

4. Mitigation Monitoring and Reporting Program

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring program. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring program must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, Table 4-1, *Mitigation Monitoring and Reporting Checklist*, has been prepared for the proposed Hive Live (project). This Mitigation Monitoring and Reporting Checklist is intended to provide verification that all applicable mitigation measures relative to significant environmental impacts are monitored and reported. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation; and 3) retention of records in the City of Costa Mesa Hive Live Project file.

This Mitigation Monitoring and Reporting Program (MMRP) delineates responsibilities for monitoring the project, but also allows the City of Costa Mesa (City) flexibility and discretion in determining how best to monitor implementation. Monitoring procedures vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the Mitigation Monitoring and Reporting Checklist (Table 3-1). If an adopted mitigation measure is not being properly implemented, the designated monitoring personnel shall require corrective actions to ensure adequate implementation.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate entities for verification of compliance.
- Departments/agencies with reporting responsibilities will review the Draft EIR and Final EIR, which provide general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance will be addressed to the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be

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documented through existing review and approval programs such as field inspection reports and plan review.

- The City prepares a reporting form periodically during the construction phase for all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Minor changes to the MMRP, if required, must be made in accordance with CEQA and would be permitted after further review and approval by the City. No change is permitted unless the MMRP continues to satisfy the requirements of Public Resources Code Section 21081.6.



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5.2 AIR QUALITY								
AQ-1	Prior to initiation of any construction activities, the project applicant shall provide documentation to the City of Costa Mesa Building Safety Division that all off-road diesel-powered construction equipment greater than 50 horsepower to be utilized during construction would meet the Tier 4 emission standards. A copy of each unit's certified tier specification and California Air Resources Board (CARB) or South Coast Air Quality Management District (SCAQMD) operating permit shall be provided to the City of Costa Mesa Building Safety Division at the time of mobilization of each applicable unit of equipment.	Project Applicant; Construction Contractor	Prior to Construction Activities	City of Costa Mesa Building Safety Division	At The Time of Construction Equipment Mobilization			
5.3 BIOLOGICAL RESOURCES								
BIO-1	If project-related activities are to be initiated during the nesting season (January 1 to August 31), a pre-construction nesting bird clearance survey shall be conducted by a qualified biologist retained by the project applicant no more than three days prior to the start of any vegetation removal or ground disturbing activities. The qualified biologist shall survey all suitable nesting habitat within the project impact area, and areas within a biologically defensible buffer zone surrounding the project impact area. If no active bird nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures shall be required. If an active bird nest is found, the species shall be identified, and a "no-disturbance" buffer shall be	Project Applicant; Construction Contractor; Qualified Biologist	Prior to and During Any Vegetation Removal or Ground Disturbing Activities (If Conducted Between January 1 and August 31)	City of Costa Mesa Development Services	Prior to and During Any Vegetation Removal or Ground Disturbing Activities (If Conducted Between January 1 and August 31)			



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	established around the active nest. The size of the “no-disturbance” buffer shall be increased or decreased based on the judgement of the qualified biologist and level of activity and sensitivity of the species. The qualified biologist shall periodically monitor any active bird nests to determine if project-related activities occurring outside the “no-disturbance” buffer disturb the birds and if the buffer shall be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, project activities within the “no-disturbance” buffer may occur following an additional survey by the qualified biologist to search for any new bird nests in the restricted area.							
5.4 CULTURAL RESOURCES								
CUL-1	<p>Prior to issuance of grading permits, the City of Costa Mesa shall ensure a qualified archaeologist who meets the Secretary of the Interior’s Standards for professional archaeology has been retained for the project and shall be on-call during all demolition and grading/excavation. The qualified archaeologist shall ensure the following measures are followed for the project:</p> <ul style="list-style-type: none"> ▪ Prior to any ground disturbance, the qualified archaeologist, or their designee, shall provide worker environmental awareness protection training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, 	Project Applicant; Construction Contractor; Qualified Archaeologist; Native American Monitor	Prior to Issuance of Grading Permit; Prior to and During Ground Disturbing Activities	City of Costa Mesa Development Services	Prior to Issuance of Grading Permit; Prior to and During Ground Disturbing Activities			



