

# **Findings and Statement of Overriding Considerations**

## **VENICE AUXILIARY PUMPING PLANT PROJECT (Environmental Impact Report) (SCH #2015111038)**

Prepared by the

**CITY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
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### 1.1 Purpose

These Findings have been prepared by the City of Los Angeles (City) as the Lead Agency pursuant to Section 21081 of the Public Resources Code (PRC) and Section 15091 of Title 14 of the California Code of Regulations (California Environmental Quality Act (CEQA) Guidelines) to support a decision on the proposed Venice Auxiliary Pumping Plant (VAPP) Project (Proposed Project) for which a Final Environmental Impact Report (EIR), has been prepared. The Final EIR has been prepared under CEQA Guidelines Section 15222 by the City.

Section 21081 of the PRC and Section 15091 of the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are as follows:

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Additionally, CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable significant environmental effects, the significant environmental effects may be considered “acceptable.” When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. (PRC § 21081(b); CEQA Guidelines § 15093).

### 1.2 Project Background

The City owns and operates the Venice Pumping Plant (VPP) (Pump Station No. 646), located at 140 Hurricane Street in the Los Angeles community of Venice, adjacent to the Ballona Lagoon and the Grand Canal. The VPP is the City’s largest pumping plant and it is considered a critical facility for conveying sewage from its tributary area. The facility was designed and built in 1957 and was last upsized and upgraded in 1987. Five pumps currently serve the facility. The VPP collects sewage

from the City's Coastal Interceptor Sewer (CIS), which serves the communities of Topanga, Pacific Palisades, Brentwood, Venice, and Mar Vista. It also serves the City of Santa Monica and parts of Los Angeles County. Sewage is pumped south to the City's Hyperion Treatment Plant (HTP), located in Playa del Rey. Unlike other portions of the City's sewage collection and conveyance system, there are no diversions for bypassing the facility or associated CIS for required maintenance or in the event of an emergency. Moreover, the existing VPP is essentially built out and has no additional space for required back up pumps and associated equipment to ensure system reliability.

During dry-weather flows (no rain), two pumps generally pump an average of 20 million gallons per day (mgd) of sewage. However, all five pumps have been used simultaneously to convey sewage influent from the collection area to the HTP during wet-weather flows (rain), depending on conditions. During certain years, flows during wet-weather conditions have reached 50 mgd and on several occasions, during extreme weather events (e.g., 1990s and 2000s), the flows exceeded the combined and simultaneous pumping capacity of the facility, resulting in near-miss events, which would have required emergency discharges directly to the Grand Canal and Ballona Lagoon or overflows into the surrounding street network. To address these issues, the Los Angeles Bureau of Engineering (LABOE) began planning and designing projects that would upgrade and enhance the CIS and VPP (see Chapter 2, Project Description of the Draft EIR), including the Proposed Project.

Construction is anticipated to begin in 2018 and last approximately 2 years.

## 1.3 Project Objectives

The Proposed Project is intended to meet the following objectives:

- Prevent potential impacts on human and environmental health caused by sewage spills from the existing VPP during extreme wet-weather events;
- Increase reliability to the system by providing redundancy to pumping capacity to improve system reliability and allow regular service and maintenance activities to take place without compromising the ability of the City to maintain pumping capacity and minimize the risk of sewage overflows; and
- Address future risks related to climate change, including increased storm intensities and sea-level rise, which have the potential to result in flows that would be beyond the capacity of the existing VPP.

## 1.4 Project Summary

The Venice Auxiliary Pumping Plant (VAPP; Proposed Project) would be built on three vacant lots with a total combined area of approximately 12,076 square feet. Implementation of the Proposed Project entails construction of a new pumping plant with three new pumps adjacent to the existing VPP, which would provide redundancy and ensure reliability of the sewer collection system. It would also allow the sewer system to handle extreme weather (e.g., El Niño), and corresponding increases in groundwater levels that exacerbate infiltration conditions, both for the existing and planned conveyance system. With upgraded system redundancy and reliability, the potential for near misses and/or catastrophic system failures would be reduced. As part of the Proposed Project, a number of system improvements would be implemented both above and below ground, including

a new electrical building, housing the control system and employee workstations; three new pumps and associated generator; sewer pipe connections to the CIS, including construction of a submerged diversion structure beneath the Grand Canal; and parking, public art, and green open space. Combined, the five existing pumps at the VPP and the three new pumps would have a rated capacity of 87 mgd (i.e., five duty pumps and three standby). All pumps would have a similar capacity and be functionally equivalent. Please see Chapter 2, Project Description of the Draft EIR for a more detailed description of the Proposed Project.

The Project Site is within the Coastal Zone and therefore within the jurisdiction of the California Coastal Commission. Adjacent to the Project Site is an Environmentally Sensitive Habitat Area (ESHA), which is associated with the Grand Canal and Ballona Lagoon. The Venice Canal System is also City of Los Angeles Historic Cultural Monument No. 270 and part of the Venice Historic Canal District (ZI-2370).

## 1.5 Project Location

The Project Site comprises three undeveloped residential lots, zoned Residential Water Ways (RW2-1), for a combined total of 12,076.5 square feet. Two lots are owned by the City of Los Angeles and located next to the existing VPP. The addresses are 3813 and 3817 South Esplanade (APNs 4225-008-904 and 4225-008-904, respectively) (north parcels). One lot is privately owned; the City is in the process of acquiring the lot, which is located at 128 Hurricane Street (APN 4225-010-016) (west parcel). The three lots are not contiguous; however, their functions are integrative and needed to operate the VPP and VAPP as one facility. The west parcel comprises a single oblong lot west of the VPP that measures 85 by 60 feet. The north parcels, comprising two abutting parcels located north of the VPP, are approximately 90 feet long and 70 feet wide combined. Canal Court separates the VPP from the west parcel. Hurricane Street separates the VPP from the north parcels. The VPP manifold is underneath this portion of Hurricane Street (between Canal Court and Esplanade).

Figure 2-1, Project Vicinity Map, of the Draft EIR shows the location for the proposed VAPP in relation to the City and adjacent cities and communities. The Project Site is within the Ballona Lagoon West sub area of the Venice Community Planning Area and Council District 11.

Figure 2-2, Project Location Map, of the Draft EIR shows the three construction Laydown Areas that will be used for material and equipment storage as well as construction staging during the anticipated 2-year construction period. Laydown Area 1 is located at 128 Hurricane Street, which is already part of the Project Site. Laydown Area 2 is a lot located at 3821 Via Dolce (APN 4225-013-904). This lot is approximately 3,537 square feet in size and across from the Venice Grand Canal, east of the Project Site. The lot is accessed from Via Dolce. Laydown Area 3 (APN 4296-001-270) is located at 9940 Jefferson Boulevard in Culver City, which is approximately 7 miles east of the Project Site. Laydown Area 3 is owned by the City of Los Angeles and approximately 198,735 square feet in size.



## **2.1 Overview**

State CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to a project that could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any significant environmental impacts. Chapter 4 (Comparison of Alternatives) of the Draft EIR identified a reasonable range of alternatives. As noted in that analysis, the No Project/No Build Alternative and one build (or construct) alternative, Alternative 1- Construct Venice Auxiliary Pumping Plant and Permanently Vacate Hurricane Street between Canal Court and Esplanade were identified and evaluated in detail, while five additional alternatives were considered, but rejected as infeasible. In addition, per Section 15126.6 of the State CEQA Guidelines, the analysis also identified an Environmentally Superior Alternative and which was determined to be the Proposed Project. Provided below is a brief discussion of the No Project/No Build Alternative, Alternative 1, and the Environmentally Superior Alternative (see Chapter 4 of the Draft EIR for a more detailed discussion).

