

**MITIGATION
MONITORING AND
REPORTING
PROGRAM
FOR:**

**UPTOWN NEWPORT
ENVIRONMENTAL
IMPACT REPORT**

SCH NO. 2010051094



prepared for:

**CITY OF NEWPORT
BEACH**

Contact:
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**THE PLANNING
CENTER | DC&E**

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Principal, Environmental
Services

NOVEMBER 2012

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1. Mitigation Monitoring and Reporting Program

1.1 PURPOSE OF MITIGATION MONITORING & REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been developed to provide a vehicle to monitor mitigation measures and conditions of approval outlined in the Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2010051094. The MMRP has been prepared in conformance with Section 21081.6 of the Public Resources Code and the City of Newport Beach monitoring requirements. Section 21081.6 states:

- a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
 - 1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
 - 2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.



The State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Newport Beach is the lead agency for Uptown Newport and is therefore responsible for implementing the MMRP.

The MMRP is comprised of the mitigation measures, which serve to avoid, reduce, and/or fully mitigate potential environmental impacts. The MMRP has been identified and recommended through preparation of the DEIR with additional mitigation measures and modified measures resulting from a Responsible Agency proposing an alternative or an additional method to mitigate an impact. These additional measures have been analyzed and would not create any additional significant impacts, but will further lessen impacts anticipated to occur with implementation of the proposed project. The MMRP has been drafted to meet the requirements of Public Resources Code Section 21081.6, as fully enforceable monitoring programs.

1. Mitigation Monitoring and Reporting Program

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 mitigation measure outlined in Table 1, *Mitigation Monitoring Requirements*:

- **Definition of Mitigation.** In each case, 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.
- **Phasing.** As described below in Section 1.3, *Project Summary*, the proposed project will be developed in two phases (Phase 1 and 2). In each case, it is noted whether the mitigation measure is applicable to Phase 1 or 2, or both phases.
- **Responsible Party or Designated Representative.** In each case, unless where otherwise indicated, the project applicant is the responsible party for implementing the mitigation, while the City of Newport Beach or a designated representative is responsible for monitoring the performance and implementation of the mitigation measures. To guarantee that the mitigation measure will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.
- **Timeframe.** In each case, a timeframe for performance of the mitigation measure, 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, and federal agencies with permitting authority over the specific activity.

The numbering system provided in Table 3-1 corresponds with the numbering system used in the DEIR. The last column of the MMRP table will be used by the parties responsible for documenting when implementation of the mitigation measure has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City of Newport Beach. The completed MMRP and supplemental documents will be kept on file at the City of Newport Beach Community Development Department.

1.2 PROJECT LOCATION

The 25.05-acre project site is within the Airport Business Area of the City of Newport Beach. It is bounded by Jamboree Road on the east and is within an area bounded by Birch Street on the north, and Von Karman Avenue and MacArthur Boulevard on the west. The site is currently developed with light industrial/manufacturing uses and associated surface parking lots.

1.3 PROJECT SUMMARY

The proposed Uptown Newport project would consist of mixed uses with up to 1,244 residential units, 11,500 square feet of neighborhood-serving retail space, and approximately two acres of park space. Residential product types would be for-sale and rent with a mix of townhomes, mid- and high-rise condominiums, and affordable housing. Proposed buildings would range from 30 feet to 75 feet in height; with residential towers up to 150 feet high. Of the 1,224 housing units, 184 units would be set aside for affordable housing. Two parks totaling approximately two acres would be developed and accessible to the public. Vehicular access to the site would be from Jamboree Road, Birch Street, and Von Karman Avenue.

1. Mitigation Monitoring and Reporting Program

The project would be developed in two phases. Phase 1 would involve demolition of the existing single-story office building at 4311 Jamboree Road to accommodate approximately 680 residential units, 11,500 square feet of neighborhood-serving commercial development, and a one-acre park. The TowerJazz Semiconductor facility (4321 Jamboree Road) would continue operating during construction and initial operation of Phase 1. Development of Phase 1 is projected to start in 2013 and be completed in 2018. Phase 2 would include demolition of the TowerJazz facility and construction of the remaining 564 residential units and a one-acre park. Timing for Phase 2 would be contingent on the existing lease of the TowerJazz building, which is currently set to expire in March 2017, but could be extended to as late as March 2027. The DEIR conservatively assumed that Phase 2 could commence as early as spring 2017 with buildout through 2021.

