

# **Appendix A**

Mitigation Monitoring and Reporting Plan

**APPENDIX A  
MITIGATION MONITORING AND REPORTING PLAN**

<b>LDS RECTORY USE PERMIT AMENDMENT MITIGATION MONITORING AND REPORTING PLAN</b>					
	<b>Implementation Action</b>	<b>Method of Verification</b>	<b>Timing</b>	<b>Responsible Party</b>	<b>Verification Date</b>
<b>Aesthetics</b>					
<b>MM AE.1</b> Lighting shall be in compliance with applicable standards of the Zoning Code. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. "Walpak" type fixtures are not permitted. A lighting plan shall be approved by the Planning Department prior to the issuance of building permits.	Condition of approval	Plan check	Prior to the issuance of permits	Planning Department	
<b>MM AE.2</b> The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Planning Director, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Planning Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated. Night lighting adjacent to the ESA shall be the lowest illumination allowed for human safety, selectively placed, shielded, and directly away from preserved habitat at the maximum extent practicable. A lighting plan shall be approved by the Planning Department prior to the issuance of building permits.	Condition of approval	Plan check	Prior to the issuance of permits	Planning Department	
<b>MM AE.3</b> Prior to the issuance of building permits, the applicant shall prepare photometric study in conjunction with a final lighting plan for approval by the Planning Department.	Condition of approval	Plan check	Prior to the issuance of permits	Planning Department	

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<b>MM AE.4</b> Prior to issuance of the certificate of occupancy or final of building permits, the applicant shall schedule an evening inspection by the Code and Water Quality Enforcement Division to confirm control of light and glare.	Condition of approval	Evening field inspection	Prior to issuance of final building permits and after construction	Code and Water Quality Enforcement Division	
<b>Biological Resources</b>					
<b>MM BR.1</b> If a federal- or state-listed endangered or threatened plant or wildlife species is found during surveys of the project site or project construction within the fuel modification zone, regardless of whether or not it is found during the blooming or breeding season, the resource agencies shall be notified and a consultation may be necessary regarding avoidance measures. The applicant shall work with the Fire Department to develop a strategy to protect the sensitive habitat areas from fuel modification and ongoing maintenance of the fuel modification zone.	Condition of approval	Qualified biological monitor	During surveys of the project site or during construction	Planning Department and Fire Department	
<b>MM BR.2</b> All brush clearing (except tree trimming and removal, see below) and other construction activities within the fuel modification zone shall occur outside the general avian breeding season. All brush clearing and construction shall take place between September 16 and February 14 (i.e., outside of the general avian breeding season of February 15 through September 15).  o Vegetation removal shall take place only under the supervision of a qualified biological monitor knowledgeable in the identification of sensitive plant species. The monitor shall flag sensitive and fire resistive plants so that the vegetation removal crew can avoid impacts to these species.	Condition of approval	Field inspections and supervision by a qualified biological monitor	During construction	Planning Department and Fire Department	

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<ul style="list-style-type: none"> <li>o Tree trimming or removal shall only take place between September 16 and December 31 (i.e., outside the raptor breeding season of January 1 through September 15).</li> </ul>					
<p><b>MM BR.3</b> In compliance with the Migratory Bird Act, if vegetation removal within the project site (within the project footprint or fuel modification zone) must occur within the breeding season (February 15 through September 15), the following surveys shall be conducted prior to the issuance of building permits. These surveys shall take place prior to vegetation removal and construction.</p> <ul style="list-style-type: none"> <li>o Conduct protocol focused surveys for the coastal California gnatcatcher in accordance with United States Fish and Wildlife Service (USFWS) guidelines (1997).</li> <li>o Survey for nesting activity of raptors within a 500-foot radius of the project site if vegetation removal must occur within the avian breeding season (February 15 through September 15). Surveys shall be conducted during appropriate nesting times and concentrate on mature trees. If any active nests are observed, the nest area shall be flagged and protected (while occupied) during construction.</li> <li>o Survey habitat in the project area and within a 300-foot radius. If any active nests are observed, the nest area shall be flagged and protected (while occupied) during construction.</li> </ul>	Condition of approval	Qualified biological monitor and construction timeline	Prior to issuance of building permits	Planning Department	
<p><b>MM BR.4</b> Conduct a field survey of the property boundary prior to issuance of building permits and stake the area proposed for fuel modification. Should the mixed willow series and/or mule fat series fall within the proposed fuel modification zone, coordination</p>	Condition of approval	Field survey	Prior to issuance of building permits.	Planning Department	

