor Serving Resort/Residential District, Public Parks/Recreation District, Mixed Use/Residential District Annual Development Agreement review	PDF 4.5-1 The Master Development Plan requires existing oil operations to be consolidated into two areas within the Open Space Preserve designated as "Interim Oil Facilities", in accordance with the land use districts established for the Project site in the Newport Banning Ranch Planned Community Development Plan, totaling approximately 17 acres including the service access road. This use will ultimately revert to an Open Space land use at the end of the oilfield's useful life.	Community Development Director		
Prior to issuance of demolition permit Verification: prior to the issuance of the first grading permit	SC 4.5-1 Prior to demolition, testing for all structures for presence of lead-based paint (LBP) and/or asbestos-containing materials (ACMs) shall be completed. The Asbestos-Abatement Contractor shall comply with notification and asbestos-removal procedures outlined in the South Coast Air Quality Management District's (SCAQMD's) Rule 1403 to reduce asbestos-related air quality health risks. SCAQMD Rule 1403 applies to any demolition or renovation activity and the associated disturbance of ACMs. This requirement shall be included on the contractors' specifications and verified by the Director of Community Development. All demolition activities that may expose construction workers	Community Development Director South Coast Air Quality Management District (SCAQMD), as applicable		

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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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	and/or the public to ACMs and/or LBP shall be conducted in accordance with applicable regulations, including, but not limited to Title 40 of the <i>Code of Federal Regulations</i> (CFR), Subchapter R (Toxic Substances Control Act); CalOSHA regulations (Title 8 of the <i>California Code of Regulations</i> §1529 [Asbestos] and §1532.1 [Lead]); and SCAQMD Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities). The requirement to adhere to all applicable regulations shall be included in the contractor specifications, and such inclusion shall be verified by the Director of Community Development prior to issuance of the first grading permit.			
Prior to issuance of grading permit	SC 4.5-2 Prior to issuance of grading permits, the Applicant shall submit documentation in a form and of a content determined by the Director of Community Development that any hazardous contaminated soils or other hazardous materials removed from the project site shall be transported only by a Licensed Hazardous Waste Hauler to approved hazardous materials disposal site, who shall be in compliance with all applicable State and federal requirements, including the U.S. Department of Transportation regulations under 49 CFR (Hazardous Materials Transportation Act), California Department of Transportation (Caltrans) standards, Occupational Safety and Health Administration (OSHA) standards, and under 40 CFR 263 (Subtitle C of Resource Conservation and Recovery Act). The Director of Community Development shall verify that only Licensed Haulers who are operating in compliance with regulatory requirements are used to haul hazardous materials.	Public Works Director; Community Development Director Licensed Hazardous Waste Hauler approved by the Community Development Director		
Submittal of approved final Remedial Action Plan prior to issuance of demolition or grading permit whichever is first Provide documentation of final abandonment approval from the DOGGR prior to issuance of the first certificate of occupancy Ongoing monitoring by DOGGR, OCFA, OCHCA, and RWQCB	MM 4.5-1 A comprehensive final Remedial Action Plan (final RAP) shall be submitted to and approved by the Orange County Health Care Agency (OCHCA) and the Regional Water Quality Control Board (RWQCB) and initiated for the oilfield clean-up and remediation prior to the issuance of the first City-issued permit that would allow for site disturbance related to oil remediation activities. The Applicant shall follow the protocol for the OCHCA Industrial Cleanup Program to develop the site-specific final RAP. The final RAP shall use the draft Remedial Action Plan (dRAP) and the existing clean-up levels that have been in effect since 2001 as the basis of the final RAP consistent with OCHCA requirements. The final RAP shall (1) incorporate the remediation methods to be employed that are described in the dRAP; (2) propose the clean-up	Community Development Director Orange County Health Care Agency (OCHCA) California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) Regional Water Quality Control Board (RWQCB)		

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	<p>criteria for specific areas of the Project site depending upon the land uses for those areas; and (3) provide additional details such as the location of on-site areas for bioremediation. The final RAP shall also require compliance with Orange County Fire Authority Guideline C-03 Combustible Soil Gas Hazard Mitigation.</p> <p>The clean up criteria shall be approved by the OCHCA as a part of final RAP subject to the review and approval of the RWQCB. The final RAP shall describe the means by which those clean-up standards shall be met per the remediation methods described in the dRAP. Methods described in the dRAP include the use of natural bio-remediation of soils on site; reuse and recycling of treated soils where and when feasible; and removal and recycling of materials such as concrete, gravel, and asphalt-like road materials.</p> <p>Oil and gas wells to be abandoned or re-abandoned shall be done so in accordance with the current requirements of the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR). Documentation of final abandonment approval from the DOGGR shall be provided to the Orange County Fire Authority and the City of Newport Beach Community Development Department, Building Division, before issuance of the first certificate of occupancy.</p>			
Biological Resources				
<p>As identified on the Master Development Plan and Tentative Tract No. 17308</p> <p>Conditions of approval of Tentative Tract Map No. 17308</p> <p>Annual Development Agreement review</p>	<p>PDF 4.6-1 The Master Development Plan designates a minimum of 220 gross acres of the Project site as wetland restoration/water quality areas, habitat conservation, and restoration mitigation areas.</p>	<p>Community Development Director</p>		

**NEWPORT BANNING RANCH PROJECT (Continued)
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As identified in Master Development Plan Conditions of approval of Tentative Tract Map No. 17308	PDF 4.6-2 The Master Development Plan includes a Habitat Restoration Plan (HRP) for the Habitat Areas. The HRP includes provisions for the preservation and long-term maintenance of existing sensitive habitat and habitat created and restored by the Project.	HRP Approval and Monitoring: Community Development Director U.S. Army Corps of Engineers (USACE) U.S. Fish and Wildlife Service (USFWS) California Department of Fish and Game (CDFG) California Coastal Commission (CCC) Regional Water Quality Control Board (RWQCB) Qualified Biologists		
Conditions of approval of Tentative Tract Map No. 17308	PDF 4.6-3 As identified in the Master Development Plan, the Habitat Areas to be restored as project design features will be subject to the same five-year Maintenance and Monitoring Program implemented for areas restored as mitigation. Standard Vegetation Monitoring Procedures are outlined in the Biological Technical Report prepared for the EIR and will be implemented consistent with applicable regulatory requirements.	HRP and Permit Condition Monitoring: Community Development Director U.S. Army Corps of Engineers (USACE) U.S. Fish and Wildlife Service (USFWS) California Department of Fish and Game (CDFG) California Coastal Commission (CCC) Regional Water Quality Control Board (RWQCB) Qualified Biologist designated by the Community Development Director		

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<p>Conditions of approval of Tentative Tract Map No. 17308 and any subsequent tentative subdivision maps for development purposes</p> <p>Lighting Plan as part of an application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District</p> <p>Lighting Plan as part of Community Park improvement plans</p> <p>As part of building permits</p> <p>Final inspection prior to issuance of certificates of occupancy</p>	<p>PDF 4.6-4 The Master Development Plan requires that street lights be utilized only in key intersections and safety areas. The Planned Community Development Plan requires that a “dark sky” lighting concept be implemented within areas of the Project that adjoin habitat areas. Light fixtures within these areas will be designed for “dark sky” applications and adjusted to direct/reflect light downward and away from adjacent habitat areas. The Newport Banning Ranch Planned Community Development Plan will restrict exterior house lighting to minimize light spillage into adjacent habitat areas.</p>	<p>Public Works Director; Community Development Director; Community Development Department Building Division Manager, or designated representatives</p>		
	<p>MM 4.6-1 Coastal Sage Scrub Habitat Preservation and Restoration. Permanent impacts on coastal sage scrub vegetation (including disturbed southern coastal bluff scrub) (12.32 acres) shall be mitigated at a 3:1 ratio (36.96 acres) on the Project site or off site (nearby) through the restoration of southern coastal bluff scrub and California sagebrush scrub. Permanent impacts on disturbed coastal sage scrub vegetation (excluding disturbed southern coastal bluff scrub) (8.21 acres) shall be mitigated at a 1:1 ratio (8.21 acres) elsewhere on the Project site or off site. In addition, temporary impacts (2.58 acres) to coastal sage scrub and disturbed coastal sage scrub vegetation types shall be mitigated by revegetation with locally occurring native coastal sage scrub species following remediation at a 1:1 ratio. The required restoration is summarized in Table A. In addition to restoration, the Project shall preserve 35.16 acres of coastal sage scrub on site. Coastal sage scrub restoration and preservation on site would total 82.91 acres.</p>			

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<p>Mitigation and restoration plan approval by regulatory agencies: Prior to issuance of first grading permit or demolition permit whichever is first</p> <p>Identify in approved grading and construction plans</p> <p>Initiate restoration activities: Within one year of first permit/approval for ground-disturbing activities</p> <p>Implement during grading and construction</p> <p>Monitoring and maintenance for 5 years or as determined by the regulatory agencies</p>	<p align="center">TABLE A REQUIRED COASTAL SAGE SCRUB RESTORATION</p> <table border="1"> <thead> <tr> <th></th> <th>Impact (Acres)</th> <th>Ratio Required</th> <th>Restoration Required (Acres)</th> </tr> </thead> <tbody> <tr> <td colspan="4">Permanent Impact</td> </tr> <tr> <td>Coastal Sage Scrub (including disturbed southern coastal bluff scrub)</td> <td align="center">12.32</td> <td align="center">3:1</td> <td align="center">36.96</td> </tr> <tr> <td>Disturbed Coastal Sage Scrub (excluding disturbed southern coastal bluff scrub)</td> <td align="center">8.21</td> <td align="center">1:1</td> <td align="center">8.21</td> </tr> <tr> <td colspan="4">Temporary Impact</td> </tr> <tr> <td>Coastal Sage Scrub (including disturbed southern coastal bluff scrub)</td> <td align="center">1.92</td> <td align="center">1:1</td> <td align="center">1.92</td> </tr> <tr> <td>Disturbed Coastal Sage Scrub (excluding disturbed southern coastal bluff scrub)</td> <td align="center">0.66</td> <td align="center">1:1</td> <td align="center">0.66</td> </tr> <tr> <td align="right">Total</td> <td align="center">23.11</td> <td></td> <td align="center">47.75</td> </tr> </tbody> </table> <p>The Applicant shall be required to plan, implement, monitor, and maintain a coastal sage scrub revegetation program for the Project consistent with the most current technical standards/knowledge regarding coastal sage scrub restoration. Prior to issuance of the first permit that would allow for site disturbance (e.g., grading permit), a detailed restoration program shall be prepared by a qualified Biologist and approved by the City of Newport Beach (City) and the resource agencies (i.e., the U.S. Fish and Wildlife Service [USFWS] and the California Coastal Commission). The program shall include, at a minimum, the items listed below.</p> <ol style="list-style-type: none"> Responsibilities and qualifications of the personnel to implement and supervise the plan. The responsibilities of the landowner, specialists, and maintenance personnel that would supervise and implement the plan shall be specified. Site selection. The mitigation site shall be determined in coordination with the City and the resource agencies. The 		Impact (Acres)	Ratio Required	Restoration Required (Acres)	Permanent Impact				Coastal Sage Scrub (including disturbed southern coastal bluff scrub)	12.32	3:1	36.96	Disturbed Coastal Sage Scrub (excluding disturbed southern coastal bluff scrub)	8.21	1:1	8.21	Temporary Impact				Coastal Sage Scrub (including disturbed southern coastal bluff scrub)	1.92	1:1	1.92	Disturbed Coastal Sage Scrub (excluding disturbed southern coastal bluff scrub)	0.66	1:1	0.66	Total	23.11		47.75	<p>Community Development Director; Community Development Director</p> <p>Qualified Biologist designated by the Community Development Director</p> <p>Habitat Restoration Specialist</p> <p>U.S. Fish and Wildlife Service (USFWS)</p> <p>California Coastal Commission (CCC)</p>		
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	<p>site shall either be located on the Project site in a dedicated open space area or land shall be purchased/obtained immediately off site. Selected sites shall not result in the removal of a biologically valuable resource (i.e., native grassland).</p> <p>3. Site preparation and planting implementation. Site preparation shall include (a) protection of existing native species; (b) trash and weed removal; (c) native species salvage and reuse (i.e., duff); (d) soil treatments (i.e., imprinting, decompacting); (e) temporary irrigation installation; (f) erosion-control measures (i.e., rice or willow wattles); (g) seed mix application; and (h) container species planting. Locally occurring native plants and seeds shall be used and shall include species present on site, in adjacent areas, and uncommon species known to occur on site such as California box-thorn and woolly seablite.</p> <p>4. Schedule. A schedule shall be developed that includes planting to occur in late fall and early winter (i.e., between October 1 and January 30).</p> <p>5. Maintenance plan/guidelines. The maintenance plan shall include (a) weed control; (b) herbivory control; (c) trash removal; (d) irrigation system maintenance; (e) maintenance training; and (f) replacement planting. The maintenance plan shall also include biological monitoring during maintenance activities if they occur during the gnatcatcher breeding season (February 15 to July 15).</p> <p>6. Monitoring plan. The coastal sage scrub monitoring plan shall include (a) qualitative monitoring (i.e., photographs and general observations); (b) quantitative monitoring (i.e., randomly placed transects, wildlife monitoring); (c) performance criteria as approved by the resource agencies; (d) monthly reports for the first year and reports every other month thereafter; and (e) annual reports for five years, which shall be submitted to the resource agencies. The site shall be monitored and maintained for five years to ensure successful sage scrub habitat establishment within the restored and created areas.</p>			

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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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	<p>7. Long-term preservation. Long-term preservation of the site shall also be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development.</p> <p>The Applicant shall begin coastal sage scrub restoration activities (e.g., soil prep, seeding) no later than one year after issuance of the first permit that allows for ground disturbance (e.g., grading permit). The Applicant shall be fully responsible for implementing the coastal sage scrub revegetation program until the restoration areas have met the success criteria outlined in the program. The City and the resource agencies (i.e., the USFWS and the California Coastal Commission) shall have final authority over mitigation area sign-off).</p> <p>The Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) program does not authorize Incidental Take resulting from the conversion of habitat occupied by coastal California gnatcatchers in Existing Use Areas. Therefore, the Applicant has elected to seek a Take Authorization through Section 7 of the FESA. Prior to issuance of the first permit that would allow for site disturbance (e.g., grading permit), the Applicant shall provide, a Biological Opinion issued from the U.S. Fish and Wildlife Service (USFWS) to the City that authorizes the removal of coastal sage scrub (i.e., coastal California gnatcatcher habitat). It is anticipated that the USFWS Biological Opinion will contain conservation recommendations to avoid or reduce the Project impact. Although any additional conservation measures identified by the USFWS shall be enforced, at a minimum, the Construction Minimization Measures listed below also shall be followed.</p> <ol style="list-style-type: none"> 1. Prior to the commencement of clearing operations or other activities involving significant soil disturbance, all areas of coastal sage scrub habitat to be avoided shall be identified with temporary fencing or other markers that are clearly visible to construction personnel. 2. A USFWS-approved Biological Monitor shall be on site during any clearing of coastal sage scrub. The Applicant shall advise the USFWS at least 7 calendar days—but preferably 14 calendar days—prior to the clearing of coastal sage scrub. The Biological Monitor shall flush avian or other mobile species from habitat areas immediately prior to 			

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	<p>brush-clearing and earth-moving activities. It shall be the responsibility of the Monitoring Biologist to ensure that identified bird species are not directly impacted by brush-clearing and earth-moving equipment in a manner that also allows for construction activities to continue on a timely basis.</p> <p>3. Following the completion of initial clearing activities, all areas of coastal sage scrub habitat to be avoided by construction equipment and personnel shall be marked with temporary fencing or other clearly visible, appropriate markers. No construction access, parking, or equipment storage shall be permitted within such marked areas.</p> <p>4. The combined restoration and preservation of 82.91 acres of coastal sage scrub would result in a net increase in habitat by 24.64 acres</p>			
<p>Mitigation and restoration plan approval by regulatory agencies: Prior to issuance of first grading permit or demolition permit by City whichever is first</p> <p>Identify in approved grading and construction plans</p> <p>Initiate restoration activities: Within one year of first permit/approval for ground-disturbing activities</p> <p>Implement during grading and construction</p> <p>Monitoring and maintenance for 5 years or as determined by the regulatory agencies</p>	<p>MM 4.6-2 Grassland Habitat Preservation and Restoration. Permanent impacts on non-native grassland and ruderal vegetation (100.13 acres) shall be mitigated at a 0.7:1 ratio through on-site or off-site restoration and preservation. These permanent impacts to non-native grassland and ruderal vegetation shall be mitigated by the restoration of 48.63 acres (0.5:1) of grassland and alkali meadow within both the upland and lowland portions of the Project site as summarized in Table B and may include native grassland areas within Fuel Modification Zone C. Temporary impacts (2.87 acres) shall be mitigated by native grassland or alkali meadow revegetation following remediation at a 0.5:1 ratio (1.44 acres). An additional 20.27 acres of grassland habitat shall be preserved on site. The grassland restoration and preservation would total 70.34 acres.</p>	<p>Community Development Director; Community Development Director Qualified Biologist designated by the Community Development Director</p>		