The project approvals required from the City include: Planned Community Development Plan amendment and adoption, Tentative Tract Map, Development Agreement, Traffic Study, Affordable Housing Implementation Plan, Phasing Plan, and Design Guidelines.



1. Mitigation Monitoring and Reporting Program

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**Table 1
Mitigation Monitoring Requirements**

Mitigation Measures	Applies to Phase 1	Applies to Phase 2	Responsibility for Implementation and Reporting	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
5.2 Air Quality						
2-1 The construction contractor shall use construction equipment rated by the United States Environmental Protection Agency as having Tier 3 or higher exhaust emission limits for equipment over 50 horsepower that are onsite for more than 5 days. Tier 3 engines between 50 and 750 horsepower are available for 2006 to 2008 model years. After January 1, 2015, equipment over 50 horsepower that are onsite for more than 5 days shall be equipment meeting the Tier 4 standards, if available. A list of construction equipment by type and model year shall be maintained by the construction contractor onsite. A copy of each unit's certified Tier specification shall be provided at the time of mobilization of each applicable unit of equipment. Prior to construction, the City of Newport Beach shall ensure that all demolition and grading plans clearly show the requirement for United States Environmental Protection Agency Tier 3 or higher emissions standards for construction equipment over 50 horsepower during ground-disturbing activities. In addition, equipment shall properly service and maintain construction equipment in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board's Rule 2449.	YES	YES	Project Applicant and Construction Contractor	During grading and construction	City of Newport Beach Community Development Department – Building Division	
2-2 The construction contractor shall implement the following measures or provide evidence to the City of Newport Beach that implementation would not be feasible: <ul style="list-style-type: none"> • If electricity is not available onsite, generators, welders, and air compressors shall use alternative fuels (i.e., electric, natural gas, propane, solar). • Construction parking shall be configured to minimize traffic interference. • Construction trucks shall be routed away from congested streets and sensitive receptors. • Construction activities that affect traffic flow on the arterial system shall be scheduled to off-peak hours to the extent practicable. • Temporary traffic controls, such as a flag person(s), shall be provided, where necessary, to maintain smooth traffic flow. • Large shipments of construction materials and/or equipment requiring use of heavy-heavy duty tractor trailers (e.g., 53-foot truck) shall use EPA-certified SmartWay trucks. 	YES	YES	Project Applicant and Construction Contractor	During grading and construction	City of Newport Beach Community Development Department – Building Division	
2-3 Prior to issuance of a grading permit, the construction contractor shall provide a statement to the City of Newport Beach that the construction contractor shall support and encourage ridesharing and transit incentives for the construction crew, such as carpools, shuttle vans, transit passes, or secured bicycle parking for construction workers.	YES	YES	Project Applicant and Construction Contractor	Prior to issuance of grading permits	City of Newport Beach Community and Public Works Departments	

4. Mitigation Monitoring Reports

**Table 1
Mitigation Monitoring Requirements**

Mitigation Measures	Applies to Phase 1	Applies to Phase 2	Responsibility for Implementation and Reporting	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>2-4 The construction contractor shall prepare a dust control plan and implement the following measures during ground-disturbing activities for fugitive dust control in addition to South Coast Air Quality Management District Rule 403 to reduce particulate matter emissions. The City of Newport Beach shall verify compliance that these measures have been implemented during normal construction site inspections.</p> <ul style="list-style-type: none"> • During all grading activities, the construction contractor shall reestablish ground cover on the construction site through seeding and watering. • During all construction activities, the construction contractor shall sweep streets with Rule 1186-compliant, PM10-efficient vacuum units on a daily basis if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling. • During all construction activities, the construction contractor shall maintain a minimum 24-inch freeboard on trucks hauling dirt, sand, soil, or other loose materials, and tarp materials with a fabric cover or other cover that achieves the same amount of protection. • During all construction activities, the construction contractor shall water exposed ground surfaces and disturbed areas a minimum of every three hours on the construction site and a minimum of three times per day. Recycled water should be used, if available. • During site preparation, the construction contractor shall stabilize stockpiled materials. Stockpiles within 300 feet of occupied buildings shall not exceed 8-feet in height, must have a road bladed to the top to allow water truck access, or must have an operational water irrigation system that is capable of complete stockpile coverage. • During all construction activities, the construction contractor shall limit onsite vehicle speeds on unpaved roads to no more than 15 miles per hour. 	YES	YES	Project Applicant and Construction Contractor	During grading and construction	City of Newport Beach Community Development Department – Building Division	
<p>2-5 The construction contractor during Phase 2 activities shall adhere to one of the following if construction of Phase 1 overlaps with construction of Phase 2:</p> <ul style="list-style-type: none"> • The construction contractor shall install Level 2 Verified Diesel Emission Control Strategies (VDES) diesel particulate filters (DPF) on large off-road equipment that have engines rated 50 hp or greater during grading, utilities installation, paving, and concrete activities that overlap with Phase 1 building construction. A list of construction equipment by type and model year and type of DPF shall be maintained by the construction contractor onsite. Or • Phase 2 site improvements (grading, utilities installation, paving, and concrete construction subphases) shall not overlap with Phase 1 building construction. <p>The City of Newport Beach shall verify compliance that one of these measures has been implemented during normal construction site inspections.</p>	NO	YES	Project Applicant and Construction Contractor	During grading and construction	City of Newport Beach Community Development Department – Building Division	