## **2.2 No Project/No Build Alternative**

As required by CEQA Guidelines Section 15126.6 (e), under the No Project/No Build Alternative, the Proposed Project would not be implemented (constructed). The existing VPP would operate in its current condition with normal and planned upgrades and maintenance. Rental of temporary pumps and associated piping and back-up generators would be undertaken, as needed to address extreme wet-weather or dry weather events and/or when existing pumps are either down or undergoing maintenance (up to three pumps and two diesel generators). As in the past, temporary pumps and piping would be located at-grade within Hurricane Street between Canal Court and Esplanade. There is a minimum three-week set up time to bring the equipment on-line. Hurricane Street (between Canal Court and Esplanade) would be closed to the public during this time period. The equipment would operate 24 hours per day.

## **2.3 Alternative 1 – Construct Venice Auxiliary Pumping Plant and Permanently Vacate Hurricane Street between Canal Court and Esplanade**

Alternative 1 would be identical to the Proposed Project, except that Hurricane Street would be permanently vacated between Canal Court and Esplanade. Both coastal access and existing parking would be eliminated and no public access to the Proposed Project or existing VPP would be allowed. The site would be fenced and controlled via secured and gated access.

## 2.4 Alternatives Considered but Rejected As Infeasible

As discussed in detail in Chapter 4 of the Draft EIR, Section 15126.6(c) of the State CEQA Guidelines requires EIRs to identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process, and briefly explain the reasons underlying the lead agency's determination. The following five alternatives were considered but rejected as infeasible in the Draft EIR. See Chapter 4 of the Draft EIR for a detailed description of each alternative.

- Use of Temporary At-grade Pumps with External Piping at Venice Pumping Plant and/or Along Hurricane Street
- Build new Plant on Proposed Site and Decommission and Demolish existing Venice Pumping Plant
- Expand Existing Venice Pumping Plant and Install Pumps and Piping Below-grade
- Construct VAPP Underground at Proposed Project Site Location with Control Room Located Off-site
- Construct Auxiliary Pumping Plant at Alternate Location along Coastal Interceptor Sewer

## 2.5 Environmentally Superior Alternative

Section 15126.6 of the State CEQA Guidelines requires that an “environmentally superior” alternative be identified and the reasons for such a selection be disclosed. In general, the environmentally superior alternative is the alternative that would be expected to generate the least amount of adverse impacts. As detailed in Chapter 4 of the Draft EIR (see Table 4-1), the No Project/No Build Alternative would result in the fewest impacts on the existing environment. It should be noted however, that the No Project/No Build Alternative could result in catastrophic failure since the VPP has experienced near-miss conditions that would have resulted in discharges of sewage to the Grand Canal, Ballona Lagoon, or adjacent street system (see Chapter 2, Project Description of the Draft EIR for more detail).

Pursuant to CEQA regulations (see CEQA Guidelines Section 15126.6(e)(2)), if the No Project Alternative is the environmentally superior alternative, then the EIR must also identify an environmentally superior alternative from among the build (or “action”) alternatives. Based on the analysis in the Draft EIR, the Proposed Project would be the environmentally superior alternative. To determine whether the Proposed Project or Alternative 1 would be environmentally superior, the analysis focused on significant and unavoidable impacts from Proposed Project. As noted in Table 4-1 of the Draft EIR, impacts associated with the Proposed Project and Alternative 1 would be similar. The differences between these two are minor since both alternatives would eliminate parking along Hurricane Street between Canal Court and Esplanade and provide alternate parking at 128 Hurricane Street and within the Project vicinity to the satisfaction of the California Coastal Commission and the City of Los Angeles Departments of City Planning and Transportation. In the case of the Proposed Project, although Hurricane Street would not be vacated, red striping of the curb would occur, thereby eliminating these spaces permanently from public use. Similarly, under Alternative 1, the vacation of Hurricane Street would also permanently remove these spaces. In the case of pedestrian access, the Proposed Project would maintain access along Hurricane Street between Canal Court and Esplanade, while Alternative 1 would permanently eliminate it. Although alternate access to the Esplanade would be available via Canal Court and Galleon Street, access would be more circuitous to residents/visitors. Thus, the Proposed Project would be considered the environmentally superior alternative.

The Findings are based on information contained in the Draft EIR and the Final EIR for the Proposed Project, as well as information contained within the administrative record. The administrative record includes, but is not limited to, the public hearing records, public notices, written comments on the Proposed Project and responses to those comments, proposed decisions and the findings on the Proposed Project, and other documents relating to the agency decision on the Proposed Project. When making CEQA findings required by PRC Section 21081(a), a public agency shall specify the location and custodian of the documents or other material, which constitute the record of proceedings upon which its decision is based.

The City designates the Department of Public Works Bureau of Engineering, 1149 S. Broadway, Suite 600, Los Angeles, CA 90015 and the Office of the City Clerk, 200 N. Spring Street, 3<sup>rd</sup> Floor, Los Angeles, CA 90012, as the custodians of the documents or other materials that constitute the administrative record for this Project per CEQA Guidelines Section 15091(e).

The Draft EIR addresses the Proposed Project's potential effects on the environment, and was circulated for a public review and comment pursuant to the State CEQA Guidelines for a period of more than 45 days. Comments were received from public agencies and individuals. The Final EIR contains copies of all comments received on the Draft EIR, a list of persons and public agencies commenting on the Draft EIR, responses to comments received during the public review, and changes to the Draft EIR.

This section provides a summary of the environmental effects of the Proposed Project and provides brief written findings and the rationale for the findings for each of the significant impacts.

## 3.1 Environmental Impacts of Proposed Project

### 3.1.1 Impacts Determined to Require No Further Consideration in the EIR

As discussed in Appendix A (Notice of Preparation/Initial Study) and Chapter 5 (Other Environmental Considerations) of the Draft EIR, the Proposed Project was determined to have no impact or less than significant impacts with regard to the following impact thresholds, which were, therefore, not analyzed in the Draft EIR:

- Agriculture and Forestry Resources
- Hazards and Hazardous Materials
- Mineral Resources
- Population and Housing
- Public Services
- Recreation

### 3.1.2 Less-than-Significant Impacts without Mitigation

The City of Los Angeles finds that the Proposed Project would result in less than significant impacts for the following resources:

- Aesthetics<sup>1</sup>
- Greenhouse Gas Emissions
- Energy
- Land Use and Planning (direct impacts)

### 3.1.3 Less-than-Significant Impacts with Mitigation

The City of Los Angeles finds that the Proposed Project would result in less than significant impacts after mitigation is implemented for the following resources:

- Air Quality (construction only, PM10 emissions)
- Biological Resources (construction only)
- Cultural Resources (construction only)
- Geology and Soils (construction and operation)
- Land Use and Planning (secondary impacts (operation only) - Noise and Vibration, Aesthetics, Geology and Soils)
- Noise and Vibration (operation noise, construction vibration - potential building damage)
- Transportation/Traffic (construction only, for emergency access)

#### 3.1.3.1 Air Quality

##### Impacts

The Proposed Project would contribute to regional air pollutant emissions during construction activities. With regards to localized emissions, as stated in Table 3.2-7 of the Draft EIR, the Proposed Project would exceed the localized significance threshold (LST) for particulate matter less than about 10 micrometers in diameter (PM10) emissions (during construction only). However, mitigation has been incorporated to ensure that the Proposed Project would not result in an exceedance of LST such that significant impacts on sensitive receptors would result.

##### Mitigation Measures

**MM AQ-1: Tier 3 Construction Equipment.** All off-road diesel-powered construction equipment greater than 50 horsepower will meet Tier 3 emission standards. All construction

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<sup>1</sup> Note: For Section 3.1 (Aesthetics) of the Draft EIR, the analysis determined that no significant aesthetic or visual construction or operational-related impacts would occur, and no mitigation is required (excepting Mitigation Measure MM-BIO-3 [see Section 3.3 Biological Resources of the Draft EIR]). However, in an effort to reduce perceived effects as much as practicable, several mitigation measures have been recommended for incorporation into the Proposed Project and are included in Section 3.1 of the Draft EIR and hereby incorporated by reference in this Findings and Statement of Overriding Considerations (see also Mitigation Monitoring and Reporting Program of the EIR for all mitigation measures required to be implemented by the lead agency).

equipment will be outfitted with California Air Resources Board (ARB) best available control technology devices. Any emissions-control device used by the contractor will 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 ARB regulations. A copy of each unit's certified tier specification, best available control technology documentation, and ARB or SCAQMD operating permit will be provided at the time of mobilization of each applicable unit of equipment.

