

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 State CEQA Guidelines requires that a public agency adopt a program for monitoring or reporting mitigation measures and project revisions that are 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.

A Sustainable Communities Environmental Assessment (SCEA) has been prepared to address the potential environmental impacts of the Project. Where appropriate, the SCEA identified mitigation measures to avoid or reduce potentially significant environmental impacts of the Project. This MMP is designed to monitor the implementation of the mitigation measures identified for the Project.

2. ORGANIZATION

As shown on the pages below, each identified mitigation measure and/or Project Design Feature (PDF) for the Project is listed and categorized by environmental issue area, with accompanying discussion of the following:

Enforcement Agency – the agency with the power to enforce the mitigation measure and/or PDF.

Monitoring Agency – the agency to which reports involving feasibility, compliance, implementation, and development are made, or who physically monitors the Project for compliance with the mitigation measure and/or PDF.

Monitoring Phase – the phase of the Project during which the mitigation measure and/or PDF shall be monitored. Examples include the following general categories:

- Pre-Construction, including the design phase
- Construction
- Pre-Operation
- Operation (Post-construction)

Monitoring Frequency – the frequency of which the mitigation measure and/or PDF shall be monitored.

Action Indicating Compliance – the action of which the enforcement or monitoring agency indicates that compliance with the required mitigation measure and/or PDF has been implemented.

The Project Applicant shall be responsible for implementing all mitigation measures and/or PDFs unless otherwise noted and shall be obligated to provide documentation concerning the implementation of the listed mitigation measures and/or PDFs to the appropriate monitoring agency and the appropriate enforcement agency. All departments listed in the MMP are within the City unless otherwise noted. It is noted that while certain agencies outside of the City may be listed as the monitoring/enforcement agencies for individual mitigation measures and/or PDFs listed in this MMP, the City, as the Lead Agency for the Project, is responsible for overseeing and enforcing implementation of the MMP as a whole.

3. ADMINISTRATIVE PROCEDURES AND ENFORCEMENT

This MMP shall be enforced throughout all phases of the Project. The Project Applicant shall be responsible for implementing each mitigation measure and/or PDF and shall be obligated to provide certification, as identified below, to the appropriate monitoring agency and the appropriate enforcement agency that each mitigation measure and/or PDF has been implemented. The Project Applicant shall maintain records demonstrating compliance with each mitigation measure and/or PDF. 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 Project Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of mitigation measures and/or PDFs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Project Applicant's compliance with the mitigation measures and/or PDFs during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Project Applicant and Construction Monitor and be included as part of the Project Applicant's Annual Compliance Report. The Construction Monitor shall be obligated to promptly notify the Project Applicant of any

non-compliance with the mitigation measures and/or PDFs. If the Project Applicant does not correct the non-compliance within two days from the time of notification, the Construction Monitor shall report such non-compliance to the Enforcement Agency. Any continued 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 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 mitigation measures and/or PDFs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with the mitigation measures and/or PDFs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a mitigation measure and/or PDF may be modified or deleted, if 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 State 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 mitigation measures and/or PDFs. Any addendum or subsequent CEQA clearance that may be required in connection with the modification or deletion shall explain why the mitigation measure and/or PDF is no longer needed, not feasible, or the other basis for modifying or deleting the mitigation measure and/or PDF. Under this process, the modification or deletion of a mitigation measure and/or PDF 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 mitigation measures and/or PDFs results in a substantial change to the Project or the non-environmental conditions of approval.

5. MMP

5.1 MITIGATION MEASURES

Cultural Resources

MM-CUL-1 If archaeological resources are discovered during excavation, grading, or construction activities, work shall cease in the area of the find until a qualified archaeologist has evaluated the find in accordance with the State regulations and guidelines, including those set forth in CEQA Guidelines Section 15064.5(f). A qualified archaeologist is defined as one who meets the Secretary of the Interior Professional Qualification Standards in Archaeology. Personnel associated with

the Project shall not collect or move any archaeological materials and associated materials. Construction activity may continue unimpeded on other portions of the Project Site. The found desposits shall be treated in accordance with State regulations and guidelines, including those set forth in CEQA Guidelines Section 15126.4 and California PRC Section 21083.2. If the discovery proves significant under CEQA (Section 15064.5; PRC Section 21083.2), additional work such as testing or data recovery may be warranted. Should any Native American artifacts be encountered, additional consultation would NAHC-listed tribal groups should be conducted immediately.

