

Addendum to the Downtown Community Plan Environmental Impact Report (EIR) Mitigation Monitoring Program

Downtown Community Plan

CPC-2017-432-CPU; ENV-2017-433-EIR; SCH No. 2017021024.
CF 22-0617

For consideration by the Los Angeles City Council.

Contents:

- Amendments to the Mitigation Monitoring Program (MMP)

October 25, 2024

**Addendum to the Downtown Community Plan Update / New Zoning Code
for Downtown Community Plan EIR,
ENV-2017-433-EIR, SCH No. 2017021024**

1. Purpose

Pursuant to CEQA Guidelines Section 15164, the following mitigation measures, MM-4.4-2(e) and MM-4.4-2(f), are added to the Mitigation & Monitoring Program (MMP) for the Downtown Community Plan Update / New Zoning Code for Downtown Community Plan Environmental Impact Report (EIR), EIR No. ENV-2017-433-EIR, certified on September 27, 2022. The mitigation measures are added to address the Housing Crisis Act, Government Code Sections 66300, et seq., which prohibits non-objective design standards after January 1, 2020, unless they are adopted to implement a mitigation measure. (Gov. Code Sec. 66300(b)(1)(C) and (e)(3)(D).) The EIR recognized the following measures would be Project Design Features (PDFs) and implemented on subsequent approvals in the CPIO subarea boundaries. As such, the measures were not included in the MMP, or adopted as mitigation measures for the Project when it was first approved on May 3, 2023. Adopting the measures as mitigation measures is necessary to ensure these measures determined feasible in the EIR are enforced on projects in the Subarea boundaries. These measures will not result in new significant impacts or more severe significant impacts than those impacts analyzed in the EIR because the EIR assumed implementation of the measures as PDFs. Based upon the above and pursuant to CEQA Guidelines Section 15162, there is no need for a supplemental or subsequent EIR.

2. Incorporation by Reference

The following documents are incorporated herein by reference consistent with Section 15150 of the California Environmental Quality Act (CEQA) Guidelines: Final Environmental Impact Report (EIR) and Draft EIR, referred to as the Downtown Community Plan Update / New Zoning Code for Downtown Community Plan EIR.

- Final Environmental Impact Report:
<https://planning.lacity.gov/development-services/eir/downtown-community-plan-updatenew-zoning-code-downtown-community-plan-2>
- Draft Environmental Impact Report:
<https://planning.lacity.gov/development-services/eir/downtown-community-plan-updatenew-zoning-code-downtown-community-plan>

A physical Downtown Community Plan Update / New Zoning Code for Downtown Community Plan EIR is available for review by appointment at the City of Los Angeles Department of City Planning at 200 N. Spring Street, Room 667, Los Angeles. Appointments must be made in advance by emailing downtownplan@lacity.org.

3. New Mitigation Measures: MM-4.4-2(e) and MM-4.4-2(f)

MM-4.4-2(e)

Projects with a **designated historic resource** in a CPIO District Subarea shall be subject to the following:

- (a) The Project shall be consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, as determined by the Director in consultation with OHR.
- (b) The Project shall not demolish or remove any building or structure, within a National Register Historic District, or California Register of Historical Places, that is designated as a Contributing Element, or Altered Contributing Element, unless the Owner can demonstrate to the Director that the owner would be deprived of all economically viable use of the property. In making its determination, the Director shall consider any evidence presented concerning the following:
 - (i) An opinion regarding the structural soundness of the structure and its suitability for continued use, renovation, Restoration or Rehabilitation from a licensed engineer or architect who meets the Secretary of the Interior’s Professional Qualification Standards as established by the Code of Federal Regulation, 36 CFR Part 61. This opinion shall be based on the Secretary of the Interior’s Standards for Architectural and Engineering Documentation with Guidelines;
 - (ii) An estimate of the cost of the proposed Demolition, and replacement project and an estimate of the cost that would be incurred to execute a Secretary of the Interior’s Standards for Rehabilitation alternative to the project, as identified in an Environmental Impact Report (EIR), or in the absence of an EIR, when appropriate under CEQA, as identified by the Director of Planning in consultation with the Cultural Heritage Commission or its designee;
 - (iii) An estimate of the market value of the property in its current condition; after completion of the proposed Demolition and replacement project; and after any expenditure necessary to execute a Secretary of the Interior’s Standards for Rehabilitation alternative to the project, as identified in an EIR, or in the absence of an EIR, when appropriate under CEQA, as identified by the Director of Planning in consultation with the Cultural Heritage Commission or its designee;
An estimate from architects, developers, real estate consultants, appraisers, or other real estate professionals experienced in Rehabilitation as to the economic feasibility of Restoration, renovation or Rehabilitation of any existing structure or objects. This shall include tax incentives and any special funding sources, or government incentives which may be available.

For purposes of this mitigation measure, **designated historic resource** shall mean a building, structure, object, landscaping element, or natural feature listed or designated as a historical resource, either individually, or as a contributor to a district, at the local, state, or national level.

Implementing Agency	City Council; Applicant for Individual Projects
Enforcement/Monitoring Agency	DCP, DBS
Monitoring Phase/Actions	Adoption of CPIO; Prior to project approval, building permit issuance

MM 4.4-2(f)

Projects with **eligible historic resources** in a CPIO District Subarea shall be subject to the following:

- (a) Non-Demolitions. If the Project does not involve the Demolition of the Eligible Historic Resource, the following requirements shall be met:
 - (i) The Director, in consultation with the Office of Historic Resources, determines, based upon a Phase 1 Historic Resource Assessment and substantial evidence, that the Eligible Historic Resource is not an historical resource, as defined by Public Resources Code Section 21084.1;
 - (ii) The Director, in consultation with the Office of Historic Resources, determines, based upon substantial evidence, that the Project is consistent with the Secretary of Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings; or,

- (b) Demolitions. If the Project involves the Demolition of an Eligible Historic Resource, the following requirements shall be met:
 - (i) The Director, in consultation with the Office of Historic Resources, determines, based upon a Phase 1 Historic Resource Assessment and substantial evidence, that the Eligible Historic Resource is not an historical resource, as defined by Public Resources Code Section 21084.1; or
 - (ii) Environmental review in compliance with CEQA was completed on the Project, including if necessary, the adoption of a statement of overriding considerations.

- (c) CEQA Review for Eligible Historic Resources. In complying with this Subdivision 7, if at any time the Director, in consultation with the Office of Historic Resources, determines the Eligible Historic Resource is not a historical resource as defined by Public Resources Code Section 21084.1, approval of the Project through an Administrative Clearance (involving no other discretionary approvals) shall be a ministerial approval. If the Director, in consultation with the Office of Historic Resources, determines the Eligible Historic Resource is a historical resource as defined by Public Resource Code Section 21084.1, the Director shall have discretion to impose feasible mitigation measures or deny the CPIO Approval if a necessary statement of overriding considerations is not adopted, and the CPIO approval shall be discretionary.

For purposes of this mitigation measure, **eligible historic resource** shall mean a building, structure, object, site, landscape, natural feature, or historic district identified as eligible for listing either individually or as a contributor to a historic district under a local, state, or federal designation program through Survey LA (the Los Angeles Historic Resources Survey), the January 2020 Historic Resources Survey Report prepared by CRA-LA Designated Local Authority, or any subsequent historic resource survey completed by a person meeting the Secretary of the Interior’s Professional Qualification Standards for Historic Preservation and accepted as complete by the Director, in consultation with the Office of Historic Resources. This term does not include a non-contributor to an eligible or designated historic district.

Implementing Agency	City Council; Applicant for Individual Projects
Enforcement/Monitoring Agency	DCP, DBS
Monitoring Phase/Actions	Adoption of CPIO; Prior to project approval, building permit issuance

11.0 AMENDED MITIGATION MONITORING PROGRAM

Public Resources Code (PRC) Section 21081.6 and California Environmental Quality Act (CEQA) Guidelines Section 15097 require adoption of a Mitigation Monitoring Program (MMP) for all projects for which an Environmental Impact Report (EIR) has been prepared. Specifically, PRC Section 21081.6 states:

“...the 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...[and that the program] ...shall be designed to ensure compliance during project implementation.”

CEQA Guidelines Section 15097 provides guidelines for implementing monitoring and reporting programs. Specific monitoring requirements to be enforced during project implementation must be defined prior to final approval of a project by the decision-maker. Although the Lead Agency (the City of Los Angeles) may delegate monitoring responsibilities to other agencies or entities, the Lead Agency “...remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.”

