

APPENDIX A – ENVIRONMENTAL STANDARDS

- A. Overview and Requirements.** As described in Section I-7 (Environmental Standards Procedures) of the CPIO District, these Environmental Standards are in addition to those identified in the Environment Protection Measures Handbook (adopted pursuant to LAMC Chapter 1A, Sec.4A.13.1.¹⁴) These standards are included in the CPIO District to implement the Mitigation & Monitoring Program adopted as part of the Downtown Community Plan update and described in the Downtown Environmental Impact Report (Case No. ENV-2017-433-EIR), certified by the City Council. Wherever the environmental standards and applicability thresholds in Appendix A of this CPIO differ from those in the Environment Protection Measures Handbook, the more stringent of the two shall apply.

All discretionary Projects in Subareas A, B, C, and D, shall comply with the following Environmental Standards. Other Discretionary Projects in the boundaries of the CPIO District that seeks to rely on the Downtown EIR for its CEQA clearance (including through tiering, preparing an addendum, supplemental EIR or a statutory infill exemption), shall comply with the following Environmental Standards as applicable (unless modified pursuant to Section I-7.C), in addition to the standards and notification requirements specified in the Environment Protection Measures Handbook.

- B. Other Requirements.** In addition to complying with any applicable Environmental Standard as required in this Appendix A and any requirement in Section I-7 (Environmental Standards Procedures), an applicant and owner shall comply with all of the following:
1. Imprint Environmental Standard(s) on all plans that are reviewed and approved by LADBS.
 2. Sign and submit an affidavit to LADBS, at Plan Check prior to the issuance of any grading, excavation, or building permit, in which the applicant and owner acknowledge the requirements herein and commits to comply.
 3. Notify any contractor hired by the applicant or owner who is doing work subject to one or more Environmental Standard of the requirement to comply with the applicable Environmental Standard(s); and collect a signed acknowledgement of the notice from the contractor.

¹⁴ Pursuant to Section 1-5.H, this citation is updated to refer to Section 4.C.13.1 (Environmental Protection Measures) of Chapter 1A of the LAMC.

4. Maintain a copy of the Environmental Standards on the Project site at all times during construction.
5. Maintain a copy of all records documenting compliance with the Environmental Standards for a minimum of five years after the Certificate of Occupancy is issued.
6. Upon request of a City inspector or officer, produce records of compliance, referenced in paragraph 5, above, for inspection as follows:
 - a. Immediately, while construction activities are on-going at the site.
 - b. At any other time, within 72 hours' notice.

- C. **Definitions.** In addition to the definitions in Section I-4 (Definitions) of the CPIO District, for purposes of this Appendix, the following words and phrases used herein are defined as follows:

Active Nest. An Active Nest is one that contains viable eggs and/or chicks. A nest becomes active when the first egg is laid and remains active until fledged young are no longer dependent on the nest. Nests that are empty, contain nonviable eggs, or are being built but do not yet have an egg in them are considered inactive.

Below Previously Disturbed Levels. This is presumed to be two feet below existing development or construction, including subterranean parking facilities, unless an applicant can show with substantial evidence to the satisfaction of the City, excavation or other activities have previously disturbed the soil below two feet.

Ground Disturbance Activities. Any earthwork activity including, but not limited to, excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, driving posts, auguring, backfilling, blasting, stripping topsoil or a similar activity at a Project site.

Paleontological Monitor. A paleontologist who has a minimum of a bachelor's or equivalent degree in geology or paleontology and no less than one year of experience performing paleontological monitoring and salvaging fossil materials in the relevant geologic province; or an equivalent degree in biology or pursuit of a degree in geology or paleontology and no less than two years of comparable experience.

Qualified Archaeologist. A professional archaeologist who meets the Secretary of the Interior's Archeology and Historic Preservation Professional Qualification Standards and is eligible for listing on the

Register of Professional Archaeologists or the Society for American Archaeology; holds a graduate degree in archaeology or a related field; and has a minimum of five years of experience completing and supervising field work in archaeological contexts similar to the Project site.

Qualified Biologist. A biologist with the appropriate education, training and experience to conduct biological surveys, monitor Project activities that have the potential to affect biological resources, provide construction worker education programs related to the protection of biological resources, and supervise or perform other tasks related to biological resources; possesses a bachelor's or equivalent degree in biology, ecology, or a related environmental science; and has at least five years of professional experience that requires knowledge of natural history, habitat affinities, and identification of flora and fauna species, and relevant local, state and federal laws and regulations governing the protection of biological resources.

