

Mitigation Monitoring and Reporting Program

Project Title: Extera Public Schools

Project No. PRJ2022-004416-(1)

Conditional Use Permit No. RPPL2022013731

Environmental Plan No. RPPL2023005113

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Project sponsor's name and address: Extera Public Schools, 3626 E. Fifth Street, Los Angeles, CA 90063

Project location: 1059 S. Gage Avenue, Los Angeles, CA 90023 (APN: 5239-012-028 and 5239-012-009)

1.1 Introduction

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

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

An Initial Study and Mitigated Negative Declaration (IS/MND) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project's impacts in the MND applies mitigation measures (MM) needed to avoid or reduce potentially significant environmental impacts. This MMRP is designed to monitor implementation of the MMs identified for the Project.

1.2 Organization

As shown on the following pages, each identified 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 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 MM shall be monitored.
- Monitoring Frequency: the frequency at which the MM shall be monitored.
- Action Indicating Compliance: the action by which the Enforcement or Monitoring Agency indicates that compliance with the identified required MM has been implemented.

1.3 Administrative Procedures and Enforcement

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

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

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the MMs during construction every 90 days in a form satisfactory to the Department of 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 within two business days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

1.4 Program Modifications

After review and approval of the final MMRP by the Lead Agency, minor changes and modifications to the MMRP are permitted, but can only be made subject to County 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 MMRP and the need to protect the environment. No changes will be permitted unless the MMRP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the MMs contained in this MMRP. The enforcing departments or agencies may determine substantial conformance with MMs in the MMRP in their reasonable discretion. If the department or agency cannot find substantial conformance, a 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 MMs. Any addendum or subsequent CEQA clearance shall explain why the MM is no longer needed, not feasible, or the other basis for modifying or deleting the 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 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 MM results in a substantial change to the Project or the non-environmental conditions of approval.

1.5 Mitigation Monitoring Program

1.5.1 Cultural Resources

MM-CUL-1 Archaeological Resources Monitor

- If archaeological resources are encountered during construction and the Tribal Monitor (required in MM-TCR-1) has determined that the find is not Native American in origin, all ground disturbance activities within 25 feet of the find shall stop until a qualified archaeologist can evaluate the significance of the find.
- Upon receiving notification of the find, the Applicant shall retain a qualified archaeologist to evaluate the significance of the find. Thereafter, the qualified archaeologist or a trained archeological monitor, under the supervision of the qualified archaeologist, shall monitor all remaining ground disturbance activities along with the Tribal Monitor (required in MM-TCR-1). A qualified archaeologist is defined as an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology.
- If the find is determined significant, the qualified archaeologist shall recommend appropriate measures, subject to County approval, to mitigate potential impacts to cultural resources to less than significant. Such measures may include, but are not limited to, avoidance, preservation in place and data recovery.
- Where preservation in place is not feasible, treatment may include archaeological data recovery. The qualified archaeologist shall record all recovered archaeological resources on the appropriate California Department of Parks and Recreation Site Forms to be filed with the California Historical Resources Information System–South Central Coastal Information Center (SCCIC). Recovered resources that are determined to be significant shall be

curated at an appropriate facility that will ensure their long-term preservation and will allow access to interested scholars. If no institution accepts the archaeological resource(s), they shall be offered to a local school or historical society in the area for educational purposes. Within 90 days after monitoring has ended, the qualified archaeologist shall prepare and submit a final monitoring report documenting all encountered archaeological resources, the significance of the resources, and the treatment of the resources to the County and SCCIC.

- Personnel of the Project will not collect or move any archaeological materials and associated materials. Construction activity may continue unimpeded on other portions of the Project Site. The found deposits would be treated in accordance with federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2.
- **Enforcement Agency:** Los Angeles County Department of Planning
- **Monitoring Agency:** Los Angeles County Department of Planning
- **Monitoring Phase:** Pre-Construction; Construction
- **Monitoring Frequency:** Once, prior to issuance of grading permit; Ongoing during construction activities as determined through construction with qualified archaeologist and tribal monitor.
- **Action Indicating Compliance:** Letter of Retention submitted to Los Angeles County Department of Planning and issuance of grading permit (Pre-Construction); Field inspection sign-off from qualified archeologist (Construction)

1.5.2 Hazards and Hazardous Materials

MM-HAZ-1 Soil Management Plan

During future development of the Site, a Soil Management Plan (SMP) shall be developed for the proposed construction activities. The SMP shall describe the management of impacted soils which may be encountered during Site development, and outline health and safety procedures to minimize risk to onsite workers and personnel.