Enforcement Agency: Department of City Planning

Monitoring Agency: Department of City Planning

Monitoring Phase: Construction

Monitoring Frequency: Ongoing throughout construction phase via periodic field inspections

Action Indicating Compliance: Field inspection sign-off

Geology and Soils

MM-GEO-1 A Project Paleontologist shall be retained. A Project Paleontologist is defined as one who meets the Secretary of Vertebrate Paleontology (SVP) standards, has experience working with asphaltic fossil deposits, and is approved by the Natural History Museum of Los Angeles County (LACM). The Project Paleontologist will prepare a Paleontological Resources Monitoring and Mitigation Plan (PRMMP). This plan will address specifics of monitoring and mitigation and will comply with the recommendations of the SVP's *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources*. This plan will be subject to the approval of the LACM and submitted to them for review before ground disturbance begins.

Enforcement Agency: Department of City Planning

Monitoring Agency: Department of City Planning

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once, prior to issuance of grading permit

Action Indicating Compliance: Plan approval

MM-GEO-2 The Project Paleontologist shall develop a Worker's Environmental Awareness Program (WEAP) to train the construction crew on the legal requirements for preserving fossil resources as well as procedures to follow in the event of a fossil discovery. This training program shall be given to the crew before ground-disturbing work commences and will include handouts to be given to new workers as needed.

Enforcement Agency: Department of City Planning

Monitoring Agency: Department of City Planning

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once, prior to issuance of grading permit

Action Indicating Compliance: Plan approval

MM-GEO-3 All ground disturbances at the Project Site that occur in previously undisturbed older alluvial sediments that have high paleontological potential shall require monitoring. Monitoring shall be conducted by a Paleontological Monitor, who meets the standards defined in the SVP's *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources*. Should asphaltic sediments be encountered during excavations, the monitor must also have prior experience or training working in asphaltic sediments and meet the approval of the LACM. Monitoring shall be conducted in accordance with the PRMMP and under the supervision of the Project Paleontologist. The Project Paleontologist may periodically inspect construction activities to adjust the level of monitoring in response to subsurface conditions. Full-time monitoring can be reduced to part-time inspections or ceased entirely if determined adequate by the Project Paleontologist and the LACM. Paleontological monitoring shall include inspection of exposed sedimentary units during active excavations within sensitive geologic sediments. The monitor shall have authority to temporarily divert activity away from exposed fossils to evaluate the significance of the find and, should the fossils be determined significant, professionally and efficiently recover the fossil specimens and collect associated data. Paleontological monitors shall record pertinent geologic data and collect appropriate sediment samples from any fossil localities. When monitoring work is completed, the Project Paleontologist shall prepare a report of the findings of the monitoring plan after construction is completed.

Enforcement Agency: Department of City Planning

Monitoring Agency: Department of City Planning

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspection

Action Indicating Compliance: Field inspection sign-off, completion of monitoring plan report after construction is completed

MM-GEO-4 In the event of a fossil discovery, whether by the paleontological monitor or a member of the construction crew, all work shall cease in a 50-foot radius of the find while the Project Paleontologist assesses the significance of the fossil and document its discovery. Should the fossil be determined significant, it shall be salvaged following the procedures and guidelines of the SVP and in consultation with the LACM. Recovered fossils shall be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility. The most likely repository is the LACM, and a repository agreement shall be identified and a curatorial arrangement shall be signed prior to collection of the fossils.

Enforcement Agency: Department of City Planning

Monitoring Agency: Department of City Planning

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspection

Action Indicating Compliance: Field inspection sign-off

Noise

MM-NOI-1 Require implementation of relevant provisions of PMM NOISE-1 from the 2020-2045 RTP/SCS Program EIR Mitigation Monitoring and Reporting Program, which include the following:

- Install temporary noise barriers during construction. These shall be at least 17 feet in height with a surface density of four pounds per square foot or

more with no gaps between barrier panels and between the barrier and the ground.

- Require use of construction equipment with mufflers or other noise control devices that will limit each piece of equipment to 70 dBA L_{eq} at 50 feet of distance.

