Los Angeles CITY PLANNING COMMISSION

200 N. Spring Street, Room 532, Los Angeles, California, 90012-4801 **www.lacity.org/PLN/index.htm**

Determination Mailing Date: JAN 31 2008

CITY COUNCIL
Room 395, City Hall

Applicant: City of Los Angeles

CASE NO. CPC-2006-9769-GPA-ZC-CU-ZV-SN
Location: **Subarea 1:** 5413 S. Avalon Boulevard
Subarea 2: The block bounded by 16th Street, South San Pedro Street, 15th Street, and Griffith Street consisting of 1505-1525 (odd) E. 16th Street, 1504-1518 (even) S. San Pedro Street, 711-821 (odd) E. 16th Street, 706-836 (even) E. 15th Street

Council District: No. 9
Plan Area: Southeast Los Angeles (Subarea 1)
Central City (Subarea 2)

Request(s): General Plan Amendment, Zone Change, Sign Supplemental Use District, Conditional Use Permit, Zone Variance

At its meeting on January 10, 2008, the following action was taken by the City Planning Commission:

1. **Disapproved** the request as filed.
2. **Approved** and **recommended** that the City Council adopt a General Plan Amendment to the Southeast Los Angeles Community Plan from Limited Industrial to Open Space (Subarea 1).
3. **Approved** the Zone Change from M1-1 to OS-1 (Subarea 1), and **recommended** that City Council adopt the ordinance to effect the change of zone, subject to the attached conditions of approval.
4. **Denied** the requested General Plan Amendment to the Central City Community Plan from Public Facilities to Light Industrial (Subarea 2).
5. **Denied** the Zone Change from PF-2D-O to M2-2D-O-SN (Subarea 2).
6. **Denied** the requested establishment of a Sign Supplemental Use District (Subarea 2).
7. **Approved** a Conditional Use Permit to permit a community center, museum, event center and office space in the OS Zone, subject to conditions (Subarea 1).
8. **Approved** a Zone Variance to permit 67 parking spaces in lieu of the required 170 parking spaces (Subarea 1).
9. **Certified** that is has reviewed and considered the information in the Draft and Final Environmental Impact Report SCH#2007051122 in regards to Subarea 1.
10. **Did not certify** that is has reviewed and considered the information in the Draft and Final Environmental Impact Report SCH#2007051122 in regards to Subarea 2 and found that the Draft and Final Environmental Impact Report SCH#2007051122 did not adequately analyze the proposed changes to Subarea 2..
11. **Adopted** the attached Findings, including environmental findings and the Statement of Overriding Considerations (Finding 8.e).

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved:	Usher
Seconded:	Freer
Ayes:	Hughes, Montanez, Woo
Recuse:	Cardoso
Absent:	Kay, Kezios, Roschen
Vote:	5-0

Gabriele Williams, Commission Executive Assistant II
City Planning Commission

Effective Date / Appeals:

Appeals: If the Commission has disapproved the Zone Change request, in whole or in part, only the applicant may appeal that disapproval to the Council within 20 days after the mailing date of this determination. Any aggrieved party may appeal the Conditional Use and the Zone Variance to the Council within 20 days after the mailing date of this determination. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

The Commission's action on the General Plan Amendment is not appealable.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Attachments: Findings, ZC Ordinance w/ Map, Resolution w/ Map/ SUD Ordinance w/ map and Variance and Conditional Use Conditions.

c: Notification
Patricia Diefenderfer, Planning
Marianne Askew, Planning

CONDITIONS OF APPROVAL

A. Variance Conditions (Subarea 1).

Parking. The applicant shall provide one or more of the following parking alternatives:

1. Enter into a shared parking agreement with LAUSD to utilize parking on the proposed Central Region High School No. 16 site across 54th Street, or other proximate land owners that have parking available nearby, to meet parking code requirements, if feasible.

2. Provide valet parking to allow higher vehicle densities (in the Wetlands Park parking lot) than would otherwise occur under normal parking lot conditions.

B. Conditional Use Entitlement Conditions (Subarea 1).

Phase II Uses. Prior to issuance of a Building or Change of Use Permit for the Phase II building, the Department of Parks and Recreation shall conduct public outreach to finalize the use of the building and show evidence thereof to the Department of City Planning.

C. Environmental Conditions (Subarea 1).

1. Air Quality (Construction)

a. To Reduce NOx emissions during the construction of the Wetlands Park, the following construction equipment options, as feasible, would be included:

i. Use of cooled exhaust gas recirculation

ii. Use of lean-NOx catalyst

iii. Use of diesel oxidation catalyst

b. General contractors shall implement a fugitive dust control program pursuant to the provisions of SCAQMD Rule 403.5

c. Disturbed areas shall be watered three times daily.

d. All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.

e. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues shall turn their engines off, when not in use, to reduce vehicle emissions. Construction emissions should be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.

f. Electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used to the extent feasible.

g. All construction vehicles shall be prohibited from idling in excess of ten minutes, both on and off-site.

h. Project heavy-duty construction equipment shall use alternative clean fuels, such as low sulfur diesel or compressed natural gas with oxidation catalysts or particulate traps, to the extent feasible.

i. The Applicant shall utilize coatings and solvents that are consistent with applicable SCAQMD rules and regulations.

2. General Construction

a. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials, including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials and wastes shall be removed to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.

b. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

c. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.

d. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

e. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.

f. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

g. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

3. Biological Resources

a. Prepare a Wetlands Park monitoring plan that would require seasonal monitoring for the presence of the Southwestern willow flycatcher and other migratory birds during the breeding and nesting season (starting in March) once the Wetlands Park becomes operational. The monitoring plan and monitoring activities would be conducted by a biologist that specializes in bird studies. The biologist would prepare monitoring reports documenting the presence or absence of migratory bird species and their nesting locations, as deemed necessary in the monitoring plan.

b. Refrain from vegetation control during the nesting season if Southwestern willow flycatcher or other migratory birds that would be affected by either vegetation control activities or wetlands replanting are determined to be present, as determined by monitoring required under Environmental Condition 3.a. Vegetation control activities would occur prior to the nesting season to allow for adequate mosquito habitat control while also avoiding nest damage or disturbance. Vegetation control may occur during the nesting season in constructed wetland areas where no nests of migratory birds are present, as determined by a biologist.

4. Cultural Resources

a. In the event that paleontological resources are encountered during excavation, all development activities would cease within the vicinity of these area(s) until the paleontological resources are properly assessed and subsequent recommendations are made by a qualified paleontologist regarding resource preservation/recovery.

b. Monitoring by a qualified archaeological monitor would be required at the proposed Wetland Park site during grading and/or excavation activities. Monitoring would consist of directly watching the excavation and earthmoving activities. Monitoring would occur during the entire workday, and would continue on a daily basis until construction involving ground disturbance is complete, or professional judgment concludes that there is no continuing potential for encountering cultural resources. If cultural resources are observed during monitoring, the following would occur:

i. The monitoring archaeologist would halt or divert excavation equipment temporarily to examine isolated artifacts. If further study is warranted, the find(s) would be mapped, recorded, bagged with the proper provenience and the item(s) collected.

ii. Whenever the monitoring archaeologist suspects that significant cultural remains have been encountered, the piece of equipment that encounters the suspected deposit would be stopped or diverted to another work area, and the excavation inspected by the monitoring archaeologist. If potentially significant deposits are found, then recommendations would be developed for identification, testing, evaluation, preservation, or mitigation, as appropriate. If the suspected remains prove to be non-significant or non-cultural in origin, work would recommence immediately.

iii. Equipment stoppages would only involve equipment working within a ten meter buffer of the significant or potentially significant remains, and should not be construed to mean a stoppage of all work on the site unless the cultural deposit covers the entire site.

iv. During temporary equipment stoppages brought about to examine suspected remains, the archaeologist shall accomplish the necessary tasks with all due speed.

v. Should human remains be encountered, all work should be halted in the immediate vicinity of the find. The Project Supervisor and the County Coroner would be contacted immediately. If the encountered human interments cannot be avoided by modification of the project, on approval of the County, and in concurrence with the County Coroner and the Native American Most Likely Descendant designated by the Native American Heritage Commission, a qualified team of archaeologists would be brought in to recover the remains if that is the course of action deemed appropriate.

c. The former Los Angeles Railway South Park Shops Paint Shop (Building 71) would be protected during construction of the Wetlands Park (i.e., via barriers or temporary fencing).

d. Under the supervision of the City of Los Angeles Planning Department's Office of Historic Resources, a comprehensive documentation of the South Park Shops

complex would be prepared, including all buildings and features identified by this study as contributive to a potential historic district, prior to the commencement of any project related alteration of the property from its present condition. The documentation would be consistent with the Historic American Building Survey/Historic American Engineering Record/Historic American Landscape Survey (HABS/HAER/HALS) format and conform to the applicable standards described in the *Secretary of Interior Standards for Architectural and Engineering Documentation.* The level of documentation, either HABS/HAER Level I or Level II, would be determined in consultation with the State Office of Historic Preservation. For example, if a resource is determined to be of national significance, such as the Paint Shop building, Level I documentation including preparation of a full set of measured drawings, would be recommended. The documentation would be a written historical report accompanying a set of measured drawings and photographs. The original historical report and documentation package would be deposited at the MTA Dorothy Peyton Gray Transportation Library. A copy of the historical report would be provided to the Central branch of the City of Los Angeles Public Library, and the main branch of the County of Los Angeles Library.