The MMP (Appendix S) describes the procedures for the implementation of the mitigation measures adopted for the Proposed Project. The MMP for the Proposed Project will be in place through the planning horizon of the Downtown Plan (2040) or until the Plan and EIR are updated again, whichever is later. The City of Los Angeles Department of City Planning (DCP) staff and staff of other City Departments (e.g., Department of Building and Safety [DBS]) are responsible for administering the MMP activities or delegating them to consultants or contractors. The Monitoring or Enforcing Agencies identified herein, at their discretion, may require a project applicant or operator to pay for one or more independent professional(s), with any necessary training and qualifications, to be responsible for preparing, reviewing, or certifying any required report, study, analysis, or certification, or monitoring implementation of mitigation measures (e.g., City building inspector, project contractor, certified professionals, etc., depending on the requirements of the mitigation measures) required of project applicants or operators. Monitors would be hired by the City or by the applicant or operator at the City’s discretion.

Each mitigation measure is identified in **Table 11-1** and is categorized by environmental topic and corresponding number, with identification of:

- The Implementing Party– this is in most cases, the applicant for individual projects who will be required to implement most of the measures subject to City review and approval.
- The Enforcement Agency and Monitoring Agency – this is the agency or agencies that will monitor each measure and ensure that it is implemented in accordance with this MMP.
- Monitoring Phase/Monitoring Actions – this is the timeframe that monitoring would occur and the criteria that would determine when the measure has been accomplished and/or the monitoring actions to be undertaken to ensure the measure is implemented.

Many of the mitigation measures are implemented through the adoption of environmental protection measures/standards either through the New Zoning Code EPM Handbook process or through the Downtown Community Plan Implementation Overlay District (CPIO in Appendix G). Others may be implemented through the imposition of conditions of approval subject to the City’s authority to condition the applicable entitlement for any subsequent environmental review pursuant to CEQA Guidelines Sections 15162, 15163, 15164, or 15168, or tiered clearance to the Downtown Community Plan Update/New Zoning Code for Downtown Community Plan EIR, pursuant to the procedures in CEQA Guidelines Section 15152 or streamlining CEQA Clearance as permitted in PRC Sections 21083, 21094.5, 21155-21155.2, 21155.4 or CEQA Guidelines Sections 15183 or 15183.3.

For the mitigation measures implemented through the CPIO or EPM Handbook shall do all of the following:

1. Adopt environmental standards or protection measures to implement, and that are consistent with, the mitigation measures; and
2. Require projects to substantially conform with all applicable environmental standards or environmental protection measures, subject to the discretion of the enforcing and monitoring agency; and
3. Authorize any City implementing, monitoring or enforcing agency, to require the applicant to hire an outside consultant (which may or shall be subject to City approval) to monitor and certify compliance with

the environmental standards or protection measures, or develop any other administrative procedures to ensure compliance with the environmental standards or protection measures, including but not limited to requiring the applicant to sign acknowledgement of environmental standards or protection measures and provide affidavit committing to comply with applicable environmental standard or protection measures, and maintain records for certain period of time and hold records available for City inspection to demonstrate compliance.

For the mitigation measures implemented through the CPIO or EPM Handbook may do the following:

Provide for the modification or a deletion of an environmental standard or protection measure subject to the following:

The development project shall be in substantial conformance with the environmental standard contained in CPIO. The Planning Director may determine substantial conformance with the environmental standard in his or her reasonable discretion. If the Planning Director cannot find substantial conformance, an environmental standard may be modified or deleted if the Planning Director, or the decision maker for a subsequent discretionary project related approval, complies with CEQA Guidelines, including sections 15162 and 15164, by preparing an addendum or subsequent environmental clearance to analyze the impacts from the modifications to or deletion of the environmental standard. Any addendum or subsequent CEQA clearance shall explain why the mitigation measure is no longer needed, not feasible, or the other basis for modifying or deleting the project design feature or mitigation measure. Under this process, the modification or deletion of a mitigation measure shall not require a modification to any project discretionary approval unless the Planning Director or decisionmaker also finds that the change to the environmental standard requires a modification or other entitlement under the LAMC or other City ordinance or regulation.

Mitigation measures imposed as a condition of approval shall be imposed with a MMP that may include the following provisions:

1. This MMP shall be enforced throughout all phases of development projects subject to the mitigation measures. The Applicant shall be responsible for implementing each mitigation measure and shall be obligated to provide certification, as identified below, to the appropriate monitoring agency and the appropriate enforcement agency that each project design feature and mitigation measure has been implemented. The Applicant shall maintain records demonstrating compliance with each project design feature and mitigation measure. Such records shall be made available to the City upon request. Further, specifically during the construction phase (including excavation, grading and demolition) 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 DCP, who shall be responsible for monitoring implementation of mitigation measures during grading and 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 mitigation measures during grading and construction every 90 days. The documentation must be signed by the Applicant and Construction Monitor and be maintained by the Applicant. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the mitigation measures 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. Until five years after all mitigation measures are fully satisfied, the Applicant and Owner shall maintain all records of mitigation measure compliance (e.g., reports, studies, certifications, verifications, monitoring or mitigation plans) and make the records available for the City's inspection within three business days of the City requesting the records. All records related to grading and construction shall be maintained on the construction site during grading and construction and shall be immediately available for inspection by the City or by the Construction Monitor. The Applicant/Owner shall also sign a Statement of Compliance, in a form approved by the City, prior to issuance of any building permit, committing to compliance with all applicable mitigation measures.
2. All development projects shall be in substantial conformance with the mitigation measures contained in this MMP. The Enforcement Agency may determine substantial conformance with mitigation measures in the MMP in their reasonable discretion. If the Enforcement Agency cannot find substantial conformance, a

mitigation measure may be modified or deleted if the Enforcement Agency, or the decision maker for a subsequent discretionary project related approval, complies with CEQA Guidelines, including sections 15162 and 15164, by preparing an addendum or subsequent environmental clearance to analyze the impacts from the modifications to or deletion of the mitigation measures. Any addendum or subsequent CEQA clearance shall explain why the mitigation measure is no longer needed, not feasible, or the other basis for modifying or deleting the project design feature or mitigation measure. Under this process, the modification or deletion of a mitigation measure shall not require a modification to any project discretionary approval unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

Table 11-1 Mitigation Monitoring Program

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
Air Quality			
4.2-2 Construction Emissions Reduction			
<p>The City shall require Plan Area construction-related activity to comply with the following and require the developers to notify any contractors, and include in any agreements with contractors and subcontractors, the following, or equivalent, best management practices in construction specifications:</p> <p>Dust Control Compliance with SCAQMD Rule 403. For any project whose construction activities involve the use of construction equipment and require a permit from LADBS, consistent with SCAQMD Rule 403, best available dust control measures shall be implemented during ground disturbance activities and active construction operations capable of generating dust.</p> <p>Equipment Maintenance. For any project whose construction activities involve the use of construction equipment and require a permit from LADBS, maintain construction equipment in good, properly tuned operating condition, as specified by the manufacturer, to minimize exhaust emissions. Documentation demonstrating that the equipment has been maintained in accordance with the manufacturer’s specifications shall be maintained per the proof of compliance requirements in Subsection I.D.6 of the Environmental Protection Measures Handbook. All construction equipment shall achieve emissions reductions that are no less than what could be achieved by a Tier 3 diesel emissions control strategy for a similarly sized engine as defined by California Air Resources Board regulations.</p> <p>Vehicle Idling Limit and Notification Signs. For any project whose construction activities involve the use of construction vehicles and require a permit from LADBS, vehicle idling during construction activities shall be limited to five minutes as set forth in the California Code of Regulations, Title 13, Section 2449. Signs shall be posted in areas where they will be seen by vehicle operators stating idling time limits.</p> <p>Non-Diesel Fueled Electrical Power. For any project whose construction activities involve the use of construction equipment and require a permit from LADBS, electricity from power poles rather than temporary gasoline or diesel-powered generators shall be used To the Extent Available and Feasible.</p>	Applicant for individual project	DCP, DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.

