Executive Summary

The purpose of this Draft Environmental Impact Report (Draft EIR) is to inform decision-makers and the general public of the potential environmental impacts resulting from the proposed development of the 1100 E. 5th Street Project (Project). The Project will require certain discretionary approvals by the City and other governmental agencies; and is subject to environmental review requirements under the California Environmental Quality Act (CEQA).

As described in Section 15123(a) and 15362 of the CEQA Guidelines, an EIR is an informational document that will inform public agency decision-makers and the public of the significant environmental effects of a project, identify possible ways to minimize any significant effects, and describe reasonable project alternatives. Therefore, the purpose of this Draft EIR is to focus the discussion on the Project's potential environmental effects that the City of Los Angeles (City), as the Lead Agency, has determined to be, or potentially may be significant. In addition, feasible mitigation measures are recommended, when applicable, that could reduce or avoid the Project's significant environmental impacts.

In accordance with State CEQA Guidelines Section 15123, this portion of the Draft Environmental Impact Report (EIR) contains a summary of the 1100 E. 5th Street Project (Project); the CEQA review process; describes areas of controversy known to the Lead Agency and issues to be resolved; identifies significant and unavoidable effects; summarizes alternatives to the Project; and provides a table summarizing Project impacts, Project Design Features and mitigation measures, and the level of impact significance following implementation of mitigation measures. More detailed information regarding the Project and its potential environmental effects is provided in the following sections of this Draft EIR.

1. Project Location

The Project is located at 1100 E. 5th Street and 506-530 S. Seaton Street (Project Site) within the Central City North Community Plan area of the City of Los Angeles in Los Angeles County. Regional access to the area of the Project Site is provided by the Santa Monica Freeway (I-10) via Alameda Street approximately 1.2-miles to the south and the Hollywood Freeway (US-101) via 7th Street approximately 0.9-mile to the east. The Los Angeles County Metropolitan Transportation Authority (Metro) provides local bus service in the Project Site area. Metro runs multiple bus lines, including local and rapid lines, along E. 6th Street, Central Avenue, and 7th Street in the area.

The Project Site consists of approximately 54,009 square feet (1.2 acres) and is bounded by industrial warehousing that has been converted to commercial, non-industrial uses to the north across 5th Street; a paved surface parking lot and Palmetto Street to the south; industrial warehousing, a surface parking lot, and Colyton Street to the east; and commercial uses and industrial warehousing to the west across Seaton Street.

2. Proposed Project

The Project would involve the demolition of the existing warehouses and surface parking lot, and the construction of a 249,758-square-foot mixed-use building including 220 live-work units, 22,725 square feet of open space for residents, 46,548 square feet of commercial uses, and associated parking facilities, resulting in a 4.75:1 FAR. Eleven percent of the units (25 live-work units) would be deed-restricted for Very Low Income households. The proposed building would have a height of up to 116 feet to the top of the parapet (8 above-ground levels), plus three levels of subterranean parking. The Project has been designed to incorporate specific design standards the City has developed to address the Arts District's unique urban form and architectural characteristics.

The Project also proposes the ability to implement an increased commercial option that would provide the Project the flexibility to replace a certain number of live-work units with an increased commercial square footage provided by the Project within the same building parameters (i.e., 249,758-square-foot, 116 feet tall building with eight above-ground levels achieving a 4.75:1 FAR and a three-level subterranean parking structure) and, in turn, reduce the overall amount of live-work units from 220 live-work units to 200 live-work units. Under the Increased Commercial Flexibility Option (Flexibility Option), 20 units plus 150 square feet of the total office space within the 27 live-work units on the third floor would be replaced with 17,765 square feet of commercial space for a total of 64,313 square feet of commercial space. The increased commercial space would consist of office and art production-related uses. The average live-work unit size would be approximately 792 square feet. The amount of open space provided under the Flexibility Option would remain the same as the Project without the Flexibility Option. This commercial option is hereinafter referred to as the ""Flexibility Option" throughout this Draft EIR. Therefore, within the same building parameters (FAR, height, massing, etc), the Project proposes 220 live-work units and 46,548 square feet of commercial space, and the Flexibility Option proposes 200 live-work units and 64,313 square feet of commercial space.

3. Areas of Controversy

There were several comments related to other environmental issues provided to the City in response to the Notice of Preparation (NOP). Based on the NOP comment letters provided in **Appendix A** of this Draft EIR, issues known to be of concern included, but were not limited to, Project impacts on aesthetics, air quality, land use consistency and zoning, noise, traffic, and tribal cultural resources. Refer to **Appendix A** of this Draft EIR for copies of the NOP comment letters.

4. Significant and Unavoidable Environmental Impacts

Based on the analysis in **Section IV.H, Noise**, of this Draft EIR, implementation of the Project would result in significant and unavoidable environmental impacts relative to Project construction noise, construction vibration impacts related to human annoyance, and cumulative construction noise impacts.

5. Alternatives to Reduce Significant Impacts

This Draft EIR considers a range of alternatives to the Project to allow for informed decision-making in accordance with *State CEQA Guidelines* Section 15126.6. Alternatives to the Project are identified for the purpose of substantially reducing or avoiding the significant impacts of the Project as well as the Flexibility Option. This Draft EIR concludes that the Project would result in significant and unavoidable impacts related to Project construction noise and vibration impacts related to human annoyance.

One alternative was considered and rejected as being infeasible for the Project: an alternate site.