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with the City of Newport Beach Fire Department is recommended to completely avoid these communities during vegetation removal.					
<b>MM BR.5</b> Vegetation removal shall take place outside of the avian breeding season in order to avoid disturbance to potentially nesting least Bell's vireo. If vegetation removal must take place during the avian breeding season, bird surveys shall be conducted per recommendations described above in IV.a (Biological Resources). Bird surveys shall be conducted prior to issuance of building permits.	Condition of approval	Qualified biological monitor and construction timeline	Prior to issuance of building permits.	Planning Department	
<b>MM BR.6</b> Conduct a field survey of the property boundary prior to issuance of building permits and stake the area proposed for fuel modification to verify whether this drainage feature lies within the proposed fuel modification zone.	Condition of approval	Field survey	Prior to issuance of building permits	Planning Department	
<b>MM BR.7</b> After the field study has been conducted and prior to the issuance of building permits, coordinate with the City of Newport Beach Fire Department to determine if this drainage feature can be completely avoided during fuel modification activities. If the bed, bank, channel and riparian vegetation within this drainage can be avoided entirely, Section 401, 404, and 1600 permits shall not be required.	Condition of approval	Field survey	Prior to issuance of building permits	Fire Department	
<b>MM BR.8</b> If the field survey determines the drainage features exist within the proposed fuel modification zone and cannot be avoided, a formal jurisdictional delineation shall be required prior to issuance of building permits to determine the impacts to SCACE/RWQCB/CDFG jurisdictional waters. Agency coordination shall be required based on the findings of the formal	Condition of approval	Field survey	Prior to issuance of building permits	Building Department, Army Corps of Engineers, Regional Water Quality Control Board, and Department of Fish	

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delineation.				and Game	
<p><b>MM BR.9</b> Preparation of a Planting Plan that includes the following techniques instrumental for hillside stabilization:</p> <ul style="list-style-type: none"> <li>o Describes an above-ground cutting method, leaving approximately 1” stumps.</li> <li>o Provides a list of species for replacement planting that are instrumental for soil stability. These species shall be selected from the City of Newport Beach Urban Wildland Interface Area Standard for Hazard Reduction Fire Resistive Plant List. This list can be found in Appendix C of the Biological Reconnaissance Study conducted by Chambers Group, Inc. (Appendix C). These plants shall also be native in order to satisfy the recommendations provided below concerning wildlife movement corridors.</li> <li>o Provides direction in application of a soil binder to areas where plants are removed.</li> <li>o Replacement planting shall be part of an approved planting plan approved by the Fire Department prior to issuance of final building permits.</li> <li>o New plants added during regular maintenance shall be reviewed and approved by the Fire Department and updated on the approved planting plan.</li> </ul>	Condition of approval	Planting plan	Prior to issuance of building permits	Fire Department	
<p><b>MM BR.10</b> During preparation of a Planting Plan as described above, replacement planting recommendations for Zone B of the fuel modification zone shall consist, to the greatest extent feasible, of native plants characteristic of the California sagebrush scrub vegetation community already present within the ESA. In</p>	Condition of approval	Planting plan	Prior to issuance of building permits	Fire Department	

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addition, these plants shall be selected for good hillside stabilization as described above. Replacement planting shall be part of an approved planting plan approved by the Fire Department prior to issuance of final building permits.					
<b>MM BR.11</b> Replacement planting with native plants characteristic of the California sagebrush scrub community, as mentioned above, will minimize effects to the existing corridor. If this is not feasible, then an in-depth wildlife corridor study for the fuel modification buffer may be required. Replacement planting shall be part of an approved planting plan approved by the Fire Department prior to issuance of final building permits.	Condition of approval	Planting Plan	Prior to issuance of building permits	Fire Department and Planning Department	
<b>MM BR.12</b> Signage on the boundary fencing shall state that access to areas north and east of the project site is prohibited except for required fuel modification maintenance. Plans for signage shall be approved by the Planning Department prior to issuance of building permits.	Condition of approval	Site plan and sign plan at plan check	Prior to issuance of building permits	Planning Department	
<b>Cultural Resources</b>					
<b>MM CR.1</b> The archaeologist must be present at the pre-grading conference in order to establish procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of artifacts if potentially significant artifacts are uncovered. If artifacts are uncovered and determined to be significant during construction, the archaeological observer shall determine appropriate actions in cooperation with the property owner/developer for exploration and/or salvage.	Condition of approval	Attendance at pre-grading conference and supervision by certified archaeologist	Prior to issuance of permits and during construction	Building Department	

