MITIGATION AND MONITORING PROGRAM

1.1 INTRODUCTION

This Mitigation Monitoring Program ("MMP") has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a "reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." In addition, Section 15097(a) of the State CEQA Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it has required to mitigate or avoid significant environmental effects. This MMP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6 and Section 15097 of the State CEQA Guidelines.

The City of Los Angeles is the Lead Agency for the Project and therefore is responsible for administering and implementing the MMP. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation; however, until mitigation measures have been completed, the Lead Agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

A Mitigated Negative Declaration (MND) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project's impacts in the MND takes into consideration the project design features (PDF) and applies mitigation measures (MM) needed to avoid or reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the PDFs and MMs identified for the Project.

1.2 ORGANIZATION

As shown on the following pages, each identified project design feature and mitigation measure for the Project is listed and categorized by environmental impact area, with accompanying identification of the following:

- Enforcement Agency: the agency with the power to enforce the PDF or MM.
- Monitoring Agency: the agency to which reports involving feasibility, compliance, implementation, and development are made.
- Monitoring Phase: the phase of the Project during which the PDF or MM shall be monitored.
- Monitoring Frequency: the frequency at which the PDF or MM shall be monitored.
- Action Indicating Compliance: the action by which the Enforcement or Monitoring Agency indicates that compliance with the identified PDF or required MM has been implemented.

1.3 ADMINISTRATIVE PROCEDURES AND ENFORCEMENT

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each PDF and MM and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each PDF and MM has been implemented. The Applicant shall maintain records demonstrating compliance with each PDF and MM. Such records shall be made available to the City upon request.

During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of PDFs and MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the PDFs and MMs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs and PDFs within two business days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

1.4 PROGRAM MODIFICATION

After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a PDF or MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval, finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the PDFs or MMs. Any addendum or subsequent CEQA clearance shall explain why the PDF or MM is no longer needed, not feasible, or the other basis for modifying or deleting the PDF or MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a PDF or MM shall not in and of itself require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the PDF or MM results in a substantial change to the Project or the non-environmental conditions of approval.

1.5 MITIGATION MONITORING PROGRAM

A. Hazards and Hazardous Materials

Project Design Features

No project design features are proposed for hazards and hazardous materials.

Mitigation Measures

MM-HAZ-1: Soil Management Plan

Before the Los Angeles Department of Building and Safety issues grading permits, a site-specific Soil Management Plan ("SMP") must be prepared by a qualified environmental professional approved by the City and submitted to the Los Angeles Department of Building and Safety. The SMP must include the following elements, as applicable:

- Provisions for personal protection and monitoring exposure to construction workers,
- Requirements for construction workers to be Hazardous Waste Operations and Emergency Response ("HAZWOPER") trained,
- Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered,
- Procedures for the safe storage, stockpiling, and disposal of any impacted soils,
- Emergency procedures and responsible personnel
- Incorporate Best Management Practices (BMPs) into the SMP

- **Enforcement Agency**: Los Angeles Department of Building and Safety
- **Monitoring Agency**: Los Angeles Department of Building and Safety
- **Monitoring Phase**: Construction
- **Monitoring Frequency**: Pre-construction and during construction
- **Action Indicating Compliance**: Compliance certification report by Project contractor

MM HAZ-2: Geophysical Survey

After demolition and before any grading, the Applicant will conduct a geophysical survey using cesium magnetics to verify the presence and location of the abandoned oil well. A well diagram for the existing abandoned oil well will be completed and submitted to California Geologic Energy Management Division (Cal GEM) to establish that no further work is required with respect to the

well. If it is determined that the well has not already been abandoned to current safety standards, it must be re-plugged and abandoned (P&A) in compliance with Cal GEM regulations.

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency**: Los Angeles Department of Building and Safety
- **Monitoring Phase**: Construction
- **Monitoring Frequency**: During construction
- **Action Indicating Compliance**: Compliance certification report by Project contractor to Cal GEM

B. Noise and Vibration

Project Design Features

No project design features are proposed for noise

Mitigation Measures

MM NOI-1: Construction Relations Officer

The developer shall designate a construction relations officer to serve as a liaison with the adjacent uses. The liaison shall be responsible for responding to concerns regarding vibration within 24 hours of receiving a complaint. The liaison shall respond to concerns by ensuring that steps are taken to reduce vibration levels, as deemed appropriate and safe by the on-site construction manager. Such steps could include substituting lower vibration generating equipment or activity or rescheduling of high vibration-generating activity.

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency**: Los Angeles Department of Building and Safety
- **Monitoring Phase**: Construction
- **Monitoring Frequency**: Periodic field inspections during construction
- **Action Indicating Compliance**: Field inspection sign-off

MM NOI-2: Construction Equipment

Prior to construction, the Applicant shall retain a contractor to manage Project construction. The contractor shall ensure that the on-site operation of vibratory equipment adheres to the following restrictions to ensure that vibration velocities would not exceed 0.5 in/sec PPV.