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	<p style="text-align: center;">Table B required grassland Restoration</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 15%;">Impact (Acres)</th> <th style="width: 15%;">Ratio Required</th> <th style="width: 30%;">Restoration Required (Acres)</th> </tr> </thead> <tbody> <tr> <td colspan="4">Permanent Impact</td> </tr> <tr> <td>Non-Native Grassland and Ruderal</td> <td style="text-align: center;">97.26</td> <td style="text-align: center;">0.5:1</td> <td style="text-align: center;">48.63</td> </tr> <tr> <td colspan="4">Temporary Impact</td> </tr> <tr> <td>Non-Native Grassland and Ruderal</td> <td style="text-align: center;">2.87</td> <td style="text-align: center;">0.5:1</td> <td style="text-align: center;">1.44</td> </tr> <tr> <td>Total</td> <td style="text-align: center;">100.13</td> <td></td> <td style="text-align: center;">50.07</td> </tr> </tbody> </table> <p>The Applicant shall begin grassland restoration activities (e.g., soil prep, seeding) no later than one year after issuance of the first grading permit. The Applicant shall be required to plan, implement, monitor, and maintain a native grassland preservation/restoration program for the Project. A grassland preservation/restoration program shall be (1) developed by a qualified Biologist; (2) submitted for review and approval to the City of Newport Beach (City) prior to the first permit that would allow for site disturbance (e.g., grading permit); and (3) shall be implemented by a qualified Biologist. The grassland mitigation plan shall also provide mitigation for the loss of raptor foraging and burrowing owl habitat; therefore, site selection measures shall include considerations that influence the site's suitability for burrowing owl and other raptor species. Restoration shall consist of seeding with appropriate needlegrass species and, if appropriate, incorporating seeds collected from special status plant species (southern tarplant) that may be impacted by the Project. A detailed restoration program shall contain the following items:</p> <ol style="list-style-type: none"> Responsibilities and qualifications of the personnel to implement and supervise the plan. The responsibilities of the Applicant, specialists, and maintenance personnel that would supervise and implement the plan shall be specified. 		Impact (Acres)	Ratio Required	Restoration Required (Acres)	Permanent Impact				Non-Native Grassland and Ruderal	97.26	0.5:1	48.63	Temporary Impact				Non-Native Grassland and Ruderal	2.87	0.5:1	1.44	Total	100.13		50.07		
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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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	<p>2. Site selection. The mitigation site shall be determined in coordination with the City and a qualified Biologist knowledgeable about native grassland restoration, raptors, and the burrowing owl. The site shall either be located on the Project site in a dedicated open space area, or suitable adjacent off-site open space shall be purchased/obtained. The mitigation shall occur entirely in one to two locations to provide the maximum habitat value for the raptors, burrowing owls, and other wildlife species that require contiguous blocks of open habitat types. The site(s) shall consist of level or gently sloping terrain, soil types, and microhabitat conditions suitable for occupation by raptors and burrowing owl, as determined by a qualified Biologist.</p>			
	<p>3. Site preparation and planting implementation. Site preparation shall include (a) protection of existing native species; (b) trash and weed removal; (c) native species salvage and reuse (i.e., duff); (d) soil treatments (i.e., imprinting, decompacting); (e) temporary irrigation installation; (f) erosion-control measures (i.e., rice or willow wattles); (g) seed mix application; and (h) container species installation. If mammal burrows are limited on the mitigation site(s), the qualified Biologist shall recommend creation of artificial burrows suitable for occupation by the burrowing owl. The burrows shall be constructed using standard specifications established for the owl. Depending on the topography of the site(s) and the availability of natural perches, the qualified Biologist shall make recommendations regarding whether additional perching sites (e.g., large rocks) shall be placed on the mitigation site(s).</p> <p>4. Schedule. A schedule shall be developed that includes planting to occur in late fall and early winter (i.e., between October 1 and January 30).</p> <p>5. Maintenance plan/guidelines. The maintenance plan shall include (a) weed control; (b) herbivory control; (c) trash removal; (d) irrigation system maintenance; (e) maintenance training; and (f) replacement planting. The maintenance plan shall also include biological monitoring during maintenance activities if they occur during the burrowing owl/raptor breeding season (February 1 to August 31).</p>			

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	<p>6. Monitoring plan. The monitoring plan shall include (a) qualitative monitoring (i.e., photographs and general observations); (b) quantitative monitoring (i.e., randomly placed transects); (c) performance criteria, as approved by the resource agencies; (d) monthly reports for the first year and reports every other month thereafter; and (e) annual reports for five years, which shall be submitted to the resource agencies. The grassland mitigation site shall be monitored and maintained for five years to ensure successful establishment of native grassland habitat within the restored and created areas. The performance criteria shall take into consideration the habitat requirements for burrowing owl, particularly that they occur in grasslands with openings or lower vegetation coverage; thus, the performance criteria shall include a requirement for openings or a lower percent cover for portions of the mitigation site.</p> <p>7. Long-term preservation. Long-term preservation of the site shall also be outlined in the conceptual grassland mitigation plan to ensure the mitigation site is not impacted by future development.</p> <p>The Project would result in the restoration of 50.07 acres of native grassland and alkali meadow and preservation of 20.27 acres of non-native grassland areas, for a total of 70.34 acres. Because the value of habitat to be replaced (native grassland and alkali meadow) is higher than those habitat values impacted by the Project, a less than 1:1 mitigation ratio is deemed adequate to compensate for the loss of non-native grassland areas.</p>			
<p>Mitigation and restoration plan approval by regulatory agencies: Prior to issuance of first grading permit or demolition permit by City whichever is first</p> <p>Identify in approved grading and construction plans</p> <p>Initiate restoration activities: Within one year of first permit/approval for ground-disturbing activities</p> <p>Implement during grading and</p>	<p>MM 4.6-3 Grassland Depression Feature and Fairy Shrimp Habitat Preservation and Restoration. Grassland Depression Feature Habitat Preservation and Restoration. The proposed Project is designed to protect the two areas previously described as vernal pools that are occupied by San Diego fairy shrimp. The proposed Project would permanently impact 0.07 acre of ephemeral pool and 0.06 acre of vernal pool habitat in order to remediate the soil and remove the pipelines in these areas. Once the remediation and pipeline removal are completed, the vernal pool areas would be restored and protected. Because oilfield pipelines are located on top of the soil surface in the pooled areas, their removal would be conducted with the minimum possible soil disturbance and would</p>	<p>Community Development Director</p> <p>Qualified Biologist designated by the Community Development Director</p> <p>Habitat Restoration Specialist</p> <p>U.S. Fish and Wildlife Service (USFWS)</p> <p>California Coastal Commission (CCC)</p>		

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construction Monitoring and maintenance for 5 years or as determined by the regulatory agencies	<p>occur outside the rainy season to reduce direct impacts to this species. However, pipe removal activities would disrupt the soils within the vernal pools in which the San Diego fairy shrimp has been observed and which potentially contain fairy shrimp cysts. Therefore, these pipe removal activities would be considered a potentially significant temporary impact. This impact would be mitigated through preservation and restoration of a 3.58-acre conservation area. This includes enlarging and protecting the pools watershed.</p> <p>During Project grading, a small area of the surrounding upland portion of the watershed would be impacted, but the Project proposes to replace this portion of the watershed so that the protected pools and 1.49 acre of contributing watershed would be permanently protected within a 1.85-acre vernal pool conservation area. Remediation, restoration and permanent protection of the two pools and protection of its watershed would ensure that Project impacts to these two pools are less than significant. In addition, the Project has identified an additional 1.73 acres of upland area, adjacent to the 1.85-acre area, which would be available for future vernal pool creation, restoration, and/or enhancement. If this additional area is restored, a total vernal pool conservation area of 3.58 acres would be provided by the Project (Table C).</p>			

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MITIGATION MONITORING AND REPORTING PROGRAM**

Timing	Project Design Features/Conditions of Approval/ Mitigation Measures							Responsible for Approval/Monitoring/ Implementation	Completion																																																															
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	<p align="center">TABLE C REQUIRED VERNAL POOL PRESERVATION/RESTORATION</p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Temporary Impact</th> <th>Permanent Impact</th> <th>Total Impact</th> <th>VP1, VP2, and Upland Watershed Preservation</th> <th>Upland Area Vernal Pool Enhancement Area</th> <th>Total Preservation/Enhancement Areas</th> </tr> </thead> <tbody> <tr> <td>VP1</td> <td>0.06</td> <td>0.00</td> <td>0.06</td> <td></td> <td></td> <td></td> </tr> <tr> <td>VP2</td> <td>0.00</td> <td>0.00</td> <td>0.00</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Feature AD3</td> <td>0.00</td> <td>0.007</td> <td>0.007</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total for VP1, VP2, and AD3</td> <td>0.06</td> <td>0.007</td> <td>0.067</td> <td>1.85</td> <td></td> <td></td> </tr> <tr> <td>Features E and G (oilfield sumps)</td> <td>0</td> <td>0.053</td> <td>0.053</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Features I and J (grasslands)</td> <td>0</td> <td>0.12</td> <td>0.12</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total for E, G, I, and J</td> <td></td> <td>0.173</td> <td>0.173</td> <td></td> <td>1.73</td> <td></td> </tr> <tr> <td colspan="3"><i>Total San Diego Fairy Shrimp Habitat Impacts</i></td> <td><i>0.24</i></td> <td></td> <td></td> <td><i>3.58</i></td> </tr> </tbody> </table> <p>Expansion of the watershed by 1.73 acres would increase hydrological input by creating hydrological conditions for additional pools, which would promote more and higher quality habitat created as mitigation for Features E, G, I, and J, which support the San Diego fairy shrimp.</p> <p>Restoration of the pool areas, by removing mule fat and non-native species, would restore the pools to characteristic vernal pool habitat, as vernal pools do not typically support woody vegetation such as mule fat. The restoration program would also provide increased wildlife habitat function for migratory birds that use the pools as a migration stopover, and the increased watershed area would be planted with native alkali meadow or native upland grasses favorable for raptor foraging and would be “counted” toward the approximately 50 acres of grassland habitat.</p> <p>Impacts to San Diego fairy shrimp detected in Features E and G, which are to be remediated as part of the oilfield clean up and remediation, shall be mitigated by testing the soils, and if the soils</p>							Feature	Temporary Impact	Permanent Impact	Total Impact	VP1, VP2, and Upland Watershed Preservation	Upland Area Vernal Pool Enhancement Area	Total Preservation/Enhancement Areas	VP1	0.06	0.00	0.06				VP2	0.00	0.00	0.00				Feature AD3	0.00	0.007	0.007				Total for VP1, VP2, and AD3	0.06	0.007	0.067	1.85			Features E and G (oilfield sumps)	0	0.053	0.053				Features I and J (grasslands)	0	0.12	0.12				Total for E, G, I, and J		0.173	0.173		1.73		<i>Total San Diego Fairy Shrimp Habitat Impacts</i>			<i>0.24</i>			<i>3.58</i>		
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**NEWPORT BANNING RANCH PROJECT (Continued)
MITIGATION MONITORING AND REPORTING PROGRAM**

Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
			Date	Initials
	<p>are not contaminated to the degree requiring environmental remediation, they shall be removed and relocated to the vernal pool conservation area at a ratio of 1:1. Soils shall also be removed and relocated within features I and J.¹ All mitigation shall occur within the 1.73 acres that have been set aside along with the 1.85-acre conservation area to provide a 3.58-acre vernal pool conservation area.</p> <p>The Applicant shall be required to plan, implement, monitor, and maintain a vernal pool preservation/restoration program for the Project. A vernal pool program shall be developed by a qualified Biologist and shall be submitted for review and approval to the City of Newport Beach (City) and the resource agencies (i.e., the U.S. Fish and Wildlife Service [USFWS] and the California Coastal Commission) prior to the first action and/or permit which would allow for site disturbance (e.g., issuance of a grading permit). The Applicant shall begin the vernal pool restoration activities (e.g., soil preparation) no later than one year after issuance of the first grading permit. Restoration shall consist of seeding/planting with appropriate vernal pool species and, if appropriate, incorporate seeds collected from special status plant species that may be impacted by the Project. A detailed restoration program shall contain the following items:</p> <ol style="list-style-type: none"> 1. Responsibilities and qualifications of the personnel to implement and supervise the plan. The responsibilities of the landowner, specialists, and maintenance personnel that would supervise and implement the plan shall be specified. 2. Site selection. The mitigation site shall be determined in coordination with the City and the resource agencies. The site shall be located on the Project site in a dedicated open space area. The mitigation areas shall not result in the removal of a biologically valuable resource (e.g., native grassland). 			

¹ The final ratio would be determined in consultation with USFWS and would be based on the character of the features known to be occupied. Features such as E and G, which are oilfield sumps would require a lower mitigation ratio than less disturbed pools I and J.

**NEWPORT BANNING RANCH PROJECT (Continued)
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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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	<p>3. Site preparation and planting implementation. Site preparation shall include (a) protection of existing native species; (b) trash and weed removal; (c) native species salvage and reuse (i.e., duff); (d) soil treatments (i.e., imprinting, decompacting); (e) temporary irrigation installation; (f) erosion-control measures (i.e., rice or willow wattles); (g) seed mix application; and (h) container species installation.</p> <p>4. Schedule. Planting shall occur by a qualified Biologist who is monitoring on site rainfall to minimize impacts to existing fairy shrimp.</p> <p>5. Maintenance plan/guidelines. The maintenance plan shall include (a) weed control; (b) herbivory control; (c) trash removal; (d) irrigation system maintenance; (e) maintenance training; and (f) replacement planting.</p> <p>6. Monitoring plan. The monitoring plan shall include (a) qualitative monitoring (i.e., photographs and general observations); (b) quantitative monitoring (i.e., randomly placed transects); (c) performance criteria, as approved by the resource agencies; (d) monthly reports for the first year and reports every other month thereafter; and (e) annual reports for five years, which shall be submitted to the resource agencies.</p> <p>7. Long-term preservation. Long-term preservation of the site shall also be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development.</p> <p>The Applicant shall be fully responsible for the implementation of the vernal pool revegetation program until the restoration areas have met the success criteria outlined in the program. The City and the resource agencies (i.e., the USFWS and the California Coastal Commission) shall have final authority over mitigation area sign-off. The site shall be monitored and maintained for five years to ensure successful establishment of vernal pool habitat within the restored and created areas.</p> <p>The preservation of the vernal pool habitat and the expansion of the watershed habitat will result in a net increase in habitat occupied by the San Diego fairy shrimp on the site that would also exhibit higher levels of function for the fairy shrimp.</p>			

**NEWPORT BANNING RANCH PROJECT (Continued)
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<p>Mitigation and restoration plan approval by regulatory agencies: Prior to site disturbance</p> <p>Prior to issuance of first grading permit or demolition permit by City whichever is first</p> <p>Identify in approved grading and construction plans</p> <p>Initiate restoration activities: Within one year of first permit/approval for ground-disturbing activities</p> <p>Implement during grading and construction</p> <p>Monitoring and maintenance for 5 years or as determined by the regulatory agencies</p>	<p>MM 4.6-4 Marsh Habitat Preservation and Restoration. The Project would impact 2.45 acres (0.10 permanent/2.35 temporary) of marshes. Permanent impacts to marshes shall be restored at a replacement ratio of 3:1, totaling 0.30 acre (Table D). Temporary impacts associated with oilfield remediation shall be mitigated at a 1:1 ratio² (totaling 2.35 acres). In addition, 7.25 acres shall be preserved on site, for a total of 9.90 acres of restoration and preservation.</p> <p align="center">TABLE D REQUIRED MARSH/MEADOW/OPEN WATER HABITAT RESTORATION</p> <table border="1"> <thead> <tr> <th></th> <th>Impact (Acres)</th> <th>Ratio Required</th> <th>Restoration Required (Acres)</th> </tr> </thead> <tbody> <tr> <td colspan="4">Permanent Impact</td> </tr> <tr> <td>Marsh/Meadow/Open Water</td> <td>0.10</td> <td>3:1</td> <td>0.30</td> </tr> <tr> <td colspan="4">Temporary Impact</td> </tr> <tr> <td>Marsh/Meadow/Open Water</td> <td>2.35</td> <td>1:1</td> <td>2.35</td> </tr> <tr> <td>Total</td> <td>2.45</td> <td></td> <td>2.65</td> </tr> </tbody> </table> <p>The Applicant shall be required to plan, implement, monitor, and maintain a marsh/meadow preservation/restoration program for the Project. A marsh/meadow preservation/restoration program shall be developed by a qualified Biologist, and submitted for review and approval to the City of Newport Beach (City) and the resource agencies (i.e., the U.S. Fish and Wildlife Service [USFWS], the California Department of Fish and Game [CDFG], and the California Coastal Commission) prior to the first action and/or permit that would allow for site disturbance (e.g., grading permit). The Applicant shall begin marsh habitat restoration activities (e.g., soil prep, seeding) no later than one year after issuance of the first permit allowing ground disturbance (e.g., grading permit). The marsh/meadow preservation/restoration program shall also mitigate for the potential loss of light-footed clapper rail, western snowy plover, and Belding's savannah sparrow habitat; therefore, site</p>		Impact (Acres)	Ratio Required	Restoration Required (Acres)	Permanent Impact				Marsh/Meadow/Open Water	0.10	3:1	0.30	Temporary Impact				Marsh/Meadow/Open Water	2.35	1:1	2.35	Total	2.45		2.65	<p>Public Works Director; Community Development Director, Community Development Department Building Division Manager, or designated representatives Qualified Biologist designated by the Community Development Director Habitat Restoration Specialist U.S. Fish and Wildlife Service (USFWS) California Department of Fish and Game (CDFG) California Coastal Commission (CCC)</p>		
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² It is important to note that all temporary impacts are for purposes of oilfield remediation and habitat restoration and, as such, are an allowable use in wetland areas under Section 30233 of the California Coastal Act, which includes habitat restoration as an allowable activity in wetlands.