As described in more detail in **Section VI, Alternatives to the Project**, of this Draft EIR, the alternatives that are analyzed in this Draft EIR include the following:

- Alternative 1: No Project
- Alternative 2a: Reduced Density
- Alternative 2b: Reduced Density Option
- Alternative 3: Reduced Density with Aboveground Parking
- Alternative 4: Existing Zoning - Industrial Use

a) Alternative 1 – No Project Alternative

CEQA requires the alternatives analysis to include a No Project Alternative (Alternative 1). The purpose of analyzing a No Project Alternative is to allow decision makers to compare the impacts of approving the Project with the impacts of not approving the Project (*State CEQA Guidelines* Section 15126.6(e)(1)). Pursuant to *State CEQA Guidelines* Section 15126.6(e)(2):

> *The "no project" analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced, as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans, and consistent with available infrastructure and community services.*

In the event the Project is not approved, it is expected that the Project Site would remain in its current condition and no new development would occur for the foreseeable future. The Project Site is developed with industrial buildings and an associated surface parking lot.

Project and the Flexibility Option would result in significant and unavoidable construction noise and construction vibration impacts related to human annoyance. Alternative 1 would avoid the Project's and the Flexibility Option's significant and unavoidable impacts because no new development would occur on the Project Site. However, Alternative 1 would not realize any of the basic Project objectives.

b) Alternative 2a – Reduced Density

Alternative 2b - Reduced Density Option

The purpose of the Reduced Density Alternative is to potentially avoid or substantially lessen the Project's significant impacts by reducing the overall commercial and residential floor area as compared to the Project and reducing underground excavations. Alternative 2a and 2b would both result in the construction of a 187,319-square-foot mixed-use building, an overall 25 percent reduction in building envelope. Alternative 2a represents reduced density compared to the Project, while Alternative 2b represents reduced density compared to the Flexibility Option.

(1) Alternative 2a

Under Alternative 2a, the building envelope and density would be reduced by approximately 25 percent. Accordingly, the height of the proposed development under Alternative 2a would be reduced from 8 stories and 116 feet in height (to top of parapet) to 6 stories and 87 feet tall. Alternative 2a would result in the construction of an approximately 187,319-square-foot mixed-use building (compared to the Project's and Flexibility Option's 249,758 square feet) including up to 165 live/work units (compared to the Project's 220 live/work units and the Flexibility Option's 200 live/work units), approximately 17,044 square feet of open space for residents (compared to the Project's and Flexibility Option's 22,725 square feet), up to 34,911 square feet of art-production and commercial space (compared to the Project's 46,548 square feet and the Flexibility Option's 64,313 square feet), and associated parking facilities. Approximately 286 parking spaces (compared to the Project's and Flexibility Option's 381 parking spaces) would be provided in two subterranean levels (compared to the Project's and Flexibility Option's three subterranean levels).

The design and configuration of Alternative 2a would be similar to the Project. The main difference would be the total square footage and building height, resulting in a mixed-use development with approximately 75 percent of the mass of the Project, a reduction in excavation depth from 50 feet below ground surface with the Project and the Flexibility Option to approximately 40 feet below ground surface, and fewer residents (approximately 388 residents as compared to the Project's 518 residents and the Flexibility Option's 470 residents).

Alternative 2a would reduce the amount of excavation and hauling of soil as compared to the Project and the Flexibility Option due to one less subterranean level, which would lessen the

impacts related to Project-level construction noise and construction vibration. As discussed in **Section VI.C.2(h)1**, of this Draft EIR, Alternative 2a's construction noise and construction vibration impacts related to human annoyance would be substantially less than the Project because of the approximately 30 percent reduction in the duration of excavation and site preparation activity, but would still be significant and unavoidable. Alternative 2a's other impacts would either be less than or similar to the Project's and Flexibility Option's impacts. A comparison of the impact of each of the alternatives to the Project and the Flexibility Option is summarized in **Table VI-2, Summary of Alternatives' Impacts.**

(2) Alternative 2b

This alternative also includes an option to implement increased commercial floor area, the Reduced Density Option (Alternative 2b), that would provide the flexibility to increase the commercial square footage within the same building parameters as Alternative 2a (i.e., 187,319-square-feet, with six-above ground levels and two-level subterranean parking structure) and, in turn, reduce the number of live/work units from 200 live/work units to 150 live/work units. Similar to Alternative 2a, the height of the proposed development under Alternative 2b would be reduced from 8 stories and 116 feet in height (to top of parapet) to 6 stories and 87 feet tall. Under Alternative 2b, half of the live/work units located on the third floor would be replaced with commercial space for a total of approximately 48,235 square feet of commercial space (compared to the Project's 46,548 square feet and the Flexibility Option's 64,313 square feet). The increased commercial space would consist of office and art production-related uses. Additionally, the amount of common open space provided under Alternative 2b would be the same as under Alternative 2a; (compared to the Project's and Flexibility Option's 22,725 square feet).

Similar to Alternative 2a, Alternative 2b would reduce the amount of excavation and hauling of soil as compared to the Project and the Flexibility Option, which would lessen the impacts related to Project-level noise and vibration during construction. As discussed in **Section VI.C.2(h)2**, of this Draft EIR, Alternative 2b's construction noise and construction vibration impacts related to human annoyance would be substantially less than the Project because of the approximately 30 percent reduction in the duration of excavation and site preparation activity, but would still be significant and unavoidable. Alternative 2b's other impacts would generally be either less than or similar to the Project's and the Flexibility Option's impacts. A comparison of the impact of each of the alternatives to the Project and the Flexibility Option is summarized in **Table VI-2, Summary of Alternatives' Impacts.**

c) Alternative 3 – Reduced Density with Aboveground Parking

The purpose of the Reduced Density with Aboveground Parking Alternative (Alternative 3) is to avoid significant and unavoidable construction vibration impacts when compared to the Project by eliminating the need for underground excavation.

