

IV. Mitigation Monitoring Program

Exhibit B
Mitigation Monitoring Program

IV. Mitigation Monitoring Program

1. Introduction

To ensure that the mitigation measures identified in an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) are implemented, the California Environmental Quality Act (CEQA) requires the Lead Agency for a project to adopt a program for monitoring or reporting on the revisions it has required for a project and the measures it has imposed to mitigate or avoid significant environmental effects. As specifically set forth in Section 15097(c) of the CEQA Guidelines, the public agency may choose whether its program will monitor mitigation, report on mitigation, or both. As provided in Section 15097(c) of the CEQA Guidelines, “monitoring” is generally an ongoing or periodic process of project oversight. “Reporting” generally consists of a written compliance review that is presented to the decision-making body or authorized staff person.

An EIR has been prepared to address the Project’s potential environmental impacts. The evaluation of the Project’s impacts takes into consideration project design features, which are measures proposed by the Applicant as a feature of the Project and which are detailed in the EIR. Where appropriate, the EIR also identifies mitigation measures to avoid or substantially lessen any significant impacts. This Mitigation Monitoring Program (MMP) is designed to monitor implementation of those project design features and mitigation measures.

This MMP has been prepared in compliance with the requirements of Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097. It is noted that while certain agencies outside of the City of Los Angeles (City) are listed as the monitoring/enforcement agencies for individual project design features and mitigation measures listed in this MMP, the City, as Lead Agency for the Project, is responsible for overseeing and enforcing implementation of the MMP as a whole.

2. Purpose

It is the intent of this MMP to:

1. Verify compliance with the project design features and mitigation measures identified in the EIR;
2. Provide a framework to document implementation of the identified project design features and mitigation measures;
3. Provide a record of mitigation requirements;
4. Identify monitoring and enforcement agencies;
5. Establish and clarify administrative procedures for the clearance of project design features and mitigation measures;
6. Establish the frequency and duration of monitoring; and
7. Utilize the existing agency review processes wherever feasible.

3. Organization

As shown on the following pages, each identified project design feature and mitigation measure for the Project is listed and categorized by environmental issue area, with accompanying discussion of:

- **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.
- **Action(s) Indicating Compliance**—the action(s) by which the enforcement or monitoring agency indicates that compliance with the identified project design feature or required mitigation measure has been implemented.

4. 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 certification, as identified below, to the appropriate

monitoring agency and the appropriate enforcement agency 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. Such records shall be made available to the City upon request. Further, specifically 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), approved by the Department of City Planning. The Construction Monitor 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 Annual Compliance Report. The Construction Monitor shall be obligated to immediately notify the Applicant of any non-compliance with the mitigation measures and project design features. If the Applicant does not correct the non-compliance within two days from the time of notification, the Construction Monitor shall be obligated to report such non-compliance to the Enforcement Agency. Any continued non-compliance shall be appropriately addressed by the Enforcement Agency.

5. 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 subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the project design features and mitigation measures contained in this MMP. The enforcing departments or agencies may determine substantial conformance with the project design features and mitigation measures in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a project design feature or mitigation measure may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project-related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modification to or deletion of the project design features or mitigation measures. Any addendum or subsequent CEQA

clearance that may be required in connection with the modification or deletion shall explain why the project design feature or mitigation measure is no longer needed, not feasible, or the other basis for modifying or deleting the project design feature or mitigation measure. Under this process, the modification or deletion of a project design feature or mitigation measure shall not in and of itself require a modification to any project discretionary approval unless the Director of Planning also finds that the change to the project design features or mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

6. Mitigation Monitoring Program

A. Air Quality

(1) Project Design Features

No project design features are identified in the Environmental Impact Report for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

B. Cultural Resources

(1) Project Design Features

No project design features are identified in the Environmental Impact Report for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

C. Greenhouse Gas Emissions

(1) Project Design Features

Project Design Feature GHG-PDF-1: The design of the new buildings shall incorporate features of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program to be capable of

meeting the standards of LEED® Certified or equivalent green building standards.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at plan check; once during field inspection
- **Action(s) Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature GHG-PDF-2: The Project would prohibit the use of natural gas-fueled fireplaces in the proposed residential units.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; South Coast Air Quality Management District
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction; construction
- **Monitoring Frequency:** Once at plan check; once during field inspection
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

D. Land Use

(1) Project Design Features

No project design features are identified in the Environmental Impact Report for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

