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CHIEF ADMINISTRATIVE OFFICE
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DAVID E. JANSSEN
Chief Administrative Officer

Board of Supervisors
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Third District

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MICHAEL D. ANTONOVICH
Fifth District

June 1, 2006

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT
HALL OF JUSTICE REPAIR AND REUSE PROJECT
(FIRST DISTRICT, 3-VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Consider the proposed Final Environmental Assessment and Environmental Impact Report (EA/EIR), including the comments received and responses thereto; find that the Final EA/EIR reflects the independent judgment and analysis of the County; certify that the Final EA/EIR has been completed in compliance with the California Environmental Quality Act (CEQA) and that your Board has reviewed and considered the information contained therein in its decision-making process prior to approving the project; and adopt the enclosed Environmental Findings of Fact and Statement of Overriding Considerations for the Hall of Justice Repair and Reuse Project;

2. Adopt the Mitigation Monitoring and Reporting Program included in the Final EA/EIR as a condition of the Hall of Justice Repair and Reuse Project to mitigate, reduce or avoid significant effects to the environment;

3. Find that the Hall of Justice Repair and Reuse Project will have no adverse effect on wildlife resources and authorize the Chief Administrative Officer or his designee to complete and file a Certificate of Fee Exemption for the project;

4. Authorize the Chief Administrative Officer to execute the attached Memorandum of Agreement (MOA) between the County, the Department of Homeland Security's Federal Emergency Management Agency (FEMA), the California State

Historic Preservation Officer (SHPO) and the California Governor's Office of Emergency Services (OES), to preserve numerous character defining historic features of the building; and

5. Instruct the Director of Public Works to return to your Board with contract recommendations to commence Phase III non-structural interior demolition activities and Phase IV design services only for structural demolition and retrofit work, and obtain an independent cost estimate for the complete rehabilitation of the building.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTIONS

The proposed recommendations are consistent with your Board's direction to proceed with the Hall of Justice Repair and Reuse Project on an incremental basis. Accordingly, any further recommendations to adopt, advertise and award a construction contract related to the project will require your Board's further approval.

With respect to the recommended actions contained in this letter, your Board's approval will fulfill the requirements of the California Environmental Quality Act (CEQA) for the Hall of Justice Repair and Reuse Project; authorize the County to execute a Memorandum of Agreement (MOA) with the Department of Homeland Security's Federal Emergency Management Agency (FEMA), the California State Historic Preservation Officer (SHPO), and the California Governor's Office of Emergency Services (OES) to preserve numerous character defining historic features related to the building; and instruct the Director of Public Works to obtain an independent total project cost estimate for the complete rehabilitation of the building, and return to your Board with contract recommendations for the next two incremental phases of the project.

Final EA/EIR

The attached Final EA/EIR, consisting of the Final EA/EIR, the Findings of Fact and Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program, has been prepared in accordance with CEQA, and is presented to your Board for consideration in your decision making process in connection with approvals for the proposed project.

Upon review of the above mentioned documents, we recommend that your Board certify the Final EIR; adopt the attached Findings of Fact and Statement of Overriding Considerations stating that the remaining significant effects on the environment found to be significant and unavoidable are acceptable due to the overriding benefits set forth in

the Statement of Overriding Considerations; and approve the Mitigation Monitoring and Reporting Program of the Final EA/EIR to ensure compliance with mitigation measures that have been identified to mitigate, reduce or avoid significant environmental effects.

A summary of the report findings has been included as Attachment I.

Memorandum of Agreement

In April 2006, the protracted negotiations between FEMA, SHPO, OES and County representatives finally concluded with the preparation of an MOA (see Attachment II). The final MOA included a number of mitigation measures to preserve, rehabilitate, or relocate the following character defining historic features of the building:

- Relocate a representative sample of the jail cells from the top floor to the basement or ground floor area;
- Rehabilitate the 8th floor library (Room 819) in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties;
- Retain the historic features of the 8th floor courtroom (Room 816) in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties; and
- Retain the hollow clay tile infill material in selected interior spaces where historic restoration work is proposed.

