

# MITIGATION MONITORING PROGRAM

## 1 MITIGATION MEASURES

The following mitigation measures have been identified in the Initial Study/Mitigated Negative Declaration to ensure that the Project's environmental impacts would be less than significant:

### BIOLOGICAL RESOURCES

#### MM BIO-1: Nesting Birds

Removal of the mature street tree, or demolition of the subject property, should take place outside of the nesting bird season, which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86). If project activities cannot feasibly avoid the nesting bird season, beginning thirty days prior to the disturbance of the street tree, the applicant shall:

1. Arrange for weekly bird surveys to detect any protected native birds in the tree to be removed. The surveys shall be conducted by a qualified biologist with experience in conducting nesting bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work.
2. If a nesting bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting habitat) until August 31.
3. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests), or as determined by the Qualified Biological Monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Construction personnel shall be instructed on the sensitivity of the area.
4. The Qualified Biologist shall record the results of the recommended protective measures described above to document compliance with applicable state and federal laws pertaining to the protection of nesting birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.

## **CULTURAL RESOURCES**

### **MM CR-1: Archaeological Monitoring**

An archaeological monitor that meets the Secretary of Interior qualifications will be on site during grading of the project site from surface to the end of subsurface excavation. The purpose of having an archaeologist on site is to assess if any significant cultural resources are encountered during grading or trenching. If such features or artifact concentrations are identified, then the project “discovery” protocol will be followed:

1. The archaeological monitor will collect any diagnostic older historical material uncovered through grading that is within a disturbed context, and can halt construction within 30-feet of a potentially significant cultural resource if necessary. Artifacts collected from a disturbed context or that do not warrant additional assessment can be collected without the need to halt grading. Discovery situations that do not lead to further assessment, survey, evaluation, or data recovery can be described in the monitor's daily logs. However, if foundations, privies, or other older historical features are encountered, the project “discovery” protocol should be followed. A final Monitoring Report will be produced for the project that discusses all monitoring activities and all artifacts recovered and features identified through monitoring of the project site. Discovery situations that do not lead to further assessment, survey, evaluation, or data recovery can be described in the final Monitoring Report.

2. All artifacts recovered that are important, with diagnostic or location information that may be of importance to California history, will be cleaned, analyzed, and described within the Monitoring Report. All materials determined important will be curated at an appropriate depository or returned to the landowner for public display. If important materials are found during monitoring, a Curation Plan may be needed that is reviewed by the Lead Agency prior to the publication of the Monitoring Report. The costs of the Monitoring Report, the Curation Plan, and the processing, analysis, and curation of all artifacts will be the responsibility of the applicant, within the cost parameters outlined under CEQA.

## **GEOLOGY AND SOILS**

### **Mitigation Measure GEO-1 (Paleontological Resources)**

If any paleontological materials are encountered during the course of project development, all further development activities within 30-feet of the discovery shall halt until a qualified senior paleontologist can evaluate the nature and/or significance of the find(s). If the senior paleontologist determines that the discovery is potentially significant, then the Lead Agency will be contacted and informed of the discovery. Construction will not resume in the locality of the discovery until consultation between the senior paleontologist, the owner's project manager, or the Lead Agency takes place and reaches a conclusion approved by the Lead Agency. The Lead Agency may also require the site to be monitored during the rest of the project excavation.

## **HAZARDS AND HAZARDOUS MATERIALS**

### **Mitigation Measure HAZ-1 – Polychlorinated Biphenyls (PCBs)**

Prior to demolition, concurrent with regulatory-required surveys for asbestos, the applicant shall have each premises evaluated for the presence of PCBs by a qualified consultant. If material testing is necessary materials targeted should be those installed or manufactured prior to 1979, such as fluorescent light ballasts, caulks and sealants, insulating materials, adhesives and mastics, rubber window seals and gaskets, ceiling tiles, and acoustic boards. If PCBs are found in concentrations of 50 ppm or greater handling and disposal of the material will be subject to both federal and state laws. This may include reporting to U.S. Environmental Protection Agency (USEPA), and/or the California Department of Toxic Substances Control (DTSC). The disposal of PCBs waste is regulated under the TSCA. Building materials containing PCBs at or above 50 ppm that were manufactured with PCBs fall under the category of PCBs bulk product wastes. Building materials such as concrete, brick, metal contaminated with PCBs are PCBs remediation wastes (e.g., concrete contaminated with PCBs from caulk that contains PCBs). Disposal is also regulated under CCR Title 22, Section Division 4.5, Chapter 12, Standards Applicable to Hazardous Waste Generators. Compliance with federal and state PCB disposal requirements shall be demonstrated to the City prior to and during demolition activities.

## **NOISE**

**MM-NOI 1:** All capable diesel-powered construction vehicles shall be equipped with exhaust mufflers, aftermarket dampening system or other suitable noise reduction devices.

**MM-NOI-2:** Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

**MM-NOI-3:** On-site power shall be used instead of generators or air compressors, when feasible.

**MM-NOI-4:** Grading and construction contractors shall use rubber-tired equipment rather than metal-tracked equipment, when feasible.