Qualified Paleontologist. A paleontologist who meets the Society of Vertebrate Paleontology standards for a Principal Investigator or Project Paleontologist; has demonstrated competence in field techniques, preparation, identification, curation, and reporting and/or a graduate degree in paleontology or geology or a publication record in peer reviewed journals; at least two years professional experience with administration and project management experience; proficiency in recognizing fossils in the field and determining their significance; expertise in local geology, stratigraphy, and biostratigraphy; and experience collecting vertebrate fossils in the field.

Qualified Tribal Monitor. A tribal representative who possesses the knowledge, skills, abilities and experience established by the Native American Heritage Commission's (NAHC) Guidelines for Native American Monitors/Consultants (2005), and as may be amended.

To the Extent Available and Feasible. Employment of best efforts to implement or comply with a requirement, assuming any necessary technology, equipment, or other resources are readily available and costs or other constraints are not prohibitive.

- D. Violation.** Any violation of an Environmental Standard in Subsection E, below, or any other requirement in this Appendix by an owner or an applicant shall be a violation of the LAMC subject to any civil, criminal, or administrative remedy or penalty available for violation of the LAMC.

- E. **Environmental Standards.** Projects that meet the relevant applicability threshold shall comply with the standards below.

Environmental Standard 4.2-3. Distribution Facility Health Risk Assessment

- a. **Applicability Threshold.** Any project requiring discretionary permits for distribution centers within 1,000 feet of sensitive land uses and would accommodate more than 100 truck trips or 40 transport refrigeration units (TRUs) per day.
- b. **Standard.** Health risk assessments (HRAs) prepared per SCAQMD and OEHHA guidance to identify the potential for cancer and non-cancer health risks. If cancer risks exceeding SCAQMD standards are identified, the applicant shall identify ways to reduce risks and include them into the Project To The Extent Available And Feasible. Methods may include, but are not limited to limiting the number of trucks/TRUs, locating distribution center entry and exit points as far as possible from sensitive land uses, and routing truck traffic away from sensitive land uses.

Environmental Standard 4.3-1(c) Elysian Park

- a. **Applicability Threshold.** All discretionary projects in the CPIO District boundaries that are within 200 feet of Elysian Park, as defined by the Department of Recreation and Parks.
- b. **Standard.** A Qualified Biologist shall do a preconstruction nesting bird survey of all suitable habitat within a 100-foot buffer around the construction site no more than ten days prior to the initiation of ground disturbance and vegetation removal for any grading or construction activity initiated during the bird nesting season (February 1 -August 31).

If any active bird nest is found during a pre-construction nesting bird survey or is discovered inadvertently during earthwork or construction-related activities, a Qualified Biologist shall be retained by the applicant or owner to determine an appropriate avoidance buffer which shall be no less than is necessary to protect the nest, eggs and/or fledglings, from damage or disturbance in consideration of

the following factors: the bird species, the availability of suitable habitat within the immediate area, the proposed work activity, and existing disturbances associated with surrounding land uses. The buffer shall be demarcated using bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary of the buffer. All construction personnel shall be notified of the buffer zone and shall avoid entering the protected area. No Ground Disturbing Activities or vegetation removal shall occur within this buffer area until the Qualified Biologist has confirmed that breeding/nesting is complete and the young have fledged the nest and/or that the nest is no longer an Active Nest. The Qualified Biologist shall prepare a report prior to the issuance of any building permit detailing the results of the nesting bird survey and subsequent monitoring, which shall be maintained pursuant to the proof of compliance requirements above.

Environmental Standard 4.4-2(a) Archaeological Resources Evaluation and Avoidance/Recovery

- a. **Applicability Threshold.** Any project requiring discretionary permits and whose construction activities involve excavating below previously disturbed levels.

- b. **Standard.** The Applicant shall hire a Qualified Archaeologist to use reasonable methods to determine the potential that archaeological or tribal cultural resources are present on the Project site, including thorough searches of databases and records, surveys, and/or consultation with local tribe(s) with ancestral ties to the project area. If there is a medium to high potential that resources are located on the project site and it is possible that resources will be impacted, a Qualified Archaeologist shall monitor and direct all excavation, grading or other ground disturbance activities to identify any resources and avoid potential impacts to such resources.

If a possible archaeological resource is uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Archaeologist evaluated the find in accordance with National Register of Historic Places and California Register of Historical Resources criteria. The Qualified Archaeologist may adjust this avoidance area, ensuring appropriate

temporary protection measures of the find are taken while also considering ongoing construction needs in the surrounding area. Temporary staking and delineation of the avoidance area shall be installed around the find in order to avoid any disturbance from construction equipment. Ground Disturbance Activities may continue unimpeded on other portions of the site outside the specified radius.