At this time, we are recommending that your Board delegate its authority to the Chief Administrative Officer (CAO) to execute the MOA on the County's behalf. Moreover, due to the lengthy negotiation process related to the development of the MOA, the CAO has submitted a two year time extension request on behalf of the County to FEMA through December 31, 2008 to complete the project. The extension is required to preserve $18 million in FEMA funds programmed to defray a portion of the project costs. Since this two year delay was based on extenuating circumstances and unusual project requirements beyond the control of the County related to the protracted negotiations of the MOA preparations, we believe the County has a strong case to support the granting of an extension by FEMA.

Demolition and Design Services

On August 26, 2004, your Board approved proceeding with the project incrementally, and authorized Public Works to complete Phase I, Debris Removal, and Phase II, Interior Demolition Design of the project. Phase I, Debris Removal, was completed under an existing Job Order Contract (JOC) on May 22, 2005. Phase II, Interior Demolition Design, was completed on April 4, 2005. The budget for these phases was $2,725,000.

Upon certification of the Final EA/EIR, the Department of Public Works will be in a position to commence Phase III, Interior Non-Structural Demolition, which will consist of demolishing all non-structural, interior building elements, while protecting the historic fabric of the building, as indicated in the non-structural demolition plans and specifications prepared by Nadel Architects, Inc. This phase is projected to cost approximately $11 million. Additionally, commencing those portions of Phase IV design activities related to structural demolition and retrofit work, concurrently with Phase III (demolition of non-structural, interior building elements) should be considered at this time in order to provide the County with additional flexibility in the development of the project. Completion of such design activities including architectural/engineering, consultant and County services is expected to cost $2.6 million. We believe demolition of the interior building elements and development of construction drawings for structural retrofit work will enhance the value of the property, as many of the unforeseen building conditions will be identified. (Note: the actual retrofit work, as well as the design services for the rehabilitation work, which are elements of Phase IV as described in the EIR, are not part of the approval sought by this Board letter and will require further Board approval prior to commencement)

We are also recommending that the Director of Public Works return with recommendations to award demolition and design contracts in connection with Phase III and Phase IV. Additionally, we are including authorization to obtain an independent cost estimate to account for substantial increases in the price of building materials resulting from market volatility since the previous $127 million estimate was prepared in May 2001.

Again, the proposed recommendations are consistent with your Board's direction to continue with the capital project on an incremental basis. Any further recommendations to adopt, advertise and award a construction contract will require your Board's further approval.

The Hall of Justice Project Advisory Committee (PAC) has been briefed on the status of the project and supports the recommendations contained in this letter.

Implementation of Strategic Plan Goals

The proposed Project would meet the County's Strategic Goal of Service Excellence by creating a more welcoming environment for the community and visitors by repairing and reusing the Hall of Justice building, which is currently in a deteriorated state.

FISCAL IMPACT/FINANCING

Certification of the Final EA/EIR will have no fiscal impact to the County. If the Board approves proceeding with Phase III and a portion of Phase IV related to the design of the retrofit work, the CAO and Public Works will return to your Board with a budget adjustment of $13.6 million to fund the demolition and design services previously described herein.

FACTS AND PROVISIONS/LEGAL REQUIRMENTS

Certification of the Final EIR and adoption of the Environmental Findings of Fact and Statement of Overriding Considerations are required by the California Environmental Quality Act prior to your Board's approval of the Project.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Certification of the Final EIR will have no impact on any current services, but is required prior to the construction or approval of the proposed Project. The Final EIR and associated documents include mitigation measures to mitigate or reduce impacts on the environment.

ENVIRONMENTAL DOCUMENTATION

The Chief Administrative Office prepared a Draft EA/EIR for the project in accordance with CEQA and in accordance with the Environmental Document Recording Procedures and Guidelines adopted by your Board on November 17, 1987.

In compliance with CEQA, the County of Los Angeles prepared an Initial Study and Notice of Preparation (NOP) for the Hall of Justice Repair and Reuse Project. The Initial Study and NOP were circulated between February 4, 2003, and March 5, 2003, for the required 30-day review period. The purpose of the Initial Study and NOP was to solicit early comments from public agencies with expertise in subjects that are discussed in the Draft EA/EIR. A copy of the Initial Study and NOP are included in **Appendix 1.0** of the Draft EA/EIR document.

