

SUSTAINABLE COMMUNITIES ENVIRONMENTAL ASSESSMENT FOR THE 5001 WILSHIRE PROJECT (ENV-2021-3327-SCEA)

MITIGATION MONITORING AND REPORTING PROGRAM

A. INTRODUCTION

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

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

A Sustainable Communities Environmental Assessment (SCEA) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project’s impacts takes into consideration project design features and identifies mitigation measures to avoid or reduce potentially significant environmental impacts. This MMRP is designed to monitor implementation of the project design features and mitigation measures identified for the Project.

B. PURPOSE

It is the intent of this MMRP to:

1. Verify compliance with the project design features and mitigation measures identified in the SCEA;
2. Provide a framework to document implementation of the identified project design features and mitigation measures;
3. Provide a record of mitigation requirements;
4. Identify monitoring and enforcement agencies;
5. Establish and clarify administrative procedures for the clearance of project design features and mitigation measures;
6. Establish the frequency and duration of monitoring; and
7. Utilize the existing agency review processes wherever feasible.

C. ORGANIZATION

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

- **Monitoring Phase:** The phase of the Proposed Project during which the project design feature or mitigation measure shall be monitored;
- **Enforcement Agency:** The agency with the power to enforce the project design feature or mitigation measure;
- **Monitoring Agency:** The agency to which reports involving feasibility, compliance, implementation and development are made;
- **Monitoring Frequency:** The frequency at which the project design feature or mitigation measure shall be monitored; and
- **Action Indicating Compliance:** The action of which the Enforcement or Monitoring

Agency indicates that compliance with the required project design feature or mitigation measure has been implemented.

D. ADMINISTRATIVE PROCEDURES AND ENFORCEMENT

This MMRP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each project design feature and mitigation measure and shall be obligated to provide verification, as identified below, to the appropriate monitoring and enforcement agencies 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 listed below. Such records shall be made available to the City upon request.

During the construction phase and prior to the issuance of building permits, the applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by Los Angeles City Planning, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMRP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to Los Angeles City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with mitigation measures and project design features 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.

E. PROGRAM MODIFICATION

The Project shall be in substantial conformance with the project design features and mitigation measures contained in this MMRP. The enforcing departments or agencies may determine substantial conformance with project design features and mitigation measures in the MMRP in their reasonable discretion. If the department or agency cannot find substantial conformance, a project design feature or mitigation measure may be modified or deleted as follows: the enforcing

department or agency, or the decision maker for a subsequent discretionary project-related approval, complies with *CEQA Guidelines* Sections 15162 and 15164, including by preparing an addendum or subsequent environmental clearance to analyze the impacts from the modifications to or deletion of the project design features or mitigation measures. Any addendum or subsequent CEQA clearance shall explain why the project design feature or 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 project design feature or mitigation measure shall not require a modification to any project discretionary approval unless the Director of Planning also finds that the change to the project design features or mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

F. MITIGATION MONITORING AND REPORTING PROGRAM

1. Aesthetics

Project Design Features

No specific project design features with regards to aesthetics are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to aesthetics are identified in the SCEA.

2. Agriculture

Project Design Features

No specific project design features with regards to agriculture are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to agriculture are identified in the SCEA.

3. Air Quality

Project Design Features

No specific project design features with regards to air quality are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to air quality are identified in the SCEA.

4. Biological Resources

Project Design Features

No specific project design features with regards to biological resources are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to biological resources are identified in the SCEA.

5. Cultural Resources- Historic Resources

Project Design Features

No specific project design features with regards to historic resources are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to historic resources are identified in the SCEA.

6. Cultural Resources- Archaeological Resources

Project Design Features

No specific project design features with regards to archaeological resources are identified in the SCEA.

Mitigation Measures

MM-CUL-1: The Applicant shall retain a qualified archaeological monitor who meets the Secretary of the Interior's Professional Qualifications Standards for an archaeologist who shall be present during construction excavations such as grading, trenching, grubbing, or any other construction excavation activity associated with the Project. The frequency of monitoring shall be determined by the archaeological monitor based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (native versus fill soils), the depth of excavation, and if found, the abundance and type of archaeological resources encountered.

Monitoring Phase: Pre-Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Frequency: Once at plan check prior to issuance of grading permit

Action Indicating Compliance: Inclusion in grading permit specifications

MM-CUL-2: In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by the archaeologist. The Applicant shall coordinate with the archaeologist and the City to develop an appropriate treatment plan for the resources if they are determined to be potentially eligible for the California Register or potentially qualify as unique archaeological resources pursuant to CEQA. In the event the archaeological resources are prehistoric, the archaeological monitor shall coordinate with the Applicant and the City to retain a Native American Representative from the Gabrieleno/Tongva San Gabriel Band of Mission Indians tribe to help determine the appropriate treatment for the resources and whether Native American construction monitoring is warranted in the area of the find thereafter. If avoidance of the resource is not feasible, treatment may include

implementation of archaeological data recovery excavations to remove the resource from the Project Site.

Monitoring Phase: Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Frequency: Ongoing during construction

Action Indicating Compliance: Inclusion in building permit specifications; inspection of exposed cultural materials by a qualified archaeologist and stop of work during inspection

7. Energy

Project Design Features

No specific project design features with regards to energy are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to energy are identified in the SCEA.

8. Geology and Soils

Project Design Features

No specific project design features with regards to geology and soils are identified in the SCEA.

Mitigation Measures

MM-GEO-1: In the event that paleontological resources are unearthed during ground-disturbing activities, the City of Los Angeles Department of Building and Safety will be notified immediately, and all work will cease in the area of the find until a qualified paleontologist evaluates the find. Construction activity may continue unimpeded on other portions of the Project Site. The paleontologist shall determine the location, the time frame, and the extent to which any monitoring of earthmoving activities shall be required. The found deposits would be treated in accordance with federal, State, and local guidelines, including those

set forth in California PRC § 21083.2.