**Table 1
Mitigation Monitoring Requirements**

Mitigation Measures	Applies to Phase 1	Applies to Phase 2	Responsibility for Implementation and Reporting	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
2-6 The construction contractor shall post a sign at the entrance to the construction site. The sign shall identify the designated contact person, telephone number, and email address for construction-related complaints. Upon receipt of a complaint, the complaint shall be investigated and corrective action shall be taken, if needed. The construction contractor shall file a report to the City of Newport Beach of the nature of the complaint and action taken to remedy the complaint within two working days. A log of the complaints and resolutions to the complaints shall be maintained onsite.	YES	YES	Project Applicant and Construction Contractor	During grading and construction	City of Newport Beach Community Development Department – Building Division	
5.3 Biological Resources						
3-1 Prior to any proposed actions during the breeding season, January 31st through September 15th, the monitoring biologist shall conduct a pre-construction survey(s) to identify any active nests in and near the project area no more than three days prior to project initiation. If the biologist does not find any active nests that would be potentially impacted, the proposed action may proceed. Any active nests observed during the survey shall be mapped on a recent aerial photograph, including documentation of GPS coordinates. If the biologist finds an active nest within or adjacent to the action area and determines that the nest may be impacted, the biologist shall delineate an appropriate buffer zone around the nest using temporary plastic fencing or other suitable materials, such as barricade tape and traffic cones. The buffer zone shall range from a 300- to 500-foot radius at the discretion of the biologist. Only activities approved by the qualified biologist shall take place within the buffer zone until the nest is vacated. Once the nest is no longer active, the proposed action may proceed within the buffer zone.	YES	YES	Project Applicant and Monitoring Biologist	During grading and construction	City of Newport Beach Community Development Department – Planning Division	
5.4 Cultural Resources						
4-1 Prior to the issuance of grading permits, the project applicant shall demonstrate to the Community Development Department that an Orange County-certified professional archaeologist has been retained to monitor any potential impacts to archaeological or historic resources throughout the duration of any ground-disturbing activities at the project site. The archeologist shall develop a Cultural Resources Awareness Training program, which shall provide examples of the types of resources that might be encountered and detail procedures to be implemented in that event. The qualified archeologist shall be present at the pregrade meeting to present the training program to all earthmoving personnel and their supervisors and to discuss the monitoring, collection, and safety procedures of cultural resources, if any are found. If subsurface cultural resources are inadvertently discovered during ground-disturbing activities, the construction contractor shall ensure that all work stops within 25 feet of the find until the qualified archeologist can assess the significance of the find and, if necessary, shall develop appropriate treatment or disposition of the resources in consultation with the City of Newport Beach and a representative of the affected Native American tribe (Gabrielino). The archeological monitor shall have the authority to halt any project-related activities that may be adversely impacting potentially significant cultural resources. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until an	YES	YES	Project Applicant, Certified Paleontologist, and Construction Contractor	Prior to the issuance of grading permits	City of Newport Beach Community Development Department – Planning Division	