e. Prior to the commencement of any demolition activities, potentially historical items or features from the Wetlands Park site that could be used as elements of the Phase II transportation museum and/or interpretive program, which presents the history of the South Parks Shop Complex, would be identified, salvaged, and stored for future use.

f. Following the completion of the documentation listed under Environmental Condition 5.d., a transportation museum plan and/or an interpretive program which presents the history of the South Park Shops complex would be developed for implementation during Phase II. The interpretive program would include an internet website that would be of educational benefit to the public and illustrate the history and historic architecture of the site through photographs, video, and oral history interviews collected from former Los Angeles Railway/Los Angeles Transit Lines employees, and others, familiar with historic functioning of the facility. Additionally, a permanent, on-site interpretive facility presenting the history of the property and possibly incorporating historic building documentation and salvaged elements of the historic property would be created during Phase II of the Wetlands Park. The transportation museum and/or interpretive program would be coordinated between the City of Los Angeles' Department of Recreation and Parks, in coordination with the Cultural Heritage Commission and/or Planning Department's Office of Historic Resources, and other applicable agencies and organizations, as appropriate.

5. Hazard and Hazardous Materials (Construction)

a. Following removal of the clarifiers, and/or excavation and removal of remaining underground structures, and associated contaminated soil, under Los Angeles County Fire Department oversight, and once the area excavated has had time for equilibration, additional soil and soil gas sampling would be conducted and a post-remedial human health risk assessment performed in accordance with California Department of Toxic Substances Control (DTSC) guidelines to ensure that the site meets acceptable risk levels for use as a park and wetlands. In the event that an unacceptable health risks remains, additional soil gas remediation measure(s) would be implemented to meet acceptable risk levels as determined by the health risk assessment. These additional remediation measures could include, but not be limited to, a soil vapor extraction and treatment system, and/or vapor barrier liner

beneath the site. Any post-remedial selection and implementation of remediation measures would be under DTSC oversight.

b. Prior to building demolition, review past asbestos containing materials (ACM) and lead-based paint (LBP) surveys and, if necessary, perform new surveys to identify all ACM and LBP in all buildings on the Wetlands Park site. If necessary, destructive sampling would be used. All ACM and LBP would be removed or otherwise abated prior to demolition or, in the case of the retained building, renovation. Removal and abatement activities would comply with all applicable laws, regulations, and rules.

c. Prior to demolition of the buildings and renovation of the retained buildings, coordinate with the Greater Los Angeles Vector Control District (GLAVCD) and implement vector (rodent) eradication.

6. Hazard and Hazardous Materials (Operation)

a. During design, a pre-treatment system or units would be specified and selected for installation at the Wetlands Park site that has proven capabilities to remove contaminants such as oils and hydrocarbons from runoff influent. Proprietary systems such as Stormceptors would be considered.

b. Prior to the operation of the Wetlands Park, an Emergency Response Plan would be prepared by the City of Los Angeles Department of Public Works to establish a set of procedures to address the unlikely event of a spill of oil or other potentially hazardous material into the storm drain system upstream of the wetland that could potentially overwhelm the treatment wetlands system and cause significant harm to wildlife and/or water quality. At a minimum, the Plan would address containment measures, cleanup measures, and emergency contacts for fire, police, and personnel equipped to handle hazardous materials.

c. Prior to operation of the Wetlands Park, a Vector Control Plan would be prepared for inclusion in the Park's Operations and Maintenance Manual. The Vector Control Plan would provide step-by-step field guidance for vector control management. The Vector Control Plan would include requirements such as physical controls (vegetation control based on the seasonal mosquito life-cycle), biological controls (such as mosquito fish), and chemical controls (larvaecides). The Vector Control Plan would be reviewed and approved by the Greater Los Angeles Vector Control District (GLAVCD). The Vector Control Plan would be dynamic and its implementation adaptive. As such, ongoing coordination would occur with staff of the GLAVCD. The Vector Control Plan would also provide controls to prevent broadcast application of chemicals or larvaecides.

7. Land Use. Obtain a variance for operation of Phase II of the Wetlands Park to allow for a reduction in the number of required parking stalls required under Zoning Code Section 12.21A4. Approval of the recommended parking variance will satisfy this mitigation measure.

8. Noise (Construction). The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

a. Construction shall be restricted to the hours of 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday.

b. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously that causes high noise levels.

c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

d. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, to insure an acceptable interior noise environment.

e. The construction contract(s) would specify that all construction equipment would be equipped with mufflers and other suitable noise attenuation or suppression devices, as appropriate.

f. During construction, where sensitive receptors have a direct line-of-sight to the construction sites, temporary noise curtains or barriers would be placed between the construction activity and the receptors, as appropriate. The height and placement of the noise curtains would break the line-of-sight between sensitive receptors and the construction site. The noise curtain, in conjunction with other mitigation measures, would provide sufficient noise attenuation to prevent increases in ambient noise levels at adjacent sensitive receptors by five decibels.

g. All residential units located within 500 feet of construction sites would be sent a notice regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet would also be posted at the construction site. All notices and the signs would indicate the dates and duration of construction activities, and would provide a telephone number where residents can inquire about the construction process and register complaints. All notices would be in English and any other appropriate language(s) for the neighborhood, and posted notices would be placed at least 10 days prior to the start of construction.

9. Transportation/Traffic (Construction)

a. Projects involving the import/export of 1,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.

b. The applicant shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

c. Prohibit the hauling of soul from the Wetlands Park site during site excavation and grading during the AM and PM peak hours

10. Transportation/Traffic (Operation)

a. Maximize the number of parking spaces designed into the off-street parking lot for Phase I of the Wetlands Park. After Phase II of the Wetlands Park becomes operational, parking demand is expected to be approximately 170 spaces. Prior to the design of Phase II, parking demand and requirements would be re-evaluated based on the specifics of the project and the conditions at that time to determine the exact number of parking spaces needed (beyond the spaces provided in Phase I).

b. During operation of Phase II of the Wetlands Park, provide trip reduction incentives to encourage ride sharing, transit usage, and other trip and parking reductions.

c. One or more of the following other parking mitigations shall be implemented:

i. Enter into a shared parking agreement with LAUSD to utilize parking on the proposed Central Region High School No. 16 site across 54th Street, or other proximate land owners that have parking available nearby, to meet parking code requirements, if feasible.

ii. Provide valet parking to allow higher vehicle densities (in the Wetlands Park parking lot) than would otherwise occur under normal parking lot conditions.

D. Administrative Conditions

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.

2. **Code Compliance.** Area, height and use regulations of the zone classification on the subject property shall be complied with, except where herein conditions may vary.

3. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.

4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.

5. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

6. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.

7. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

8. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is

brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

9. **Mitigation Monitoring.** Pursuant to California State Public Resources Code Section 21081.6 and the California Environmental Quality Act, the applicant and any future owners, successors, heirs or assigns shall provide the Planning Department with status reports for assessing and ensuring the efficacy of the mitigation measures (environmental conditions) required herein.

    a. Within 30 days of the effective date of this land use entitlement and prior to any Planning Department clearance of the conditions of approval contained herein, the applicant shall file a Mitigation Monitoring and Reporting Program (MMRP) in a manner satisfactory to the Planning Department which defines specific reporting and/or monitoring requirements to be enforced during project implementation. Each environmental condition shall be identified as to the responsible mitigation monitor(s), the applicable enforcement agency, the applicable monitoring agency and applicable phase of project implementation as follows:

        i. Pre-construction (prior to issuance of a building permit);

        ii. Construction (prior to certificate of occupancy); and

        iii. Post-construction / maintenance (post-issuance of certificate of occupancy).

        In some cases, a specific mitigation measure may require compliance monitoring during more than one phase of project implementation. Such measures shall be noted within the discussion of the specific mitigation measure in the MMRP.

    b. The applicant shall demonstrate compliance with each mitigation measure in a written report submitted to the Planning Department and the applicable enforcement agency prior to issuance of a building permit or certificate of occupancy, and, as applicable, provide periodic status reports to the Planning Department regarding compliance with post-construction / maintenance conditions.

    c. If the environmental conditions include post-construction / maintenance mitigation measures, the applicant and all future owners, successors, heirs or assigns shall be obligated to disclose these ongoing mitigation monitoring requirements to future buyers of the subject property.

    d. The applicant and any future owners, successors, heirs or assigns shall reimburse the Planning Department for its actual costs, reasonably and necessarily incurred, necessary to accomplish the required review of periodic status reports

FINDINGS

General Plan/Charter Findings

1. General Plan Land Use Designation.

a. Subarea I. The subject property is located within the area covered by the Southeast Los Angeles Community Plan, which was adopted by City Council on March 22, 2000 (Case No. CPC-1996-0398-CPR). The plan designates the property as Limited Industrial with the corresponding zones of CM, MR1, and M1. The zoning on the site is M1-1 and is in conformance with the Southeast Los Angeles Community Plan land use designation. The proposed land use designation is Open Space with the corresponding zone of OS. The proposed zoning on the site is OS-1 and is in conformance with the proposed Southeast Los Angeles Community Plan land use designation.

b. Subarea II. The subject property is located within the area covered by the Central City Community Plan, which was adopted by City Council on January 8, 2003 (Case No. CPC 1994-0225-CPU). The plan designates the property as Public Facilities with the corresponding zone of PF. The zoning on the site is PF-2D-O and is in conformance with the Central City Community land use designation. The proposed land use designation is Light Industrial with the corresponding zones of MR2 and M2. The Commission rejected the proposed Plan Amendment and Zone Change because the property is owned by and will continue to be owned by a public agency and should remain in the Public Facilities land use designation and zone.

