

# ATTACHMENT M

## Modelo Project EIR Mitigation Monitoring and Reporting Program (SCH No. 2019080312)

*Prepared for:*

### **City of Commerce**

Planning Department  
2535 Commerce Way

Commerce California 90040

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# DECEMBER 2021



# Table of Contents

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<b><u>SECTION</u></b>	<b><u>PAGE NO.</u></b>
TABLE OF CONTENTS .....	I
ACRONYMS AND ABBREVIATIONS .....	III
1 INTRODUCTION .....	5
2 MITIGATION MONITORING AND REPORTING PROGRAM.....	7
<b>TABLES</b>	
Table 1. Mitigation Monitoring and Reporting Program Checklist.....	7

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# Acronyms and Abbreviations

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Acronym/Abbreviation	Definition
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CDFG	California Department of Fish and Game (California Department of Fish and Wildlife)
City	City of Commerce
County	Los Angeles County
CNPS	California Native Plant Society
EIR	Environmental Impact Report
LOS	level of significance
MLD	most likely descendant
MMRP	Mitigation Monitoring and Reporting Program
NAHC	Native American Heritage Commissions
NO <sub>x</sub>	oxides of nitrogen
PRIMP	Paleontological Resources Impact Mitigation Program
Project	Modelo Project
RAQS	regional air quality strategy
RSCC	recommended soil cleanup criteria
RWQCB	Regional Water Quality Control Board
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SIP	state implementation plan
SVP	Society of Vertebrate Paleontology
TCRs	Tribal Cultural Resources
TIS	traffic impact studies
USFWS	United States Fish and Wildlife Service

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# 1 Introduction

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Section 15097 of the State California Environmental Quality Act (CEQA) Guidelines requires that a public agency adopting an Environmental Impact Report (EIR) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The City of Commerce (City) as the lead agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the EIR during project implementation (California Public Resources Code, Section 21081.6[a][1]).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the City to ensure compliance with adopted mitigation measures identified in the EIR for the proposed Modelo Project (Project). The City, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. The EIR identified potentially significant environmental impacts to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Transportation, and Tribal Cultural Resources. Mitigation is provided for each of these topics to reduce impacts to the extent feasible and is provided below. All of these potential significant impacts would be reduced to less than significant with implementation of the proposed mitigation measures, except for impacts to Air Quality, and Noise, which would remain significant and unavoidable.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each Project component. Table 1 identifies the mitigation monitoring and reporting requirements, including the party(ies) responsible for carrying out and verifying implementation of the mitigation measure, and the timing of verification (prior to, during, or after construction). Space is provided for sign-off following completion/implementation of the mitigation measure. Along with the EIR and related documents, this MMRP will be kept on file at the following location:

City of Commerce  
Planning Department  
2535 Commerce Way  
Commerce CA 90040

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## 2 Mitigation Monitoring and Reporting Program

Table 1. Mitigation Monitoring and Reporting Program Checklist

Mitigation Measure No.	Mitigation Measure/Project Design Feature	Method of Verification	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const.	During Const.	Post-Const.		Initials	Date	
<i>Air Quality</i>									
MM-AQ-1	Prior to SCAG’s next update to the Regional Housing Needs Assessment, the City shall prepare a revised population, employment and housing forecast for SCAG that reflects anticipated growth generated from the proposed Project. The updated forecast provided to SCAG shall be used to inform the SCAQMD’s update to the Regional Air Quality Strategy and State Implementation Plan. The City shall prepare and submit a letter notifying the SCAQMD of this revised forecast for use in the future update to the RAQS and SIP as required.	Submittal of updated population, employment and housing forecast			X	City of Commerce			
MM-AQ-2	To reduce the potential for criteria air pollutants, specifically oxides of nitrogen (NOx), as a result of construction of the Project, the applicant shall:  Prior to the start of construction activities, the Project applicant, or designee, shall ensure that all 75 horsepower or greater diesel-powered equipment are powered with California Air Resources Board (CARB)-certified Tier 4 Final engines, except where the Project applicant establishes to the satisfaction of the City of Commerce that Tier 4 Final equipment is not available.	Submittal of contractor plans or exemption	X			Contractor			

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	An exemption from these requirements may be granted by the City in the event that the City documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by the City, the applicant shall be required to demonstrate that two construction fleet owners/operators in the Los Angeles County were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within Los Angeles County. However, the Project Applicant, or its designee, shall utilize even more stringent technology such as natural gas or electric-powered equipment elsewhere to offset any increase from the non-Tier 4 equipment.								
<b>Biology</b>									
MM-BIO-1	<p><b>Nesting Bird Surveys.</b> Ground disturbance activities and vegetation removal will be completed outside the avian breeding season (between September 1 and January 31).</p> <p>If ground disturbance activities (including clearing and grubbing) are scheduled to occur between February 1 and August 31, a qualified biologist will conduct a nesting bird survey within 72 hours of ground disturbance activities. The survey shall consist of full coverage of the proposed Project</p>	Submittal/ review of nesting bird survey	X			City of Commerce			