4. Mitigation Monitoring Reports

**Table 1
Mitigation Monitoring Requirements**

Mitigation Measures	Applies to Phase 1	Applies to Phase 2	Responsibility for Implementation and Reporting	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
archeological monitor has evaluated the discoveries to assess whether they are classified as significant cultural resources, pursuant to the California Environmental Quality Act.						
4-2 Prior to the issuance of grading permits, the project applicant shall demonstrate to the Community Development Department that an Orange County-certified professional paleontologist has been retained to monitor any potential impacts to paleontological resources throughout the duration of any ground-disturbing activities at the project site. The paleontologist shall review the project's final plans and develop and implement a Paleontological Mitigation Plan, which shall include the following minimum elements: <ul style="list-style-type: none"> All earthmoving activities eight-feet or more below the current surface shall be monitored full-time by a qualified paleontological monitor. If fossils are discovered, the paleontological monitor has the authority to temporarily divert work within 25 feet of the find to allow recovery of the fossils and evaluation of the fossil locality. Fossil localities shall require documentation including stratigraphic columns and samples for micropaleontological analyses and for dating. Fossils shall be prepared to the point of identification and evaluated for significance. Significant fossils shall be cataloged and identified prior to being donated to an appropriate repository. The final report shall interpret any paleontological resources discovered in the regional context and provide the catalog and all specialists' reports as appendices. 	YES	YES	Project Applicant, Certified Paleontologist, and Construction Contractor	Prior to the issuance of grading permits	City of Newport Beach Community Development Department – Planning Division	
5.6 Geology and Soils						
6-1 Prior to issuance of any grading permits for the project, the project applicant shall have soil testing for expansion potential conducted by a professional engineering geologist or registered geotechnical engineer. The geologist or engineer shall prepare a report describing the sampling and testing; findings; any hazards related to the findings; and recommendations for reducing any hazards identified. The project applicant shall submit a copy of the report to the City of Newport Beach Community Development Department for review and approval by the City Building Division.	YES	YES	Project Applicant and Project Engineer	Prior to the issuance of grading permits	City of Newport Beach Community Development Department – Building Division	
5.7 Hazards and Hazardous Materials						
7-1 In compliance with CFC Section 381.1 (Amendment), prior to issuance of building permits for Phase 1, the project applicant shall submit a geologic study from a state-licensed and department-approved individual or firm to the Newport Beach Fire Department Fire Prevention Division for review and approval (due to the proximity of the proposed project to a semiconductor facility).	YES	NO	Project Applicant and Project Engineer	Prior to the issuance of building permits	City of Newport Beach Fire Department – Fire Prevention Division	

**Table 1
Mitigation Monitoring Requirements**

Mitigation Measures	Applies to Phase 1	Applies to Phase 2	Responsibility for Implementation and Reporting	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>7-2 Prior to issuance of any building permit for Phase 1, the applicant shall demonstrate compliance with CFC Section 27041.1 (Amendment), which prohibits the storage of any amount of extremely hazardous substances equal to or greater than the disclosable amounts listed in Appendix A, Part 355, Title 40, of the Code of Federal Regulations in a residential zone or adjacent to property developed with residential uses. Compliance shall be demonstrated to the satisfaction of the Newport Beach Fire Department and shall include the following:</p> <ul style="list-style-type: none"> • Installation of a new anhydrous ammonia tank at a minimum distance of 200 feet from the nearest existing or proposed residential structure (including the adjacent Koll property project). The new tank shall be approved by the Newport Beach Fire Department, and the tank and installation shall include mitigation safeguards such as: automatic shut-off valves, excess flow valves, restrictive flow orifices, toxic gas detection system, automatic sprinkler system, water deluge system, alarm system, and double containment piping. An updated Offsite Consequence Analysis (OCA) shall be prepared to the satisfaction of the Fire Department prior installation of the new tank. • In the event a new anhydrous ammonia tank is not installed or the existing tank relocated, no residential structures shall be constructed within 200 feet of the anhydrous ammonia tank. • Demonstration of maintenance of industry best practices and provision of minimum EPGR-2 separation distances as defined by the EPA for any extremely hazardous substances (EHS) in excess of disclosable amounts. The use of the term “adjacent to” (per CFC Section 27041.1 (Amendment) shall be interpreted to be a greater distance than an offsite consequence analysis would require as a safe EPGR-2 (or an equivalent and accepted standard) separation distance (ibid). 	YES	NO	Project Applicant and TowerJazz Personnel	Prior to the issuance of building permits	City of Newport Beach Fire Department – Fire Prevention Division	
<p>7-3 Prior to the issuance of occupancy permits, the applicant shall demonstrate to the satisfaction of the City of Newport Beach Fire Department that the following disclosures and emergency notification procedures/programs are in place:</p> <ul style="list-style-type: none"> • Disclosure to potential Uptown Newport residences that hazardous chemicals are used and stored at the adjacent TowerJazz facility. • Inclusion of property manager or authorized representative of the Uptown Newport residential community to the emergency notification list of the TowerJazz Business Emergency Plan. • Program to inform/train the property manager or authorized representative of the Uptown Newport residential community in emergency response and evacuation procedures and to incorporate ongoing coordination between the Uptown Newport representative and TowerJazz to assure proper action in the event of an accident at the facility (shelter in place and/or evacuation routes). • Upgrade TowerJazz emergency alarm system to include concurrent notification to Uptown Newport residents of chemical release. Provisions of the alarm system and emergency notification procedure shall be reviewed and approved by the City of Newport Beach Fire Department. 	YES	NO	Project Applicant	Prior to the issuance of occupancy permits	City of Newport Beach Fire Department – Fire Prevention Division	