Two scoping meetings were held on January 14, 2003, to receive comments from public agencies, other groups, and concerned individuals and to determine the issues to be discussed in the Draft EA/EIR. These meetings were held in downtown Los Angeles at the County Hall of Administration and Bradbury Building. A notice of the scoping meetings was placed in the Los Angeles Times, Downtown Los Angeles News, and posted on the Hall of Justice site. The County of Los Angeles and the Federal Emergency Management Agency (FEMA) based topics evaluated in the Draft EA/EIR on the responses to the Initial Study and NOP, comments received at the scoping meeting on January 14, 2002, and review of the project.

CEQA requires that the Draft EA/EIR be made available for public review. Accordingly, the Draft EA/EIR was made available on April 8, 2004 for public review for a period of 45 days ending on May 24, 2004. Copies of the Draft EA/EIR were sent directly to various federal, state, and local agencies, as well as interested organizations. Copies of the Draft EA/EIR were also made available at the Chief Administrative Office and at the Los Angeles Central Library. A notice of the availability of the Draft EA/EIR was placed in the Los Angeles Times, Downtown Los Angeles News, and posted on the Hall of Justice site. During the review period, comments on the accuracy and completeness of the Draft EA/EIR were submitted by public agencies, other groups, and concerned individuals. The County received a total of eight comment letters on the Draft EA/EIR. The comment letters and the County's response to comments thereto, are included in Volume 3 of the Final EA/EIR.

A fee must be paid to the State Department of Fish and Game when certain notices required by CEQA are filed with the County Clerk. The County is exempt from paying this fee when the Board finds that a project will have no impacts on wildlife resources. As mitigation measures are included in the Final EIR to reduce to less than significant the impact to nesting and breeding migratory birds, if any, the CAO will file a Certificate of Fee Exemption with the County Clerk. We will also file a Notice of Determination in accordance with the requirements of CEQA.

CONCLUSION

Please return two adopted copies of this letter to the CAO (Property Development Section).

Respectfully submitted,

DAVID E. JANSSEN
Chief Administrative Officer

DEJ:JSE
SHK:z

Attachments

c: Executive Office
County Counsel
Department of Public Works
Sheriff
District Attorney
Parks and Recreation

Hall of Justice Repair and Reuse Project
Final Environmental Assessment/Environmental Impact Report
Summary

The Hall of Justice is an historic building, occupying a key real estate parcel in the Civic Center area. Its repair and reuse is important to the revitalization of downtown Los Angeles in general and the Civic Center specifically. This project affords the County a unique opportunity to use a valuable asset to meet several departments' downtown space needs while participating in the revitalization of the Civic Center area.

The following objectives for the proposed Project have been included as part of the Final EIR:

- Renovate the Hall of Justice into a modern "Class A" (that is typical of better quality office buildings within the region) government office building, allowing for use by the County Sheriff's Department, District Attorney, Department of Parks and Recreation and other County agencies.

- Provide for 325,000 square feet of useable "Class A" modern office space at a cost comparable to other available commercial office alternatives.

- Seismically retrofit the earthquake-damaged building and restore the core and shell elements of the building to alleviate a public safety hazard, while retaining the primary historic features to the extent that preservation efforts are economically feasible.

- Provide a facility that is Americans with Disabilities Act (ADA) accessible throughout the building.

- Fulfill the vision of the Civic Center Shared Facilities and Enhancement Plan, which includes the rehabilitation of the Hall of Justice for government office use.

- Allow for the repair and enhancement of a building which is acknowledged to feature exceptional architecture to create a landmark development that reflects and promotes the Los Angeles Civic Center.

- Provide for pedestrian circulation around the site that would allow linkage of the Hall of Justice to other government and private uses within the Los Angeles Civic Center area.

- Remove and/or remediate potentially hazardous building materials contained within the Hall of Justice such as lead-based paint and asbestos-containing materials.

