

4. Mitigation Monitoring Program

A. Introduction

Section 21081.6 of the Public Resources Code requires a Lead Agency to 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” (Mitigation Monitoring Program, Section 15097 of the *CEQA Guidelines* provides additional direction on mitigation monitoring or reporting). This Mitigation Monitoring Program (MMP) has been prepared in compliance with the requirements of CEQA, specifically Public Resources Code Section 21081.6, and Section 15097 of the CEQA Guidelines. The City of Los Angeles (City) is the Lead Agency for this project.

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. Where appropriate, the EIR identified Project design features, or recommended mitigation measures to avoid or to reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the mitigation measures and Project design features identified in the EIR.

The MMP is subject to review and approval by the City of Los Angeles as the Lead Agency as part of the approval process of the Project, and adoption of Project conditions. The required mitigation measures are listed and categorized by impact area, as identified in the EIR.

B. Organization

As shown on the following pages, each identified mitigation measure and Project design feature 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 mitigation measure or Project design feature.

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

Monitoring Phase – the phase of the Project during which the mitigation measure or Project design feature shall be monitored.

- Pre-Construction, including the design phase
- Construction

- Pre-Operation
- Operation (Post-construction)

Monitoring Frequency – the frequency of which the mitigation measure or Project design feature shall be monitored.

Action Indicating Compliance – the action of which the Enforcement or Monitoring Agency indicates that compliance with the required mitigation measure or Project design feature has been implemented.

The Project Applicant shall be responsible for implementing all mitigation measures, unless otherwise noted, and shall be obligated to provide documentation concerning implementation of the listed mitigation measures to the appropriate monitoring agency and the appropriate enforcement agency. All departments listed below are within the City of Los Angeles, unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the Project Applicant unless otherwise noted. It is noted that while certain agencies outside of the 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.

C. 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 City of Los Angeles Department of City Planning, who shall be responsible for monitoring implementation of Project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

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

D. 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, including by preparing 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.

E. Mitigation Measures

Aesthetics

No mitigation measures required.

Air Quality

C-1: All off-road construction equipment greater than 50 hp shall meet USEPA Tier 4 emission standards to reduce NO_x and PM_{2.5} emissions at the Project Site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. At the time of

mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.

Enforcement Agency: South Coast Air Quality Management District (SCAQMD)

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

Monitoring Phase: Pre-Construction; Construction

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

Action Indicating Compliance: Field inspection sign-off

Cultural Resources

No mitigation measures required.

Geology and Soils

E-1: The Project shall comply with the recommendations found on pages 10 through 41 of the Geotechnical Investigation, Southern California Flower Mart Proposed Mixed-Use Development, 747 & 755 South Wall Street, Los Angeles, California, prepared by Geocon West, Inc., July 2016 (included as Appendix G to Draft EIR), and as may be amended and supplemented to the satisfaction of the Department of Building and Safety, Grading Division.

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: Periodic field inspection

Action Indicating Compliance: Field inspection sign off

Greenhouse Gas Emissions

No mitigation measures required.

Hazards and Hazardous Materials

No mitigation measures required.

Land Use and Planning

No mitigation measures required.

Noise

Construction Noise

- I-1:** All capable diesel-powered construction vehicles shall be equipped with exhaust mufflers or other suitable noise reduction devices.

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-off

- I-2:** Temporary sound barriers capable of achieving a sound attenuation of at least 15 dBA shall be erected along the Project's boundaries facing Santee Court Apartments. Temporary sound barriers capable of achieving a sound attenuation of at least 6 dBA shall be erected along all other Project construction boundaries.

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 Project plan check prior to issuance of grading permit.
Once at field inspection

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

Construction Vibration

- I-3:** Construction activities that produce vibration, such as demolition, excavation, and earthmoving, shall be sequenced so that vibration sources within 7.5 feet of 769 Wall Street do not operate simultaneously.

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: Periodic field inspection

Action Indicating Compliance: Field inspection sign-off

I-4: No pile driving shall occur as part of Project construction.

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: Periodic field inspection

Action Indicating Compliance: Field inspection sign-off

I-5: Pre-construction surveys shall be performed to document the conditions of 769 Wall Street. A structural monitoring program shall be implemented and recorded during construction. The performance standards of the structure-monitoring plan shall include the following:

- Documentation, consisting of video and/or photographic documentation of accessible and visible areas on the exterior of the building.
- A registered civil engineer or certified engineering geologist shall develop recommendations for a structure-monitoring program.
- The structure-monitoring program shall survey for vertical and horizontal movement, as well as vibration thresholds. If the thresholds are met or exceeded, or if noticeable structural damage becomes evident to the Project contractor, work shall stop in the area of the affected building until measures have been taken to prevent construction-related damage to the structure.
- The structure-monitoring program shall be submitted to the Department of Building and Safety and received into the case file for the associated discretionary action permitting the Project prior to initiating any construction activities.

