

MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. **R 18 - 0 2 6 9**
AUG 2 8 2018

**DRAFT ORDINANCE FINDING THAT THE PUBLIC INTEREST AND NECESSITY
REQUIRE THE ACQUISITION VIA EMINENT DOMAIN OF REAL PROPERTY
LOCATED AT 2433 BIRKDALE STREET, LOS ANGELES FOR THE
CONSTRUCTION OF THE TAYLOR YARD BIKEWAY/PEDESTRIAN
BRIDGE OVER THE LA RIVER**

**W/O No. E1907487
R/W MAP No. 33901-1BR
(COUNCIL DISTRICTS 1 and 13)**

NOTICE AND OPPORTUNITY TO BE HEARD REQUIRED

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No.17-0665

Honorable Members:

Pursuant to a request from the Bureau of Engineering (BOE), this Office transmits approved as to form and legality, a Resolution of Necessity (Ordinance) authorizing the condemnation of an easement over real property located at 2433 Birkdale Street Los Angeles (APN No. 5445-003-039) (Property) for the Taylor Yard Bikeway/Pedestrian Bridge Over The Los Angeles River Project (Project). The draft ordinance with a legal description for the Property is attached as Exhibit A.

Acquisition of the Property by this condemnation will allow for the creation of a pedestrian bridge with a bikeway to connect an existing bikeway path on the south bank of the Los Angeles River (LA River) to an existing roadway on the north side of the LA River. The new bridge will be approximately 400 feet long with a 18-foot wide bikeway.

The bridge design will include an at grade railroad crossing on the north side of the LA River. The long term intent with the construction of the new bridge is to eventually connect the bike path at San Fernando Road to the LA River bikeway. BOE plans to commence construction in April of 2019. The area of the new bridge is located in Council Districts 1 and 13 along LA River Greenway Trail between Altman Street and Dorris Place on the South and Taylor Yard adjacent to Kerr Road on the North.

Background

Presently, there is no method by which to safely traverse the LA River and get from one side to the other in the area known as "Frogtown" near Elysian Park and the Golden State and Glendale freeways. Walkers, joggers and bikers must travel hundreds of yards either up or down stream to reach a location where they can safely cross the LA River. When water levels are low during the dry season, some try to forgo the river bottom and cross on foot or with their children or on bicycles, but this is not safe as all manner of flotsam and jetsam from prior storms and storm water run-off and from upstream homeless encampments often make their way into the LA River bottom making for often dangerous conditions.

A safe above grade crossing is needed at this location as the neighborhood's population continues to grow and more residents want to take advantage of the recreational and physical opportunities on both sides of the LA River.

Project Description

The new bridge across the LA River will be approximately 400 feet long with an 18-foot wide bikeway. An iconic new bridge design will have pleasing visual aesthetics and include an at-grade railroad crossing on the east side of the LA River. In addition to being able to locate a footing on the east side of the LA River needed for bridge support, the required easement will allow for the construction of a sloping ramp on the west side, which will enable both the able bodied and persons with disabilities or mobility issues access to the bridge. The long term intent of the construction of the new bridge is to eventually connect the bike path at San Fernando Road to the Los Angeles River bikeway. BOE hopes to obtain early possession of the Property in the Fall of 2018. However, because of restrictions imposed on performing construction in the LA River between October and April of any given year, actual construction in the LA River will not likely commence until April 2019.

The new bridge will be located in Council Districts 1 and 13 between the Los Angeles River Greenway Trail between Altman Street and Dorris Place on the South and Taylor Yard adjacent to Kerr Road on the North.

Design Plans and Right of Way Map

Attached as Exhibit B is a Site Plan rendering of the proposed bridge. Attached as Exhibit C is the Right-of-Way Map with the shaded portion showing the area of the Permanent Public Bike Ramp Easement.

Property Description and Negotiations with the Owner

The City appraised the property required for this bike ramp easement and assigned it a fair market value of approximately \$2,500. The property is zoned for Open Space uses, which is consistent with the proposed bridge.

The owner has demanded payment in the hundreds of thousands of dollars for an easement over property already zoned as open space. The last discussion between City staff and the owner was in June 2018. The owner did not agree with the appraised value, but offered no documentation in support of his claim of a much greater value. Because the owner and the City have reached an impasse in negotiations, the City is required to acquire the Property by eminent domain. Assuming the City obtains a court order for early possession before trial, the City anticipates being able to immediately commence construction in April 2019.

Environment Impact Evaluation and Compliance

A Mitigated Negative Declaration was adopted by the City Council on July 26, 2017. Council determined that the Project would not have significant environmental impacts, provided that certain mitigation measures were imposed as part of the project approval. These measures in mitigation are included here as Exhibit D. A copy of the CEQA Notice of Determination is attached hereto as Exhibit E.

Community Plan

The Project is located within the Elysian Valley and Echo Park Community Plans within Council Districts 1 and 13.

Pursuant to Charter Sections 556, 558 and 559, the City's Planning Department has determined that the proposed Project is in conformance with the purposes, intent and provisions of the City's General Plan, including the Elysian Valley and Echo Park Community Plans. The Project will serve the public interest by creating a safe means by which to traverse the LA River in the neighborhood and facilitate recreation and alternative transportation options. A copy of the Planning Department's written determination is attached hereto as Exhibit F.

Council Rule 38 Referral

A copy of the draft ordinance has been submitted to the project manager at the BOE. BOE staff is in agreement with the terms of the draft ordinance.

Notice and Opportunity to Be Heard

The draft ordinance provides that the owner of the Property, or those with interests in any easements and/or leaseholds on the Property, be given notice of the City Council's intention to adopt the Ordinance and provided an opportunity to appear at a hearing before the City Council and be heard on the matter, all as required by Code of Civil Procedure §1245.235. Pursuant to that section, it is necessary that the City Council set a date for the hearing and that the Clerk give notice of the hearing date, which is not less than 15 days after notice is sent to the owner(s) and other interested persons. If the owner(s), or their representative, appear and desire to be heard, the City Council shall provide them the opportunity to appear before the City Council.