Project Description

The Hall of Justice Repair and Reuse Project entails seismically retrofitting the earthquake-damaged building into a useable office building, while preserving and restoring selected historic features. The Project would include the repair of the interior of the Hall of Justice building to provide 325,000 square feet of useable office space, the development of a new multi-level garage with 1,000 parking spaces on the site, landscape and hardscape improvements, architectural and security lighting, and necessary upgrades to utility systems. In addition, the Project would include the restoration of the core and shell elements of this building, and the cleaning, refurbishing, and repair of the historic exterior wall materials, and certain historically significant interior areas.

The proposed Project would be implemented incrementally as part of the eight separate phases listed below:

1. Phase I - Debris Removal: Removal of loose material, debris, and furniture from the building (phase has been completed);

2. Phase II - Interior Demolition Design: Architectural/engineering services to prepare design documents for non-structural interior demolition work (phase has been completed);

3. Phase III - Interior Demolition: Perform interior non-structural demolition activities;

4. Phase IV - Rehabilitation Design: Architectural/engineering services to prepare design documents for structural retrofit work and repair/rehabilitation work including the installation of new building utility systems and tenant improvements, and performance of retrofit work;

5. Phase V - Bidding Rehabilitation Work: Bid repair/rehabilitation work;

6. Phase VI - Rehabilitation and Construction: Perform repair/rehabilitation work;

7. Phase VII - Tenant Improvements: Bid and construct tenant improvement scope; and

8. Phase VIII - Move in/Start Up/Close Out: Tenant departments take occupation of the building.

The Draft EA/EIR examined the whole project, included within these phases, and has considered the environmental impact of the whole project. Accordingly, the phasing of the project would not result in any additional impacts or require any additional mitigation measures to resolve environmental impacts beyond those described in the Final EA/EIR. The County of Los Angeles would implement the project per the phasing

scheme and provide funding for each phase of the project individually, as it is needed. It should be noted that while Phase I and II are identified as a part of the project, it can be seen with certainty that there is no possibility that such activities would have a significant effect on the environment, and hence are not subject to CEQA. Consequently, the County of Los Angeles has moved forward and completed these phases as previously authorized by your Board.

Final EA/EIR, Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring Program

Based upon the Initial Study for the Hall of Justice Repair and Reuse project, it was determined that the Project likely would have significant environmental effects on 11 environmental areas unless mitigation measures were incorporated as part of the Project to mitigate or avoid those significant effects. The 11 environmental areas include: 1) geology and soils; 2) traffic/circulation and parking; 3) public health and safety/hazardous materials; 4) socioeconomic issues/environmental justice; 5) visual quality; 6) air quality; 7) noise; 8) public services and utilities; 9) water resources/floodplain encroachment; 10) biological resources; and 11) cultural resources.

Mitigation measures have been identified in the Final EA/EIR to mitigate, reduce, or avoid potentially significant effects on the environment from the proposed Project and are recommended as a condition or approval for the proposed Project. The Mitigation Monitoring Program has been prepared to ensure that the mitigation measures identified as conditions of the proposed Project are implemented as part of the proposed Project.

Four of the issue areas were determined to result in less than significant impacts and, therefore, do not require the implementation of mitigation measures. These issue areas included socioeconomic issues/environmental justice, visual quality, public services and utilities, and water resources/floodplain encroachment. The identified mitigation measures are sufficient to reduce the impacts of the proposed Project to a level of less than significant for environmental areas pertaining to geology and soils, traffic/circulation and parking, public health and safety/hazardous materials, and biological resources. However, even after mitigation, it has been determined that the implementation of the proposed Project would still have a potential significant impact on air quality and noise during construction of the proposed Project, and a potential significant impact on cultural resources (historic architecture)..

Short-term Significant Impact During Construction: Air Quality and Noise

As mentioned in the Final EA/EIR, emissions associated with three criteria pollutants, Carbon Monoxide (CO), Particulate Matter (PM_{10}) and Oxides of Sulfur (SO_2), would all fall below the adopted threshold levels throughout the duration of construction activities. However, Reactive Organic Gases (ROG), and Oxides of Nitrogen (NO_x) emissions would exceed the adopted threshold established by the South Coast Air Quality

Management District (SCAQMD). Although mitigation measures have been incorporated into the proposed Project to reduce these emissions, the emission level cannot be reduced to a less than significant level as defined by the South Coast Air Quality Management District.