**MM-NOI-5:** Temporary and impermeable noise barriers shall be placed at the west, north, and south property boundaries during construction of the project. The barriers shall be at least 12 feet in height and provide a transmission loss of at least 25 dB at 500 hertz (such as 3/4- inch plywood).

## **Tribal Cultural Resources**

### **MM TCR-1: Tribal Cultural Resource Monitoring**

1. Retain a Native American Monitor/Consultant: The Project Applicant shall be required to retain and compensate for the services of a Tribal Monitor/Consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government

and is listed under the NAHC's Tribal Contact list for the area of the Project location. This list is provided by the NAHC. The Tribal Monitor/Consultant will only be present on-site during ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching within the Project area. The Tribal Monitor/Consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. Work will be allowed to continue with monitoring provided by a qualified Kizh Nation Resource Management (KNRM) archaeologist if the Tribal Monitor/Consultant is unavailable and as approved by the Tribal Government. The on-site monitoring shall end when the Project site grading and excavation activities are completed, or when the Tribal Representatives and Monitor/Consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

2. Unanticipated Discovery of Tribal Cultural or Archaeological Resources Procedures: Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by Project construction activities shall be evaluated by the qualified archaeologist and Tribal Monitor/Consultant approved by the Gabrieleño Band of Mission Indians. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the Project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.

## **2 MITIGATION MONITORING**

The monitoring and reporting on the implementation of the mitigation measures identified above, including the period for implementation, monitoring agency, and the monitoring action, are identified in Table 1.

**Table 1**  
**Mitigation Monitoring Program**

Measure	Enforcement Agency	Monitoring Phase	Verification
<p><b>Tribal Cultural Resources</b></p> <p><b>MM TCR-1: Tribal Cultural Resource Monitoring</b></p> <p>1. Retain a Native American Monitor/Consultant: The Project Applicant shall be required to retain and compensate for the services of a Tribal Monitor/Consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the Project location. This list is provided by the NAHC. The Tribal Monitor/Consultant will only be present on-site during ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching within the Project area. The Tribal Monitor/Consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. Work will be allowed to continue with monitoring provided by a qualified Kizh Nation Resource Management (KNRM) archaeologist if the Tribal Monitor/Consultant is unavailable and as approved by the Tribal Government. The on-site monitoring shall end when the Project site grading and excavation activities are completed, or when the Tribal Representatives and Monitor/Consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.</p> <p>2. Unanticipated Discovery of Tribal Cultural or Archaeological Resources Procedures: Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by Project construction activities shall be evaluated by the qualified archaeologist and Tribal Monitor/Consultant approved by the</p>	<p>Planning Department</p> <p><i>(Applicant is responsible for implementation.)</i></p>	<p>Construction, during the Project's ground-disturbing activities.</p>	<p>Date:</p> <p>Name &amp; Title:</p>

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Measure	Enforcement Agency	Monitoring Phase	Verification
<p>Gabrieleño Band of Mission Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the Project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.</p> <p><b>BIOLOGICAL RESOURCES</b></p> <p><b>MM BIO-1: Nesting Birds</b></p> <p>Removal of the mature street tree, or demolition of the subject property, should take place outside of the nesting bird season, which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86). If project activities cannot feasibly avoid the nesting bird season, beginning thirty days prior to the disturbance of the street tree, the applicant shall:</p> <ol style="list-style-type: none"> <li>1. Arrange for weekly bird surveys to detect any protected native birds in the tree to be removed. The surveys shall be conducted by a qualified biologist with experience in conducting nesting bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work.</li> <li>2. If a nesting bird is found, the applicant shall delay all clearance/construction disturbance activities within 300 feet of suitable</li> </ol>	<p>Planning Department</p> <p><i>(Applicant is responsible for implementation.)</i></p>	<p>Outside of the bird nesting season.</p>	<p>Date:</p> <p>Name &amp; Title:</p>

**Table 1**  
**Mitigation Monitoring Program**

Measure	Enforcement Agency	Monitoring Phase	Verification
<p>nesting habitat for the observed protected bird species (within 500 feet for suitable raptor nesting habitat) until August 31.</p> <p>3. Alternatively, the Qualified Biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests), or as determined by the Qualified Biological Monitor, shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Construction personnel shall be instructed on the sensitivity of the area.</p> <p>4. The Qualified Biologist shall record the results of the recommended protective measures described above to document compliance with applicable state and federal laws pertaining to the protection of nesting birds. Such record shall be submitted and received into the case file for the associated discretionary action permitting the project.</p> <p><b>CULTURAL RESOURCES</b></p> <p><b>MM CR-1: Archaeological Monitoring</b></p> <p>An archaeological monitor that meets the Secretary of Interior qualifications will be on site during grading of the project site from surface to the end of subsurface excavation. The purpose of having an archaeologist on site is to assess if any significant cultural resources are encountered during grading or trenching. If such features or artifact concentrations are identified, then the project "discovery" protocol will be followed:</p> <p>1. The archaeological monitor will collect any diagnostic older historical material uncovered through grading that is within a disturbed context, and can halt construction within 30-feet of a potentially significant cultural resource if necessary. Artifacts collected from a disturbed context or that do not warrant additional assessment can be collected without the need to halt grading. Discovery situations that do not lead to further assessment, survey, evaluation, or data recovery can be described in the monitor's daily logs. However, if foundations, privies, or other older</p>	<p>Planning Department</p> <p><i>(Applicant is responsible for implementation.)</i></p>	<p>During grading.</p>	<p>Date:</p> <p>Name &amp; Title:</p>

