

COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS
AND RECREATION

FORD THEATRES PROJECT
Mitigation Monitoring and
Reporting Program
State Clearinghouse No. 2014021013

Prepared for
County of Los Angeles Department of Parks and Recreation
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Mitigation Monitoring and Reporting Program

1. Introduction

The California Environmental Quality Act (CEQA) requires a lead agency that approves a project for which an Environmental Impact Report or Mitigated Negative Declaration has been prepared to “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects” (CEQA Guidelines Section 15097). An Environmental Impact Report (EIR) has been prepared for the Project to address the potential environmental impacts of the Project. Where appropriate, the EIR includes mitigation measures to avoid or substantially lessen the significant environmental impacts associated with the Project. This Mitigation Monitoring and Reporting Program (MMRP) prepared for the Project is designed to monitor implementation of these mitigation measures. This MMRP has been prepared in compliance with the requirements of CEQA, Public Resources Code Section 21081.6, and Section 15097 of the CEQA Guidelines. This MMRP describes the procedures the Ford Theatre Foundation, as the Project Applicant, shall use to implement the mitigation measures adopted in connection with the approval of the Project and the methods of monitoring and reporting on such actions. “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. For this MMRP, the County of Los Angeles is the Lead Agency for the Project. This MMRP would be adopted by the County of Los Angeles Board of Supervisors.

2. Purpose

It is the intent of this MMRP to:

1. Verify compliance with the required mitigation measures of the EIR;
2. Provide a methodology to document compliance with the required mitigation;
3. Provide a record and status of mitigation requirements;
4. Identify monitoring and enforcement agencies;
5. Establish and clarify administrative procedures for the clearance of mitigation measures;

6. Establish the frequency and duration of monitoring and reporting; and
7. Utilize the existing agency review processes wherever feasible.

3. Administrative Procedures and Enforcement

This MMRP shall be in place throughout all phases of the Project. The Ford Theatre Foundation, as the entity responsible for implementing the mitigation measures, shall be obligated to provide documentation concerning implementation of the mitigation measures to the appropriate monitoring agency as provided for herein.

Table 1 below lists each required mitigation measure for the Project and identifies the following:

- **Responsible Implementation Party**—the entity responsible for the implementation of mitigation measures.
- **Monitoring Phase**—The phase of the Project during which the mitigation measure shall be monitored.
- **Monitoring Agency**—The agency to which reports involving feasibility, compliance, implementation, and development are made.

As evaluated in the Draft EIR, Project impacts related to certain environmental topics were determined to be less than significant. Therefore, no mitigation measures were identified in the Draft EIR for those environmental issues. Table 1 below lists only those environmental topics for which mitigation measures were identified in the Draft EIR.

4. Program Modification

After review and approval of the final MMRP by the Lead Agency, minor changes and modifications to the MMRP are permitted, but can only be made by the Applicant or its successor subject to the approval by the County of Los Angeles. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. The flexibility is necessary in light of the prototypical nature of the MMRP, and the need to protect the environment with a workable program. No changes will be permitted unless the MMRP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

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Mitigation Measure	Responsible Implementation Party	Monitoring Phase	Monitoring Agency
BIOLOGICAL RESOURCES			
<p>Mitigation Measure D-1: Prior to construction, a qualified botanist shall conduct rare plant surveys throughout the Project area. In the event special status species are found during surveys, avoidance measures shall be implemented based on the recommendations of a qualified botanist. If avoidance is not feasible, appropriate mitigation shall be developed and implemented, in consultation with the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, as applicable.</p> <p>Surveys shall be conducted during the appropriate blooming period to the extent feasible. If surveys cannot be conducted within the appropriate blooming period, or if the presence for any species cannot be ruled out for any other reason, avoidance measures shall be implemented based on recommendations of a qualified botanist. If avoidance is not feasible, appropriate mitigation shall be developed and implemented in consultation with the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, as applicable.</p>	Ford Theatre Foundation	Pre-Construction	Los Angeles County Department of Parks and Recreation; United States Fish and Wildlife Service and/or California Department of Fish and Wildlife, as applicable
<p>Mitigation Measure D-2: If it is determined that special status plants would be directly impacted as a result of the Project, an on- or off-site restoration plan shall be prepared by a qualified botanist, in coordination with the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, as applicable.</p> <p>The restoration plan shall be implemented prior to the completion of the Project. The plan shall include the</p>	Ford Theatre Foundation	Pre-Construction; Operation	Los Angeles County Department of Parks and Recreation; United States Fish and Wildlife Service and/or California Department of Fish and Wildlife, as applicable