In order to mitigate noise levels, construction activities associated with the proposed Project would occur approximately 100 feet from existing commercial uses. Employment of all feasible noise attenuation devices and techniques may be capable of reducing noise levels for stationary equipment to some degree, but trucks and other mobile equipment cannot be surrounded by noise barriers at all locations. Given these factors, periodic noise levels of 95 dB(A) should be anticipated at 50 feet from various types of mobile and stationary construction equipment. Noise levels would diminish with distance from the construction site at a rate of approximately 6 dB(A) per doubling of distance. Thus, as the nearest uses are within 100 feet of the loudest construction equipment, periodic noise levels of up to 90 dB(A) could occur on adjacent off-site properties. Periodic construction noise levels would be noticeable and would constitute a temporary significant noise impact at adjacent off-site commercial uses. Although mitigation measures have been incorporated into the proposed Project to reduce noise levels, the noise levels cannot be reduced to a less than significant level as defined by the County of Los Angeles.

The County of Los Angeles considered means to reduce air quality emissions and noise levels. However, in order to reduce air emissions and noise levels below the level of significance, daily construction activities would have to be limited thus making the duration of construction substantially longer. An extension of the construction duration is considered not to be acceptable by the County of Los Angeles due to increased costs to the project and loss of productivity.

Significant Impact From Implementation: Cultural Resources (Historic Architecture)

The Hall of Justice has been determined eligible for listing in the National Register of Historic Places (NRHP). The proposed project rehabilitates and repairs some of the character-defining features of the Hall of Justice, but demolishes or alters others. Section 21084.1 of the California Public Resources Code states that "A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." Consequently, the project would result in significant impacts to historical materials that are identified as character-defining features of the building. Although mitigation measures have been incorporated into the proposed Project to reduce impacts to character defining features, the impact cannot be reduced to a less than significant level as defined by the California Environmental Quality Act (CEQA).

The County of Los Angeles examined an alternative to the proposed Project in the EA/EIR that would include Adaptive Reuse of the Existing Building to Secretary of Interior Standards. Adaptive Reuse would include repair of the Hall of Justice, per the

Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing History Buildings. In other words, all character-defining historic features and elements of the building would remain entirely intact under this alternative. Adaptive Reuse would include the repair of the interior of the Hall of Justice building to provide for 199,132 square feet of useable "Class A" office space, the development of a new multi-level garage with 1,000 parking spaces, landscape and hardscape improvements, architectural and security lighting, and necessary upgrades to utility systems. In addition, Adaptive Reuse would include the cleaning, refurbishing, and repair of the historic exterior wall materials. Pursuant to the requirements of CEQA, the County identified this alternative as the environmentally superior alternative. This alternative, however, is not capable of meeting four of the eight basic objectives of the proposed Project including:

- The Adaptive Reuse of the Existing Building to Secretary of Interior Standards Alternative would provide more gross square footage than the proposed project but would reduce the amount of "Class A" office space available for use by approximately 125,868 square feet. This is incompatible with the project's objectives.

- The inability to improve the elevator system would fail to provide a facility that is American with Disabilities Act (ADA) accessible throughout the building.

- The inability to remodel certain portions of the interior and exterior would prevent the removal and/or remediation of potentially hazardous building materials contained within the Hall of Justice, such as lead-based paint and asbestos-containing materials.

- While the Adaptive Reuse Alternative is considered environmentally superior, due to reducing the significant and unavoidable historic architecture impacts, this alternative would not allow for the County to maximize the use of the building through the provision of 325,000 square feet of useable space and would render five floors of the building unusable.