2. General Plan Text.

a. The Southeast Los Angeles Community Plan includes the following relevant land use objectives, policies and programs:

GOAL 4: ADEQUATE RECREATION AND PARK FACILITIES WHICH MEET THE NEEDS OF THE RESIDENTS IN THE PLAN AREA.

Policy 4-1.3: Actively pursue City and/or private funding for the acquisition and construction of new recreation and park facilities.

Program: Continue the Quimby Fund program and identify and develop additional sources of funding for the provision of open space and parkland.

Policy 4-1.4: Encourage the cooperation between the Los Angeles Unified School District, other public and private entities and the Department of Recreation and Parks in order to develop and utilize other open space opportunities for the community.

Program: Establish joint-use agreements with the LAUSD and other public and private agencies to provide more recreation and park facilities for the community.

GOAL 5: A COMMUNITY WITH SUFFICIENT OPEN SPACE IN BALANCE WITH NEW DEVELOPMENT TO SERVE THE RECREATIONAL, ENVIRONMENTAL, HEALTH AND SAFETY NEEDS OF THE

COMMUNITY AND TO PROTECT ENVIRONMENTAL AND AESTHETIC RESOURCES.

Objective 5-1: To preserve existing open space resources and where possible develop new open space.

Policy 5-1.2: Accommodate active parklands, and other open space uses.

Program: The Plan Map designates lands for open space uses including all active parklands.

Objective 6-2 Maximize the use of local schools for community use and local open space and parks for school use.

Policy 6-2.1: Encourage the siting of community facilities (libraries, parks, schools and auditoriums) together.

The proposed General Plan Amendment and the project, as designed, advances the above goals, policies, and programs of the adopted Southeast Los Angeles Community Plan by providing a new open space resource to the community in an appropriate location. See more under Finding 3.a.

b. The General Plan Framework includes the following relevant urban form and neighborhood design objective, for the Central City Community Plan.

Objective 5.5 Enhance the liveability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.

The Central City Community Plan includes the following relevant land use objectives, policies and programs.

Chapter V – Urban Design: South Markets. Create design guidelines for the area including storefront and signage design. Develop new mini-parks and undertake streetscape improvements including trees, signage and street furniture.

The proposed General Plan Amendment and the proposed Sign Supplemental Use District does not advance the above goals, policies, and programs of the adopted General Plan Framework and Central City Community Plan by promoting a pattern that degrades the quality of the public realm by permitting billboards which were banned on a Citywide basis and increase the amount of offsite signage which was seen as visual blight in a highly visible location. In addition, the Commission found that the construction of the two new billboards was inconsistent with the Community Redevlopment Agdency's Design for Development for the Central City which prohibits new billboards/ See more under Finding 3.b and c.

3. City Charter Sections 556 and 558.

a. Subarea I – General Plan Amendment

The proposed General Plan Amendment complies with Charter Sections 556 and 558 in that the plan amendment promotes a pattern of development consistent with the area's General Plan Framework designation; increases community access to open space;

maximizes the use of open space for school use; and enhances the pedestrian environment. The recommended General Plan Amendment to the Southeast Los Angeles Community Plan to amend the land use designation on the subject property from Light Industrial to Open Space will further many of the City's land use policies concerning the availability and accessibility of open space especially in previously underserved communities including Southeast Los Angeles.

The proposed amendment complements the adjacent General Plan Framework Mixed Use Boulevard designation of portions of Avalon Boulevard. The subject site abuts Avalon Boulevard to the east. The General Plan Framework designates all commercially designated portions of Avalon Boulevard between Vernon Avenue and Slauson Boulevard as Mixed Use Boulevards. Mixed Use Boulevards provide a variety of uses including community and neighborhood commercial, public services, cultural facilities and housing along transit corridors and are located within walking distance of surrounding residential neighborhoods. Though the subject site is not included in this designation as it is currently designated Light Industrial, the proposed General Plan Amendment is consistent with and reinforces the Mixed Use Boulevard designation as is it provides an additional neighborhood resource that is within walking distance from the surrounding single and multi-family neighborhoods. Additionally, the site is accessible by transit as the area is served by bus transit lines operated by MTA and LADOT.

The proposed plan amendment will achieve the objective of the Southeast Los Angeles Community Plan of maximizing the use of open space for school use by siting open space facilities near schools. The use of property to the north of the subject site currently includes a school, and LAUSD is proposing to expand the school use to the entire site. By providing open space adjacent to existing and proposed school facilities, the proposed general plan amendment provides the opportunity for school use of the open space for educational and recreational opportunities and for shared use of parking to better utilize existing and planned parking facilities rather than constructing more automobile parking on the park site.

b. Denial: Subarea II – General Plan Amendment

The proposed General Plan Amendment does not complies with Charter Sections 556 and 558 in that the existing Public Facilities designation is appropriate for the property as it is currently owned and operated and will continue to be owned and operated by a public agency, the MTA. In light of the fact that the proposed Sign Supplemental Use District has been denied, this General Plan Amendment is no longer necessary.

c. Denial: Subarea II – Sign Supplemental Use District

The proposed Sign Supplemental Use District does not comply with Charter Sections 556 and 558 in that the Sign Supplemental Use District permits the erection of billboards which degrade the visual environment and create a potential traffic hazard. The location of the proposed billboards is not in conformity with good public necessity, convenience, general welfare, and good zoning practice due to the amount of existing signage in the area and the proximity to the freeway. The proposed billboards will be located downtown in a highly visible area to motorists along the Santa Monica Freeway. There are approximately nine supergraphic signs and twelve billboard or rooftop signs visible from the Santa Monica Freeway between the Los Angeles River and the Harbor Freeway (the legality of these signs is not known). The addition of two more off-site

advertising signs will further degrade the visual experience along this busy corridor. The freeway adjacent location also creates a potential traffic hazard which was not adequately analyzed in Environmental Impact Report. The proposed signs, particularly the two digital sign faces, could potentially distract drivers which could increase congestion and accidents along the Santa Monica Freeway. In addition, the approval of the proposed Sign Supplemental Use District would set a precedent for the City by allowing new off-site signage, which was banned citywide by Ordinance No. 174,547 as a result of the negative visual impact created by the proliferation of billboards citywide, in the form of large scale billboards. The only existing Sign Supplemental Use District, the Hollywood Sign Supplemental Use District, does not permit billboard structures such as the ones proposed.

Entitlement Findings

1. Zone Change Findings

a. Subarea I

Pursuant to Section 12.32 C7 of the Municipal Code, and based on these findings, the recommended Zone Change is deemed in conformity with the public necessity, convenience, general welfare, and good zoning practice.

The requested zone change is from M1-1 to OS-1 in order to allow the development of the site as a wetlands park. The project, as proposed, will contribute to the general welfare by providing a new open space within the Southeast Los Angeles Community. The proposed park will provide active and passive recreational and educational opportunities, and will help the City meet water quality standards. The proposed location is appropriate for new open space opportunities as it allows for joint use opportunities with the adjacent school facility and is a site that is accessible by transit and other non-vehicular means including walking and biking. Additionally, the existing site is underutilized and the new use will better integrate the site into the surrounding neighborhood fabric and provide a valuable resource to the community while allowing for the reuse of a historically significant building.

b. Denial: Subarea II

*Pursuant to Section 12.32 C7 of the Municipal Code, and based on these findings, the recommended Zone Change is **not** deemed in conformity with the public necessity, convenience, general welfare, and good zoning practice.*

The requested zone change is from PF-2D-O to M2-2D-O-SN in order to allow the establishment of the 15th Street Sign Supplemental Use District as a Sign District is not permitted in the PF zone. In light of the fact that the proposed Sign Supplemental Use District has been denied, this Zone Change is no longer necessary. In addition, the existing zoning is appropriate for the property as it is currently owned and operated and will continue to be owned and operated by a public agency, the MTA.

