

RESOLUTION NO. 26-0043

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL ADOPTING AN ADDENDUM TO A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 28TH STREET STORMWATER INFILTRATION PROJECT LOCATED AT AND AROUND 115 26TH STREET (CITY OF MANHATTAN BEACH)

THE MANHATTAN BEACH CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Manhattan Beach Department of Public Works (“Applicant”) submitted an application for a Coastal Development Permit to allow the construction of the 28th Street Stormwater Infiltration Project (“Project”) located in and around the County-owned 26th Street Public Parking Facility. More specifically, the Project is located at 115 26th Street (the 26th Street Parking Facility); and within the public right-of-way on the streets surrounding the parking facility, including 26th Street, from Ocean Drive to Manhattan Avenue; 27th Street from Ocean Drive to Manhattan Avenue; Ocean Drive from 26th Street to 27th Street; and Manhattan Avenue from 26th Street to 28th Street; and in the green space on the lower portion of Bruce’s Beach Park east of and adjacent to Manhattan Avenue.

SECTION 2. The Project was reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. (“CEQA”)), and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and an initial study (“IS”) was prepared pursuant to State CEQA Guidelines Section 15025(a). The initial study identified potentially significant impacts in the following eight environmental impact categories: air quality, biological resources, cultural resources, geology and soils, noise, public services, transportation, and tribal cultural resources. The potential environmental impacts generally relate to air pollution due to dust during construction, the potential discovery of unanticipated cultural and tribal cultural resources, construction noise and ground-borne vibration, public safety response times, and construction-related traffic. For each potential impact, the initial study identified mitigation measures that could be imposed in order to reduce potential impacts to a less-than-significant level. Based on the information contained in the initial study, the City concluded that a Mitigated Negative Declaration (“MND”) was the appropriate environmental document to prepare for the Project.

SECTION 3. Based upon this determination, a Draft Initial Study and Mitigated Negative Declaration (“IS/MND”) was prepared in accordance with CEQA Section 21080(c) and Section 15070 of the State CEQA Guidelines. The Draft IS/MND (State Clearinghouse No. SCH 20244020618) was circulated for a 31-day public review from

February 16, 2024, through March 18, 2024. A Notice of Intent to Adopt (“NOI”) the MND was mailed to owners and occupants within 100 feet of the Project site, published in The Beach Reporter, advertised on the City’s social media platforms, and posted on signs on and around the Project site. Additionally, the NOI was filed with the Los Angeles County Clerk and the State Clearinghouse and mailed to responsible agencies. The Draft IS/MND was posted on the City’s website, and copies were made available for review at City Hall, the Manhattan Beach branch of the Los Angeles County public library, the Joslyn Community Center, and the Manhattan Heights Community Center. The City received seven comments from five individuals, agencies, and Native American tribes on the Draft IS/MND during the public review period. Subsequent to the close of the public comment period, a Final IS/MND was prepared for the Project. It includes a copy of the Draft IS/MND along with any revisions to the draft document, copies of the written comments received on the Draft IS/MND and, although not required by CEQA, responses to said comments. A Mitigation Monitoring and Reporting Program (“MMRP”) was also prepared.

SECTION 4. On May 21, 2024, the City Council conducted a duly noticed public hearing to consider the Project, during which the City Council received a presentation by staff and provided an opportunity for the public to provide evidence and testimony. The City Council also received and reviewed written testimony received by the City prior to the public hearing.

SECTION 5. The City Council considered the Final MND and MMRP, along with all comments received and the responses to the comments that were included with the Final MND. The City Council found, in its independent judgement after considering all relevant evidence in the record of proceedings for the Project, including without limitation the information set forth in the Final MND and MMRP, that there was not substantial evidence supporting a fair argument that the Project may actually produce any significant environmental impacts that cannot be mitigated to a less than significant level through implementation of those mitigation measures identified in the Final MND and MMRP. Therefore, the City Council found that the Project will not have a significant environmental impact. The City Council further found that the Final MND and MMRP reflected the Council’s independent judgment and analysis.

SECTION 6. Based upon the foregoing, and considering all evidence in the record, on May 21, 2024, the City Council adopted Resolution No. 24-0043, adopting the Final MND and MMRP for the Project, and required the Project to comply with each mitigation measure set forth in the MMRP.

SECTION 7. On May 28, 2024, City staff filed a notice of determination with the State Clearinghouse and the office of the Los Angeles County Clerk.

