

**LAMC 62.104.1****Sidewalk Repair Program Mandatory Project Features Policy**

All sidewalk repair or construction activities undertaken pursuant to Sidewalk Repair Program eligible for credit under the settlement agreement in the matter of *Mark Willits, et al. v. City of Los Angeles* (United States District Court Case No. CV10-05782), whether eligible for ministerial or discretionary approval, shall be subject to compliance with following requirements in this Sidewalk Repair Mandatory Project Features Policy (Policy). All references in this Policy to applicable laws and guidelines shall refer to the current applicable law or guideline in place at the time of the sidewalk repair project approval.

**I. Biological Resources**

1. Pursuant to the Migratory Bird Treaty Act (MTBA) and California Fish and Game Code, street tree removal activities should take place outside of the nesting bird season (February 1 to September 1), and the removal of mature street trees should therefore be scheduled to occur between September 2 and January 31 to the extent feasible. Street tree removal activities may occur during nesting bird season in accordance with Section I.3 and other applicable requirements in this Policy.
2. All replacement street trees shall be planted within 1 year of removal.
3. Pursuant to the MBTA and California Fish and Game Code, prior to being removed, all street trees shall be surveyed for the presence of nesting birds/bats/raptors by a qualified biologist (or qualified arborist) within 3 days prior to any street tree removal. If any active nests are detected, the area shall be flagged, and a minimum 250-foot non-disturbance buffer established and a minimum 500-foot buffer for raptors. A modification to this buffer requirement may be allowed with consultation by the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, if the nesting cycle has been completed or the monitoring biologist determines that the nest has failed. Project sites shall be resurveyed if there is a lapse in construction activities for more than 7 days. A nesting bird survey shall be submitted at the conclusion of the site survey.
4. All street tree removal work shall be performed under the direction of an Urban Forestry Division (UFD) Tree Supervisor who is also an International Society of Arboriculture (ISA) Certified Arborist.
5. Replacement street trees shall be monitored and those street trees which do not survive in the first 3 years shall be replaced at a 1:1 ratio.
6. For construction activities in or near an Environmentally Sensitive Habitat Area (ESHA) pursuant to the Coastal Act, a 50-foot buffer strip for all activities in or near an ESHA, as measured from the outer limit of riparian vegetation or, if the waters are estuarian, a minimum of 100 feet from the outer limit of estuarian vegetation, shall be

required in new development to protect the habitat value of riparian areas where the opportunity exists.

## II. Cultural Resources

1. Prior to approval, the construction site shall be assessed to determine whether a substantial adverse change would occur to the significance of a known historic, tribal cultural, unique archaeological, and/or unique paleontological resource.
  - A. Where it is determined that the proposed sidewalk repair would cause a substantial adverse change to the significance of a known historic resource, the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be followed.
  - B. Where it is determined that the proposed sidewalk repair would cause a substantial adverse change to the significance of a known unique archaeological resource, an archaeological treatment plan (ATP) that ensures the long-term protection and proper treatment of archaeological resources of significance shall be prepared. The ATP shall include a monitoring plan, research design, and data recovery plan. The ATP shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, California Office of Historic Preservation's (OHP) *Archaeological Resources Management Report*, Recommended Contents and Format (1989), and the *Guidelines for Archaeological Research Design* (1991); and shall also consider the Advisory Council on Historic Preservation's publication *Treatment of Archaeological Properties: A Handbook*. The ATP shall also be consistent with the Department of the Interior's Guidelines for Federal Agency Responsibility under Section 110 of the National Historic Preservation Act.
  - C. Where it is determined that the sidewalk repair project would cause a substantial adverse change to the significance of a known unique paleontological resource, a qualified paleontologist shall be retained to develop a Paleontological Management Treatment Plan (PMTP). The selection of the paleontologist and the development of the PMTP shall be subject to approval by the Vertebrate Paleontology Section of the Natural History Museum of Los Angeles County to comply with paleontological requirements, as appropriate.
2. Pursuant to Section 6-3.2, "Archaeological and Paleontological Discoveries" of the Standard Specifications for Public Works Construction (Greenbook), and the City of Los Angeles Department of Public Works Additions and Amendments to the Standard Specifications for Public Works Construction (Brownbook) if, during

construction activities, an unexpected discovery is made of items of archaeological or paleontological interest, excavation in the area of discovery shall immediately cease and shall not continue until ordered by the City Engineer.