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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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	<p>selection measures shall include considerations that influence the site's suitability for these species. Restoration shall consist of seeding with appropriate marsh/meadow species and, if appropriate, incorporation of seeds collected from special status plant species that may be impacted by the Project. A detailed restoration program shall contain the items listed below.</p> <ol style="list-style-type: none"> 1. Responsibilities and qualifications of the personnel to implement and supervise the plan. The responsibilities of the landowner, specialists, and maintenance personnel that would supervise and implement the plan shall be specified. 2. Site selection. The mitigation site shall be determined in coordination with the City and the resource agencies. The site shall either be located on the Project site in a dedicated open space area, or suitable adjacent off-site open space shall be obtained/purchased. Selected sites shall not result in the removal of a biologically valuable resource (e.g., native grassland). 3. Site preparation and planting implementation. The site preparation shall include (a) protection of existing native species; (b) trash and weed removal; (c) native species salvage and reuse (i.e., duff); (d) soil treatments (i.e., imprinting, decompacting); (e) temporary irrigation installation; (f) erosion-control measures (i.e., rice or willow wattles); (g) seed mix application; and (h) container species installation. Locally occurring, native plants and seeds shall be used and shall include species present on site and in adjacent areas, and shall also include uncommon species known to occur on site such as southwestern spiny rush. 4. Schedule. A schedule shall be developed that includes planting to occur in late fall and early winter (i.e., between October 1 and January 30). 			

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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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	<p>5. Maintenance plan/guidelines. The maintenance plan shall include (a) weed control; (b) herbivory control; (c) trash removal; (d) irrigation system maintenance; (e) maintenance training; and (f) replacement planting. The maintenance plan shall also include biological monitoring during maintenance activities if they occur during the light-footed clapper rail, western snowy plover, and Belding’s savannah sparrow breeding season (March 1 to September 15).</p> <p>6. Monitoring plan. The monitoring plan shall include (a) qualitative monitoring (i.e., photographs and general observations); (b) quantitative monitoring (i.e., randomly placed transects); (c) performance criteria, as approved by the resource agencies; (d) monthly reports for the first year and reports every other month thereafter; and (e) annual reports for five years, which shall be submitted to the resource agencies.</p> <p>7. Long-term preservation. Long-term site preservation shall also be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development.</p> <p>The Applicant shall be fully responsible for the implementation of the marsh and mudflat restoration program until the restoration areas have met the success criteria outlined in the program. The City and the resource agencies (i.e., the USFWS and the California Coastal Commission) shall have final authority over mitigation area sign-off.</p> <p>The site shall be monitored and maintained for five years to ensure successful restoration of marsh and mudflat habitat within the restored and created areas. The performance criteria shall take into consideration the habitat requirements for light-footed clapper rail, western snowy plover, and Belding’s savannah sparrow. For example, the light-footed clapper rail requires areas with tidal influence and prefers using cordgrass to build their nests; the western snowy plover nests on bare ground in areas of little to no vegetation coverage; and the Belding’s savannah sparrow uses the upper portions of the marsh dominated by pickleweed. Thus, performance criteria shall be tailored to fit different portions of the mitigation site intended for each species.</p>			

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	The limits of grading shall be clearly marked, and temporary fencing or other appropriate markers shall be placed around any sensitive habitat adjacent to work areas prior to the commencement of any ground-disturbing activity or native vegetation removal. No construction access, parking, or storage of equipment or materials shall be permitted within the marked areas.			
<p>Mitigation and restoration plan approval by regulatory agencies: Prior to site disturbance</p> <p>Prior to issuance of first grading permit or demolition permit by City whichever is first</p> <p>Identify in approved grading and construction plans</p> <p>Initiate restoration activities: Within one year of first permit/approval for ground-disturbing activities</p> <p>Implement during grading and construction</p> <p>Monitoring and maintenance for 5 years or as determined by the regulatory agencies</p>	<p>MM 4.6-5 Jurisdictional Resources/Riparian Habitat Preservation and Restoration. The Applicant is in the process of obtaining permits/agreements/certifications from the U.S. Army Corps of Engineers (USACE), the California Department of Fish and Game (CDFG), the Regional Water Quality Control Board (RWQCB), and the California Coastal Commission that are required for direct or indirect impacts on areas within these agencies' jurisdictions. The Applicant shall be obligated to implement/comply with the mitigation measures required by the resource agencies regarding impacts on their respective jurisdictions. Jurisdictional areas shall be restored on the Project site or immediately off site at a minimum replacement ratio of 3:1 for permanent impacts and 1:1 for temporary impacts to ensure no net loss of habitat.³ The jurisdictions of the USACE, CDFG, and California Coastal Commission are not additive areas, as many of the riparian areas on the Project site may be within the jurisdiction of several of these agencies. Therefore, the permits and associated jurisdictional replacement requirements would identify which mitigation areas apply to the corresponding jurisdictions.</p> <p>Permanent impacts on willow scrub and willow riparian forest (1.42 acres) shall be mitigated at a 3:1 ratio (4.26 acres) on the Project site through restoration of willow habitat. Permanent impacts on all other riparian vegetation types and all temporary impacts to riparian vegetation types (11.51 acres) shall be mitigated at a 1:1 ratio (11.51 acres) on the Project site. In total, as compensation for permanent and temporary impacts to 12.93 acres of riparian habitat, the Project would create 15.77 acres of riparian habitat. In addition, the Project shall preserve 23.03 acres of riparian habitats, for at total of 38.80 acres of restoration and preservation. Details of the restoration required are summarized below in Table E.</p>	<p>Community Development Director</p> <p>Qualified Biologist designated by the Community Development Director</p> <p>Habitat Restoration Specialist</p> <p>U.S. Fish and Wildlife Service (USFWS)</p> <p>U.S. Army Corps of Engineers (USACE)</p> <p>California Department of Fish and Game (CDFG)</p> <p>California Coastal Commission (CCC)</p> <p>Regional Water Quality Control Board (RWQCB)</p>		

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**NEWPORT BANNING RANCH PROJECT (Continued)
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	<p>2. Site selection. The mitigation site shall be determined in coordination with the City and the resource agencies (i.e., the USFWS, the CDFG, the RWQCB, and the California Coastal Commission). The site shall either be located on the Project site in a dedicated open space area, or suitable adjacent off-site open space shall be obtained/purchased. Selected sites shall not result in the removal of a biologically valuable resource (e.g., native grassland).</p> <p>3. Site preparation and planting implementation. Site preparation shall include (a) protection of existing native species; (b) trash and weed removal; (c) native species salvage and reuse (i.e., duff); (d) soil treatments (i.e., imprinting, decompacting); (e) temporary irrigation installation; (f) erosion-control measures (i.e., rice or willow wattles); (g) seed mix application; and (h) container species installation.</p> <p>4. Schedule. A schedule shall be developed that includes planting to occur in late fall and early winter (i.e., between October 1 and January 30).</p> <p>5. Maintenance plan/guidelines. The maintenance plan shall include (a) weed control; (b) herbivory control; (c) trash removal; (d) irrigation system maintenance; (e) maintenance training; and (f) replacement planting. The maintenance plan shall also include biological monitoring during maintenance activities if they occur during the least Bell's vireo breeding season (March 15 to September 15).</p> <p>6. Monitoring plan. The riparian vegetation/jurisdictional resources monitoring plan shall include (a) qualitative monitoring (i.e., photographs and general observations); (b) quantitative monitoring (i.e., randomly placed transects); (c) performance criteria, as approved by the resource agencies; (d) monthly reports for the first year and reports every other month thereafter; and (e) annual reports for five years, which shall be submitted to the resource agencies.</p> <p>7. Long-term preservation. Long-term preservation of the site shall also be outlined in the conceptual mitigation plan to ensure the mitigation site is not impacted by future development.</p> <p>The limits of grading shall be clearly marked, and temporary fencing</p>			

**NEWPORT BANNING RANCH PROJECT (Continued)
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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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	<p>or other appropriate markers shall be placed around any sensitive habitat adjacent to work areas prior to the commencement of any ground-disturbing activity or native vegetation removal. No construction access, parking, or storage of equipment or materials shall be permitted within marked areas.</p> <p>The Applicant shall begin riparian habitat restoration activities (e.g., soil prep, seeding) no later than one year after issuance of the first grading permit. The Applicant shall be fully responsible for the implementation of the riparian revegetation program until the restoration areas have met the success criteria outlined in the program. The City and the resource agencies (i.e., the USFWS and the California Coastal Commission) shall have final authority over mitigation area sign-off.</p> <p>The site shall be monitored and maintained for five years to ensure successful establishment of riparian habitat within the restored and created areas, and the performance criteria shall take least Bell's vireo habitat requirements into consideration. For example, the presence of a shrubby understory is important for this species; thus, performance criteria shall include a requirement for structural complexity.</p> <p>The Applicant is seeking a Take Authorization through Section 7 of the Federal Endangered Species Act for impacts to habitat for the least Bell's vireo. Prior to issuance of the first action and/or permit that would allow for site disturbance (e.g., grading permit), the Applicant shall provide to the City of Newport Beach a Biological Opinion issued from the U.S. Fish and Wildlife Service (USFWS) authorizing the removal of jurisdictional resources (i.e., potential least Bell's vireo habitat). It is anticipated that the USFWS Biological Opinion would contain conservation recommendations to avoid or reduce the Project's impact. Although additional conservation measures identified by the USFWS shall be enforced, at a minimum, the Construction Minimization Measures listed below shall be followed.</p> <ol style="list-style-type: none"> 1. Activities involving the removal of riparian habitat shall be prohibited during the least Bell's vireo breeding season (March 15 to September 15) unless otherwise directed by the USFWS and the CDFG. 			

**NEWPORT BANNING RANCH PROJECT (Continued)
MITIGATION MONITORING AND REPORTING PROGRAM**

Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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	<p>2. Vegetation-clearing activities shall be monitored by a qualified Biologist. The Biological Monitor shall ensure that only the amount of riparian habitat approved during the consultation process shall be removed. The Biological Monitor shall delineate (by the use of orange snow fencing or lath and ropes/flagging) all areas adjacent to the impact area that contain habitat suitable for least Bell's vireo occupation.</p> <p>3. The use of any large construction equipment during site grading shall be prohibited within 500 feet of an active least Bell's vireo nest during the breeding season of this species (March 15 to September 15), unless otherwise directed by the USFWS and the CDFG. Construction may be allowed within 500 feet of an active nest if appropriate noise measures are implemented, as approved by the resource agencies.</p> <p>4. Appropriate noise-abatement measures (e.g., sound walls) shall be implemented to ensure that noise levels are less than 60 A-weighted decibels (dBA) at specified monitoring locations near active nest(s), as determined by the Biological Monitor. This shall be verified by weekly noise monitoring conducted by a qualified Acoustical Engineer during the breeding season (March 15 to September 15) or as otherwise determined by a qualified Biological Monitor based on vireo nesting activity.</p> <p>5. If construction occurs during the breeding season, a summary of construction monitoring activities and noise monitoring results shall be provided to the USFWS and the CDFG following completion of construction.</p>	1.		
<p>As part of each grading permit and building permit for a subdivision activity scheduled to occur from February 15th through September 15th of any year</p> <p>Where there is an active nest, establish avoidance area prior to disturbance</p>	<p>MM 4.6-6 Migratory Bird Treaty Act. No vegetation removal shall occur between February 15 and September 15 unless a qualified Biologist, approved by the City of Newport Beach (City), surveys the Project's impact area prior to disturbance to confirm the absence of active nests. If an active nest is discovered, disturbance within a particular buffer shall be prohibited until nesting is complete; the buffer distance shall be determined by the Biologist in consultation with applicable resource agencies and in consideration of species sensitivity and existing nest site conditions. Limits of avoidance shall be demarcated with flagging or fencing. The Biologist shall record</p>	<p>Community Development Director Qualified Biologist designated by the Community Development Director</p>		

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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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	<p>the results of the recommended protective measures described above and shall submit a memo summarizing any nest avoidance measures to the City to document compliance with applicable State and federal laws pertaining to the protection of native birds.</p> <p>To protect bird species on site, any front glass railings, screen walls, fences, and gates that occur adjacent to Project natural open space areas shall be required to use materials designed to minimize bird strikes. Such materials may consist, all or in part, of wood; metal; frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas shall not be installed unless an ultraviolet-light reflective coating specially designed to reduce bird-strikes by reducing reflectivity and transparency is also used. Any coating or shall be installed to provide coverage consistent with manufacturer specifications. All materials and coatings shall be maintained throughout the life of the development to ensure continued effectiveness at addressing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications. Prior to issuance of a grading permit, the Applicant shall submit plans showing the location, design, height and materials of glass railings, fences, screen walls and gates for the review and approval to the City and a qualified Biologist.</p>			
<p>Mitigation and restoration plan approval by regulatory agencies: Prior to site disturbance</p> <p>Prior to issuance of first grading permit</p> <p>Identify in approved grading and construction plans</p> <p>Initiate restoration activities: Within one year of first permit/approval for ground-disturbing activities</p> <p>Implement during grading and construction</p>	<p>MM 4.6-7 <i>Special Status Plant Species</i>. The Applicant shall be required to plan, implement, monitor, and maintain a southern tarplant restoration program for the Project consistent with the most current technical standards/knowledge regarding southern tarplant restoration. Prior to the first action and/or permit that would allow for site disturbance (e.g., a grading permit), a qualified Biologist shall prepare a detailed southern tarplant restoration program that would focus on (1) avoiding impacts to the southern tarplant to the extent possible through Project planning; (2) minimizing impacts; (3) rectifying impacts through the repair, rehabilitation, or restoration of the impacted environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the Project; and (5) compensating for impacts by replacing or providing substitute resources or environments. The program shall be reviewed and approved by the City of Newport Beach (City) prior to site disturbance.</p> <p>Impacts on southern tarplant shall be mitigated by seed collection</p>	<p>Community Development Director</p> <p>Qualified Biologist designated by the Community Development Director</p>		

**NEWPORT BANNING RANCH PROJECT (Continued)
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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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	<p>and re-establishment. The seeds shall be collected and then placed into a suitable mitigation area in the undeveloped or restored portion of the Project site or at an approved adjacent off-site location. The southern tarplant restoration program shall have the requirements listed below.</p> <ol style="list-style-type: none"> 1. Seed ripeness shall be monitored every two weeks by a qualified Biologist and/or a qualified Seed Collector at the existing southern tarplant locations to determine when the seeds are ready for collection. A qualified Seed Collector shall collect all the seeds from the plants to be impacted when the seeds are ripe. The seeds shall be cleaned and stored by a qualified nursery or institution with appropriate storage facilities. 2. The mitigation site shall be located in dedicated open space on the Project site or at an adjacent off-site mitigation site. The mitigation site shall be prepared for seeding as described in a conceptual restoration plan. 3. The topsoil shall be collected from areas with limited amounts of weeds from the impacted population and re-spread in the selected location, as approved by the qualified Biologist. Approximately 60 to 80 percent of the collected seeds shall be spread in the fall following soil preparation and seed preparation. The remainder of the seeds shall be kept in storage for subsequent seeding, if necessary. 4. The qualified Biologist shall have the full authority to suspend any operation at the site which is, in the qualified Biologist's opinion, not consistent with the restoration program. Any disputes regarding consistency with the restoration program shall be resolved by the Applicant, the qualified Biologist, and the City. 			
<p>Prior to issuance of a grading permit for remediation purposes Refer to MM 4.6-8 for specific requirements and timing if noted species are present</p>	<p>MM 4.6-8 <i>Light-footed Clapper Rail, Western Snowy Plover, Belding's Savannah Sparrow.</i> Due to temporary impacts to marsh habitat in the lowland by oilfield remediation activities, a focused survey shall be conducted for light-footed clapper rail, western snowy plover, and Belding's savannah sparrow in the spring prior to the proposed impact to determine if these species nest on or immediately adjacent to the Project site. If any of these species are observed, the Applicant shall obtain approvals from the resource</p>	<p>Community Development Director Qualified Biologist designated by the Community Development Director U.S. Fish and Wildlife Service (USFWS)</p>		

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	<p>agencies (i.e., the U.S. Fish and Wildlife Service [USFWS], the California Department of Fish and Game [CDFG], and the California Coastal Commission) prior to the initiation of grading or any activity that involves the removal/disturbance of marsh habitat, including clearing, grubbing, mowing, disking, trenching, grading, or any other construction-related activity on the Project site. If any of these species would be impacted, mitigation for impacts on these species shall include replacement of marsh habitat as described in MM 4.6-4. In addition, the measures listed below shall be implemented.</p> <ol style="list-style-type: none"> Marsh vegetation shall be removed after September 15 and before March 1. 	<p>California Department of Fish and Game (CDFG) California Coastal Commission (CCC)</p>		
	<ol style="list-style-type: none"> If marsh vegetation is proposed for removal prior to September 15, a series of pre-construction surveys shall be conducted to ensure that no light-footed clapper rail, western snowy plover, or Belding's savannah sparrows are in the area of impact. If any of these species are observed within 100 feet of the impact areas, the resource agencies shall be contacted to determine if additional consultation and/or minimization measures are required. A Biological Monitor familiar with light-footed clapper rail, western snowy plover, and Belding's savannah sparrow shall be present during all activities involving marsh vegetation removal to ensure that impacts to marsh habitats do not extend beyond the limits of grading and to minimize the likelihood of inadvertent impacts to marsh habitat. In addition, the Biological Monitor shall monitor construction activities in or adjacent to marsh habitat during the light-footed clapper rail, western snowy plover, and Belding's savannah sparrow breeding season (March 1 to September 15). The limits of disturbance during oilfield cleanup shall be clearly marked, and temporary fencing or other appropriate markers shall be placed around any sensitive habitat adjacent to work areas prior to the commencement of any ground-disturbing activity or native vegetation removal. No construction access, parking, or storage of equipment or materials shall be permitted within the marked areas. 			