SECTION 8. One potentially significant impact identified in the adopted Final MND concerns nesting sites for migratory birds regulated under the federal Migratory Bird Treaty Act, and a mitigation measure (Mitigation Measure BIO-2) was included in the Final MND to reduce that impact to a less-than-significant level. The mitigation measure requires construction buffers around nesting sites and is typical of measures often included in CEQA documents in jurisdictions throughout the State.

SECTION 9. Prior to the commencement of construction of the Project, in consultation with a biologist retained by the City for biological monitoring services for the Project, City staff determined that Mitigation Measure BIO-2 establishes a standard procedure that is only necessary in certain circumstances. Further, if the standard procedure were applied in all circumstances, there exists a possibility that it could unnecessarily impede the project construction.

SECTION 10. Pursuant to Section 15164 of the State CEQA Guidelines, an addendum to a previously adopted MND may be prepared if only minor technical changes or additions are necessary or if none of the conditions described in Section 15162 of the State CEQA Guidelines calling for the preparation of a subsequent Environmental Impact Report (EIR) or MND have occurred. Conditions calling for preparation of a subsequent EIR or MND would exist if substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following: that the project will have one or more significant effects not discussed in the previous EIR or negative declaration; that significant effects previously examined will be substantially more severe than shown in the previous EIR; that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or that mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

SECTION 11. Technical changes are proposed to Mitigation Measure BIO-2 to remove unnecessary impediments to Project construction. The changes are minor in nature in that they provide a qualified biologist flexibility in establishing appropriate parameters to protect nesting birds rather than relying on a one-size-fits-all approach. The changes do not in any way decrease the effectiveness of the previously adopted Mitigation Measure BIO-2. Additionally, no conditions calling for the preparation of a subsequent EIR or MND have occurred.

SECTION 12. Based on the foregoing information, an addendum to the previously adopted MND has been prepared and is attached as Exhibit "A" hereto. The addendum provides the basis for minor technical changes to the adopted MMRP. Said minor technical changes have been incorporated into the updated MMRP, which is included as Appendix "A" to Exhibit "A".

SECTION 13. The City Council hereby directs the Public Works Director to file a notice of determination with the State Clearinghouse and the office of the Los Angeles

County Clerk.

SECTION 14. The City Clerk, at 1400 Highland Avenue, Manhattan Beach, CA 90266 is the custodian of the documents and other materials that constitute the record of proceedings upon which this decision is based.

SECTION 15. The City Clerk shall certify the adoption of this Resolution.

ADOPTED on May 19, 2026.

AYES:

NOES:

ABSENT:

ABSTAIN:

JOE FRANKLIN
Mayor

ATTEST:

LIZA TAMURA
City Clerk

EXHIBIT "A"

**Addendum to the Initial Study and Mitigated
Negative Declaration for the
City of Manhattan Beach 28th Street Storm
Drain Infiltration Project**

Prepared for:



City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, California 91266
TEL (310) 802-5358

Prepared by:



1561 E. Orangethorpe Avenue, Suite 240
Fullerton, California, 92831

TEL (714) 526-7500 | FAX (714) 526-7004 | www.cwecorp.com

May 13, 2026

Table of Contents

TABLE OF CONTENTS..... 6

ACRONYMS..... 6

1. INTRODUCTION..... 7

 1.1 CEQA REQUIREMENTS7

 1.1.1 Purpose of the Addendum7

 1.1.2 Environmental Analysis and Conclusions.....7

 1.1.3 Incorporation by Reference9

 1.1.4 Addendum Process.....9

2. BIO-2 MITIGATION MEASURE..... 10

 2.1 JUSTIFICATION10

 2.2 CONCLUSION.....11

Appendices

Appendix A Revised Mitigation Monitoring and Reporting Plan (MMRP)

Acronyms

CEQA	California Environmental Quality Act
EIR	Environmental Impact Report
IS	Initial Study
MMRP	Mitigation Monitoring and Reporting Plan
MND	Mitigated Negative Declaration
SCH	State Clearing House
USFWS	United States Fish and Wildlife Service

1. Introduction

This document is an Addendum to the Initial Study and Mitigated Negative Declaration (IS/MND) for the 28th Street Storm Drain Infiltration Project (also referred to as the 28th Street Stormwater Infiltration Project) (Project) prepared by the City of Manhattan Beach (City) with State Clearinghouse Number SCH2024020618¹. The City's Council certified the MND in June 2024. The Project scope has not changed and the Project description included in the MND remains consistent with proposed improvements. This Addendum includes modifications to the BIO-2 Mitigation Measure. There are no new significant impacts or additional mitigation measures proposed as part of this Addendum. None of the conditions described in State California Environmental Quality Act (CEQA) Guidelines 15162 call for the preparation of a subsequent or supplemental MND.

