

# Chapter IV

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## Mitigation Monitoring Program

### 1. Introduction

This Mitigation Monitoring Program (MMP) has been prepared pursuant to Public Resources Code Section 21081.6, which requires a Lead Agency to adopt a “reporting or monitoring program for changes to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” In addition, Section 15097(a) of the California Environmental Quality Act (CEQA) Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions, which it has required to mitigate or avoid significant environmental effects. This MMP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6 and Section 15097 of the State CEQA Guidelines.

The City of Los Angeles (City) is the Lead Agency for the Project and therefore is responsible for administering and implementing the MMP. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation; however, until mitigation measures have been completed, the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. The evaluation of the Project’s impacts in the EIR takes into consideration the project design features, which were voluntarily incorporated into the project description, and applies mitigation measures needed to avoid or reduce potentially significant environmental impacts. In addition, the Initial Study prepared for the Draft EIR and included in Appendix A-1, Notice of Preparation and Initial Study (Volume 2) identified mitigation measures to reduce impacts to less than significant levels for Biological Resources, Archaeological Resources, Paleontological Resources, and Human Remains, although these environmental issues were scoped out of the EIR analysis. This MMP is designed to monitor implementation of the project design features and mitigation measures identified for the Project in the Draft EIR and Initial Study.

## 2. Organization

As shown on the following pages, each project design feature and mitigation measure for the Project is listed and categorized by impact area, with an accompanying identification of the following:

- **Enforcement Agency:** The agency with the power to enforce the project design feature or mitigation measure;
- **Monitoring Agency:** The agency to which reports involving feasibility, compliance, implementation and development are made;
- **Monitoring Phase:** The phase of the Project during which the project design feature or mitigation measure shall be monitored;
- **Monitoring Frequency:** The frequency at which the project design feature or mitigation measure shall be monitored; and
- **Action Indicating Compliance:** The action of which the Enforcement or Monitoring Agency indicates that compliance with the required project design feature or mitigation measure has been implemented.

## 3. Administrative Procedures and Enforcement

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each project design feature and mitigation measure and shall be obligated to provide verification, as identified below, to the appropriate monitoring and enforcement agencies that each project design feature and mitigation measure has been implemented. The Applicant shall maintain records demonstrating compliance with each project design feature and mitigation measure listed below. Such records shall be made available to the City upon request.

During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant, at the sole discretion of the Applicant), approved by the City of Los Angeles Department of City Planning, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to report to the Enforcement Agency any non-compliance with mitigation measures and project design features within two

businesses days if the Applicant does not correct the non-compliance within a reasonable time of written notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

## 4. Program Modification

After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made by the Applicant or its successor subject to the approval by the City. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. The flexibility is necessary due to the nature of the MMP, the need to protect the environment in the most efficient manner, and the need to reflect changes in regulatory conditions, such as but not limited to changes to building code requirements. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

## 5. Project Design Features, Mitigation Measures, and Implementation

### a) Biological Resources

#### (1) Mitigation Measure

**MM-BIO-1:** Disturbance of any nests protected by the Migratory Bird Treaty Act shall be avoided. If construction activities (i.e., removal of trees or shrubs) are scheduled to occur during the non-breeding season (September 1 through January 31), no mitigation is required. If construction activities are scheduled to occur during the breeding season (February 1 through August 31), the Project shall implement the following measures to avoid potential adverse effects on birds covered by the Migratory Bird Treaty Act:

- No more than two weeks prior to construction, a qualified wildlife biologist shall conduct preconstruction surveys of all potential nesting habitat within 500 feet of construction activities where access is available.
- If active nests are found during preconstruction surveys, the Project shall create a no disturbance buffer (as determined by a qualified wildlife biologist) around active raptor nests and nests of other special-status birds during the breeding season, or until it is determined that all young have fledged.

Typical buffers include 500 feet for raptors and 250 feet for other nesting birds. The size of these buffer zones and types of construction activities restricted in these areas may be further modified as determined by a qualified wildlife biologist and shall be based on existing noise and human disturbance levels at the project

site. Nests initiated during construction are presumed to be unaffected, and no buffer would be necessary. However, the “take” (mortality, severe disturbance to, etc.) of any individual birds will be prohibited. If preconstruction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees and shrubs within the construction footprint that have been determined to be unoccupied by birds covered by the Migratory Bird Treaty Act or that are located outside the no-disturbance buffer for active nests may be removed.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Once, prior to issuing a Building Permit, periodic field inspection during construction