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 Project plan check prior to issuance of grading permit;

periodic field inspection.

Action Indicating Compliance: Issuance of grading permit; field inspection sign-off.

- I-6:** Construction equipment and vehicles capable of generating excessive vibration levels including, but not limited to, excavators, loaders, backhoes, scrapers, and graders, shall maintain a setback of at least 7.5 feet from Sensation Flowers at all times.

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: Periodic field inspection

Action Indicating Compliance: Field inspection sign-off

Population and Housing

No mitigation measures required.

Public Services – Fire Protection

No mitigation measures required.

Public Services – Police Protection

No mitigation measures required.

Public Services – Schools

No mitigation measures required.

Public Services – Parks

No mitigation measures required.

Public Services – Libraries

No mitigation measures required.

Transportation/Traffic

No mitigation measures required.

Tribal Cultural Resources

M-1: Prior to commencing any ground disturbance activities at the Project Site, the Applicant, or its successor, shall retain archeological monitors and tribal monitors that are qualified to identify subsurface tribal cultural resources. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site. Any qualified tribal monitor(s) shall be approved by the Gabrieleno Band of Mission Indians – Kizh Nation. Any qualified archaeological monitor(s) shall be approved by the Department of City Planning, Office of Historic Resources (“OHR”).

The qualified archeological and tribal monitors shall observe all ground disturbance activities on the Project Site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the Project Site, an archeological and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring. The on-site monitoring shall end when the ground disturbing activities are completed, or when the archaeological and tribal monitor both indicate that the site has a low potential for impacting tribal cultural resources.

Prior to commencing any ground disturbance activities, the archaeological monitor in consultation with the tribal monitor, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that provides information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers will be shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor. The Applicant shall maintain on the Project Site, for City inspection, documentation establishing the training was completed for all members of the construction crew involved in ground disturbance activities.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by a qualified archeologist, in consultation with a qualified tribal monitor, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; and (2) OHR.

2. If OHR determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
3. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist retained by the City and paid for by the Applicant, or its successor, in consultation with the tribal monitor, reasonably conclude that the tribe's recommendations are reasonable and feasible.
4. In addition to any recommendations from the applicable tribe(s), a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.
5. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or qualified tribal monitor, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the archaeologist or tribal monitor; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate an significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.
6. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by both the qualified archaeologist and qualified tribal monitor and determined to be reasonable and appropriate.
7. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all

of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.

8. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.
9. Notwithstanding paragraph 8 above, any information that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the City's AB 52 Confidentiality Protocols.

Enforcement Agency: City of Los Angeles Department of City Planning; City of Los Angeles Office of Historic Resources

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 Project plan check prior to issuance of grading permit; periodic field inspection.

Action Indicating Compliance: Issuance of grading permit; field inspection sign-off

Utilities and Service Systems – Wastewater

No mitigation measures required.

Utilities and Service Systems – Water

No mitigation measures required.

Utilities and Service Systems – Solid Waste

No mitigation measures required.

Utilities and Service Systems – Energy Conservation

No mitigation measures required.

F. Project Design Features

In addition to the required Mitigation Measures, the Project also includes Project Design Features that are conditions of the Project that must be monitored and enforced in the same manner as Mitigation Measures.

Aesthetics

No project design features provided.

Air Quality

No project design features provided.

Cultural Resources

D-1: Prior to Project construction, the prime contractor and any subcontractor(s) will be advised of the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other cultural materials from the Project Site. In addition, in the event that buried archaeological resources are exposed during Project construction, work within 50 feet of the find will stop until a professional archaeologist, meeting the standards of the Secretary of the Interior, can identify and evaluate the significance of the discovery and develop recommendations for treatment, in conformance with California Public Resources Code Section 21083.2. However, construction activities could continue in other areas of the Project Site. Recommendations could include preparation of a Treatment Plan, which could require recordation, collection and analysis of the discovery; preparation of a technical report; and curation of the collection and supporting documentation in an appropriate depository. Any Native American remains will be treated in accordance with state law.

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: Prior to issuance of grading permit; again if materials are encountered

Action Indicating Compliance: Issuance of grading permit; field inspection sign-off; submittal of compliance documentation prepared by qualified archaeologist

D-2: The prime contractor and any subcontractor(s) will be advised of the legal and/or regulatory implications of knowingly destroying paleontological or unique geologic resources or sites from the Project Site. In addition, in the event that paleontological resources or sites, or unique geologic features are exposed during Project construction, work within 50 feet of the

find will stop until a professional paleontologist, can identify and evaluate the significance of the discovery and develop recommendations for treatment. However, construction activities could continue in other areas of the Project Site. Recommendations could include a preparation of a Treatment Plan, which could require recordation, collection, and analysis of the discovery; preparation of a technical report; and curation of the collection and supporting documentation in an appropriate depository. Any paleontological resources or sites, or unique geologic features will be treated in accordance with State law.