2. Denial: Sign Supplemental Use District (Subarea II)

*Pursuant to Section 12.32 C7 of the Municipal Code, and based on these findings, the recommended Supplemental Use District is **not** deemed in conformity with the public necessity, convenience, general welfare, and good zoning practice.*

The proposed 15th Street Sign Supplemental Use District is not in substantial conformance with the goals, objectives, and policies of the Central City Community Plan concerning Urban Design within the South Market Industrial Area and the General Plan Framework Citywide Urban Form and Neighborhood Design Guidelines, as it would permit the erection of billboards which would degrade the visual environment and create a potential traffic hazard. The location of the proposed billboards is not in conformity with good public necessity, convenience, general welfare, and good zoning practice due to the amount of existing signage in the area and the proximity to the freeway. The proposed billboards will be located downtown in a highly visible area to motorists along the Santa Monica Freeway. There are approximately nine supergraphic signs and twelve billboard or rooftop signs visible from the Santa Monica Freeway between the Los Angeles River and the Harbor Freeway (the legality of these signs is not known). The addition of two more off site advertising signs will further degrade the visual experience along this busy corridor. The freeway adjacent location also creates a potential traffic hazard which was not adequately analyzed in Environmental Impact Report. The proposed signs, particularly the two digital sign faces, could potentially distract drivers which could increase congestion and accidents along the Santa Monica Freeway. In addition, the approval of the proposed Sign Supplemental Use District would set a precedent for the City by allowing new off-site signage, which was banned citywide by Ordinance No. 174,547 as a result of the negative visual impact created by the proliferation of billboards citywide, in the form of large scale billboards. The only existing Sign Supplemental Use District, the Hollywood Sign Supplemental Use District, does not permit billboard structures such as the ones proposed.

3. Variance Findings (Subarea I)

a. *That the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general plan purposes and the intent of the zoning regulations.*

The proposed project will provide a minimum of 67 parking spaces on-site. If the proposed project complied with the parking regulations, the proposed wetlands park would be reduced in size by 0.85 acres. Requiring the project to comply with the parking requirements would be an unnecessary hardship which is inconsistent with the objectives and policies of the General Plan as it would result in less available open space in an area which is currently park deprived. Additionally, providing the parking on-site is not necessary for this project as there are other opportunities to provide parking within the vicinity. This includes a possible joint use agreement with the adjacent school site or another business with excess parking or by providing valet parking on-site.

b. *There are special circumstances applicable to the subject property such as size shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.*

The current site is developed with several historical buildings which are not present on other properties in the same zone and vicinity. The site, developed as proposed, maximizes the size of the proposed wetlands park and allows for the reuse of one of the historic buildings. The uses within the reused historic building require approximately 152 parking spaces. By not demolishing these historic resources, the proposed project is unable to provide the required parking on-site. The project's unique location in an area that is transit accessible with both LADOT DASH stops and MTA bus stops on the

perimeter of the site and along a Mixed Use Boulevard with heavy pedestrian traffic provides the opportunity for users of the project site to utilize alternative modes of transportation to access the park.

c. *Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

The proposed variance is necessary to provide the maximum amount of open space and educational opportunities on the subject site. Additionally, the reuse of the existing historical building, which is a unique characteristic of the project site, increases the parking demand. Requiring 170 parking spaces on-site presents unnecessary hardships as there are additional opportunities to provide parking on adjacent parcels which would not require a reduction in the proposed wetlands park or the demolition of a historic resource.

d. *The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.*

The proposed reduction in parking will not be injurious to surrounding property or improvements as conditions of this approval require alternative parking solutions which will minimize the impact on the street parking and the adjacent residential neighborhoods. The proposed project's location adjacent to an existing school site and proposed new high school affords the opportunity for the City and LAUSD to enter into a shared use agreement to utilize the existing and planned parking facilities associated with the school. This maximizes the use of parking in the area. Additionally, the other parking alternatives can be implemented include shared use agreements with other business owners who have excess parking, valet parking on-site, and altering the reuse of the historic building to reduce the parking demand and provide parking within the building. These alternatives reduce the impact of the requested parking reduction on the community while not requiring a reduction in the size of the proposed park.

e. *The granting of such variance will not adversely affect any element of the General Plan.*

The proposed project, particularly with the size of the wetlands park maximized and the retention of the historic structure, promotes many of the goals of the General Plan. One of the goals of the Southeast Community Plan is to increase the amount of open space and the accessibility of this open space. The proposed project provides a new open space resource in the community which is both accessible to the residents in the area and the community as a whole due to its transit accessible location. Additionally, the proposed parking alternative of a joint use agreement with LAUSD to utilize existing and planned parking facilities furthers the Southeast Community Plan policy of siting community resources such as parks and schools in the same vicinity in order to maximize shared use of both facilities. By allowing the largest park possible on the site, the proposed variance increases the accessibility of open space to the community while helping maximize the ability for the park to help the City meet water quality standards, one of a number of project objectives.

4. **Conditional Use Permit Findings (Subarea I).** Conditional Use Permit, pursuant to Section 12.24.U.19 of the Los Angeles Municipal Code for a community center, museum, event center, and office space in the OS Zone.

   a. *The proposed project will be desirable to the public convenience and welfare.*

   The proposed project will be desirable to the public convenience and welfare as the community center, museum, event center, and office space will provide public space for community use and will provide educational and recreational opportunities for the surrounding community. As conditioned by this determination, the Department of Parks and Recreational will consult with the community before they finalize the programming for the historic structure. This will ensure the uses will be desirable to the community. The proposed museum provides an educational opportunity which recognizes the historic significance of the project site. The proposed project increases the ability for the community members to utilize the project site as the majority of the proposed open space will be a constructed wetland with some open areas for gathering space.

   b. *The proposed location is proper in relation to adjacent uses or the development of the community.*

   The proposed location is proper in relation to adjacent development as the proposed site is located in an area which is a mix of residential, institutional, commercial, and light industrial uses. The proposed project is sited adjacent to an existing school and the proposed location of a new high school. This location allows for the utilization of the facilities on the subject site by the students in the adjacent schools. The proximity of the school facilities also allows for a potential joint use agreement to allow the parking demand created by uses in the historic building to be met in existing and planned parking facilities associated with the school. The location of these facilities is also appropriate as the site is transit accessible and is located in close proximity to residential community. This accessibility creates the appropriate location for uses that provide service to the immediate community such as a community center and office space and also uses that have a more regional draw such as a museum and an event center. The Southeast Los Angeles Community Plan also notes that office space which will expand the market opportunities for new businesses, educational opportunities, and open space should be located in transit accessible areas such as along a designated Mixed Use Boulevard such as Avalon Boulevard and within neighborhood and community centers.

   c. *The proposed project will not be detrimental to the character of development in the immediate neighborhood.*

   The proposed project will be an asset to the character of development in the immediate neighborhood. The proposed project will enhance the pedestrian environment of the immediate neighborhood. The existing site contains vacant historic buildings which traditionally served as transit maintenance buildings. The proposed park and reuse of the building revitalizes the street as the unused site, which with the project will become better integrated into the neighborhood fabric and development pattern and will provide valuable community resources, is currently detrimental to the pedestrian environment of the immediate neighborhood. The proposed project maintains the historic character of the site by reusing an existing building while introducing new uses which are assets to the community.

d. *The proposed location will be in harmony with the various elements and objectives of the General Plan.*

The subject site is located in the Southeast Los Angeles Community Plan. One of the goals of the Community Plan is to provide adequate recreational facilities that meet the needs of the community members. A condition of this approval is to require the Department of Parks and Recreation to conduct public outreach to finalize the use of the building in order to ensure the uses meet the needs of the community. The proposed wetlands park, community center, events center, museum, and office space provide the community with an open space resource and additionally recreational and educational opportunities in an area for which the General Plan Framework notes a lack of open and recreational space.

5. The **Transportation Element** of the General Plan will not be affected by the recommended action herein. The operation of the proposed Wetlands Park will not have any significant affect on the surrounding streets which are fully improved to the appropriate street standards respectively.

6. The **Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.

7. **Street Lights.** Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the streets which adjoin the subject property.

8. **Environmental: Subarea 1.** Pursuant to Public Resources Code section 21000 et. Seq.:

a. Potential Environmental Impact Areas. An Environmental Impact Report (EIR) has been prepared to analyze the potential environmental effects that could result from the construction and operation of the proposed project. The EIR identifies mitigation measures, monitoring measures when necessary and alternatives which would mitigate the negative environmental effects of the project.

The EIR for the subject project, pursuant to and in accordance with Section 21081 of the State of California Public Resources Code, identifies potential significant impacts from the project including:

Air Quality, Biological Resources, Paleontological Resources, Archaeological Resources, Hazard and Hazardous Materials, Land Use, and Transportation/Traffic.

Feasible mitigation measures and a monitoring program have been defined for those impacts.

The Final EIR identifies three impacts not mitigated to a less than significant level for the proposed project:

Air Quality (Construction) – Historic Resources - Noise.

Having: (i) adopted all feasible mitigation measures, (ii) rejected alternatives to the proposed project, (iii) recognized all significant unavoidable impacts, and (iv) balanced the benefits of the project against the project's significant and unavoidable impacts, the City hereby finds that the benefits of the project outweigh and override the significant unavoidable impacts.

b. Modifications to Mitigations Found in the EIR. The Department of City Planning added additional mitigation measures beyond those identified in the EIR. They include mitigation measures that are standard environmental mitigations ascribed to the majority of projects requiring environmental review. They include mitigations for haul routes, air quality, noise and general construction impacts.