4. Mitigation Monitoring Reports

**Table 1
Mitigation Monitoring Requirements**

Mitigation Measures	Applies to Phase 1	Applies to Phase 2	Responsibility for Implementation and Reporting	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
7-4 Prior to the introduction of a new extremely hazardous substance (EHS) or increase in quantity of any existing EHS at TowerJazz, an updated OCA shall be prepared and reviewed and authorized by the City of Newport Beach Fire Department. Any new EHS shall be appropriately located and the installation designed with all necessary mitigation safeguards specified by the City of Newport Beach Fire Department.	YES	NO	Project Applicant and TowerJazz Personnel	Prior to the introduction of a new extremely hazardous substance (EHS) or increase in quantity of any existing EHS at TowerJazz	City of Newport Beach Fire Department – Fire Prevention Division	
7-5 Prior to the issuance of building permits for development within Phase 1, the project applicant shall obtain a “No Further Action” declaration or Letter of Allowance for residential construction for Phase 1 from the Regional Water Quality Control Board.	YES	NO	Project Applicant and Project Engineer	Prior to the issuance of building permits	City of Newport Beach Fire Department – Fire Prevention Division	
7-6 The project applicant shall submit copies of applicable reports and plans as submitted to the RWQCB for remedial activities within the Phase 2 portion of the project site to the City of Newport Beach Community Development Department. Such copies shall include remediation action plans and annual soil and groundwater remediation progress reports.	NO	YES	Project Applicant	Prior to the issuance of grading permits	City of Newport Beach Community Development Department – Building Division	
7-7 Prior to the issuance of building permits for development within Phase 2, the project applicant shall obtain a “No Further Action” declaration or Letter of Allowance for residential construction for Phase 2 from the Regional Water Quality Control Board.	NO	YES	Project Applicant	Prior to the issuance of building permits	City of Newport Beach Community Development Department – Building Division	
7-8 Prior to issuance of demolition permits, the project applicant shall have the following inspections and assessments conducted for the Half Dome building (Phase 1) and TowerJazz building (Phase 2) and shall provide the Community Development Department with a copy of the report of each investigation or assessment. <ul style="list-style-type: none"> • The applicant shall retain a certified lead inspector/assessor to inspect buildings onsite for lead-based paint (LBP). The inspector/assessor’s report shall describe regulatory requirements for lead containment applicable to any LBP discovered onsite. • The applicant shall retain a licensed or certified asbestos consultant to inspect buildings onsite for asbestos-containing materials (ACM). The asbestos consultant’s report shall include requirements for abatement, containment, and disposal of ACM in South Coast Air Quality Management District Rule 1403. 	YES	YES	Project Applicant and Construction Contractor	Prior to the issuance of demolition permits	City of Newport Beach Community Development Department – Building Division	
7-9 Prior to the issuance of building permits for Phase 2, the project applicant shall retain a registered environmental assessor or other professional qualified to conduct a human health risk assessment (HHRA) of potential volatile organic compound contamination. The HHRA shall be conducted under the guidance and review of the Regional Water Quality Control Board. Approval of tentative tract map(s) for Phase 2 shall not occur until the project applicant obtains a “No Further Action” declaration or a Letter of Allowance for residential construction from the Regional Water Quality Control Board.	NO	YES	Project Applicant and Registered Environmental Assessor or Other Professional	Prior to the issuance of building permits	City of Newport Beach Community Development Department – Building Division	