In addition, the SMP shall describe the procedures for export of inert soil for offsite reuse.

It is anticipated that data collected during additional confirmation samples collected during construction shall be used to facilitate the export of inert soil for offsite reuse.

The SMP shall be developed by a qualified environmental consultant, consistent with SCAQMD Rule 1166 (Site Specific and Various Locations Soil Mitigation Plan) for the site and implemented during site grading and excavation.

The SMP shall be reviewed by the Los Angeles County Fire Department Site Mitigation Unit of the Health Hazardous Materials Division (LACFD SMU) as follows:

First, a draft version of a complete SMP prepared by a qualified environmental consultant shall be submitted to the LACFD SMU. Additional comments may be provided by the LACFD SMU, and the determination that comments are warranted.

All such comments, to the extent warranted, shall be incorporated into the final draft SMP. The SMP shall then be implemented during the soil disturbance and site grading phases of Project construction.

The objective of the SMP is to establish policy and requirements for the management and disposal of soils generated during excavation and redevelopment, and other activities that may disturb potentially contaminated soil.

- **Enforcement Agency:** Los Angeles County Fire Department Site Mitigation Unit of the Health Hazardous Materials Division
- **Monitoring Agency:** Los Angeles County Fire Department Site Mitigation Unit of the Health Hazardous Materials Division
- **Monitoring Phase:** Pre-Construction; Construction
- **Monitoring Frequency:** Once prior to issuance of grading permit; Ongoing with periodic field inspections during construction for Soil Management Plan implementation.
- **Action Indicating Compliance:** Approval of Soil Management Plan; Issuance of grading permit; Compliance report by a qualified Soil Management Plan consultant.

1.5.3 Noise

MM-NOI-1 A temporary noise barrier shall be installed along the northern perimeter of the Project Site from Eastman Avenue to Gage Avenue. The barrier shall be at least four meters in height, made of at least 1-inch thick plywood or other equivalent material shown by Caltrans to provide a transmission loss of 23 dBA (which would be adequate for a noise reduction of at least 13 dBA), and be capable of reducing construction-related noise levels at the adjacent residences by at least 10.6 dBA and not have any gaps or holes between the panels or at the bottom.

- **Enforcement Agency:** Los Angeles County Department of Planning
- **Monitoring Agency:** Los Angeles County Department of Planning

- **Monitoring Phase:** Pre-Construction; Construction
- **Monitoring Frequency:** Plan check; Field Inspection
- **Action Indicating Compliance:** Issuance of demolition or building permit (Pre-Construction); Field inspection sign-off (Construction)

MM-NOI-2 A temporary noise barrier shall be installed along the southern perimeter of the Project Site that fronts the adjacent residential buildings on 1058 and 1064 Eastman Avenue. The barrier shall be at least three meters in height, made of at least 0.5-inch thick plywood or other equivalent material shown by Caltrans to provide a transmission loss of at least 20 dBA (which would be adequate for a noise reduction of at least 10 dBA), and be capable of reducing construction-related noise levels at the adjacent residences by at least 3.3 dBA and not have any gaps or holes between the panels or at the bottom.

- **Enforcement Agency:** Los Angeles County Department of Planning
- **Monitoring Agency:** Los Angeles County Department of Planning
- **Monitoring Phase:** Pre-Construction; Construction
- **Monitoring Frequency:** Plan check; Field Inspection
- **Action Indicating Compliance:** Issuance of demolition or building permit (Pre-Construction); Field inspection sign-off (Construction)

MM-NOI-3 All construction equipment shall be equipped with the manufacturers' recommended noise suppression devices, such as mufflers and engine covers. These devices shall be kept in good working condition throughout the construction process.