Any potential archaeological resource or associated materials that are uncovered shall not be moved or collected by anyone other than an Archaeological Monitor or Qualified Archaeologist unless the materials have been determined to be non-unique archaeological resources, as defined in Public Resources Code Section 21083.1(h), by the Qualified Archaeologist. The Qualified Archaeologist shall determine if the resources are unique archeological resources as defined in Public Resources Code Section 21083.2(g).

Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of unique archaeological resources should occur as follows:

The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource.

When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study should occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Archaeologist.

Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed by a Qualified Archaeologist. A report that describes the resource(s) and its disposition, as well as the assessment methodology, shall be prepared by the Qualified Archaeologist according to current professional standards and maintained pursuant to the proof of compliance requirements described above. If appropriate, the report should also contain the Qualified Archaeologist's recommendations for the preservation, conservation, and curation of the resource at a suitable repository, such as the Natural History Museum of Los Angeles County, with which the Applicant or Owner must comply

Environmental Standard 4.6-6(a) Paleontological Resources

- a. **Applicability Threshold.** Any Project requiring discretionary permits and whose construction activities involve excavating the earth below previously disturbed levels.
- b. **Standard.** A Qualified Paleontologist or Paleontological Monitor shall be hired to use all reasonable methods to determine the potential that paleontological resources are present on the Project site, including through searches of databases and records, and surveys. If there is a medium to high potential that paleontological resources are located on the Project site and it is possible that these resources will be impacted, monitoring will be conducted for all excavation, grading or other ground disturbance activities to identify any resources and avoid potential impacts to such resources as follows:
- c. **Paleontological Worker Environmental Awareness Program (WEAP).** Prior to the start of construction, the paleontological monitor shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. In the event of a fossil discovery by construction personnel, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If it is determined that the fossil(s) is(are) scientifically significant, the paleontological monitor shall complete the next two steps.
- d. **Fossil Salvage.** The Qualified Paleontologist or designated Paleontological Monitor shall recover intact fossils. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Any fossils shall be

handled and deposited consistent with a mitigation plan prepared by the paleontological monitor.

- e. **Paleontological Resource Construction Monitoring.** Additional ground disturbing construction activities (including grading, trenching, foundation work and other excavations) in undisturbed sediments, below five feet, with high paleontological sensitivity shall be monitored on a full-time basis by a Qualified Paleontologist or designated Paleontological Monitor during initial ground disturbance. If the Paleontological Monitor determines that full-time monitoring is no longer warranted, he or she may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring shall be reinstated if any new or unforeseen deeper ground disturbances are required.

Environmental Standard 4.16-1(a) Native American Consultation and Monitoring for Discretionary Projects

- a. **Applicability Threshold.** Any Project requiring discretionary permits and whose construction activities involve excavation that extend below previously disturbed levels.
- b. **Standard.** Notification shall be provided to California Native American tribes that are traditionally and culturally affiliated with the geographic area of the project site and have submitted a written request to the Department of City Planning to be notified of proposed projects in that area. If the potential for tribal resources exists, excavation in previously undisturbed soils shall be monitored by a Qualified Tribal Monitor, if available, or Qualified Archaeological Monitor.

If a possible tribal cultural resource is uncovered during earthwork or construction, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Tribal Monitor or Archaeological Monitor has been retained to evaluate the find.

Following discovery, the applicant or owner shall implement the tribe's recommendations if the Qualified Tribal Monitor or Archaeological Monitor reasonably concludes such recommendations are reasonable and feasible.

Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of tribal cultural resources should occur as follows:

The find should be preserved in place or left in an undisturbed state unless the Project would damage the resource.

When preserving in place or leaving in an undisturbed state is not possible, excavation and recovery of the find for scientific study should occur unless testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, and this determination is documented by a Qualified Tribal Monitor or Qualified Archaeologist.

All collected artifacts and fieldwork notes, if not human remains or other mortuary objects, shall be curated at the Natural History Museum of Los Angeles County or another appropriate curatorial facility for educational purposes. If cleared by the Qualified Tribal Monitor or Archaeological Monitor, Ground Disturbance Activities may continue unimpeded on other portions of the site. Ground Disturbance Activities in the area where resource(s) were found may recommence once the identified resources are properly assessed and processed. A report that describes the resource and its disposition, as well as the assessment methodology shall be prepared by the Qualified Tribal Monitor or Archaeological Monitor, according to current professional standards and maintained pursuant to the proof of compliance requirements described above. A copy of the report shall be submitted to OHR, the South Central Coastal Information Center at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File. If requested by the City, OHR may review and approve any monitoring or mitigation plan prior to implementation.