**NEWPORT BANNING RANCH PROJECT (Continued)
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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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<p>Approved Biological Opinion: Prior to site disturbance in coastal sage scrub habitat</p> <p>Prior to issuance of each grading permit and first building permit for each subdivision</p> <p>Identify in approved grading and construction plans</p> <p>Implement during grading and construction</p>	<p>MM 4.6-9 California Gnatcatcher. Prior to initiation of grading or any activity that involves the removal/disturbance of coastal sage scrub habitat, including clearing, grubbing, mowing, disking, trenching, grading or any other construction-related activity on the Project site, the Applicant shall obtain a Biological Opinion from the U.S. Fish and Wildlife Service to authorize incidental take. Mitigation for impacts on the California gnatcatcher shall include restoration and preservation of 82.91 acres of coastal sage scrub habitat and implementation of the Construction Minimization Measures listed in MM 4.6-1.</p>	<p>Community Development Director; Community Qualified Biologist designated by the Community Development Director</p> <p>U.S. Fish and Wildlife Service (USFWS)</p>		
<p>Mitigation and restoration plan approval by regulatory agencies: Prior to site disturbance</p> <p>Prior to issuance of each grading permit and first building permit for each subdivision</p> <p>Identify in approved grading and construction plans</p> <p>Initiate restoration activities: within one year of first permit/approval for ground-disturbing activities</p> <p>Implement during grading and construction</p> <p>Monitoring and maintenance for 5 years or as determined by the regulatory agencies</p>	<p>MM 4.6-10 Coastal Cactus Wren. Impacts on southern cactus scrub, southern cactus scrub/Encelia scrub, disturbed southern cactus scrub, and disturbed southern cactus scrub/Encelia scrub shall be avoided to the maximum extent practicable. If it is determined by the City of Newport Beach (City) during the final grading plan check that impacts on cactus habitat cannot be avoided, the coastal sage scrub mitigation plan shall incorporate cactus into the planting palette at no less than a 1:1 ratio for impacted cactus areas. The Applicant shall submit the coastal sage scrub mitigation plan to the City to verify that an appropriate amount of cactus has been incorporated into the plan. Mitigation for impacts on the coastal cactus wren shall include replacement of coastal sage scrub habitat and implementation of the Construction Minimization Measures described in MM 4.6-1.</p>	<p>Community Development Director</p> <p>Qualified Biologist designated by the Community Development Director</p>		
<p>Mitigation and restoration plan approval by regulatory agencies: Prior to site disturbance of riparian habitat</p> <p>Prior to issuance of each grading permit and first building permit for each subdivision</p> <p>Identify in approved grading and construction plans</p> <p>Initiate restoration activities: Within</p>	<p>MM 4.6-11 Least Bell's Vireo. Prior to initiation of grading or any activity that involves the removal/disturbance of riparian habitat, including clearing, grubbing, mowing, disking, trenching, grading or any other construction-related activity on the Project site, the Applicant shall obtain approvals from the resource agencies (i.e., the U.S. Fish and Wildlife Service [USFWS], the California Department of Fish and Game [CDFG], and the California Coastal Commission). Mitigation for impacts on the least Bell's vireo shall include (1) replacement of riparian and upland scrub and riparian forest habitat and the Construction Minimization Measures described in MM 4.6-5; (2) protection of nests and nesting birds as</p>	<p>Community Development Director</p> <p>Qualified Biologist designated by the Community Development Director</p> <p>U.S. Fish and Wildlife Service (USFWS)</p> <p>California Department of Fish and Game (CDFG)</p>		

**NEWPORT BANNING RANCH PROJECT (Continued)
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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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<p>one year of first permit/approval for ground-disturbing activities</p> <p>Implement during grading and construction</p> <p>Monitoring and maintenance for 5 years or as determined by the regulatory agencies</p>	<p>described in MM 4.6-6; and (3) any additional provisions imposed by the permitting agencies.</p>	<p>California Coastal Commission (CCC)</p>		
<p>Mitigation and restoration plan approval by regulatory agencies: Prior to site disturbance</p> <p>Prior to issuance of each grading permit and first building permit for each subdivision</p> <p>Identify in approved grading and construction plans</p> <p>Initiate restoration activities: Within one year of first permit/approval for ground-disturbing activities</p> <p>Implement during grading and construction</p> <p>Monitoring and maintenance for 5 years or as determined by the regulatory agencies</p>	<p>MM 4.6-12 <i>Burrowing Owl</i>. Impacts on known burrowing owl burrows and surrounding non-native grasslands shall be avoided to the maximum extent practicable, as determined by a qualified Biologist in coordination with the City of Newport Beach (City). If impacts on grassland habitat occupied by burrowing owl cannot be avoided, mitigation for impacts on the burrowing owl shall include restoration of native grassland habitat, as described in MM 4.6-2.</p> <p>Within 30 days prior to any ground-disturbing activity to suitable burrowing owl habitat, a focused pre-construction survey shall be conducted to determine the presence or absence of the burrowing owl on the Project site. If the species is not observed, no further mitigation shall be necessary. Results of the survey shall be provided to the California Department of Fish and Game (CDFG).</p> <p>If an active burrow is observed during the non-nesting season, a qualified Biologist shall monitor the nest site; when the owl is away from the nest, the Biologist shall exclude the owl from the burrow and then remove the burrow so the owl cannot return.</p> <p>If an active burrowing owl burrow is observed during the nesting season, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the <i>California Fish and Game Code</i>. Peak nesting activity for burrowing owl normally occurs from April to July. To protect the active burrow, the following restrictions to construction activities shall be required until the burrow is no longer active (as determined by a qualified Biologist): (1) clearing limits shall be established within a 300-foot buffer around any active burrow, unless otherwise determined by a qualified Biologist and (2) access and surveying shall be prohibited within 200 feet of any active burrow, unless otherwise determined by a qualified Biologist. Any encroachment into the buffer area around the active burrow shall only be allowed if the Biologist determines that the proposed activity shall not disturb the nest</p>	<p>Community Development Director</p> <p>Qualified Biologist designated by the Community Development Director</p> <p>California Department of Fish and Game (CDFG)</p>		

**NEWPORT BANNING RANCH PROJECT (Continued)
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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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	occupants. Construction can proceed when the qualified Biologist has determined that fledglings have left the nest burrow.			
July 1 st through January 31 st Prior to issuance of grading permits and first building permit for each subdivision activity	<p>MM 4.6-13 Raptor Nesting. To the maximum extent practicable, habitats that provide potential nest sites for raptors shall be removed from July 1 through January 31. If Project construction activities are initiated during the raptor nesting season (February 1 to June 30), a qualified Biologist shall conduct a nesting raptor survey. Seven days prior to the onset of construction activities, a qualified Biologist shall survey within the limits of the Project disturbance area for the presence of any active raptor nests (common or special status). Any nest found during survey efforts shall be mapped on the construction plans. If no active nests are found, no further mitigation would be required, and survey results shall be provided to the California Department of Fish and Game (CDFG).</p> <p>If nesting activity is present, the active site shall be protected until nesting activity has ended to ensure compliance with Section 3503.5 of the <i>California Fish and Game Code</i>. To protect any nest site, the following restrictions on construction are required between February 1 and June 30 (or until nests are no longer active, as determined by a qualified Biologist): (1) clearing limits shall be established a minimum of 300 feet in any direction from any occupied nest and (2) access and surveying shall be prohibited within 200 feet of any occupied nest. Any encroachment into the 300- and/or 200-foot buffer area(s) around the known nest shall only be allowed if a qualified Biologist determines that the proposed activity shall not disturb the nest occupants. During the non-nesting season, proposed work activities can occur only if a qualified Biologist has determined that fledglings have left the nest.</p>	<p>Community Development Director</p> <p>Qualified Biologist designated by the Community Development Director</p> <p>California Department of Fish and Game (CDFG)</p>		
As part of grading permit for remediation purposes and during oilfield remediation activities Landscape Plan Submittal (consistent with approved Habitat Restoration Plan) Landscape Plan as part of application for Site Development Review for development of land	<p>MM 4.6-14 Invasive Exotic Plant Species. A qualified Biologist shall monitor any oilfield remediation activities that involve disturbance of native habitat but that would not include removal of the habitat in its entirety. During vegetation removal for remediation activities, the Biological Monitor shall direct the construction crew to remove invasive plant species, including but not limited to pampas grass and giant reed. The Biologist shall also direct the crew on any additional measures that may be needed to eradicate these species, such as removal of roots, painting cut stems with Round-up</p>	<p>Community Development Director</p> <p>Qualified Biologist designated by the Community Development Director</p>		

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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District	or other approved herbicide, or follow-up applications of herbicide. The Applicant shall submit Landscape Plans to the City of Newport Beach (City) for review and approval by a qualified Biologist. The review shall ensure that no invasive, exotic plant species are used in landscaping adjacent to any open space and that suitable substitutes are provided. When the process is complete, the qualified Biologist shall submit a memo approving the Landscape Plans to the City.			
Prior to the issuance of grading permits (consistent with the approved Habitat Restoration Plan)	MM 4.6-15 Human Activity. Prior to issuance of a grading permit, the Applicant shall submit a fencing plan to the City of Newport Beach (City) for review to demonstrate that access to the open space within the lowland shall be limited to designated access points that link to existing trails. To best protect habitat from human activity, fence rails shall be placed along the boardwalk trails. Signs shall be posted along the fence indicating that habitat within the lowland is sensitive because it supports Endangered species. The signage shall also provide information on biological resources within the lowland (e.g., coastal sage scrub, marsh, riparian habitats, and special status species). In addition, signage shall require that dogs be leashed in parks, along trails, and in any areas adjacent to open space.	Community Development Director Qualified Biologist designated by the Community Development Director		
Brochure Preparation: Prior to issuance of first residential building permit Brochure Distribution: A part of purchase/rental/lease agreements	MM 4.6-16 Urban Wildlands Interface. To educate residents of the responsibilities associated with living at the wildland interface, the Applicant shall develop a wildland interface brochure. The brochure shall be included as part of the purchase/rental/lease agreements for the Project residents. The brochure shall address relevant issues, including the role of natural predators in the wildlands (e.g., coyotes' predation of pets) and how to minimize impacts of humans and domestic pets on native communities and their inhabitants (e.g., outdoor cats' predation of native birds, lizards, and small mammals). The brochure shall also address invasive species that shall be avoided in landscaping consistent with MM 4.6-14.	Community Development Director Qualified Biologist designated by the Community Development Director		

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Population, Housing, and Employment				
Application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District Annual Development Agreement review	PDF 4.7-1 The Master Development Plan includes a range of housing types to meet the housing needs of a variety of economic segments of the community to be designed to appeal to different age groups and lifestyles.	Community Development Director		
As identified in AHIP as a part of Project approval	SC 4.7-1 An Affordable Housing Implementation Plan (AHIP) is required that specifies how the development will meet the City's affordable housing goal.	City Council Community Development Director		
Recreation and Trails				
As identified on the Master Development Plan and Tentative Tract Map No. 17308 Conditions of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes As part of applications for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District Annual Development Agreement review	PDF 4.8-1 The Master Development Plan and Tentative Tract Map provide for approximately 51 gross (42 net) acres of public parkland in the form of an approximately 27 gross acre (22 net acre) public Community Park, 2 bluff parks comprising approximately 21 gross (18 net) acres, and 3 interpretive parks containing approximately 4 gross (3 net) acres. Of the approximately 27 gross acres for the public Community Park, approximately 22 gross (18 net) acres will be offered for dedication to the City which exceeds the City's Municipal Code requirement for park dedication for the 1,375 unit Project, which is approximately 15 acres.	Recreation and Senior Services Director; Public Works Director; Community Development Director		

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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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<p>As identified on the Master Development Plan and Tentative Tract Map No. 17308</p> <p>Conditions of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps</p> <p>As part of applications for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District</p> <p>Annual Development Agreement review</p>	<p>PDF 4.8-2 The Master Development Plan provides a system of bicycle, pedestrian, and interpretive trails within the developed areas and the Upland and Lowland Open Space areas of the Project.</p>	<p>Recreation and Senior Services Director; Public Works Director; Community Development Director</p>		
<p>As a part of applications for Site Development Review for land uses in the Visitor-Serving Resort District</p>	<p>PDF 4.8-3 If permitted by all applicable agencies, a pedestrian and bicycle bridge over West Coast Highway will be provided, as set forth in the Master Development Plan, from the Project site to a location south of West Coast Highway to encourage walking and bicycling to and from the beach.</p>	<p>Recreation and Senior Services Director; Public Works Director; Community Development Director</p>		
<p>Condition of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes</p> <p>Land dedication at final map recordation</p> <p>In lieu fees prior to issuance of building permits</p>	<p>SC 4.8-1 The Applicant shall comply with the City of Newport Beach Park Dedication and Fees Ordinance (<i>City of Newport Beach Municipal Code</i> Chapter 19.52). The City's tentative map review authority shall determine whether land dedication, an in lieu fee, or a combination of the two shall be required in conjunction with its approval of a tentative map. Land dedications shall be offered at the time of appropriate final map recordation, either on the final map or by separate instrument. The City may further clarify improvement and phasing requirements in a Development Agreement.</p>	<p>Recreation and Senior Services Director; Community Development Director</p>		

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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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Transportation and Circulation				
Conditions of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes	PDF 4.9-1 In addition to mitigating traffic impacts of the Project, the transportation improvements included in the Master Development Plan provide arterial highway capacity needed to address existing demand as well as for planned growth in the region through implementing portions of the City's General Plan and the County's Master Plan of Arterial Highways.	City Traffic Engineer; Public Works Director; Community Development Director		
Conditions of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes	PDF 4.9-2 The Development Agreement requires that arterial roadway improvements and contributions toward off-site improvements be provided earlier in the development phasing program than needed to mitigate Project traffic impacts and requires that contributions toward off-site improvements be provided early relative to the development phasing.	City Traffic Engineer; Community Development Director		
As identified on the Master Development Plan and Tentative Tract Map No. 17308 Conditions of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes	PDF 4.9-3 The Master Development Plan includes a new arterial connection between West Coast Highway and 19th Street that will provide enhanced access to and from southwest Costa Mesa which will contribute to the mitigation of the impacts of projected regional growth.	City Traffic Engineer; Community Development Director		
As part of subdivision improvement plans	SC 4.9-1 Sight distance at all intersections shall comply with City of Newport Beach standards.	City Traffic Engineer		
Conditions of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes	SC 4.9-2 In compliance with Municipal Code Chapter 15.38, Fair Share Traffic Contribution Ordinance, the Applicant shall be responsible for the payment of fair share traffic fees or right-of-way dedication or traffic improvements or a combination thereof.	City Traffic Engineer; Community Development Director		
Prior to the issuance of grading permits	SC 4.9-3 <i>Traffic Management Plan.</i> Prior to issuance of any grading permit, the Applicant shall prepare for City of Newport Beach Traffic Engineer review and approval a Construction Area Traffic Management Plan for the Project for the issuance of a Haul Route Permit. The Plan shall be designed by a registered Traffic Engineer. The Traffic Management Plan shall identify construction phasing and address traffic control for any temporary street closures, detours, or other disruptions to traffic circulation and public transit routes. The Plan shall identify the routes that construction vehicles shall use to access the site, the hours of construction traffic, traffic controls and detours, vehicle staging areas, and parking areas for	City Traffic Engineer Registered Traffic Engineer designated by the City Traffic Engineer		

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	<p>the Project. Advanced written notice of temporary traffic disruptions shall be provided to emergency service providers and the affected area's businesses and the general public. This notice shall be provided at least two weeks prior to disruptions.</p> <p>The Applicant shall ensure that construction activities requiring more than 16 truck (i.e., multiple axle vehicle) trips per hour on West Coast Highway, such as excavation and concrete pours, shall be prohibited between June 1 and September 1 to avoid traffic conflicts with beach and tourist traffic. At all other times, such activities on West Coast Highway shall be limited to 25 truck (i.e., multiple axle vehicle) trips per hour unless otherwise approved by the City of Newport Beach Traffic Engineer. Haul operations shall be monitored by the City of Newport Beach Public Works Department, and additional restrictions may be applied if traffic congestion problems arise. A staging area shall be designated on site for construction equipment and supplies to be stored during construction. No construction vehicles shall be allowed to stage on off-site roads during the grading and construction period.</p>			