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<p>following: receiver locations; number of plants to be replanted and the methods of replanting; maintenance and monitoring requirements; and measures necessary for the establishment of self-sustaining populations in suitable open space areas to ensure the long-term survivability of the species in the vicinity.</p> <p>Annual monitoring for at least five (5) years shall be required to ensure no-net-loss of acres of habitat for the species. The acreage ratio of lost special-status plant species habitat to habitat replaced shall be coordinated with the United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife, as applicable, but shall be no less than 1:1.</p>			
<p>Mitigation Measure D-3: Within a year prior to construction, protocol level surveys for the coastal California gnatcatcher shall be conducted within 300 feet of suitable habitat by a qualified biologist/ornithologist according to the United States Fish and Wildlife Service survey guidelines. The surveys shall include, at a minimum, a thorough examination of all suitable habitats within the Project area and vicinity for the coastal California gnatcatcher or its sign. The final survey methodology shall be determined in coordination with the United States Fish and Wildlife Service. A summary report shall be prepared upon completion of these activities and submitted to the United States Fish and Wildlife Service.</p> <p>If, following protocol level surveys, no gnatcatchers are detected, but construction is delayed more than one year, additional surveys may be required, at the discretion of the</p>	Ford Theatre Foundation	Pre-Construction	County of Los Angeles Department of Parks and Recreation, United States Fish and Wildlife Service

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<p>United States Fish and Wildlife Service, to ensure that no gnatcatchers have moved into the area. If evidence of the coastal California gnatcatcher is found within the Project area during surveys, consultation with the United States Fish and Wildlife Service shall be conducted, and any requirements of the regulatory agencies regarding protection of the species shall be implemented.</p>			
<p>Mitigation Measure D-4: The following measures shall be implemented during construction to minimize impacts on nesting birds and raptors:</p> <ul style="list-style-type: none"> a. Construction in areas that include trees, vegetation, or buildings that may provide nesting habitats for bird and raptors shall be reduced to the maximum extent feasible. b. Trimming and removal of vegetation and trees shall be minimized and performed outside of the nesting season (February 15 to September 15) to the extent feasible. c. In the event trimming or removal of vegetation and trees must be conducted during the nesting season, nesting bird surveys shall be completed by a qualified biologist no more than 48 hours prior to trimming or clearing activities to determine if nesting birds are within the affected vegetation. Nesting bird surveys shall be repeated if trimming or removal activities are suspended for five days or more. d. In the event construction is scheduled during bird nesting season, nesting bird surveys shall be 	<p>Ford Theatre Foundation</p>	<p>Construction</p>	<p>Los Angeles County Department of Parks and Recreation; California Department of Fish and Wildlife, as applicable</p>

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<p>completed no more than 48 hours prior to construction to determine if nesting birds, raptors, or active nests are in or within 500 feet of the construction area. Surveys shall be repeated if construction activities are suspended for five (5) days or more.</p> <p>e. In the event nesting birds or raptors are found in the construction area, appropriate buffers (typically 300 feet for songbirds and up to 500 feet for raptors) shall be implemented, in coordination with the California Department of Fish and Wildlife, to ensure that nesting birds and active nests are not harmed. Buffers shall include fencing or other barriers around the nests to prevent any access to these areas and shall remain in place until birds have fledged and/or is no longer active, as determined through coordination with the California Department of Fish and Wildlife.</p>			
<p>Mitigation Measure D-5: A qualified biologist shall complete pre-construction surveys no more than 48 hours prior to construction to determine the presence or absence of wildlife in the construction area. Surveys shall be repeated if construction activities are suspended for five (5) days or more. If any wildlife species are identified, appropriate measures shall be developed and implemented to avoid impacts on these wildlife species, in consultation with resource agencies as applicable.</p>	Ford Theatre Foundation	Pre-Construction	Los Angeles County Department of Parks and Recreation; California Department of Fish and Wildlife, as applicable

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<p>Mitigation Measure D-6: To the extent feasible, tree and building removal shall be scheduled during the non-breeding and active season for bats (typically October and November). Prior to construction, surveys shall be conducted by a qualified bat specialist to identify the presence of bats and any active or potential bat-roosting cavities. During the non-breeding and active season, any bats roosting in cavities in the area, either in trees or in structures, shall be safely evicted under the direction of a bat specialist and under consultation with the California Department of Fish and Wildlife.</p> <p>Once it has been determined that all roosting bats have been safely evicted from roosting cavities, exclusionary devices approved by the California Department of Fish and Wildlife shall be installed and maintained to prevent bats from roosting in these cavities prior to and during construction. A summary report shall be prepared upon completion of these activities and submitted to the California Department of Fish and Wildlife.</p> <p>Pre-construction bat surveys shall be conducted by a qualified bat specialist no more than seven (7) days prior to the removal of any trees within the Project area to confirm that exclusionary measures have been successful and there are not bats within the construction area. If no roosting bats are detected, no further surveys are required provided the tree removal is conducted within seven (7) days. If removal is delayed more than seven (7) days, additional surveys shall be conducted no more than seven (7) days prior to tree removal to ensure that no bats have</p>	Ford Theatre Foundation	Pre-Construction	Los Angeles County Department of Parks and Recreation; California Department of Fish and Wildlife, as applicable