MEMORANDUM OF AGREEMENT

BETWEEN
THE DEPARTMENT OF HOMELAND SECURITY'S FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE PROPOSED
RENOVATION OF THE LOS ANGELES COUNTY HALL OF JUSTICE IN THE CITY OF LOS ANGELES, CALIFORNIA

WHEREAS, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) has determined that the proposed renovation (Undertaking), of the Los Angeles County Hall of Justice (Hall of Justice), is eligible for Federal funding pursuant to Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 et seq. and will constitute an adverse effect on a property that has been determined to be eligible for listing on the National Register of Historic Places, and has consulted with the California State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f), and the Programmatic Agreement among the FEMA, SHPO, the California Governor's Office of Emergency Services (OES), and the Advisory Council on Historic Preservation (ACHP); and

WHEREAS, FEMA has consulted with the County of Los Angeles (County), OES, and the Los Angeles Conservancy regarding the effects of the Undertaking on the Hall of Justice and has invited them to sign this Memorandum of Agreement (MOA) as Concurring Parties (the L.A. Conservancy declined the invitation); and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), FEMA has notified the ACHP of its adverse effect determination with documentation meeting the standards set forth at 36 CFR § 800.11(e), and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii);

NOW, THEREFORE, FEMA and SHPO agree that the Undertaking will be implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties.

STIPULATIONS

FEMA, in coordination with SHPO, the OES, and the County, shall ensure that the following measures are carried out:

I. AREA OF POTENTIAL EFFECTS

The area of potential effects (APE) for the Undertaking includes the area encompassed by Aliso Street, Spring Street, Temple Street and Broadway Street to the north, east, south and west, respectively. The "Hall of Justice" is defined as the structure of the Hall of Justice itself and for the purposes of this agreement is not intended to refer to the entire APE. The Hall of Justice is the sole historic property located within the APE.

II. TREATMENT MEASURES

A. Treatment prior to Implementation of the Undertaking

1. Prior to the start of construction the County will conduct a Level 2 Historic American Building Survey and Historic Architecture and Engineering Recordation (HABS/HAER) of the Hall of Justice building, and all spaces therein, in accordance with the Secretary of the Interior's Guidelines for Architectural and Engineering Documentation.

2. The County will provide final archival HABS/HAER documentation to the Los Angeles Public Library, Central Branch.

3. The County will, prior to the start of any construction and following the execution of this agreement, provide FEMA and SHPO with, and to the fullest reasonable extent adhere to, a preservation plan that details, both photographically and in narrative form, the phasing, removal, protection, shoring, provenance, storage and reinstallation of all finishes, walls, doors, floors, ceilings and fixtures extant in the 1st and 2nd floor Lobby/Loggia, elevator cabs 1-7, the 8th floor library (Room 819), one 8th floor courtroom (Room 816), the two stairwells to be retained and refurbished, the jail cells and the light courts

B. Rehabilitation Measures

1. **Exterior Treatment.**
   a. The County will clean and restore building exterior in accordance with the Secretary of the Interior's Standards for Restoration and Guidelines for Restoring Historic Buildings.

   b. The County shall give first priority to stabilizing the architectural glazed

terra cotta veneer from the office side of the exterior walls in lieu of anchoring through the architectural glazed terra cotta veneer. If the County is unable to stabilize the architectural glazed terra cotta veneer from the office side of the exterior walls then the County will submit a proposed alternative stabilization method to FEMA and SHPO for review in accordance with stipulations III.B-E of this MOA.

c. The County will retain and rehabilitate all original historic windows in accordance with Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties.

d. The County will remove all window-mounted air conditioning units.

2. **Interior Treatment.**

a. The County will rehabilitate the 1st and 2nd floor grand lobby/loggia in accordance with the Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitating Historic Properties and:
   1. Remove existing secondary infill in the 2nd floor lobby/loggia.
   2. Retain and refurbish elevator cabs 1-7.

b. The County will rehabilitate the 8th floor library (Room 819) in accordance with Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties.

c. The County will retain the historic features of the 8th floor courtroom 816 in accordance with Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties.

d. The County will relocate a representative grouping of no fewer than two jail cells into the basement or ground floor of the Hall of Justice.

e. The County will develop an interpretive program involving the relocated jail cells and allow periodic public access to the relocated jail cells.

f. The County will retain and refurbish 2 stairwells in accordance with Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties.

g. The County will retain and refurbish the glazed tiles in the light courts in accordance with Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Properties.

h. The County shall give first priority to raising the existing non-original dropped ceilings on floors 3 through 9 clear of window openings. If the County is unable to raise the existing non-original dropped ceilings on floors 3 through 9 clear of window then the County will submit a proposed alternative stabilization method to FEMA and SHPO for review in accordance with stipulations III.B-E of this MOA.