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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion							
			Date	Initials						
Conditions of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes	<p>MM 4.9-1 Table A identifies the City of Newport Beach (City) transportation improvement mitigation program for the Project as well as the Applicant's fair-share responsibility for the improvements. The resulting levels of service are identified in Table B. In accordance with the requirements of the Traffic Phasing Ordinance, the improvements shall be completed during the 60 months immediately after approval. Approval refers to the receipt of all permits from the City and applicable regulatory agencies. Concept plans depicting these recommended improvements are provided in Appendix F to the Newport Banning Ranch EIR.</p> <p align="center">TABLE A CITY OF NEWPORT BEACH TRAFFIC MITIGATION REQUIREMENTS</p> <table border="1"> <thead> <tr> <th colspan="2">Location</th> <th>Improvement</th> </tr> </thead> <tbody> <tr> <td align="center">9</td> <td align="center">Newport Blvd/ West Coast Hwy</td> <td> Restripe the southbound approach on Newport Boulevard to provide one exclusive right-turn lane, one exclusive left-turn lane, and one shared right-/left-turn lane. Note: The proposed improvement is limited to restriping of the southbound approach. No physical changes to the roadway section are anticipated to be necessary and no changes to the right-of-way should be required. </td> </tr> </tbody> </table>	Location		Improvement	9	Newport Blvd/ West Coast Hwy	Restripe the southbound approach on Newport Boulevard to provide one exclusive right-turn lane, one exclusive left-turn lane, and one shared right-/left-turn lane. Note: The proposed improvement is limited to restriping of the southbound approach. No physical changes to the roadway section are anticipated to be necessary and no changes to the right-of-way should be required.	City Traffic Engineer; Community Development Director		
Location		Improvement								
9	Newport Blvd/ West Coast Hwy	Restripe the southbound approach on Newport Boulevard to provide one exclusive right-turn lane, one exclusive left-turn lane, and one shared right-/left-turn lane. Note: The proposed improvement is limited to restriping of the southbound approach. No physical changes to the roadway section are anticipated to be necessary and no changes to the right-of-way should be required.								
Conditions of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes	<p>MM 4.9-2 Table C identifies the City of Costa Mesa transportation improvement mitigation program proposed for the Project. The resulting levels of service are identified in Table D. The Applicant shall be responsible for using its best efforts to negotiate in good faith to arrive at fair and responsible arrangements to either pay fees and/or construct the required improvements in lieu of the payment of fees to be negotiated with the City of Costa Mesa. The payment of fees and/or the completion of the improvements shall be completed during the 60 months immediately after approval. Approval refers to the receipt of all permits from the City of Newport Beach and applicable regulatory agencies. Concept plans depicting these recommended improvements are provided in Appendix F to the Newport Banning Ranch EIR.</p>	City of Costa Mesa; City Traffic Engineer								

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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures		Responsible for Approval/Monitoring/ Implementation	Completion	
				Date	Initials
	TABLE C CITY OF COSTA MESA TRAFFIC MITIGATION REQUIREMENTS				
	Location	Improvement			
	28 Monrovia Ave/ 19 th St	Install a traffic signal. Note: The improvement would be limited to the installation of the traffic signal. No physical changes to the roadway section are anticipated; no right-of-way is anticipated to be required			
	34 Newport Blvd/ 19 th St	Provide a second southbound left-turn on Newport Boulevard. Note: The proposed improvement is anticipated to require modifications to the medians and incremental widening of the street on one or both sides of the roadway depending on the final design. Additional right-of-way may be required on one or both sides of Newport Boulevard. Direct physical impacts are anticipated to be limited to roadway components including median hardscape and landscape.			
	36 Newport Blvd/ Harbor Blvd	Addition of a fourth southbound through lane on Newport Boulevard. Improve the southbound approach of Newport Boulevard to provide three through lanes and one shared through/right-turn lane and to improve the south leg to accommodate a fourth receiving lane. Note: Direct physical impacts are anticipated to be limited to roadway components, including median hardscape and landscape improvements, and sidewalk modifications both to the north and south of the intersection. No existing structures or on-street parking would be impacted.			
	37 Newport Blvd/ 18 th St (Rochester St)	Convert the southbound right-turn lane (southbound approach) of Newport Boulevard to provide a through/right-turn lane and to improve the south leg to accommodate a fourth receiving lane. Note: This improvement has been conditioned on the Hoag Health Center project. Direct physical impacts are anticipated to be limited to roadway components, including median hardscape and landscape improvements, and sidewalk modifications both to the north and south of the intersection.			

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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures			Responsible for Approval/Monitoring/ Implementation	Completion	
					Date	Initials
	42	Pomona Ave/ 17 th St	Install a traffic signal.			
			Note: The improvement would be limited to the installation of the traffic signal. No physical changes to the roadway section are anticipated; no right-of-way is anticipated to be required.			
	43	Superior Ave/ 17 th St	Modify the westbound approach to provide one left, one shared through/left, one through, and one right-turn lane. This will require split phasing signal operation.			
			Note: The proposed improvement is limited to signal operation modifications. No physical changes to the roadway section are anticipated to be necessary and no changes to the right-of-way should be required.			
	44	Newport Blvd/ 17 th St	Add a fourth through lane on the southbound approach and a dedicated right-turn lane on the northbound approach.			
			Note: The proposed improvement in anticipated to require modifications to the medians and incremental widening of the street on one or both sides of the roadway depending on the final design. Improvements may also require modifications to the frontage road along the easterly side of Newport Boulevard. Additional right-of-way may be required on one or both sides of Newport Boulevard. Direct physical impacts are anticipated to be limited to roadway components including median hardscape and landscape.			
Prior to issuance of first grading or demolition permit	MM 4.9-3 Prior to the introduction of combustible materials on the Project site, emergency fire access to the site shall be approved by the City of Newport Beach's Public Works and Fire Departments.			City Traffic Engineer; Fire Chief		
Prior to the issuance of first grading permit As part of subdivision improvement plans	MM 4.9-4 Prior to the start of grading, the Applicant shall demonstrate to the City of Newport Beach Fire Department that all existing and new access roads surrounding the Project site are designated as fire lanes, and no parking shall be permitted unless the access way meets minimum width requirements of the Public Works and Fire Departments. Parallel parking on one side may be permitted if the road is a minimum 32 feet in width.			City Traffic Engineer; Fire Chief		

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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
			Date	Initials
<p>Condition of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes</p> <p>As part of Community Park improvement plan if located within Community Park</p> <p>As part of subdivision improvement plans</p>	<p>MM 4.9-5 Prior to the displacement of any private parking spaces associated with improvements to 15th Street, the Applicant shall be responsible for the construction of replacement parking on the Project site within the Community Park site or in a location immediately proximate to the existing parking lot.</p>	<p>Recreation and Senior Services Director; City Traffic Engineer; Community Development Director</p>		
Air Quality				
<p>Application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District</p> <p>Annual Development Agreement review</p>	<p>PDF 4.10-1 The Master Development Plan provides for commercial uses, in the Mixed-Use/Residential and Visitor-Serving Resort/Residential Land Use Districts, within walking distance of the proposed residential neighborhoods and nearby residential areas to reduce vehicle trips and vehicle miles traveled.</p>	<p>Community Development Director</p>		
<p>Application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District</p> <p>Conditions of tentative tract map approval</p> <p>Annual Development Agreement review</p>	<p>PDF 4.10-2 The Master Development Plan provides a network of public pedestrian and bicycle trails to reduce auto-dependency by connecting proposed residential neighborhoods to parks and open space within the Project site and to off-site recreational amenities, such as the beach and regional parks and trails.</p>	<p>Recreation and Senior Services Director; Community Development Director</p>		
<p>Prior to issuance of each grading permit and building permit</p> <p>Monitor during grading and construction</p>	<p>SC 4.10-1 <i>Dust Control.</i> During construction of the proposed Project, the Project Developer shall require all construction contractors to comply with South Coast Air Quality Management District's (SCAQMD's) Rules 402 and 403 in order to minimize short-term emissions of dust and particulates. SCAQMD Rule 402 requires that air pollutant emissions not be a nuisance off site. SCAQMD Rule 403 requires that fugitive dust be controlled with</p>	<p>Community Development Director, Public Works Director</p>		

**NEWPORT BANNING RANCH PROJECT (Continued)
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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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	<p>Best Available Control Measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. 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. <i>Clearing and grubbing</i>: Apply water in sufficient quantity to prevent generation of dust plumes. b. <i>Cut and fill</i>: Pre-water soils prior to cut and fill activities and stabilize soil during and after cut and fill activities. c. <i>Earth-moving activities</i>: Pre-apply water to depth of proposed cuts; re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 feet in any direction; and stabilize soils once earth-moving activities are complete. d. <i>Importing/exporting of bulk materials</i>: Stabilize material while loading to reduce fugitive dust emissions; maintain at least six inches of freeboard on haul vehicles; and stabilize material while transporting to reduce fugitive dust emissions. e. <i>Stockpiles/bulk material handling</i>: Stabilize stockpiled materials; stockpiles within 100 yards of off-site occupied buildings must not be greater than 8 feet in height, must have a road bladed to the top⁴ to allow water truck access, or must have an operational water irrigation system that is capable of complete stockpile coverage. f. <i>Traffic areas for construction activities</i>: Stabilize all off-road traffic and parking areas; stabilize all haul routes; and direct construction traffic over established haul routes. 			
	<p>Rule 403 defines large operations as projects with 50 or more acres of grading or with a daily earth-moving volume of 5,000 cubic yards at least 3 times in 1 year. The Project is considered a large operation. Large operations are required to implement additional dust-control measures (as specified in Tables 2 and 3 of Rule 403); provide additional notifications, signage, and reporting; and appoint a Dust Control Supervisor. The Dust Control Supervisor is required to:</p>			

⁴ Refers to a road to the top of the pile.

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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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	<ul style="list-style-type: none"> • Be employed by or contracted with the Property Owner or Developer; • Be on the site or available on site within 30 minutes during working hours; • Have the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance with all Rule 403 requirements; and • Have completed the AQMD Fugitive Dust Control Class and have been issued a valid Certificate of Completion for the class. 			
<p>Identify in contractor specifications; monitored by City prior to issuance of first building permit for each subdivision or commercial/mixed use area</p> <p>Identify on approved building construction plans</p>	<p>SC 4.10-2 Architectural Coatings. Architectural coatings shall be selected so that the VOC content of the coatings is compliant with SCAQMD Rule 1113. This requirement shall be included as notes on the contractor specifications.</p>	Community Development Director		
<p>Prior to the issuance of grading permits</p> <p>Prior to December 31, 2014, all off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 standards</p> <p>After January 1, 2015, all off-road diesel-powered construction equipment shall meet Tier 4 standards</p> <p>At mobilization for each unit</p>	<p>MM 4.10-1 Off-road Construction Equipment Engines. Prior to issuance of a grading permit, the Applicant/Master Developer shall demonstrate to the City of Newport Beach that construction documents require the construction contractors to implement the following measures:</p> <ol style="list-style-type: none"> a. Prior to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 horsepower (hp) shall meet Tier 3 off-road emissions standards. b. After January 1, 2015: All off-road diesel-powered construction equipment greater than 50 horsepower (hp) shall meet Tier 4 off-road emissions standards. c. A copy of each unit's certified Tier specification shall be provided at the time of mobilization of each applicable unit of equipment. 	Community Development Director		
<p>Prior to the issuance of grading permits</p> <p>Identify in approved grading and construction plans</p>	<p>MM 4.10-2 Construction Site Design and Operation. Prior to issuance of a grading permit, the Landowner/Master Developer shall demonstrate to the City of Newport Beach that construction documents require the construction contractors to implement the following measures or provide information and data that demonstrates that implementation would not be feasible:</p> <ol style="list-style-type: none"> a. Electricity shall come from power poles rather than diesel- or 	Community Development Director		

**NEWPORT BANNING RANCH PROJECT (Continued)
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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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	<p>gasoline-fueled generators, compressors, or similar equipment;</p> <p>b. Construction parking shall be configured to minimize traffic interference;</p> <p>c. Construction trucks shall be routed away from congested streets and sensitive receptors;</p> <p>d. Construction activities that affect traffic flow on the arterial system shall be scheduled to off-peak hours to the extent practicable;</p> <p>e. Temporary traffic controls, such as a flag person(s), shall be provided where necessary to maintain smooth traffic flow; and</p> <p>f. Dedicated turn lanes for movement of construction equipment on- and off-site and signal synchronization shall be provided as necessary to maintain smooth traffic flow.</p>			
<p>Prior to the issuance of grading permits</p> <p>Identify in approved grading and construction plans</p>	<p>MM 4.10-3 Construction Equipment Operation. Prior to issuance of a grading permit, the Landowner/Master Developer shall demonstrate to the City of Newport Beach that construction documents require the construction contractors to implement the following measures:</p> <p>a. All construction equipment shall be tuned and maintained in accordance with the manufacturer's specifications;</p> <p>b. Diesel truck idling time shall be five minutes or less, both on- and off-site; and</p> <p>c. Work crews shall shut off diesel equipment when not in use.</p>	Community Development Director		
<p>Prior to the issuance of grading permits</p> <p>Identify in approved grading and construction plans</p>	<p>MM 4.10-4 Construction Ridesharing and Transit Incentives. Prior to issuance of a grading permit, the Landowner/Master Developer shall provide copies of construction documents to the City of Newport Beach showing that these documents include a statement that the construction contractors shall support and encourage ridesharing and transit incentives for the construction crews.</p>	Community Development Director		
<p>Prior to the issuance of grading permits</p> <p>Identify in approved grading and construction plans</p>	<p>MM 4.10-5 Fugitive Dust – Supplementary Measures. Prior to issuance of each grading permit, the Landowner/Master Developer shall demonstrate to the City of Newport Beach that construction documents and grading plans include the following:</p> <p>a. The contractor shall suspend grading operations when wind gusts exceed 15 miles per hour;</p> <p>b. The contractor shall take measures (such as additional</p>	Community Development Director		

**NEWPORT BANNING RANCH PROJECT (Continued)
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	watering or the application of chemical suppressants) to stabilize disturbed areas and stockpiles prior to non-work days if windy conditions are forecasted for a weekend, holiday, or other day when site work is not planned. c. The contractor shall re-apply water as necessary during grading and earth-moving to ensure that visible emissions do not extend to residences or schools.			
Prior to the issuance of grading permits Identified in approved grading and construction plans (i.e., schedule)	MM 4.10-6 Paving of Bluff Road. Prior to issuance of a grading permit, the Landowner/Master Developer shall demonstrate to the City of Newport Beach that construction plans and schedule require the construction and paving of Bluff Road between West Coast Highway and 15 th Street as early as feasible in order to minimize dust generation by vehicles using the roadway.	Public Works Director; Municipal Operations Director		
Prior to the issuance of grading permits Identified in approved grading and construction plans Ongoing maintenance	MM 4.10-7 Fugitive Dust – Street Sweeping. Prior to issuance of a grading permit, the Landowner/Master Developer shall demonstrate to the City of Newport Beach that construction documents require the construction contractors to sweep paved roads within and adjacent to the Project site if visible soil materials are carried to the streets. Street sweepers or roadway washing trucks shall comply with SCAQMD Rule 1186 and shall use reclaimed water, if available.	Public Works Director; Municipal Operations Director		
Prior to the start of grading and construction activities	MM 4.10-8 Notification of Receptors. The Landowner/Master Developer shall distribute a notice to all residents, schools, and other facilities within 100 feet of the Project site that states the following or similar “the environmental analysis identifies a potential for excess dust pollution for short periods during heavy grading. Extra measures shall be taken to prevent the dust from leaving the Project site, but persons should be aware of the potential for pollution”. This notice may be combined with the notice described in MM 4.10-9.	Public Works Director; Municipal Operations Director		
Condition of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps During grading and construction activities Response to complainant within two working days of the complainant and	MM 4.10-9 Construction Complaint Resolution. The Landowner/Master Developer shall appoint a person as a contact for complaints relative to construction impacts to the adjacent neighborhoods. A contact telephone number and email address shall be posted on signs at the construction site and shall be provided by mail to all residents within 500 feet of the Project site. Upon receipt of a complaint, the designated contact person shall investigate the complaint and shall develop corrective action, if needed. The	Public Works Director; Municipal Operations Director		

**NEWPORT BANNING RANCH PROJECT (Continued)
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action taken to the City Maintain log of all complaints and resolutions	designated contact person shall respond to the complainant within two working days to describe the results of the investigation, and submit a report of the complaint and action taken to the City of Newport Beach. The designated contact person shall maintain a log of all complaints and resolutions.			
Prior to the issuance of building permits	<p>MM 4.10-10 Bicycle Facilities. Prior to the issuance of building permits for the following specific components of the Project, the Applicant shall demonstrate to the City of Newport Beach that:</p> <ul style="list-style-type: none"> a. The plans for multi-family residences shall identify the provision of a minimum of one on-site bicycle space per ten dwelling units. b. The plans for commercial development in the Mixed-use/Residential District shall identify the provision of a minimum of 1 on-site bicycle space per 2,500 gross square feet (gsf) of commercial area. c. The plans for resort inn and support commercial areas in the Visitor-Serving Resort District (or visitor-serving commercial if the resort is not built) within the Visitor-Serving Resort/Residential: Provide on-site bicycle rack(s) with a minimum of 1 bicycle space per 2,500 gsf of the resort inn building (or commercial square footage if the resort inn is not built). d. Bicycle racks shall support the frame of the bike and not just one wheel; shall allow the locking of the frame and one wheel to the rack; shall be easily usable by both cable and U-locks; and shall be usable by a wide variety of bikes, including those with water bottle cages and with and without kickstands. e. There shall be clear access routes from bike lanes to bicycle racks in order to avoid riding through parking lots. 	Community Development Director		