- On-site operation of vibratory/sonic pile drivers are prohibited within 33 feet of any adjacent non-residential structure.
- On-site operation of caisson drill rigs are prohibited within 8 feet of any adjacent non-residential structure

- **Enforcement Agency**: Los Angeles Department of Building and Safety
- **Monitoring Agency**: Los Angeles Department of Building and Safety
- **Monitoring Phase**: Construction
- **Monitoring Frequency**: Periodic field inspections during construction
- **Action Indicating Compliance**: Field inspection sign-off

C. Public Services-Police

Project Design Features

PDF-PS-1: Construction Fencing

A construction fence shall be constructed around the Project Site to minimize trespassing, vandalism, short-cut attractions, and attractive nuisances.

- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency**: Los Angeles Department of Building and Safety
- **Monitoring Phase**: Construction
- **Monitoring Frequency**: Periodic field inspections during construction
- **Action Indicating Compliance**: Field inspection sign-off;

PDF-PS-2: LAPD Review

Prior to issuance of a Certificate of Occupancy for the Project, the Applicant shall provide the Olympic Community Police Station with a diagram of each portion of the Project Site, including access routes and additional information to facilitate potential LAPD responses.

- **Enforcement Agency:** Los Angeles Police Department
- **Monitoring Agency**: Los Angeles Police Department
- **Monitoring Phase**: Construction
- **Monitoring Frequency**: Once, prior to Certificate of Occupancy
- **Action Indicating Compliance**: Sign-off on Los Angeles Police Department reviewed diagrams; Certificate of Occupancy

Mitigation Measures

No mitigation measures are required for Fire, Schools, Parks, and Other Public Facilities

D. Transportation

Project Design Features

PDF- TRANS-1: Construction Management Plan

A detailed Construction Traffic Management Plan, including street closure information, a detour plan, haul routes, and a staging plan, would be prepared and submitted to the City for review and approval prior to issuance of building permits. The Construction Traffic Management Plan would formalize how construction would be carried out and identify specific actions that would be required to reduce the effects on the surrounding community. The Construction Traffic Management Plan will be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site, and will include, but not be limited to, the following elements, as appropriate:

- Advance, bilingual notification to adjacent property owners and occupants within a 200 foot radius of upcoming construction activities, including durations and daily hours of operation.
- Prohibition of construction worker or equipment parking on adjacent streets.
- Prohibition of haul truck staging on any streets adjacent to the Project, unless specifically approved as a condition of an approved haul route.
- Temporary pedestrian, bicycle, and vehicular traffic controls during all construction activities to ensure traffic safety on the public ROW.
- Scheduling of construction activities to reduce the effect on traffic flow on surrounding Arterial Streets.
- Containment of construction activity within the Project Site boundaries to the extent feasible.
- Safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers as appropriate.
- Scheduling of construction-related deliveries, haul trips, etc., to occur outside the commuter peak hours to the extent feasible.
- Spacing of trucks so as to discourage a convoy effect.
- Identification of a construction manager and provision of a telephone number for any inquiries or complaints from residents regarding construction activities that shall be posted at the site readily visible to any interested party during site preparation, grading, and construction. The construction manager shall keep a log of any complaints or inquiries.
- As part of the LADOT and/or LADBS established process for reviewing Construction Traffic Management Plans, potential overlapping construction

activities and proposed haul routes would be reviewed to minimize the effects of cumulative construction activities on any particular roadway.

- **Enforcement Agency:** Los Angeles Department of Transportation
- **Monitoring Agency**: Los Angeles Department of Transportation
- **Monitoring Phase**: Pre-construction; Construction
- **Monitoring Frequency**: Once prior to issuance of Building Permit; Periodic field inspections during construction
- **Action Indicating Compliance**: Approval of Construction Traffic Management Plan from the Los Angeles Department of Transportation prior to issuance of Building Permit (Pre-construction)

Mitigation Measures

No mitigation measures are required for transportation.

E. Tribal Cultural Resources

Mitigation Measures

MM TCR-1 Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities

a. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

b. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the early commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.

c. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead

agency upon written request to the Tribe.

d. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.

- **Enforcement Agency**: Los Angeles, Department of City Planning
- **Monitoring Agency**: Los Angeles Department of Building and Safety
- **Monitoring Phase**: Prior to ground disturbance; construction
- **Monitoring Frequency**: Once prior to ground disturbance
- **Action Indicating Compliance**: Retention of Native American monitor

MM TCR-1a Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial)

a. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

- **Enforcement Agency**: Los Angeles Department of Building and Safety
- **Monitoring Agency**: Los Angeles Department of Building and Safety
- **Monitoring Phase**: Construction
- **Monitoring Frequency**: Throughout grading and excavation
- **Action Indicating Compliance**: Compliance report

MM TCR-1b Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects

a. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
b. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.

c. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
d. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.
e. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

- **Enforcement Agency**: Los Angeles Department of Building and Safety
- **Monitoring Agency**: Los Angeles Department of Building and Safety
- **Monitoring Phase**: Construction
- **Monitoring Frequency**: Throughout grading and excavation
- **Action Indicating Compliance**: Compliance report