### **Finding and Rationale**

Implementation of the mitigation measure would avoid or substantially lessen any significant impacts from construction activities to less than significant. This mitigation measure is feasible and its implementation would result in less than significant impacts on air quality from the Proposed Project.

Impacts related to air quality would largely result from short-term construction activities and would be less than significant with the incorporation of MM AQ-1. This mitigation measure would assist to reduce short-term air quality impacts associated with toxic air contaminants (TACs) for sensitive receptors.

### **3.1.3.2 Biological Resources**

#### **Impacts**

The special-status species, Woolly seabligh (*Suaeda taxifolia*) may be affected by construction along the Grand Canal banks (a portion of the western bank only). Other special-status species were observed in the study area but are currently absent within the disturbance footprint. The following special-status species, which have a low to moderate potential to occur in the project area, could be affected during construction, if present: El Segundo blue butterfly, Belding's savannah sparrow, Light-footed clapper rail, and California Least tern. In addition, construction of the Proposed Project could affect nesting birds protected under the Migratory Bird Treaty Act and California Fish and Game Code Sections; it is not expected to adversely affect raptor foraging habitat. The Proposed Project would result in a total of 0.37 acre of short-term temporary direct impacts to vegetation communities (excluding developed areas) during construction. These impacts would be considered significant and would be reduced to less than significant levels with the implementation of mitigation measures.

The Grand Canal and Ballona Lagoon are classified as an Environmentally Sensitive Habitat Area (ESHA) by the California Coastal Commission. Construction of the Proposed Project could result in direct and indirect temporary impacts on this designated ESHA due to the loss of individuals or reduction of existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community. These impacts would be considered significant and would be reduced to less than significant levels with the implementation of mitigation measures.

Increased light exposure from temporary construction lighting and increased sedimentation could diminish long-term species survival. The Project occurs within the jurisdiction of several agencies including, but not limited to, U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Coastal Commission (CCC) and would result in temporary direct and indirect impacts to aquatic resources, including an existing wetland habitat. These impacts are significant without mitigation. Applicable permits from resource agencies would be obtained during

the permitting phase prior to construction and all permit conditions and avoidance, and minimization measures will be implemented.

All significant construction impacts on biological resources from the Proposed Project would be reduced to less than significant with the implementation of mitigation measures.

## Mitigation Measures

**MM BIO-1: Special-Status Plant Surveys.** To confirm the presence or absence of special-status plant species within the disturbance footprint, a special-status plant survey shall be completed prior to construction. The focused survey shall be conducted by a qualified biologist during the appropriate blooming period, or when the plant is readily identifiable, prior to the start of construction activities. If any sensitive non-listed plant species is found, then the individuals shall be clearly identified and avoidance measures shall be utilized to the extent practical.

**MM BIO-2: Monitoring During Vegetation Removal.** A qualified biologist shall monitor all vegetation removal and ground-disturbing activities, such as staging and grading, for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat outside the project footprint and to survey for sensitive wildlife species. When vegetation removal and ground-disturbing activities are not occurring, as-needed monitoring at the project site shall occur. Monitoring logs, as appropriate depending on project activities, shall be maintained for the duration of construction activities.

**MM BIO-3: Restoration of Vegetation within Grand Canal.** Regarding the disturbance footprint within the Grand Canal, habitat along the bank shall be restored to its original condition by seeding, cuttings and/or container plant installation following construction. Habitat restoration shall be performed in coordination with regulating agencies (CCC, USACE, and RWQCB) and as required by agency permits. A habitat restoration plan shall be prepared and submitted to Environmental Management Group (EMG) for review and approval, prior to submittal to the agencies. The plan will include a native plant palette, and establishment period, as well as success criteria and monitoring requirements. In addition, a monetary contribution may be provided to the Grand Canal Restoration Project fund for wider restoration of the canal banks.

**MM BIO-4: Covered Disposal Containers.** Work crews shall properly dispose of all garbage in covered containers to avoid attracting predators (such as crows and ravens) that could contribute indirectly to depredation of California least tern eggs and chicks in the nearby nesting colony.

**MM BIO-5: Water Quality Monitoring during Construction.** Water quality shall be monitored by the qualified biologist or a water quality specialist to ensure that no substantial increases in turbidity occur during construction, and that no erosion occurs on the west bank during in-water construction activities. The contractor shall ensure compliance with RWQCB Section 401 Water Quality Certification, USACE Section 404 authorization, applicable water-quality related best management practices, and the project Storm Water Pollution Prevention Plan.

**MM BIO-6: Nesting Bird Survey.** If construction commences during the bird breeding season (February 15 through August 31), a preconstruction survey for nesting birds shall occur within three days prior to construction activities by an experienced avian biologist. The survey shall occur within all suitable nesting habitat within the project impact area and a 500-foot buffer. If nesting birds are found, an avoidance area shall be established in consultation with the resource agencies as appropriate by a qualified biologist around the nest until a qualified avian biologist has determined that young have fledged or nesting activities have ceased. The Project Site shall

be re-surveyed if there is a lapse in construction activities for more than seven days during the bird breeding season.

**MM BIO-7: Silt Fencing at Construction Limits.** Construction limits shall be identified using silt fencing, which shall be installed under the supervision of a qualified biologist prior to the commencement of work. Construction personnel shall strictly limit their activities, vehicles, equipment, and construction materials to the project footprint, including designated staging areas, and routes of travel. The construction areas shall consist of the minimal area necessary to complete the Proposed Project. The fencing shall remain in place until the completion of all construction activities.

**MM BIO-8: Environmentally Sensitive Habitat Area (ESHA) Protection.** Existing functions and values in ESHA shall be protected, enhanced, and restored as necessary to previous undisturbed conditions in accordance with applicable USACE, RWQCB, CCC, or City of Los Angeles requirements.

**MM BIO-9: Restoration of Mudflats within Grand Canal.** The temporary work area in the Grand Canal within mudflat/open water shall be returned to pre-construction grade and contours following construction.

### Finding and Rationale

Implementation of these mitigation measures would avoid or substantially lessen any significant impacts from construction activities to less than significant. These mitigation measures are feasible and their implementation would result in less than significant impacts on biological resources from the Proposed Project.

The Grand Canal and Ballona Lagoon are classified as an ESHA and contain and/or support sensitive species. The impacts related to biological resources would largely result from short-term construction activities and would be less than significant with the incorporation of mitigation measures noted above. These mitigation measures would assist to reduce short-term biological resources impacts related to sensitive species. In addition, MM BIO-3 may include a monetary contribution to the Grand Canal Restoration Project fund which would assist in the wider restoration of the canal banks.

### 3.1.3.3 Cultural Resources

#### Impacts

The potential for encountering archaeological resources during construction is low. However, in the unlikely event that archaeological resources are present on the Project Site, construction activities could disturb, damage, or degrade those resources. These impacts would be considered significant and would be reduced to less than significant with the implementation of a mitigation measure.

#### Mitigation Measures

**MM CUL-1: Archaeological and/or Tribal Cultural Resource.** In the unlikely event that any prehistoric artifact of historic period materials or bone, shell, or nonnative stone is encountered during construction, work shall be immediately stopped, the area secured, and work relocated to another area until the found materials can be assessed by a qualified archaeologist. Examples of such cultural materials might include historical trash pits containing bottles and/or ceramics; or

structural remains or concentrations of grinding stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; and flakes of stone not consistent with the immediate geology such as obsidian or fused shale. If the Archeologist determines that an artifact may qualify as a tribal cultural resource, a Native American monitor shall be consulted. The contractor shall stop construction within 30 feet of the exposure of these finds until a qualified archaeologist can be retained to evaluate the find (see 36 CFR 800.11.1, 14 CCR 15064.5(f) and PRC § 21084.3(b)). If the resources are found to be significant, they shall be avoided or impacts shall be mitigated consistent with Section 106, State Historic Preservation Officer Guidelines, and/or Assembly Bill 52.