¹ The Monitoring Phase/Monitoring Actions are applicable to projects that are subject to the measures as described within each measure.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<p>Emissions Standards for Off-Road Construction Equipment Greater than 50 Horsepower. For any project whose construction activities involve the use of construction equipment, require a permit from LADBS, and involve at least 5,000 cubic yards of on-site cut/fill on any given day, all off-road diesel-powered construction equipment equal to or greater than 50 horsepower shall meet the U.S. Environmental Protection Agency’s (USEPA) Tier 4 emission standards during construction. Operators shall maintain records of all off-road equipment associated with Project construction to document that each piece of equipment used meets these emission standards per the proof of compliance requirement in Subsection I.D.6 of the Environmental Protection Measures Handbook. In lieu of compliance with the above requirement, an air quality study prepared in accordance with the SCAQMD’s Air Quality Handbook may be provided by the Applicant or Owner demonstrating that Project construction activities would not exceed the SCAQMD’s regional and localized construction thresholds.</p> <p>Use of Low Polluting Fuels. For any project whose construction activities involve the use of construction equipment, require a permit from LADBS, and involve at least 5,000 cubic yards of on-site cut/fill on any given day, construction equipment less than 50 horsepower shall use low polluting fuels (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline). In lieu of compliance with the above requirement, an air quality study prepared in accordance with the SCAQMD’s Air Quality Handbook may be provided by the Applicant or Owner demonstrating that project construction activities would not exceed the SCAQMD’s regional and localized construction thresholds.</p> <p>Emission Standards for On-Road Haul Trucks. For any project whose construction activities involve the use of construction equipment, require a permit from LADBS, and involve more than 90 round-trip haul truck trips on any given day for demolition debris and import/export of soil, construction haul truck operators for demolition debris and import/export of soil shall use trucks that meet the California Air Resources Board’s (CARB) 2010 engine emissions standards at 0.01 g/bhp-hr of particulate matter (PM) and 0.20 g/bhp-hr of nitrogen oxides (NOX) emissions. Operators shall maintain records of all trucks associated with Project construction to document that each truck used meets these emission standards per the proof of compliance requirements in Subsection I.D.6 of the Environmental Protection Measures Handbook. In lieu of compliance with the above requirement, an air quality study prepared in accordance with the SCAQMD’s Air Quality Handbook may be provided by the Applicant or Owner demonstrating that Project construction activities would not exceed the SCAQMD’s regional and localized construction thresholds.</p> <p>Routes for On-Road Haul Trucks. For any project whose construction activities involve the use of construction vehicles and require a permit from LADBS, construction contractors shall reroute construction trucks away from congested streets or Sensitive Uses, as feasible. The</p>			

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
burden of proving that compliance is infeasible shall be upon the Applicant or Owner. Where avoiding Sensitive Uses and congested streets altogether is infeasible, routing away from Sensitive Uses shall be prioritized over routing away from congested streets.			
4.2-3 Distribution Facility Health Risk Assessment			
Applicants for distribution centers in the Downtown Plan Area within 1,000 feet of sensitive land uses that require discretionary permits and would accommodate more than 100 truck trips or 40 transport refrigeration units (TRUs) per day shall prepare health risk assessments (HRAs) per SCAQMD and OEHHA guidance to identify the potential for cancer and non-cancer health risks. If cancer risks exceeding SCAQMD standards are identified, the applicant shall identify ways to reduce risks. Methods may include, but are not limited to, limiting the number of trucks/TRUs, locating distribution center entry and exit points as far as possible from sensitive land uses, and routing truck traffic away from sensitive land uses.	Applicant for individual project	DCP	Prior to project approval: review HRA
Biological Resources			
4.3-1(a) Biological Resources Reconnaissance Survey and Reporting			
If any active bird nest is found during a pre-construction nesting bird survey or is discovered inadvertently during earthwork or construction-related activities, a Qualified Biologist shall be retained by the Applicant or Owner to determine an appropriate avoidance buffer which shall be no less than is necessary to protect the nest, eggs and/or fledglings, from damage or disturbance in consideration of the following factors: the bird species, the availability of suitable habitat within the immediate area, the proposed work activity, and existing disturbances associated with surrounding land uses. The buffer shall be demarcated using bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary of the buffer. All construction personnel shall be notified of the buffer zone and shall avoid entering the protected area. No Ground Disturbing Activities or vegetation removal shall occur within this buffer area until the Qualified Biologist has confirmed that breeding/nesting is complete and the young have fledged the nest and/or that the nest is no longer an Active Nest. The Qualified Biologist shall prepare a report prior to the issuance of any building permit detailing the results of the nesting bird survey and subsequent monitoring, which shall be maintained for at least five years after certificate of occupancy.	Applicant for individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.
4.3-1(b) Notification			
All project applicants will be notified of and shall include on their plans an acknowledgement of the requirement to comply with the federal MBTA and CFGC to not destroy active bird	DBS	DBS	Prior to issuance of grading permit: review plans for acknowledgement

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<p>nests and of best practices recommended by qualified biologist to avoid impacts to active nests, including checking for nests prior to construction activities during February 1-August 31 and what to do if an active nest is found, including inadvertently during grading or construction activities. Such best practices shall include giving an adequate construction and grading buffer to avoid the active nest during construction, such as the following:</p> <p>Best Practices for Biological Resources</p> <p>The following best practices are recognized by biologists to ensure Active Nests are not damaged or disturbed during construction or ground disturbance activities, which is a violation of the Federal Migratory Bird Treaty Act and the State Fish and Game Code. Adherence to these best practices is recommended as applicable and feasible.</p> <p>Pre-Construction Survey. For any Project requiring demolition of a structure or removal of a tree or vegetation during the bird nesting season (February 1 to August 31), a pre-construction nesting bird survey of all suitable habitat shall be conducted no more than 10 days prior to the initiation of demolition or tree or vegetation removal to determine if nesting birds are present. The pre-construction nesting bird survey shall be conducted on foot within the Project site boundaries by a Qualified Biologist.</p> <p>Buffer for Active Nests. If any active bird nest is found during a pre-construction nesting bird survey, a Qualified Biologist shall recommend an avoidance buffer which shall be no less than is necessary to protect the nest, eggs and/or fledglings, from damage or disturbance in consideration of the following factors: the bird species, the availability of suitable habitat within the immediate area, the proposed work activity, and existing disturbances associated with surrounding land uses. The buffer shall be demarcated using bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary of the buffer. All construction personnel shall be notified of the buffer zone and shall avoid entering the protected area. No Ground Disturbing Activities or vegetation removal shall occur within this buffer area until the Qualified Biologist has confirmed that breeding/nesting is complete and the young have fledged the nest and/or that the nest is no longer an Active Nest.</p>			<p>of the requirement to comply with MBTA and CFGC to not destroy active bird nests and best practices to avoid impacts to active nests</p>
<p>4.3-1(c) Elysian Park</p> <p>All discretionary projects in the Downtown Plan Area that are within 200 feet of Elysian Park are required to do a preconstruction nesting bird survey of all suitable habitat within a 100-foot buffer around the construction site no more than ten days prior to the initiation of ground disturbance and vegetation removal for any grading or construction activity initiated during the bird nesting season (February 1-August 31) and to comply with the best practices identified in BIO MM 4.3-1(b).</p>	<p>Applicant for individual project.</p>	<p>DBS</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans; subject to inspection by DBS; enforcement available through LAMC at City discretion.</p>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
Cultural Resources			
4.4-2(a) Archaeological Resources Evaluation and Avoidance/Recovery			
<p>For discretionary projects that are excavating previously undisturbed land or below previously excavated depths, all reasonable methods shall be used to determine the potential that archaeological or tribal cultural resources are present on the project site, including thorough searches of databases and records, surveys, and/or consultation with local tribe(s) with ancestral ties to the project area. If there is a medium to high potential that resources are located on the project site and it is possible that resources will be impacted, a Qualified Archaeologist shall monitor and direct all excavation, grading or other ground disturbance activities to identify any resources and avoid potential impacts to such resources.</p>	Applicant for individual project.	DCP	Prior to discretionary project approval: verify that the applicant has conducted appropriate searches of databases and records, surveys, and/or consultation with local tribe(s) with ancestral ties to the project area and, as needed, identified methods to avoid impacts to significant archaeological resources.
4.4-2(b) Archaeological Assessment			
<p>For any project that requires a permit for grading or excavation, if a possible archaeological resource is uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Archaeologist has been retained to evaluate the find in accordance with National Register of Historic Places and California Register of Historical Resources criteria. The Qualified Archaeologist may adjust this avoidance area, ensuring appropriate temporary protection measures of the find are taken while also considering ongoing construction needs in the surrounding area. Temporary staking and delineation of the avoidance area shall be installed around the find in order to avoid any disturbance from construction equipment. Ground Disturbance Activities may continue unimpeded on other portions of the site outside the specified radius.</p> <p>Any potential archaeological resource or associated materials that are uncovered shall not be moved or collected by anyone other than an Archaeological Monitor or Qualified Archaeologist unless the materials have been determined to be non-unique archaeological resources, as defined in Public Resources Code Section 21083.1(h), by the Qualified Archaeologist. The Qualified Archaeologist shall determine if the resources are unique archeological resources as defined in Public Resources Code Section 21083.2(g).</p> <p>Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of unique archaeological resources should occur as follows: The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource.</p>	Applicant for individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<p>When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study should occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Archaeologist.</p> <p>Ground disturbance activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed by a Qualified Archaeologist. A report that describes the resource(s) and its disposition, as well as the assessment methodology, shall be prepared by the Qualified Archaeologist according to current professional standards and maintained for at least five years after certificate of occupancy. If appropriate, the report should also contain the Qualified Archaeologist’s recommendations for the preservation, conservation, and curation of the resource at a suitable repository, such as the Natural History Museum of Los Angeles County, with which the Applicant or Owner must comply.</p>			
4.4-2(c) Notification of Intent to Excavate Language			
<p>For all projects not subject to mitigation measure 4.4-2(a) or 4.4-2(b) that are seeking excavation or grading permits, the Department of Building and Safety shall issue the following notice and obtain an acknowledgement of receipt of the notice from applicants:</p> <p>California Penal Code Section 622.5 provides the following: “Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.”</p> <p>The following best practices are recognized by archaeologists and environmental consultants to ensure archaeological resources are not damaged during grading, excavation, or other Ground Disturbance Activities:</p> <ul style="list-style-type: none"> ○ Records Search. A cultural resources records search should be requested from and conducted by the California Historical Resources Information System’s (CHRIS) South Central Coastal Information Center (SCCIC) located at California State University, Fullerton to determine whether any cultural resources have been previously identified on or within a 0.5-mile radius of the Project site. The results of this records search shall be used as an indicator of the archaeological sensitivity of the Project site. ○ A Qualified Archaeologist shall be retained and use all reasonable methods, consistent with professional standards and best practices, to determine the potential for archaeological resources to be present on the Project site. 	DBS	DCP, DBS	Prior to issuance of excavation or grading permits: verify receipt of acknowledgement from applicant.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<ul style="list-style-type: none"> ○ If the Qualified Archaeologist determines there is a medium to high potential that archaeological resources may be located on the Project site and it is possible that such resources will be impacted by the Project, the Qualified Archaeologist shall advise the Applicant and Owner to retain an Archaeological Monitor to observe all Ground Disturbance Activities within those areas identified as having a medium to high potential in order to identify any resources and avoid potential impacts to such resources. ○ Monitoring. An Archaeological Monitor should monitor excavation and grading activities in soils that have not been previously disturbed in order to identify and record any potential archaeological finds and avoid potential impacts to such resources. In the event of a possible archaeological discovery, the Archaeological Monitor shall notify a Qualified Archaeologist. The Archaeological Monitor has the authority to temporarily halt earthwork activities. ○ Handling, Evaluation, and Preservation. Any archaeological resource materials or associated materials that are uncovered shall not be moved or collected by anyone other than an Archaeological Monitor or Qualified Archaeologist unless they have been determined to be nonunique archaeological resources, as defined in Public Resources Code Section 21083.1(h) by a Qualified Archaeologist. A Qualified Archaeologist shall determine if the resources are unique archeological resources as defined in Public Resources Code Section 21083.2(g). ○ Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of unique archaeological resources should occur as follows: <p>The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource.</p> <p>When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study should occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Archaeologist.</p> <p>If recommended by the Qualified Archaeologist, the resource(s) shall be curated by a public, non-profit institution with a research interest in the material, such as the Natural History</p>			

