

# 1. MITIGATION AND MONITORING PROGRAM

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## 1.1 INTRODUCTION

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

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

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project’s impacts in the EIR takes into consideration the project design features (PDF) and applies mitigation measures (MM) needed to avoid or reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the PDFs and MMs identified for the Project.

## 1.2 ORGANIZATION

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

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

### **1.3 ADMINISTRATIVE PROCEDURES AND ENFORCEMENT**

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

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

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

### **1.4 PROGRAM MODIFICATION**

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

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

## 1.5 MITIGATION MONITORING PROGRAM

### Aesthetics

#### *Project Design Features*

**B-1** The Project Applicant shall prepare and implement a Landscape Plan. The Landscape Plan shall provide planting and maintenance guidance for common landscaped areas, slopes, and undeveloped building pads. The Project Applicant shall be responsible for the Plan's implementation until the individual homes are occupied by residents who will take over landscape maintenance responsibilities. The Landscape Plan shall be subject to the review and approval by the Mulholland Scenic Parkway Specific Plan Design Review Board and the City of Los Angeles' Planning Department prior to issuance of the grading permit. Landscaping and irrigation for each lot shall be fully installed prior to the issuance of the Certificate of Occupancy for the residence on any individual lot. Major features of the landscape plan shall include:

- 1) A listing of plant species appropriate for use for both temporary slope stabilization purposes and long-term landscaping designs for common slope and private yard areas. The plan shall emphasize the use of drought-tolerant, fire retardant, native plant species. Only non-invasive non-native plant species shall be included in the listing of acceptable planting materials. In addition, wherever practical, plants which are relatively pest resistant and which require a minimum of added nutrients shall be utilized in landscaping;
- 2) Retention of a landscape contractor thoroughly familiar with the provisions of the Landscape Plan for ongoing implementation of the Landscape Plan;
- 3) Preservation and protection of existing trees and shrubs, wherever possible. Procedures for the care and maintenance of native trees retained on the Project Site shall be specified, and shall include supplemental irrigation for trees located along the existing fill slope supporting Mulholland Drive (including the areas in which Tree Nos. 18-35, 186, and 192 are located) during the rainy season. The Project Applicant shall provide protected tree maintenance information to the purchasers of individual homes within the Proposed Project; and
- 4) Utilization of a design that achieves the total screening of Project homes from the Mulholland Drive public right-of-way through the planting of new native trees and shrubs.

**Enforcement Agency:** Los Angeles Department of City Planning

**Monitoring Agency:** Los Angeles Department of City Planning

**Monitoring Phase:** Pre-construction and Construction

**Monitoring Frequency:** Once, at plan check; Once, prior to issuance of any Certificate

**EXHIBIT B:**  
**Mitigation Monitoring Program**  
**Case No. ZA-2007-1255-ZAD**

of Occupancy

**Action Indicating Compliance:** Issuance of Certificate of Occupancy

- B-2** Lighting within the Project Site shall focus illumination downward and into the Project Site. A combination of shielding, screening, and directing the lighting away from off-site areas shall be utilized to minimize "spill-over" effects onto adjacent roadways, properties and open space areas. Wherever possible, lighting fixtures shall be located on the shielded side of the visual barriers.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

- B-3** Lighting fixtures that cut off light directed to the sky shall be installed in combination with an expanded tree canopy to minimize atmospheric light pollution.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

- B-4** The use of exterior up-lighting fixtures for building facades and trees shall be prohibited. Only down-lighting for exterior-building mounted fixtures shall be permitted.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

- B-5** Use of "glowing" fixtures that would be visible from adjacent properties or public roads shall be prohibited. A glowing fixture is a lantern style fixture, or any fixture that allows light through its vertical components.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

- B-7** All roofs visible from Mulholland Drive shall be surfaced with non-reflective materials.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction

**Monitoring Frequency:** Once, at plan check

**Action Indicating Compliance:** Plan approval

### ***Mitigation Measures***

- B-11** The replacement trees shall be planted in the newly landscaped areas of the Project.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during planting

**Action Indicating Compliance:** Field inspection sign-off

- B-12** The preserved trees, especially the protected species trees, within 50 feet of the proposed construction areas shall be fenced with a temporary chain-link (or similar) protective fence at their driplines (or at the location of approved encroachment) prior to the start of any on-site grading. This fencing shall remain intact until the City of Los Angeles' Planning Department or Urban Forestry Division, Bureau of Street Services allows it to be removed or relocated.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- B-13** All footing excavations within the driplines shall be dug by hand work only, to a maximum depth of 5 feet (or to a depth that CAL-OSHA, OSHA or local codes allow). Any excavation below the approved depth may be done with acceptable machinery. All footings within the preserved tree driplines shall be of “post type” rather than of “continuous type” to lessen potential root damage.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- B-14** No other on-site protected species trees shall be encroached upon within their driplines other than those identified in the Horticultural Tree Report in Appendix G of the Draft EIR.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- B-15** No over-excavation outside of any cut and/or fill slopes (“tops” or “toes”) for the proposed construction shall occur within the dripline of any on-site oak trees, unless required by the Project’s structural engineer and approved by the Department of Building and Safety Grading Division, Department of City Planning, and Urban Forestry Division, Bureau of Street Services.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- B-16** No landscape, irrigation lines, utility lines, and/or grade changes shall be designed and/or installed within the dripline of any protected trees, unless approved by the Department of City Planning Department or Urban Forestry Division, Bureau of Street Services.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- B-17** The bare areas within the driplines of any on-site or overhanging protected trees, or within 50 feet of approved grading/construction near protected trees shall be covered with an insect and disease free organic mulch (minimum depth of 2 inches thick and no closer than 6 inches from their trunks and extending to approximately 10 feet outside the dripline).

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- B-18** Mature protected trees to be retained shall be examined by a qualified arborist prior to the start of construction. Some of the Project's saved protected trees are in need of minor dead wood removal. No major structural pruning shall be permitted. A qualified arborist shall complete all dead wood removal and/or pruning.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- B-19** During construction, examination of the trees to be retained shall be performed monthly by a qualified arborist to ensure that they are being adequately protected and maintained. Prior to the issuance of a Certificate of Occupancy for each residence, a qualified arborist shall certify in a "letter of compliance" that all concerned tree policies have been adhered to.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- B-20** Copies of the Horticultural Tree Report for the Project, the City's Protected Tree ordinance, and the Mulholland Scenic Parkway Specific Plan shall be maintained on-site during all Project construction.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- B-21** All Project homes shall incorporate earth-tone palettes and non-reflective, naturalistic building materials for exterior surfaces.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety, Department of City Planning

**Monitoring Phase:** Pre-Construction



**Monitoring Frequency:** Plan Review

**Action Indicating Compliance:** Plan Approval

**B-22** All public utilities shall be situated underground.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-Construction

**Monitoring Frequency:** Plan Review

**Action Indicating Compliance:** Plan Approval

## **AIR QUALITY**

### ***Mitigation Measures***

**C-1** All off-road construction equipment greater than 50 hp shall meet U.S. EPA Tier 3 emission standards, where available, to reduce NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions at the Project Site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

**Enforcement Agency:** SCAQMD

**Monitoring Agency:** Los Angeles Department of Building and Safety, Department of City Planning

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

**C-2** The use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) shall be required. If the City determines that 2010 model year or newer diesel trucks cannot be obtained, the City shall require trucks that meet U.S. EPA 2007 model year NO<sub>x</sub> emissions requirements in their place.

**Enforcement Agency:** SCAQMD

**Monitoring Agency:** Los Angeles Department of Building and Safety, Department of City Planning

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

- C-3** At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided to the City.