Notice shall be provided to the owner of record: Birkdale Street, LLC., Attn: Scott Solomon, 8383 Wilshire Blvd., Suite 920 Beverly Hills, CA 90211.

Funding Sources

All of the Project's funding will be provided by Metro. This Office further recommends that it be given the authority to make a deposit of probable just compensation in the amount of \$2,500 upon the filing of the condemnation action, or in such other reasonable amount as may be determined by any updated appraisal, market research and/or further negotiations, which deposit will be obtained from Department 50, Account No. 50PVCW, Fund No.682.

Recommended Action

In accordance with the forgoing this Office and BOE recommend that the City Council take the following actions after conducting a public hearing:

1. Find that, under State CEQA Guideline 15162, no further environmental review is required prior to approval of the draft ordinance;
2. Direct BOE and Public Works' Office of Accounting to take all necessary actions, without further instruction, to approve requests for payment in the amount set forth above, or such other amounts as may be ordered by the Superior Court or as deemed necessary in the judgment of BOE and/or the City Attorney, and direct the Public Works' Office of Accounting to process all such requests for payment for the acquisition of the Property

from the following account: Department 50, Account No. 50PVCW, Fund No. 682;

3. Authorize this Office to deposit with the California State Treasurer or Superior Court the probable just compensation as noted above for the acquisition of the Property and to seek an order from the Court to obtain early possession of the Property prior to trial;
4. Authorize the BOE's Real Estate Division to continue to attempt to acquire the Property, and all necessary interests therein, including for loss of business goodwill, if any, via negotiated purchases, or settlements; and, if successful, to execute all documents necessary to accomplish the transfer of those interests to the City;
5. Adopt the proposed Resolution of Necessity (Ordinance) authorizing the acquisition of the Property by eminent domain;
6. Authorize the City Attorney's Office to make any corrections or clarifications to the foregoing recommended actions to effectuate the intent of this report.

If you have any questions regarding this matter, please contact Deputy City Attorney John A. Minor at (213) 978-8255. He or another member of this Office will be present when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

JAM:mh

Attachments:

Exhibit A - Draft Ordinance

Exhibit B - Site Plan

Exhibit C - Right of Way Map

Exhibit D - Mitigation Monitoring and Reporting Program

Exhibit E - Notice of Determination

Exhibit F - Planning Department's Determination

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Exhibit A

ORDINANCE NO. _____

An ordinance of the City of Los Angeles finding that the public interest and necessity require the "Taylor Yard Bikeway and Pedestrian Bridge over Los Angeles River Project," and the acquisition of property therefor (Work Order No. 19007487, Right-of-Way No. 33901-1BR).

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The Council of the City of Los Angeles resolves, finds and determines that the public interest and necessity require the "Taylor Yard Bikeway and Pedestrian Bridge over Los Angeles River Project" (Work Order No. E1907487, Right-of-Way No. 33901-1BR); the project is planned and located in the manner which is most compatible with the greatest public good and the least private injury; the property described herein is necessary for the project; the property has been appraised and an amount has been established for the property which is believed to be just compensation for the property; and an offer has been made to the owner or owners of record to acquire the property for the full amount of said just compensation.

Sec. 2. The property to be acquired is for a Permanent Public Access Easement under the authority of California Government Code Section 37350.5.

Sec. 3. The property to be acquired is located in the City of Los Angeles, County of Los Angeles, State of California. The property interest to be acquired is a Permanent Public Access Easement located at 2433 Birkdale Street Los Angeles CA 90031. The extent of such acquisition is described by reference to the legal descriptions and RW Map No. 33901-1BR attached hereto.

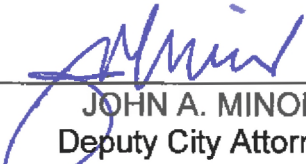
Sec. 4. Notice has been given by First Class mail to each person whose property is to be acquired by eminent domain, which notice advised each such person of the intent of the City Council to adopt this ordinance, of the right to appear and be heard by the City Council, and each owner who so requested was given an opportunity to appear and be heard by the City Council.

Sec. 5. The City Attorney is authorized to commence an action in eminent domain to acquire said properties.

Sec. 6. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
JOHN A. MINOR
Deputy City Attorney

Date August 22, 2018

File No. _____

M:\REAL PROP_ENV_LAND USE\REAL PROPERTY_ENVIRONMENT\JOHN MINOR\TAYLOR YARD BIKEWAY AND PEDESTRIAN BRIDGE OVER LOS ANGELES RIVER PROJECT\ORDINANCE NO.DOCX

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than two-thirds** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____

Bike Path and Ramp Easement
R/W 33901 – 1BR
W. O. E1907487
D.M. 144B213

Parcels 58 and 59 of the Record of Survey in the City of Los Angeles, County of Los Angeles, State of California, filed on November 5, 2001 in Book 177, Pages 67 to 83 of Records of Survey, in the office of the County Recorder of said county.

Together with that portion of Rancho San Rafael in said city, as per map recorded in Book 3 Pages 220 to 223 of Patents, in said County Recorder's office, bounded and described as follows:

Beginning at the northeast corner of said Parcel 58; thence northeasterly along the northeasterly prolongation of the southeasterly line of said Parcel 58 a distance of 28.50 feet to the southerly line of the Los Angeles River, 300.00 feet wide; thence westerly along said southerly line to its intersection with the northerly line of said Parcel 58; thence easterly along said northerly line to the point of beginning.

Also together with that portion of said Rancho San Rafael, bounded and described as follows:

Beginning at the southwest corner of said Parcel 58, said corner also being the the southeast corner of said Parcel 59; thence easterly along the southerly line of said Parcel 58 to its intersection with the southerly line of the 410.00 foot right of way for flood control of the Los Angeles County Flood Control District; thence westerly along said southerly line to the southwesterly prolongation of the northwesterly line of said Parcel 58; thence northeasterly along said prolongation line a distance of 13.98 feet to the point of beginning.

Containing: 7,711 square feet.