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<p>Museum of Los Angeles County or another appropriate curatorial facility for educational purposes.</p> <p>Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed by a Qualified Archaeologist.</p>			
4.4-2(d) Zanja Madre HAER Documentation			
<p>Any projects that require a permit for grading or excavation and that is located within one mile of the currently known and mapped segments of the Zanja Madre system (as shown in Appendix S to FEIR) shall comply with the following:</p> <p>Projects within 500 feet of the currently mapped known segments of the Zanja system (see Appendix S) have increased likelihood of encountering segments of the Zanja system during construction. The Zanja system includes the Zanja Madre and its outbranching secondary segments. If possible, segments of the Zanja system are uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Archaeologist has been retained to inspect and evaluate the find. The Qualified Archaeologist may adjust this avoidance area, ensuring appropriate temporary protection measures of the find are taken while also considering ongoing construction needs in the surrounding area. Temporary staking and delineation of the avoidance area shall be installed around the find in order to avoid any disturbance from construction equipment. Ground Disturbance Activities may continue unimpeded on other portions of the site outside the specified radius.</p> <p>At a minimum, and even if avoided, should the find be determined to be related to the Zanja system, the Qualified Archaeologist shall prepare a memo and complete all relevant State of California Department of Parks and Recreation (DPR) 523 forms documenting the find.</p> <p>If the Qualified Archaeologist, having evaluated the find, determines that the find retains integrity, documentation consistent with the standards and guidelines established the Historic American Engineering Record (HAER) shall be undertaken and transmitted to the Library of Congress before any alteration, demolition, construction, or removal activity may occur within the determined avoidance area. Documentation shall include narrative records, measured drawings, and photographs in conformance with HAER Guidelines. The found segments shall also be mapped using Geographic Information Systems (GIS) or 3D mapping technology in order to contribute to the existing record of the location and extent of the Zanja system as a whole. At minimum, GIS data shall include the geographic coordinates and depth of all portions of the find. All records, including geographic data, georeferenced photographs, and information about the depth of the find shall be submitted to City Planning. Report</p>	<p>Applicant for individual project</p>	<p>DBS DCP, OHR</p>	<p>During grading/construction: field as needed, verify that field verify that work is halted to assess possible archaeological resources and avoidance buffers are demarcated and enforced.</p> <p>Once find has been determined to be related to the Zanja system: review and approve the memo and all relevant DPR 523 forms documenting the find.</p> <p>Once find has been determined to retain integrity: review and approve the documentation that is consistent with HAER standards and guidelines. Submit documentation to the Library of Congress, SCCIC, and DCP prior to any alteration, demolition, construction, or removal activity within the avoidance area.</p> <p>Verify that appropriate treatments determined by the archaeologist for the find are implemented.</p>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<p>documentation and GIS files shall additionally be provided to the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton.</p> <p>In addition to HAER documentation, if determined appropriate by the Qualified Archaeologist, one or more of the following specific treatments shall be developed and implemented based on potential California Register eligibility criteria or the significance of the find as a unique archaeological resource:</p> <p>Treatment Under Criterion 1: Treatment shall include interpretation of the Zanja system for the public. The interpretive materials may include, but not be limited to, interpretive displays of photographs and drawings produced during the HAER documentation, signage at the Zanja Madre alignment, relocating preserved segments in a publicly accessible display, or other visual representations of Zanja alignments through appropriate means such as a dedicated internet website other online-based materials. At a minimum, the interpretive materials shall include photographs and drawings produced during the HAER documentation and signage. These interpretive materials shall be employed as part of Project public outreach efforts that may include various forms of public exhibition and historic image reproduction. Additionally, the results of the historical and archaeological studies conducted for the Project shall be made available to the public through repositories such as the local main library branch or with identified non-profit historic groups interested in the subject matter. The interpretive materials shall be prepared at the expense of the Project applicant, by professionals meeting the Secretary of the Interior’s Professional Qualifications Standards in history or historical archaeology. The development of the interpretive materials shall consider any such materials already available to the public so that the development of new materials would add to the existing body of work on the historical Los Angeles water system, and to this end, shall be coordinated, to the extent feasible and to the satisfaction of the Department of City Planning, in consultation with the Office of Historic Resources. The interpretive materials shall include a consideration of the Zanja segment located on the Project Site in relation to the entire Zanja system. The details of the interpretive materials, including the content and format, and the timing of their preparation, shall be completed to the satisfaction and subject to the approval of the Department of City Planning, in consultation with the Office of Historic Resources.</p> <p>Treatment Under Criterion 2: No additional work; archival research about important persons directly associated with the construction and use of the Zanja system would be addressed as part of HAER documentation.</p> <p>Treatment Under Criterion 3: No additional work; HAER documentation is sufficient.</p> <p>Treatment Under Criterion 4: No additional work; archaeological data recovery and HAER documentation are sufficient.</p>			