**Enforcement Agency:** SCAQMD

**Monitoring Agency:** Los Angeles Department of Building and Safety, Department of City Planning

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign off

## **BIOLOGICAL RESOURCES**

### ***Mitigation Measures***

- D-1** The 15 removed coast live oak trees shall be replaced with a minimum 36-inch box-size specimen coast live oaks at a minimum 2:1 ratio.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during planting

**Action Indicating Compliance:** Field inspection sign-off

- D-2** Native trees and shrubs shall be utilized on-site in the landscape plan. Commercially available ornamental trees may be utilized on-site as long as 1) the species is not prohibited for installation by the City of Los Angeles Public Works Department along right-of-ways, and 2) the species has not been identified by the California Invasive Plant Council as an invasive risk in Southern California.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Landscape Plan Review

**Action Indicating Compliance:** Landscape Plan Approval

- D-3** Habitat alteration or removal shall be performed outside of the bird nesting season which extends approximately from March 15 through July 31. Should habitat need to be removed during bird nesting season, a detailed nesting survey must be performed by a qualified biologist to determine if active nests are present prior to removal of support resources.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-Construction and Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- D-4** Construction fencing (orange safety fencing) shall be placed around the perimeter of the work site during periods of active construction work, including site grading. Periodic monitoring to insure that fence boundaries are maintained shall be conducted.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- D-5** Written and verbal instructions will be provided to all construction personnel on-site contractually obligating these personnel to respect the natural environment and to avoid, to the extent feasible, causing intentional harm to hyd on-site during construction activity.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- D-6** A 1600 et seq. notification shall be prepared if the CDFW determines any on-site feature to be jurisdictional following submission of a preliminary jurisdictional determination. This Notification for an LSA Agreement will facilitate the determination of avoidance and mitigation measures such as, but not limited to, avoidance or construction best management practices if impacts to any CDFW jurisdictional drainages identified on the Project Site are determined by CDFW. If on-site features are concluded to be jurisdictional by CDFW and would be impacted by the Project, mitigation measures may include, but are not limited to protection in perpetuity and enhancement of on- or off-site mitigation lands that include drainages as negotiated under the LSA Agreement.

**Enforcement Agency:** Los Angeles Department of Building and Safety; California Department of Fish and Wildlife

**Monitoring Agency:** Los Angeles Department of Building and Safety; California Department of Fish and Wildlife

**Monitoring Phase:** Pre-Construction

**Monitoring Frequency:** Prior to issuance of a Grading Permit

**Action Indicating Compliance:** Grading Permit issuance

### ***Project Design Features***

- D-7** Prior to the start of demolition activities at the Project Site, the Project Applicant shall contract with a pest control/pest extermination company to perform a survey of potential rodent issues on the Project Site. This survey will consist of setting traps for a period of time to establish whether or not a rodent problem exists. If a rodent problem is found, remediation shall begin approximately one month prior to the start of any demolition.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Once, prior to start of demolition activities

**Monitoring Frequency:** Once, at notification

**Action Indicating Compliance:** Demolition approval

## **CULTURAL RESOURCES**

### ***Mitigation Measures***

- A-1** If any archaeological materials are encountered during the course of Project development, all further development activity shall be halted in the area of the discovery and:
- a. The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center located at California State University Fullerton, or a member of the Society of Professional Archaeologists (SOPA), or a SOPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study, or report evaluating the impact.
  - b. The archaeologist's survey, study, or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
  - c. The applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study, or report.
  - d. Project development activities may resume once copies of the archaeological survey, study, or report are submitted to the South Central Coastal Information Center at California State University Fullerton.
  - e. Prior to the issuance of any building permit, the applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.
  - f. A covenant and agreement binding the applicant to this condition shall be recorded prior to issuance of a grading permit.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** If materials are encountered

