

**COMSTOCK PLACE TOWNHOUSE PROJECT
MITIGATION MONITORING AND REPORTING PROGRAM**

PROJECT FILE NO.: Vesting Tentative Tract Map No. VTTM 24-0001 (VTTM 84431), Certificate of Appropriateness for Demolition Permit (HRC 24-0007), Variances VAR24-0001, and Development Review DRP24-0011

APPLICANT: MW Investment Group, LLC
27702 Crown Valley Parkway, Suite D-4-197
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INTRODUCTION

Section 21081.6 of the Public Resources Code requires a Lead Agency to 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” (Mitigation Monitoring or Reporting, Section 15097 of the *CEQA Statute and Guidelines* provides additional direction on mitigation monitoring or reporting). The City of Whittier is the Lead Agency for the Comstock Place Townhouse Project (the “Project”) located at 12826 Philadelphia Street, Whittier. An Initial Study has been prepared to address the potential environmental impacts of the Project. Where appropriate, this environmental document identified project design features or recommended mitigation measures to avoid or to reduce potentially significant environmental impacts of the Project. The Mitigation Monitoring and Reporting Program (MMRP) is designed to monitor implementation of the mitigation measures identified for the Project. The MMRP is subject to review and approval by the Lead Agency as part of the adoption of the Mitigated Negative Declaration and approval of project conditions. The required mitigation measures are listed and categorized by impact area, as identified in the Initial Study, with an accompanying identification of the following:

- Implementation Schedule
- Verification Method
- Monitoring Timing, the phase of the project during which the mitigation measure shall be monitored:
 - Pre-Construction, including the design and plan check phases
 - Grading and Construction
 - Pre-Occupancy (prior to issuance of a Certificate of Occupancy)
 - Occupancy (post-construction)
- Monitoring Party - the agency/department to which reports including feasibility, compliance, implementation, and development are made.

The Project Applicant shall be responsible for implementing all mitigation measures unless otherwise noted. The MMRP performance shall be monitored and reported annually to determine the effectiveness of the measures implemented in any given year and reevaluate the mitigation needs for the upcoming year.

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Mitigation Measure	Implementation Schedule	Verification Method
<p>Aesthetics</p> <p>AES-1 The Applicant shall obtain City approval to remove any trees on site through tree removal permit(s). The Applicant shall obtain a tree removal permit pursuant to City of Whittier Municipal Code 12.40.</p>	<p>The tree removal permit shall be applied for prior to completion of Final Design.</p> <p>If the tree(s) is removed solely to accommodate a construction project, the full appraised value per ISA standards must be paid prior to removal and the tree(s) shall be replaced. The contractor will also be responsible for costs related to the removal and replanting of the tree.</p>	<p>A written evaluation by a certified arborist stating that the tree must be removed in order to proceed with the project must be submitted as part of the tree removal application.</p> <p>A copy of the approved tree removal permit shall be retained in the project file.</p>
	Monitoring Timing	Monitoring Party
	Pre-Construction	Parks, Recreation and Community Services Director
		Status / Date / Initials

Mitigation Measure	Implementation Schedule	Verification Method
<p>Biological Resources</p> <p>BIO-1 The State of California prohibits the “take” of active bird nests. To avoid impacts to nesting birds (common and special status) during the nesting season (generally between February 1 to August 31), a qualified Avian Biologist shall conduct pre-construction nesting bird survey prior to project-related disturbance to identify any active nests. If no active nests are found, no further action would be required. If an active nest is found, the biologist shall set appropriate no-work buffers around the nest, which would be determined based on the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.</p>	<p>Construction shall occur outside of the nesting season or a copy of the field survey documenting no nesting birds shall be completed prior to initiating construction within the nesting season.</p>	<p>City personnel shall document the dates of construction. If construction is proposed to occur within the nesting season, a copy of the field survey documenting the absence of nesting birds shall be retained in the project file.</p>
	Monitoring Timing	Monitoring Party
	Pre-Construction Grading and Construction	Community Development Director Public Works Director
		Status / Date / Initials