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	<p>construction personnel shall be briefed on proper procedures to follow should resources of a potentially cultural nature be discovered during construction. Workers shall be provided contact information and protocols to follow in the event that inadvertent discoveries are made. The training can be in the form of a video or PowerPoint presentation. Printed literature (handouts) can accompany the training and can also be given to new workers and contractors to avoid the necessity of continuous training over the course of the project.</p> <ul style="list-style-type: none">▪ Prior to any ground disturbance, the applicant shall submit a written Project Monitoring Plan (PMP) to the City of Costa Mesa's Development Services Director for review and approval. The monitoring plan shall include monitor contact information (including the qualified archeologist and the Native American Monitor per Mitigation Measure TCR-1), specific procedures for field observation, diverting and grading to protect finds, and procedures to be followed in the event of significant finds.▪ In the event resources of a potentially Native American nature are discovered during any stage of project construction, all construction work within 50 feet (15 meters) of the discovered tribal cultural resource ("TCR") shall cease and the Monitor shall assess the discovery. Construction activities outside the							



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	<p>buffer zone may continue during the Monitor's assessment.</p> <ul style="list-style-type: none"> ○ <u>Non-Native American (Non-TCR) Discoveries:</u> If warranted based on the qualified archaeologist's evaluation of the archaeological (but non-TCR) discovery, the archaeologist shall collect the resource and prepare a test-level report describing the results of the investigation. The test-level report shall evaluate the site including discussing the significance (depth, nature, condition, and extent of the resource), identifying final Cultural Mitigation Measures, if any, that the City of Costa Mesa's Development Services Director shall verify are incorporated into future construction plans, and providing cost estimates. ○ <u>Conjoined Archaeological and Native American (TCR) Discoveries:</u> If, following consultation with the Monitor, it is determined that a historic or prehistoric discovery includes Native American materials or resources, then the Monitor shall determine the appropriate treatment of the discovered TCR(s) consistent with Mitigation Measure TCR-1. The Monitor shall prepare a TCR discovery report, which may include descriptions and evaluations of the area and conditions 							



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	<p>at the site of the discovery (i.e., depth, nature, condition, and extent of the resources), as well as a discussion of the significance to the Kizh Nation.</p> <ul style="list-style-type: none"> The requirements of Section 15064.5 of the CEQA Guidelines shall be followed. Construction work within the buffer area surrounding a TCR discovery shall resume only after the Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Kizh Nation, and (2) completed the appropriate treatment of the resource consistent with Mitigation Measure TCR-1. 							
5.6 GEOLOGY AND SOILS								
GEO-1	<p>Prior to issuance of a grading permit and any ground-disturbing activities, the project applicant shall consult with a geologist or paleontologist to confirm whether anticipated grading would occur at depths that could encounter highly sensitive sediments for paleontological resources. If confirmed that underlying sediments may have high sensitivity, construction activity shall be monitored by a qualified paleontologist retained by the project applicant and a written Project Monitoring Plan (PMP) shall be submitted to the City of Costa Mesa's Development Services Director for review and approval. The monitoring plan shall include monitor contact information, specific procedures for field observation, diverting</p>	<p>Project Applicant; Construction Contractor; Qualified Geologist; Qualified Paleontological Monitor</p>	<p>Prior to Issuance of Grading Permit; Prior to and During Ground Disturbing Activities</p>	<p>City of Costa Mesa Development Services Director</p>	<p>Prior to Issuance of Grading Permit; Prior to and During Ground Disturbing Activities</p>			



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	and grading to protect finds, and procedures to be followed in the event of significant finds. The paleontologist shall have the authority to halt construction during construction activity. Because the project area is immediately underlain by Holocene sediments (low sensitivity) and the depth of these sediments is unknown, spot-check monitoring shall be conducted to identify potential fossils and the lithological transition to Pleistocene sediments. If Pleistocene-aged sediments are discovered at depth, monitoring shall transition to full-time as ground-disturbing activities occur at or below this identified depth because these Pleistocene units have been identified as having high sensitivity for paleontological resources.							
GEO-2	In the event of any fossil discovery, regardless of depth or geologic formation, construction work shall halt within a 50-foot radius of the find until a qualified paleontologist retained by the project applicant can determine its significance. Significant fossils shall be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility in accordance with the standards of the Society of Vertebrate Paleontology (2010). The most likely repository is the Natural History Museum of Los Angeles County (NHMLAC). The repository shall be identified, and a curatorial arrangement shall be signed prior to the collection of the fossils.	Construction Contractor; Qualified Paleontological Monitor	During Ground Disturbing Activities	City of Costa Mesa Development Services Director	During Ground Disturbing Activities			
5.8 HAZARDS AND HAZARDOUS MATERIALS								