1.1 CEQA Requirements

1.1.1 Purpose of the Addendum

When a proposed project is changed or there are changes in the environmental setting, a determination must be made by the Lead Agency as to whether an Addendum or Subsequent MND is prepared. CEQA Guidelines Sections 15162 and 15164 set forth criteria to assess which environmental document is appropriate. The criteria for determining whether an Addendum or Subsequent MND is prepared are outlined below. If the criteria below are true, then an Addendum is the appropriate document:

- No new significant impacts will result from the Project or from new mitigation measures.
- No substantial increase in the severity of a previously identified environmental impact will occur.
- No new feasible alternatives or mitigation measures that would reduce impacts previously found not to be feasible have, in fact, been found to be feasible.

Implementation of the Approved Project will not result in new significant impacts or substantially increase the severity of impacts previously identified in the IS/MND, and there are no previously identified infeasible alternatives that are now feasible. None of the other factors set forth in Section 15162(a)(3) are present. In accordance with CEQA Guidelines Section 15164(e), and for the reasons set forth in this Addendum, the decision was made to not prepare a subsequent MND.

As such, an Addendum is appropriate, and this Addendum has been prepared to explain why there are no significant environmental effects of the mitigation modifications.

1.1.2 Environmental Analysis and Conclusions

This Addendum addresses only the environmental effects associated with modifications to the

¹ <https://www.manhattanbeach.gov/home/showpublisheddocument/54571/638509552641130000>

Approved Project, which consist solely of refinements to Mitigation Measure BIO-2, that have occurred since adoption of the IS/MND. The conclusions of the analysis in this Addendum remain consistent with those in the IS/MND. No new significant impacts will result, and no substantial increase in the severity of previously identified impacts will occur in the IS/MND.

1.1.3 Incorporation by Reference

Consistent with Section 15150 of the California State CEQA Guidelines, the following document was relied upon in preparation of this Addendum:

- Initial Study and Mitigated Negative Declaration for the 28th Street Storm Drain Infiltration Project, 2024

This document is available to the general public for review at the City of Manhattan Beach Public Works web page. The document is also available through the State Clearinghouse via CEQAnet SCH2024020618².

Information from this document incorporated by reference into this Addendum has been briefly summarized in the appropriate section(s) which follow, and the relationship between the incorporated part of the referenced document and this Addendum has been described.

1.1.4 Addendum Process

As described in Section 1.1 and CEQA Guidelines Section 15164(a) and 15164(b), an addendum to an adopted IS/MND may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent Environmental Impact Report (EIR) or Negative Declaration have occurred. According to CEQA Guidelines, Section 15164(c), an addendum need not be circulated for public review but can be included in or attached to the Mitigated Negative Declaration. Pursuant to CEQA Guidelines Section 15164(d), the decision-making body shall consider the addendum with the approved Negative Declaration prior to making a decision on the project. Once adopted, the Addendum, along with the original EIR or Negative Declaration, is placed in the Administrative Record, and the CEQA process is complete.

² <https://www.manhattanbeach.gov/home/showpublisheddocument/54571/638509552641130000>

2. BIO-2 Mitigation Measure

As indicated in the Introduction, this Addendum analyzes proposed modifications to the BIO-2 Mitigation Measure, while all other elements of the referenced MND remain unchanged. The revised BIO-2 Mitigation Measure is included in **Appendix A**.