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Prior to the issuance of occupancy permits As a part of annual Development Agreement review	MM 4.10-11 Conservation Education – Mobile Sources. The future homeowners associations for Newport Banning Ranch shall be required to provide educational information on mobile source emission reduction techniques (such as use of alternative modes of transportation and zero- or low-emission vehicles) to all homeowners as part of purchase closing documents for the purchase of a property and annually after the close of escrow. The homeowners associations shall provide an annual report of conservation educational materials distributed to homeowners to the City of Newport Beach.	Community Development Director		
Condition of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes Incorporate into Project CC&Rs Prior to the issuance of occupancy permits As a part of annual Development Agreement review	MM 4.10-12 Conservation Education – Consumer Products. The future homeowners associations for Newport Banning Ranch shall be required to provide educational information on the positive benefits of using consumer products with low or no-volatile organic compounds (VOCs) (such as paint thinners and solvents) to all homeowners as part of purchase closing documents for the purchase of a property and annually after the close of escrow.	Community Development Director		
Condition of approval of all Site Development Review and/or Conditional Use Permits for residential uses As part of CC&Rs Prior to the issuance of occupancy permits As a part of annual Development Agreement review	MM 4.10-13 Odor Complaints. The future homeowners associations for Newport Banning Ranch shall be required to advise residents that complaints about offensive odors may be reported to the City using the Quest online format on the City web site and/or to the South Coast Air Quality Management District at 1-800-CUT-SMOG (1-800-288-7664).	Community Development Director		

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Greenhouse Gas Emissions				
Applications and conditions of approval for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District As part of building permits	PDF 4.11-1 The Newport Banning Ranch Planned Community Development Plan and the Master Development Plan require that the Project be consistent with a recognized green building programs that exist at the time of final Project approval such as, but not limited to, Build It Green, the U.S. Green Building Council's (USGBC's) Leadership in Energy and Environmental Design–Neighborhood Development (LEED-ND™), California Green Builder, or National Association of Home Builders' National Green Building Standard™.	Community Development Director		
Application and conditions of approval for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District As part of building permits	PDF 4.11-2 The Newport Banning Ranch Planned Community Development Plan and the Master Development Plan require the Project to exceed adopted 2008 Title 24 energy requirements by a minimum of five percent. SC 4.11-1 Energy Efficiency Standards. The Project shall be built in accordance with the California 2008 Building Energy Efficiency Standards for Residential and Nonresidential Buildings, commonly identified as the "2008 Title 24 Energy Efficiency Standards" or the version of these standards current at the time of the issuance of each building permit.	Community Development Director		
Conditions of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes As part of application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District	PDF 4.11-3 The Master Development Plan and the Newport Banning Ranch Planned Community Development Plan require the Project to be coordinated with Orange County Transportation Authority (OCTA) to allow for a transit routing through the community, and will provide bus stops and/or shelters as needed in the community to accommodate the bus routing needed by OCTA.	City Traffic Engineer Community Development Director Orange County Transportation Authority (OCTA)		
Conditions of approval of Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District;	PDF 4.11-4 The Newport Banning Ranch Planned Community Development Plan and the Master Development Plan require that all residential development incorporate the following measures, which will be reflected on and incorporated into every application for a final subdivision map that creates residential lots:	Municipal Operations Director; Community Development Director Building Division Manager, or designated representatives		

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Mixed-Use and Residential District; and the Parks and Recreation District As part of building permits	<ul style="list-style-type: none"> a. Builder-installed indoor appliances, including dishwashers, showers, and toilets, will be low water-use. Homeowners Association (HOA) owned and operated public and/or common area men’s restrooms will be required to feature waterless urinals. b. Smart Controller irrigation systems will be installed in all public and common area landscaping. Community landscape areas will be designed on a “hydrozone” basis to group plants according to their water requirements and sun exposure. c. Air conditioning units will be Freon-free. d. Concrete for paving in public infrastructure and Project common areas will not be acid-washed unless mandated by agency requirements. e. The future homeowners association for Newport Banning Ranch will be required to provide educational information on recycling to all homeowners prior to individual purchase of property and again annually. f. Multimetering “dashboards” will be provided in each dwelling unit to visualize real-time energy use. g. Single-family detached residential roofs, commercial building roofs, and HOA owned public building roofs, which have adequate solar orientation shall be designed to be compatible with the installation of photovoltaic panels or other current solar power technology. 			
Application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District During initial project grading activities Incorporated into all grading permit applications	<p>PDF 4.11-5 The Newport Banning Ranch Planned Community Development Plan and the Master Development Plan require that the following measures be implemented during initial project grading activities and will be incorporated into all grading permit applications submitted to the City:</p> <ul style="list-style-type: none"> a. Construction waste diversion will be increased by 50 percent from 2010 requirements. b. To the extent practical, during the oilfield clean-up and remediation process, the Landowner/Master Developer will be required to recycle and reuse materials on site to minimize off-site hauling and disposal of materials and associated off-site traffic. 	Community Development Director		

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Prior to the issuance of occupancy permits Submit plan for the applicable future homeowners association	MM 4.11-1 Prior to the issuance of each occupancy permit, the Applicant shall submit for approval to the Community Development Director the plan for the applicable future homeowners association to provide educational information on (1) water conservation; (2) energy conservation, including the use of energy-efficient lighting and the limiting of outdoor lighting; (3) mobile source emission reduction techniques, such as use of alternative modes of transportation and zero- or low-emission vehicles; and (4) the use of solar heating, automatic covers, and efficient pumps and motors for pools and spas to all homeowners prior to individual purchase of property and again annually. ⁵	Community Development Director		
Prior to the issuance of building permits for the resort inn and each building permit for a multi-family complex	MM 4.11-2 Prior to the issuance of the building permit for the resort inn and each building permit for a multi-family complex with a swimming pool or spa, the Applicant shall submit for approval to the Community Development Director that the plans incorporate energy efficient heating, pumps and motors.	Community Development Director		
Prior to the issuance of building permits	MM 4.11-3 Prior to the issuance of each building permit, the Applicant shall submit for approval to the Public Works Director that light emitting diode (LED) lights shall be used for traffic lights and LED or similar energy-efficient lighting will be used for street lights and other outdoor lighting.	Public Works Director; Municipal Operations Director		
Prior to the issuance of building permits for multi-family buildings, parks, and other public spaces	MM 4.11-4 Prior to the issuance of each building permit for multi-family buildings, parks, and other public spaces, the Applicant shall submit for approval to the Community Development Director that the plans include the installation of facilities for the collection of recyclable materials consistent with the recycle requirements of the City and the local waste collection contractor.	Municipal Operations Director; Community Development Director		
Prior to the issuance of building permits for multi-family buildings and the resort inn	MM 4.11-5 Prior to the issuance of each building permit for multi-family buildings with subterranean parking and the resort inn, the Applicant shall submit for approval to the Community Development Director that the plans include the (1) the designation of a minimum of three percent of the parking spaces for electric or hybrid vehicles and (2) installation of facilities for Level 2 electric vehicle recharging, unless it is demonstrated that the technology for these facilities or availability of the equipment current at the time makes	Community Development Director		

⁵ The requirements in this measure are in addition to those of PDF 4.11-4f, but may be distributed and/or grouped together by the homeowners associations. The mobile source emissions component of this measure is the same as MM 4.10-7.

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	this installation infeasible. Prior to the issuance of each building permit for residential buildings with attached garages, the Applicant shall submit for approval to the Community Development Director that the plans (1) identify a specific place or area for a Level 2 charging station could be safely installed in the future; (2) includes the necessary conduit to a potential future Level 2 charging station; and (3) the electrical load of the building can accommodate a Level 2 charging station.			
Prior to the issuance of building permits for multi-family buildings, commercial building, park, or other public space	MM 4.11-6 Prior to the issuance of each building permit for multi-family buildings, commercial building, park, and other public space, the Applicant shall submit for approval to the Community Development Director that the plans include the installation of bicycle parking spaces at each facility. Bicycle spaces for residents and employees shall be easily accessible and secure. Bicycle spaces for visitors and customers, in parks, and in public spaces shall be visible from the primary entrance, illuminated at night, and protected from damage from moving and parked vehicles.	Community Development Director		
Noise				
As part of grading permit and building permit Implement during grading and construction	SC 4.12-1 To ensure compliance with Newport Beach Municipal Code Section 10.28.040, grading and construction plans shall include a note indicating that loud noise-generating Project construction activities (as defined in Section 10.28.040 of the Newport Beach Noise Ordinance) shall take place between the hours of 7:00 AM and 6:30 PM on weekdays and from 8:00 AM to 6:00 PM on Saturdays. Loud, noise-generating construction activities are prohibited on Sundays and federal holidays.	Community Development Director		
Prior to the issuance of building permits	SC 4.12-2 HVAC units shall be designed and installed in accordance with Section 10.26.045 of the Newport Beach Noise Ordinance, which specifies the maximum noise levels for new HVAC installations and associated conditions.	Community Development Director		
Prior to the issuance of building permits	SC 4.12-3 All residential and hotel units shall be designed to ensure that interior noise levels in habitable rooms from exterior transportation sources (including aircraft and vehicles on adjacent roadways) shall not exceed 45 dBA CNEL. This SC complies with the applicable sections of the California Building Code (Title 24 of the <i>California Code of Regulations</i>) and, for single-family detached residences, exceeds the requirements of Section 10.26.025 of the Noise Ordinance. Prior to granting of a building permit, the	Community Development Director		

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	Developer/Applicant shall submit to the City of Newport Beach Community Development Department, Building Division Manager or his/her designee for review and approval architectural plans and an accompanying noise study that demonstrates that interior noise levels in the habitable rooms of residential units due to exterior transportation noise sources would be 45 dBA CNEL or less. Where closed windows are required to achieve the 45 dBA CNEL limit, Project plans and specifications shall include ventilation as required by the California Building Code.			
As part of subdivision improvement plans	SC 4.12-4 In accordance with City of Newport Beach standards, rubberized asphalt, or pavements offering equivalent or better acoustical properties shall be used to pave all public arterials on the Project site and all off-site City of Newport Beach roads where improvements would be provided or required as a part of the Project.	Public Works Director		
Prior to issuance of grading permits Identify in approved grading and construction plans Implement during grading and construction	MM 4.12-1 Grading plans and specifications shall include temporary noise barriers for all grading, hauling, and other heavy equipment operations that would occur within 300 feet of sensitive off-site receptors and occur for more than 20 working days. The noise barriers shall be 12 feet high, but may be shorter if the top of the barrier is at least one foot above the line of sight between the equipment and the receptors. The barriers shall be solid from the ground to the top of the barrier, and have a weight of at least 2.5 pounds per square foot, which is equivalent to ¾ inch thick plywood. The barrier design shall optimize the following requirements: (1) the barrier shall be located to maximize the interruption of line of sight between the equipment and the receptor, which is normally at the top of slope when the grading area and receptor are at different elevations. However, a top of slope location may not be feasible if the top of slope is not on the Project site; (2) the length and of the barrier shall be selected to block the line of sight between the grading area and the receptors; (3) the barrier shall be located as close as feasible to the receptor or as close as feasible to the grading area; a barrier is least effective when it is at the midpoint between noise source and receptor. If preferred by the developer or contractor, the construction of a temporary earth berm may be used as the noise barrier. Earth berms provide greater noise reduction than wood or masonry walls	Public Works Director; Community Development Director		

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	<p>of the same height.</p> <p>A temporary noise barrier shall not be required when it is demonstrated to the Community Development Department, Building Division Manager or his/her designee that a barrier would not be feasible. Reasons may include, but not be limited to (1) the barrier would cause impacts more severe than the construction noise, (2) the barrier would interfere with the construction work, and (3) a property owner refuses to allow the barrier.</p>			
Prior to the issuance of grading permits	<p>MM 4.12-2 Prior to the start of grading, the Construction Manager shall provide evidence acceptable to the City of Newport Beach Public Works Director and/or Community Development Director, that:</p> <ul style="list-style-type: none"> a. All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers; mufflers shall be equivalent to or of greater noise reducing performance than manufacturer's standard. b. Stationary equipment, such as generators, cranes, and air compressors, shall be located as far from local residences and the Carden Hall School as feasible. Where stationary equipment must be located within 250 feet of a sensitive receptor, the equipment shall be equipped with appropriate noise reduction measures (e.g., silencers, shrouds, or other devices) to limit the equipment noise at the nearest sensitive residences to 65 dBA L_{eq}. c. Equipment maintenance, vehicle parking, and material staging areas shall be located as far away from local residences and the Carden Hall School as feasible. 	Public Works Director; Community Development Director		
As part of grading permits for grading activities occurring within 300 feet of residences or Carden Hall school	<p>MM 4.12-3 At least two weeks prior to the start of any grading operation or similar noise generating activities within 300 feet of residences or the Carden Hall school, the contractor shall notify affected residents and the school of the planned start date, duration, nature of the construction activity, and noise abatement measures to be provided. The notification shall include a contact telephone number for questions and the submittal of any complaints of excess, unanticipated noise.</p>	Public Works Director; Community Development Director		

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As part of grading permits for grading activities occurring within 25 feet of an off-site residence	MM 4.12-4 During construction, the operation of large bulldozers, vibratory rollers, and similar heavy equipment shall be prohibited within 25 feet of any existing off-site residence.	Public Works Director; Community Development Director		
Prior to the issuance of grading permits for roadway construction of 15 th Street and 17 th Street	MM 4.12-5 The Applicant shall provide evidence that funds have been deposited with the City of Newport Beach associated with the cost of one-time resurfacing 15 th Street west of Placentia Avenue with rubberized asphalt. The Applicant shall provide evidence to the City of Newport Beach that funds have been deposited with the City of Costa Mesa associated with the cost of one-time resurfacing 17 th Street west of Monrovia Avenue with rubberized asphalt.	Public Works Director; Community Development Director		
Prior to the issuance of a grading permit for Bluff Road and 15 th Street Identified in the Project plans and specifications	MM 4.12-6 Prior to the approval of a grading permit for Bluff Road and 15 th Street, the Applicant shall demonstrate to the City of Newport Beach that the Project plans and specifications require the construction and installation of a noise barrier to reduce future traffic noise from the Bluff Road and 15 th Street to the Newport Crest residences. The Applicant shall provide an acoustical analysis prepared by a qualified Acoustical Engineer, of the proposed barrier, which may be a wall, an earth berm, or a berm-wall combination. The noise barrier, at a minimum, shall reduce forecasted future ground floor residential exterior noise levels to 60 dBA CNEL and second floor residential noise levels to 65 dBA CNEL. The barrier shall be solid from the ground to the top with no decorative cutouts and shall weigh at least 3.5 pounds per square foot of face area. The barrier may be constructed using masonry block, ¼ inch thick glass, or other transparent material with sufficient weight per square foot.	Public Works Director; Community Development Director		
Concurrent with the issuance of the grading permit for Bluff Road Written notice within 45 days following the receipt of the proposed program from the Applicant Applicant receives reimbursement request from the Association within 60 days following completion of the work The Applicant reimburses the Association for the cost of the work	MM 4.12-7 Prior to the issuance of a grading permit for Bluff Road and/or 15th Street, the Applicant shall provide written notice to affected residents of an offer of a program (Program) for the retrofit and installation of dual pane windows/sliding doors on the façade facing the Newport Banning Ranch property. The Program offer shall only apply to the owners of the residences (Owners) with rear elevations directly adjacent to the Newport Banning Ranch property in the western and northern boundaries of Newport Crest Condominiums impacted by significant noise levels (significant being a cumulative increase over existing conditions greater than 5 dBA) associated with the Project as determined by a licensed Acoustical Engineer. Improvements shall be subject to the approval of the Newport Crest Homeowners Association (Association) and	Public Works Director; Community Development Director		

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within 30 days of the Applicant's receipt of a final receipt	<p>Owners. The Applicant shall be responsible for the implementation of the Program pursuant to the following provisions and guidelines: (i) in order to participate in the Program and receive new windows/sliders, each participating Owner must provide written notice to the Applicant within 45 days following receipt of the proposed Program from the Applicant, that the Owner wants to participate in the Program; (ii) failure to respond within such time period shall mean the Owner desires not to participate; (iii) following receipt of written notice from participating Owners, the Applicant shall obtain a cost estimate and submit written specifications from a licensed and bonded window contractor to the Owners and the Association for design/architectural approval; (iv) following receipt of design/architectural approval from the Owners and the Association of written specifications, the Applicant shall enter into a contract with a qualified, licensed and bonded contractor for the installation of windows/sliders to the participating Owners' condominiums as part of one overall Program pursuant to the contract between the Applicant and the contractor; (v) the total cost of the Program shall be paid by the Applicant on behalf of the Owners in an amount not exceed the total cost identified in the cost estimate approved by the Applicant. Nothing in Mitigation Measure 4.12-7 shall prohibit the City from issuing a grading permit for Bluff Road or 15th Street in the event any or all Owners decline to participate in the Program.</p>			

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Prior to final map recordation for the residential areas adjacent to Bluff Road and North Bluff Road	MM 4.12-8 Prior to final map recordation for the residential areas adjacent to Bluff Road and North Bluff Road, including the Urban Colony, the Applicant shall provide an acoustical analysis prepared by a qualified Acoustical Engineer to the City of Newport Beach for review and approval. The analysis shall demonstrate that the residential exterior living areas including, but not limited to swimming pools, playgrounds, and patios, would be exposed to noise levels below 65 dBA CNEL. The acoustical analysis shall also demonstrate that the North Community Park has been designed such that permitted park activities would not exceed the City's Noise Ordinance standards at residential exterior living areas. This can be accomplished through site design or the construction of noise barriers. Barriers may be constructed using an earth berm, wall, or berm-wall combination. Walls may be masonry block, ¼-inch-thick glass, or other transparent material with sufficient weight per square foot.	Public Works Director; Community Development Director		
Conditions of approval of Site Development Review and Conditional Use Permit for commercial project within the Visitor Serving Resort/Residential and Mixed Use/Residential Districts	MM 4.12-9 Truck deliveries and loading dock activities in commercial areas of the Project shall be restricted to between the hours of 7:00 AM and 10:00 PM on weekdays and Saturdays and shall be restricted to between the hours of 9:00 AM and 10:00 PM on Sundays and federal holidays. Moreover, the Project Applicant/Developer or his successors and assignees shall specify in the contract for each operator of a commercial space that truck deliveries and loading dock activities shall be restricted to these specified hours.	Public Works Director; Community Development Director		
As part of application for Site Development Review for applicable areas Condition of approval of Site Development Review and Conditional Use Permit for commercial project within the Visitor Serving/Resort and Mixed Use/Residential Districts	MM 4.12-10 Loading docks shall be sited to minimize noise impacts to adjacent residential areas. If loading docks or truck driveways are proposed as part of the Project's commercial areas within 200 feet of an existing home, an 8-foot-high screening wall shall be constructed to reduce potential noise impacts.	Public Works Director; Community Development Director		