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
Treatment as a unique archaeological resource, as defined by PRC Section 21083.2(g): Same as Criterion 1 treatment.			
4.4-2(e) Designated Historic Resource			
<p>Projects with a designated historic resource in a CPIO District Subarea shall be subject to the following:</p> <ul style="list-style-type: none"> ● The Project shall be consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, as determined by the Director in consultation with OHR. ● The Project shall not demolish or remove any building or structure, within a National Register Historic District, or California Register of Historical Places, that is designated as a Contributing Element, or Altered Contributing Element, unless the Owner can demonstrate to the Director that the owner would be deprived of all economically viable use of the property. In making its determination, the Director shall consider any evidence presented concerning the following: <ul style="list-style-type: none"> ○ An opinion regarding the structural soundness of the structure and its suitability for continued use, renovation, Restoration or Rehabilitation from a licensed engineer or architect who meets the Secretary of the Interior’s Professional Qualification Standards as established by the Code of Federal Regulation, 36 CFR Part 61. This opinion shall be based on the Secretary of the Interior’s Standards for Architectural and Engineering Documentation with Guidelines; ○ An estimate of the cost of the proposed Demolition, and replacement project and an estimate of the cost that would be incurred to execute a Secretary of the Interior’s Standards for Rehabilitation alternative to the project, as identified in an Environmental Impact Report (EIR), or in the absence of an EIR, when appropriate under CEQA, as identified by the Director of Planning in consultation with the Cultural Heritage Commission or its designee; ○ An estimate of the market value of the property in its current condition; after completion of the proposed Demolition and replacement project; and after any expenditure necessary to execute a Secretary of the Interior’s Standards for Rehabilitation alternative to the project, as identified in an EIR, or in the absence of an EIR, when appropriate under 	City Council; Applicant for Individual Projects	DCP, DBS	Adoption of CPIO; Prior to project approval, building permit issuance

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<p>CEQA, as identified by the Director of Planning in consultation with the Cultural Heritage Commission or its designee;</p> <ul style="list-style-type: none"> ○ An estimate from architects, developers, real estate consultants, appraisers, or other real estate professionals experienced in Rehabilitation as to the economic feasibility of Restoration, renovation or Rehabilitation of any existing structure or objects. This shall include tax incentives and any special funding sources, or government incentives which may be available. ○ For purposes of this mitigation measure, designated historic resource shall mean a building, structure, object, landscaping element. 			
4.4-2(f) Eligible Historic Resource			
<p>Projects with eligible historic resources in a CPIO District Subarea shall be subject to the following: Non-Demolitions. If the Project does not involve the Demolition of the Eligible Historic Resource, the following requirements shall be met:</p> <ul style="list-style-type: none"> ● The Director, in consultation with the Office of Historic Resources, determines, based upon a Phase 1 Historic Resource Assessment and substantial evidence, that the Eligible Historic Resource is not an historical resource, as defined by Public Resources Code Section 21084.1; ● The Director, in consultation with the Office of Historic Resources, determines, based upon substantial evidence, that the Project is consistent with the Secretary of Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings; <p>or,</p> <p>Demolitions. If the Project involves the Demolition of an Eligible Historic Resource, the following requirements shall be met:</p> <ul style="list-style-type: none"> ● The Director, in consultation with the Office of Historic Resources, determines, based upon a Phase 1 Historic Resource Assessment and substantial evidence, that the Eligible Historic Resource is not an historical resource, as defined by Public Resources Code Section 21084.1; or ● Environmental review in compliance with CEQA was completed on the Project, including if necessary, the adoption of a statement of overriding considerations. 	<p>City Council; Applicant for Individual Projects</p>	<p>DCP, DBS</p>	<p>Adoption of CPIO; Prior to project approval, building permit issuance</p>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<p>CEQA Review for Eligible Historic Resources. In complying with this Subdivision 7, if at any time the Director, in consultation with the Office of Historic Resources, determines the Eligible Historic Resource is not a historical resource as defined by Public Resources Code Section 21084.1, approval of the Project through an Administrative Clearance (involving no other discretionary approvals) shall be a ministerial approval. If the Director, in consultation with the Office of Historic Resources, determines the Eligible Historic Resource is a historical resource as defined by Public Resource Code Section 21084.1, the Director shall have discretion to impose feasible mitigation measures or deny the CPIO Approval if a necessary statement of overriding considerations is not adopted, and the CPIO approval shall be discretionary.</p> <p>For purposes of this mitigation measure, eligible historic resource shall mean a building, structure, object, site, landscape, natural feature, or historic district identified as eligible for listing either individually or as a contributor to a historic district under a local, state, or federal designation program through Survey LA (the Los Angeles Historic Resources Survey), the January 2020 Historic Resources Survey Report prepared by CRA-LA Designated Local Authority, or any subsequent historic resource survey completed by a person meeting the Secretary of the Interior’s Professional Qualification Standards for Historic Preservation and accepted as complete by the Director, in consultation with the Office of Historic Resources. This term does not include a non-contributor to an eligible or designated historic district.</p>			
Geology and Soils			
4.6-6(a) Paleontological Resources			
<p>For all discretionary projects that are excavating earth for two or more subterranean levels within previously undisturbed land or below previously excavated depths within native soils, a determination shall be made using all reasonable methods to determine the potential that paleontological resources are present on the project site, including through searches of databases and records, and surveys. If there is a medium to high potential that paleontological resources are located on the project site and it is possible that these resources will be impacted, monitoring will be conducted for all excavation, grading or other ground disturbance activities to identify any resources and avoid potential impacts to such resources as follows:</p> <p>Paleontological Worker Environmental Awareness Program (WEAP). Prior to the start of construction, the Qualified Paleontologist or paleontological monitor shall conduct training for construction personnel regarding the appearance of fossils and the procedures for</p>	<p>Applicant for individual project</p>	<p>DCP, DBS</p>	<p>Prior to project approval: verify that the applicant has conducted surveys and searches of databases and records and as needed, identified methods to avoid impacts to significant paleontological resources; measures on plans.</p>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<p>notifying paleontological staff should fossils be discovered by construction staff. In the event of a fossil discovery by construction personnel, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If it is determined that the fossil(s) is(are) scientifically significant, the paleontological monitor shall complete the next two steps.</p> <p>Fossil Salvage. The Qualified Paleontologist or designated paleontological monitor shall recover intact fossils. Typically fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Any fossils shall be handled and deposited consistent with a mitigation plan prepared by the paleontological monitor.</p> <p>Paleontological Resource Construction Monitoring. Additional ground disturbing construction activities (including grading, trenching, foundation work and other excavations) in undisturbed sediments, below five feet, with high paleontological sensitivity shall be monitored on a full-time basis by a Qualified Paleontologist or designated paleontological monitor during initial ground disturbance. If the paleontological monitor determines that full-time monitoring is no longer warranted, he or she may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall be reinstated if any new or unforeseen deeper ground disturbances are required.</p>			
4.6-6(b) Treatment of Paleontological Resources			
<p>For any project that requires a permit for grading or excavation, if a probable paleontological resource is uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Paleontologist has been retained to evaluate the find in accordance with the Society of Vertebrate Paleontology's Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. Temporary flagging shall be installed around the find in order to avoid any disturbance from construction equipment. Any paleontological materials that are uncovered shall not be moved or collected by anyone other than a Qualified Paleontologist or his/her designated representative such as a Paleontological Monitor. If cleared by the Qualified Paleontologist, Ground Disturbance Activities may continue unimpeded on other portions of the site. The found deposit(s) shall be treated in accordance with the Society of Vertebrate Paleontology's Standard Procedures. Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed by a Qualified Paleontologist. A report that describes the resource and its disposition, as well as the assessment methodology, shall be prepared by the Qualified</p>	<p>Applicant for individual project</p>	<p>DBS</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion. If resources found and have been properly assessed and processed: review and approve the report that documents assessment, processing</p>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<p>Paleontologist according to current professional standards and maintained for at least five years after certificate of occupancy. If appropriate, the report should also contain the Qualified Paleontologist’s recommendations for the preservation, conservation, and curation of the resource at a suitable repository, such as the Natural History Museum of Los Angeles County, with which the Applicant or Owner must comply.</p>			<p>of resources, and recommending actions.</p>
4.6-6(c) Notification of Intent to Excavate Language			
<p>For all projects not subject to 4.6-6(a) that are seeking excavation or grading permits, the Department of Building and Safety shall issue the following notice and obtain an acknowledgement of receipt of the notice from applicants:</p> <p>California Penal Code Section 622.5 provides the following: “Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.”</p> <p>PRC Section 5097.5 provides protection for cultural and paleontological resources, where Section 5097.5(a) states, in part, that: “No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.”</p> <p>California Code of Regulations, Title 14, Section 4307 states that “no person shall remove, injure, deface or destroy any object of paleontological, archaeological, or historical interest or value.” Section 1427 “recognizes that California’s archaeological resources are endangered by urban development and population growth and by natural forces...Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park of place, is guilty of a misdemeanor. It is a misdemeanor to alter any archaeological evidence found in any cave, or to remove any materials from a cave.”</p> <p>The following best practices are recognized by paleontologists and environmental consultants to ensure paleontological resources are not damaged during construction or Ground Disturbance Activities:</p> <p>A paleontological resources records search shall be requested from and conducted by the Natural History Museum of Los Angeles County to determine whether any paleontological resources have been previously identified on or near the Project site. The results of this records search shall be used as an indicator of the paleontological sensitivity of the Project site.</p>	<p>DBS</p>	<p>DBS</p>	<p>Prior to issuance of excavation or grading permits: verify receipt of acknowledgement from applicant.</p>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<p>A Qualified Paleontologist shall be retained and use all reasonable methods, consistent with professional standards and best practices, to determine the potential for paleontological resources to be present on the Project site.</p> <p>If the Qualified Paleontologist determines there is a high potential that paleontological resources may be located on the Project site and it is possible that such resources will be impacted by the Project, the Qualified Paleontologist or his/her designated representative such as a Paleontological Monitor shall observe all Ground Disturbance Activities within those areas identified as having an undetermined or high potential in order to identify any resources and avoid potential impacts to such resources. In the event of a possible paleontological discovery, the Qualified Paleontologist or Paleontological Monitor shall have the authority to temporarily halt earthwork activities within an appropriate radius of the find, as determined by the Qualified Paleontologist, necessary to protect the resource or other potential resources on or near the Project site. Temporary flagging shall be installed around the find in order to avoid any disturbance from construction equipment.</p> <p>Prior to the start of construction, the Qualified Paleontologist or his/her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.</p> <p>If paleontological resources are uncovered (in either a previously disturbed or undisturbed area), all work should cease in the area of the find until a Qualified Paleontologist has evaluated the find in accordance with federal, state, and local guidelines, including the <u>Society of Vertebrate Paleontology's Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources</u> (SVP, 2010).</p> <p>If fossils are discovered, a Qualified Paleontologist shall recover them. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist has the authority to temporarily direct, divert or halt construction activity to ensure the fossil(s) can be removed in a safe and timely manner. Handling and disposition of fossils is done at the direction and guidance of a Qualified Paleontologist.</p> <p>Personnel of the Project should not collect or move any paleontological materials or associated materials.</p> <p>If cleared by the Qualified Paleontologist, construction activity may continue unimpeded on other portions of the Project site.</p> <p>Construction activities in the area where resources were found may commence once the identified resources are properly assessed and processed by a Qualified Paleontologist, and the Qualified Paleontologist clears the site for construction activity.</p>			