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Mitigation Measure	Implementation Schedule	Verification Method
<p>Cultural Resources CUL-1 Should any cultural resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection shall be performed immediately by a qualified archaeologist. Responsibility for making this determination shall be with the City. The archaeological professional shall assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act.</p>	Any response to exposed resources shall occur during construction. Any reports documenting management and findings for accidentally exposed resources shall be completed within one year of the discovery.	The City shall be notified within 24-hours of accidental exposure of any cultural resources. A copy of initial findings shall be provided to the City and retained in the project file. A copy of the final report shall be retained in the project file.
	Monitoring Timing	Monitoring Party
	Grading and Construction	Community Development Director
		Status / Date / Initials

Mitigation Measure	Implementation Schedule	Verification Method
<p>Geology and Soils GEO-1 Based upon the preliminary geotechnical investigation, all of the recommended seismic design parameters shall be implemented by the Applicant. Implementation of these specific measures will address all of the identified geotechnical constraints identified at project site, including seismic soil stability on future project-related structures.</p>	This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the construction contract including this geology/soils mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by City inspection personnel that verify the geology/soils measure has been implemented as required in the measure. Field notes documenting verification shall be retained in the project file.
	Monitoring Timing	Monitoring Party
	Grading and Construction	Building Official Public Work Director
		Status / Date / Initials

Mitigation Measure	Implementation Schedule	Verification Method
<p>Geology and Soils GEO-2 Stored backfill material shall be covered with water resistant material during periods of heavy precipitation to reduce the potential for rainfall erosion of stored backfill material. If covering is not feasible, then measures such as the use of straw bales or sandbags shall be used to capture and hold eroded material on the project site for future cleanup such that erosion does not occur.</p>	This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.	A copy of the construction contract including this geology/soils mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by City inspection personnel that verify the geology/soils measure has been implemented as required in the measure. Field notes documenting verification shall be retained in the project file.
	Monitoring Timing	Monitoring Party
	Grading and Construction	Public Work Director
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Mitigation Measure	Implementation Schedule	Verification Method
<p>Geology and Soils GEO-3 All exposed, disturbed soil (trenches, stored backfill, etc.) shall be sprayed with water or soil binders twice a day, or more frequently if fugitive dust is observed migrating from the site within which the Comstock Place Townhouse Project is being constructed.</p>	<p>This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.</p>	<p>A copy of the construction contract including this geology/soils mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by City inspection personnel that verify the geology/soils measure has been implemented as required in the measure. Field notes documenting verification shall be retained in the project file.</p>
	Monitoring Timing	Monitoring Party
	Grading and Construction	Public Work Director
		Status / Date / Initials

Mitigation Measure	Implementation Schedule	Verification Method
<p>Geology and Soils GEO-4 Based upon the Preliminary Geotechnical Investigation, all of the recommended design parameters shall be implemented by the Applicant. Implementation of these specific measures will address all of the identified geotechnical constraints identified at project site, including subsidence.</p>	<p>This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.</p>	<p>A copy of the construction contract including this geology/soils mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by City inspection personnel that verify the geology/soils measure has been implemented as required in the measure. Field notes documenting verification shall be retained in the project file.</p>
	Monitoring Timing	Monitoring Party
	Pre-Construction Grading and Construction	Building Official Public Works Director
		Status / Date / Initials

Mitigation Measure	Implementation Schedule	Verification Method
<p>Geology and Soils GEO-5 Should any paleontological resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection should be performed immediately by a qualified paleontologist. Responsibility for making this determination shall be with the City's onsite inspector. The paleontological professional shall assess the find, determine its significance, and determine appropriate mitigation measures within the guidelines of the California Environmental Quality Act that shall be implemented to minimize any impacts to a paleontological resource.</p>	<p>Any response to exposed resources shall occur during construction. Any reports documenting management and findings for accidentally exposed resources shall be completed within one year of the discovery.</p>	<p>The City shall be notified within 24-hours of accidental exposure of any paleontological resources. A copy of initial findings shall be provided to the City and retained in the project file. A copy of the final report shall be retained in the project file.</p>
	Monitoring Timing	Monitoring Party
	Grading and Construction	Community Development Director
		Status / Date / Initials