The mitigation measure, BIO-2, is being revised as follows (red text is added):

To protect nesting birds that may occur on site or adjacent to the Project boundary, no construction shall occur from February 1 through September 15, as early as January 1 for some raptors, unless a qualified biologist completes a survey for nesting bird activity within a 500-foot radius of publicly accessible area within the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. The City of Manhattan Beach shall require surveys be conducted by a qualified biologist no more than 7 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 7 days during the breeding season, the surveys shall be repeated. If nesting raptors or migratory songbirds are identified, the following minimum no-disturbance buffers shall be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests, and 0.5 mile around active listed bird nests. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. The qualified biologist may authorize construction activities to proceed during the nesting season, subject to modified avoidance buffers or work restrictions, if, in their professional judgement, the proposed activities will not result in take, nest abandonment, or disturbance as defined under the Migratory Bird Treaty Act. Such determinations shall be based on observed nesting behavior, distance to work activities, species tolerance, and current site conditions. Any sensitive and special status species data documented by the Project shall be submitted to the California Natural Diversity Database with all applicable data fields filled out. The City of Manhattan Beach and/or a designee will notify the CDFW once submitted.

The revision to the mitigation measure is necessary due to the practicalities of the Project. It would allow the Project to move forward with additional monitoring. The revised mitigation measure is effective in meeting the objectives/goals of the Migratory Bird Treaty Act.

2.1 Justification

Birds anticipated or encountered within the Project area are expected to be birds that persist in urban areas due to the existing urban environment. They are generally accustomed to urban noises and potential disturbance. The United States Fish and Wildlife Service (USFWS) recognizes that many bird species occurring in urban areas have adapted to frequent human activity and ongoing disturbance (USFWS³, 2025). Studies indicate that birds in urban environments typically exhibit shorter flight-initiation distances, indicating habituation to

³ <https://www.fws.gov/apps/sites/default/files/documents/2025-02/urban-bird-treaty-guidebook-v4.pdf>

frequent human activity (Livezey et al.⁴, 2016).

In the Project area, the following urban noises commonly occur, along with other noises:

- Construction activities (there is ongoing construction at a private residence within 300 feet of the Project site)
- Fire engines or other emergency service sirens
- Lawn maintenance (mowers, weed whackers, etc.)
- Generators associated with food trucks
- Traffic and road noises

The modified mitigation measure will not result in new impacts that were not identified in the MND.

Approved CEQA documents and their associated mitigation measures were reviewed to confirm that the modifications to the Project's BIO-2 mitigation measure are consistent with and as effective as other approved measures in similar environments.

Comparable CEQA projects within similar urban contexts were reviewed to illustrate how nesting-bird mitigation measures have been implemented and accepted by lead agencies, and to demonstrate that the avoidance buffers and monitoring approach proposed in the revised BIO-2 Mitigation Measure for the Project is consistent with measures commonly applied to urban infrastructure projects to comply with the Migratory Bird Treaty Act. The following was included in the mitigation measure in relation to the Migratory Bird Treaty Act as part of the Redondo Beach Avenue A Access Ramp Project Draft Initial Study (SCH2026020537): "If an active nest is identified, the biologist will establish an appropriately sized construction-avoidance buffer around the nest using flagging or staking. Construction activities will not occur within a construction-avoidance buffer area until the nest is deemed inactive by a qualified biologist." The following was included in the Whittier Aquatics Facility Initial Study (SCH2019099103): "The prescribed buffers may be adjusted by the qualified avian biologist based on existing conditions around the nest, planned construction activities, tolerance of the species, and other pertinent factors. The qualified avian biologist shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The avian biologist shall be responsible for documenting the results of the surveys, nest buffers implemented, and presenting the results in ongoing monitoring reports."

In both referenced examples, the mitigation measures provide an ability for the biologist to make recommendations based on the field observations instead of using a standard radius buffer, which is consistent with the modifications proposed to Mitigation Measure BIO-2.

2.2 Conclusion

The proposed revision to the BIO-2 Mitigation Measure would continue to provide protection for

⁴ <https://estebanfj.bio.purdue.edu/papers/JFishWildlifeManagement7.pdf>

nesting birds, consistent with the intent of the originally adopted mitigation measure. The revisions allow a qualified biologist to take into consideration site conditions and Project sequencing to inform recommendations that will protect observed nesting birds. The revised language would continue to comply with the Migratory Bird Treaty Act. Therefore, it is recommended that the City adopt an updated Mitigation Monitoring and Reporting Plan (MMRP) incorporating the amended BIO-2 Mitigation Measure.