### **Finding and Rationale**

Implementation of the mitigation measure would avoid or substantially lessen any significant impacts from construction to less than significant. This mitigation measure is feasible and its implementation would result in less than significant impacts on cultural resources from the Proposed Project.

The impacts related to cultural resources would largely result from short-term construction activities and would be less than significant with the incorporation of the mitigation measure noted above. This mitigation measure would assist to reduce short-term cultural resources impacts.

### **3.1.3.4 Geology and Soils**

#### **Impacts**

During construction, the Project Site could be subject to significant seismic ground shaking from regional faults; however, the VAPP would be designed in conformance with the City of Los Angeles Building Code, which would reduce potential ground shaking hazards during operation. Due to presence of uncertified fill soils, seismically related ground failure, including liquefaction, could occur on the Project Site. In addition, the parcel located at 128 Hurricane Street lies in the administrative boundaries of the Playa Del Rey Oil Field. One oil well, McDonald 2, and the Project Site are located within a methane zone. As such, the Proposed Project would have the potential to result in impacts associated with releases of methane or oil from the abandoned oil well during excavation. Impacts would be considered significant but would be reduced to less than significant with implementation of mitigation measures.

During operations, the Project Site could be subject to significant seismic ground shaking from regional faults; however the VAPP would be designed in conformance with the City of Los Angeles Building Code, which would reduce potential ground shaking hazards. Due to presence of uncertified fill soils, seismically related ground failure, including liquefaction, could occur on the Project Site. In addition, the Project Site is located within a methane zone and the VAPP may be subject to methane encroachment. These impacts would be considered significant and would be reduced to less than significant with the implementation of mitigation measures.

#### **Mitigation Measures**

**MM GEO-1: Liquefaction Considerations.** Potential liquefaction induced settlements shall be considered and accounted for in the design of the Proposed Project. The design shall comply with the specifications in the following three reports located in Appendix M: the Department of Public Works, Bureau of Engineering, Geotechnical Division's *Geotechnical Engineering Report*, Department of Building and Safety's *Geology and Soils Report Approval Letter* and the

Department of Public Works Geotechnical Division's *Response to the City of Los Angeles, Department of Building and Safety Geology and Soils Report Correction Letter*.

**MM HAZ-1a: Soil and Soil Vapor Subsurface Investigation.** Prior to construction, a soil and soil vapor subsurface investigation shall be conducted by a qualified environmental consultant specializing in the identification and handling of hazardous materials. The subsurface investigation may include, but would not be limited to:

- A scope of work consisting of Pre-Field Activities, such as preparation of a Health and Safety Plan (HASP), determining and marking sampling/boring locations and obtaining utility clearance, and Field Activities, such as identifying appropriate sampling procedures, health and safety measures, chemical testing methods, and quality assurance/quality control (QA/QC) procedures in accordance with the ASTM Standard.
- Necessary permits for boring advancement.
- A Sampling and Analysis Plan (SAP) in accordance with the scope of work.
- Laboratory analyses conducted by a State-certified laboratory.
- Disposal process including transport by a State-certified hazardous material hauler to a State-certified disposal or recycling facility licensed to accept and treat hazardous waste.

**MM HAZ-1b: Confirmation of Oil Well Abandonment.** Prior to construction, the applicant shall obtain confirmation from the California Division of Oil, Gas, and Geothermal Resources (DOGGR) of the proper abandonment of oil well McDonald 2. If re-abandonment of McDonald 2 was not performed to current DOGGR requirements, the applicant shall seek the assistance of a qualified environmental consultant to abandon the oil well to current standards.

**MM HAZ-2: Methane Encroachment.** If the analytical results of the subsurface investigation under Mitigation Measure HAZ-1a determine that methane encroachment has the potential to affect VAPP operational activities, the environmental consultant shall provide recommendations during construction of the proposed project to mitigate long term potential impacts.

## Finding and Rationale

Implementation of these mitigation measures would avoid or substantially lessen any significant impacts from construction activities to less than significant. These mitigation measures are feasible and their implementation would result in less than significant impacts on geology and soils and hazards and hazardous materials from the Proposed Project.

As with all of Los Angeles, the Proposed Project is subject to seismic activity. The analysis contained in the Draft EIR determined that the Project Site could experience liquefaction and as such, recommend mitigation. In addition, the parcel located at 128 Hurricane Street lies within the administrative boundaries of the Playa Del Rey Oil Field. One oil well, McDonald 2, and the Project Site are located within a methane zone and may be subject to methane encroachment or oil from the abandoned oil well during excavation activities. Since impacts related to related to geology and soils and hazardous materials could be both short- and long-term, incorporation of the mitigation measures noted above would reduce these impacts to less than significant.

### **3.1.3.5 Land Use and Planning**

#### **Impacts**

The analysis contained in the Draft EIR determined that all direct land use impacts were less than significant. Regarding secondary land use impacts, with the exception of construction-related noise and vibration annoyance, all other impacts can be mitigated to less than significant levels with project design low-impact development features, standard regulatory requirements and the implementation of mitigation measures.

Secondary impacts on surrounding land uses were identified related to noise, aesthetics, and geology and soils during operations. Secondary impacts related to noise during operations are addressed with MM NOI-3 (see Noise discussion below), which reduces operational noise levels created by building equipment, MM AES-3 (see Section 3.1 [Aesthetics] of the Draft EIR), which ensures that all Proposed Project structures will be designed to minimize their visual presence, and MM GEO-1 (see Geology and Soils discussion above), which helps prevent seismically related ground failure, including failure related to liquefaction. Secondary impacts during operation are less than significant with the incorporation of these mitigation measures.

#### **Mitigation Measures**

See discussion immediately above and associated mitigation measures contained within Sections 3.1, 3.5 (Geology and Soils), and 3.9 (Noise and Vibration) of the Draft EIR.

#### **Finding and Rationale**

The secondary impacts related to land use and planning would result from long-term (operation) activities and would be less than significant with the incorporation of the mitigation measures noted above. Implementation of mitigation measures identified above would avoid or substantially lessen any significant impacts from long-term operational activities to less than significant with mitigation incorporated. These mitigation measures are feasible and their implementation would result in less than significant impacts on land use and planning from the Proposed Project.

### **3.1.3.6 Noise and Vibration**

#### **Impacts**

Construction of the Proposed Project would result in ground-borne vibration that would exceed the thresholds developed for potential vibration damage at nearby structures. Specifically, ground-borne vibration from pile driving activities would exceed the thresholds developed for potential vibration damage at nearby structures. Impacts would be significant and reduced to less than significant with the implementation of MM NOI-2.

Operation of the Proposed Project could produce noise levels propagating to neighboring properties that could be high enough to raise ambient Community Noise Equivalent Level (CNEL) noise levels by 5 dB or more. The Proposed Project would contain a number of equipment items and systems that would generate noise during operation, including pumps and motors, heating, ventilation, and air conditioning (HVAC) equipment, emergency generator, and electrical transformers. Impacts would be considered significant but reduced to less than significant with the incorporation of measures into the final project design as defined in MM NOI-3.

## Mitigation Measures

**MM NOI-2: Implement Ground-borne Vibration Control Measures to Reduce Construction-generated Vibration.** To reduce the significant construction vibration impacts, LABOE/Contractor shall implement the following vibration reduction measures during Project construction:

- a) All piles, including sheeting, shall be installed and extracted using vibration- and percussive-free methods.
- b) LABOE and/or Contractor shall retain a qualified structural or geotechnical engineer to conduct pre-construction surveys of adjacent neighboring structures (including photographing and/or videotaping) to document existing building conditions for future comparison if any vibration-related damage is suspected or results from construction-related activities.
- c) If considered appropriate by the structural/geotechnical engineer, monitoring shall be conducted during construction to check for vibration-related damage from equipment during its use. Such monitoring may include vibration measurements obtained inside or outside of the buildings, or other tests and observations deemed necessary.