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Phase: Pre-construction; construction

Monitoring Frequency: Once at Project plan check prior to issuance of grading permit; periodic field inspection

Action Indicating Compliance: Plan check approval and issuance of grading permit; field inspection sign-off

MM-NOI-2 Limit no more than three pieces of heavy-duty equipment operating at up to 70 dBA L_{eq} within 15 feet of the eastern property line.

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Phase: Pre-construction; construction

Monitoring Frequency: Once at Project plan check prior to issuance of grading permit; periodic field inspection

Action Indicating Compliance: Plan check approval and issuance of grading permit; field inspection sign-off

MM-NOI-3 Require implementation of relevant provisions of PMM NOISE-2 from the 2020-2045 RTP/SCS Program EIR Mitigation Monitoring and Reporting Program. Specifically, the Project contractor shall avoid the use of heavy-duty diesel-fueled construction equipment within 12 feet of the eastern property line adjacent to garages for residences on Orange Grove Avenue.

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Phase: Pre-construction; construction

Monitoring Frequency: Once at Project plan check prior to issuance of grading permit; periodic field inspection

Action Indicating Compliance: Plan check approval and issuance of grading permit; field inspection sign-off

5.2. PROJECT DESIGN FEATURES

Aesthetics

PDF-AES-1 During the duration of the Project's demolition and construction activities, temporary construction fencing will remain along the periphery of the Project Site to maintain security of the Project Site. The Project Applicant will ensure through daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways that are accessible/visible to the public, and that such temporary barriers and walkways are maintained in a visually attractive manner (i.e., free of trash, graffiti, peeling postings, etc.) throughout the duration of construction.

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Phase: Pre-construction; construction

Monitoring Frequency: Once at Project plan check prior to issuance of grading permit; periodic field inspection

Action Indicating Compliance: Plan check approval and issuance of grading permit; field inspection sign-off

PDF-AES-2 The Project has been designed to preserve the Tom Bergin's building, and this building will be isolated from construction activities taking place in the northern portions of the Project Site, and a landscaped courtyard will physically separate the new building from the Tom Bergin's building. The Project will also provide an outdoor deck facing Fairfax Avenue and the Tom Bergin's building with a swimming pool, spa, and recreation room at the third level, creating more open

space between the Tom Bergin's building and the new building. The Project has been designed in such a way that it will be compatible with the massing, size, scale, and features of the Tom Bergin's building. Specifically, the new building has been designed so that its southwest volume, at 22 feet tall, is considerably lower than the rest of the building and slightly lower than the top of the front gable of the Tom Bergin's building, helping to soften the transition in scale between the one-and-a-half story historic building the new eight-story building. Stepping back the massing of the new building in this way also has the effect of preserving views of the Tom Bergin's building as it is being approached from the north.

In addition to the stepped massing, the new building also strategically incorporates glazing and other materials to further soften the transition between the Tom Bergin's building and the adjacent new construction. The new building will incorporate a variety of materials and textures into its design; its southern volumes, which are nearest Tom Bergin's, are extensively glazed, resulting in façades that are generally lighter, tauter, and less visually impactful than the rest of the new building. This will further ease the visual transition between the historic building and the proposed new construction.

Enforcement Agency: Department of City Planning

Monitoring Agency: Department of City Planning

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once, at plan check prior to issuance of a building permit

Action Indicating Compliance: Issuance of building permit

Cultural Resources

PDF-CUL-1 Photo documentation of the Tom Bergin's building and its current site conditions will be undertaken before commencement of construction activities on the Project Site. Documentation will include the surface parking lot and all site features on the property, in addition to the building itself and its two freestanding signs. Photographic documentation will follow the guidelines of the Historic American Building Survey (HABS) Level III, although it is not required that they be submitted to the Library of Congress. Photographic documentation will be submitted to local repositories including (and not limited to) the Los Angeles Public Library and the Los Angeles Conservancy.