**Action Indicating Compliance:** Field inspection sign-off; compliance report by qualified consultant

## b) Historical Resources

### (1) Mitigation Measures

**MM-HIST-1: Photographic Recordation.** Prior to issuance by the City of Los Angeles of a demolition permit, photographic recordation shall be completed for the Bungalow Court and Garage. This recordation shall include digital photographs of the existing condition and character-defining features of the Bungalow Court and Garage and associated landscape. Photographs shall be taken with a six megapixel or greater digital SLR camera. The pictures shall be taken in Tag Image File format or RAW format images. Photographs should be six megapixels or greater (2000 x 3000-pixel image). A photograph log shall be completed and shall include: photograph label, photograph date, photographer’s name, subject matter, and camera angle. Once completed archivally sound (TIFF) digital copies shall be distributed to the Los Angeles Public Library and the South Central Coastal Information Center.

**Enforcement Agency:** Los Angeles Department of City Planning, Office of Historic Resources; Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of City Planning, Office of Historic Resources; Los Angeles Department of Building and Safety

<b>Monitoring Phase:</b>	Pre-construction
<b>Monitoring Frequency:</b>	Once prior to demolition or relocation
<b>Action Indicating Compliance:</b>	Compliance report by a qualified architectural historian, historic architect, or historic preservation professional

**MM-HIST-2: Relocation and Rehabilitation.** Following recordation pursuant to Mitigation Measure MM-HIST-1, efforts shall be made to relocate the structures of the Bungalow Court and Garage, ideally within an area of Hollywood associated with similar single-family or multi-family residential development. Implementation of this measure shall be satisfied in part by advertisement of the Bungalow Court and Garage's availability in historic preservation websites such as HistoricForSale, Historic Properties, Old Houses, and Preservation Directory and a local newspaper such as the Los Angeles Times for a period of not less than sixty (60) days by the Applicant. Any such relocation efforts shall be undertaken in accordance with a Relocation and Rehabilitation Plan to be prepared by the party taking possession of the structure to be removed. The Relocation and Rehabilitation Plan shall be developed in conjunction with a qualified architectural historian, historic architect, or historic preservation professional who satisfies the Secretary of the Interior's Professional Qualifications Standards for History, Architectural History, or Architecture, pursuant to 36 CFR 61. The Relocation and Rehabilitation Plan shall follow the relocation methodology recommended by the National Park Service, which are outlined in the booklet entitled "Moving Historic Buildings," by John Obed Curtis (1979). The Relocation and Rehabilitation Plan shall be reviewed and approved by the City of Los Angeles Office of Historic Resources prior to its implementation. Upon relocation of the Bungalow Court and Garage to the new site, any maintenance, repair, stabilization, rehabilitation, preservation, conservation, or reconstruction work performed in conjunction with the relocation of the Bungalow Court and Garage shall be undertaken in a manner consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Properties*. A plaque describing the date of the move and the original location shall be placed in a visible location near the Bungalow Court. Any subsequent alterations of the Bungalow Court and Garage requiring a building permit would be subject to the standards and principles outlined in the City's Historic Preservation Ordinance. If after 60 days, it is evident that no party is interested in removing and relocating the Bungalow Court and Garage then demolition of the Bungalow Court shall be undertaken.

<b>Enforcement Agency:</b>	Los Angeles Department of City Planning, Office of Historic Resources; Los Angeles Department of Building and Safety
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<b>Monitoring Agency:</b>	Los Angeles Department of City Planning, Office of Historic Resources; Los Angeles Department of Building and Safety
<b>Monitoring Phase:</b>	Pre-construction
<b>Monitoring Frequency:</b>	After recordation and prior to demolition or relocation and 60 days following advertisement of availability of the Bungalow Court and Garage in historic preservation websites
<b>Action Indicating Compliance:</b>	Advertisement of availability of the Bungalow Court and Garage in historic preservation websites; preparation of a Rehabilitation and Relocation Plan by qualified architectural historian, historic architect, or historic preservation professional and approval by Los Angeles Department of City Planning, Office of Historic Resources

## c) Cultural Resources

### (1) Mitigation Measures

**MM-CULT-1:** In the event that historic or prehistoric archaeological resources (e.g., bottles, foundations, refuse dumps, Native American artifacts or features, etc.) are unearthed during ground-disturbing activities, the Applicant shall halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated by a qualified archaeologist. A buffer area shall be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by Project construction activities shall be evaluated by an archaeologist. The Applicant shall coordinate with the archaeologist and the City to develop an appropriate treatment plan for the resources if they are determined to be potentially eligible for the California Register or potentially qualify as unique archaeological resources pursuant to CEQA. Preservation in place (i.e., avoidance) shall be considered as a treatment measure first. If preservation in place is not feasible, treatment may include the implementation of archaeological data recovery excavations to remove the resource from the Project Site along with subsequent laboratory processing and analysis. Any archaeological material collected 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, they shall be donated to a local school or historical society or similar

organization for educational purposes. The archaeologist shall determine the need for archaeological construction monitoring in the vicinity of the find thereafter.

The archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms at the conclusion of treatment and/or the any follow-up archaeological construction monitoring. The report shall include a description of resources unearthed, if any, treatment of the resources, results of the artifact processing, analysis, and research, and evaluation of the resources with respect to the California Register of Historical Resources. The report and the Site Forms shall be submitted by the Applicant to the City, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.

<b>Enforcement Agency:</b>	Los Angeles Department of Building and Safety
<b>Monitoring Agency:</b>	Los Angeles Department of Building and Safety
<b>Monitoring Phase:</b>	Construction and Post-Construction
<b>Monitoring Frequency:</b>	At time of resource discovery, should it occur and once upon completion of excavation

**Action Indicating Compliance:** Compliance report by qualified archaeologist

**MM-CULT-2:** If a paleontological resource is encountered unexpectedly during implementation of the Project, grading and excavation activities in the area of the find shall cease and a qualified paleontologist shall be notified of the find. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. A buffer area shall be established around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. At the paleontologist's discretion, and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing and evaluation of the find. If preservation in place is not feasible, the paleontologist shall implement a paleontological salvage program to remove the resources from the Project Site. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are submitted to their final repository. Any fossils collected 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, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, they shall be donated to a local school or organization in the area for educational purposes. Accompanying notes, maps, and photographs shall also be filed at the repository and/or school. The paleontologist shall determine whether paleontological construction monitoring is warranted for any additional excavation work in the area of the find. The

paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the Applicant to the lead agency and the Natural History Museum of Los Angeles County, and other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** At time of resource discovery, should it occur and once upon completion of excavation

**Action Indicating Compliance:** Compliance report by qualified paleontologist

**MM-CULT-3:** If human remains are encountered unexpectedly during implementation of the Project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the land owner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the land owner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.



Whenever the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in Subdivision (k) of PRC Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance.

<b>Enforcement Agency:</b>	Los Angeles Department of Building and Safety
<b>Monitoring Agency:</b>	Los Angeles Department of Building and Safety
<b>Monitoring Phase:</b>	Construction
<b>Monitoring Frequency:</b>	At time of resource discovery, should it occur
<b>Action Indicating Compliance:</b>	If unanticipated discoveries are found, submittal of written evidence of compliance with State Health and Safety Code Section 7050.5 and California PRC Section 5097.98

## d) Noise

### (1) Project Design Feature

**PDF-NOISE-1: Equipment Noise Control:** The Project contractor(s) shall equip all construction equipment, fixed or mobile, with properly operating and maintained noise mufflers, consistent with manufacturers' standards.

<b>Enforcement Agency:</b>	Los Angeles Department of Building and Safety
<b>Monitoring Agency:</b>	Los Angeles Department of Building and Safety
<b>Monitoring Phase:</b>	Construction
<b>Monitoring Frequency:</b>	Periodic field inspections
<b>Action Indicating Compliance:</b>	The General Contractor shall provide orientation training to all subcontractors regarding implementation of this measure; Field inspection sign-off; Compliance certification report submitted by Project contractor

## (2) Mitigation Measures

**MM-NOISE-1:** The Project contractor shall implement noise reduction strategies to reduce noise levels during construction affecting noise sensitive residential uses on the north, south, east, and west boundaries of the Project Site. The Project contractor shall limit the use of noisy heavy equipment (refer to Table IV.C-10 of the EIR) to 10 days or fewer within a three-month period. Noise reduction strategies shall include one or a combination of the following actions described below to achieve a 15 dBA noise level reduction performance standard. The Project contractor will maintain documentation during construction activities regarding manufacturer-provided equipment noise specification ratings; manufacturer-provided noise reduction ratings for noise shielding, baffling, muffling devices, and/or sound curtains or blankets; daily logs of heavy equipment used; and periodic noise monitoring as necessary to demonstrate compliance with the performance standard. The Project contractor will provide documentation and periodic reports as requested by the City.