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Prior to the approval of permits by DOGGR	MM 4.12-11 Prior to the approval of a permit by the California Department of Conservation, Department of Oil, Gas, and Geothermal Resources (DOGGR) for the drilling of replacement oil wells in the Consolidated Oil Facility, the Applicant shall provide to the City of Newport Beach descriptions of the noise reduction methods to be used to minimize drilling activity noise. These methods may include, as feasible, but not be limited to (1) use of electric power in place of internal combustion engines, and (2) acoustical blankets or similar shielding around elevated engines on drill rigs.	Community Development Director California Department of Conservation, Department of Oil, Gas, and Geothermal Resources (DOGGR)		
Cultural and Paleontological Resources				
Prior to issuance of grading permits County Coroner: within 24 hours of a discovery	SC 4.13-1 In accordance with Section 7050.5 of the <i>California Health and Safety Code</i> , if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are or are believed to be Native American, s/he shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with Section 5097.98 of the <i>California Public Resources Code</i> , the NAHC must immediately notify those persons it believes to be the most likely descended from the deceased Native American. The descendants shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner(s), the disposition of the human remains.	Community Development Director Qualified Archeologist designated by the Community Development Director Native American Heritage Commission (NAHC) (as necessary)		
Prior to issuance of grading permits Attendance of Archeologist at pre-grade meeting Identify in approved grading and construction plans Monitoring during grading/disturbance activities, including monitoring by Native American Monitor as applicable	MM 4.13-1 Prior to the issuance of the first grading permit and/or action that would permit Project site disturbance, the Applicant/Contractor shall provide written evidence to the City of Newport Beach Community Development Department that the Applicant/Contractor has retained a qualified Archaeologist to observe grading activities and to salvage and catalogue archaeological and historic resources, as necessary. The Archaeologist shall be present at the pre-grade conference; shall establish procedures for archaeological resource surveillance; and shall establish, in cooperation with the Applicant/Contractor,	Community Development Director Qualified Archeologist designated by the Community Development Director Qualified Native American Monitor as designated by the Community Development Director		

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	<p>procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts, as appropriate. If archaeological and/or historic resources are found to be significant, the Archaeologist shall determine appropriate actions, in cooperation with the City and Applicant/Contractor, for exploration and/or salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Community Development Director.</p> <p>Based on their interest and concern about the discovery of cultural resources and human remains during Project grading, a qualified Native American Monitor(s) shall be retained to observe some or all grading activities.</p> <p>Nothing in this mitigation measure precludes the retention of a single cross-trained observer who is qualified to monitor for both archaeological and paleontological resources.</p>			
<p>Prior to issuance of grading permits for these areas. If impacts are to occur, Research Design/Treatment and Mitigation Plan must be prepared and completed prior to issuance of grading permit</p> <p>Monitoring during grading/ disturbance activities</p>	<p>MM 4.13-2 The State CEQA Guidelines (14 CCR §15126.4[b][3]) direct public agencies, wherever feasible, to avoid damaging historical resources of an archaeological nature, preferably by preserving the resource(s) in place. Several possibilities suggested by the State CEQA Guidelines include (1) planning construction to avoid the site; (2) incorporating the site into open space; (3) capping the site with a chemically stable soil; and/or (4) deeding the site into a permanent conservation easement.</p> <p>The following is applicable for the three sites deemed eligible for listing on the CRHR or the NRHP as historical resources. Only CA-ORA-839 is also considered a unique archaeological resource. In this instance, mitigation is the same for both types of resources.</p> <p><u>CA-ORA-839</u></p> <p>It should be possible to preserve the vast majority of the site in place in perpetuity to avoid further disturbance to it. However, it appears that the planned removal of oilfield infrastructure may impact portions of the site. In that event, the site shall undergo a data recovery excavation of those areas that would be impacted.</p> <p><i>Research Design/Treatment and Mitigation Plan</i></p> <p>A Research Design/Treatment and Mitigation Plan (data recovery plan) shall be prepared by a qualified Archaeologist and approved by the City of Newport Beach Community Development Director prior to any excavation being undertaken. The Plan shall explicitly</p>	<p>Community Development Director</p> <p>Qualified Archeologist designated by the Community Development Director</p>		

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	<p>lay out the methods to be used in the excavation and the scientifically consequential questions that the study will hope to answer;</p> <p><i>Data Recovery</i></p> <p>Data recovery excavation shall be completed prior to Project grading and shall be designed to recover the consequential data present on the site. Data recovery shall be sufficient to collect a representative sample of site constituents, including organic materials, to permit additional absolute dating of the deposit. The study shall include:</p> <ol style="list-style-type: none"> a. Excavation of a sufficient number of Control Units and shovel test pits (STPs) to recover a representative sample of site constituents; b. Laboratory analysis of all recovered materials and creation of a computerized database of artifacts recovered; c. Completion of a Data Recovery Excavation/Mitigation Report detailing the results of the study; and 			
	<p><i>Capping</i></p> <p>In addition, secondary impacts (e.g., increased foot traffic, erosion) could occur at the site after the Project has been constructed; therefore, the site shall be capped with chemically stable soil to preserve it in perpetuity. During grading operations, excess dirt shall be placed on the site to a sufficient depth to protect the deposit, but not cause unintended damage to it. Shallow-rooted vegetation (such as native coastal sage scrub) may be planted on the new surface. To ensure the integrity of the archaeological deposit, the current ground surface shall initially be covered with some form of horizon marker (e.g., by Mirafi, a polypropylene geotextile) to prevent the deposit from mixing with the covering material and to serve as a marker of the site if the covering is ever removed. The following relies on guidance provided by the National Park Service's Brief #5 Intentional Site Burial: A Technique to Protect Against Natural or Mechanical Loss (NPS 1989, revised 1991).</p> <p>The capping program must include submittal to the Community Development Department of a Site Capping Plan that includes:</p> <ol style="list-style-type: none"> a. An evaluation by a qualified Archaeologist of the classes of archaeological components to be preserved and their suitability for preservation; 			

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	<ul style="list-style-type: none"> b. An analysis by a qualified Soils Scientist of the pH levels, compression strength, and permeability of the horizon marker and capping material to be used to ensure they fit the preservation needs of the site's constituents; c. Formulation of a plan by a qualified Civil/Structural Engineer that details how the cap would be physically constructed to ensure that (1) hydraulic changes over time, (2) erosion, and (3) the physical placement of the cap itself do not adversely impact the deposit; d. Archaeological monitoring during placement of the capping material; e. A Revegetation Plan, prepared by a qualified Biologist/Restoration Specialist, that is designed to help stabilize the new land surface and to prevent future erosion at the cap surface; 			
	<ul style="list-style-type: none"> f. A plan of future monitoring of the site to ensure the long-term success of the capping program; and g. A report detailing the results of the capping effort. <p><u>CA-ORA-844 Locus B</u> CA-ORA-844B is not expected to be directly impacted by development. Oil infrastructure removal activities that would occur prior to grading are expected to adversely impact portions of the site. Indirect impacts from additional erosion of the unstable surface and increased population in the vicinity of the site as a result of the future development could cause further damage over time.</p> <p>Both capping and data recovery excavation are viable options for treating the site; however, because it has been disturbed by erosion and oil extraction activities, capping the deposit would be difficult and possibly more expensive and time consuming and may produce less desirable results than data recovery excavation. Considering these circumstances, two options are provided: (1) successful capping of the site, while likely difficult to accomplish, would be designed to protect the site in perpetuity or, preferably, (2) data recovery shall be undertaken prior to grading to collect the scientifically consequential data that is present in the site since it appears that only a small, yet important, portion of the site remains. Because of the limited size of this site, this option would enable the removal and analysis of the site in its entirety.</p>			

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	Capping the deposit or data recovery would result in temporary impacts to approximately 0.92 acre of coastal sage scrub (0.29 acre of encelia scrub and 0.63 acre of cactus scrub). The Mitigation Program set forth in Section 4.6, Biological Resources, addresses this impact.			
	<p><i>Capping</i></p> <p>If option 1 is chosen, the site shall be capped with chemically stable soil to preserve it in perpetuity. During grading operations, excess dirt shall be placed on the site to a sufficient depth to protect the deposit, but not cause unintended damage to it. Shallow-rooted vegetation (such as native coastal sage scrub) may be planted on the new surface. To ensure the integrity of the archaeological deposit, the current ground surface shall initially be covered with some form of horizon marker (e.g., by Mirafi, a polypropylene geotextile) to prevent the deposit from mixing with the covering material and to serve as a marker of the site if the covering is ever removed. The following relies on guidance provided by the National Park Service's Brief #5 Intentional Site Burial: A Technique to Protect Against Natural or Mechanical Loss (NPS 1989, revised 1991).</p> <p>The capping program must include submittal to the Community Development Department of a Site Capping Plan that includes:</p> <ol style="list-style-type: none"> a. An evaluation by a qualified Archaeologist of the classes of archaeological components to be preserved and their suitability for preservation; b. An analysis by a qualified Soils Scientist of the pH levels, compression strength, and permeability of the horizon marker and capping material to be used to ensure they fit the preservation needs of the site's constituents; c. Formulation of a plan by a qualified Civil/Structural Engineer that details how the cap would be physically constructed to ensure that (1) hydraulic changes over time, (2) erosion, and (3) the physical placement of the cap itself do not adversely impact the deposit; d. Archaeological monitoring during placement of the capping material; e. A Revegetation Plan, prepared by a qualified Biologist/Restoration Specialist, that is designed to help 			

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	stabilize the new land surface and to prevent future erosion at the cap surface; f. A plan of future monitoring of the site to ensure the long-term success of the capping program; and g. A report detailing the results of the capping effort.			
	<p><i>Data Recovery</i></p> <p>If option 2 is selected, data recovery excavation at CA-ORA-844B shall be completed prior to Project grading and shall be designed to recover the consequential data present in the site and to remove site constituents. The study shall include:</p> <ul style="list-style-type: none"> a. Development of a Research Design/Treatment and Mitigation Plan to explicitly lay out the methods to be used in the excavation and the scientifically consequential questions that the study will hope to answer. b. Excavation of a sufficient number of Control Units and STPs to recover a representative sample of site constituents. c. Controlled demolition/removal of the site by a small scraper under the direction of a qualified Archaeologist to ensure the removal of all midden and other cultural constituents of the site. Controlled demolition permits the discovery and recovery of larger features not typically found during hand excavation and reduces the number of hand-excavated control units necessary. d. Laboratory analysis of all recovered materials and creation of a computerized database of artifacts recovered. e. Completion of a Data Recovery Excavation/Mitigation Report detailing the results of the study. f. Curation of excavated cultural material in a museum or other scientifically accredited institution that would make the collections available to future researchers <p><u>CA-ORA-906</u></p> <p>CA-ORA-906 would be directly impacted as a result of development as well as oil infrastructure removal. Data recovery excavation at the site shall be completed prior to Project grading and shall be designed to recover the consequential data present in the site and to remove the site constituents. Mitigation shall be in the form of data recovery excavation to collect the scientifically consequential</p>			

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	<p>data that the site retains prior to its destruction by Project grading. The study shall include:</p> <ul style="list-style-type: none"> a. Development of a Research Design/Treatment and Mitigation Plan to explicitly lay out the methods to be used in the excavation and the scientifically consequential questions that the study will hope to answer. b. Excavation of a sufficient number of Control Units and STPs to recover a representative sample of site constituents. c. Controlled demolition/removal of the site by a small scraper under the direction of a qualified Archaeologist to ensure the removal of all midden and other cultural constituents of the site. Controlled demolition permits the discovery and recovery of larger features not typically found during hand excavation and reduces the number of hand-excavated control units necessary. d. Laboratory analysis of all recovered materials and creation of a computerized database of artifacts recovered. e. Completion of a data recovery excavation/mitigation report detailing the results of the study. g. Curation of excavated cultural material in a museum or other scientifically accredited institution that would make the collections available to future researchers. 			
<p>Prior to issuance of grading permit Attendance of Paleontologist at pre-grade meeting Identify in approved grading and construction plans Monitoring during grading/ disturbance activities</p>	<p>MM 4.13-3 Prior to the issuance of the first grading permit and/or action that would permit Project site disturbance, the Applicant/Contractor shall provide written evidence to the City of Newport Beach Community Development Department that the Applicant/Contractor has retained a qualified Paleontologist to observe grading activities and to conduct salvage excavation of paleontological resources as necessary. The Paleontologist shall be present at the pre-grading conference; shall establish procedures for paleontological resources surveillance; and shall establish, in cooperation with the City, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the fossils as appropriate.</p> <p>Any earth-moving activity associated with development, slope modification, or slope stabilization that requires moving large volumes of earth shall be monitored according to the paleontological sensitivity of the rock units that underlie the affected area. All</p>	<p>Community Development Director Qualified Paleontologist designated by the Community Development Director</p>		

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	<p>vertebrate fossils and representative samples of megainvertebrates and plant fossils shall be collected. Productive sites that yield vertebrates should be excavated, and approximately 2,000 pounds (lbs) of rock samples should be collected to be processed for microvertebrate fossil remains.</p> <p>If any scientifically important large fossil remains are uncovered during earth-moving activities, the Paleontologist shall divert heavy equipment away from the fossil site until s/he has had an opportunity to examine the remains. If warranted, a rock sample shall be collected for processing. The Paleontologist shall be equipped to rapidly remove fossil remains and/or matrix (earth), and thus reduce the potential for any construction delays.</p> <p>If scientifically important fossil remains are observed and if safety restrictions permit, the Construction Contractor shall allow the Paleontologist to safely salvage the discovery. At the Paleontologist's discretion, the Grading Contractor may assist in the removal of the fossil remains and rock sample to reduce any construction delays.</p> <p>All fossils shall be documented in a detailed Paleontological Resource Impact Mitigation Report. Fossils recovered from the field or by processing shall be prepared; identified; and, along with accompanying field notes, maps and photographs, accessioned into the collections of a designated, accredited museum such as the Natural History Museum of Los Angeles County (LACM) or the San Diego Natural History Museum.</p> <p>Because of slope modification, fossil-bearing exposures of the Quaternary marine deposits may be destroyed. If feasible, a few stratigraphic sections with fossil-bearing horizons shall be preserved for educational and scientific purposes.</p>			
Prior to the issuance of grading permits and/or action that would allow for Project site disturbance	<p>MM 4.13-4 Prior to the issuance of the first grading permit and/or action that would allow for Project site disturbance, a paleontological survey shall be conducted to record all paleontological resources present at the surface for those portions of the Project site where grading would occur that would affect Quaternary San Pedro Sand and Quaternary Palos Verdes Sand. A qualified Paleontologist shall make collections of exposed fossils from lithologic units of high paleontologic significance, especially in areas where access to fossil sites is not permitted because of slope</p>	<p>Community Development Director Qualified Paleontologist designated by the Community Development Director</p>		

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	<p>modification. All vertebrate and representative samples of megainvertebrates and plant fossils shall be collected. Productive sites yielding vertebrates should be excavated, and approximately 2,000 lbs of rock samples shall be collected to process for microvertebrate fossil remains. Dry screening of fossil marine shell horizons in the Quaternary terrace deposits and San Pedro Sand with 1/8-inch archaeological field screens shall be conducted to recover rare types of fossil marine mollusks, bony fish, sharks, reptiles, birds, and marine and terrestrial mammals. All fossil sites shall be tied to detailed measured sections showing sedimentary structures and relationships with over- and underlying rock units.</p> <p>a. For San Pedro Sand, prior to the issuance of the first grading permit and/or action that would permit Project site disturbance, a qualified Paleontologist shall prepare a detailed mitigation plan to sample the existing paleontological sites that would be affected by slope modification. The plan shall be developed in consultation with a local museum (e.g., the LACM or the San Diego Natural History Museum) in order to describe the size of the sample, methods of collection and processing, stratigraphic information, and other pertinent information. A bulk sample of at least 100 lbs per fossil site shall be processed through fine screens, and all identifiable fossils shall be sorted from the concentrate. Detailed measured geologic sections placing the fossil sites in a stratigraphic sequence must be made. Bulk sampling that is collected from matrix or sediment to recover rare invertebrates, marine vertebrates, and terrestrial vertebrates must also be part of the mitigation plan.</p>			