Appendix A

Revised Mitigation Monitoring and Reporting Plan (MMRP)

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

	Mitigation Measure	Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
AIR-1	<p>Pursuant to Rule 403 of the SCAQMD, the following dust minimizing measures shall be implemented:</p> <ul style="list-style-type: none"> ➤ City of Manhattan Beach and its designees shall comply with all applicable SCAQMD Rules and Regulations, including Rule 403 ensuring the cleanup of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile or disturbed surface area visible beyond the property line of the emission source. ➤ City of Manhattan Beach and its designees shall comply with all SCAQMD established minimum requirements for construction activities to reduce fugitive dust and PM₁₀ emissions. ➤ City of Manhattan Beach will encourage contractors to use low-emission equipment meeting Tier II emissions standards at a minimum, and Tier III and IV emissions standards, where available, as CARB-required emissions technologies become readily available to contractors in the region. ➤ Adequate water application techniques shall be employed to mitigate the impact 	City of Manhattan Beach	Construction	City of Manhattan Beach	N/A

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

Mitigation Measure	Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
<p>of construction-related dust particulates. Portions of the site that are undergoing surface earth moving operations shall be watered to mitigate blowing dust, and to ensure visible emissions do not exceed 100 feet in any direction. Areas with surface earth moving operations shall be re-watered at the end of each day.</p> <ul style="list-style-type: none"> ➤ Grading operations shall be suspended during first stage ozone episodes or when winds exceed 25 mph. A high wind response plan shall be formulated for enhanced dust control if winds are forecast to exceed 25 mph in any upcoming 24-hour period. ➤ Any construction equipment using direct internal combustion engines shall use a diesel fuel with a maximum of 0.05 percent sulfur and four-degree retard. ➤ Construction operations affecting roadways within the project area including detour routes, shall be scheduled by implementing traffic hours and shall minimize obstruction of through traffic lanes. ➤ The engines of idling trucks or heavy equipment shall be turned off if the 				

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

	Mitigation Measure	Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
	<p>expected duration of idling exceeds five minutes.</p> <ul style="list-style-type: none"> ➤ On-site heavy equipment used during grading and construction shall be equipped with diesel particulate filters unless it is demonstrated that such equipment is not available, or its use is not cost-competitive. ➤ All haul trucks leaving or entering the site shall be covered and have at least two feet of freeboard. ➤ Any on-site stockpiles of debris, dirt or other dusty material shall be covered or watered twice daily. ➤ Any site access points with soil deposits on any public right-of-way shall be mechanically or manually swept within 30 minutes of deposition. 				
BIO-1	Prior to ground-disturbing activities in areas that could support sensitive biological resources, a habitat assessment shall be conducted by a	City of Manhattan Beach	Pre-Construction	City of Manhattan Beach	United States Army Corps of Engineers

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

	Mitigation Measure	Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
	qualified biologist to determine the potential for special-status wildlife species to occur within affected areas, including areas directly or indirectly impacted by construction or operation of the BMPs. If a special-status wildlife species is found, pre-construction surveys of proposed work zones shall be conducted 14 days prior to construction. Areas, including construction areas, staging areas, and rights-of-way, shall be staked, flagged, fenced, or otherwise clearly delineated to restrict the limits of construction to the minimum necessary near areas that may support special-status wildlife species. If avoidance is not possible, the City of Manhattan Beach shall consult with the appropriate regulating agency (United States Army Corps of Engineers (USACE)/USFWS/California Department of Fish and Wildlife (CDFW)) to determine a strategy for compliance with the Endangered Species Act, California Fish and Wildlife Code, or other regulations supporting special-status species. The City of Manhattan Beach will work together with those regulating agencies to determine appropriate impact minimization measures and compensation for any permanent impacts due to the Project.				United States Fish and Wildlife Service California Department of Fish and Wildlife
BIO-2	To protect nesting birds that may occur on site or adjacent to the Project boundary, no construction shall occur from February 1 through September 15, as early as January 1 for some raptors, unless a qualified biologist completes a survey for nesting bird activity within a 500-foot radius of publicly	City of Manhattan Beach	Pre-Construction	City of Manhattan Beach	California Department of Fish and Wildlife

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

Mitigation Measure	Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
<p>accessible area within the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. The City of Manhattan Beach shall require surveys be conducted by a qualified biologist no more than 7 days prior to the beginning of any Project-related activity likely to impact raptors and migratory songbirds, for the entire Project site. If Project activities are delayed or suspended for more than 7 days during the breeding season, the surveys shall be repeated. If nesting raptors or migratory songbirds are identified, the following minimum no-disturbance buffers shall be implemented: 300 feet around active passerine (perching birds and songbirds) nests, 500 feet around active non-listed raptor nests, and 0.5 mile around active listed bird nests. These buffers shall be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. The qualified biologist may authorize construction activities to proceed during the nesting season, subject to modified avoidance buffers or work restrictions, if, in their professional judgement, the proposed activities will not result in take, nest abandonment, or disturbance as defined under the Migratory Bird Treaty Act. Such determinations shall be based on observed nesting behavior, distance to work activities, species tolerance, and current site conditions.</p>				