**Table 1
Mitigation Monitoring Requirements**

Mitigation Measures	Applies to Phase 1	Applies to Phase 2	Responsibility for Implementation and Reporting	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
7-10 Prior to issuance of a building permits for Phase 2 development, the project applicant shall demonstrate to the Community Development Department that contamination in soil and groundwater on Phase 2 has been remediated to meet the cleanup goal for the site for total volatile organic compounds set by the State Water Resources Control Board and shall have obtained a "No Further Action" declaration or Letter of Allowance for residential construction from the Regional Water Quality Control Board.	NO	YES	Project Applicant and Project Engineer	Prior to the issuance of building permits	City of Newport Beach Community Development Department – Building Division	
7-11 Prior to the issuance of demolition permits for Phase 2, the construction dates for the SCE Substation shall be confirmed. If the facility was constructed prior to the 1980's, a certified inspector approved by the City of Newport Beach Fire Department shall be retained to test for PCBs and related hazardous materials. If PCBs or other hazardous materials are determined to be present, a mitigation program to abate, contain and dispose of the materials shall be prepared and approved by the City Fire Department. Such program shall be implemented prior to the issuance of Phase 2 building permits.	NO	YES	Project Applicant, Construction Contractor, and Certified Inspector	Prior to the issuance of demolition permits	City of Newport Beach Community Development Department and Fire Department	
5.10 Noise and Vibration						
10-1 The parking lot surface of all parking garages shall be textured to eliminate tire squeal noise. Ventilation equipment for the parking garages shall be designed to meet the City's noise limits for Zone III, not exceed a daytime maximum of 60 dBA Leq (or 80 dBA Lmax) and a nighttime maximum of 50 dBA Leq (or 70 dBA Lmax). This can be accomplished by selecting quieter equipment or by enclosing ventilation equipment.	YES	YES	Project Applicant, Project Engineer, and Construction Contractor	During construction	City of Newport Beach Community Development Department – Building Division	
10-2 Truck deliveries shall be restricted to the daytime hours between 7 AM and 10 PM.	YES	YES	Project Applicant and Construction Contractor	During grading and construction	City of Newport Beach Community Development Department	
10-3 Prior to issuance of building permits for Phase 1, a detailed acoustical study based on architectural plans shall be prepared by a qualified acoustical consultant and submitted to the Community Development Department for review and approval. The study shall demonstrate that all residential units would meet the 65 dBA CNEL exterior noise standard for all patios, balconies, and common outdoor living areas (playgrounds, parks, and swimming pools). The necessary noise reduction may be achieved by implementing noise control measures at the TowerJazz facility and at the receiver locations, as described in detail in the Technical Memorandum provided by Wilson Ihrig and Associates (Appendix J). The technical memorandum includes noise control measures that would be implemented at the rooftop mechanical equipment and at the cooling towers of the TowerJazz facility, summarized below: <ul style="list-style-type: none"> • Rooftop Mechanical Equipment Noise Control <ul style="list-style-type: none"> ○ Exhaust Fan Noise Control: The exhaust fan noise can be most effectively controlled by constructing noise barriers around three sides of each of the exhaust stacks, such that the barriers would be located between the stacks and the future Phase 1 development. In addition to a barrier, sound levels can be reduced by modifying the exhaust stack and fan. 	YES	NO	Project Applicant and Acoustical Engineer/Consultant	Prior to the issuance of building permits	City of Newport Beach Community Development Department – Planning Division	

4. Mitigation Monitoring Reports

**Table 1
Mitigation Monitoring Requirements**

Mitigation Measures	Applies to Phase 1	Applies to Phase 2	Responsibility for Implementation and Reporting	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<ul style="list-style-type: none"> ○ Other Equipment: Other specific pieces of rooftop equipment can be treated with barriers lined with acoustical absorption. Ducts and pipes that radiate significant noise can be treated by adding mass to the duct walls, or lined with acoustical absorption or lead-loaded vinyl. ○ Screen: The performance of the existing sheet metal parapet wall/screen can be enhanced by treating the upper 8 feet of the screen with acoustical absorption. <ul style="list-style-type: none"> • Cooling Towers Noise Control <ul style="list-style-type: none"> ○ Relocation: Moving the cooling towers away from the Phase 1 development would be an effective approach to noise control. ○ Replacement: Replacement of the existing cooling towers can be considered, as new towers would have new coils with improved air flow and efficiency. ○ Additional Cooling Towers: Additional cooling towers would reduce the cooling demand on individual units, allowing the fans to operate at lower speed. ○ Fan Noise: The cooling tower fans appear to be the primary noise source. The fan noise emanates from the top of the cooling towers and from the coils. Waterfall noise, though not readily apparent, also transmits through the coils to the exterior. The following provisions may be applied to the existing cooling towers to reduce cooling tower noise: coil replacement, variable frequency drives, tip seals, aerodynamic fan blades, treatment of the discharge stack, acoustical louvers, and sound barriers. <p>The measures described above, or some combination thereof, would reduce the exterior noise levels at units facing the TowerJazz facility to 65 dBA CNEL. The property owner/developer shall implement these noise control measures at the TowerJazz facility and demonstrate with noise level measurements that noise from the operation of mechanical equipment at the TowerJazz facility would not exceed 65 dBA CNEL at the property boundary or at the nearest receptors.</p> <p>In addition, the final grading and building plans shall incorporate the required noise barriers at common exterior areas and patios (glass/Plexiglas patio enclosures, wall, berm, or combination wall/berm) and at balconies (glass or Plexiglas balconies enclosure). Patio enclosures for units facing the TowerJazz facility would need acoustical absorption to absorb sound in the balcony. The property owner/developer shall install these barriers and enclosures.</p>						