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Mitigation Measure	Implementation Schedule	Verification Method
<p>Hazards and Hazardous Materials</p> <p>HAZ-1 Prior to and during grading and construction, should an accidental release of a hazardous material occur, the following actions will be implemented: construction activities in the immediate area will be immediately stopped; appropriate regulatory agencies will be notified; immediate actions will be implemented to limit the volume and area impacted by the contaminant; the contaminated material, primarily soil, shall be collected and removed to a location where it can be treated or disposed of in accordance with the regulations in place at the time of the event; any transport of hazardous waste from the property shall be carried out by a registered hazardous waste transporter; and testing shall be conducted to verify that any residual concentrations of the accidentally released material are below the regulatory remediation goal at the time of the event. All of the above sampling or remediation activities related to the contamination will be conducted under the oversight of Los Angeles County Certified Unified Program Agency (CUPA) Site Mitigation Unit (SMU). All of the above actions shall be documented and made available to the appropriate regulatory agencies prior to closure (a determination of the regulatory agency that a site has been remediated to a threshold that poses no hazard to humans) of the contaminated area.</p>	<p>This measure shall be identified in the project Stormwater Pollution Prevention Plan (SWPPP) and implemented during construction.</p>	<p>A copy of the SWPPP shall be retained in the project file. Verification of implementation shall be based on field inspections by City inspection personnel that verify the SWPPP BMPs have been implemented as required in this measure. Field notes documenting verification shall be retained in the project file.</p>
	<p align="center">Monitoring Timing</p>	<p align="center">Monitoring Party</p>
<p>Grading and Construction</p>	<p>Public Works Director</p>	<p align="center">Status / Date / Initials</p>

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Mitigation Measure	Implementation Schedule	Verification Method	
<p>Hydrology and Water Quality</p> <p>HYD-1 Prior to the commencement of construction, the Applicant shall be required to implement and the construction contractor(s) shall select BMPs to achieve a reduction in pollutants from stormwater discharge to the maximum extent practicable during the construction of the Project, and to control urban runoff after the Project is constructed and is in operation. Examples of BMP(s) that would achieve a reduction in pollutants include, but are not limited to:</p> <ul style="list-style-type: none"> • The use of silt fences or coir rolls; • The use of temporary stormwater desilting or retention basins; • The use of water bars to reduce the velocity of stormwater runoff; • The use of wheel washers on construction equipment leaving the site; • The washing of silt from public roads at the access point to the site to prevent the tracking of silt and other pollutants from the site onto public roads; • The storage of excavated material shall be kept to the minimum necessary to efficiently perform the construction activities required. Excavated or stockpiled material shall not be stored in water courses or other areas subject to the flow of surface water; and • Where feasible, stockpiled material shall be covered with waterproof material during rain events to control erosion of soil from the stockpiles. 	<p>This measure shall be completed prior to ground disturbance. The BMPs shall be included in the construction contract as a contract specification and implemented by the contractor during construction and shall occur throughout the duration of project occupancy.</p>	<p>A copy of the SWPPP and WQMP shall be retained in the project file. Verification of implementation shall be based on field inspections by City inspection personnel that verify the SWPPP and WQMP BMPs have been implemented as required in this measure. The construction contract shall also be retained in the project file. Verification of implementation shall be based on field inspections by the City. Field notes from inspections shall be retained in the project file.</p>	
	Monitoring Timing	Monitoring Party	Status / Date / Initials
	Pre-Construction Grading and Construction	Public Works Director	

Mitigation Measure	Implementation Schedule	Verification Method
<p>Land Use and Planning</p> <p>LU-1: The Applicant shall be required to implement the following parking management strategies:</p> <ul style="list-style-type: none"> • Short-term parking shall be considered adjacent to the center of the community for equal distribution throughout the development. • The ADA compliant parking stalls, resident stalls, and guest parking stalls shall have the appropriate signage. • The HOA shall ensure residents comply with the Parking Management Plan recommendations and rules of conduct. 	<p>This measure shall be identified in the project Covenants, Code & Restrictions (CC&Rs and implemented during operations.</p>	<p>A copy of the CC&Rs be retained in the project file. Verification of implementation shall be based on field inspections by City inspection personnel that verify the signage has been installed and that the HOA Property Manager is providing materials to residents as required in this measure. Field notes documenting verification shall be retained in the project file.</p>