Enforcement Agency: Department of City Planning, Office of Historic Resources

Monitoring Agency: Department of City Planning, Office of Historic Resources

Monitoring Phase: Pre-Construction

Monitoring Frequency: Once at Project plan check prior to issuance of grading permit

Action Indicating Compliance: Issuance of grading permit

PDF-CUL-2 The condition of the Tom Bergin's building will be monitored during excavation and construction activities by a historic architect meeting the Secretary of the Interior's Professional Qualification Standards, to ensure it is protected from vibration and other construction-related disturbances.

Enforcement Agency: Department of City Planning, Office of Historic Resources

Monitoring Agency: Department of City Planning, Office of Historic Resources

Monitoring Phase: Construction

Monitoring Frequency: Periodic field inspection

Action Indicating Compliance: Field inspection sign-off

Public Services

PDF-PS-1 During construction, the Project would include security features, such as fencing the perimeter of the construction area and deploying site security, to prevent trespassing and theft during construction activities.

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Phase: Pre-construction; construction

Monitoring Frequency: Once at Project plan check prior to issuance of grading permit; periodic field inspection

Action Indicating Compliance: Plan check approval and issuance of grading permit; field inspection sign-off

PDF-PS-2 The Project would implement principles of the City of Los Angeles Crime Prevention Through Environmental Design (CPTED) Guidelines, such as:

- The inclusion of adequate and strategically positioned functional and thematic lighting to enhance public safety;
- Visually obstructed and infrequently accessed “dead zones” would be limited; and
- Access controls would be used for the residential portion of the Project.

Enforcement Agency: Department of Building and Safety

Monitoring Agency: Department of Building and Safety

Monitoring Phase: Pre-construction; construction

Monitoring Frequency: Once at Project plan check prior to issuance of building permit; field inspection at completion of construction

Action Indicating Compliance: Plan check approval and issuance of grading permit; field inspection sign-off

Transportation

PDF-TR-1 **Construction Traffic Management Plan.** Prior to the start of construction, the Project Applicant shall prepare a detailed Construction Traffic Management Plan (CTMP), including street closure information, detour plans, haul routes, and staging plans, and submit it to LADOT for review and approval. The Construction Traffic Management Plan shall include a Worksite Traffic Control Plan, which will facilitate traffic and pedestrian movement, and minimize the potential conflicts between construction activities, street traffic, bicyclists, and pedestrians. The Construction Traffic Management Plan and Worksite Traffic Control Plan shall be based on the nature and timing of specific construction activities and other projects in the vicinity, and shall include, but not be limited to, the following measures:

- Maintain access for land uses in the vicinity of the Project Site during construction;
- Minimize obstruction of traffic lanes adjacent to the Project Site to the extent feasible;

- Organize Project Site deliveries and the staging of all equipment and materials in the most efficient manner possible, and on-site where possible, to avoid an impact to the surrounding roadways;
- Coordinate truck activity and deliveries to ensure trucks do not wait to unload or load at the Project Site and impact roadway traffic, and if needed, utilize an organized off-site staging area;
- Provide advance, bilingual notification of adjacent property owners and occupants of upcoming construction activities, including durations and daily hours of operation;
- Prohibit construction worker or equipment parking on adjacent streets;
- Provide temporary pedestrian, bicycle, and vehicular traffic controls to ensure traffic safety on public rights-of-way. These controls shall include, but not be limited to, flag people trained in pedestrian and bicycle safety at the Project Site's driveways;
- Schedule construction activities to reduce the effect on traffic flow on surrounding arterial streets;
- Contain construction activity within the Project Site boundaries;
- Implement safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers as appropriate;
- Limit sidewalk and lane closures to the maximum extent possible, and avoid peak hours to the extent possible. Where such closures are necessary, the Project's Worksite Traffic Control Plan will identify the location of any sidewalk or lane closures and identify all traffic detours and control measures, signs, delineators, and work instructions to be implemented by the construction contractor through the duration of demolition and construction activity;
- Schedule construction-related deliveries, haul trips, etc., so as to occur outside the commuter peak hours to the extent feasible; and/or
- Prepare a haul truck route program that specifies the construction truck routes to and from the Project Site.

Enforcement Agency: Los Angeles Department of Transportation

Monitoring Agency: Los Angeles Department of Transportation

Monitoring Phase: Pre-construction; construction

Monitoring Frequency: Once at Project plan check; periodic field inspection

Action Indicating Compliance: Plan check approval; field inspection sign-off