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	<p>footprint and up to a 300-foot buffer (500-feet for suitable raptor habitat). The specific survey buffer will be determined in the field by the Project biologist and will take into account the species nesting in the area, the habitat present, and where access is permitted. If no active nests are found no additional measures are required.</p> <p>If active nests are found, the nest locations shall be mapped by the qualified biologist. The nesting bird species will be documented and, to the degree feasible, the nesting stage (e.g., incubation of eggs, feeding of young, near fledging) will be determined. The biologist shall establish a no-disturbance buffer around each active nest. The buffer will be determined by the qualified biologist based on the biology of the species present and surrounding habitat (typically a starting point of 300 feet for most birds and 500 feet for raptors, but may be reduced as approved by the biologist). No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active (i.e., no eggs or young) and has informed the construction supervisors that activities may resume.</p>								
<b><i>Cultural</i></b>									
<b>MM-CUL-1</b>	If archaeological resources (i.e., sites, features, or artifacts) are exposed during construction activities for the proposed Project, all construction work occurring within 100 feet of	Submittal and review of brief letter report of excavations		X		Applicant			

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	<p>the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior’s Professional Qualification Standards for Archaeology, can evaluate the significance of the find and determine whether or not additional study is warranted. The archaeologist shall be empowered to temporarily stop or redirect grading activities to allow removal of abundant or large artifacts. Depending upon the significance of the find under the California Environmental Quality Act (CEQA) (14 CCR 15064.5(f); PRC, Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan and data recovery, may be warranted. The archaeologist shall also be required to curate specimens in a repository with permanent retrievable storage and submit a written report to the lead agency for review and approval prior to occupancy of the first building on the site. Once approved, the final report will be filed with the South Central Coastal Information Center (SCCIC).</p> <p>Once artifact analysis is completed, a final written report detailing the results of all research procedures and interpretation of the site shall be submitted to the lead agency for review and approval prior to occupancy of the first building on the site.</p>	and findings							
<b>MM-CUL-2</b>	In accordance with Section 7050.5 of the	Submittal and		X		Contractor and			

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	California Health and Safety Code, if human remains are found within the Project site, the county coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the county coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the county coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant (MLD) of the deceased Native American. The MLD shall complete his/her inspection within 48 hours of being granted access to the site. The designated MLD would then determine, in consultation with the property owner, the disposition of the human remains.	review of brief letter report of excavations and findings				Applicant			
<b>Geology and Soils</b>									
MM-GEO-1	Prior to issuance of a grading permit within areas identified with a high paleontological sensitivity (older Quaternary alluvial deposits), a qualified paleontologist shall be retained per the Society of Vertebrate Paleontology (SVP) (2010) guidelines. The paleontologist shall prepare a Paleontological Resources Impact Mitigation	Submittal of PRIMP and grading monitoring logs	X	X		Applicant			

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	<p>Program (PRIMP) for the Project. The PRIMP shall be consistent with the SVP (2010) guidelines and shall outline requirements for preconstruction meeting attendance and worker environmental awareness training, where monitoring is required within the Project area based on construction plans and/or geotechnical reports, procedures for adequate paleontological monitoring and discoveries treatment, and paleontological methods (including sediment sampling for microvertebrate fossils), reporting, and collections management. The qualified paleontologist shall attend the preconstruction meeting and a paleontological monitor shall be on-site during rough grading and other ground-disturbing activities in previously undisturbed, fine-grained older Quaternary alluvial deposits. These deposits may be encountered at shallow depths below the surface. Within developed areas of the proposed Project, this depth is assumed to be at least twenty-five feet below the ground surface in the eastern portion of the Project. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor shall temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery shall be roped off with a 50-foot-radius buffer. Once documentation and collection of the find is completed pursuant to the PRIMP and the Society of Vertebrate Paleontology (SVP) (2010) guidelines, the monitor shall allow grading to recommence in the</p>								

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	area of the find. Curation and storage of salvaged specimens in an approved repository institution shall be completed for all significant resources discovered and collected.								
<b>Hazards and Hazardous Materials</b>									
<b>MM-HAZ-1</b>	Prior to the start of construction for the proposed Project, wastes and waste-impacted soils underlying the entirety of the Project site must be excavated and removed in accordance with the approved Response Plan, as well as, architectural and engineering plans. Implementation of the proposed Project shall require the excavation, stockpiling, profiling, and appropriate disposal of all former landfill materials encountered during remediation activities. The objective of the remediation activities is to restore the Project site, based on the RSCC (Table 3.8-2), to a condition that allows for unrestricted use. Once the RWQCB has determined that the work required by the Response Plan is complete, Project construction shall proceed.	Submittal and review of site excavation and soil removal compliance with Response Plan	X			City of Commerce			
<b>Noise</b>									
<b>MM-NOI-1</b>	Construction activities for the Modelo Project shall take place during the permitted time and day per Chapter 19.19.160. of the City's Municipal Code. The applicant shall ensure that construction activities are limited to the hours of 7 a.m. to 10 p.m. Monday through Saturday, and not at all during other hours or on Sundays or public holidays. This condition shall be listed on the final designs for Modelo Project to the	Submittal and review of construction scheduling in final designs	X	X		Contractor			