**MM NOI-3: Design Project Facilities to Reduce Noise from all Mechanical and Electrical Equipment to Levels that Comply with Applicable Regulations.** To reduce the significant operational noise impacts to less than significant, noise control features shall be included during the final architectural and engineering design phase of the Project, to reduce overall operational noise levels from all Project-related sources to within 5 dB CNEL of existing ambient noise levels in the surrounding community (53 to 57 dB CNEL, as described in Table 3.9-6 of the Draft EIR), and to comply with Chapter XI of the City of Los Angeles Municipal Code (i.e., restrict noise level increases, relative to the existing 1-hour equivalent sound level [ $L_{eq}$ ], to 5 dBA or less). The City shall retain an acoustical/noise consultant to evaluate the design and provide recommendations for specific noise-control features, as necessary, feasible, and practicable, based on the final equipment selections and specifications for the Project. Such noise control features may include, but are not limited to, the following:

- a) Selecting equipment with lower sound power levels.
- b) Adjusting the location of equipment items within the Project Site to increase the distance from the closest sensitive receptors and/or increase acoustical shielding provided by intervening structures, where practicable and feasible.
- c) Shielding noise-generating equipment with screens, acoustical panels, enclosures, or block walls.
- d) Using sound-rated doors, windows, and access hatches at the electrical building and subterranean vault.
- e) Adding sound-absorptive materials to interior spaces to reduce buildup of reverberant noise levels.
- f) Designing ventilation systems with acoustical louvers, intake and exhaust silencers, and other features to control exterior noise propagation from interior sources.

## **Finding and Rationale**

Implementation of these mitigation measures would avoid or substantially lessen significant impacts from construction (ground-borne vibration related to potential building damage) and operational noise to less than significant. MM NOI-2 and MM NOI-3 are feasible and their implementation would result in less than significant noise and vibration impacts during construction and operation of machinery and equipment and systems for the Proposed Project.

Construction activities would produce ground-borne vibration that would exceed the established potential building damage threshold. In addition, operation of the Proposed Project could produce noise levels propagating to neighboring properties that could be high enough to raise ambient noise levels by 5 dB CNEL or more. MM NOI-2 and MM NOI-3 would reduce construction-related vibration impacts (potential building damage) and operational noise impacts to less than significant.

### **3.1.3.7 Transportation/Traffic**

#### **Impacts**

Construction-related activities have the potential to result in temporary and periodic inadequate emergency access. Wherever possible, delivery trucks would be brought onto the Project Site and be loaded and unloaded within the perimeter fence of the construction site. However, there is the potential for access to be temporarily blocked during loading and unloading activities or transport. As such, construction-related activities have the potential to result in temporary and periodic inadequate emergency access. Mitigation would require all construction activities be conducted in accordance with an approved construction traffic control plan and require advance notice to emergency service providers. This would serve to reduce the construction-related traffic impacts to the maximum extent feasible. Mitigation would also help reduce construction-related traffic impacts on Hurricane Street. Impacts would be considered significant and reduced to less than significant levels with the implementation of mitigation measures.

## Mitigation Measures

**MM TRANS-1: Construction Worker Shuttles.** Construction workers would park at an off-site location and be shuttled to and from the Project Site each workday on 10 to 15-passenger shuttles or vans. While no specific off-site location has been identified at this time, it would likely lie within five miles of the Project Site. The selected contractor would be required to identify and secure a suitable location.

**MM TRANS-2: Coordination with Emergency Service Providers.** Coordinate with emergency service providers (police, fire, ambulance and paramedic services) to provide advance notice of any lane closures, construction hours and changes to local access and to identify alternative routes where appropriate.

**MM-TRANS-3: Transport of Heavy Construction Equipment and/or Materials.** Provided heavy construction equipment and/or materials are required to be transported to the project site along State facilities (i.e., State Route 1 [Lincoln Boulevard]), the contractor, on behalf of the LABOE, shall obtain a Caltrans transportation permit, prior to transport and/or delivery of such equipment. In addition, large size truck trips (as defined by Caltrans), shall be limited to off-peak commute hours (i.e., not occurring between 7:00 a.m.–9:00 a.m. and then again between 4:00 p.m.–6:00 p.m.).

## Finding and Rationale

Implementation of these mitigation measures would avoid or substantially lessen any significant impacts from construction activities to less than significant. These mitigation measures are feasible and their implementation would result in less than significant impacts on transportation and traffic from the Proposed Project.

Both Hurricane Street and Canal Court are currently narrow roadways that do not allow two vehicles to pass at the same time. This condition creates the need for drivers to wait to pass one another. Construction activities would maintain this similar condition. During construction of the Proposed Project, procedures would be taken to ensure that all construction equipment, machinery, and construction personnel vehicles are kept off of these roadways. However, there is the potential for access to be temporarily blocked during loading and unloading activities or transport. As such, construction-related activities have the potential to result in temporary and periodic inadequate emergency access. These mitigation measures would assist to reduce construction-related traffic impacts to less than significant levels.



## Chapter 4

# Unavoidable Significant Impacts

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The City of Los Angeles finds that even with the implementation of all feasible mitigation measures, the Proposed Project would result in unavoidable significant impacts to land use and planning (secondary, related to noise and vibration impacts), noise and vibration (during construction only), and hydrology and water quality (operation).

## 4.1 Land Use and Planning

### 4.1.1 Impacts

Secondary construction-related noise and vibration impacts would be significant and unavoidable, even with mitigation incorporated, during the 2-year construction period. Secondary impacts on surrounding land uses would result from significant construction noise and vibration impacts (see Noise and Vibration discussion below). Despite the application of mitigation measures, secondary noise and vibration impacts during construction, related to land use, would remain significant and unavoidable.

### 4.1.2 Mitigation Measures

See mitigation measures noted below for Noise and Vibration.

### 4.1.3 Finding and Rationale

The Proposed Project has included all feasible and practicable mitigation measures to address noise and vibration-related impacts during construction. However, due to the close proximity of sensitive land uses, these impacts cannot be reduced to less than significant and would remain significant and unavoidable during construction only.

Secondary impacts from noise and vibration related to land use are associated with the operation of equipment and machinery and pile driving during VAPP construction. Construction activities would occur over a 24-month period. In addition, these activities would also require pile driving that would produce ground-borne noise and vibration. Although pile driving would not occur continuously throughout the 24-month construction period (it is estimated that a total of up to 30 days of project construction would include pile driving during building construction) it would exceed the threshold for potential annoyance at nearby homes.

## 4.2 Noise and Vibration

### 4.2.1 Impacts

The Project Site is located immediately adjacent to sensitive receptors. Noise generated during the two year construction period would exceed the existing ambient exterior noise levels by 5 dBA (A-weighted decibels) or more at a noise-sensitive use. In addition, the Proposed Project would result

in ground-borne vibration that would exceed the thresholds developed for potential annoyance at nearby homes. If pile driving is used, construction of the Proposed Project would also result in short-term ground-borne vibration that would exceed the thresholds developed for potential vibration damage at nearby structures. Despite the application of mitigation measures (see MM NOI-1 and MM NOI-2 below), impacts would remain significant and unavoidable during construction for potential annoyance. It should be noted however, that a Best Management Practice (BMP) has been included in the Draft EIR (see Section 3.9 [Noise and Vibration] of the Draft EIR and below) to provide off-site work space (BMP NOI-1: Offsite Work Space) to residents located immediately adjacent to the Project Site affected by construction activities to provide residents with temporary relief during working hours. Despite the application of these mitigation measures, construction noise and vibration impacts (annoyance) would remain significant and unavoidable.

## 4.2.2 Mitigation Measures

**MM NOI-1: Prepare and Implement a Construction Noise Control Plan.** To reduce the significant construction noise impacts, the Los Angeles Bureau of Engineering (LABOE) and Contractor shall develop a Noise Control Plan that includes the implementation of the following noise reduction measures during construction.