The Department of City Planning also removed two mitigation measures which were found within the EIR. The following Transportation/ Traffic mitigations measures were removed from the environmental conditions for Subarea 1:

1. Reduce the office space component of Phase II from 46,760 by 20,000 square feet (SF), for a total office space use of 26,760 SF, and use the 20,000 square feet for Phase II parking (based on 350 SF per parking space). Adjustments to the square footage office space conversion to parking can be made provided the parking demand and/or code requirements balance. Any modifications to the structure would comply with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

2. Prior to implementation of Phase II, replace a portion of the passive recreational area of the Wetlands Park with an additional off-street surface parking lot to provide the required parking spaces. The estimate surface area of park reduction and parking lot area increase is approximately 0.85 acres (based on 350 square feet per parking space).

The Department of City Planning removed these mitigation measures from the Environmental Conditions of this approval as they are not consistent with the Southeast Los Angeles Plan. The goals and objectives of the Southeast Los Angeles Community Plan including provide adequate open space, recreational and educational opportunities, and opportunities for new businesses and locate community resources in mixed use areas which are transit accessible. The mitigation measures above result in a loss of open green space and office space, which may be used by community businesses or other community space, for the construction of new automobile parking. The other parking mitigation measures which include a shared use parking agreement with the neighboring school or another business with available parking or on-site valet parking provide preferred mitigation measures which do not impact the size of the park.

c. Cumulative Impacts. The EIR identifies that cumulative impacts could occur for Air Quality, Historic Resources, and Noise with the implementation of the project. With project-level mitigation, the potential cumulative Air Quality, Historic Resources, and Noise impacts are still found to be significant. Since addressing significant cumulative conditions is beyond the ability of any individual project to implement, the project's incremental impacts on poor cumulative conditions would be considered significant and unavoidable. The unavoidable significant cumulative impacts on Air Quality, Historic Resources, and Noise are considered acceptable when balanced against the overriding benefits of the project as set forth below in the Statement of Overriding Considerations.

d. Mitigation. Changes or alterations which will mitigate or avoid significant environmental effects have been identified in the final EIR for the subject project. Feasible mitigation measures and a monitoring program have been defined for impacts in the following areas: Air Quality, Biological Resources, Cultural Resources, Hazard and Hazardous Materials, Land Use, Noise, and Transportation/Traffic.

e. Statement of Overriding Consideration. As described in the Final EIR, development of the proposed project would have significant adverse impacts on the environment that cannot be reduced to less than significant levels through implementation of feasible mitigation measures. Section 15093(b) of the State CEQA Guidelines provides that when a project is approved which will result in the occurrence of significant effects that cannot be avoided or substantially lessened, the lead or decision-making agency shall state in writing the reasons to support its action based on the Final EIR and/or other information in the record.

The following impacts are not mitigated to a less than significant level for the proposed Project: Air Quality (Construction), Historic Resources, and Noise

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will result from the implementation phase of the project. Having: (i) adopted all feasible mitigation measures, (ii) rejected alternatives to the proposed project, (iii) recognized all significant unavoidable impacts, and (iv) balanced the benefits of the project against the project's significant and unavoidable impacts, the City hereby finds that the benefits of the project outweigh and override the significant unavoidable impacts for the reasons stated below.

The following stated reasons summarize the benefits, goals and objectives of the proposed Project, and provide the rationale for the benefits of the proposed Project. These overriding considerations of economic, social, aesthetic and environmental benefits of the Project justify adoption of the Project and certification of the completed Final EIR. Many of these overriding considerations individually would outweigh the adverse environmental impacts of the project.

1. Implementation of the Project will maximize the objective of meeting the surface water runoff Total Maximum Daily Load (TMDL) requirements mandated by the Los Angeles Regional Water Quality Control Board for the Los Angeles River Watershed Board. The Project provides long-term benefits by safely managing surface water run-off, which would protect public health and safety.

2. Implementation of the Project will provide open green space, public-use facilities, and recreational and educational amenities in a community where these are needed. The Project revitalizes the street as the unused site, which with the project will become better integrated into the neighborhood fabric and development pattern and will provide valuable community resources, is currently detrimental to the pedestrian environment of the immediate neighborhood. The proposed project maintains the historic character of the site by reusing an existing building while introducing new uses which are assets to the community.

3. Implementation of the Project will maximize the requirements of available funding sources (Proposition O, K, 12, 40 and 50; Bay keepers Settlement Agreement) by maximizing the improvement to water quality on the Wetlands Park Site.

4. Implementation of the Project will assist in the logical development of mixed use projects along Avalon Boulevard by providing assets in the form of open space and community, cultural, and event space and by improving the pedestrian environment in the area.

f. Mitigation Monitoring. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with Section 21081.6 of the Public Resources Code and Section 15097 of the CEQA Guidelines, which require adoption of a Mitigation Monitoring and Reporting Program for all projects for which an Environmental Impact Report or Mitigated Negative Declaration has been prepared. Specifically, Section 21081.6 of the Public Resources Code states: "the [lead] agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment...[and that program]...shall be designed to ensure compliance during project implementation." The City of Los Angeles is the lead agency for the proposed project. The Department of City Planning is a Responsible Agency for the proposed project.

The MMRP describes the procedures for the implementation of all of the mitigation measures identified in the EIR for the proposed project. It is the intent of the MMRP to: (1) verify satisfaction of the required mitigation measures of the EIR; (2) provide a methodology to document implementation of the required mitigation; (3) provide a record of the Monitoring Program; (4) identify monitoring responsibility; (5) establish administrative procedures for the clearance of mitigation measures; (6) establish the frequency and duration of monitoring; and (7) utilize existing review processes where feasible.

The MMRP lists mitigation measures according to the same numbering system contained in the Draft EIR sections. Each mitigation measure is categorized by topic, with an accompanying discussion of the following:

(i) The phase of the project during which the mitigation measure should be monitored (i.e., prior to issuance of a building permit, construction, or occupancy); (ii) The enforcement agency (i.e., the agency with the authority to enforce the mitigation measure); and (iii) The monitoring agency (i.e., the agency to which mitigation reports involving feasibility, compliance, implementation, and development operation are made).

The applicant and/or successor shall be obligated to demonstrate that compliance with the required mitigation measures has been effected. All departments are within the City of Los Angeles unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the applicant and/or the successor unless otherwise noted.

g. Alternatives. Pursuant to CEQA, the EIR must assess a reasonable range of alternatives to the project action or location (Section 15126.6{d}). The discussion must focus on opportunities for eliminating any significant adverse environmental effects, or reducing them to a level of less than significant "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly..." (Section 15126.6{d}). The EIR must identify an environmentally superior alternative among the evaluated alternatives. As with cumulative impacts, the discussion of alternatives is governed by the "rule of reason."

The EIR need not consider an alternative whose effect cannot be reasonably ascertained, or does not contribute to an informed decision-making and public participation process. The No-Project Alternative would be environmentally superior to the proposed project because it minimizes or eliminates physical environmental impacts. However, pursuant to Public Resources Code Section 21081(a)(3), the "No Project" alternative does not all for specific economic, legal, social, technological, or other considerations, including considerations in Section 8.d of these Findings

(Statement of Overriding Considerations) and makes infeasible the No Project Alternative described in the EIR. The "No Project" alternative would fail to support the objectives of the project, such as help the City meet Total Maximum Daily Load requirements for discharges to the Los Angeles River and because it would not provide open space and recreational and educational opportunities which are need in Southeast Los Angeles.

In addition to the proposed project, the Draft EIR evaluated a reasonable range of four alternatives to the proposed project. These alternatives include: 1) Alternative 1: Slightly Reduced Wetlands Park and Sign SUD; 2) Alternative 2: Substantially Reduced Wetlands Park and Sign SUD; and 3) No Project Alternative. In accordance with CEQA requirements, the alternatives to the project include a "No Project" alternative and alternatives capable of eliminating the significant adverse impacts of the proposed project. The following describes the project alternatives along with their associated environmental impacts and findings:

1. **Alternative 1: Slightly Reduced Wetlands Park and Sign SUD.** Alternative 1 differs from the proposed Project in that it would reduce the number of historic structures that would be demolished, which would reduce the size of the proposed Wetlands Park. The Wetlands Park, under Alternative 1, would be slightly smaller (25 percent less or approximately 3.4 acres) than that of the proposed Project. The adaptive reuse of the historic building and the Sign SUD under this Alternative would be the same as the proposed Project. In addition, this alternative would retain but not reuse one of the other existing historic buildings on-site. The retained historic building not subject to reuse would not be rehabilitated but would be maintained in the current condition to avoid further deterioration until such time that the City finds a use for the building.

   This alternative would still provide runoff quality improvements, but not as much as the proposed Project due to the smaller constructed wetlands footprint. In addition, Alternative 1 would provide open green space, public-use facilities, and recreational opportunities, but at a reduced level compared to the proposed project. Of the build alternatives, Alternative 1 would result in fewer environmental impacts than the proposed Project; however, it is not being recommended for implementation due to its lower level of water quality improvement and community betterment benefits.