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	satisfaction of the City of Commerce Engineering Department.								
<b>MM-NOI-2</b>	<p>Construction noise would range up to 17 dBA higher than ambient levels at adjacent residences, thus exceeding the significance threshold of a 10 dBA increase. Prior to issuance of grading permits, the City shall require a detailed construction noise management plan, with supporting analysis of noise control effectiveness, which demonstrates average construction noise levels at adjacent residential properties would not increase by more than 10 dBA above ambient. The following measures taken in combination are typically effective in reducing construction noise levels by a minimum of 12 dBA <math>L_{eq}</math> and should therefore be considered for inclusion in the construction noise management plan for the Modelo Project:</p> <ul style="list-style-type: none"> <li>• The Project contractor shall, to the extent feasible, schedule construction activities to avoid the simultaneous operation of construction equipment so as to minimize noise levels resulting from operating several pieces of high noise level emitting equipment.</li> <li>• All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers. Enforcement shall be accomplished by random field inspections by applicant personnel during construction activities, to the satisfaction of the City of Commerce Engineering Department.</li> </ul>	Submittal and review of construction scheduling and construction equipment inspection	X			Contractor			



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	<ul style="list-style-type: none"> <li>Construction noise reduction methods such as shutting off idling equipment, construction of a temporary noise barrier, maximizing the distance between construction equipment staging areas and adjacent residences, and use of electric air compressors and similar power tools, rather than diesel equipment, shall be used where feasible.</li> <li>During construction, stationary construction equipment shall be placed such that emitted noise is directed away from or shielded from sensitive receptors.</li> <li>Construction hours, allowed workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners to contact the job superintendent if necessary. In the event the City of Commerce receives a complaint, appropriate corrective actions shall be implemented and a report of the action provided to the reporting party.</li> </ul>								
MM-NOI-3	Prior to issuance of building permits, the City shall require a detailed noise analysis of the final mechanical equipment specifications to review shielding, enclosures, and/or the location of proposed equipment to verify sound levels will comply with the limits dictated by Chapter 19.19.160. of the City’s Municipal Code. It is anticipated that proper screening around roof-	Submittal and review of noise study	X			Applicant’s Contractor			

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	mounted equipment would offer sufficient shielding to achieve compliance with the noise ordinance.								
<b>MM-NOI-4</b>	The Project applicant shall offer to upgrade windows on the façades of homes facing Zindell Avenue. Increasing the sound attenuation of these windows would more than offset the increases in traffic noise from Project-generated trips along Zindell Avenue.	Submittal of response to offers	X	X	X	Applicant			
<b><i>Tribal Cultural Resources</i></b>									
<b>MM-TCR-1</b>	While no TCRs have been identified that may be affected by the proposed Project, the following approach for the inadvertent discovery of TCRs has been prepared to ensure there are no impacts to unanticipated resources. Should a potential TCR be encountered, construction activities near the encounter shall be temporarily halted within 50 feet of the discovery and the City notified. The City will notify Native American tribes that have been identified by the NAHC to be traditionally and culturally affiliated with the geographic area of the Project. If the potential resource is archaeological in nature, appropriate management requirements shall be implemented as outlined in mitigation measure <b>MM-CUL-1</b> . If the City determines that the potential resource is a TCR (as defined by PRC, Section 21074), tribes consulting under AB 52 and SB 18 would be provided a reasonable period of time, typically 5 days from the date of a new discovery is made, to conduct a site visit and make recommendations regarding future ground disturbance activities as well as the treatment	Submittal and review of brief letter report of excavations and findings		X		Contractor in Coordination with the City			

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	and disposition of any discovered TCRs. A qualified archaeologist shall implement a plan for the treatment and disposition of any discovered TCRs based on the nature of the resource and considering the recommendations of the tribe(s). Implementation of proposed recommendations will be made based on the determination of the City that the approach is reasonable and feasible. All activities would be conducted in accordance with regulatory requirements.								
<b><i>Utilities and Service Systems</i></b>									
MM UTL-1	Prior to the issuance of a grading permit, the Applicant shall demonstrate that off-site water infrastructure is sufficient to provide the anticipated water demand for the Project (i.e., net increase in water demand of approximately 211,668 gpd [237.26 AFY]).	Submittal and review of infrastructure and water demand report	X			Contractor			

Const. = construction

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