E. Noise

(1) Project Design Features

Project Design Feature NOI-PDF-1: Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once during field inspection
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature NOI-PDF-2: Project construction shall not include the use of driven (impact) pile systems.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodically during construction
- **Action Indicating Compliance:** Field inspection sign-offs

Project Design Feature NOI-PDF-3: All outdoor mounted mechanical equipment shall be enclosed or screened (with non-porous wall or panel) from off-site noise-sensitive receptors.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at plan check; once during field inspection

- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

(2) Mitigation Measures

Mitigation Measure NOI-MM-1: No mitigation measures would be required to reduce on-site construction noise if the adjacent building (719 E. 5th Street) to the east of the Project Site and/or the building 100 feet east of the Project site (809 E. 5th Street) are not occupied. Substantial evidence (e.g., a letter from the building owner, photographs, etc.) shall be provided to the City prior to construction to confirm the vacancy of this building. Should permanent residents be found to occupy the adjacent building to the east of the Project Site and/or the building 100 feet east of the Project site, a temporary and impermeable sound barrier shall be erected at the location listed below. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

- Along the eastern property line of the Project Site between the construction areas and the residential uses adjacent to the east of the Project Site. The temporary sound barrier shall be designed to provide a minimum 10-dBA noise reduction at the ground level of measurement location M1. The height of the barrier shall be sufficient to block the line of sight between equipment engines and ground level receptors.
- **Enforcement Agency:** Los Angeles Department of Building and Safety
- **Monitoring Agency:** Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction.
- **Monitoring Frequency:** Once at plan check prior to issuance of grading permit; once during field inspection
- **Action(s) Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

Mitigation Measure NOI-MM-2: No mitigation measures would be required to reduce vibration impacts with respect to both building damage and human annoyance if the adjacent building (719 E. 5th Street) to the east of the Project Site is demolished or scheduled to be demolished. Substantial evidence (e.g., a letter from the building owner, photographs, etc.) shall be provided to the City prior to construction to confirm demolition of this building. Should the building structure remain standing prior to start of construction, the Applicant shall retain the services of a structural engineer or qualified professional to visit

the adjacent residential building adjacent to the Project Site to the east to inspect and document the apparent physical condition of the buildings' readily-visible features. If the building is anticipated to be occupied during construction activities, the following measures will be required:

- The Applicant shall retain the services of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of documenting the construction-related ground vibration levels at office building during demolition and grading/excavation phases. The vibration monitoring system shall continuously measure and store the peak particle velocity (PPV) in inch/second. The system shall also be programmed for two preset velocity levels: a warning level of 0.4 PPV and a regulatory level of 0.5 PPV. The system shall also provide real-time alert when the vibration levels exceed the two preset levels.
- In the event the warning level (0.4 PPV) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to halting/staggering concurrent activities and utilizing lower vibratory techniques.
- In the event the regulatory level (0.5 PPV) is triggered, the contractor shall halt the construction activities in the vicinity of the building and visually inspect the building for any damage. Results of the inspection must be logged. The contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level. Construction activities may then restart.
- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at plan check; once during field inspection
- **Action(s) Indicating Compliance:** Plan approval and issuance of applicable building permit; submittal of compliance report from noise consultant

F. Tribal Cultural Resources

(1) Project Design Features

No project design features are identified in the Environmental Impact Report for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

G. Energy Conservation and Infrastructure

(1) Project Design Features

No project design features are identified in the Environmental Impact Report for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

H. Initial Study Project Design Features

The following project design features are from the Initial Study, provided in Appendix A of the Draft EIR.

Public Services—Fire Protection

Project Design Feature FIR-PDF-1: The Project will install automatic fire sprinklers in all interior spaces of the proposed building.

- **Enforcement Agency:** Department of Building and Safety
- **Monitoring Agency:** Department of Building and Safety
- **Monitoring Phase:** Pre-construction; pre-operation
- **Monitoring Frequency:** Once at plan check; once during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of applicable building permit (pre-construction); issuance of certificate of occupancy (pre-operation)

Transportation/Traffic

Project Design Feature TR-PDF-1: Prior to the start of construction, the Applicant will prepare a construction traffic management plan and submit it to the Los Angeles Department of Transportation for review and approval. The construction traffic management plan will identify the location of any temporary street parking or sidewalk closures, provide for the posting of signs advising pedestrians of temporary sidewalk closures and providing alternative routes, provide for the installation of other construction-related warning signs, and show access to abutting properties.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at plan check; once during field inspection
- **Action(s) Indicating Compliance:** Plan check approval and issuance of grading permit; field inspection sign-off