2. **Alternative 2: Substantially Reduced Wetlands Park and Sign SUD.** Alternative 2 differs from the proposed Project in that it would further reduce the number of historic structures that would be demolished, which would further reduce the size of the proposed Wetlands Park. The proposed Wetlands Park under Alternative 2 would be approximately 50 percent smaller than that of the proposed Project (2.25 acres). The adaptive reuse of the historic building and the Sign SUD under this Alternative would be the same as the proposed Project. In addition, this alternative would retain but not reuse two of the other existing historic buildings on-site. The retained historic buildings not subject to reuse would not be rehabilitated but would be maintained in the current condition to avoid further deterioration until such time that the City finds a use for the buildings.

   This alternative would still provide runoff quality improvements, but not as much as the proposed Project or Alternative 1 due to the smaller constructed wetlands footprint. In addition, Alternative 2 would provide open green space, public-use facilities, and recreational opportunities, but at a reduced level compared to the Preferred Project and Alternative 1. Of the build alternatives, Alternative 2 would result in the fewest environmental impacts, but is not being recommended for implementation due to its lower level of water quality improvement and community

betterment benefits due to the smaller constructed wetlands footprint. In addition, Alternative 2 would provide open green space, public-use facilities, and recreational opportunities, but at a reduced level compared to the Preferred Project and Alternative 1. Of the build alternatives, Alternative 2 would result in the fewest environmental impacts, but is not being recommended for implementation due to its lower level of water quality improvement and community betterment benefits.

3. **No Project Alternative.** Under the No Project Alternative, the City would not purchase the Wetlands Park site from Metro. The existing site would remain in Metro ownership and would continue to function as a Metro maintenance yard. This alternative would not provide a Sign SUD at the Metro bus yard (720 15th Street).

   Although the No Project would result in the fewest environmental impacts, it has not been recommended for implementation because it would not help the City meet TMDL requirements (for discharges to the Los Angeles River) and because it would not provide open green space, public-use facilities, or recreational opportunities, which are community betterments that are needed on the Southeast Los Angeles area.

9. **Environmental: Subarea 2.** Pursuant to Public Resources Code section 21000 et. Seq.:

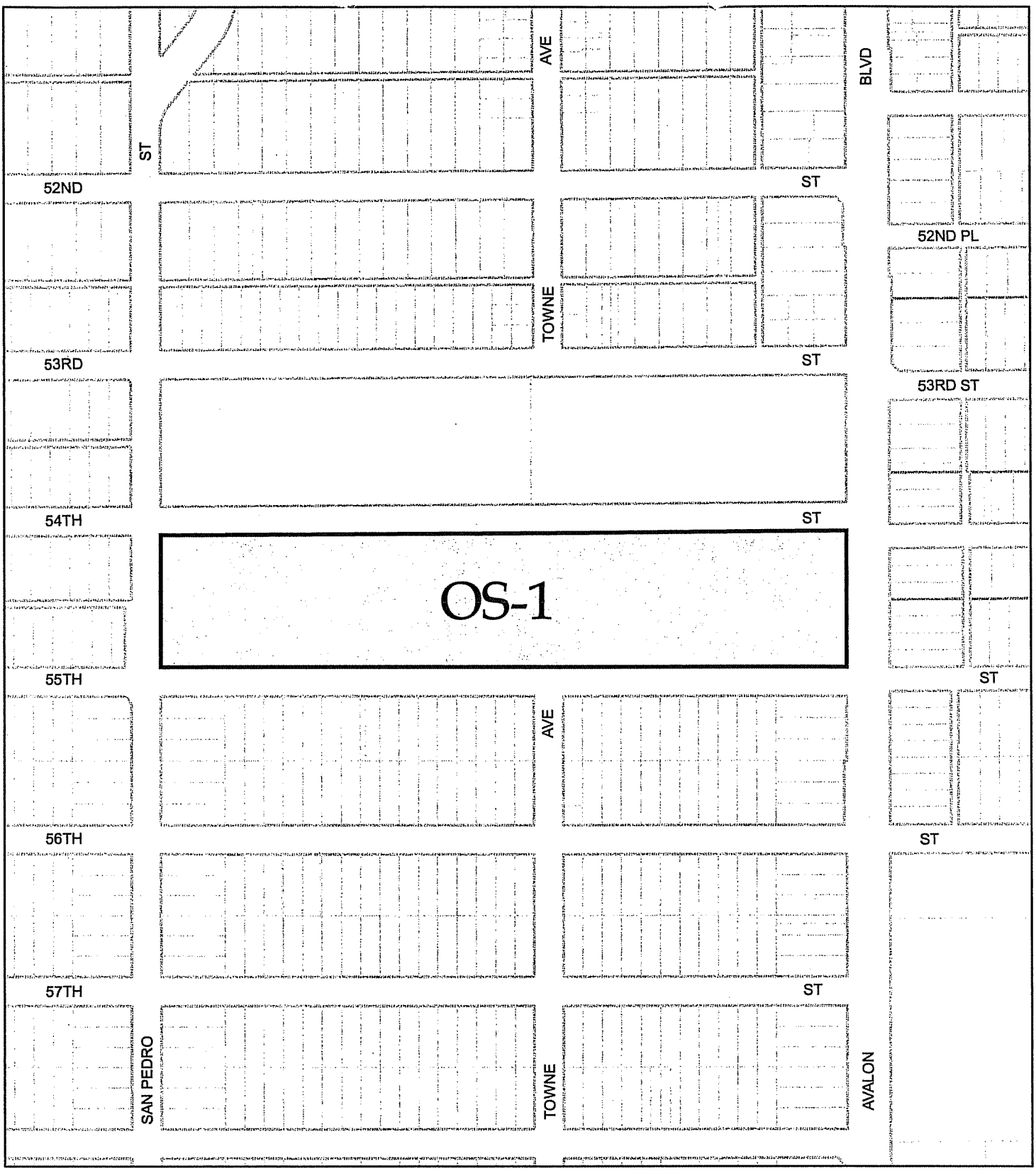
An Environmental Impact Report (EIR) has been prepared and does not adequately analyze the potential environmental effects that could result from the construction and operation of the proposed project. The EIR does not sufficiently analyze the following impact areas, Aesthetics and Transportation/Traffic. The EIR does not analyze the impact on the visual character along the freeway corridor in terms of adding additional billboard structures. Billboards present a possible impact on the visual character, as billboards were banned in the City due to the creation of visual blight as a result of the proliferation of billboards. A more thorough analysis is also needed regarding the level of illumination of the signs and the impacts on the surrounding environment. The EIR does not adequately analyze the potential vehicular hazards which could be created by the proposed signs.

ORDINANCE NO. _____

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the Zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zones and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the Zoning map shall be as follows:



0 150 300 Feet

Legend

ZONE CHANGE AREA

C.M. 108 B 205	CPC 2007-9769-ZC-SN-CU-ZV

AA/AE

1/18/08

DATA SOURCES: DEPARTMENT OF CITY PLANNING-DEPARTMENT OF BUILDING& SAFETY-BUREAU OF ENGINEERING

Sec. ___. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By _____
Deputy

Approved _____

_____
Mayor

**Pursuant to Section 558 of the City Charter,
the City Planning Commission on January 10, 2008,
recommended this ordinance be adopted by the City Council.**

G. Williams

**Gabriele Williams, Commission Executive Assistant II
City Planning Commission**

File No. _____

RESOLUTION

WHEREAS, the subject project is located within the area covered by the Southeast Los Angeles Community Plan adopted by the City Council on March 22, 2000; and

WHEREAS, the City has requested in its application a General Plan Amendment to redesignate the property located at 5413 South Avalon Boulevard from the Limited Industrial land use designation to the Open Space land use designation as shown on the attached map and located within the above-mentioned Plan area; and

WHEREAS, the City Planning Commission at its meeting of January 10, 2008, approved the General Plan Amendment to the Southeast Los Angeles Community Plan and recommended adoption by City Council of a General Plan Amendment over the site; and

WHEREAS, pursuant to the provisions of the Los Angeles City Charter, the Mayor and City Planning Commission have transmitted their recommendations; and

WHEREAS, the requested General Plan Amendment is consistent with the intent and purpose of the adopted Southeast Los Angeles Community Plan to allow the development of a 4.5 acre wetlands park and the reuse of an existing structure as a community center, museum, event center and office space; and

WHEREAS, the proposed use provides much needed open space, maximizes the use of open space for school use, and enhances the pedestrian environment in a mixed use community; and

WHEREAS, the *Open Space* land use designation will insure development of the property that is consistent with surrounding uses and the existing development pattern; and

WHEREAS, an Environmental Impact Report, EIR SCH No. 2007051122 has been prepared for the subject project in accordance with the City's Guidelines for implementation of the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED that the Southeast Los Angeles Community Plan be amended as shown on the attached General Plan Amendment map.

0 150 300 Feet

Legend

PLAN AMENDMENT AREA

C.M. 108 B 205	CPC 2007-9769-ZC-SN-CU-ZV

AA/AE

1/18/08

DATA SOURCES: DEPARTMENT OF CITY PLANNING-DEPARTMENT OF BUILDING& SAFETY-BUREAU OF ENGINEERING

ORDINANCE NO. _____

An ordinance establishing the 15th Street Signage Supplemental Use District pursuant to Section 13.11 of the Los Angeles Municipal Code.