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

Mitigation Measure		Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
	Any sensitive and special status species data documented by the Project shall be submitted to the California Natural Diversity Database with all applicable data fields filled out. The City of Manhattan Beach and/or a designee will notify the CDFW once submitted.				
BIO-3	The Project shall implement Best Management Practices (BMPs) to prevent erosion and the discharge of sediment and pollutants into drainages during Project activities. BMPs shall be monitored and repaired, as necessary, to ensure maximum erosion, sediment, and pollution control. The Project proponent shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the Project site shall be free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves.	City of Manhattan Beach	Construction	City of Manhattan Beach	N/A
CUL-1	If previously unidentified cultural resources are unearthed during ground activity, all work shall immediately be suspended within 100 feet of the	City of Manhattan Beach	Construction	City of Manhattan Beach	Gabrieleño Band of Mission Indians – Kizh Nation

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

Mitigation Measure	Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
<p>discovery and the City shall be immediately notified. A qualified archaeologist shall assess the significance of the find and determine if it is a California Register of Historic Resource (CRHR)-eligible archaeological resource and/or cultural resource. Additionally, a tribal cultural specialist from the Kizh Nation or other traditionally and culturally affiliated (TCA) tribe shall assess the significance of any Tribal Cultural Resource under Assembly Bill 52 of the California Environmental Quality Act (CEQA).</p> <p>If the qualified archaeologist determines that adverse impacts to significant archaeological resources could occur during the Project, then the resources shall be avoided from direct Project impacts by Project redesign, if feasible. If the resource cannot be avoided, then an archaeological treatment plan shall be developed and implemented with input from a tribal cultural specialist from the Kizh Nation or other TCA tribe. The qualified archaeologist shall remain on-site for the remainder of excavation activities, or until the archaeologist determines that the site will not impact any archaeological or cultural resources. During daily monitoring activities, the archaeologist shall complete monitoring logs, which will provide descriptions of daily activities, including construction activities, project location, soils, and any cultural materials identified.</p>				<p>Native American Heritage Commission</p>

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

	Mitigation Measure	Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
	<p>If the qualified archaeologist determines that the discovery is not significant as an archeological resource due to its lack of provenience or otherwise fails to "add to our understanding of the prehistory of the area" and the find is still considered significant as a TCR, then the TCA tribe can determine the best treatment of the find. This could include reburial (curated onsite), curation at the TCA tribe's museum, or other treatment as deemed appropriate by the TCA tribe.</p>				
CUL-2	<p>In compliance with Section 5097.98 of the Public Resources Code and Section 7050.5 of the California Health and Safety Code, if human remains are encountered, all ground disturbing activities shall be immediately suspended within 100 feet of the discovery, and the Los Angeles County Coroner shall be notified immediately. If the Coroner determines the remains are Native American in origin, they must notify the NAHC within 24 hours of such identification so that the NAHC can contact the Most Likely Descendant (MLD). The MLD shall be provided access to the discovery and will provide recommendations for treatment of the remains within 48 hours of accessing the discovery site. Disposition of human remains and any associated grave goods, if encountered, shall be treated in accordance with procedures and requirements set forth in Sections 5097.94 and 5097.98 of the Public Resources</p>	<p>City of Manhattan Beach</p>	<p>Construction</p>	<p>City of Manhattan Beach</p>	<p>Native American Heritage Commission Los Angeles County Coroner</p>