**Action Indicating Compliance:** Field inspection sign-off

- A-3** Prior to construction, the services of a qualified vertebrate paleontologist approved by the Los Angeles County Vertebrate Paleontology Department (LACM) and the City of Los Angeles shall be retained to implement a mitigation program during earth-moving activities associated with development of the parcel.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-Construction

**Monitoring Frequency:** Once prior to start of construction

**Action Indicating Compliance:** Field inspection sign-off

- A-4** The paleontologist shall develop a formal agreement with a recognized museum repository, such as the LACM, regarding the final disposition and permanent storage and maintenance of any fossil remains, as well as the archiving of associated specimen data and corresponding geologic and geographic site data, that might be recovered as a result of the mitigation program, and the level of treatment (preparation, identification, curation, cataloguing) of the remains that would be required before the entire mitigation program fossil collection would be accepted by the repository for storage.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-Construction

**Monitoring Frequency:** Once prior to start of construction

**Action Indicating Compliance:** Field inspection sign-off

- A-5** Earth-moving activities (particularly grading and trenching for pipelines) shall be monitored by a paleontologic construction monitor. Monitoring shall include the inspection of fresh exposures created by grading of the unnamed marine shale and in the younger alluvium to allow for the recovery of larger fossil remains. Monitoring will be conducted on a full-time basis in areas underlain by the marine shale, and a half-time basis once trenching has reached a depth 5 feet below previous grade in areas underlain by younger alluvium. As soon as practicable, the monitor shall recover all vertebrate fossil specimens, a representative sample of invertebrate or plant fossils, or any fossiliferous rock or sediment sample that can be recovered easily. As warranted, fossiliferous sediment samples shall be recovered from the younger alluvium and processed to allow for the recovery of smaller fossil remains (total weight of samples will not exceed 6,000 pounds). The location and proper geologic context of any fossil occurrence or sampling site shall be documented, as necessary. The monitor shall have the authority to divert grading temporarily around a fossil site until the fossil remains have been evaluated and, if warranted, the remains and/or a fossiliferous rock or sediment sample have been recovered.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- A-6** All fossil specimens recovered from the Project Site as a result of the mitigation program, including those recovered as the result of processing fossiliferous sediment samples, will be treated (prepared, identified, curated, catalogued) in accordance with designated museum repository requirements. As appropriate, a sample of the marine shale will be submitted to a commercial laboratory for microfossil analysis; a sample of fossilized bone, shell, or wood from the younger alluvium will be submitted for carbon-14 dating analysis; and/or a sample of the alluvium will be submitted for pollen analysis.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** If materials are encountered

**Action Indicating Compliance:** Field inspection sign-off

- A-7** The monitor shall maintain daily monitoring logs that include the location where monitoring was conducted, the rock unit encountered, fossil specimens or samples recovered, and associated specimen or sample data and corresponding geologic and geographic site data. A final technical report of findings summarizing the results of the mitigation program shall be prepared by the paleontologist. The report shall be prepared in accordance with Society of Vertebrate Paleontology and museum repository requirements.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection and, for final report, once prior to issuance of Certificate of Occupancy

**Action Indicating Compliance:** Field inspection sign-off

- A-8** In the event that human remains are discovered during excavation activities, the following procedure shall be observed:

- a. Stop immediately and contact the County Coroner.
- b. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the coroner has 24 hours to notify the Native American Heritage Commission.
- c. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.
- d. The most likely descendant has 48 hours after being allowed access to the site to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods.
- e. If the descendant does not make recommendations within 48 hours after being allowed access to the site, the owner shall reinter the remains in an area of the property secure from further disturbance.
- f. If the owner does not accept the descendant's recommendations, the owner or the descendant may request mediation by the Native American Heritage Commission.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** If materials are encountered

- A-9** Prior to commencing any ground disturbance activities including excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site, the Applicant, or its successor, shall retain and pay for archeological monitors, determined by the City's Office of Historic Resources to be qualified to identify subsurface tribal cultural resources. The archeological monitors shall observe all ground disturbance activities on the project site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the project site, an archeological monitor shall be assigned to each location where the ground disturbance activities are occurring.