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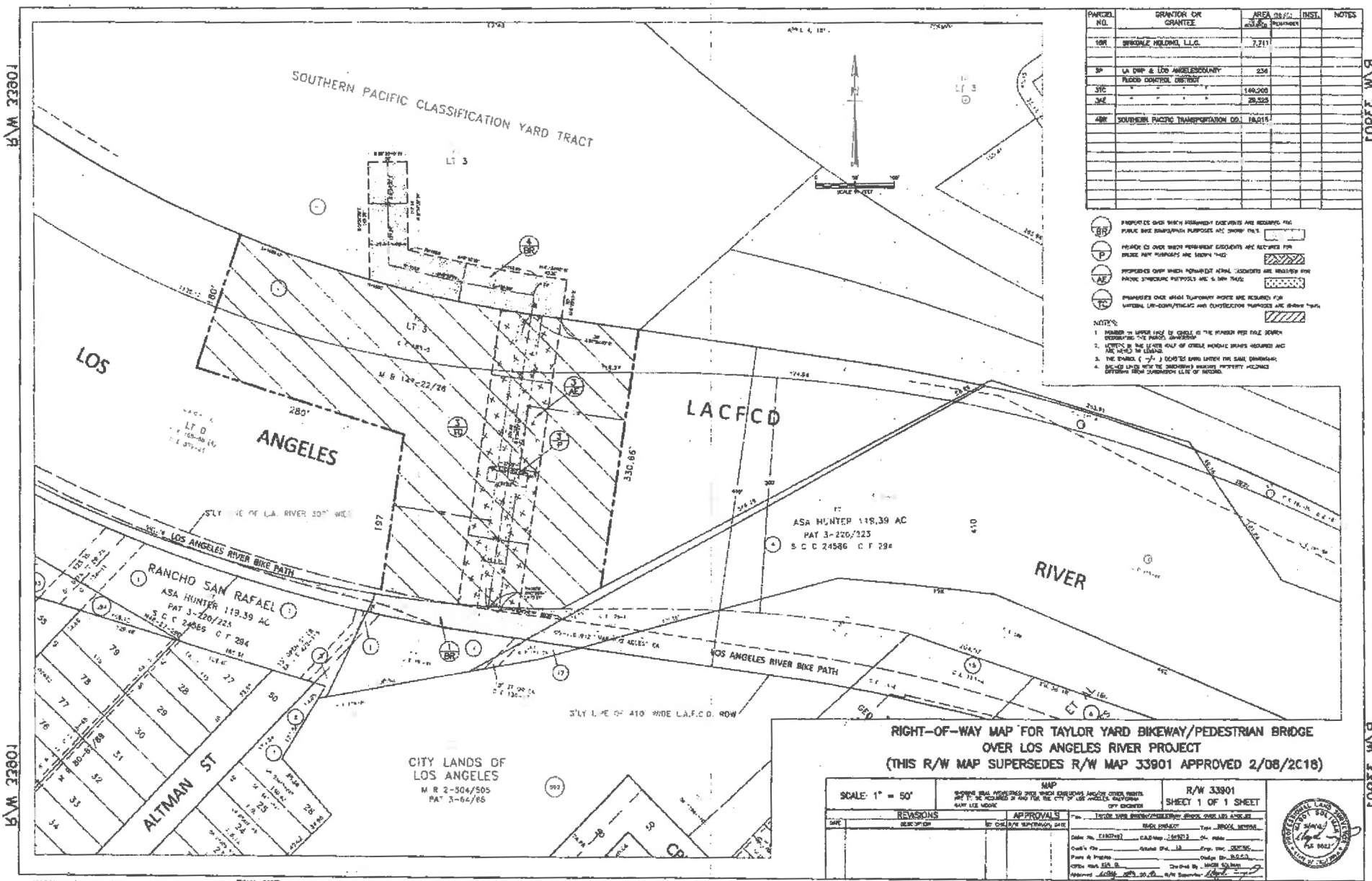