### III. Geology and Soils

1. Where excavation will be greater than 5 feet to accommodate existing underground utilities, a Shoring Plan per Section 7-10.4.2.2, "Shoring Plan" of the Standard Specifications for Public Works Construction (Greenbook), and the City of Los Angeles Department of Public Works Additions and Amendments to the Standard Specifications for Public Works Construction (Brownbook) shall be prepared.

### IV. Hazardous Materials

1. Prior to approval, a database search pursuant to California Government Code Section 65962.5 shall be conducted to identify applicability of any regulatory requirements or hazardous material risks associated with the project site or the adjacent sites.
2. In the event of spills, leaks, or other contamination, the protocols contained with the *Hazardous Materials Incident Contingency Plan* published by the California Office of Emergency Services shall be followed.
3. For sidewalk repair projects located within a public right-of-way and containing contaminated soil, all repair and construction work shall be in accordance with the BOE Master Specification Section No. 02310 *Earthwork* Subsection No. 3.3, *Contaminated Soils*.
4. For sidewalk repair projects located on a public right-of-way and containing contaminated ground water, all repair and construction work shall be in accordance with BOE Master Specification Section No. 02235, *Dewatering*.

### V. Hydrology and Water Quality

1. Pursuant to Section 308-4.9.5, "Watering" of the Standard Specifications for Public Works Construction (Greenbook), and the City of Los Angeles Department of Public Works Additions and Amendments to the Standard Specifications for Public Works Construction (Brownbook), all planted areas shall be kept moist during the establishment period. When a permanent irrigation system is not available, a temporary system shall be used to provide adequate watering during the establishment period without erosion detrimental to planting.

### VI. Noise

1. As feasible during construction, a 10-foot distance between construction equipment and a commercial use sensitive receptor should be maintained, and a

20-foot distance between construction equipment and residential sensitive receptor should be maintained.

2. As feasible during construction, the following best management practices (BMPs) for noise should be implemented:
  - A. Unnecessary idling of internal combustion engines should be prohibited.
  - B. All equipment should be kept in good repair with all worn, loose and unbalanced machine parts to be replaced.
  - C. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from neighboring houses.
  - D. Construction should occur in the daytime hours, as allowable by LAMC Section 41.40 - Construction Noise.
  - E. Notify all adjacent property owners and land users of the construction length, duration, and hours of noise and vibration producing construction activities, in writing.
  - F. Provide and make available contact information for Sidewalk Repair concerns, on construction activities, prior to and on-site during construction.
3. As feasible during construction, the following BMPs for vibration should be implemented:
  - A. Use lower powered equipment or techniques such as concrete saws instead of jack hammers.
  - B. Minimize the time of use of vibration generating equipment.
  - C. Notify all adjacent property owners and land users of the construction length, duration, and hours of noise and vibration producing construction activities, in writing.
  - D. Provide and make available contact information for Sidewalk Repair concerns, on construction activities, prior to and on-site during construction.

## VII. Transportation and Traffic

1. All work shall be in full compliance with the Work Area Traffic Control Handbook (WATCH) manual, including the requirement of flaggers in Section 9 (Flagger

Temporary Traffic Control) for lane closures during street tree removal or any other construction activity that disrupts the flow of vehicles, pedestrians, or bicyclists.

2. When construction occurs at an intersection, stopping sight distance shall be maintained for vehicles and bicyclists approaching the intersection, in compliance with the WATCH manual, Flagger Temporary Traffic Control.
3. All adjacent property owners shall be notified of any upcoming construction. Signage shall also be posted in advance of construction, notifying the public of any construction-related lane closures or parking restrictions, in accordance with Section 7-10, "Public Convenience and Safety" of the Standard Specifications for Public Works Construction (Greenbook), and the City of Los Angeles Department of Public Works Additions and Amendments to the Standard Specifications for Public Works Construction (Brownbook).
4. Temporary accessibility-compliant access shall be provided and signage shall be used, where needed, to direct pedestrians to alternative pedestrian routes or through the use of a temporary walkway, physically separated from vehicle traffic, to provide a more direct detour, in accordance with Section 7-10, "Public Convenience and Safety" of the Standard Specifications for Public Works Construction (Greenbook), and the City of Los Angeles Department of Public Works Additions and Amendments to the Standard Specifications for Public Works Construction (Brownbook).
5. If construction requires a temporary closure of an on-street bicycle facility, signage shall be placed to inform drivers and bicyclists of the upcoming bicycle facility closure, indicating a shared lane ahead in accordance with the WATCH manual, Bicycle Considerations.
6. If construction requires a temporary closure of an existing transit facility (e.g., bus stop), coordinating with the affected transit provider shall occur to ensure users are informed of the temporary stop relocations.
7. Per Section 7-8.4, "Storage of Equipment and Materials" of the Standard Specifications for Public Works Construction (Greenbook), and the City of Los Angeles Department of Public Works Additions and Amendments to the Standard Specifications for Public Works Construction (Brownbook), a permit from the Bureau of Street Services shall be obtained before any construction materials or equipment are stored in the public right-of way if necessary. All storage of equipment and materials shall be done under approved pollution prevention and erosion control plan as required by California Construction Permit Order No. 2009-009-DWQ.
8. Truck trips shall be coordinated to arrive and depart at off-peak commute times to the extent feasible, in accordance with Los Angeles Municipal Code (LAMC) Section 62.61.