WHEREAS, in 1992, the LACTC (Metropolitan Transit Authority's ("MTA") predecessor) purchased the railroad right-of-way between little and big Santa Monica Boulevards from the Southern Pacific Transportation Company (SPTC) for future transportation use. The letter given to SPTC as part of the purchase transaction pursuant to a settlement agreement stated that the "Purchaser [City of Los Angeles, LACTC, the County of Los Angeles and CalTrans] was prepared to initiate a condemnation action against Southern Pacific Transportation Company for the real property . . . if a negotiated purchase agreement had not been reached"; and

WHEREAS, MTA and the City of Los Angeles entered into an agreement whereby the City of Los Angeles would be the primary entity for the actual construction of the project to combine little and big Santa Monica Boulevards into a single transportation corridor between the 405 Freeway and Beverly Hills and MTA would be financially responsible for a majority of the costs of the project through a contribution of an agreed upon sum; and

WHEREAS, in the agreement MTA agreed, among other things, to deliver the property for the project to the City of Los Angeles "free and clear" of pre-existing encumbrances and the City of Los Angeles agreed, among other things, to be responsible for "project" cost overruns; and

WHEREAS, the City of Los Angeles obtained financing from other governmental entities, including MTA, to undertake the realignment of Santa Monica Boulevard in order to eliminate the railroad right-of-way, and combine little and big Santa Monica Boulevards in order to facilitate the east-west flow of traffic between the 405 freeway and the City of Beverly Hills border; and

WHEREAS, the right of way contained approximately 16 billboard structures with both single and double sign faces that were owned by a number of off-site advertising companies, fourteen of which remain unresolved; and

WHEREAS, in order to construct the realignment, all of the existing billboard structures had to be removed. To further this end, the MTA ordered the billboard companies to remove the billboard structures; and

WHEREAS, the billboard companies claimed that because of the earlier recitation, that the "Purchaser was prepared to initiate a condemnation action," that they were entitled to just compensation for the removal of the billboard structures pursuant to Section 5412 of the Business and Professions ("B&P") Code, and

WHEREAS, B&P Code Section 5412 states in part that "no advertising display which was lawfully erected . . . shall be compelled to be removed . . . without payment of compensation, as defined in the Eminent Domain Law. . . ."; and

WHEREAS, B&P Code Section 5412 also states that it is the "policy of the state to encourage local entities and display owners to enter into relocation agreements which allow local entities to continue development in a planned manner without expenditure of public funds. . ."; and

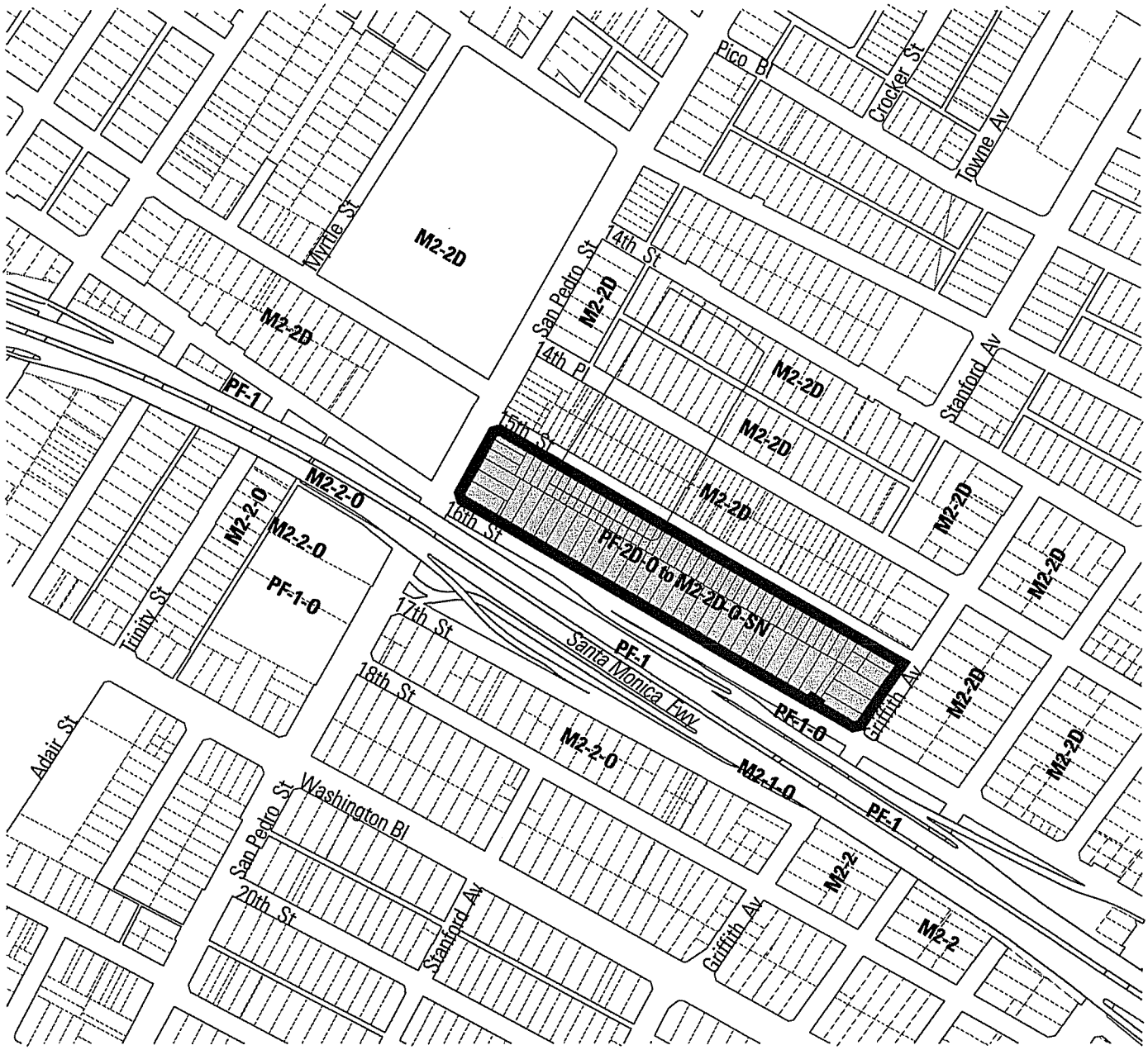
WHEREAS, this Signage Supplemental Use District will only permit four billboard faces at 720 East 15th Street on a MTA owned bus yard in the Central City Community Plan and will be in exchange for any claim of just compensation which the off-site advertising companies may have; and

WHEREAS, the four billboard faces permitted by this ordinance represent a net reduction in billboards on a citywide basis as fourteen billboards were displaced by the Santa Monica Boulevard Transit Parkway Project in West Los Angeles Community Plan.

NOW, THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. **ESTABLISHMENT OF THE 15th STREET SIGNAGE SUPPLEMENTAL USE DISTRICT.** The City Council hereby establishes the 15th Street Signage Supplemental Use District ("District") applicable to that area of the City of Los Angeles shown within the heavy lines on the attached map.



15th Street Signage Supplemental Use District

Prepared by Los Angeles Department of City Planning • Graphic Services Section • October, 2007

Sec. 2. **PURPOSES.** The District is intended to:

A. Limit visual clutter by regulating the number, size and location of signs.

B. Minimize potential traffic hazards and protect public safety.

C. Protect street views and scenic vistas of the Downtown Skyline.

D. Provide for the relocation of signs required to be removed pursuant to California Business and Professions Code Section 5412.

Sec. 3. **APPLICATION OF SUPPLEMENTAL USE DISTRICT REGULATIONS.**

A. The regulations of this Ordinance are in addition to those set forth in the planning and zoning provisions of the Los Angeles Municipal Code ("Code"). These regulations do not convey any rights not otherwise granted under the provisions and procedures contained in the Code or other relevant ordinances, except as specifically provided in this Ordinance.

B. Wherever this Ordinance contains provisions which establish regulations relating to location, spacing, height, illumination and/or electronic message displays that are different from, more restrictive than or more permissive than would be allowed pursuant to the provisions contained in the Code, this Ordinance shall prevail and supersede the applicable provisions of the Code and those relevant ordinances.

Sec. 4. **DEFINITIONS.** The following terms, whenever used in this Ordinance, shall be as defined in this Section. Words and phrases not defined here shall be construed as defined in Sections 12.03 and 14.4.2 of the Code, if defined in those sections.

BILLBOARD SIGN: Any sign on one or more poles or columns that:

1. is four feet or greater in height as measured from the natural or finished grade, whichever is higher, to the bottom of the sign, and

2. is structurally separate from an existing building or other improvement on a lot, and

3. is supporting a sign panel that is attached to the pole(s), post(s), or column(s) and that may be cantilevered over a building or structure on the lot.

ELECTRONIC MESSAGE DISPLAY A sign that displays still images utilizing a series or grid of lights that may be changed by electronic means, including cathode ray, light emitting diode display (LED), plasma screen, liquid crystal display (LCD), fiber optic, or other electronic media or technology approved by LADBS.