Exhibit B

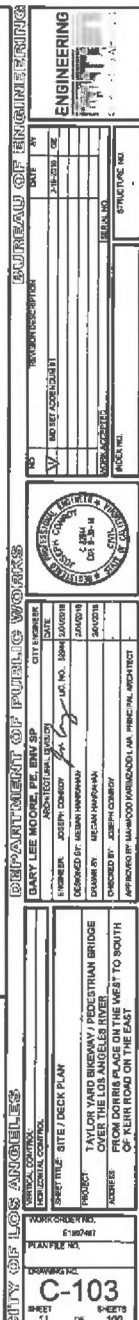


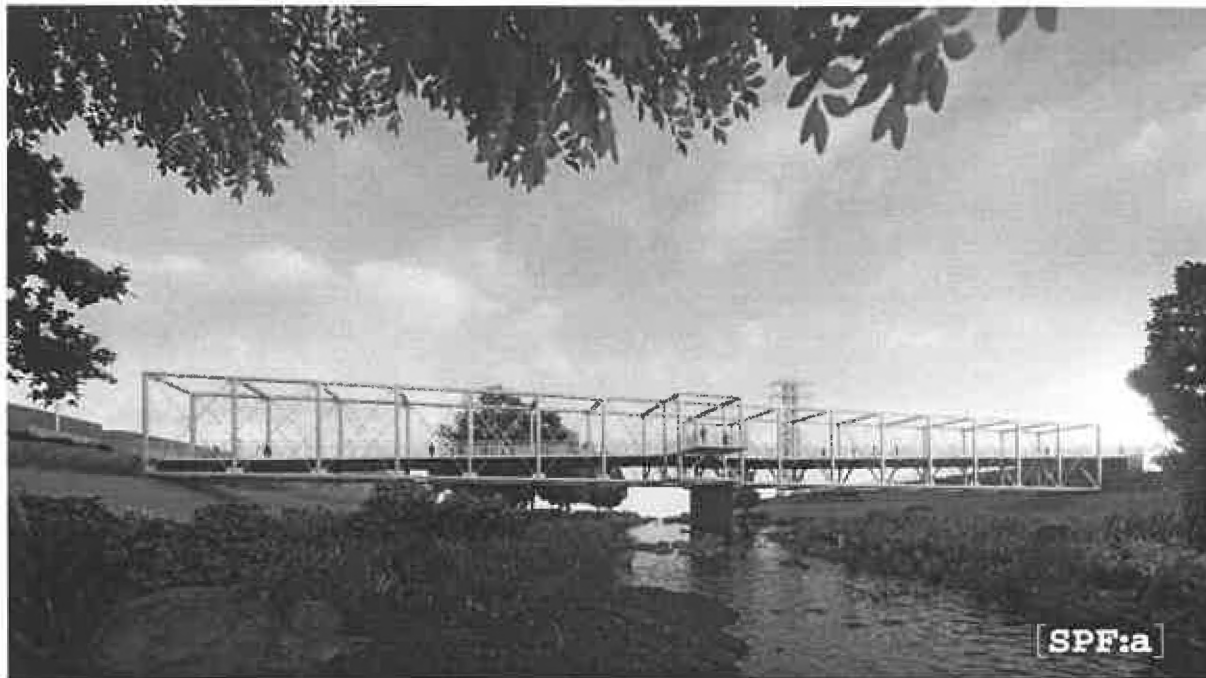
Exhibit C



Exhibit D

Taylor Yard Bikeway/Pedestrian Bridge Over the Los Angeles River Project Mitigation Monitoring and Reporting Program

January 2017



Prepared By:

ICF
601 W. Fifth Street, Suite 900
Los Angeles, CA 90071

for the

City of Los Angeles Department of Public Works
Bureau of Engineering
Environmental Management Group
1149 S. Broadway, Suite 600
Los Angeles, CA 90015

TRANSMITTAL 2

Mitigation Monitoring and Reporting Program

Section 21081.6 of CEQA requires a public agency to adopt a reporting or monitoring program for assessing and ensuring efficacy of any mitigation measures applied to a proposed project. Specifically, the lead or responsible agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval. The program must be designed to ensure compliance during project implementation. As stated in Public Resources Code Section 21081.6 (a) (1):

The public agency shall 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. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

CEQA Section 15097 provides general guidelines for implementing mitigation monitoring and reporting programs (MMRPs). Specific reporting and/or monitoring requirements, which are to be enforced during project implementation, shall be defined prior to final approval of the proposal by the responsible decision maker(s). In response to established CEQA requirements and those of Public Resources Code Section 21000 et seq., the proposed MMRP for the Taylor Yard Bikeway/Pedestrian Bridge Project shall be submitted for adoption by the decision makers prior to completion of the environmental review process. Under each identified resource, the mitigation measure(s) identified in the Draft Initial Study/MND and the implementation and monitoring requirements are discussed. The implementation and monitoring requirements set forth in this MMRP include:

- Party Responsible for Implementation of Mitigation;
- Implementation Phase;
- Party Responsible for Monitoring Activity;
- Monitoring Activity;
- Monitoring Period/Frequency; and
- Outside Agency Coordination.

Mitigation is required to address significant or potentially significant impact(s) in the following issue areas:

- Biological Resources
- Archaeological Resources
- Paleontological Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise

Table 1 presents the MMRP for the proposed project.

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Party	Implementation Phase	Monitoring Party	Monitoring Activity	Monitoring Period/Frequency	Outside Agency Coordination
Biological Resources						
BIO-1: Construction limits will be clearly demarcated using highly visible barriers (such as silt fencing, signs, or other materials), which will be installed under the supervision of a qualified biologist, or construction inspector, prior to the commencement of work. Construction personnel will strictly limit their activities, vehicles, equipment, and construction materials to the project footprint, including designated staging areas, and routes of travel. The construction areas will consist of the minimal area necessary to complete the proposed project. The fencing and demarcations will remain in place until the completion of all construction activities. No demarcating materials will be placed in a manner which will obstruct wildlife movement through the LA River and the materials will not made from materials which may cause harm or habitat avoidance to wildlife (e.g. barbed wire, razor wire).	Bureau of Engineering Contractor	Preconstruction Construction	Bureau of Engineering	Verification that barricades are installed and work occurs within identified areas	Ongoing	N/A
BIO-2: A qualified biological monitor will conduct construction monitoring during all vegetation removal, work within the Los Angeles River and ground-disturbing activities, such as staging and grading, for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat outside the project footprint and to survey for sensitive wildlife species. When vegetation removal and ground-disturbing activities are not occurring, as-needed monitoring at the project site will occur. Monitoring logs, as appropriate depending on project activities, will be maintained for the duration of the construction activity.	Bureau of Engineering Contractor Biological Monitor	Construction	Bureau of Engineering	Construction monitoring by a qualified biologist	Continuous during vegetation removal and ground-disturbing activities; as needed during other phases	N/A

Mitigation Measure	Responsible Party	Implementation Phase	Monitoring Party	Monitoring Activity	Monitoring Period/Frequency	Outside Agency Coordination
BIO-3: All equipment maintenance, staging, and dispensing of fuel, oil, or any other such activities will occur in developed or designated non-sensitive upland habitat areas. The designated upland areas will be located to prevent runoff from any spills from entering waters of the U.S.	Bureau of Engineering Contractor	Construction	Bureau of Engineering	Inspection of staging areas	Ongoing	N/A
BIO-4: A construction Storm Water Pollution Prevention Plan (SWPPP) and a soil erosion and sedimentation plan will be developed to minimize erosion and identify specific pollution prevention measures that will eliminate or control potential point and nonpoint pollution sources on-site during and following the project construction phase. The SWPPP will identify specific best management practices (BMPs) to be implemented during project construction to causing or contributing to any water quality standard exceedances. In addition, the SWPPP will contain provisions for changes to the plan such as alternative mechanisms, if necessary, during project design and/or construction to achieve the stated goals and performance standards.	Bureau of Engineering Contractor	Preconstruction Construction	Bureau of Engineering	Verification of BMP implementation and efficacy	Ongoing	N/A
BIO-5: Trash will be stored in closed containers so that it is not readily accessible to scavengers and will be removed from the construction site on a daily basis	Bureau of Engineering Contractor	Construction	Bureau of Engineering	Verification of use of closed containers and daily removal of trash	As needed	N/A