- **Enforcement Agency:** Los Angeles County Department of Planning
- **Monitoring Agency:** Los Angeles County Department of Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Field Inspection
- **Action Indicating Compliance:** Field inspection sign-off (Construction)

MM-NOI-4 All construction equipment shall be properly maintained and tuned to minimize noise emissions.

- **Enforcement Agency:** Los Angeles County Department of Planning
- **Monitoring Agency:** Los Angeles County Department of Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Field Inspection
- **Action Indicating Compliance:** Field inspection sign-off (Construction)

MM-NOI-5 Stationary noise sources (e.g., generators and compressors) shall be located as far from residential receptor location as is feasible.

- **Enforcement Agency:** Los Angeles County Department of Planning
- **Monitoring Agency:** Los Angeles County Department of Planning
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Field Inspection
- **Action Indicating Compliance:** Field inspection sign-off (Construction)

1.5.4 Tribal Cultural Resources

MM-TCR-1 Tribal Cultural Resources Monitoring

- **Tribal Monitor.** Prior to the commencement of any ground disturbance activities, the Applicant shall retain a qualified Tribal monitor (Tribal Monitor) or 3rd Party Monitor who is approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government to provide tribal monitoring/consulting services. The term “ground disturbance activities”, as found in these project mitigation measures, refer to activities that may include clearing vegetation, pavement removal, grading, excavation, trenching, drilling, and potholing/auguring within the project site. The Applicant shall submit a letter to the County of Los Angeles (County) to confirm the name and contact information of the Tribal Monitor or 3rd Party Monitor who is retained for the project.
- **Tribal Cultural Resources Monitoring Plan.** Prior to the commencement of any ground disturbance activities, the Tribal Monitor or 3rd Party Monitor shall

prepare and submit a Tribal Cultural Resources Monitoring Plan (Monitoring Plan) to the County for review and approval at least 30 days before those activities commence. The Monitoring Plan shall include methods for monitoring ground disturbance activities; procedures to follow when resources are discovered; protocol for identifying and evaluating tribal cultural resources; and proposed measures to mitigate potential impacts to tribal cultural resources to less than significant levels.

- **Worker Environmental Awareness Program (WEAP).** Prior to the commencement of any ground disturbance activities, the Tribal Monitor or 3rd Party Monitor, will provide a WEAP training to construction crews 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 unanticipated tribal cultural resources discoveries be made during construction. In addition, workers will be shown examples of the types of resources that would require notification of the Tribal Monitor or 3rd Party Monitor.
 - **Discovery of Tribal Cultural Resources.** If tribal cultural resources are encountered during construction, all ground disturbance activities within 25 feet of the find shall stop until the Tribal Monitor can evaluate the significance of the find. Construction activities may continue in other areas of the project site. If the discovery proves significant, the Tribal Monitor or 3rd Party Monitor shall recommend appropriate measures, subject to County approval, to mitigate potential impacts to tribal cultural resources to less than significant. Such measures may include but are not limited to resource avoidance, reburial, and preservation for educational purposes. The Tribal Monitor shall coordinate with the project Applicant to ensure that all measures approved by the County are implemented.
 - Within 90 days after monitoring has ended, the Tribal Monitor shall prepare and submit a final monitoring report documenting all encountered tribal cultural resources, the significance of the resources, and the treatment of the resources to the County and the California Native American Heritage Commission.
 - If the Applicant does not accept a particular recommendation determined to be reasonable and feasible by the Tribal Monitor, the Applicant may request mediation by a mediator agreed to by the Applicant and the County who has the requisite professional qualifications and experience to mediate such a dispute. The Applicant shall pay any costs associated with the mediation.
 - The Applicant may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the Tribal Monitor and determined to be reasonable and appropriate.
- **Enforcement Agency:** Los Angeles County Department of Planning

- **Monitoring Agency:** Los Angeles County Department of Planning
- **Monitoring Phase:** Pre-Construction; Construction
- **Monitoring Frequency:** Once, prior to issuance of grading permit; Ongoing during construction activities as determined through construction with qualified archaeologist and tribal monitor.
- **Action Indicating Compliance:** Letter of Retention submitted to Los Angeles County Department of Planning and issuance of grading permit (Pre-Construction); Field inspection sign-off from qualified archeologist (Construction)