Under Alternative 3, the Project's proposed number of residential units and commercial/art production space would be reduced by approximately 50 percent and the Project's three

subterranean parking levels would be eliminated. Parking under Alternative 3 would be provided in 1.5 above-grade levels. Accordingly, the height of the proposed development under Alternative 3 would be reduced from 8 stories and 116 feet in height (to top of parapet) to 6 stories and 87 feet in height (to top of parapet). Alternative 3 would result in the construction of an approximately 124,879-square-foot mixed-use building (compared to the Project's 249,758 square feet), including up to 110 live/work units (compared to the Project's 220 live/work units and the Flexibility Option's 200 live/work units), approximately 11,363 square feet of open space for residents (compared to the Project's and Flexibility Option's 22,725 square feet), up to 23,274 square feet of art-production and commercial space (compared to the Project's 46,548 square feet and the Flexibility Option's 64,313 square feet), and associated parking facilities. Approximately 172 parking spaces (compared to the Project's and Flexibility Option's 381 parking spaces) would be provided in 1.5 above-grade levels (compared to the Project's and Flexibility Option's three levels of subterranean parking).

The design and configuration of Alternative 3 would be similar to the Project. The main difference would be the elimination of subterranean levels and the reduction of proposed uses by 50 percent, resulting in a mixed-use development with approximately 75 percent of the mass of the Project, a substantial reduction in excavation depth from 50 feet below ground surface with the Project and the Flexibility Option to minimal excavation below ground surface, and fewer residents (approximately 260 residents as compared to the Project's 518 residents and the Flexibility Option's 470 residents).

Due to the elimination of subterranean parking, Alternative 3 would substantially reduce the soil export as compared to the Project and Flexibility Option and would eliminate the need for underground excavation, which would eliminate the significant and unavoidable impacts related to human annoyance from construction vibration and substantially lessen the impacts related to Project-level noise from construction as the duration of excavation and site preparation activity would be approximately 90 percent less than under the Project and Flexibility Option. The elimination of subterranean parking would also have an associated reduction in the overall construction activities and duration in comparison to the Project as Alternative 3 would not require extensive excavation, pile drilling, and shoring. As such, construction vibration impacts with regard to human annoyance under Alternative 3 would be less than significant and substantially less than the Project's and Flexibility Option's significant and unavoidable impacts with respect to human annoyance, and construction vibration impacts with regard to building damage under Alternative 3 would be substantially less than the Project's and the Flexibility Option's less than significant impacts. Alternative 3's other impacts would be either less than or similar to the Project's and Flexibility Option's impacts. A comparison of the impact of each of the alternatives to the Project is summarized in **Section V. Alternatives to the Project**, **Table VI-2, Summary of Alternatives' Impacts.**

d) Alternative 4 – Existing Zoning - Industrial Use

Under Alternative 4, the Project Site would be developed with an industrial building at the density permitted by the existing M3-1-RIO (Heavy Industrial Zone – Height District No. 1 – River Improvement Overlay District) zoning. The M3 Zone permits a range of industrial and manufacturing uses. The M3 Zone also permits commercial uses allowed under the C2 Zone, such as restaurants, bars, studios, offices, and adaptive reuse into live/work units, which can all be found within the immediate surrounding area of the Project Site. In regards to the River Improvement Overlay District (RIO), projects located within the RIO District, such as the Project, require an Administrative Clearance from the Department of City Planning prior to issuance of a building permit, to ensure that projects meet certain standards for screening, lighting, river access, and landscaping. Height District No.1 permits a FAR of 1.5:1.

The Project Site has a General Plan land use designation of Heavy Industrial under the Central City North Community Plan. The Heavy Industrial land use designation permits a range of corresponding industrial zones that allow for a variety of industrial, commercial, and adaptive live/work uses and intensities. Under Alternative 4, the approximately 54,009 square-foot lot area (1.2 acres) would be developed with 81,014 square feet of floor area (compared to the Project's and Flexibility Option's 249,758 square feet) based on an FAR of 1.5 (54,009 square feet X 1.5 FAR). The development under Alternative 4 would be all industrial uses provided in a single two-story building totaling approximately 30 feet in height (compared to the Project's and the Flexibility Option's proposed eight-story building with a height of 116 feet to top of parapet) located on the Project Site.

The architectural design and configuration of Alternative 4 would be different, in order to accommodate the proposed industrial uses. Specifically, Alternative 4 would likely represent a more utilitarian design, and would not be able to include the two publicly accessible pedestrian paseos, open space and courtyards that would be provided under the Project. Parking for all uses contained within Alternative 4 would be provided on site. For Industrial uses a total of one automobile parking space for each 500 square feet of combined floor area is required. Alternative 4 would provide approximately 162 vehicle parking spaces (compared to the Project's and Flexibility Option's 381 parking space). Parking would be provided in one level of subterranean parking.

The main difference between the Project and Alternative 4 would be construction of an all industrial development, and the reduction in total square footage and building height which is based on a FAR of 1.5:1.

Alternative 4 impacts with respect to construction noise and construction vibration resulting in human annoyance would be substantially less than the Project because of the approximately 60 percent reduction in the duration of excavation and site preparation activity, but would still be significant and unavoidable. Alternative 4's other impacts would be either less than or similar to the Project's and Flexibility Option's impacts. A comparison of the impact of each of the alternatives to the Project is summarized in **Table VI-2, Summary of Alternatives' Impacts.**

e) Environmentally Superior Alternative

Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR, and that if the "no project" alternative is the environmentally superior alternative, the EIR shall identify another environmentally superior alternative among the remaining alternatives.