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moved into the area.			
<p>Mitigation Measure D-7: Surveys and exclusion measures are expected to prevent maternal colonies from becoming established in the Project area. In the event a maternal colony of bats is found in the construction area, the California Department of Fish and Wildlife shall be consulted, and no work shall be conducted within 100 feet of the roosting site until the maternal season is over or the bats have left the site, or as otherwise directed by the California Department of Fish and Wildlife. The site shall be designated as a sensitive area and protected as such until the bats have left the site. No clearing and grubbing shall be authorized adjacent to the site. Combustion equipment, such as generators, pumps, and vehicles, shall not to be parked nor operated under or adjacent to the roosting site. Construction personnel shall not enter into areas beneath the colony, especially during the evening exodus.</p>	Ford Theatre Foundation	Construction	Los Angeles County Department of Parks and Recreation; California Department of Fish and Wildlife, as applicable
<p>Mitigation Measure D-8: Amphitheatre lighting shall be designed to focus downward on the developed areas of the Project area and minimize light spillover onto adjacent open space areas.</p>	Ford Theatre Foundation	Pre-Construction; Operation	Los Angeles County Department of Parks and Recreation
<p>Mitigation Measure D-9: Fencing associated with the proposed hiking trail shall be designed to be low in height with openings between posts and rails to allow the movement of wildlife to pass over or through the fence.</p>	Ford Theatre Foundation/ Los Angeles County Department of Parks and Recreation	Operation	Los Angeles County Department of Parks and Recreation

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<p>Mitigation Measure D-10: Trash receptacles that are not accessible to wildlife shall be used along the proposed hiking trail and within open areas of the Project Site to discourage wildlife from entering the area and reduce the potential for wildlife-human interaction. Signage shall also be placed along the trail to encourage hikers to stay within the designated trail boundary.</p>	Ford Theatre Foundation	Operation	Los Angeles County Department of Parks and Recreation
<p>Mitigation Measure D-11: The following measures shall be implemented to minimize impacts on oak trees:</p> <ul style="list-style-type: none"> a. Oak trees measuring eight (8) inches or more in diameter at four and one-half (4.5) feet above mean natural grade shall be protected in place unless otherwise specifically permitted by the County of Los Angeles b. Prior to construction, protection fencing shall be installed outside of the drip line of an oak tree to be protected in place during construction to minimize damage from equipment storage, debris dumping, parking, etc. within oak tree protected zones. c. Oak trees that are relocated shall be done so in a manner consistent with the Los Angeles County Oak Tree Ordinance. 	Ford Theatre Foundation	Pre-Construction; Construction	Los Angeles County Department of Parks and Recreation; Los Angeles County Fire Department, as needed
CULTURAL RESOURCES			
<p>Mitigation Measure E-1: To ensure that the Project is consistent with the Standards and prior to the issuance of building permits for new construction, the final architectural plans shall be reviewed and approved by a qualified professional who satisfies the Secretary of the Interior's</p>	Ford Theatre Foundation	Prior to issuance of building permits	Los Angeles County Department of Parks and Recreation

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Professional Qualification Standards for History, Architectural History, or Architecture, pursuant to 36 CFR 61.			
Mitigation Measure E-2: If a unique archaeological resource is discovered during Project construction activities, work in the area shall cease and deposits shall be treated by a qualified professional who satisfies the Secretary of the Interior’s Professional Qualification Standards for History, Architectural History, or Architecture, pursuant to 36 CFR 61 in accordance with applicable federal, State, and local guidelines, including those set forth in California Public Resources Code Section 21083.2. In addition, if it is determined that an archaeological site is a historical resource, the provisions of Section 21084.1 of the Public Resources Code and CEQA Guidelines Section 15064.5 shall be implemented.	Ford Theatre Foundation	Construction	Los Angeles County Department of Parks and Recreation
Mitigation Measure E-3: If human remains are encountered during construction, work in the affected area and the immediate vicinity shall be halted immediately. The construction manager at the Project Site shall be contacted, and shall notify the County Coroner. If the County Coroner determines the remains to be Native American, the archaeologist and Native American monitor shall then be contacted, if they are not on-site at the time, as well as the responsible lead agency of the discovery, who in turn shall notify the Native American Heritage Commission. Disposition of the human remains and any associated grave goods shall be in accordance with California Health and Safety Code Section 7050.5 and	Ford Theatre Foundation	Construction	Los Angeles County Department of Parks and Recreation