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: Prior to issuance of grading permit; again if materials are encountered

Action Indicating Compliance: Issuance of grading permit; field inspection sign-off; submittal of compliance documentation prepared by qualified paleontologist

Geology and Soils

No project design features provided.

Greenhouse Gas Emissions

F-1: The Project would include a number of Project design features (PDFs) that implement an array of strategies that address most of the source categories identified by the State for potential GHG reductions. These include:

- Renovation of a two-story 206,517-square-foot concrete building in lieu of being removed for new construction. This move results in a building with a lower embodied energy than new construction.
- Designing the residential tower to both provide views and limit heat gain through shading or other devices.
- Construction debris will be recycled with a target rate of 90 percent.
- Pollution control will occur during construction by limiting dust and moisture build up.
- All adhesives, coatings, paint and other finishes installed in interior spaces will be low- or no-VOC (volatile organic compounds).
- Electric Vehicle charging spots will be provided (no less than 3 percent of the total number of parking spaces provided).
- Bicycle parking will be provided (both short-term and long-term) to encourage tenants to utilize alternative modes of transportation.
- Building will be provided with conduit and rooftop space for a potential photovoltaic solar panel array and will have a 'cool roof' to reduce the heat island effect.

- Majority of the landscape will be drought tolerant and low-water use type. The irrigation design will be water-conserving type with moisture sensors.
- All plumbing fixtures will be low-flow or ultra-low flow. Building will be designed to be 'grey-water ready'.
- If carpet is provided, it will meet the Carpet and Rug Institute's Green Label Plus Program or be Greenguard certified.
- Resilient flooring provided will meet UL Greenguard Gold or other green certification program.
- All composite wood products will meet the low VOC limits specified by the California Air Resources Board.
- Educational materials will be provided for the residential tenant occupants that include:
 - Information from local utility, water and water recovery providers on methods to further reduce resource consumption, including recycle programs and locations.
 - Information on-site on public transportation and/or carpool options available in the area.

Enforcement Agency: City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning

Monitoring Agency: City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning

Monitoring Phase: Pre-construction; construction; pre-occupancy

Monitoring Frequency: Once at Project plan check; once during field inspection; once prior to issuance of Certificate of Occupancy

Action Indicating Compliance: Plan approval; field inspection sign-off; issuance of Certificate of Occupancy

Hazards and Hazardous Materials

No project design features provided.

Land Use and Planning

No project design features provided.

Noise

No project design features provided.

Population and Housing

No project design features provided.

Public Services – Fire Protection

No project design features provided.

Public Services – Police Protection

K-1: During construction, the Project Applicant will implement appropriate temporary security measures, including perimeter fencing, lighting, and security patrols during non-construction hours (e.g. nighttime hours, weekends, and holidays).

Enforcement Agency: City of Los Angeles Police Department; 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: Periodic field inspection

Action Indicating Compliance: Field inspection sign-off

Public Services – Schools

No project design features provided.

Public Services – Parks

No project design features provided.

Public Services – Libraries

No project design features provided.

Transportation/Traffic

L-1: Construction Traffic Management Plan. A detailed Construction Traffic Management Plan, including street closure information, detour plans, haul routes, and staging plans would be prepared and submitted to the City, including its Department of Transportation, for review and approval. The Construction Traffic Management Plan would formalize how construction would be carried out and identify specific actions that would be required to reduce effects on the surrounding community. The Construction Traffic Management Plan shall be based on the nature and timing of specific construction activities and other projects in the vicinity, and will include the following elements as appropriate:

- Providing for temporary traffic control during all construction activities within public rights-of-way to improve traffic flow on public roadways (e.g., flagmen);

- Scheduling of construction activities to reduce the effect on traffic flow on surrounding arterial streets;
- Rerouting construction trucks to reduce travel on congested streets to the extent feasible;
- Prohibiting construction-related vehicles from parking on surrounding public streets;
- Providing safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers;
- Accommodating all equipment on-site; and
- Obtaining the required permits for truck haul routes from the City prior to issuance of any permit for the Project.
- Providing off-site truck staging in a legal area furnished by the construction truck contractor. Haul trucks would be radioed in from the off-site staging area to minimize queuing along streets in the immediate vicinity of the Project Site.
- Ensuring that access will remain unobstructed for land uses in proximity to the Project Site during Project construction.

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 Project plan check; periodic field inspection

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

Tribal Cultural Resources

No project design features provided.

Utilities and Service Systems – Water

No project design features provided.

Utilities and Service Systems – Solid Waste

No project design features provided.

Utilities and Service Systems – Energy Conservation

No project design features provided.