In accordance with the CEQA Guidelines requirement to identify an Environmentally Superior Alternative other than the No Project Alternative, a comparative evaluation of the remaining alternatives, Alternative 3, the Reduced Density with Aboveground Parking Alternative, would be environmentally superior to the Project. Alternative 3 would result in substantially less development compared to the Alternative 2, which would result in a corresponding decrease in the overall environmental impact of this alternative. Specifically, Alternative 3 would consist of approximately 124,879 square feet of development compared to Alternative 2 at 249,785 square feet and Alternative 4 at 81,014 square feet. In addition, Alterative 3 would reduce the amount of excavation and duration of the peak phases of construction due to the elimination of subterranean parking. Specifically, Alternative 3 would not include any subterranean parking levels compared to Alternative 2 with two subterranean parking levels and Alternative 4 with one subterranean parking level. Overall, Alternative 3 would result in a lesser degree of Project impacts due to overall reduction in development and the Project's significant and unavoidable construction vibration impact related to human annoyance would be reduced to less than significant under Alternative 3, as the Alternative would not include any subterranean parking levels and thus overall excavation would be reduced. However, it should be noted that, due to the reduction in live/work units and commercial/art production space as compared to the Project, Alternative 3 meets the Project objectives to a lesser degree than the Project.

6. Summary of Environmental Impacts

This section provides a summary of impacts associated with the Project, Project Design Features (PDF) that would be included as part of the Project, Mitigation Measures (MM) that would be included to lessen potentially significant impacts, and the level of impact after implementation of mitigation measures for each environmental topic evaluated in the Draft EIR **Table ES-1**.

Table ES-1
Summary of Project Impacts

Environmental Issue	MMs and PDFs	Project and Flexibility Option Impacts
A. AIR QUALITY		
Consistency with Applicable Air Quality Plans	PDF TR-1	Less Than Significant Impact
Increase Criteria Pollutants Under Air Quality Standards	None	Less Than Significant Impact
Expose Sensitive Receptors to Localized Emissions	None	Less Than Significant Impact
Objectionable Odors	None	Less Than Significant Impact
Cumulative Impacts	None	Less Than Significant Impact

Table ES-1
Summary of Project Impacts

Environmental Issue	MMs and PDFs	Project and Flexibility Option Impacts
B. CULTURAL RESOURCES		
Historical Resources	None	Less Than Significant Impact
Archaeological Resources	MM CUL-1 MM CUL-2 MM CUL-3 MM CUL-4	Less Than Significant with Mitigation Incorporated
Human Remains	None	Less Than Significant Impact
Cumulative Impacts	None	Less Than Significant Impact
C. GEOLOGY AND SOILS		
Surface Rupture	None	Less Than Significant Impact
Ground Shaking	None	Less Than Significant Impact
Liquefaction	None	Less Than Significant Impact
Landslides	None	No Impact
Soil Erosions or Loss of Topsoil	None	Less Than Significant Impact
Lateral Spreading, Subsidence, and Collapse	None	Less Than Significant Impact
Expansive Soils	None	Less Than Significant Impact
Septic Tanks	None	No Impact
Paleontological Resources	MM GEO-1	Less Than Significant with Mitigation Incorporated
Cumulative Impacts	None	Less Than Significant Impact
D. GREENHOUSE GAS EMISSIONS		
Indirect or Direct GHG Emissions	PDF TR-2	Less Than Significant Impact
Consistency with Plans, Policies, or Regulations	None	Less Than Significant Impact
Cumulative Impacts	None	Less Than Significant Impact
E. HAZARDS AND HAZARDOUS MATERIALS		
Routine Transport, Use, or Disposal	None	Less Than Significant Impact
Release of Hazardous Materials	None	Less Than Significant Impact
Hazardous Emissions Near Schools	None	Less Than Significant Impact
Listed on Government Database	None	Less Than Significant Impact
Interfere with Airport Land Use Plan	None	No Impact
Interfere with Emergency Response or Evacuation Plan	None	Less Than Significant Impact
Wildlands	None	No Impact
Cumulative Impacts	None	Less Than Significant Impact
F. HYDROLOGY AND WATER QUALITY		
Water Quality Standards	None	Less Than Significant Impact
Groundwater Supplies	None	Less Than Significant Impact
Drainage Patterns-Erosion or Siltation	None	Less Than Significant Impact
Drainage Patterns-Flooding	None	Less Than Significant Impact
Polluted Runoff	None	Less Than Significant Impact
Drainage Patterns	None	Less Than Significant Impact
Inundation	None	Less Than Significant Impact
Water Control Plan/Sustainable Groundwater Plan	None	Less Than Significant Impact

Table ES-1
Summary of Project Impacts

Environmental Issue	MMs and PDFs	Project and Flexibility Option Impacts
Cumulative Impacts	None	Less Than Significant Impact
G. LAND USE AND PLANNING		
Divide a Community	None	No Impact
Consistency with Land Use Plans, Policies, and Regulations	None	Less Than Significant Impact
Cumulative Impacts	None	Less Than Significant Impact
H. NOISE		
Excessive Noise	MM NOI-1	Significant and Unavoidable Impact
Groundborne Vibration Related to Building Damage	None	Less Than Significant Impact
Groundborne Vibration Related to Human Annoyance	None feasible	Significant and Unavoidable Impact
Private Airstrip or Airport Land Use Plan	None	Less Than Significant Impact
Cumulative Impacts	MM NOI-1	Significant and Unavoidable Impact
I. POPULATION AND HOUSING		
Population Growth	None	Less Than Significant Impact
Displace Substantial Number Existing Housing Units	None	No Impact
Displace Substantial Numbers of People	None	No Impact
Cumulative Impacts	None	Less Than Significant Impact
J. PUBLIC SERVICES		
Fire Protection	PDF TR-1	Less Than Significant Impact
Cumulative Impacts	PDF TR-1	Less Than Significant Impact
Police Protection	PDF TR-1 PDF POL-1 PDF POL-2 PDF POL-3	Less Than Significant Impact
Cumulative Impacts		Less Than Significant Impact
Schools	None	Less Than Significant Impact
Cumulative Impacts	None	Less Than Significant Impact
Recreation / Parks – Park Service Ratios/Performance Objectives	None	Less Than Significant Impact
Recreation / Parks – Facilities	None	Less Than Significant Impact
Recreation / Parks – Construction of Facilities	None	Less Than Significant Impact
Cumulative Impacts	None	Less Than Significant Impact
Libraries	None	Less Than Significant Impact
Cumulative Impacts	None	Less Than Significant Impact
K. TRANSPORTATION		
Consistency with Program, Plans, Ordinance and Policy Addressing Circulation System	PDF TR-2	Less Than Significant Impact
Consistency with *State CEQA Guidelines* Section 15064.3 subdivision (b)	PDF TR-2	Less Than Significant Impact
Geometric Design Feature	None	No Impact
Emergency Access	None	Less Than Significant Impact