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Public Resources Code Sections 5097.91 and 5097.98, as amended. The archaeologist and the Native American monitor, with the concurrence of the County, shall determine the area of potential impact and the timing when construction activities can resume.			
<p>Mitigation Measure E-4: A qualified paleontologist shall be retained to perform periodic inspections of excavation and grading activities of the Project Site where excavations into the Topanga Formation may occur. The frequency of inspections shall be based on consultation with the paleontologist and shall depend on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. If paleontological materials are encountered, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed material to facilitate evaluation and, if necessary, salvage. The paleontologist shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource, as appropriate. The Applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report, and a copy of the paleontological survey, study or report shall be submitted</p>	Ford Theatre Foundation	Construction	Los Angeles County Department of Parks and Recreation, Los Angeles County Natural History Museum

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to the Los Angeles County Natural History Museum and the Los Angeles County Department of Parks and Recreation. Ground-disturbing activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the paleontologist.			
<p>Mitigation Measure E-5: The Project shall include preparation of a Historic Structures Report by a historic preservation professional meeting the Secretary of the Interior's Professional Qualification Standards. The Historic Structures Report shall be prepared in compliance with National Park Service Preservation Brief No. 43: The Preparation and Use of Historic Structures Report. Pursuant to National Park Service Preservation Brief No. 43, the Historic Structures Report shall include recommendations for the treatment of the character-defining features as well as guidance for complying with the Standards. The Historic Structures Report shall also include additional information about the history and physical features of the property. Preparation of the Historic Structures Report shall commence by the first quarter of 2015.</p>	Ford Theatre Foundation	Construction	Los Angeles County Department of Parks and Recreation
GEOLOGY AND SOILS			
<p>Mitigation Measure F-1: Project grading shall include a combination of ground modification and/or structural enhancements in areas subject to liquefaction to reduce the risk to an acceptable level (as defined by the California Geological Survey in Special Publication 117a, Chapter 2). Ground modification shall consist of the removal and</p>	Ford Theatre Foundation	Pre-Construction; Construction	Los Angeles County Department of Parks and Recreation

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replacement of undocumented fill with engineered fill. Subsequently, foundations shall be supported on conventional shallow footing systems established on engineered fill or undisturbed bedrock.			
<p>Mitigation Measure F-2: In order to minimize, capture, and manage debris flows and rock falls, the Project shall incorporate a combination of the following measures:</p> <ul style="list-style-type: none"> • Remove and recompact loose surficial material and remove rock fall accumulations; • Construct storm drain and catch basins in swales above proposed retaining walls to provide an outlet for rainfall runoff and to catch eroded materials. Regular maintenance of catch basins to remove eroded materials shall be performed to preserve the basin and drain functionality; • Install retaining walls; and • Install flexible barriers or anchored mesh net. 	Ford Theatre Foundation	Pre-Construction; Construction	Los Angeles County Department of Parks and Recreation
NOISE			
<p>Mitigation Measure I-1: Power construction equipment (including combustion engines), fixed and 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.</p>	Ford Theatre Foundation	Construction	Los Angeles County Department of Parks and Recreation

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Mitigation Measure I-2: Project construction shall not include the use of driven pile systems.	Ford Theatre Foundation	Construction	Los Angeles County Department of Parks and Recreation
Mitigation Measure I-3: Contractor shall utilize smaller construction equipment, such as small bulldozer and hand held compactors, when construction occurs within 20 feet of the existing Amphitheatre structure.	Ford Theatre Foundation	Construction	Los Angeles County Department of Parks and Recreation
HAZARDS AND HAZARDOUS MATERIALS			
Mitigation Measure Hazards-1: Prior to the start of construction, the Applicant shall prepare and implement a construction management plan to the satisfaction of the Los Angeles County Department of Public Works and in consultation with the City of Los Angeles Department of Transportation. Features of the construction management plan may include, but shall not be limited to, the following: <ul style="list-style-type: none"> • Maintaining emergency access to and within the vicinity of the Project Site; • Limiting potential lane closures to off-peak travel periods, to the extent feasible; • Scheduling receipt of construction materials during non-peak travel periods, to the extent possible; • Prohibiting parking by construction workers on adjacent streets and directing construction workers to park on-site or other designated parking areas; and • Using flag persons to control traffic movement 	Ford Theatre Foundation	Pre-Construction	Los Angeles County Department of Parks and Recreation

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during the ingress and egress of trucks and heavy equipment from the Project Site and/or temporary lane closures.			