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<b>MM CR.2</b> Specimens that are collected prior to or during the grading process will be donated to an educational or research institution.	Condition of approval	Supervision by certified archaeologist	Prior to and during grading	Building Department	
<b>MM CR.3</b> Any archaeological work at the site shall be conducted under the direction of the certified archaeologist during construction. If any artifacts are discovered during grading operations when the archaeological monitor is not present, grading shall be diverted around the area until the monitor can survey the area.	Condition of approval	Supervision by certified archaeologist and field inspections	During construction	Building Department	
<b>MM CR.4</b> A final report detailing the findings and disposition of the specimens shall be submitted to the Building Department prior to issuance of final building permits. Upon completion of grading, the archaeologist shall notify the City as to when the final report will be submitted.	Condition of approval	Final archaeological report	After grading and prior to issuance of final building permits	Building Department	
<b>MM CR.5</b> The paleontologist must be present at the pre-grading conference in order to establish procedures to temporarily halt or redirect work to permit the sampling, identification, and evaluation of fossils. If potentially significant materials are discovered during construction, the paleontologist shall determine appropriate actions in cooperation with the property owner/developer for exploration and/or salvage.	Condition of approval	Attendance at pre-grading conference and supervision by certified paleontologist	Prior to issuance of building permits and during construction	Building Department	
<b>MM CR.6</b> Specimens that are collected prior to or during the grading process will be donated to an appropriate educational or research institution.	Condition of approval	Supervision by certified paleontologist	Prior to and during grading	Building Department	



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<b>MM CR.7</b> Any paleontological work at the site shall be conducted under the direction of the certified paleontologist during construction. If any fossils are discovered during grading operations when the paleontological monitor is not present, grading shall be diverted around the area until the monitor can survey the area.	Condition of approval	Supervision by certified paleontologist and field inspections	During construction	Building Department	
<b>MM CR.8</b> A final report detailing the findings and disposition of the specimens shall be submitted to the Building Department prior to issuance of final building permits. Upon the completion of grading, the paleontologist shall notify the City as to when the final report will be submitted.	Condition of approval	Final paleontological report	After grading and prior to issuance of final building permits	Building Department	
<b>MM CR.9</b> If human remains are encountered, the state Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the county coroner has made a determination of the origin and disposition pursuant to Public Resources Code 5097.98. The county coroner must be notified immediately of the find. If the remains are determined to be prehistoric, the coroner is required to notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With permission of the owner of the land or his/her authorized representative, the descendant may inspect the site of the discovery. The descendant shall complete the inspection within 24 hours of notification of the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.	Condition of approval	Supervision by certified paleontologist and field inspections	During construction	Building Department	

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<b>Geology and Soils</b>					
<b>MM G.1</b> Replacement planting shall be required for Zone B of the fuel modification area. Plants instrumental for hillside stabilization shall be selected from the City of Newport Beach Urban Wildland Interface Area Standard for Hazard Reduction Fire Resistive Plant List and shall be installed after the removal of combustible plants within Zone B of the fuel modification zone to provide proper soil stabilization and prevent hillside erosion. Plantings shall be approved by the Fire Department prior to issuance of building permits.	Condition of approval	Planting plan at plan check	Prior to issuance of building permits and inspection prior to issuance of final building permits.	Fire Department	
<b>Hazards and Hazardous Materials</b>					
<b>MM HZ.1</b> The property owner/developer shall submit a Fuel Modification Plan prior to the issuance of building permits to the Fire Department showing that a fuel modification zone will be provided from the structure up to the adjacent property line.	Condition of approval	Fuel modification plan at plan check	Prior to issuance of building permits	Fire Department	
<b>MM HZ.2</b> The property owner/developer shall meet all requirements in Guideline G.03- "Construction Requirements for Special Fire Protection Areas" to the satisfaction of the Fire Department prior to the issuance of building permits.	Condition of approval	Fuel modification plan at plan check	Prior to issuance of building permits	Fire Department	
<b>MM HZ.3</b> The structure shall be provided with fire sprinklers at plan check to the satisfaction of the Fire Department.	Condition of approval	Plan check	Prior to issuance of building permits and inspection	Fire Department	