Table ES-1
Summary of Project Impacts

Environmental Issue	MMs and PDFs	Project and Flexibility Option Impacts
Cumulative Impacts		Less Than Significant Impact
L. TRIBAL CULTURAL RESOURCES		
Tribal Cultural Resources	MM TCR-1	Less Than Significant Impact with Mitigation Incorporated
Cumulative Impacts	None	Less Than Significant Impact
M. UTILITIES		
Water Supply and Infrastructure	PDF TR-1 PDF WAT-1	Less Than Significant Impact
Cumulative Impacts	None	Less Than Significant Impact
Wastewater Infrastructure and Capacity	PDF WAT-1	Less Than Significant Impact
Cumulative Impacts	None	Less Than Significant Impact
Solid Waste-Landfill Capacity	None	Less Than Significant Impact
Solid Waste-Statues and Regulations	None	Less Than Significant Impact
Cumulative Impacts	None	Less Than Significant Impact
Electric Power, Natural Gas and Telecommunication Facilities Supply and Infrastructure	None	Less Than Significant Impact
Cumulative Impacts	None	Less Than Significant Impact
N. ENERGY		
Wasteful, Inefficient or Unnecessary Energy Consumption	None	Less Than Significant Impact
Conflict with State or Local Plans	None	Less Than Significant Impact
Cumulative Impacts	None	Less Than Significant Impact
O. WILDFIRE		
Emergency Response Plans	PDF TR-1	No Impact
Pollutants or Uncontrolled Spread From Wildfire	None	No Impact
Installation of Associated Infrastructure	None	No Impact
Exposure to Flooding or Landslides	None	No Impact
Cumulative Impacts	None	Less Than Significant Impact

Source: EcoTierra Consulting, 2023.

7. Project Design Features

The following project design features are applicable to the Project and the Flexibility Option:

a) Public Services-Police Protection

PDF POL-1: Prior to and during construction, the Project will implement appropriate temporary security measures including security fencing (e.g., chain-link fencing), low-level security lighting and locked entry (e.g., padlock gates or guard restricted access) to limit access by the general public. Regular and multiple security patrols during non-construction hours (e.g., nighttime hours, weekends, and holidays) would also be provided. During construction activities, the Contractor will document the security measures; and the documentation will be made available to the Construction Monitor.

PDF POL-2: The Project will provide an extensive security program to ensure the safety of residents, employees, and other visitors to the Project Site. The Project will incorporate strategies in design and planning, as well as active security features. On-site security measures during Project operation will include:

- On-site security personnel whose duties will include but not be limited to the following:
  - Monitoring entrances and exits;
  - Patrol the perimeter of the property;
  - Control and monitor activities in the public spaces and private outdoor areas;
  - Managing and monitoring fire/life/safety systems; and
  - Controlling and monitoring activities in the parking facilities.
- Install security industry standard security lighting at recommended locations including parking structures, pathways, and facing the adjacent alleyway;
- Install closed-circuit television at select locations including (but not limited to) entry and exit points and parking areas, lobby areas, outdoor open spaces, and parking areas;
- Provide adequate lighting of parking areas, elevators, and lobbies to reduce areas of concealment;
- Provide lighting of building entries and open spaces to provide pedestrian orientation and to clearly identify a secure route between the parking area and access points; and
- Contact information for on-site security staff would be prominently displayed throughout the Project Site.

PDF POL-3: Prior to the issuance of a building permit, the Project Applicant or its successor will consult with LAPD's Crime Prevention Unit regarding the incorporation of any additional crime prevention features appropriate for the design of the Project.

b) Utility and Service Systems-Water Supply

PDF WAT-1: The Project shall include, but not be limited to, the following water conservation features:

- High Efficiency Toilets with a flush volume of 1.1 gallons or less per flush;
- Showerheads with a flow rate of 1.5 gallons or less per minute;
- Residential Lavatory Faucets (manual) with a flow rate of 0.5 gallons or less per minute;
- ENERGY STAR Certified Residential Clothes Washers – front-loading with an integrated water factor of 2.7 or less and a capacity of 5.6 cubic feet;
- ENERGY STAR Certified Residential Dishwashers – standard with 3.2 gallons or less per cycle;
- Domestic Water Heating System located in close proximity of point(s) of use;
- Individual metering and billing for water use for every residential dwelling unit and commercial unit;
- Water-Saving Pool Filter or Reuse pool backwash water for irrigation;
- Pool/Spa recirculating filtration equipment;
- Pool splash troughs around the perimeter that drain back into the pool;
- Install a meter on the pool make-up line so water use can be monitored and leaks can be identified and repaired; and
- Proper Hydro-zoning/Zoned Irrigation - (groups, plants with similar water requirements together).

c) Transportation

PDF TR-1: Prior to the issuance of a building permit for the Project, a detailed Construction Staging and Traffic Management Plan (CSTMP) will be submitted to LADOT's Citywide Temporary Traffic Control Section or Permit Plan Review Section for review and approval prior to the start of any construction work. The plan will show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. The CSTMP will formalize how construction would be carried out and identify specific actions that will be required to reduce effects on the surrounding community. The

