

Chapter 11 Mitigation Monitoring Program

11.1 INTRODUCTION

Public Resources Code (PRC) Section 21081.6 and California Environmental Quality Act (CEQA) Guidelines Section 15097 require adoption of a Mitigation & Monitoring Program (MMP) for all projects for which an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) has been prepared. This requirement was originally mandated by Assembly Bill (AB) 3180, which was enacted on January 1, 1989, to ensure the implementation of all mitigation measures adopted through the CEQA process. Specifically, PRC Section 21081.6 states that "... the agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment ... [and that the program] ... shall be designed to ensure compliance during project implementation."

AB 3180 provided general guidelines for implementing monitoring and reporting programs, which are enumerated in more detail in CEQA Guidelines Section 15097. However, specific monitoring requirements to be enforced during project implementation shall be defined prior to final approval of a project by the decision-maker. In response to established CEQA requirements, the MMP shall be submitted to the City of Los Angeles (Lead Agency) for consideration prior to certification of the EIR. Although the Lead Agency may delegate monitoring responsibilities to other agencies or entities, the Lead Agency "... remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program."

The MMP describes the procedures for the implementation of the mitigation measures to be adopted for the proposed project as identified in the EIR. The MMP provides clarity on monitoring actions and their timing. The MMP for the proposed project will be in place through the planning horizon of the Plan (2030) or until the Plan and EIR are updated again. The City of Los Angeles Department of City Planning (DCP) shall be responsible for administering the MMP activities or delegating them to staff, other City departments (e.g., Department of Building and Safety [DBS], Department of Public Works [DPW], etc.), consultants, or contractors. The City may choose to designate one or more environmental monitor(s) (e.g., City building inspector, project contractor, certified professionals, etc., depending on the provision specified below).

Each mitigation measure is identified in Table 11-1 (Mitigation Monitoring Program) and is categorized by environmental topic and corresponding number, with identification of:

- The Implementing agency – this is in most cases, the DCP, DBS or the City Council.
- The Enforcement Agency and Monitoring Agency—this is the agency or agencies that will monitor the measure and ensure that it is implemented in accordance with this MMP.
- Monitoring Phase/Monitoring Actions—this is the criteria that would determine when the measure has been accomplished and/or the monitoring actions to be undertaken to ensure the measure is implemented.

All agencies and departments are in the City of Los Angeles, unless otherwise noted. The implementing, enforcement and monitoring agencies, have authority to determine the applicability and compliance of all mitigation measures in their reasonable discretion.

A number of mitigation measures are implemented through the adoption of standards in the CPIO. In implementing those mitigation measures, the CPIO shall indicate that the standard shall be waived by the City Planning Director or his or her designee where the mitigation measure is found based on substantial evidence to be no longer necessary for the purpose of which it was adopted (e.g., another regulatory agency requires an equal or more effective requirement, the City has adopted equally or more effective regulations that are applicable to the subsequent development; or the particulars of the subsequent development makes the standard unnecessary to address the impact intended to be mitigated; new technology has made the standard unnecessary to mitigate the impact). Similarly, as this is a long-term project and technology and circumstances may change between now and 2030 that may make the mitigation measures in this MMP unnecessary or impossible, for all mitigation measures in the MMP, mitigation measures may be waived or not enforced if consistent with the requirements of CEQA (statute, guidelines and case law).

Table 11-1 Mitigation Monitoring Program

No.	Mitigation Measure	Implementing Agency	Enforcement and Monitoring Agency	Monitoring Phase / Monitoring Actions
AESTHETICS				
MM4.1-1	The CPIO District shall include regulations that minimize site-specific aesthetic impacts, including impacts to views lighting and shading.	¹ City Council	² Department of Building and Safety	¹ CPIO adoption ² Pre-construction; Issuance of building permits; Discretionary permit review
AIR QUALITY				
MM4.2-1	<p>The CPIO District shall include regulations for construction that require the following or comparable best management practices be included in contract specifications and/or printed on plans:</p> <ul style="list-style-type: none"> ■ Use properly tuned and maintained equipment. ■ Construction contractors shall enforce the idling limit of five minutes as set forth in the California Code of Regulations. ■ Use diesel-fueled construction equipment to be retrofitted with after treatment products (e.g. engine catalysts) to the extent they are readily available and feasible. ■ Use heavy duty diesel-fueled equipment that uses low NO_x diesel fuel to the extent it is readily available and feasible. ■ Use construction equipment that uses low polluting fuels (i.e. compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent available and feasible. ■ Maintain construction equipment in good operating condition to minimize air pollutants. ■ Construction contractors shall utilize materials that do not require painting, as feasible. ■ Construction contractors shall use pre-painted construction materials, as feasible. ■ Construction contractors shall provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow. ■ Construction contractors shall provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site, as feasible. ■ Construction contractors shall reroute construction trucks away from congested streets or sensitive receptor areas, as feasible. ■ Construction contractors shall appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM₁₀ generation. 	¹ City Council	² Department of Building and Safety	¹ CPIO adoption ² Compliance certification report submitted by project contractor
MM4.2-2	The CPIO District shall include regulations that require construction projects greater than 5 acres to submit an air quality study that discuss the project's potential emissions for the following: CO, NO _x , PM ₁₀ , and PM _{2.5} .	¹ City Council	² Department of Building and Safety	¹ CPIO adoption ² On-going Regulatory Compliance Measure