9. Any sidewalk repair activities involving signal disruption shall be coordinated with the Los Angeles Department of Transportation and the Los Angeles Police Department to identify and implement temporary traffic control needs per Section 307-5, "Temporary Street Lighting and Traffic Signal Systems" of the Standard Specifications for Public Works Construction (Greenbook), and the City of Los Angeles Department of Public Works Additions and Amendments to the Standard Specifications for Public Works Construction (Brownbook).

#### VIII. Wildfire Hazards

1. Compliance with applicable LAMC Fire Code Section 57 et seq. for construction sites on, adjacent to, or in the immediate vicinity of a Very High Fire Hazard Severity Zone (VHFHSZ) as designated through LAMC Sections 57.4908.1.1 through 57.4908.1.3 and identified on City maintained databases shall be required.
2. No person shall travel or trespass upon any firebreak or fire road, as provided in Section 57.4908.8.2 of the LAMC.
3. Pursuant to LAMC Section 57.4908.5 open flame shall be prohibited upon any road, street, or fire road with the VHFHSZ.
4. No smoking shall be allowed where conditions are such as to make smoking a hazard and in spaces where flammable or combustible materials are stored or handled, as provided in Section 310.2 of the California Fire Code. Further, it shall be unlawful for any person to light, ignite or smoke any cigar, cigarette, tobacco in a pipe or other form of smoldering substance within the VHFHSZ, as provided in LAMC Section 57.4908.6. Also, open flame upon any road, street, or fire road within the VHFHSZ shall be prohibited.
5. No person, except one authorized and acting within the scope of his official duties, shall remove, deface, mar, mutilate, or change the position of any sign, installed by the Chief pursuant to this article, designating "CLOSED AREA," "NO SMOKING," "NO OPEN FIRES," "RESTRICTED ENTRY," or other sign or device installed to give warning and to regulate persons' actions within the VHFHSZ, as provided in Section 57.4908.9.1.
6. Pursuant to Ordinance No. 185789, all sidewalk repair projects shall occur in compliance with all applicable requirements for brush clearing activities in the VHFHSZ including, but not limited to:
  - A. Use of metal cutting blades for grass or brush clearance shall be limited to those which are nonferrous/non-sparking.
  - B. Brush clearance shall not be done on red flag days, when fire weather conditions are at their peak.

- C. Individuals engaged in brush clearance operations shall not engage in any other activities during their actual clearance of grass or brush.
- D. Individuals engaged in grass or brush clearance operations shall use an appropriate extinguishing agent immediately to extinguish a fire.
- E. All fires, regardless of size, shall be reported immediately via the 9-1-1 system to the Fire Department.
- F. An approved fire extinguisher, or a pressurized garden hose with attached nozzle shall be within 10 feet of any grass or brush clearance operation, to quickly extinguish a small fire before it burns out of control.
- G. Where a gasoline container is present at the site of the grass or brush clearance operation, a minimum 4A 60 BC dry chemical fire extinguisher shall be within 10 feet of the brush clearance operation.
- H. A cell phone capable of dialing 9-1-1 shall be charged and readily accessible to the grass or brush clearance operation.
- I. A safety strap shall be used at all times for any tool or appliance with hot exhaust. Hot exhaust shall not come in contact with any brush, grass, flash fuels, or other flammable material

Approved by the Board of Public Works: \_\_\_\_\_

Approved by the City Council: \_\_\_\_\_