Mitigation Measure	Responsible Party	Implementation Phase	Monitoring Party	Monitoring Activity	Monitoring Period/Frequency	Outside Agency Coordination
BIO-6: Water quality shall be visually monitored by the biological monitor to ensure that no substantial increases in turbidity occur during construction.	Bureau of Engineering Contractor Biological Monitor	Construction	Bureau of Engineering	Visual monitoring of water quality by biological monitor	Ongoing	N/A
BIO-7: All –necessary natural resource permits and authorizations will be obtained from appropriate agencies (i.e., USACE, RWQCB, CDFW) prior to the initiation of construction activities. Permit conditions contained within the permits and authorizations will be employed throughout the duration of the project.	Bureau of Engineering	Preconstruction Construction	Bureau of Engineering	Acquisition of all - necessary permits prior to construction and compliance with permit conditions during construction	Once prior to construction and ongoing during construction	USACE, RWQCB, CDFW
BIO-8: Hydrologic connectivity will be maintained within drainages during the duration of construction. Brush, debris material, mud, silt, or other pollutants from construction activities will not be placed within drainages and will not be allowed to enter a flowing stream.	Bureau of Engineering Contractor	Construction	Bureau of Engineering	Verification of maintenance of hydrologic connectivity and prevention of contamination from pollutants	Ongoing	N/A
BIO-9: Dust control measures will be implemented by the contractor to reduce excessive dust emissions. Dust control measures will be carried out at least two times per day on all construction days, or more during windy or dry periods, and may include wetting work areas, the use of soil binders on dirt roads, and wetting or covering stockpiles.	Bureau of Engineering Contractor	Construction	Bureau of Engineering	Verification of incorporation of dust control measures	Ongoing	N/A
BIO-10: No pets will be allowed in, or adjacent to, the project site.	Bureau of Engineering Contractor	Construction	Bureau of Engineering	Verification of prevention of pets from entering project site	Ongoing	N/A
BIO-11: Rodenticides, herbicides, insecticides, or other chemicals that could potentially harm wildlife or native plants will not be used near or within the Los Angeles River.	Bureau of Engineering Contractor	Construction	Bureau of Engineering	Verification that harmful chemicals are not used	Ongoing	N/A

Mitigation Measure	Responsible Party	Implementation Phase	Monitoring Party	Monitoring Activity	Monitoring Period/Frequency	Outside Agency Coordination
BIO-12: Construction equipment will be cleaned of mud or other debris that may contain invasive plants and/or seeds and inspected to reduce the potential of spreading noxious weeds before mobilizing to the site and before leaving the site during the course of construction. The cleaning of equipment will occur at least 300 feet from environmentally sensitive area fencing.	Bureau of Engineering Contractor	Construction	Bureau of Engineering	Verification that the cleaning of construction equipment before - mobilization and before leaving	Ongoing	N/A
BIO-13: All permanent impacts on wetland waters shall be mitigated at a minimum 1:1 ratio through purchase of off-site mitigation credits through an agency approved mechanism.	Bureau of Engineering	Preconstruction	Bureau of Engineering	Verification of purchase of off-site mitigation credits	Once prior to construction	CDFW
BIO-14: A qualified biologist will conduct a focused plant survey for sensitive plant species with a potential to occur within the Proposed Project footprint.	Bureau of Engineering Contractor Biological Monitor	Preconstruction	Bureau of Engineering	Field inspection	Once before construction	N/A
BIO-15: If sensitive plant species are observed within the Proposed Project footprint during the surveys, plants will be flagged and avoided to the greatest extent possible.	Bureau of Engineering Contractor Biological Monitor	Preconstruction	Bureau of Engineering	Verification that sensitive plants are avoided	Ongoing	N/A

Mitigation Measure	Responsible Party	Implementation Phase	Monitoring Party	Monitoring Activity	Monitoring Period/Frequency	Outside Agency Coordination
<p>BIO-16: If sensitive plant species are observed within the Proposed Project footprint and impacts cannot be avoided, one of the following measures will be implemented at the discretion of the biologist:</p> <ul style="list-style-type: none"> • Healthy sensitive plant species suited for salvage and transplanting and young perennial woody shrubs will be salvaged and transplanted into suitable habitat outside the Proposed Project footprint. • Seeds from sensitive annual plant species or other individuals that cannot be salvaged will be collected and dispersed into the Proposed Project footprint after construction and when no further ground disturbance is expected. • If transplanting and seed collection are not possible, the contractor will salvage the top 4 inches of soil (topsoil), from vegetated areas within the disturbance area. The topsoil will be replaced or spread within adjacent habitat once construction is complete in that area. 	Bureau of Engineering Contractor Biological Monitor	Preconstruction Construction Post-construction	Bureau of Engineering	Verification of implementation of specified measures	Ongoing	N/A

Mitigation Measure	Responsible Party	Implementation Phase	Monitoring Party	Monitoring Activity	Monitoring Period/Frequency	Outside Agency Coordination
<p>BIO-17: Tree removal may cause direct injury or mortality to roosting bats. Many trees provide roosting habitat for foliage-dwelling bat species or contain cavities, crevices, snags, and exfoliating bark which provide roosting for crevice dwelling species. As such, the following measures shall be implemented to avoid significant impacts on bat species:</p> <ol style="list-style-type: none"> 1. A pre-construction survey for potential bat habitat shall be conducted prior to spring and before construction. Trees containing suitable bat habitat, as determined by a qualified bat expert, shall not be removed during the maternity season (April 15–August 31). Instead trees should be removed between September 1 and April 14 during times when evening/nighttime and daytime temperatures are above 45 degrees Fahrenheit. 2. If tree removal does occur, tree removal shall be conducted in a two-step process conducted over consecutive days and under the complete supervision and direction of a qualified bat biologist. In this two-step method, on Day 1, small branches and small limbs of the trees are removed which do not contain any potential bat habitat features such as cavities, snags, exfoliating bark. On the following day, Day 2, the remainder of the tree is removed. Initial removal activities on Day 1 and the alteration of the tree is assumed to cause any bats roosting in the tree to abandon their roost on Night 1 so that removing the tree on Day 2 does not harm any bats. 	Bureau of Engineering Contractor Biological Monitor	Preconstruction Construction	Bureau of Engineering	Field surveys and tree removal monitoring by qualified bat biologist	Once prior to construction, as needed for tree removal activities	N/A