- a) **Construction Hours** – The operation of construction equipment shall occur only between 8:00 a.m. to 6:00 p.m. Monday through Saturdays. No construction activity shall occur on national holidays or at any time on Sundays. Access to the construction site may occur prior to construction hours for the purpose of set up, conducting safety meetings, etc. The use of the pile driver, grader and jackhammer construction equipment shall be limited to the hours of 9 a.m. to 3:30 p.m. However, specific work related to the VAPP connection the manifold will be exempt from these hours, along with any emergency conditions or unforeseen work that would require the use of this equipment to complete a specific task in one continuous work event. Haul trucks can only access the site through local neighborhood streets from 9 a.m. to 4 p.m. Construction personnel shall not be permitted on the Project Site (including laydown and storage areas) outside of the hours of 7:30 am to 6:00 pm. Material or equipment deliveries and collections shall not occur outside the hours of 8:00 am to 6:00 pm. In addition, no construction worker parking would be allowed along Hurricane Street or on adjacent local streets. Construction workers shall park offsite and arrive by shuttle to the construction site, as arranged by the construction contractor.
- b) **Piles** – All piles, including sheeting, shall be installed and extracted using vibration- and percussive-free methods.
- c) **Construction Mitigation Coordinator** – The City and/or its Contractor shall maintain good communication with the surrounding community regarding the schedule, duration, and progress of construction activities. Residents at properties within 500 feet of construction activities shall be notified hours in advance of the planned activities prior to the start of work. The notification shall advise that there will be loud noise associated with the construction, and shall state the date, time, and expected duration of the planned activities. The notification shall provide a telephone contact number for affected parties to ask questions or share any concerns. A construction mitigation coordinator for the Project will be required to maintain a call log, so that the City can track resolution and nature of any complaints. These complaints may range from noise, vibration, dust, traffic, etc. The call log shall contain the name and address (if available) of the person making the complaint, the

- date and time of the call, and any details regarding the nature of the complaint related to noise, vibration, dust, parking, traffic, etc. related to construction activities. The call log shall be provided to the Public Works Department (Public Affairs Office, LA Sanitation, LABOE) upon request. Residents shall be informed of the construction mitigation coordinator and on-site construction supervisor contact information by posting of the phone number on the construction site. Signage should be visible from Canal Court, the Esplanade, Via Dolce, and Hurricane Street.
- d) **Noise Barriers** – To the extent practicable, temporary noise barriers with a minimum height of 20 feet shall be employed around the Project Site. Openings in the barriers shall be kept to the minimum necessary for access of vehicles, equipment, and construction material. These barriers shall be constructed as follows.
- From commercially available acoustical panels lined with sound-absorbing material (the sound-absorptive faces of the panels shall face the construction equipment); or,
  - From acoustical blankets hung over or from a supporting frame. The blankets shall provide a minimum sound transmission class rating of 28 and a minimum noise-reduction coefficient of 0.80 and shall be firmly secured to the framework with the sound-absorptive side of the blankets oriented toward the construction equipment. The blankets shall be overlapped by at least 6 inches at seams and taped so that no gaps exist. The largest blankets available shall be used in order to minimize the number of seams. The blankets shall be draped to the ground to eliminate any gaps at the base of the barrier.
- e) For noise-generating equipment that cannot be shielded by site perimeter barriers, localized noise barriers or enclosures shall be employed wherever feasible. The height and location of these barriers/enclosures shall be designed to block the line of sight between the equipment and the surrounding homes.
- f) **Noise Monitoring Plan** – LABOE/Contractor shall retain the services of an acoustical/noise consultant to prepare a Noise Monitoring Plan. The plan shall be site-specific for monitoring and reporting construction noise levels in the community to evaluate the Contractor's performance. Based on details of the Contractor's specific construction schedule, the plan shall develop construction noise goals, in terms of 1-hour  $L_{eq}$ , that should be achieved for each phase of construction with the inclusion of feasible and practicable noise abatement measures. If noise monitoring indicates the applicable noise goals have been exceeded, steps shall be taken to promptly implement any additional effective abatement measures that are feasible and/or practicable.
- g) **Quiet Construction Equipment** – To the fullest extent practicable, the quietest available type of construction equipment shall be used. Newer equipment is generally quieter than older equipment. The use of electric-powered equipment is typically quieter than diesel- or gasoline-powered equipment, and hydraulic-powered equipment is typically quieter than pneumatic-powered equipment.
- h) **Construction Equipment Noise Compliance** – All construction equipment used on the Proposed Project that is regulated for noise output by a local, state, or federal agency shall comply with such regulation while in the course of Project activity and use on site.
- i) **Proper Maintenance** – All construction equipment shall be properly maintained, as poor maintenance of equipment may cause excessive noise levels.

- j) **Equipment Mufflers, Shrouds and Shields** – All construction equipment shall be equipped with properly operating and maintained mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features that meet or exceed original factory specifications.
- k) **No Idling** – All construction equipment shall be operated only when necessary, and shall be switched off when not in use. Idling inactive construction equipment for prolonged periods (i.e., more than 2 minutes) shall not be permitted.
- l) **Minimum Use of Audible Safety Warnings** – The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.
- m) No Project-related public address or music system shall be audible at any adjacent residential receptor.
- n) **Construction Work Training** – Construction employees shall be trained in the proper operation and use of the equipment. Careless or improper operation or inappropriate use of equipment can increase noise levels. Poor loading, unloading, excavation, and hauling techniques are examples of how a lack of adequate guidance and training may lead to increased noise levels.
- o) **Generator and Compressor Placement** – Stationary noise sources such as generators and compressors shall be positioned as far as possible from noise sensitive areas.
- p) **Construction Equipment Storage** – Construction equipment shall be stored on the Project Site or designated laydown areas while in use, to the extent feasible. This will eliminate noise associated with repeated transportation of the equipment to and from the site.

**MM NOI-2: Implement Ground-borne Vibration Control Measures to Reduce Construction-generated Vibration.** To reduce the significant construction vibration impacts, LABOE/Contractor shall implement the following vibration reduction measures during Project construction:

- a) All piles, including sheeting, shall be installed and extracted using vibration- and percussive-free methods.
- b) LABOE and/or Contractor shall retain a qualified structural or geotechnical engineer to conduct pre-construction surveys of adjacent neighboring structures (including photographing and/or videotaping) to document existing building conditions for future comparison if any vibration-related damage is suspected or results from construction-related activities.

If considered appropriate by the structural/geotechnical engineer, monitoring shall be conducted during construction to check for vibration-related damage from equipment during its use. Such monitoring may include vibration measurements obtained inside or outside of the buildings, or other tests and observations deemed necessary.

### 4.2.3 Best Management Practices

**BMP NOI-1: Offsite Work Space.** The City shall work with the construction contractor to identify potential offsite shared office space that could be made available to residents in the immediate vicinity that work at home during weekday construction hours. The space would ideally have internet service and meeting room space.

## 4.2.4 Finding and Rationale

The Proposed Project has included all feasible and practicable mitigation measures to address noise and vibration-related impacts during construction. However, due to the close proximity of sensitive receptors, these impacts cannot be reduced to less than significant and would remain significant and unavoidable during construction only.

Noise and vibration impacts during construction would occur over a 2 year period and include the use of machinery, equipment, and personnel. In addition, during construction of the VAPP building, periodic pile driving (a total of up to 30 days of project construction) would be required. The Draft EIR analysis (see Section 3.9 [Noise and Vibration]), noted that these pile driving activities would exceed the thresholds developed for potential annoyance at nearby homes. However, to further reduce these impacts, MM NOI-1 restricts pile driving, excavation, and jackhammer activities to 9 am to 3:30 pm, Monday through Saturday. Moreover, construction activities (including pile driving) would be governed by the City of Los Angeles Municipal Code and would not take place outside the hours of 7 a.m. to 9 p.m. Monday through Friday, or 8 a.m. to 6 p.m. on Saturdays or national holidays. Typical work hours would be 8 a.m. to 6 p.m., Monday through Friday. In addition, the MM NOI-2 which addresses and reduces ground-borne vibration related damage impacts to adjacent structures to less than significant levels, has also been included to reduce (but not totally eliminate) potential annoyance at nearby homes. Although, when combined these measures would assist to reduce impacts, construction noise and vibration impacts related to annoyance at sensitive receptors would remain significant and unavoidable.