CSTMP will be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site. Construction management meetings with City Staff and other surrounding construction related project representatives (i.e., construction contractors) whose projects will potentially be under construction at around the same time as the Project will be conducted bimonthly, or as otherwise determined appropriate by City Staff. This coordination will ensure construction activities of the concurrent related projects and associated hauling activities are managed in collaboration with one another and the Project. LADOT also recommends that all construction related truck traffic be restricted to off-peak hours. The CSTMP will include, but not be limited to, the following elements as appropriate:

- Emergency access will be maintained to the Project Site during construction through marked emergency access points approved by the LAFD.
- Construction worker parking on nearby residential streets will be prohibited.
- Worker parking will be provided on-site or in designated off-site public parking areas.
- Temporary traffic control during all construction activities adjacent to public rights-of-way will be provided to improve traffic flow on public roadways (e.g., flag men).
- Construction-related deliveries, haul trips, etc., will be scheduled so as to occur outside the commuter peak hours to the extent feasible, to reduce the effect on traffic flow on surrounding streets.
- Construction-related vehicles will be prohibited from parking on surrounding public streets.
- Safety precautions for pedestrians and bicyclists will be obtained through such measures as alternate routing and protection barriers as appropriate, especially as it pertains to maintaining safe routes to schools, particularly Metropolitan High School.
- Covered walkways will be provided where pedestrians are exposed to potential injury from falling objects.
- Applicant will keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk will be reopened as soon as reasonably feasible taking construction and construction staging into account.

- In the event of a lane or sidewalk closure, traffic and/or pedestrians will be routed around any such lane or sidewalk closures.
- The locations of the off-site truck staging will be identified to include, staging in a legal area, and which will detail measures to ensure that trucks use the specified haul route, and do not travel through nearby residential neighborhoods.
- There will be coordination with nearby projects, that have potential overlapping construction timeframes, to schedule vehicle movements to ensure that there are no vehicles waiting off-site and impeding public traffic flow on the surrounding streets.

PDF TR-2 **Transportation Demand Management Program**. A preliminary TDM program will be prepared and provided for DOT review prior to the issuance of the first building permit for this project and a final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the Project.

8. Mitigation Measures

The following mitigation measures are applicable to the Project and the Flexibility Option:

a) Cultural Resources

MM CUL-1 Prior to the issuance of a demolition permit, the Applicant or its Successor shall retain a Qualified Archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (Qualified Archaeologist) to oversee an archaeological monitor who shall be present during construction activities on the Project Site such as demolition, clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the Project. The activities to be monitored shall also include off-site improvements in the vicinity of the Project Site, such as utility, sidewalk, or road improvements. The monitor shall have the authority to direct the pace of construction equipment in areas of high sensitivity. The frequency of monitoring shall be based on the rate of excavation and grading activities, the materials being excavated (younger sediments vs. older sediments), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring may be reduced to part-time inspections, or ceased entirely, if determined adequate by the Qualified Archaeologist. Prior to commencement of any ground disturbance activities, the archaeological monitor shall provide Worker Environmental

Awareness Program (WEAP) training to construction workers involved in ground disturbance activities that provides information on regulatory requirements for the protection of cultural resources. As part of the WEAP training, construction workers shall be informed about proper procedures to follow should a worker discover a cultural resource during ground disturbance activities. In addition, construction workers shall be shown examples of the types of resources that would require notification of the archaeological monitor. The Applicant shall maintain on the Project Site, for City inspection, documentation establishing that the training was completed for all construction workers involved in ground disturbance activities.

In the location of Trench 1 and Feature 1, during the demolition and grading, the Qualified Archaeologist shall direct construction crews to fully expose the feature and make recommendation for documentation and evaluation of the Feature under CEQA. Once the Feature and any associated features or materials are documented and evaluated, this information shall be included in the final report and DPR 523 forms. Additional recommendations regarding the handling and treatment of these resources shall be at the discretion of the Qualified Archeologist.

MM CUL-2 Prior to the commencement of demolition and excavation, an Archeological Resources Monitoring and Mitigation Plan (ARMMP) shall be prepared. The ARMMP shall include, but not be limited to, a construction worker training program (described in MM CUL-1), monitoring protocol for demolition and excavation activities, discovery and processing protocol for inadvertent discoveries of archeological resources, and identification of a curation facility should artifacts be collected. The ARMMP shall identify areas that require monitoring, provide a framework for assessing the geoarchaeological setting to determine whether sediments capable of preserving archaeological remains are present, and include a protocol for identifying the conditions under which additional or reduced levels of monitoring (e.g., spot-checking) may be appropriate. The duration and timing of the monitoring shall be determined based on the rate of excavation, geoarchaeological assessment, and, if present, the quantity, type, and spatial distribution of archaeological resources identified.

The ARMMP shall minimally include a historical context statement, research design, and methodology by which any newly identified archaeological sites shall be evaluated for California Register eligibility and as unique archaeological resources. The ARMMP

shall specify the specific types of archaeological sites likely to be encountered and the means by which significance shall be assessed. If any archaeological resources are identified and are found not to be significant or do not retain integrity, then they shall be recorded to a level sufficient to document the contents and condition. The ARMMP shall include a proactive identification and documentation protocol that would facilitate preservation or mitigation of impacts to *Zanja* No. 2 and any other archaeological sites identified in a cost-effective manner. The ARMMP shall include potential treatment plans to be implemented in the event a newly discovered archaeological resource is determined by the Qualified Archaeologist to constitute an "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to PRC 21083.2(g). The ARMMP shall require that if the treatment plans outlined therein are found to be infeasible or other alternatives are proposed, the Qualified Archaeologist shall coordinate with the Applicant and the Department of City Planning to amend the ARMMP with a formal treatment plan that would reduce impacts to the resource(s).