Mitigation Measure	Responsible Party	Implementation Phase	Monitoring Party	Monitoring Activity	Monitoring Period/Frequency	Outside Agency Coordination
BIO-18: If construction commences during the bird breeding season, a preconstruction survey for nesting birds shall occur within three days prior to construction activities by an experienced avian biologist. The survey will occur within all suitable nesting habitat within the project impact area and a 300-foot buffer. If nesting birds are found, an avoidance area will be established in consultation with the resource agencies as appropriate by a qualified biologist around the nest until a qualified avian biologist has determined that young have fledged or nesting activities have ceased. The avoidance area can be reduced after consultation with a qualified biologist, the Department of Fish and Wildlife, and the Regional Water Quality Control Board	Bureau of Engineering Contractor Biological Monitor	Preconstruction Construction	Bureau of Engineering	Field surveys and verification of avoidance of sensitive habitat	Once prior to construction and as needed if there are lapses between construction activities	CDFW
BIO-19: No equipment or construction operations shall be placed or stored in a manner which obstructs wildlife movement through the riverine habitat during non-operational construction hours. No equipment or machinery will be stored in the riverine habitat, during the wet season, unless receiving proper authority from appropriate DFW and Regional Water Quality Control Board	Bureau of Engineering Contractor	Construction	Bureau of Engineering	Verification of proper storage of construction equipment	Ongoing	N/A
Archaeological Resources						
ARCH-1: If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area should be diverted until a qualified archaeologist can assess the nature and significance of the find. If changes are made to the proposed project, additional survey would be required if the proposed changes include areas not previously surveyed.	Bureau of Engineering Contractor Qualified Archaeologist	Construction	Bureau of Engineering	Field assessment by qualified archaeologist in the event that cultural materials are encountered	As needed	N/A

Mitigation Measure	Responsible Party	Implementation Phase	Monitoring Party	Monitoring Activity	Monitoring Period/Frequency	Outside Agency Coordination
Paleontological Resources						
PALEO-1: If fossil materials are discovered during construction, all earth-moving activity within and around the immediate discovery area should be diverted until a qualified paleontologist can evaluate the find and make recommendations. If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations, possibly including fossil recovery, identification, preparation, and curation, and reporting, may be required to mitigate adverse impacts from project implementation. Construction shall not resume until the appropriate mitigation measures are implemented or the materials are determined to not require further investigation.	Bureau of Engineering Contractor Qualified Paleontologist	Construction	Bureau of Engineering	Field assessment by qualified paleontologist in the event that fossil materials are encountered	As needed	N/A
Hazards and Hazardous Materials						
HAZ-1: Additional soil and groundwater monitoring and analysis. A Soil Management Plan (SMP) shall be prepared and submitted to the Los Angeles County Fire Department for review and approval. The SMP shall be implemented during excavation and grading activities in areas of potential soil contamination to ensure contaminated soil encountered is properly identified, removed, and disposed of off-site. The SMP shall include the following provisions: <ul style="list-style-type: none"> A qualified environmental consultant, or geotechnical engineer, shall be present during grading and excavation activities to monitor compliance with the SMP and to actively monitor the soil and excavations for evidence of contamination. Soil encountered during excavation or grading activities that appears to have been affected by hydrocarbons or other 	Bureau of Engineering Contractor	Preconstruction Construction	Bureau of Engineering	Verification that that the SMP is developed and that its provisions are implemented	Ongoing	Los Angeles City Fire Department

Mitigation Measure	Responsible Party	Implementation Phase	Monitoring Party	Monitoring Activity	Monitoring Period/Frequency	Outside Agency Coordination
<p>contamination shall be tested for potential contaminants and evaluated by a qualified environmental consultant prior to off-site disposal at a licensed facility.</p> <ul style="list-style-type: none"> Soil determined to be contaminated shall be properly removed, handled, and transported to an appropriately licensed disposal facility, in accordance with the SMP. <p>In the event that groundwater is encountered during construction activities;</p> <ul style="list-style-type: none"> The contractor shall seek the professional recommendation of a qualified environmental consultant, or geotechnical engineer, specializing in the identification and handling of hazardous materials. Groundwater encountered during construction activities shall be tested for potential contaminants and evaluated by the environmental consultant prior to removal or discharge. Under the SWRCB's NPDES General Permit; groundwater obtained during dewatering activities requires that it be sampled if it is to be discharged via surface waters. Groundwater determined to be contaminated shall be properly handled and disposed of at a licensed disposal facility per the consultant's recommendations. 						
Hydrology and Water Quality						
<p>WQ-1: The city shall implement permanent best management practices for trash control, such as proper containment and disposal bins (secured and covered) for daily trash collection and removal. Other permanent BMPs may also include physical facilities such as "no dumping" stencils/tiles and signs, control features for trash. Best management practices shall be maintained for the duration of the project and</p>	Bureau of Engineering Contractor	Construction	Bureau of Engineering	Verification of implementation of BMPs	Ongoing	N/A

Mitigation Measure	Responsible Party	Implementation Phase	Monitoring Party	Monitoring Activity	Monitoring Period/Frequency	Outside Agency Coordination
maintenance efforts (including funding) shall be the responsibility of the applicant. A BMP maintenance plan shall be prepared by the applicant. Specifically, this BMP maintenance plan shall: (1) identify responsible parties for BMP funding and monitoring/maintenance efforts; and (2) describe all associated maintenance duties and frequencies and other pertinent information.						
Noise						
<p>NOI-1: Prepare and Implement a Construction Noise Control Plan to Reduce Construction Noise at Noise-Sensitive Land Uses.</p> <p>The project sponsor shall develop a noise control plan to reduce construction noise levels such that the ambient noise level is not exceeded by 5 dBA, as determined by a qualified acoustical consultant. The plan shall require the following:</p> <ul style="list-style-type: none"> Construction contractors shall specify noise-reducing construction practices that will be employed to reduce noise from construction activities. The measures specified by the project sponsor shall be reviewed and approved by the City prior to the issuance of building permits. Measures that can be used to limit noise include, but are not limited to, those listed below. <ul style="list-style-type: none"> Locating construction equipment as far as feasible from noise-sensitive uses. Requiring that all construction equipment powered by gasoline or diesel engines have sound control devices that are at least as effective as those originally provided by the manufacturer and that all equipment be operated and maintained to minimize noise generation. Not idling inactive construction 	Bureau of Engineering Contractor	Prior to construction	Bureau of Engineering	Development and implementation of the noise control plan	Ongoing	N/A