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No.	Mitigation Measure	Implementing Agency	Enforcement and Monitoring Agency	Monitoring Phase / Monitoring Actions
MM4.2-3	<p>The CPIO District shall include regulations that require the following-greenhouse gas reduction measures be incorporated into the project design:</p> <ul style="list-style-type: none"> ■ For non-residential projects: all outdoor lighting systems shall be directed away from the window of any residential uses and shall comply with the non-residential Light Pollution Reduction standards in the Green Building Code of the Municipal Code. ■ For non-residential projects: whenever new fixtures are installed, all water closets, urinals, shower heads, faucets and dishwashers shall be High Efficiency fixtures installed in accordance with the regulations of the City's Water Conservation Ordinance. ■ For Multi-family and Commercial Projects: parking facilities shall have five (5) percent of the total parking spaces, but not less than one (1) space, capable of supporting future Electric Vehicle Supply Equipment (EVSE) charging locations. 	¹ City Council	² Department of Building and Safety	¹ CPIO adoption ² On-going Regulatory Compliance Measure
GREENHOUSE GAS EMISSIONS				
MM4.6-1	<p>The CPIO District shall include regulations that require the following greenhouse gas reduction measures be incorporated into the project design:</p> <ul style="list-style-type: none"> ■ For non-residential projects: all outdoor lighting systems shall be directed away from the window of any residential uses and shall comply with the non-residential Light Pollution Reduction standards in the Green Building Code of the Municipal Code. ■ For non-residential projects: whenever new fixtures are installed, all water closets, urinals, shower heads, faucets and dishwashers shall be High Efficiency fixtures installed in accordance with the regulations of the City's Water Conservation Ordinance. ■ For Multi-family and Commercial Projects: parking facilities shall have five (5) percent of the total parking spaces, but not less than one (1) space, capable of supporting future Electric Vehicle Supply Equipment (EVSE) charging locations. 	¹ City Council	² Department of Building and Safety	¹ CPIO adoption ² On-going Regulatory Compliance Measure

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No.	Mitigation Measure	Implementing Agency	Enforcement and Monitoring Agency	Monitoring Phase / Monitoring Actions
NOISE				
MM4.10-1	<p>The CPIO District shall include regulations that require contractors to include the following or comparable construction best management practices in contract specifications and/or printed on plans:</p> <ul style="list-style-type: none"> ■ Construction haul truck and materials delivery traffic shall avoid residential areas whenever feasible. If no alternatives are available, truck traffic shall be routed on streets with the fewest residences. ■ The construction contractor shall locate construction staging areas away from sensitive uses. ■ When construction activities are located in close proximity to noise-sensitive land uses, noise barriers (e.g., temporary walls or piles of excavated material) shall be constructed between activities and noise sensitive uses. ■ Impact pile drivers shall be avoided where possible in noise-sensitive areas. Drilled piles or the use of a sonic vibratory pile driver are quieter alternatives that shall be utilized where geological conditions permit their use. Noise shrouds shall be used when necessary to reduce noise of pile drilling/driving. ■ Construction equipment shall be equipped with mufflers that comply with manufacturers' requirements. ■ The construction contractor shall consider potential vibration impacts to older (historic) buildings. 	1 City Council	2 Department of Building and Safety	<p>1 CPIO adoption</p> <p>2 Pre-Construction; Construction; Inclusion in grading permit specifications</p>
UTILITIES/SERVICES SYSTEMS				
MM4.14-1	The CPIO District shall include regulations that incorporate water conservation measures into the project design, which may include but are not limited to measures identified in the City's Water Conservation Ordinance.	1 City Council	2 Department of Water and Power	<p>1 CPIO adoption</p> <p>2 Pre-construction; Review and approval of design and building plans</p>
MM4.14-2	The CPIO District shall include regulations that require that projects incorporate the Solid Waste Integrated Resources Plan measures to maximize source reduction and materials recovery and minimize the amount of solid waste requiring disposal with the goal of leading the City to achieve zero waste by 2025.	1 City Council	2 Bureau of Sanitation	<p>1 CPIO adoption</p> <p>2 Pre-construction; Review and approval of design and building plans</p>
MM4.14-3	<p>The CPIO District shall include regulations that incorporate energy conservation and efficiency measures into the design of new development, including but not limited to :</p> <ul style="list-style-type: none"> ■ energy saving windows, doors, insulation and passive solar design; ■ energy efficient fixtures and appliances; ■ efficient lighting, heating, air and ventilation systems; ■ reused or recycled building materials. 	1 City Council	2 Department of Building and Safety	<p>1 CPIO adoption</p> <p>2 Pre-construction; Review and approval of design and building plans</p>