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

Mitigation Measure		Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
	Code; Section 7050.5 of the California Health and Safety Code and CEQA Guidelines Section 15064.5.				
PALEO-1	A paleontologist who meets the qualifications established by the Society of Vertebrate Paleontology (SVP) shall be retained to develop a Paleontological Resources Impact Mitigation Program (PRIMP) for this project. The PRIMP shall be consistent with the standards of the SVP and include the methods that will be used to protect paleontological resources that may exist within the project site, as well as procedures for monitoring, fossil preparation and identification, curation into a repository, and preparation of a report at the conclusion of grading. The paleontologist will also perform a Construction Worker Paleontological Resources Sensitivity training prior to any ground disturbing activities.	City of Manhattan Beach	Construction	City of Manhattan Beach	N/A
PALEO-2	Excavation and grading activities in deposits with high paleontological sensitivity (i.e., Young Alluvial Fan Deposits below a depth of 10 feet) shall be monitored by a qualified paleontological monitor following a PRIMP. No monitoring is required for excavations in deposits with no paleontological sensitivity (i.e., Artificial Fill). If paleontological resources are encountered during the course of ground disturbance, the paleontological monitor shall have the authority to	City of Manhattan Beach	Construction	City of Manhattan Beach	N/A

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

Mitigation Measure		Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
	temporarily redirect construction away from the area of the find. In the event that paleontological resources are encountered when a paleontological monitor is not present, work in the immediate area of the find shall be redirected, and the paleontologist or paleontological monitor shall be contacted to assess the find for scientific significance. If determined to be scientifically significant, the fossil shall be collected from the field.				
PALEO-3	Collected resources shall be prepared to the point of identification, identified to the lowest taxonomic level possible, cataloged, and curated into the permanent collections of a museum repository. At the conclusion of the monitoring program, a report of findings shall be prepared to document the results of the monitoring program.	City of Manhattan Beach	Construction	City of Manhattan Beach	N/A
NOISE-1	<ul style="list-style-type: none"> ➤ Contractor shall prepare a noise monitoring plan and collect noise levels at residences nearest the construction site during any phase where noise may exceed the noise limits defined in Table 3-3 of the MND. The plan shall specify monitoring locations, equipment, procedures, and include a schedule of measurements and reporting methods to be used. ➤ Limits hours of construction to hours outlined in Table 3-3 of the MND, unless work is authorized outside of these hours 	City of Manhattan Beach	Construction	City of Manhattan Beach	N/A

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

Mitigation Measure	Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
<p>by the Manhattan Beach Public Works Director or City Council.</p> <ul style="list-style-type: none"> ➤ Before beginning construction, communication shall begin with the local community, via flyers, postings, door knocking, etc. Outreach documents shall include a telephone number where residents can receive information about the project and make inquiries or complaints during the work. Specific outreach shall occur before the loudest events to inform residents of the expected noise and the length of time it is to last, specifically during demolition, drilling, sawing, paving, and roller operations. ➤ Noise barriers shall be installed around the worksite perimeter. Noise from most construction phases can be significantly reduced through the use of temporary noise barriers, noise control curtains, and/or noise enclosures. A properly constructed noise barrier 12 feet tall around the perimeter of the active noise-generating work area removes all significant noise impacts when combined with the equipment scheduling outlined below. 				

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

	Mitigation Measure	Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
	<ul style="list-style-type: none"> ➤ Restrict concurrent operation of loudest equipment to prevent exceedances in noise levels. 				
NOISE-2	<ul style="list-style-type: none"> ➤ Install visible "Noise Control Zone" signs, including telephone number where residents can learn information about the project and make complaints. ➤ Use equipment noise-control devices such as mufflers or motor enclosures that meet original specification and performance criteria. ➤ Electrically powered equipment shall be used over gas- or diesel-powered equipment to the extent practical. ➤ Designate haul routes to produce the least overall noise impact, with heavily loaded trucks routed away from residential streets where possible. Identification of haul routes shall consider streets with the fewest noise sensitive receivers where no alternatives are available. ➤ Location of staging areas, earth-moving equipment, stationary noise-generating equipment, stockpiles, and other noise-producing operations shall be set up as far as practicable from nearby noise-sensitive receivers. 	City of Manhattan Beach	Construction	City of Manhattan Beach	N/A

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

	Mitigation Measure	Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
	<ul style="list-style-type: none"> ➤ Limit use of horns, whistles, alarms, and bells. It is recommended that low impact backup alarms be used on heavy equipment. ➤ Phase the noisiest operations including demolition, earth moving, and ground impacting so they do not occur during the same time period. 				
NOISE-3	<p>A before and after construction survey shall occur and include inspecting building foundations and taking photographs of pre-existing conditions, cracks, or other flaws. Structures nearer to the work than the minimum distances indicated in Table 3-5 of the MND shall be surveyed. If the post-construction survey identifies material damage that is determined to be caused by construction of the Project, the contractor shall be responsible for repairing any identified damage. This responsibility shall be stipulated in the contract entered into between the City and the selected contractor.</p>	City of Manhattan Beach	Construction	City of Manhattan Beach	N/A
NOISE-4	<p>Vibration monitoring shall be conducted at structures where construction equipment is operating closer than the limits listed on Table 3-5 of the MND. If measurements show that vibration levels are below the limits at the nearest structures during the highest-vibration activities, no impact has occurred. If measured vibration levels exceed the limits, construction methods</p>	City of Manhattan Beach	Construction	City of Manhattan Beach	N/A