**Table 1
Mitigation Monitoring Requirements**

Mitigation Measures	Applies to Phase 1	Applies to Phase 2	Responsibility for Implementation and Reporting	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
10-4 Prior to issuance of building permits for Phase 2, a detailed acoustical study based on architectural plans shall be prepared by a qualified acoustical consultant and submitted to the Community Development Department to demonstrate that all residential units would meet the 65 dBA CNEL exterior noise standard for all patios, balconies, and common outdoor living areas. The necessary noise reduction may be achieved by implementing noise control measures at the receiver locations. The final grading and building plans shall incorporate the require noise barriers (patio enclosure, wall, berm, or combination wall/berm), and the property owner/developer shall install these barriers and enclosures.	NO	YES	Project Applicant and Acoustical Engineer/Consultant	Prior to the issuance of building permits	City of Newport Beach Community Development Department – Planning Division	
10-5 Prior to issuance of building permits for each residential structure located within Phase 1, a detailed acoustical study based on architectural plans shall be prepared by a qualified acoustical consultant and submitted to the Community Development Department to demonstrate that all residential units would meet the 45 dBA CNEL interior noise standards for habitable rooms (i.e., bedrooms, living rooms, dens, kitchens) due to exterior noise from traffic, aircraft overflights, and stationary noise from the TowerJazz facility. The report shall evaluate the effects of the precise building placement and design materials used for construction. It shall describe and quantify the noise sources impacting the buildings, the amount of outdoor to indoor noise reduction provided by the structure, and any upgrades required to meet the interior noise standard. This standard must be achieved with the windows closed in conjunction with a fresh air mechanical ventilation or air conditioning system, and it may require upgraded construction methods and materials. According to the preliminary assessment provided by Wilson Ihrig and Associates, the required noise reduction at units facing the TowerJazz facility would be achieved with acoustically rated doors and windows with a Sound Transmission Class (STC) no greater than 35. The measures described in the report shall be incorporated into the architectural plans for the buildings and implemented with building construction.	YES	NO	Project Applicant and Acoustical Engineer/Consultant	Prior to the issuance of building permits	City of Newport Beach Community Development Department – Planning Division	
10-6 Prior to issuance of building permits for each residential structure located within Phase 2, a detailed acoustical study based on architectural plans shall be prepared by a qualified acoustical consultant and submitted to the Community Development Department to demonstrate that all residential units would meet the 45 dBA CNEL interior noise standards for habitable rooms (i.e., bedrooms, living rooms, dens, kitchens) with exterior noise from traffic and aircraft overflights. The report shall evaluate the effects of the precise building placement and design materials used for construction. It shall describe and quantify the noise sources impacting the buildings, the amount of outdoor to indoor noise reduction provided by the structure, and any upgrades required to meet the interior noise standard. This standard must be achieved with the windows closed in conjunction with a fresh air mechanical ventilation or air conditioning system, and it may require upgraded construction methods and materials. The measures described in the report shall be incorporated into the architectural plans for the buildings and implemented with building construction.	NO	YES	Project Applicant and Acoustical Engineer/Consultant	Prior to the issuance of building permits	City of Newport Beach Community Development Department – Planning Division	