Monitoring Phase: Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Frequency: Ongoing during construction

Action Indicating Compliance: Inclusion in grading permit specifications;
Submittal of paleontological remains, reports and surveys to the Los Angeles
County Natural History Museum

9. Greenhouse Gas Emissions

Project Design Features

No specific project design features with regards to greenhouse gas emissions are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to greenhouse gas emissions are identified in the SCEA.

10. Hazards and Hazardous Materials

Project Design Features

No specific project design features with regards to hazards and hazardous materials are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to hazards and hazardous materials are identified in the SCEA.

11. Hydrology and Water Quality

Project Design Features

No specific project design features with regards to hydrology and water quality are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to hydrology and water quality are identified in the SCEA.

12. Land Use and Planning

Project Design Features

No specific project design features with regards to land use and planning are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to land use and planning are identified in the SCEA.

13. Mineral Resources

Project Design Features

No specific project design features with regards to mineral resources are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to mineral resources are identified in the SCEA.

14. Noise

Project Design Features

No specific project design features with regards to noise are identified in the SCEA.

Mitigation Measures

MM NOI-1: Barriers, such as plywood structures or flexible sound control curtains shall be erected along the perimeter of the construction site, and around stationary equipment as feasible (i.e., generators, air compressors, etc.) to minimize the amount of noise during construction on nearby noise-sensitive uses. Specifically, a sound barrier shall be located along the northern, western, and eastern property lines of the Project Site. Perimeter barriers shall be at least eight (8) feet in height and constructed of materials achieving a Transmission Loss (TL) value of at least 20 dB(A), such as ½ inch plywood.¹ Noise monitoring shall be conducted during construction to ensure compliance with the noise limitations established in the LAMC.

Monitoring Phase: Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Frequency: Periodic field Inspections

Action Indicating Compliance: Field Inspection Sign-Off

MM-NOI-2: Noise-generating equipment operated at the Project Site shall be equipped with noise control devices, such as mufflers, lagging (enclosures for exhaust pipes), and/or motor enclosures capable of reducing construction equipment noise by 10 dBA. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.² Noise monitoring shall be conducted during construction to ensure compliance with the noise limitations established in the LAMC.

Monitoring Phase: Construction

¹ Based on the FHWA Noise Barrier Design Handbook, Table 3, Approximate sound transmission loss values for common materials, February 2000, updated August 24, 2017.

² See United States Environmental Protection Agency, Noise from Construction Equipment and Operations, Building Equipment and Home Appliances, PB 206717, 1971. Per Table V, Noise Control For Construction Equipment therein, use of improved mufflers/silencers would achieve approximately 10 dBA reduction.

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Frequency: Periodic field inspections

Action Indicating Compliance: Inclusion in grading permit specifications;
Field Inspection Sign-Off

15. Population and Housing

Project Design Features

No specific project design features with regards to population and housing are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to population and housing are identified in the SCEA.

16. Public Services- Fire Protection

Project Design Features

No specific project design features with regards to fire protection are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to fire protection are identified in the SCEA.

17. Public Services- Police Protection

Project Design Features

No specific project design features with regards to police protection are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to police protection are identified in the SCEA.

18. Public Services- Schools

Project Design Features

No specific project design features with regards to schools are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to schools are identified in the SCEA.

19. Public Services- Parks

Project Design Features

No specific project design features with regards to parks are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to parks are identified in the SCEA.

20. Public Services- Libraries

Project Design Features

No specific project design features with regards to libraries are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to libraries are identified in the SCEA.

21. Recreation

Project Design Features

No specific project design features with regards to recreation are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to recreation are identified in the SCEA.

22. Transportation

Project Design Features

No specific project design features with regards to transportation are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to transportation are identified in the SCEA.

23. Tribal Cultural Resources

Project Design Features

No specific project design features with regards to tribal cultural resources are identified in the SCEA.

Mitigation Measures

MM-TCR-1: The Applicant shall retain a qualified archaeological monitor who meets the Secretary of the Interior's Professional Qualifications Standards for an archaeologist who shall be present during construction excavations such as grading, trenching, grubbing or any other construction excavation activity associated with the Project. The frequency of monitoring shall be determined by the archaeological monitor based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (native versus fill soils, and the depth of excavation, and if found, the abundance and type of archaeological resources encountered.

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Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

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Action Indicating Compliance: Inclusion in grading permit specifications

MM-TCR-2: In the event that archaeological resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or

redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Project construction activities shall be evaluated by the archaeologist. The Applicant shall coordinate with the archaeologist and the City to develop an appropriate treatment plan for the resources if they are determined to be potentially eligible for the California Register or potentially qualify as unique archaeological resources pursuant to CEQA. In the event the archaeological resources are prehistoric, the archaeological monitor shall coordinate with the Applicant and the City to retain a Native American Representative from the Gabrieleno/Tongva San Gabriel Band of Mission Indians tribe to help determine the appropriate treatment for the resources and whether Native American construction monitoring is warranted in the area of the find thereafter. If avoidance of the resource is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource from the Project Site.

Monitoring Phase: Construction

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Frequency: Ongoing during construction

Action Indicating Compliance: Inclusion in building permit specifications; inspection of exposed cultural materials by a qualified archaeologist; and stop of work during inspection

24. Utilities

Project Design Features

No specific project design features with regards to utilities are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to utilities are identified in the SCEA.

25. Wildfire

Project Design Features

No specific project design features with regards to wildfire are identified in the SCEA.

Mitigation Measures

No specific mitigation measures with regards to wildfire are identified in the SCEA.