In the event that historic (e.g., bottles, foundations, refuse dumps/privies, railroads, etc.) or prehistoric (e.g., hearths, burials, stone tools, shell and faunal bone remains, etc.) archaeological resources are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A 25-foot buffer shall be established by the Qualified Archaeologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by Project construction activities shall be evaluated by the Qualified Archaeologist. If a resource is determined by the Qualified Archaeologist to constitute a "historical resource" pursuant to *State CEQA Guidelines* Section 15064.5(a) or a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the Qualified Archaeologist shall coordinate with the Applicant and the Department of City Planning to develop a formal treatment plan that would serve to reduce impacts to the resources. If any prehistoric archaeological sites are encountered within the project area, consultation with interested Native American parties will be conducted to apprise them of any such findings and solicit any comments they may have regarding appropriate treatment and disposition of the resources.

The treatment plans stated in the ARMMP or prepared after the discovery of a historical resource shall be in accordance with *State*

CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If, in coordination with the Department of City Planning, it is determined that preservation in place is not feasible, appropriate treatment of the resource shall be developed by the Qualified Archaeologist in coordination with the Department of City Planning and may include but not be limited to any of the following depending on the type of resource and the significance evaluation:

- **Prehistoric archaeological sites.** Data recovery shall be conducted (i.e., excavation, laboratory processing and analysis) to remove the resource(s) and reduce potential impacts to less than significant where significance is determined under California Register Criterion 4 and integrity is retained.

- **Historical archaeological sites.** If a historic-period site, including but not limited to a refuse scatter or building foundation(s), is present and found to retain integrity, data recovery shall be conducted (i.e., excavation, laboratory processing and analysis) to remove the resource(s) and reduce potential impacts to less than significant. In addition to data recovery, specific treatments shall be developed and implemented based on potential California Register or eligibility criteria or as a unique archaeological resource as follows:

    - **Treatment Under Criteria 1 and 2, or as a unique archaeological resource:** Treatment shall include interpretation for the public. Interpretive materials may include, but not be limited to, signage at the project site, relocating preserved materials in a publicly accessible display, or visual representations of recovered materials. The interpretive materials shall be prepared, at the expense of the project applicant, by professionals meeting the Secretary of the Interior standards in history or historical archaeology. The details of the interpretive materials, including the form, content, and timing of their preparation, shall be completed to the satisfaction and subject to the approval of the Department of City Planning. 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 identified non-profit historic groups interested in the subject matter.

- **Treatment Under Criterion 3:** Architectural documentation of exposed zanja segments shall be conducted by producing narrative records, measured drawings, and photographs in conformance with Historic American Engineering Record (HAER) standards prior to any alteration or demolition activity.

- **Treatment Under Criterion 4:** No additional work; data recovery is sufficient.

- **Zanja No. 2**. If segments of *Zanja* No. 2 are present and found to retain integrity, architectural documentation of exposed *zanja* segments shall be conducted by producing narrative records, measured drawings, and photographs in conformance with HAER standards prior to any alteration or demolition activity. In addition to HAER documentation, specific treatments shall be developed and implemented based on potential California Register or eligibility criteria or as a unique archaeological resource as follows:

  - **Treatment Under Criterion 1:** Treatment shall include interpretation of *Zanja* No. 2 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* No. 2 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 material. 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 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, with the content, format and location of any public interpretive materials that may be developed as part of any potential discoveries of *zanjas* resulting from additional development. The interpretive materials shall include a consideration of the *Zanja* No.2 segment located on the Project Site in relation to the entire *Zanja* No. 2 and the entire *Zanja* system as a whole. 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.

- **Treatment Under Criterion 2:** No additional work; archival research about important persons directly associated with the construction and use of *Zanja* No. 2 would be addressed as part of HAER documentation.
- **Treatment Under Criterion 3:** No additional work; HAER documentation is sufficient.
- **Treatment Under Criterion 4:** No additional work; archaeological data recovery and HAER documentation are sufficient.
- **Treatment as a unique archaeological resource:** Same as Criterion 1 treatment.
- The ARMMP shall summarize the requirements for tribal coordination in the event of an inadvertent discovery of Native American archaeological resources, including the applicable regulatory compliance measures or conditions of approval for the inadvertent discovery of tribal cultural resources to be carried out in concert. The ARMMP shall be prepared in compliance with Public Resources Code Section 5024.1, Title 14 California Code of Regulations, Section 15064.5 of the CEQA Guidelines, and PRC Sections 21083.2 and 21084.1.

MM CUL-3 Prior to the release of the grading bond, the Qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms at the conclusion of archaeological monitoring. The report shall include a description of resources unearthed, if any, treatment of the resources, results of

the artifact processing, analysis, and research, and evaluation of the resources with respect to the California Register and CEQA. The report and the Site Forms shall be submitted by the Project Applicant or its Successor to the Department of City Planning, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the development and required mitigation measures.