## 4.3 Hydrology and Water Quality

### 4.3.1 Impacts

The Proposed Project would contribute to inundation caused by tsunami and sea level rise during project operations, and impacts are significant and unavoidable.

### 4.3.2 Mitigation Measures

No feasible mitigation measures have been identified to address project-related operational impacts.

### 4.3.3 Finding and Rationale

As noted above, the Proposed Project would contribute to inundation caused by tsunami and sea level rise during project operations, and impacts are significant and unavoidable.

The Project Site is currently located in a designated tsunami hazard zone and therefore employees and visitors would be subject to the risk of this hazard. In addition, the Venice, California area is expected to be exposed to the risk of sea level rise, combined with the increased effects of a 100-year storm event based on information in the U.S. Geological Survey (USGS) and University of Southern California (USC) studies (Watearth 2016). The Project Site is also located near Ballona Lagoon, which is classified as a major channel. Major water bodies are exposed to more flux in tides and may therefore have an increased risk of flooding during a 100-year flooding event. As such, due to its coastal location, the existing VPP and the Proposed VAPP are currently located in a tsunami

hazard zone and are already vulnerable to inundation by tsunami impacts. Also, due to their location adjacent to tidal water bodies (i.e., the Pacific Ocean, Grand Canal and Ballona Lagoon), that could rise due to sea level rise and storm surges, the VPP and the Proposed VAPP are vulnerable to flooding from 100-year storm events. In the event of extended power outages during such a storm, this flooding could be exacerbated by any wastewater spills that might occur during operations due to any extended power outages. Therefore, the Proposed Project would contribute to inundation caused by tsunami and sea level rise during project operations, and impacts are significant and unavoidable. No feasible mitigation measures have been identified to address project-related operational impacts.

## Chapter 5

# Cumulative Impacts

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Section 15355 of the CEQA Guidelines defines cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.”

The City finds that implementation of the Proposed Project would result in significant and unavoidable cumulative impacts related to noise and vibration (construction only) despite the application of mitigation measures.

## 5.1 Noise and Vibration

Impacts associated with noise and vibration during construction were determined to be significant and unavoidable and would remain the same for cumulative impacts. Cumulative impacts during operation would be less than significant.

### 5.1.1 Noise

Some of the related projects (see Chapter 1, Table 1-1 [Related Projects List] of the Draft EIR) would bring additional construction activity into the immediate vicinity of the Project Site. Specifically, the Venice Dual Force Main (VDFM) project and projects at the existing VPP would require the use of heavy construction equipment that would affect the same nearby receptors affected by the Proposed Project. Assuming similar construction equipment could be used for two projects simultaneously, the total amount of construction equipment could be doubled, leading to a 3 dB increase in construction noise levels at adjacent receptors. Although VDFM project construction in the vicinity of the VPP is expected to be completed before the start of construction for the proposed VAPP project, it is possible that some portions of the projects in Marina del Rey could overlap VAPP construction. Because project construction noise impacts are predicted to be significant, the cumulative impact would also be significant. Although MM NOI-1 (see Chapter 4 [Unavoidable Significant Impacts] of this Facts and Findings document) would reduce the Proposed Project’s contribution to cumulative noise levels to the extent feasible, it would not eliminate the predicted noise impacts entirely; therefore, cumulative construction noise impacts are considered significant and unavoidable.

### 5.1.2 Vibration

The assessment of vibration from construction activities is based on distinct single events, using the instantaneous vibration (PPV) from a single piece of equipment. Therefore, the vibration levels experienced at any specific time at a given receptor are typically dominated by a single piece of construction equipment, and the cumulative increase due to additional pieces of equipment is minimal. However, because project construction vibration impacts are predicted to be significant, the cumulative impact would also be significant. While MM NOI-2 (see Chapter 4 of this Findings document) would substantially reduce the Proposed Project’s contribution to construction vibration levels and mitigate the project’s potential impacts related to building damage, it would not eliminate all the predicted impacts related to annoyance at nearby residences; therefore, cumulative construction vibration impacts are considered significant and unavoidable.

### 5.1.3 Finding and Rationale

Impacts associated with noise and vibration during construction were determined to be significant and unavoidable and would remain the same for cumulative impacts.

As noted above, there are related projects that have been identified within the Project area that could bring additional construction activity during construction of the Proposed Project. In particular, there is the potential for construction of the VDFM and VAPP to overlap, as well as other planned projects within close proximity to the Proposed Project. Thus, the total amount of construction could increase, leading to a 3 dB increase in construction noise levels at adjacent receptors. In addition, because vibration-related impacts related to annoyance at sensitive receptors during construction were determined to be significant and unavoidable, they would remain significant and unavoidable for cumulative impacts. The Proposed Project includes mitigation measures (see above) that would reduce, but not completely eliminate cumulative impacts. Moreover, related projects occurring within the Project area would also be required to comply with CEQA and would include mitigation measures to reduce individual and cumulative impacts. Nevertheless, cumulative impacts related to noise and vibration would remain significant and unavoidable during construction.

## Chapter 6

# CEQA Findings for Alternatives Analyzed

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State CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to a project that could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any significant environmental impacts. According to the State CEQA Guidelines, the EIR should compare merits of the alternatives and determine an environmentally superior alternative. Chapter 4 (Comparison of Alternatives) of the Draft EIR contains a detailed discussion of the formulation of alternatives, elimination of alternatives considered but rejected, analysis of the alternatives carried forward, and a discussion of the Environmentally Superior Alternative (Proposed Project).

## 6.1 Alternatives Findings

In addition to the No Project/No Build Alternative, the Draft EIR examined one action (build) alternative (Alternative 1 - Construct Venice Auxiliary Pumping Plant and Permanently Vacate Hurricane Street between Canal Court and Esplanade). With adoption of the Proposed Project, the City of Los Angeles makes the following findings to support its rejection of the No Project/No Build and action (build) alternatives.

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” CEQA Guidelines defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.” (CEQA Guidelines Section 15364.)

### 6.1.1 No Project/No Build Alternative

Under the No Project/No Build Alternative, the Proposed Project would not be implemented. The existing VPP would operate in its current condition with normal and planned upgrades and maintenance. Rental of temporary pumps and associated piping and back-up generators would be undertaken, as needed to address extreme wet-weather or dry weather events and/or when existing pumps are either down or undergoing maintenance (up to three pumps and two diesel generators). As in the past, temporary pumps and piping would be located at-grade within Hurricane Street between Canal Court and Esplanade. There is a minimum three-week set up time to bring the equipment on-line. Hurricane Street (between Canal Court and Esplanade) would be closed to the public during this time period. The equipment would operate 24 hours per day.

#### 6.1.1.1 Finding

Economic, environmental, legal, social, technological, and other considerations make the No Project/No Build Alternative identified in the Draft EIR infeasible. More specifically, for the reasons discussed below and in Chapter 4 (Comparison of Alternatives) of the Draft EIR, the No Project Alternative/No Build Alternative would not meet any of the goals and objectives of the Proposed

Project, and on that basis, the City of Los Angeles rejects the No Project/No Build Alternative. In addition, the analysis contained in Chapter 4 of the Draft EIR also determined that the Proposed Project was the Environmentally Superior Alternative.

### **Supporting Evidence**

Since the Proposed Project would not be implemented, short-term unavoidable significant impacts related to construction noise and vibration and land use and planning (related to construction noise and vibration) or potentially significant cumulative impacts associated with energy would not result. In addition, there are currently no diversions for bypassing the VPP and the pumping plant must continuously pump sewage flows from the CIS in order to avoid sewage backups. As such, this alternative would not provide the required redundancy needed to operate the VPP safely and reduce the potential for catastrophic failure. It would also not reduce future risks related to including increased storm intensities, which have the potential to result in flows that would be beyond the capacity of the existing facility and could result in significant impacts related to health and safety and wildlife (due to a catastrophic sewage spill in the adjacent street system and Grand Canal and Ballona Lagoon). Because this alternative would require the periodic rental and placement of pumps along Hurricane Street (between Canal Court and Esplanade), required to operate 24-hours per day, seven-days per week, these activities would produce unacceptable noise levels and nuisance odors and air quality (diesel emissions from the back-up generators) on adjacent sensitive receptors. None of the Proposed Project's objectives would be met by this alternative.