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Monitoring Timing	Monitoring Party	Status / Date / Initials
Occupancy	Community Development Department	

Mitigation Measure	Implementation Schedule	Verification Method
<p><i>Tribal Cultural Resources</i></p> <p>TCR-1 Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities</p> <p>A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground- disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>B. A copy of the executed monitoring agreement shall be submitted to the Lead Agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The monitor 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 to the Tribe.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for The project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to The</p>	<p>This measure shall be implemented during construction and followed through until final disposition of such resources has been achieved.</p>	<p>City of Whittier shall provide documentation verifying access to the project site by the Gabrieleño Band of Mission Indians-Kizh Nation. A report of monitoring activities following completion of ground disturbing activities shall be provided to City of Whittier by the developer and GBMI documenting all findings during monitoring activities. A copy of this documentation shall be retained in the project file.</p>

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<p>project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p> <p>E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.</p>		
Monitoring Timing	Monitoring Party	Status / Date / Initials
Grading and Construction	Community Development Director	

Mitigation Measure	Implementation Schedule	Verification Method
<p><i>Tribal Cultural Resources</i></p> <p>TCR-2 Unanticipated Discovery of Human Remains and Associated Funerary Objects</p> <p>A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.</p> <p>C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p>	<p>This measure shall be implemented during construction and followed through until final disposition of such resources has been achieved.</p>	<p>City of Whittier shall provide documentation verifying access to the project site by the Gabrieleño Band of Mission Indians-Kizh Nation. A report of monitoring activities following completion of ground disturbing activities shall be provided to City of Whittier by GBMI documenting all findings during monitoring activities. Discovery of cultural resources shall be reported to City of Whittier within 24 hours of exposure. GBMI shall be notified in concurrence with City of Whittier in the event any cultural resources are found. Documentation shall be provided that ground disturbing activities were immediately halted in the area of the discovery and of all management actions taken following the discovery. A copy of this documentation shall be retained in the project file.</p>

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<p>D. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)</p> <p>E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.</p> <p>F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>		
<p align="center">Monitoring Timing</p> <p align="center">Grading and Construction</p>	<p align="center">Monitoring Party</p> <p align="center">Community Development Director</p>	<p align="center">Status / Date / Initials</p>

Mitigation Measure	Implementation Schedule	Verification Method
<p><i>Tribal Cultural Resources</i> TCR-3 Procedures for Burials and Funerary Remains:</p> <p>A. As the Most Likely Descendant (MLD), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient times, as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.</p> <p>B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.</p> <p>C. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably</p>	<p>This measure shall be implemented during construction and followed through until final disposition of such resources has been achieved.</p>	<p>The City of Whittier shall retain all records of the discovery and any management action taken in regard to human remains in the project file and shall share the records with GBMI.</p>

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<p>believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.</p> <p>D. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.</p> <p>E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects.</p> <p>F. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p> <p>G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.</p>		
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Monitoring Timing	Monitoring Party	Status / Date / Initials
Grading and Construction	Community Development Director	

Mitigation Measure	Implementation Schedule	Verification Method
<p><i>Utilities and Service Systems</i> UTIL-1 The contract with demolition and construction contractors shall include the requirement that all materials that can be recycled shall be salvaged and recycled. This includes, but is not limited to, wood, metals, concrete, road base, and asphalt. The developer shall submit a recycling plan to the City for review and approval prior to the start of demolition/ construction activities to accomplish this objective.</p>	<p>This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction. The recycling plan shall be developed and approved prior to construction.</p>	<p>A copy of the recycling plan, as well as copy of the construction contract including this mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by the City. Field notes from inspections shall be retained in the project file.</p>
Monitoring Timing	Monitoring Party	Status / Date / Initials
Grading and Construction	Building Official Public Works Director	