Mitigation Measure	Responsible Party	Implementation Phase	Monitoring Party	Monitoring Activity	Monitoring Period/ Frequency	Outside Agency Coordination
<p>equipment for prolonged periods (i.e., more than two minutes).</p> <ul style="list-style-type: none"> Prohibiting gasoline or diesel engines from having unmuffled exhaust systems. Using noise-reducing enclosures around noise-generating equipment that has the potential to disturb nearby off-site land uses or where otherwise necessary to comply with City Code noise limits for receiving zones. Ensuring that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, intake silencers, ducts, engine enclosures, acoustically attenuating shields or shrouds) wherever feasible. Monitoring the effectiveness of noise attenuation measures by taking noise measurements. <ul style="list-style-type: none"> Construction activities shall be prohibited outside the hours of 7:00 a.m. to 9:00 p.m. on Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturdays and national holidays, unless given proper approval. No construction activity shall occur at any time on Sundays, unless given proper approval. Construction personnel shall not be permitted on the project site (including laydown and storage areas), and material or equipment deliveries and collections shall not be permitted during the prohibited hours. All construction equipment used on the proposed project that is regulated for noise output by a local, state, or federal agency shall comply with such regulation while in the course of project activity and use on- 						

Mitigation Measure	Responsible Party	Implementation Phase	Monitoring Party	Monitoring Activity	Monitoring Period/Frequency	Outside Agency Coordination
<p>site.</p> <ul style="list-style-type: none"> All construction equipment shall be properly maintained. (Poor maintenance of equipment may cause excessive noise levels.) The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. Impact tools (e.g., jack hammers, pavement breakers, rock drills) used for project construction shall be hydraulically or electrically powered (where feasible) to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. Quieter procedures shall be used, such as drills rather than impact equipment, where feasible. Construction contractors shall be required to use "quiet" gasoline-powered compressors or electrically powered compressors Stationary noise sources, such as temporary generators, shall be located as far from nearby receptors as possible; they shall be muffled and enclosed within temporary enclosures and shielded by barriers, to the extent feasible. Construction employees shall be trained in the proper operation and use of the equipment. (Careless or improper operation or inappropriate use of equipment can increase noise levels. Poor loading, unloading, excavation, and hauling techniques are examples of how a lack of adequate guidance and training may lead to increased noise levels.) 						

Mitigation Measure	Responsible Party	Implementation Phase	Monitoring Party	Monitoring Activity	Monitoring Period/ Frequency	Outside Agency Coordination
<ul style="list-style-type: none"> Construction equipment shall be stored on the project site or designated laydown areas while in use, to the extent feasible. This will eliminate noise associated with repeated transportation of the equipment to and from the site. Prior to the issuance of the building permit, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and Department of Building Inspection a list of measures for controlling noise and responding to and tracking complaints pertaining to construction noise. These measures shall include: <ul style="list-style-type: none"> Identification of measures that will be implemented to control construction noise. Identification of locations where it is infeasible to limit noise to be in compliance with applicable City standards. A procedure and phone numbers for notifying the Department of Building Inspection, the Department of Public Health, or the Police Department of complaints (during regular construction hours and off hours). A sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction. Designation of an on-site construction complaint and enforcement manager for the project. A plan for notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in 						

Mitigation Measure	Responsible Party	Implementation Phase	Monitoring Party	Monitoring Activity	Monitoring Period/ Frequency	Outside Agency Coordination
advance of extreme noise-generating activities (defined as activities that generate noise levels of 90 dBA or greater) about the estimated duration of the activity and the associated control measures that will be implemented to reduce noise levels.						

Exhibit E

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CALIFORNIA 90012
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF DETERMINATION
(Article I – City CEQA Guidelines)

2017 202375

FILED
Jul 28 2017

Dana G. Logan, Registrar – Recorder/County Clerk

Electronically signed by DEMETRIA ATKINS

Public Resources Code Section 21152(a) requires local agencies to submit this information to the County Clerk. The filing of this notice starts a 30-day statute of limitations on court challenges to the approval of the project pursuant to Public Resources Code Section 21167.

LEAD CITY AGENCY AND ADDRESS: Department of Public Works, Bureau of Engineering 1149 South Broadway, Suite 600, Los Angeles CA 90015-2213	COUNCIL DISTRICT 1 and 13
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PROJECT TITLE: (Including its common name, if any) Taylor Yard Bikeway/Pedestrian Bridge Over the Los Angeles River	C.F.: 17-0665
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PROJECT DESCRIPTION AND LOCATION: : The City of Los Angeles is proposing to construct a multi-modal bikeway/pedestrian bridge across the Los Angeles River between Elysian Valley on the west and Taylor Yard on the east (Council Districts 1 and 13). The northern abutment of the proposed bridge would be located adjacent to Kerr Rd., and its southern abutment would be located adjacent to the Los Angeles River Greenway Trail (bikeway), between Altman St. and Dorris Pl. Additionally, a two-way bike path and pedestrian path would be developed on Kerr Rd., connecting the proposed bridge to San Fernando Rd. Proposed crosswalks would be added at the San Fernando Rd./Future St. and Cypress Ave./Future St. intersections. On the south, the proposed bridge would connect with the existing bikeway along the river.