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	<p>b. For Quaternary marine terrace deposits (Palos Verdes Sand), prior to the issuance of the first grading permit and/or action that would permit Project site disturbance, a detailed mitigation plan must be developed to sample the existing paleontological sites that would be affected by slope modification. This shall be conducted in consultation with a local museum (e.g., the LACM or the San Diego Natural History Museum) to describe the size of the sample, methods of collection and processing, stratigraphic information, and other pertinent information. A bulk sample of at least 100 lbs per fossil site shall be processed through fine screens, and all identifiable fossils shall be sorted from the concentrate. Detailed measured geologic sections placing the fossil sites in a stratigraphic sequence shall be made. Bulk sampling, collecting, water screening, or dry screening of sediments that contain rare invertebrates, marine vertebrates, and terrestrial vertebrates shall be part of the mitigation plan</p> <p>c. A qualified Paleontologist shall be notified and retained when earth-moving activities are anticipated to impact undisturbed deposits in the San Pedro Sand and Palos Verdes Sand. The designated Paleontologist shall be present during construction activities on a full-time basis to assess whether scientifically important fossils are exposed. Part-time monitoring is recommended in Younger Alluvium. If any scientifically important, large fossil remains are uncovered during earth-moving activities, the Paleontological Monitor shall divert heavy equipment away from the fossil site until s/he has had an opportunity to examine the remains. If warranted, a rock sample shall be collected for processing. The Monitor shall be equipped to allow for the rapid removal of fossil remains and/or matrix (earth), and thus reduce the potential for any construction delays. At the Monitor's discretion, the Grading Contractor may assist in the removal of the fossil remains and rock sample to reduce any delay in construction.</p> <p>d. All fossils shall be documented in a detailed Paleontological Resources Impact Mitigation Report. Fossils recovered from the field or by processing shall be prepared; identified; and,</p>			

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	<p>along with accompanying field notes, maps and photographs, accessioned into the collections of a designated, accredited museum such as the LACM or the San Diego Natural History Museum.</p> <p>e. Because of slope modification and restoration of the bluff area, most, if not all, the fossil-bearing exposures of the San Pedro Sand and Quaternary marine terrace deposits would be destroyed. If feasible, a few stratigraphic sections with fossil-bearing horizons shall be preserved in perpetuity for educational and scientific purposes.</p> <p>f. Nothing in this mitigation measure precludes the retention of a single cross-trained observer qualified to monitor for both archaeological and paleontological resources.</p>			
Public Services				
<p>Condition of approval of Site Development Review and Conditional Use Permits for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District</p> <p>As part of building permit</p>	<p>PDF 4.14-1 The Master Development Plan requires that the Project be designed to provide fire-resistant construction for all structures adjoining natural open space, including utilizing fire-resistant building materials and sprinklers.</p>	Community Development Director		
<p>Prior to the issuance of building permits for residential and commercial uses</p>	<p>SC 4.14-1 Prior to the issuance of a building permit for the construction of residential and commercial uses, the Applicant shall pay the required Property Excise Tax to the City of Newport Beach, as set forth in its Municipal Code (§3.12 et seq.) for public improvements and facilities associated with the City of Newport Beach Fire Department, the City of Newport Beach Public Library, and City of Newport Beach public parks.</p>	Community Development Director		

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Prior to approval of applications for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District	SC 4.14-2 Prior to City approval of individual development plans for the Project, the Applicant shall obtain Fire Department review and approval of the site plan in order to ensure adequate access to the Project site.	Community Development Director		
<p>Condition of approval of for Site Development Review and Conditional Use Permits for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District</p> <p>As part of subdivision improvement plan for portion of North Bluff Road between 17th Street and 19th Street</p> <p>Prior to the issuance of a Certificate of Occupancy fuel modification improvements to be installed, completed, and inspected by Fire Department.</p> <p>Ongoing maintenance</p>	<p>SC 4.14-3 Prior to the issuance of a building permit, the Applicant shall complete that portion of the approved fuel modification plan determined to be necessary by the City of Newport Beach Fire Department prior to the introduction of any combustible materials into the area. This generally involves removal and thinning of plant materials indicated on the approved fuel modification plan(s).</p> <p>Prior to the issuance of a Certificate of Occupancy, fuel modification shall be installed and completed by the Applicant and inspected by the Fire Department. This includes physical installation of features identified in the approved Precise Fuel Modification Plan (including but not limited to plant establishment, thinning, irrigation, zone markers, and access easements, among others). If satisfactory, a Newport Beach Fire Department Fire Code Official shall provide written approval of completion at the time of this final inspection.</p> <p>If applicable, a copy of the approved plans shall be provided to the Homeowners Association (HOA). Fuel modification shall be maintained as originally installed and approved.</p> <p>The applicable Property Owner, HOA, or other party that the City deems acceptable shall be responsible for all fuel modification zone maintenance. All areas shall be maintained in accordance with the approved Fuel Modification Plan(s). This generally includes a minimum of two growth reduction maintenance activities throughout the fuel modification areas each year (spring and fall). Other activities include maintaining irrigation systems, replacing dead or dying vegetation with approved materials, removing dead plant material, and removing undesirable species. The Fire Department shall conduct regular inspections of established fuel modification areas. Ongoing maintenance shall be conducted regardless of the date of these inspections.</p>	<p>Community Development Director</p> <p>Qualified Biologist designated by the Community Development Director</p>		

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Application for Site Development Review for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District Prior to the issuance of building permits	SC 4.14-4 Prior to issuance of building permits, the City of Newport Beach Police Department shall review development plans for the incorporation of defensible space concepts to reduce demands on police services. Public safety planning recommendations shall be incorporated into the Project plans. The Applicant shall prepare a list of Project features and design components that demonstrate responsiveness to defensible space design concepts. The Police Department shall review and approve all defensible space design features incorporated into the Project prior to initiating the building plan check process.	Community Development Director; Police Chief		
Prior to the issuance of first grading permit and/or action that would permit Project site disturbance During grading and construction	SC 4.14-5 Prior to the issuance of the first grading permit and/or action that would permit Project site disturbance, the Applicant shall provide evidence to the City of Newport Beach Police Department that a construction security service or equivalent service shall be established at the construction site along with other measures, as identified by the Police Department and the Public Works Department, to be instituted during the grading and construction phase of the Project.	Community Development Director; Police Chief		
Prior to issuance of building permits	SC 4.14-6 Pursuant to Section 65995 of the <i>California Government Code</i> , the Applicant shall pay developer fees to the Newport-Mesa Unified School District at the time building permits are issued; payment of the adopted fees would provide full and complete mitigation of school impacts.	Community Development Director		
Prior to issuance of building permits	SC 4.14-7 New development within the Project site shall be subject to the same General Obligation bond tax rate as already applied to other properties within the Newport-Mesa Unified School District for Measure F (approved in 2005) and Measure A (approved in 2000) based upon assessed value of the residential and commercial uses.	Community Development Director		
Condition of approval of Tentative Tract Map No. 1309 and subsequent subdivision maps for development purposes Prior to the issuance of certificate of occupancy for any residential dwelling unit, the resort inn, or any commercial structure in Site Planning Area 10a (northerly block only), Site Planning Area 10b The construction of a replacement Fire Station Number 2 within the	MM 4.14-1 Certificates of occupancy shall not be issued by the City of Newport Beach for any residential dwelling unit, the resort inn, or any commercial structure in Site Planning Area 10a (northerly block only), Site Planning Area 10b (northerly block only), and Site Planning Area 12b until Fire Station Number 2 is rebuilt at the existing City Hall site at 23300 Newport Boulevard or at another location that the Newport Beach Fire Department has determined is sufficient to provide fire response within the Fire Department's established response time standards.	Community Development Director		

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(northerly block only), and Site Planning Area 12b	boundaries of the existing City Hall site at the northeastern corner of Newport Boulevard at 32 nd Street or at an alternative location would be the subject of separate, subsequent environmental review. The replacement Fire Station could only be constructed upon the demolition of existing permanent and temporary structures on the City Hall site. Potential environmental impacts associated with the replacement Fire Station Number 2 would be associated with demolition of the existing Fire Station, and the construction and operation of the replacement Fire Station. Potential environmental effects are anticipated to include short-term construction-related traffic, air quality, and noise impacts during demolition and construction. Because of the proximity between the existing and proposed Fire Stations (approximately 500 feet), this relocation is not anticipated to result in new significant operational impacts.			
Prior to the issuance of building permits; payment of fair share fee	MM 4.14-2 The Applicant shall pay the City of Newport Beach a fire facilities impact fee equal to its fair share of the need for a relocated Fire Station Number 2. The fair share fee shall be based on total number of Project dwelling units as a ratio of the total number of dwelling units within the service area of relocated Fire Station Number 2. The proportionate fee shall be paid prior to the issuance of a building permit for any residential dwelling unit.	Community Development Director; Fire Chief		

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<p>Condition of approval of Tentative Tract Map No. 1309 and subsequent subdivision maps for development purposes</p> <p>Prior to the issuance of certificate of occupancy for any residential dwelling unit, the resort inn, or any commercial structure in Site Planning Area 10a (northerly block only), Site Planning Area 10b (northerly block only), and Site Planning Area 12b</p>	<p>MM 4.14-3 Prior to issuance of certificates of use and occupancy for any residential dwelling unit, the resort inn, or any commercial structure in Site Planning Area 10a (northerly block only), Site Planning Area 10b (northerly block only), and Site Planning Area 12b, Fire Station Number 2 shall be complete and operational at the existing City Hall site at 3300 Newport Boulevard or at another location that the Newport Beach Fire Department has determined is sufficient to provide fire response within the Fire Department's established response time standards. In the event the replacement station for Fire Station 2 is not operational in time for issuance of use and occupancy for the above stated site planning areas, then prior to issuance of building permits for any combustible structure in the above site planning areas, the Applicant shall provide and improve a site, as defined by the Development Agreement within the Community Park, areas for a temporary facility of sufficient size to accommodate one engine company and one paramedic ambulance of at least three firefighters on a 7-day/24-hour schedule. The temporary fire station site shall be within the Project limits of disturbance approved as a part of the Project such that no new environmental effects would occur.</p>	<p>Community Development Director; Fire Chief</p>		
Utilities				
<p>Conditions of approval of Site Development Review and Conditional Use Permits for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District</p> <p>As part of approved precise landscape plans</p>	<p>PDF 4.15-1 The Newport Banning Ranch Planned Community Development Plan and the Master Development Plan require the use of native and/or drought-tolerant landscaping in public common areas to reduce water consumption.</p>	<p>Community Development Director; Community Development Department Building Division Manager; Municipal Operations Director; Public Works Director; or designated representatives</p>		

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Conditions of approval for Site Development Review and Conditional Use Permits for development of land uses within the Residential Districts; Visitor-Serving Resort and Residential District; Mixed-Use and Residential District; and the Parks and Recreation District As part of approved precise landscape plans	PDF 4.15-2 The Newport Banning Ranch Planned Community Development Plan and the Master Development Plan require the use of Smart Controller irrigation systems in all public and common area landscaping. Community landscape areas will be designed on a “hydrozone” basis.	Municipal Operations Director; Public Works Director; Community Development Director		
Condition of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes As part of subdivision improvement plans	PDF 4.15-3 The Newport Banning Ranch Planned Community Development Plan and the Master Development Plan include a plan for a domestic water system designed to take advantage of existing water transmission facilities that connect to the Project site to minimize off-site impacts.	Municipal Operations Director; Public Works Director; Community Development Director		
Condition of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes As part of subdivision improvement plans	PDF 4.15-4 The Newport Banning Ranch Planned Community Development Plan and the Master Development Plan include a plan for the Project’s water system to provide a level of redundancy by making a connection between the City of Newport Beach Zone 1 and Zone 2 water lines.	Municipal Operations Director; Public Works Director; Community Development Director		

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<p>Condition of approval of Tentative Tract Map No. 17308 and subsequent subdivision maps for development purposes to require information in Project CC&Rs</p> <p>Condition of approval of Site Development Review and Conditional Use Permits for all development</p> <p>As part of approved precise landscape plans</p> <p>As part of building permits</p> <p>Ongoing; during non-shortage conditions</p>	<p>SC 4.15-1 Chapter 14.16, Water Conservation and Supply Level Regulations, of the <i>City of Newport Beach Municipal Code</i> establishes the following mandatory permanent water conservation requirements, as summarized, during non-shortage conditions:</p> <ul style="list-style-type: none"> a. No customer shall use potable water to irrigate landscaping unless such irrigation is limited to no more than ten minutes of watering per day per station. b. No person shall use water to irrigate landscaping that causes or allows excessive flow or runoff. c. No person shall use water to wash down hard or paved surfaces, except when necessary to alleviate safety or sanitary hazards. d. No person shall permit excessive use, loss, or escape of water through breaks, leaks, or other malfunctions in the user's plumbing or distribution system. e. No customer shall use potable water for irrigation during a rainfall event. f. By July 1, 2012, all landscape irrigation systems connected to dedicated landscape meters shall include rain sensors that automatically shut off such systems during periods of rain or include evapotranspiration systems that schedule irrigation based on climatic conditions. g. No customer shall operate a water fountain or other decorative water feature that does not use a recirculating water system. h. No customer shall use water to clean a vehicle, except by use of a hand-held bucket or hand-held hose equipped with a water shut-off nozzle or device. i. Effective January 1, 2010, all new commercial conveyor car wash systems shall have recirculating water systems. By January 1, 2013, all commercial conveyor car wash systems shall have recirculating water systems. j. Eating or drinking establishments shall not provide drinking water unless expressly requested by the patron. k. Hotel, motel, and other commercial lodging establishments shall provide customers the option of not having towels and linen laundered daily. l. No customer shall install a new, single pass cooling system in a building or on premises requesting new water service. 	<p>Municipal Operations Director; Public Works Director; Community Development Director</p>		

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	m. Effective January 1, 2010, all new washing machines installed in commercial and/or coin-operated laundries shall be EnergyStar® and CEE Tier III qualified. By January 1, 2014, all washing machines installed in commercial and/or coin-operated laundries shall be EnergyStar® and CEE Tier III qualified. n. No customer shall use water from any fire hydrant for any purpose other than fire suppression or emergency aid. o. Commercial kitchens shall employ water-conservation practices and technology. p. Construction Site Requirements: <ul style="list-style-type: none"> - No person shall use potable water for soil compaction or dust control on a construction site where there is an available and feasible source of recycled water or non-potable water approved by the Department of Public Health and appropriate for such use. - No person shall operate a hose within a construction site that is not equipped with an automatic shut-off nozzle, provided that such devices are available for the size and type of hose in use. 			

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As a part of Project CC&Rs During times of declared water shortage	<p>SC 4.15-2 Chapter 14.16, Water Conservation and Supply Level Regulations, of the <i>City of Newport Beach Municipal Code</i> establishes the following four levels of water supply shortage response actions to be implemented during times of declared water shortages.</p> <table border="1"> <thead> <tr> <th>Water Conservation Level</th> <th>Requirements</th> </tr> </thead> <tbody> <tr> <td>Level One</td> <td> Limit outdoor watering to scheduled irrigation days Cutbacks in water usage (up to 10%) Increased response time to fix broken/leaking plumbing (within 72 hours of notification from City) Limit filling of ornamental water features/pools (once per week) </td> </tr> <tr> <td>Level Two</td> <td> Further reduction in scheduled irrigation days and no watering between 9:00 AM and 5:00 PM on any day Increased cutbacks in water usage (11–25%) Increased response time to fix broken/leaking plumbing (within 48 hours of notification from the City) Increase limitations for filling of ornamental water features/pools (once every other week) </td> </tr> <tr> <td>Level Three</td> <td> Further reduction in scheduled irrigation days and no watering between 9:00 AM and 5:00 PM on any day Increased cutbacks in water usage (26–40%) Increased response time to fix broken/leaking plumbing (within 24 hours of notification from the City) No filling of ornamental water features/pools </td> </tr> <tr> <td>Level Four</td> <td> No outdoor watering Increased cutbacks in water usage (more than 40%) No new potable water services/meters Increased response time to fix broken/leaking plumbing (within 24 hours of notification from City) No filling of ornamental water features/pools </td> </tr> </tbody> </table>	Water Conservation Level	Requirements	Level One	Limit outdoor watering to scheduled irrigation days Cutbacks in water usage (up to 10%) Increased response time to fix broken/leaking plumbing (within 72 hours of notification from City) Limit filling of ornamental water features/pools (once per week)	Level Two	Further reduction in scheduled irrigation days and no watering between 9:00 AM and 5:00 PM on any day Increased cutbacks in water usage (11–25%) Increased response time to fix broken/leaking plumbing (within 48 hours of notification from the City) Increase limitations for filling of ornamental water features/pools (once every other week)	Level Three	Further reduction in scheduled irrigation days and no watering between 9:00 AM and 5:00 PM on any day Increased cutbacks in water usage (26–40%) Increased response time to fix broken/leaking plumbing (within 24 hours of notification from the City) No filling of ornamental water features/pools	Level Four	No outdoor watering Increased cutbacks in water usage (more than 40%) No new potable water services/meters Increased response time to fix broken/leaking plumbing (within 24 hours of notification from City) No filling of ornamental water features/pools	Municipal Operations Director; Public Works Director; Community Development Director		
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Timing	Project Design Features/Conditions of Approval/ Mitigation Measures	Responsible for Approval/Monitoring/ Implementation	Completion	
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As a part of building permits	SC 4.15-3 The proposed Project shall meet or exceed all State Energy Insulation Standards and City of Newport Beach codes in effect at the time of application for building permits. Commonly referred to as Title 24, these standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. Title 24 covers the use of energy-efficient building standards, including ventilation; insulation; construction; and the use of energy-saving appliances, conditioning systems, water heating, and lighting. Plans submitted for building permits shall include written notes or calculations demonstrating compliance with energy standards and shall be reviewed and approved by the City of Newport Beach Community Development Department, Building Manager, prior to issuance of building permits.	Community Development Director		