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HAZ-1	At least three business days prior to any lane closure, the construction contractor shall notify the Costa Mesa Police Department and Costa Mesa Fire Department, along with the City of Costa Mesa Public Services Director, as well as relevant departments associated with the City of Santa Ana, of construction activities that would impede movement (such as road or lane closures), to allow for uninterrupted emergency access of evacuation routes.	Project Applicant; Construction Contractor	Prior to Any Lane Closure	Costa Mesa Police Department; Costa Mesa Fire Department; City of Costa Mesa Public Services Director; City of Santa Ana	Prior to Any Lane Closure			
5.13 PUBLIC SERVICES AND RECREATION								
PS-1	The applicant shall coordinate with the Costa Mesa Police Department for the installation and operation of an Automated License Plate Reader on all vehicle entrances to the project site. The applicant shall be responsible for the initial and future funding of the Automated License Plate Reader program on the property.	Project Applicant	Prior to Issuance of First Occupancy Permit	Costa Mesa Police Department	Prior to Issuance of First Occupancy Permit			
5.15 TRANSPORTATION								
TRA-1	Community-Based Travel Planning. The project applicant shall provide community-based travel planning (CBTP) to project residents, including but not limited to customized information, incentives, and support to encourage the use of transportation alternatives in place of single occupancy vehicles. At minimum, this shall include providing each prospective tenant with detailed and tailored information regarding various transportation options specific to the project site and surrounding area, such as public transit,	Project Applicant	During Project Operation	City of Costa Mesa Public Services Director	During Project Operation			



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	carpooling, pedestrian and bicycle facilities, and ride hailing opportunities.							
5.16 TRIBAL CULTURAL RESOURCES								
TCR-1	Prior to issuance of any grading permits, the Applicant shall formally retain a Native American monitor from the Native American tribe that is culturally and ancestrally affiliated with the Project location: the Gabrieleño Band of Mission Indians – Kizh Nation. The Applicant shall allow at least 45 days from initial contact with the first preference tribe (Kizh Nation) to enter into a contract for monitoring services. If the Applicant can demonstrate they were unable to secure an agreement with the first preference tribe after a good faith effort, or if the contracted tribe fails to fulfill its obligation under the contract terms, then the Applicant may retain an alternative qualified tribal monitor approved by the City. The City approved qualified tribal monitor (the "Monitor"), shall monitor all "ground-disturbing" Project activities, which includes but is not limited to: demolition, grubbing/clearing, rough grading, precise grading, mass grading, trenching, excavation, boring, auguring, and weed abatement on previously disturbed and undisturbed ground (collectively "ground disturbing activities"). A copy of the executed contract shall be submitted to the Costa Mesa Development Services Department prior to the issuance of any permit necessary to commence ground-disturbing activities.	Native American Monitor	Prior to Issuance of Grading Permit; During Ground Disturbing Activities	Costa Mesa Development Services Director	Prior to Issuance of Grading Permit; Prior to and During Ground Disturbing Activities			



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	The Monitor shall prepare daily monitoring logs that include descriptions of the relevant ground disturbing activities, locations of such activities, observed soil types, and the presence or absence of tribal cultural-related materials. Should tribal cultural-related resources be discovered, monitor logs shall identify and describe such resources, including but not limited to, Native American cultural and historical artifacts, as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs shall be provided to the City of Costa Mesa and maintained as confidential. In the event resources are discovered during any phase of ground disturbing activities, and it is determined by the Monitor, in consultation with the City, to be Native American in origin, then all construction activity within fifty (50) feet (15 meters) of the find shall cease until the Monitor can assess the find. Work shall be allowed to continue outside of the buffer zone. The Monitor shall determine the appropriate treatment of the discovered resource that is consistent with the tribe's cultural practices, including reinternment on site in an appropriate area determined by the tribe in consultation with the City and the Applicant, or retention of the discovered resource for educational purposes. Construction work within the buffer area surrounding a TCR discovery shall resume only after the Monitor has (1) appropriately inventoried and documented the resource and any surrounding material of significance to the Kizh Nation, and (2) completed the appropriate treatment of the resource.							



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	Monitoring for tribal cultural resources ("TCR") shall conclude upon the City's receipt of written confirmation from the Monitor that ground disturbing activities with potential impacts to discovered and/or undiscovered TCRs are complete.							