Prior to the commencement of any ground disturbance activities at the project site, the Applicant, or its successor, shall notify any California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project that ground disturbance activities are about to commence and invite the tribes to observe the ground disturbance activities, if the tribes wish to monitor.



In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by the qualified archeologist, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning, Office of Historic Resources.
2. If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
3. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the Applicant, or its successor, reasonably concludes that the tribe's recommendations are reasonable and feasible.
4. In addition to any recommendations from the applicable tribe(s), a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.
5. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the archaeologist; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource;

or (4) not require the recommendation be implemented because it is not necessary to mitigate any significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.

6. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by a qualified archaeologist and determined to be reasonable and appropriate.
7. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.
8. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
9. Notwithstanding paragraph 8 above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and shall comply with the City's AB 52 Confidentiality Protocols.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

## **HAZARDS AND HAZARDOUS MATERIALS**

### ***Mitigation Measures***

- F-3** A minimum of two full working days (48-hours) prior to the commencement of earthmoving activities on the Project Site, the grading contractor shall contact Underground Service Alert of Southern California (Dig Alert) to obtain a listing of underground utilities in the

vicinity of the Project Site. The location of all pipelines in the vicinity of proposed grading shall be clearly marked prior to commencement of grading activities.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-Construction

**Monitoring Frequency:** Once, prior to issuance of Grading Permit

**Action Indicating Compliance:** Grading Permit issuance

## **NOISE**

### ***Mitigation Measures***

- H-4** Construction and demolition activities shall be scheduled to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- H-5** The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be minimized. Examples include the use of drills, jackhammers, and pile drivers.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- H-6** Noise construction activities whose specific location on the site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise-sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen

propagation of noise from such activities towards these land uses to the maximum extent possible.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- H-7** Equipment warm-up areas, water tanks, and equipment storage areas shall be located a minimum of 150 feet from the adjacent, off-site residential buildings.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- H-8** All powered construction equipment shall be equipped with exhaust mufflers or other suitable noise reduction devices capable of achieving a sound attenuation of at least 3 dBA at 50 feet of distance.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- H-9** Temporary sound barriers, capable of achieving a sound attenuation of at least 12 dBA (e.g., construction sound wall with sound blankets) at 50 feet of distance, and capable of blocking the line-of-sight to the adjacent residences shall be installed.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, during field inspection

**Action Indicating Compliance:** Field inspection sign-off

- H-10** Two weeks prior to the commencement of construction at the Project Site, notification must be provided to the off-site residential uses located along Mulholland Drive and San Feliciano Drive, and to Louisville High School, disclosing the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Two weeks prior to construction

**Monitoring Frequency:** Once, at notification

**Action Indicating Compliance:** Contractor sign-off

- H-11** Construction staging areas and the operation of earthmoving equipment shall be located as far away from vibration-sensitive receptors as possible.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

- H-12** Heavily loaded trucks used during construction shall be restricted to Mulholland Drive and Topanga Canyon Road, and shall be routed away from residential streets surrounding the Project Site.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

**TRANSPORTATION/TRAFFIC**

***Project Design Features***

- I-1** To ensure that vehicles using the Project internal roadway are visible from westbound San Feliciano Drive, the red curb on the southeast corner of the internal Project roadway and San Feliciano Drive intersection will be extended. The red curb shall be continued for 25 feet along the straight curb on the south side of San Feliciano Drive to the east of the intersection.

**Enforcement Agency:** LADOT

**Monitoring Agency:** LADOT

**Monitoring Phase:** Pre-occupancy

**Monitoring Frequency:** Once; prior to issuance of Certificate of Occupancy

**Action Indicating Compliance:** LADOT approval and issuance of Certificate of Occupancy