4. Mitigation Monitoring Reports

**Table 1
Mitigation Monitoring Requirements**

Mitigation Measures	Applies to Phase 1	Applies to Phase 2	Responsibility for Implementation and Reporting	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>10-7 During Phase 1 construction, the construction contractor shall implement a vibration control program to reduce vibration levels at the TowerJazz facility. The Technical Memorandum prepared by Wilson Ihrig and Associates includes several measures to control vibration at the TowerJazz facility, outlined below:</p> <ul style="list-style-type: none"> • Pile Driving: <ul style="list-style-type: none"> ○ Augured piles shall be employed to the extent possible. Impact and vibratory pile drivers shall not be used during construction unless TowerJazz is consulted to avoid excessive vibration during operation of sensitive equipment. Constant frequency pile drivers might be acceptable if operated at sufficient distance from the TowerJazz facility and if demonstrated to not impact TowerJazz operations. • Heavy Construction Equipment: <ul style="list-style-type: none"> ○ Within 200 feet of the TowerJazz facility, wheel loaders and dozers shall be employed rather than the track-laying heavy equipment. Contractor training and notification should be conducted to minimize dozer blades and buckets being dropped on the ground for wheeled equipment operated within 200 feet of the TowerJazz facility. ○ Static rollers should be employed where compacting is required. To avoid excessive vibration during operation of sensitive equipment, vibratory rollers should not be used unless TowerJazz is consulted and ground vibration produced by such rollers is found to be acceptable to TowerJazz operations. ○ Hoe rams shall be not be used to break up concrete grade slabs within 100 feet of the TowerJazz facility and office uses adjacent to the project site. Concrete slabs can be sawed and lifted away to another location where they may be broken up by the hoe ram. • Haul Trucks: Haul trucks shall be routed away, to the extent possible, from the TowerJazz facility. • Lay-Down Areas: Lay-down areas include material storing areas such as piles, steel shapes, and other heavy items. The lay-down area should be located in portions of the construction site that are at least 200 feet away from the TowerJazz facility. • Vibration Monitoring: Vibration monitoring shall be conducted in the TowerJazz building during development and construction of Phase 1. Vibration monitors shall be located in select locations where sensitive equipment is located in consultation with TowerJazz. The most appropriate location for monitoring would be at the building foundations along the exterior sides facing the construction work. Recommended thresholds for vibration monitoring have been developed based on past vibration monitoring at the TowerJazz facility during the seismic retrofit and on the vibratory characteristics of construction equipment that are anticipated to be used during construction of Phase 1. Recommended thresholds for vibration monitoring are: 	YES	NO	Project Applicant and Construction Contractor	During grading and construction	City of Newport Beach Community Development Department	

**Table 1
Mitigation Monitoring Requirements**

Mitigation Measures	Applies to Phase 1	Applies to Phase 2	Responsibility for Implementation and Reporting	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<ul style="list-style-type: none"> o A vibration level of 0.125 in/sec will trigger a warning that will notify the construction operator and TowerJazz; o A vibration level of 0.250 in/sec will trigger a warning that will notify the construction operator and TowerJazz of excessive vibration and that the construction activity that is causing the excessive vibration should be stopped. o Construction activity may recommence upon satisfactory assessment that the continued construction activity will not substantially affect the use of vibration- sensitive equipment or interfere with operations at the TowerJazz facility. Final protocol for notification to TowerJazz and construction equipment operators will be determined and documented in a vibration monitoring plan prepared prior to construction. 						
10-8 Augured piles shall be employed to the extent possible. Impact and vibratory pile drivers shall not be used during construction within 75 feet of any building.	YES	YES	Project Applicant and Construction Contractor	During grading and construction	City of Newport Beach Community Development Department – Building Division	
10-9 The construction contractor shall ensure that all construction equipment onsite is properly maintained and tuned to minimize noise emissions.	YES	YES	Project Applicant and Construction Contractor	During grading and construction	City of Newport Beach Community Development Department – Building Division	
10-10 The construction contractor shall ensure that construction equipment is fit with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.	YES	YES	Project Applicant and Construction Contractor	During grading and construction	City of Newport Beach Community Development Department – Building Division	
10-11 The construction contractor shall locate all stationary noise sources (e.g., generators, compressors, staging areas) as far from residential and recreational receptor locations as is feasible.	YES	YES	Project Applicant and Construction Contractor	During grading and construction	City of Newport Beach Community Development Department – Building Division	
10-12 Material delivery, soil haul trucks, equipment servicing, and construction activities shall be restricted to the hours set forth in the City of Newport Beach Municipal Code, Section 10.28.040.	YES	YES	Project Applicant and Construction Contractor	During grading and construction	City of Newport Beach Community Development Department – Building Division	

4. Mitigation Monitoring Reports

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