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
Hazards and Hazardous Materials			
4.8-4(a) Unanticipated Hazards			
<p>For any project that requires a grading, excavation, or building permit from LADBS, in the event that suspected Hazardous Materials, contamination, debris, or other features or materials that could present a threat to human health or the environment are discovered during earthwork or construction, such activities shall cease immediately until the affected area is evaluated by a Qualified Environmental Professional. If the Qualified Environmental Professional determines that a hazard exists, a remediation plan shall be developed by the Qualified Environmental Professional in consultation with the appropriate regulatory agency, and the remediation identified shall be completed. Work shall not resume in the affected area until appropriate actions have been implemented in accordance with the remediation plan, to the satisfaction of the regulatory agency.</p> <p>A report that describes the Hazardous Materials, contamination or debris and its disposition, shall be prepared by the Qualified Environmental Professional, according to current professional standards and maintained for at least five years after certificate of occupancy is issued.</p>	Applicant for individual project	DBS Other enforcement agencies as applicable: SWRCB, DTSC, LACoFD, LAFD	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p> <p>If materials found and have been properly evaluated: review and approve the remediation plan and verify that the appropriate regulatory agency/agencies have approved the plan. Verify receipt of any needed agency sign off on remediation plan.</p>
4.8-4(b) Environmental Site Assessment(s)			
<p>The site assessment requirements that follow apply to any project that requires a grading, excavation, or building permit from LADBS and which is: Located on or within 500 feet of a Hazardous Materials site listed in any of the following databases:</p> <ul style="list-style-type: none"> o State Water Resources Control Board GeoTracker (refer to https://geotracker.waterboards.ca.gov); o DTSC EnviroStor (refer to https://www.envirostor.dtsc.ca.gov/public); o DTSC Hazardous Waste Tracking System (refer to https://hwts.dtsc.ca.gov); o LAFD Certified Unified Program Agency (refer to the active, inactive, and historical inventory lists at https://www.lafd.org/fire-prevention/cupa/public-records); 	Applicant for individual project	DBS, Los Angeles Fire Department (LAFD) Other enforcement agencies as applicable: SWRCB, DTSC, LACoFD	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p> <p>Prior to issuance of grading, excavation, or building permits:</p>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<ul style="list-style-type: none"> o Los Angeles County Fire Department Health Hazardous Materials Division (refer to the active and inactive facilities, site mitigation, and California Accidental Release Prevention inventory lists at https://fire.lacounty.gov/public-records-requests); o SCAQMD Facility Information Detail (refer to https://xapprod.aqmd.gov/find); or <p>Located on or within 500 feet of a Hazardous Materials site designated as a Resource Conservation and Recovery Act (RCRA) Small Quantity Generator or Large Quantity Generator (refer to the USEPA Envirofacts database at https://enviro.epa.gov/index.html); or Located in an Oil Drilling District (O) or located on or within 50 feet of a property identified as having an oil well or an oil field (active or inactive) by the California Geologic Energy Management Division (refer to https://www.conservation.ca.gov/calgem/Pages/WellFinder.aspx); or Located on land currently or previously designated with an industrial use class or industrial zoning, in whole or in part; or Located on land currently or previously used for a gas station or dry cleaning facility.</p> <p>Or:</p> <p>The Applicant or Owner are aware or have reason to be aware that the Project site was previously used for an industrial use, gas station or dry cleaner.</p> <p>And:</p> <p>The site has not been previously remediated to the satisfaction of the relevant regulatory agency/agencies for any contamination associated with the above uses or site conditions.</p> <p>A Phase I Environmental Site Assessment shall be prepared by a Qualified Environmental Professional in accordance with State standards/guidelines and current professional standards, including the American Society for Testing and Materials' (ASTM) Standard Practice for Environmental Site Assessments, to evaluate whether the site, or the surrounding area, is contaminated with hazardous substances from any past or current land uses, including contamination related to the storage, transport, generation, or disposal of toxic or Hazardous Waste or materials.</p> <p>If the Phase I identifies a Recognized Environmental Condition (REC) and/or if recommended in the Phase I, a Phase II Environmental Site Assessment shall also be prepared by a Qualified Environmental Professional. The Phase I and/or Phase II Environmental Site Assessment(s) shall be maintained for at least five years after certificate of occupancy is issued and made available for review and inclusion in the case file by the appropriate regulatory agency, such as the State Water Resources Control Board, the State Department of Toxic Substances Control, or the LAFD Hazard Mitigation Program. Any</p>			<p>review and approve the Phase I Environmental Site Assessment (ESA). If no recognized environmental conditions (REC) are identified, no further documentation is required.</p> <p>If the Phase I ESA identifies a REC and/or if recommended in the Phase I ESA, review and approve a Phase II ESA.</p> <p>If the Phase II ESA indicates the need for remediation, review and approve a remediation plan. If oversight or approval from a regulatory agency is required, verify agency sign off on remediation plan and that a No Further Action letter has been issued.</p> <p>If oversight or approval from a regulatory agency is not required, review and approve the written verification of compliance with and completion of the remediation plan.</p>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<p>remediation plan recommended in the Phase II Environmental Site Assessment or by the appropriate regulatory agency shall be implemented and, if required, a No Further Action letter shall be issued by the appropriate regulatory agency prior to issuance of any permit from LADBS, unless the regulating agency determines that remedial action can be implemented in conjunction with excavation and/or grading. If oversight or approval by a regulatory agency is not required, the Qualified Environmental Professional shall provide written verification of compliance with and completion of the remediation plan, such that the site meets the applicable standards for the proposed use, which shall be maintained for at least five years after certificate of occupancy.</p>			
<p>Noise</p>			
<p>4.11-1(a) Project-Specific Noise Study</p>			
<p>The noise study requirement that follows applies to any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS; are located within 500 feet of Noise-Sensitive Uses; and have one or more of the following characteristics:</p> <ul style="list-style-type: none"> Two or more subterranean levels; 20,000 cubic yards or more of excavated material; Simultaneous use of five or more pieces of construction equipment; or Construction duration (excluding architectural coatings) of 18 months or more. Construction activities involving impact pile driving or the use of 300 horsepower equipment. <p>A Noise Study prepared by a Qualified Noise Expert shall be required and prepared prior to obtaining any permit by LADBS. The Noise Study shall characterize expected sources of earthwork and construction noise that may affect identified Noise-Sensitive Uses, quantify expected noise levels at these Noise-Sensitive Uses, and recommend measures to reduce noise exposure to the extent noise reduction measures are available and feasible, and to demonstrate compliance with any noise requirements in the LAMC. Specifically, the Noise Study shall identify noise reduction devices or techniques to reduce noise levels in accordance with accepted industry practices and in compliance with LAMC standards. Noise reduction devices or techniques shall include but not be limited to mufflers, shields, sound barriers, and time and place restrictions on equipment and activities. The Noise Study shall identify anticipated noise reductions at Noise-Sensitive Uses associated with the noise reduction measures. Applicants and Owners shall be required to implement and comply with all measures identified and recommended in the Noise Study. The Noise Study and copies of</p>	<p>Applicant for individual projects</p>	<p>DBS</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
any contractor agreements shall be maintained <u>for at least five years after certificate of occupancy is issued</u> .			
4.11-1(b) Noise Shielding and Muffling			
For any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS, power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and muffling devices consistent with manufacturers’ standards or the Best Available Control Technology. All equipment shall be properly maintained, and the Applicant or Owner shall require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer’s specifications.	Applicant of individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.
4.11-1(c) Use of Driven Pile Systems			
For any project whose earthwork and construction activities involve the use of construction equipment and require a permit from LADBS, driven (impact) pile systems shall not be used, except in locations where the underlying geology renders drilled piles, sonic, or vibratory pile drivers infeasible, as determined by a soils or geotechnical engineer and documented in a soils report.	Applicant of individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.
4.11-1(d) Enclosure or Screening of Outdoor Mechanical Equipment			
For any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS, all outdoor mechanical equipment (e.g., generators, compressors) shall be enclosed or visually screened. The equipment enclosure or screen shall be impermeable (i.e., solid material with minimum weight of 2 pounds per	Applicant of individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
square feet) and break the line of sight between the equipment and any off-site Noise-Sensitive Uses.			notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.
4.11-1(e) Location of Construction Staging Areas			
For any project whose earthwork or construction activities involve the use of construction equipment and require a permit from LADBS, construction staging areas shall be located as far from Noise-Sensitive Uses as reasonably possible and technically feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints. The burden of proving what constitutes 'as far as possible' shall be upon the Applicant or Owner, in consideration of the above factors.	Applicant of individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.
4.11-1(f) Temporary Walls			
For any project whose earthwork and construction activities involve the use of construction equipment and require a permit from LADBS; and whose construction activities are located within a line of sight to and within 500 feet of Noise-Sensitive Uses, with the exception of projects limited to the construction of 2,000 square feet or less of floor area dedicated to residential uses, noise barriers, such as temporary walls (minimum ½-inch thick plywood), sound blankets (minimum STC 25 rating), that are a minimum of eight feet tall, shall be erected between construction activities and Noise-Sensitive Uses as reasonably possible and technically feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints. The burden of proving that compliance is technically infeasible shall be upon the Applicant or Owner. Technical infeasibility shall mean that noise barriers cannot be located between construction activities and Noise-Sensitive Uses due to site boundaries, topography, intervening roads and uses, and/or operational constraints.	Applicant of individual project	DBS	Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
4.11-2(a) Vibration Control Plan			
<p>This measure applies to any project, with the exception of projects limited to the construction of 2,000 square feet or less of floor area dedicated to residential uses, whose earthwork or construction activities: (1) involve the use of construction equipment, including Heavy Construction Equipment, that produces 0.12 PPV or more of vibration at a distance of 25 feet (see reference vibration levels in Appendix S - Environmental Protection Measures Handbook); (2) require a permit from LADBS; and (3) which occur:</p> <p>Within 25 feet of any building extremely susceptible to vibration damage, including unreinforced masonry buildings, tilt-up concrete wall buildings, wood-frame multi-story buildings with soft, weak or open front walls, and non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources Survey; or</p> <p>Within 15 feet of non-engineered timber and masonry buildings.</p> <p>Or any Project whose construction activities involve the use of pile drivers within 135 feet of any building extremely susceptible to vibration damage, including existing unreinforced masonry buildings, existing tilt-up concrete wall buildings, existing wood-frame multi-story buildings with soft, weak or open front walls, and existing non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources Survey.</p> <p>Prior to demolition, grading/excavation, or construction, a Qualified Structural Engineer shall prepare a survey establishing baseline structural conditions of potentially affected structures and a Vibration Control Plan, which shall include methods to minimize vibration, including, but not limited to:</p> <p>A visual inspection of the potentially affected structures to document (by video and/or photography) the apparent physical condition of the building (e.g., cracks, broken panes, etc.).</p> <p>A shoring design to protect the identified structures from potential damage;</p> <p>Use of drilled piles or a sonic vibratory pile driver rather than impact pile driving, when the use of vibrating equipment is unavoidable;</p> <p>Use of rubber-tired equipment rather than metal-tracked equipment; and</p> <p>Avoiding the use of vibrating equipment when allowed by best engineering practice.</p>	<p>Applicant of individual project</p>	<p>DBS</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
4.11-2(b) Best Management Practices for Vibration			
<p>For projects that are not required to comply with Mitigation Measure 4.11-2(a), the City shall notify developers of the following best management practices to reduce damage to vibration-sensitive uses:</p> <p>Impact pile drivers shall be avoided to eliminate excessive vibration levels. Drilled piles or the use of a sonic vibratory pile driver are alternatives that shall be utilized where geological conditions permit their use.</p> <p>Construction activities shall involve rubber-tired equipment rather than metal-tracked equipment.</p> <p>The construction contractor shall manage construction phasing (scheduling demolition, earthmoving, and ground-impacting operations so as not to occur in the same time period), use low-impact construction technologies, and shall avoid the use of vibrating equipment when allowed by best engineering practices.</p>	DBS	DBS	<p>Prior to construction: verify that developers have been notified of best management practices to reduce damage to vibration-sensitive uses.</p>
4.11-2(c) Repair of Damage			
<p>This measure applies to any project, with the exception of projects limited to the construction of 2,000 square feet or less of floor area dedicated to residential uses, whose earthwork or construction activities: (1) involve the use of construction equipment, including Heavy Construction Equipment, that produces 0.12 PPV or more of vibration at a distance of 25 feet (see reference vibration levels in Appendix S); (2) require a permit from LADBS; and (3) which occur:</p> <p>Within 25 feet of any building extremely susceptible to vibration damage, including unreinforced masonry buildings, tilt-up concrete wall buildings, wood-frame multi-story buildings with soft, weak or open front walls, and non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources Survey; or</p> <p>Within 15 feet of non-engineered timber and masonry buildings.</p> <p>Or any Project whose construction activities involve the use of pile drivers within 135 feet of any building extremely susceptible to vibration damage, including existing unreinforced masonry buildings, existing tilt-up concrete wall buildings, existing wood-frame multi-story buildings with soft, weak or open front walls, and existing non-ductile concrete buildings, or a building that is designated or determined to be a historic resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources Survey.</p>	Applicant of individual project	DCP, DBS	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy; enforcement of violations available through LAMC at City discretion.</p> <p>During repairs: repairs to historical buildings are undertaken and completed in conformance with the California Historical Building Code and the Secretary of the Interior’s Standards for the Treatment of Historic Properties.</p>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<p>In the event of damage to any non-historic building due to construction vibration, as verified by the Qualified Structural Engineer, a letter describing the damage to the impacted building(s) and recommendations for repair shall be prepared by the Qualified Structural Engineer within 60 days of the time when damage occurred. Repairs shall be undertaken and completed, at the Owner's or Applicant's expense, in conformance with all applicable codes.</p> <p>In the event of vibration damage to any building that is designated or determined to be a historical resource pursuant to local or state law or that is determined to be potentially eligible for historic designation in a Historic Resources Survey, a letter describing the damage to the impacted building(s) and recommendations for repair shall be prepared by the Qualified Historian within 60 days of the time when damage occurred. Repairs shall be undertaken and completed, at the Owner's or Applicant's expense, in conformance with the California Historical Building Code (Title 24, Part 8) as well as the Secretary of the Interior's Standards for the Treatment of Historic Properties and associated guidelines, as applicable and as determined by the Qualified Historian.</p>			
Tribal Cultural Resources			
4.16-1(a) Native American Consultation and Monitoring for Discretionary Projects			
<p>For all discretionary projects where excavation could extend below previously disturbed levels, notification shall be provided to California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project site and have submitted a written request to the Department of City Planning to be notified of proposed projects in that area. If the potential for tribal resources exists, excavation in previously undisturbed soils shall be monitored by a qualified tribal monitor.</p>	<p>DCP, Applicant for individual project</p>	<p>DCP, OHR; DBS, California Native American tribes</p>	<p>Prior to project approval: verify that required notification to California Native American tribes has been conducted; as needed, impose condition monitoring by Tribal monitor if needed; DBS to ensure requirement on plans; subject to enforcement under LAMC at City discretion.</p>
<p>4.16-1(b) Inadvertent Discovery</p> <p>If a possible tribal cultural resource is uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Tribal Monitor or Archaeological Monitor has been retained to evaluate the find.</p> <p>Following discovery, the Applicant or Owner shall immediately contact all Native American tribes that have informed the City of Los Angeles they are traditionally and culturally affiliated with the geographic area of the Project, as well as the Department of City Planning, Office of Historic Resources (OHR). If a Qualified Tribal Monitor or Archaeological Monitor</p>	<p>Applicant for individual project</p>	<p>DBS, DCP/OHR</p>	<p>Prior to issuance of grading or building permits submittal of plans with measure on plans, collection of acknowledgement by owner and notice to contractors; subject to inspection by DBS; maintenance of records of compliance for at least five years after issuance of certificate of occupancy;</p>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<p>determines, pursuant to Public Resources Code Section 21074(a)(2), that the object or artifact appears to be a potential tribal cultural resource, in its discretion and supported by substantial evidence, the Applicant and Owner shall provide any affected tribe a reasonable period of time, not less than five business days, to conduct a site visit and make recommendations to the Applicant or Owner and OHR regarding the monitoring of future Ground Disturbance Activities and the treatment and disposition of any discovered tribal cultural resources. The Applicant or Owner shall implement the tribe’s recommendations if the Qualified Tribal Monitor or Archaeological Monitor reasonably concludes such recommendations are reasonable and feasible.</p> <p>Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of tribal cultural resources should occur as follows: The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource.</p> <p>When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study should occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Tribal Monitor or Qualified Archaeologist.</p> <p>All collected artifacts and fieldwork notes, if not human remains or other mortuary objects, shall be curated at the Natural History Museum of Los Angeles County or another appropriate curatorial facility for educational purposes. If cleared by the Qualified Tribal Monitor or Archaeological Monitor, Ground Disturbance Activities may continue unimpeded on other portions of the site. Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed. A report that describes the resource and its disposition, as well as the assessment methodology shall be prepared by the Qualified Tribal Monitor or Archaeological Monitor, according to current professional standards and maintained for at least five years after the certificate of occupancy is issued. A copy of the report shall be submitted to OHR, the South Central Coastal Information Center at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File. If requested by the City, OHR may review and approve any monitoring or mitigation plan prior to implementation.</p>			<p>enforcement of violations available through LAMC at City discretion.</p>
4.16-1(c) Notices for Non-Discretionary Projects			
<p>For all projects not subject to 4.16-1(a) that are seeking excavation or grading permits, the Department of Building and Safety shall issue the following notice and obtain an acknowledgment of receipt of the notice from applicants:</p>	<p>DBS</p>	<p>DBS</p>	<p>Prior to issuance of excavation or grading permits: verify receipt of acknowledgement from applicant.</p>