## **6.1.2 Alternative 1 – Construct Venice Auxiliary Pumping Plant and Permanently Vacate Hurricane Street between Canal Court and Esplanade**

Alternative 1 would be identical to the Proposed Project, except that Hurricane Street would be permanently vacated between Canal Court and Esplanade. Both coastal access and existing parking would be eliminated and no public access to the VAPP or existing VPP would be allowed. The site would be fenced and controlled via secured and gated access.

### **6.1.2.1 Finding**

Economic, environmental, legal, social, technological, and other considerations make infeasible Alternative 1 identified in the Draft EIR. More specifically, for the reasons discussed below and in Chapter 4 (Comparison of Alternatives) of the Draft EIR, this Alternative would permanently eliminate pedestrian access along Hurricane Street between Canal Court and Esplanade. Although alternative access would be available, it would be more circuitous to residents/visitors. In addition, the analysis contained in Chapter 4 of the Draft EIR also determined that the Proposed Project was the Environmentally Superior Alternative.

### **Supporting Evidence**

As noted in Chapter 4 of the Draft EIR (see Table 4-1), Alternative 1 would meet the project objectives and impacts associated with the Proposed Project and Alternative 1 would be similar and only minor differences would occur. An important and key difference between the two however, is related to coastal access. In the case of pedestrian access, the Proposed Project would maintain

access along Hurricane Street between Canal Court and Esplanade, while Alternative 1 would permanently eliminate it. Although alternate access to the Esplanade would be available via Canal Court and Galleon Street, access would be more circuitous to residents/visitors.

## 6.2 Summary

Based on the Alternatives discussion provided in Chapter 4 of the Draft EIR and the information above, the City of Los Angeles determines that the Proposed Project is the only feasible alternative that fully meets the Project objectives.



## Chapter 7

# Comments Received on the Final EIR

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During the public comment period (October 27, 2016 through December 15, 2016) a Public Hearing was held at the Venice Four Square Church to solicit comments on the Draft EIR. Although public testimony was taken by a court reporter, no comment cards and/or letters were received during the meeting. A copy of the meeting transcript is contained within Appendix L (Public Hearing Transcript) of the Final EIR. In addition to the public hearing, a total of eight (8) comment letters or emails on the Draft EIR were received from agencies and individuals and are included in Chapter 2, Table 2-1, of the Final EIR. The comments focused on the following topics:

- Aesthetics (related to the building design and landscaping)
- Parking/Traffic (concern about added traffic and parking and vagrants/crime and construction workers)
- Park (similar to parking)
- Noise (related to construction workers and existing problems with people gathering at night)
- Sea level rise (appropriateness of constructing the structure in an area subject to this potential future issue)
- Impacts to property value

Responses to all comments received on the Draft EIR are presented in Chapter 2 of the Final EIR.



## Chapter 8

# Statement of Overriding Considerations

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As per Section 21081 of the PRC and Section 15093 of the CEQA Guidelines, a decision-making agency must prepare and consider a Statement of Overriding Considerations prior to approval of a Project that will result in significant environmental effects, which are identified in the Final EIR and which will not be avoided or adequately lessened. According to Section 15093(b), “When the lead agency approves a Project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record.”

The City of Los Angeles hereby concludes that the benefits of the Proposed Project outweigh its unavoidable significant impacts. The City reached this decision after having done all of the following: (1) adopted all feasible mitigation measures, (2) recognized all significant and potentially significant impacts associated with the Proposed Project, and (3) balanced the benefits of the Project against its significant and potentially significant impacts after mitigation.

The City of Los Angeles finds that unavoidable significant impacts would not result for eight (8) of the eleven (11) environmental resource areas analyzed in the EIR; however, unavoidable significant environmental impacts related to land use and planning (secondary and related to construction noise and vibration), noise and vibration (related to construction only), and hydrology and water quality (operation) would result from the Proposed Project. The City finds that these impacts are acceptable when balanced against the social, economic, and other benefits of the Proposed Project, as described below.

1. Purpose of the Proposed Project – The VPP is a critical City facility for conveying sewage from its tributary areas which include Topanga, Pacific Palisades, Brentwood, Venice, Mar Vista, Santa Monica and parts of Los Angeles County (Marina del Rey) via the CIS to the HTP in Playa del Rey. Because of the critical nature of the facility and lack of available diversion for the CIS, the VPP is required to operate continuously. Implementation of the Proposed Project would provide redundancy and ensure reliability of the sewer collection system of the VPP and CIS. It would also allow the sewer system to handle extreme weather (e.g., El Niño) and corresponding increases in groundwater levels that exacerbate infiltration conditions, both for the existing and planned conveyance system. With upgraded system redundancy and reliability, the potential for near misses and/or catastrophic system failures would be reduced. These improvements would also directly benefit public health and safety and would reduce the potential for emergency discharges of untreated sewage to the Ballona Lagoon and Grand Canal and/or local street system. Please see Chapter 2 (Project Description) of the Draft EIR for additional information.
2. Project Objectives – The Proposed Project would meet all of the following project objectives:
  - a. Prevent potential impacts on human and environmental health caused by sewage spills from the existing VPP during extreme wet-weather events;
  - b. Increase reliability to the system by providing redundancy to pumping capacity to improve system reliability and allow regular service and maintenance activities to take place without compromising the ability of the City to maintain pumping capacity and minimize the risk of sewage overflows; and

- c. Address future risks related to climate change, including increased storm intensities and sea-level rise, which have the potential to result in flows that would be beyond the capacity of the existing VPP.
3. Environmental Benefits – The Proposed Project would include the following additional benefits/improvements:
  - a. Aesthetics – The Proposed Project would be compatible with the surrounding development with respect to density, height, and setbacks. The building and open space areas would be high quality and in keeping with the existing visual setting and environment. A number of benefits to the community would be derived, including additional public access, open space, landscaping and public art located at 128 Hurricane Street and the east side of the VAPP. These amenities would both expand the total acreage of open/green space in the Venice community and provide additional expansive viewing opportunities to the Ballona Lagoon and Grand Canal, especially since these locations are currently fenced-off and inaccessible to the public. Please see Section 3.1 (Aesthetics) of the Draft EIR for additional information.
  - b. Biological Resources – The Proposed Project is located adjacent to the Ballona Lagoon and Grand Canal, resources identified as ESHAs. These areas contain sensitive habitats and associated biological resources, including sensitive plants and animals. Implementation of the Proposed Project would reduce the potential for catastrophic failure of the VPP, resulting in the potential need to discharge untreated sewage into the Ballona Lagoon and Grand Canal and/or adjacent street network. The Proposed Project would prevent potential impacts on human and environmental health caused by sewage spills from the existing VPP during extreme wet-weather events. It would also increase reliability to the system by providing redundancy to pumping capacity at the VPP. An additional benefit to biological resources would include the restoration of a portion of the western bank of the Grand Canal with native plants. The Proposed Project may also include a monetary contribution to the Grand Canal Restoration Project fund. Please see Section 3.3 (Biological Resources) of the Draft EIR for additional information.
  - c. Hydrology and Water Quality – Similar to Biological Resources, the Proposed Project would reduce the potential for human and environmental health caused by sewage spills from the existing VPP during extreme wet-weather events. It would also increase reliability to the system by providing redundancy to pumping capacity at the VPP. An additional benefit would be the inclusion of Low Impact Development (LID) Source Control and Treatment Control best management practices (BMPs) to treat stormwater runoff. Please see Section 3.7 (Hydrology and Water Quality) of the Draft EIR for additional information.

The City of Los Angeles finds that the Project’s significant unavoidable impacts related to land use, noise and vibration, and hydrology and water quality are acceptable in light of the Project’s benefits. Each benefit set forth above constitutes an overriding consideration warranting approval of the Proposed Project, independent of the other benefits, despite the significant and unavoidable impacts related to land use, noise and vibration and hydrology and water quality.