MM CUL-4 In the event that *Zanja* Conduit System-related infrastructure is unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. An appropriate exclusion area that accounts for the linear nature of the resource shall be established by a Qualified Archaeologist, meeting the Secretary of the Interior Standards in Archaeology. Construction activities shall not be allowed to continue within the exclusion area until directed by the Qualified Archaeologist in consultation with the Department of City Planning, but work shall be allowed to continue outside of the exclusion area. The Qualified Archaeologist shall coordinate with the Applicant or its Successor, the Department of City Planning, and the City's Office of Historic Resources to develop a formal treatment plan for the resource that would serve to mitigate impacts to the resource(s). The treatment measures listed in California Code of Regulations Section 15126.4(b) shall be considered when determining appropriate treatment for the *Zanja* resource. As noted in California Code of Regulations Section 15126.4(b)(A), preservation in place (i.e., avoidance) is the preferred manner of mitigating impacts to archaeological sites. If in coordination with the Department of City Planning, it is determined that preservation in place is not feasible, other treatment measures for the resource shall be developed by the Qualified Archaeologist in coordination with the Office of Historic Resources and with final approval by the Department of City Planning. As detailed in MM CUL-2, treatment would be designed to address the resource's eligibility under Criterion 1 (significant events) and 4 (scientific data) as well as eligibility as a unique archaeological resource of the likely form of the *Zanja*, to the best of our current knowledge (e.g., is it assumed to be made of wood/concrete/earthen etc., based on known archival research) and may include implementation of data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. At minimum, a commemoration program that includes the development of an interpretive exhibit/display/signage or plaque at the Project Site. In addition, other public educational and/or interpretive treatment measures will be developed as determined

appropriate by the Qualified Archaeologist in consultation with the City's Office of Historic Resources. Any associated artifacts collected that are not made part of the interpretation/education collected may be curated at a public, non-profit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the material, it shall be offered for donation to a local school or historical society in the area for educational purposes. The Qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms (Site Forms) for the *Zanja* resource. The report shall outline the treatment measures implemented, include a description of the resources unearthed, results of any artifact processing, analysis, and research. The report and the Site Forms shall be submitted by the Qualified Archaeologist to the City and the South Central Coastal Information Center.

b) Geology and Soils

MM GEO-1 A Qualified Paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards shall be retained by the Applicant or its Successor prior to the approval of demolition or grading permits. The Qualified Paleontologist shall provide technical and compliance oversight of all work as it relates to paleontological resources, shall attend the Project kick-off meeting and Project progress meetings on a regular basis, and shall be responsible for monitoring and overseeing paleontological monitors (meeting SVP standards) that will observe Project grading and excavation activities.

The Qualified Paleontologist shall conduct construction worker paleontological resources sensitivity training prior to the start of ground disturbing activities (including vegetation removal, pavement removal, etc.). In the event construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the Project Site and the procedures to be followed if they are found. Documentation shall be retained by the Qualified Paleontologist demonstrating that the appropriate construction personnel attended the training.

Paleontological resources monitoring shall be performed by a qualified paleontological monitor (meeting SVP standards) under the direction of the Qualified Paleontologist. Paleontological resources monitoring shall be conducted for all ground disturbing

activities in previously undisturbed sediments that exceed 15 feet in depth in previously undisturbed older Alluvial sediments which have high sensitivity for encountering paleontological resources. However, depending on the conditions encountered, full-time monitoring within these sediments can be reduced to part-time inspections or ceased entirely if determined adequate by the Qualified Paleontologist. The surficial Alluvium has low paleontological sensitivity and so work in the upper 15 feet of the Project Site does not require monitoring. The Qualified Paleontologist shall spot check the excavation on an intermittent basis and recommend whether the depth of required monitoring should be revised based on his/her observations. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils or potential fossils. Monitors shall prepare daily logs detailing the types of activities and soils observed, and any discoveries.

If construction or other Project personnel discover any potential fossils during construction, regardless of the depth of work or location, work at the discovery location shall cease in a 50-foot radius of the discovery until the Qualified Paleontologist has assessed the discovery, conferred with the City, and made recommendations as to the appropriate treatment. Any significant fossils collected during Project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage, such as the LACM. The Qualified Paleontologist shall prepare a final monitoring and mitigation report for submittal to the City in order to document the results of the monitoring effort and any discoveries. If there are significant discoveries, fossil locality information and final disposition will be included with the final report which will be submitted to the appropriate repository and the City.

c) Noise

MM NOI-1 During all Project Site demolition and excavation/grading, construction contractors shall install a temporary, continuous and impermeable sound barrier along the perimeter along the north and east boundaries of the Project Site. The barrier shall also be provided along the southern boundary of the Project Site in the event that the potential residential uses at 527 S. Coylton Street and 1147 E. Palmetto Street are constructed and occupied at the time of Project construction. The barrier shall be at least 8 feet in height and constructed of materials achieving a Transmission Loss

(TL) value of at least 10 dBA, such as ½ inch plywood.[1] The supporting structure shall be engineered and erected according to applicable codes. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

d) Tribal Cultural Resources

MM TCR-1 Prior to commencing any ground disturbance activities at the Project site, the Applicant, or its successor, shall retain archeological monitors and tribal monitors that are qualified to identify subsurface tribal cultural resources. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site. Any qualified tribal monitor(s) shall be approved by the Gabrieleño Band of Mission Indians-Kizh Nation. Any qualified archaeological monitor(s) shall be approved by the Department of City Planning, Office of Historic Resources ("OHR").

The qualified archeological and tribal 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 and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring. The on-site monitoring shall end when the ground disturbing activities are completed, or when the archaeological and tribal monitor both indicate that the site has a low potential for impacting tribal cultural resources.

Prior to commencing any ground disturbance activities, the archaeological monitor in consultation with the tribal monitor, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that provides information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers will be

[1] Based on the FHWA Noise Barrier Design Handbook (July 14, 2011), see Table 3, Approximate sound transmission loss values for common materials. Plywood (0.5") has a transmission loss of 20 dBA.

shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor. The Applicant shall maintain on the Project site, for City inspection, documentation establishing the training was completed for all members of the construction crew involved in ground disturbance activities.

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

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 a qualified archeologist, in consultation with a qualified tribal monitor, 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 OHR.

2. If OHR 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, in consultation with the tribal monitor, reasonably conclude 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 or qualified tribal monitor, 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 or tribal monitor; (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 an 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 both the qualified archaeologist and qualified tribal monitor 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 that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the City's AB 52 Confidentiality Protocols.