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<p>Several federal and state laws regulate the treatment of tribal resources and make it a criminal violation to destroy those resources. These include, but are not limited to:</p> <ul style="list-style-type: none"> ○ California Penal Code Section 622.5 provides the following: “Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.” <p>Public Resources Code Section 5097.5 (a) states, in part, that:</p> <ul style="list-style-type: none"> ○ No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express written permission of the public agency having jurisdiction over the lands. <p>The following best practices are recognized by tribal monitors and environmental consultants to ensure that tribal cultural resources are not damaged during grading, excavation, or other Ground Disturbance Activities:</p> <ul style="list-style-type: none"> ○ A Sacred Lands File (SLF) records search shall be requested from and conducted by the California Native American Heritage Commission (NAHC) to determine whether cultural resources associated with any Native American tribe(s) with traditional lands or cultural places located within or near the Project site have been previously identified or whether the Project area is considered sensitive for the presence of tribal cultural resources. ○ All tribes listed on the NAHC’s Native American Contact List included with the SLF records search shall be contacted, informed of the Project, and given an opportunity to provide input. If the tribe provides substantial evidence of a potential for discovery of tribal cultural resources within the Project site and requests monitoring of Project excavation, grading or other Ground Disturbance Activities, a Qualified Tribal Monitor or an Archaeological Monitor shall be retained. ○ The Qualified Tribal Monitor or Archaeological Monitor shall observe all Ground Disturbance Activities within those areas identified in the records search as sensitive for the presence of tribal cultural resources in order to identify any resources and avoid potential impacts to such resources. In 			