**Table 1**  
**Mitigation Monitoring Program**

Measure	Enforcement Agency	Monitoring Phase	Verification
<p>historical features are encountered, the project "discovery" protocol should be followed. A final Monitoring Report will be produced for the project that discusses all monitoring activities and all artifacts recovered and features identified through monitoring of the project site. Discovery situations that do not lead to further assessment, survey, evaluation, or data recovery can be described in the final Monitoring Report.</p> <p>2. All artifacts recovered that are important, with diagnostic or location information that may be of importance to California history, will be cleaned, analyzed, and described within the Monitoring Report. All materials determined important will be curated at an appropriate depository or returned to the landowner for public display. If important materials are found during monitoring, a Curation Plan may be needed that is reviewed by the Lead Agency prior to the publication of the Monitoring Report. The costs of the Monitoring Report, the Curation Plan, and the processing, analysis, and curation of all artifacts will be the responsibility of the applicant, within the cost parameters outlined under CEQA.</p> <p><b>GEOLOGY AND SOILS</b></p> <p><b>Mitigation Measure GEO-1 (Paleontological Resources)</b></p> <p>If any paleontological materials are encountered during the course of project development, all further development activities within 30-feet of the discovery shall halt until a qualified senior paleontologist can evaluate the nature and/or significance of the find(s). If the senior paleontologist determines that the discovery is potentially significant, then the Lead Agency will be contacted and informed of the discovery. Construction will not resume in the locality of the discovery until consultation between the senior paleontologist, the owner's project manager, or the Lead Agency takes place and reaches a conclusion approved by the Lead Agency. The Lead Agency may also require the site to be monitored during the rest of the project excavation.</p>	<p>Planning Department</p> <p><i>(Applicant is responsible for implementation.)</i></p>	<p>During construction.</p>	<p>Date:</p> <p>Name &amp; Title:</p>



**Table 1**  
**Mitigation Monitoring Program**

Measure	Enforcement Agency	Monitoring Phase	Verification
<p><b>HAZARDS AND HAZARDOUS MATERIALS</b></p> <p><b>Mitigation Measure HAZ-1 – Polychlorinated Biphenyls (PCBs)</b></p> <p>Prior to demolition, concurrent with regulatory-required surveys for asbestos, the applicant shall have each premises evaluated for the presence of PCBs by a qualified consultant. If material testing is necessary materials targeted should be those installed or manufactured prior to 1979, such as fluorescent light ballasts, caulks and sealants, insulating materials, adhesives and mastics, rubber window seals and gaskets, ceiling tiles, and acoustic boards. If PCBs are found in concentrations of 50 ppm or greater handling and disposal of the material will be subject to both federal and state laws. This may include reporting to U.S. Environmental Protection Agency (USEPA), and/or the California Department of Toxic Substances Control (DTSC). The disposal of PCBs waste is regulated under the TSCA. Building materials containing PCBs at or above 50 ppm that were manufactured with PCBs fall under the category of PCBs bulk product wastes. Building materials such as concrete, brick, metal contaminated with PCBs are PCBs remediation wastes (e.g., concrete contaminated with PCBs from caulk that contains PCBs). Disposal is also regulated under CCR Title 22, Section Division 4.5, Chapter 12, Standards Applicable to Hazardous Waste Generators. Compliance with federal and state PCB disposal requirements shall be demonstrated to the City prior to and during demolition activities.</p>	<p>Planning Department</p> <p><i>(Applicant is responsible for implementation.)</i></p>	<p>Construction, during the Project's ground-disturbing activities.</p>	<p>Date:</p> <p>Name &amp; Title:</p>
<p><b>NOISE</b></p> <p><b>MM-NOI 1:</b> All capable diesel-powered construction vehicles shall be equipped with exhaust mufflers, aftermarket dampening system or other suitable noise reduction devices.</p> <p><b>MM-NOI-2:</b> Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.</p>	<p>Planning Department</p> <p><i>(Applicant is responsible for implementation.)</i></p>	<p>During construction.</p>	<p>Date:</p> <p>Name &amp; Title:</p>

**Table 1**  
**Mitigation Monitoring Program**

Measure	Enforcement Agency	Monitoring Phase	Verification
<p><b>MM-NOI-3:</b> On-site power shall be used instead of generators or air compressors, when feasible.</p> <p><b>MM-NOI-4:</b> Grading and construction contractors shall use rubber-tired equipment rather than metal-tracked equipment, when feasible.</p> <p><b>MM-NOI-5:</b> Temporary and impermeable noise barriers shall be placed at the west, north, and south property boundaries during construction of the project. The barriers shall be at least 12 feet in height and provide a transmission loss of at least 25 dB at 500 hertz (such as 3/4- inch plywood).</p>			