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

Mitigation Measure		Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
	shall be modified, construction equipment shall be immediately reduced to a lower power setting, and/or equipment shall be moved further from the affected structure. An additional survey shall then be conducted to determine whether the structure shows signs of distress that were not previously documented.				
PUBLIC-1	In the event that roads are inaccessible due to construction, the contractor will notify public agencies, including but not limited, to fire and police departments, to ensure that the emergency agencies can plan for alternative routes.	City of Manhattan Beach	Construction	City of Manhattan Beach	Los Angeles County Fire Department (Lifeguard)
TRAF-1	<p>For projects that may impact traffic, contractors are required to prepare a construction traffic control plan. Elements of the plan shall include, but are not necessarily limited to, the following:</p> <ul style="list-style-type: none"> ➤ Develop circulation and detour plans to minimize impacts to local street circulation. Use haul routes minimizing truck traffic on local roadways to the extent possible. ➤ Develop detailed plans for pedestrian detours during construction that meet or exceed standards required in the California Manual on Uniform Traffic Control Devices and include adequate barriers against motorized traffic. ➤ To the extent feasible, and as needed to avoid adverse impacts on traffic flow, 	City of Manhattan Beach	Construction	City of Manhattan Beach	N/A

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

	Mitigation Measure	Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
	schedule truck trips outside of peak morning and evening commute hours. ➤ Install traffic control devices as specified in Caltrans' Manual of Traffic Controls for Construction and Maintenance Work Zones where needed to maintain safe driving conditions. Use flaggers and/or signage to safely direct traffic through construction work zones.				
TRAF-2	Transportation of heavy construction equipment and/or materials which require use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. The project specifications will limit construction traffic to off-peak periods to minimize the potential impact on State facilities. If construction traffic is expected to cause delays on any State facilities, a construction traffic control plan detailing these delays shall be submitted for Caltrans' review.	City of Manhattan Beach	Construction	City of Manhattan Beach	California Department of Transportation
TCR-1	Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities ➤ The project applicant/lead agency shall retain a Native American Monitor from 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	City of Manhattan Beach	Construction	City of Manhattan Beach	Gabrieleño Band of Mission Indians – Kizh Nation Native American Heritage Commission

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

Mitigation Measure	Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
<p>(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>Should the Gabrieleño Band of Mission Indians – Kizh Nation not have sufficient qualified staff, or not provide monitoring services at market rates, after consultation between the tribe and the City's Community Development Director, the project applicant/lead agency may contract with a different firm to provide a Native American monitor, subject to approval by the City's Community Development Director.</p> <ul style="list-style-type: none"> ➤ 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. 				

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

Mitigation Measure	Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
<ul style="list-style-type: none"> ➤ 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. ➤ On-site tribal monitoring shall conclude upon (1) written confirmation to the tribal monitor 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 				

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

	Mitigation Measure	Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
	written notification the tribal monitor to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact TCRs.				
TCR-2	Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial) ➤ 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 tribal monitor and a qualified archaeologist. The procedure described in Mitigation Measure CUL-1 will then be followed.	City of Manhattan Beach	Construction	City of Manhattan Beach	Gabrieleño Band of Mission Indians – Kizh Nation Native American Heritage Commission
TCR-3	Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects ➤ 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	City of Manhattan Beach	Construction	City of Manhattan Beach	Gabrieleño Band of Mission Indians – Kizh Nation Native American Heritage Commission

28th Street Storm Drain Infiltration Project
also referred to as 28th Street Stormwater Infiltration Project
REVISED Mitigation Monitoring and Reporting (Revised 5/19/2026)

	Mitigation Measure	Implementation Party	Implementation Phase	Monitored By	Outside Agency Coordination
	<p>associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <ul style="list-style-type: none"> ➤ If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed. ➤ Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). ➤ Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. ➤ Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance. 				