- Provide temporary construction noise barriers (i.e., wood, sound blanket, noise control acoustic barriers) between the Project construction site and residential development along the south, east, north, and west boundaries of the Project Site during early Project construction phases (up to the start of framing) when the use of heavy equipment is prevalent.
- Use construction equipment, fixed or mobile, that individually generates less noise than presumed in the FHWA RCNM (refer to Table IV.C-10 of the Draft EIR). Examples of such equipment are compact, small, or mini model versions of backhoes, cranes, excavators, loaders, tractors, or other applicable equipment. Construction equipment noise levels shall be documented based on manufacturer's specifications.
- Limit the number of hours of construction equipment operation or the number of pieces of concurrently operating equipment, fixed or mobile, on the Project Site to the minimum number needed to conduct the work.
- Use construction equipment, fixed or mobile, that are equipped with properly operating and maintained noise shielding, baffling, and/or muffling devices, consistent with manufacturers' standards. The reduction in noise level from noise shielding, baffling, and/or muffling devices shall be documented based on manufacturer's specifications with documentation maintained on-site during early construction phases.
- In consultation with and if agreed to by neighboring property owners, provide temporary sound curtains or blankets on windows at noise sensitive residential uses adjacent to or across the street from the Project Site on the north, south, east, and west boundaries of the Project Site.
- Alternately, residents of properties adjacent to or across the street from the Project Site may be offered temporary relocation until construction has moved beyond phases when use of heavy equipment is prevalent. In the event

relocation is pursued, prior to the onset of construction, the Project Applicant shall develop a relocation plan to the satisfaction of the City.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspections

**Action Indicating Compliance:** Field inspection sign-off; Compliance certification report submitted by Project contractor

**MM-NOISE-2:** The operation of construction equipment that generates high levels of vibration, such as large bulldozers and loaded trucks, shall be prohibited within 45 feet of existing residential structures located south and east of the Project Site during Project construction. Instead, small bulldozers not exceeding 310 horsepower shall be used within this area during demolition, grading, and excavation operations. The use of smaller bulldozers would result in vibration levels of 0.007 in/sec PPV at the residential buildings to the south and east of the Project Site, which would not exceed Caltrans' vibration criteria of 0.035 in/sec PPV for continuous/frequent intermittent vibration sources. In addition, the use of smaller bulldozers would reduce construction noise levels by at least 10 dBA at existing residential structures located south and east of the Project Site.

**Enforcement Agency:** Los Angeles Department of Building and Safety

**Monitoring Agency:** Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Ongoing during construction

**Action Indicating Compliance:** Field inspection sign-off; Compliance certification report submitted by qualified consultant

## e) Transportation and Traffic

### (1) Project Design Features

**PDF-TRAF-1 (Construction Traffic Management Plan):** A Construction Traffic Management Plan shall be prepared that outlines best practices for minimizing the effects of the construction activities upon the community. Such plan shall include, as appropriate, the following elements:

- With the exception of the Edinburgh Avenue and Waring Avenue right-of-ways adjacent to the Project Site, prohibition of construction worker parking on nearby residential streets.
- With the exception of the Edinburgh Avenue and Waring Avenue right-of-ways, minimize to the extent feasible the number of construction-related vehicles on surrounding public streets.
- Temporary pedestrian and vehicular traffic controls (i.e., flag persons) during all construction activities that extend into the public rights-of-way to improve traffic flow on public roadways.
- Safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers shall be implemented as appropriate.
- Scheduling of construction-related deliveries, haul trips, etc., so as to occur outside the commuter peak hours to the extent feasible.

**Enforcement Agency:** Los Angeles Department of Transportation

**Monitoring Agency:** Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction; Construction

**Monitoring Frequency:** Once prior to issuance of Building Permit; Periodic field inspections during construction

**Action Indicating Compliance:** Approval of Construction Management Plan from the Los Angeles Department of Transportation prior to issuance of Building Permit (Pre-construction); Compliance certification report submitted by Project contractor (Construction)

**PDF-TRAF-2: Pedestrian Safety:** The Applicant would maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as fencing or scaffolding, etc.) from work space and vehicular traffic. To the extent feasible, the Applicant would keep sidewalks open during construction except when it is absolutely required to close or block the sidewalks for off-site improvements, such as sidewalks, curbs, and landscaping; major material deliveries; and construction vehicle access. Sidewalks shall be reopened as soon as reasonably feasible following completion of off-site improvements.

**Enforcement Agency:** Los Angeles Department of Transportation

**Monitoring Agency:** Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction, Construction

**Monitoring Frequency:** Periodic field inspections during construction

**Action Indicating Compliance:** Approval of Construction Management Plan from the Los Angeles Department of Transportation prior to issuance of Building Permit (Pre-construction); Compliance certification report submitted by Project contractor (Construction)