Los Angeles County

CONTACT PERSON: Maria Martin	STATE CLEARINGHOUSE NUMBER: 2016111025	TELEPHONE 213-485-5753
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This is to advise that on July 26, 2017, the City Council of the City of Los Angeles (☒ Lead Agency or ☐ Responsible Agency) approved the project described above and made the following determinations:

SIGNIFICANT EFFECT	<input type="checkbox"/> The project will have a significant effect on the environment. <input checked="" type="checkbox"/> The project will not have a significant effect on the environment.
MITIGATION MEASURES	<input checked="" type="checkbox"/> Mitigation measures were made a condition of project approval. <input type="checkbox"/> Mitigation measures were not made a condition of project approval.
OVERRIDING CONSIDERATION	<input type="checkbox"/> A Statement of Overriding Considerations was adopted. <input type="checkbox"/> A Statement of Overriding Considerations was not adopted. <input checked="" type="checkbox"/> A Statement of Overriding Considerations was not required.
ENVIRONMENTAL IMPACT REPORT	<input type="checkbox"/> An Environmental Impact Report was prepared for project and may be examined at the Office of the City Clerk. <input checked="" type="checkbox"/> An Environmental Impact Report was not prepared for the project.
NEGATIVE DECLARATION	<input checked="" type="checkbox"/> A Negative Declaration or Mitigated Negative Declaration was prepared for project and may be examined at the Office of the City Engineer <input type="checkbox"/> A Negative Declaration or Mitigated Negative Declaration was not prepared for the project.

The record of proceedings for the project is available to the general public in the files of the Office of the City Clerk, Room 395 of City Hall, and in the files of the Bureau of Engineering, 1149 South Broadway, Suite 700, Los Angeles CA 90015-2213.

SIGNATURE:  Maria Martin	TITLE: Environmental Affairs Officer Environmental Management Group	DATE: 7/26/17
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DISTRIBUTION: Part 1 - County Clerk Part 2 - City Clerk Part 3 - Agency Record Part 4 - Responsible Agency

State of California—Natural Resources Agency
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
2017 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT #
201707281230029
STATE CLEARING HOUSE # (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY			DATE
DEPARTMENT OF PUBLIC WORKS, BUREAU OF ENGINEERING			07/28/2017
COUNTY/STATE AGENCY OF FILING			DOCUMENT NUMBER
L.A.C.C			2017202375
PROJECT TITLE			
TAYLOR YARD BIKEWAY/EDESTRIAN BRIDGE OVER THE LOS ANGELES RIVER			
PROJECT APPLICANT NAME			PHONE NUMBER
MARIA MARTINE			(213)485-5753
PROJECT APPLICANT ADDRESS	CITY	STATE	ZIP CODE
1149 SOUTH BROADWAY, SUITE 600	LOS ANGELES	CA	90015
PROJECT APPLICANT (Check appropriate box):			
<input checked="" type="checkbox"/> Local Public Agency <input type="checkbox"/> School District <input type="checkbox"/> Other Special District <input type="checkbox"/> State Agency <input type="checkbox"/> Private Entity			

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,078.25	\$ 0.00
<input checked="" type="checkbox"/> Negative Declaration (ND)(MND)	\$2,216.25	\$ 2,216.25
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only)	\$850.00	\$ 0.00
<input type="checkbox"/> Projects Subject to Certified Regulatory Programs (CRP)	\$1,046.50	\$ 0.00
<input checked="" type="checkbox"/> County Administrative Fee	\$50.00	\$ 75.00
<input type="checkbox"/> Project that is exempt from fees		
<input type="checkbox"/> Notice of Exemption		
<input type="checkbox"/> CDFW No Effect Determination (Form Attached)		
<input type="checkbox"/> Other _____		\$ 0.00

PAYMENT METHOD:

<input type="checkbox"/> Cash <input type="checkbox"/> Credit <input checked="" type="checkbox"/> Check <input type="checkbox"/> Other _____	\$ 2,291.25
--	-------------

SIGNATURE	TITLE
	CDI

X

DANIELA ADAMS

Exhibit F

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

May 7, 2018

TO: Uriel Jimenez
Chief Real Estate Officer, II
Real Estate Division, Bureau of Engineering

FROM: Craig Weber 
Principal City Planner
Department of City Planning

SUBJECT: **RIGHT-OF-WAY NO. 33901-1BR, W.O. NO. E1907487**
TAYLOR YARD BIKEWAY/PEDESTRIAN BRIDGE OVER LA RIVER PROJECT

The Department of City Planning has reviewed the proposal regarding acquisition of a Permanent Public Access Easement at 2427-2434 Birkdale Street, Los Angeles 90031 for the Taylor Yard Bikeway/Pedestrian Bridge over LA River Project. It is our understanding that the Permanent Public Access Easement would allow the construction of the ramp to connect the existing Los Angeles River Bikeway right-of-way to the south entrance of the new Taylor Yard Bikeway/Pedestrian Bridge for pedestrians and cyclists to access the bridge from the Elysian Valley community.

The subject properties are within the Northeast Los Angeles and Silver Lake – Echo Park – Elysian Valley Community Plans and have General Plan Land Use designations of Commercial Manufacturing, Open Space, and Low Residential, with corresponding zones of [Q]CM-1XL-RIO, OS-1XL-RIO, and R1-1VL-RIO, respectively. The subject Commercial Manufacturing properties contain industrial uses in the form of warehouses; the subject Low Residential property is developed with a surface parking lot; and the subject Open Space property contains portions of the Los Angeles River and concrete channel, and adjacent LA River Bike Path. In order to connect the proposed Taylor Yard Bikeway/Pedestrian Bridge from Taylor Yard to Elysian Valley, it is our understanding that a right-of-way on the existing Los Angeles River Bike Path is necessary to provide a ramp for cyclists and pedestrians to access the bridge. It is our understanding that the requested Public Access Easement applies to only that portion of the subject property with APN 5445-003-039 that contains the existing LA River Bike Path, and will not apply to any portion of the property south of the existing wall separating the bike path from the existing developed properties.

Relevant to this project the Northeast Los Angeles and Silver Lake – Echo Park – Elysian Valley Community Plans contain overarching objectives to encourage access to open space and improved connections for bicyclists and pedestrians, particularly to the Los Angeles River, and set forth the following related Objectives, Goals, Policies, and Programs.

Northeast Los Angeles Community Plan:


Objective 4-2: To preserve existing open space resources and, where possible, encourage acquisition of new open space.

Policy 4-2.1: Accommodate and promote active use of parklands and open space and promote and preserve greenways.

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

May 7, 2018

TO: Uriel Jimenez
 Chief Real Estate Officer, II
 Real Estate Division, Bureau of Engineering

FROM: Craig Weber 
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