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<p>the event of a possible discovery of a tribal cultural resource, the Qualified Tribal Monitor or Archaeological Monitor shall have the authority to temporarily halt earthwork activities within an appropriate radius of the find, as determined by the Qualified Tribal Monitor or Qualified Archaeologist to ensure the find is not damaged or any other potential tribal cultural resources on or near the Project site.</p> <ul style="list-style-type: none"> ○ If tribal cultural resources are uncovered, all work should cease in the appropriate radius determined by the Qualified Tribal Monitor or Archaeological Monitor. ○ Any find should be treated with appropriate dignity and protected and preserved as appropriate with the agreement of the Qualified Tribal Monitor and in accordance with federal, state, and local guidelines. ○ The location of the tribal cultural resource find and the type and nature of the find should not be published beyond providing the information to public agencies with jurisdiction or responsibilities related to the resources and any affected tribal representatives. ○ Personnel of the Project should not collect or move any tribal cultural resources or associated materials or publish the location of tribal cultural resources. ○ Following discovery, the Applicant or Owner shall immediately contact all Native American tribes that have informed the City of Los Angeles they are traditionally and culturally affiliated with the geographic area of the Project, as well as the Department of City Planning, Office of Historic Resources (OHR). ○ The Applicant and Owner shall provide any affected tribe a reasonable period of time, not less than five business days, to conduct a site visit and make recommendations to the Applicant or Owner regarding the monitoring of future Ground Disturbance Activities and the treatment and disposition of any discovered tribal cultural resources. ○ The Applicant or Owner shall implement the tribe’s recommendations if the Qualified Tribal Monitor or Archaeological Monitor reasonably concludes such recommendations are reasonable and feasible and determined to be supported with substantial evidence. 			

Mitigation Measure/Condition of Approval	Implementing Party	Enforcement and Monitoring Agency	Monitoring Phase and Monitoring Actions ¹
<ul style="list-style-type: none"> ○ Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of tribal cultural resources shall occur as follows: The find shall be preserved in place or left in an undisturbed state unless the Project would damage the resource. When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study shall occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Tribal Monitor or Qualified Archaeologist. ○ All collected artifacts and fieldwork notes, if not human remains or other mortuary objects, shall be curated at the Natural History Museum of Los Angeles County or another appropriate curatorial facility. ○ If cleared by the Qualified Tribal Monitor or Archaeological Monitor, Ground Disturbance Activities may continue unimpeded on other portions of the site. Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed. 			
<p>Note: DCP = City of Los Angeles, Department of City Planning; DBS = City of Los Angeles, Department of Building and Safety; OHR = City of Los Angeles, Office of Historic Resources; DTSC = Department of Toxic Substances Control; LACoFD = County of Los Angeles Fire Department; and SWRCB = California State Water Resources Control Board</p>			