III. PROJECT DOCUMENTS REVIEW

A. The County will develop construction plans for the Undertaking that conform to stipulation II of this agreement and provide FEMA, SHPO and OES with two sets of construction documents each at or near their initial design and development level of completion, two sets of construction documents each at or near their 50% level of completion, two sets of construction documents each at or near their 90% level of completion and two copies of the preservation plan included in Stipulation II.A.3 prior to the start of construction.

B. Within 30 days of receiving each respective submittal specified in Stipulation III.A. or VI., FEMA and SHPO will review the submittal to ensure adherence to Stipulation II. and will respond to the County with any comments.

C. The County will incorporate comments to the fullest reasonable extent and provide FEMA, SHPO and OES with a revised version with the changes to the subject document.

D. Should the County object to incorporating any of the comments, the County will provide FEMA, SHPO and OES with a written explanation of its objections. FEMA and SHPO will then consult with the County to resolve the objections. If no agreement is reached within 14 days following the receipt of the objection, FEMA will follow the dispute resolution process set forth in Stipulation VII.

E. If FEMA or SHPO do not provide written comments within the agreed upon time frames, and the County is continuing to conform with all preceding stipulations in this agreement, the County may presume agreement with the submittal, and may continue with the further development of construction documents or, if the submittal is 90% construction documents and/or the preservation plan, may proceed with construction.

F. Within 90 days of project completion, the County will provide FEMA, SHPO and OES with photographic documentation that all measures and details addressed in the preservation plan stipulated above have been accomplished.

IV. PUBLIC INVOLVEMENT

If, at any time during the implementation of the measures stipulated in this MOA, an objection to any measure within this MOA or its manner of implementation is raised by a member of the general public, FEMA will take the objection into consideration and consult with the objecting party, SHPO, OES and the County to address the objection for no longer than 15 days. The public has been afforded a reasonable opportunity to comment through the California Environmental Quality Act process initiated by the County.

V. DURATION

If, after a period of five (5) years following the execution of this MOA, FEMA determines that the County has not made significant progress toward the completion of the project, FEMA may convene a consultation meeting of Signatory and Concurring Parties to discuss the possibility of terminating this MOA. Prior to such time, FEMA may consult with the other signatories and concurring parties to reconsider the terms of the agreement and amend it in accordance with stipulation VIII below.

VI. THIRD PARTY MONITORING AND REPORTING

A. The County will retain the services of a qualified historic preservation consultant (HP Consultant) with experience and background in architectural preservation to monitor the Undertaking during the construction phase to ensure substantial conformity to the approved project documents. Monitoring will be carried out by or under the direct supervision of a person or persons meeting at a minimum the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9). This person(s) must be familiar with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the State Historical Building Code, and the Guidelines for the Rehabilitation of Existing Buildings. The County will provide FEMA and SHPO with an opportunity to comment on the selection of the HP consultant prior to their retention. The HP Consultant will conduct an on-site inspection of all project work no less than once a month. The HP Consultant review process shall commence at the start of work and cease only upon completion of the Undertaking.

B. During the implementation of the Undertaking, the County will immediately notify the HP Consultant, who in turn will immediately notify FEMA, SHPO and OES, of any conflicting conditions, proposed changes (e.g., change orders) or changes in the approved scope of work that may affect the building's historic materials or its significant historic character defining features and spaces. The HP Consultant will review the additional work items to determine if they have an effect on the property, as defined in 36 CFR § 800.16(i) and, the County will take all reasonable measures to avoid or minimize harm to the property until the issue is resolved pursuant to stipulation III. B.-E..

C. The County shall prepare for review by the HP Consultant documentation that

presents and explains the proposed scope of work for each upcoming month on the first business day of the last week of the preceding month. The HP Consultant will review the documentation to ensure the work on the areas specified in Stipulation II of this MOA is consistent with the approved documents. If the HP Consultant determines that the work is consistent with the terms of this MOA the HP Consultant may approve the work without review by FEMA or SHPO. The HP Consultant will document this decision in writing, copy this documentation to FEMA, SHPO and OES and retain a copy of the document in its project files.

D. If the HP Consultant determines that any work is not consistent with terms of this MOA, or is work proposed in addition to the originally agreed upon scope of work, the HP Consultant will forward documentation to support this finding to FEMA, SHPO and OES for FEMA and SHPO review pursuant to Stipulation III. B.-E..

E. The County will provide all parties to this agreement an annual summary report detailing work undertaken pursuant to its terms. The report will be submitted on or by February 15 of each year following the execution of this agreement. The report will include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the County's efforts to carry out the terms of this agreement. Failure to provide such summary report may be considered noncompliance with the terms of this MOA pursuant to stipulation VIII, below.

VII. DISPUTE RESOLUTION

A. Should any Signatory or Concurring Party to this agreement object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FEMA will consult with the objecting party(ies) to resolve the objection. If FEMA determines, within 30 days, that such objection(s) cannot be resolved, FEMA will:

1. Forward all documentation relevant to the dispute to the ACHP in accordance with 36 CFR § 800.2(b)(2). Upon receipt of adequate documentation, the ACHP will review and advise FEMA on the resolution of the objection within 30 days. Any comment provided by the ACHP, and all comments from the parties to the MOA, will be taken into account by FEMA in reaching a final decision regarding the dispute.

2. If the ACHP does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, FEMA may render a decision regarding the dispute. In reaching its decision, FEMA will take into account all comments regarding the dispute from the parties to the MOA.

3. The County's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged. FEMA will notify all Signatories and Concurring Parties of its decision in writing before implementing that portion of the Undertaking subject to dispute under this stipulation. FEMA's decision will be final.

VIII. AMENDMENTS

If any Signatory or Concurring Party to this MOA determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that Signatory or Concurring Party will immediately consult with the other parties to this MOA to develop an amendment to it pursuant to 36 CFR § 800.6(c)(7) and (8). The amendment will be effective on the date a copy signed by all of the original Signatories and Concurring Parties is filed with the ACHP. If the Signatories and Concurring Parties cannot agree to appropriate terms to amend the MOA, any Signatory may terminate the agreement in accordance with stipulation IX, below.

IX. TERMINATION

If this MOA cannot be successfully amended under the consultation process set out in stipulation VIII., it may be terminated by any Signatory. Within 30 days following termination, FEMA will notify the Signatories and Concurring Parties if it will re-initiate consultation to execute another MOA with the Signatories and Concurring Parties under 36 CFR § 800.6 or request the comments of the ACHP under 36 CFR § 800.6(b)(1)(v) and proceed accordingly.

X. EXECUTION

The execution of this MOA by FEMA and SHPO, FEMA's submission of documentation and filing of this MOA with the ACHP pursuant to 36 CFR § 800.6(b)(1)(iv) prior to FEMA's approval of the Undertaking, and FEMA's subsequent implementation of the terms of this MOA shall evidence, pursuant to 36 CFR § 800.6(c), that this MOA is an agreement with the ACHP for purposes of Section 110(l) of the NHPA, and that FEMA has taken into account the effects of the Undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

The Federal Emergency Management Agency

_____ Date
Karen Armes, Acting Region IX Director

The Federal Emergency Management Agency

_____ Date
Alessandro Amaglio, Region IX Environmental Officer

California State Office of Historic Preservation

_____ Date
Milford Wayne Donaldson, California State Historic Preservation Officer

CONCURRING PARTIES:

The County of Los Angeles

_____ Date
David Janssen, Chief Administrative Officer, County of Los Angeles

The California Governor's Office of Emergency Services

_____ Date
Paul Jacks, Deputy Director, California Governor's Office of Emergency Services