LIGHT BOX A portable unit not to exceed 222 square feet installed upon an existing sign face that displays still images utilizing a series or grid of lights that may be changed by electronic means, including cathode ray, light emitting diode display (LED), plasma screen, liquid crystal display (LCD), fiber optic, or other electronic media or technology approved by LADBS.

SIGN EXTENSION A temporary addition not to exceed 222 square feet outside the dimensions of the sign face of a Billboard Sign.

Sec. 5. **SIGNAGE SUPPLEMENTAL USE DISTRICT COMPLIANCE REQUIREMENTS**

A. **Prohibition.** The Department of Building and Safety (LADBS) shall not issue a permit for a sign unless the sign complies with the requirements of this Ordinance, as determined by the Director of Planning and relevant requirements of the Code. Unless otherwise specified in this Signage Supplemental Use District to the contrary, all signs shall comply with the provisions of Sections 28.00, et seq.; 67.00, et seq.; and 91.6201, et seq. of the Code.

B. **Planning Department Sign Off Required.** Pursuant to Section 11.5.7.C.1 of the Code which allows the Director to determine the procedures for review of projects, a permit may be issued by LADBS with only a Planning Department sign off on the building permit application. Upon review and approval that the sign complies with the requirements of this Ordinance, the Director shall stamp, sign, and date the permit application plans which shall be given to LADBS prior to the issuance of any building permit.

C. **Request for Exceptions from the Regulations.** The Area Planning Commission shall have initial decision-making authority for granting exceptions from the provisions of this Ordinance. An applicant who is requesting an exception from the provisions of this Ordinance shall utilize the procedures for a Specific Plan Exception set forth in Section 11.5.7 of the Code. In granting an exception, the Area Planning Commission shall make all the enumerated findings set forth in Section 11.5.7 F 2 of the Code.

D. **Alterations, Repairs, or Rehabilitation.** Any alteration, repair or maintenance work on a legally permitted sign or sign support structure shall be governed by Section 91.6216.4 of the Code. Notwithstanding the provisions of Section 91.6216.4.1, 1 to the contrary, if either of the permitted sign support structures or signs are damaged by any means outside the sign company's control, the sign support structure and/or signs may be restored to their previously existing specifications and locations.

Sec. 6. **GENERAL REQUIREMENTS**

A. **General Requirements of the Code.** Unless otherwise specified in this Ordinance to the contrary, the general sign requirements set forth in the Code shall apply to this District for permits, plans, design and construction, materials, street address numbers,

identification, maintenance, prohibited locations, and sign illumination. Notwithstanding the above, no application for a permit shall be subject to Sections 14.4.18A, B and E; 14.4.5; and 14.4.6 of the Code

B. **Permitted Signs.** All signs defined in Section 4 above and On-Site signs which are otherwise permitted by the Code shall be permitted, as set forth in this District.

C. **Permitted Off-Site Signage.** Off-Site advertising is permitted on Billboard Signs.

D. **Fire Safety.** All new signs and sign support structures shall be made of noncombustible materials or approved plastics. In the case of new or untested materials, the applicant shall submit a sample of a sign's material to the Fire Department for approval.

E. **Caltrans Approval.** All applicable signs shall continue to be subject to Caltrans approval.

F. **Landscaping.** The applicant for two billboard structures shall be required to landscape the perimeter of the District by planting vines on the fence surrounding the site and planting street trees, where none currently exist, in the public right of way, to the satisfaction of the Director of Planning and the Department of Public Works. The applicant shall submit a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect, prior to the issuance of any building permits.

G. **Public Service Announcements.** Any Billboard Signs which consist of an Electronic Message Display shall be made available no less then 30 minutes a day to community groups including the Fashion District Business Improvement District for use as a part of a public art project or for community service or special event use. The applicant may negotiate a process with the Community Redevelopment Agency to facilitate the use of the sign by community groups and shall present to the Planning Department the agreement with the CRA regarding this matter prior to building permit signoff. If the applicant does not enter into an agreement with the Community Redevelopment Agency, then the applicant shall furnish evidence of the offer to community groups and their response to the Planning Department, prior to building permit sign off.

Sec. 7. **STANDARDS FOR BILLBOARD SIGNS.**

A. **Number.** There shall be no more than two Billboard Signs in the District.

B. **Location.**

1. One Billboard Sign shall be located a minimum of 340 feet east of the centerline of San Pedro Street and a minimum of 460 feet west of the centerline of Griffith Avenue Street.

2. One Billboard Sign shall be located a maximum of 100 feet from the centerline of 16th Street.

C. **Sign Spacing.** Notwithstanding the provisions of Section 14.4.18 E of the Code to the contrary, the spacing between Billboard Signs shall be a minimum of 500 feet. Spacing shall be measure in accordance with Section 14.4.18 E of the Code.

D. **Double-faced Signs.** Billboard Signs shall comply with Section 14.4.18 F of the Code.

E. **Sign Area.** The area of a single sign face shall be not exceed 672 square feet as calculated pursuant to Section 14.4.2 of the Code. Sign Extensions, as defined by Section 4 of this Ordinance, are excluded from the computation of sign area.

F. **Dimensions**

1. Sign Face. The dimensions of any single sign face shall be a maximum of 14 feet in height and 48 feet in width, excluding any sign extensions.

2. **Height.**

a. The height to the top of any Billboard Sign, exclusive of any Sign Extension, shall be limited to a maximum of 76 feet above the sidewalk grade.

b. The height to the top of any Billboard Sign with a Sign Extension, shall be limited to a maximum of 81'6" above the sidewalk grade.

c. The bottom of the sign face, including any Sign Extension, shall be a minimum of 55 feet above the sidewalk grade.

G. Illumination. A Billboard Sign may be illuminated 24 hours a day, seven days a week. Signs, excluding Electronic Message Displays, shall be illuminated only by external means. Methods of signage illumination may include, but not be limited to: electric lamps, such as neon tubes; fiber optic; incandescent lamps; cathode ray tubes exposed directly to view; shielded spot lights and wall wash fixtures.

H. Electronic Message Displays

1. **Location.** A maximum of two of sign faces may be Electronic Message Displays.

2. **Illumination.**

a. An Electronic Message Display shall have no illumination which is in continuous motion or which appears to be in continuous motion.

b. The display message shall not change at a rate faster than one (1) message every eight (8) seconds.

c. The interval between messages shall not be less than one (1) second.

d. The intensity of illumination shall be the same for all display messages.

I. Sign Extensions.

1. **General**. No Electronic Message Display shall be permitted on a Sign Extension.

2. **Permit Required.** A building permit shall be required for a Sign Extension.

3. **Location.** Any single Sign Extension shall be limited to a maximum height of 6 feet above the sign face, 3 feet beyond the vertical sides of the sign face, and 2 feet below the sign face.

4. **Area.** The total area of sign extensions on any one sign face shall not exceed 222 square feet.

5. **Number.** Only one sign extension per sign face shall be permitted at a time.

6. **Time Limit.** Any Sign Extension shall be removed within 365 days of the date of installation of the Sign Extension.

J. Light Boxes

1. **Location**

a. A Light Box shall only be located on a sign face which does not operate as an Electronic Message Display

b. A Light Box shall be installed directly upon a Billboard Sign face and shall not be outside the dimensions of the Billboard Sign face.

2. **Area.** A single Light Box shall not exceed 222 square feet in area.

3. **Illumination.**

a. The Light Box shall have no illumination which is in continuous motion, which appears to be in continuous motion, or which flashes.

b. The Light Box message shall not change at a rate faster than one message every two (2) minutes.

c. The interval between messages shall not be less than one (1) second.

Sec. 8. **SEVERIBILITY.** If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Ordinance which can be implemented without the invalid provision, and, to this end, the provision of this Ordinance are declared to be severable.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By _____
Deputy

Approved _____

_____
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

Pursuant to Sec. 559 of the City Charter, **I approve** this ordinance on behalf of the Planning Commission and recommend its adoption...

By _____

January 10, 2008
See attached report

_____ City Attorney

File No. C.F.
CPC-2006-9769-GPA-ZC-CU-ZV-SN

_____
Director of Planning

RESOLUTION

WHEREAS, the subject project is located within the area covered by the Central City Community Plan adopted by the City Council on January 8, 2003; and

WHEREAS, the City has requested in its application a General Plan Amendment to redesignate the property located on the block bounded by 16th Street, South San Pedro Street, 15th Street, and Griffith Street from the Public Facilities land use designation to the Limited Industrial land use designation as shown on the attached map and located within the above-mentioned Plan area; and

WHEREAS, the City Planning Commission at its meeting of January 10, 2008, denied the requested General Plan Amendment to the Central City Community Plan; and

WHEREAS, pursuant to the provisions of the Los Angeles City Charter, the Mayor and City Planning Commission have transmitted their recommendations; and

WHEREAS, the requested General Plan Amendment is consistent with the current use of the site and the intent and purpose of the adopted Central City Community Plan and is necessary to allow the establishment of the proposed 15th Street Sign Supplemental Use District on the site ; and

WHEREAS, the proposed use promotes the continued use of the land for industrial businesses regardless of ownership and the retention of industrial jobs within the Fashion District; and

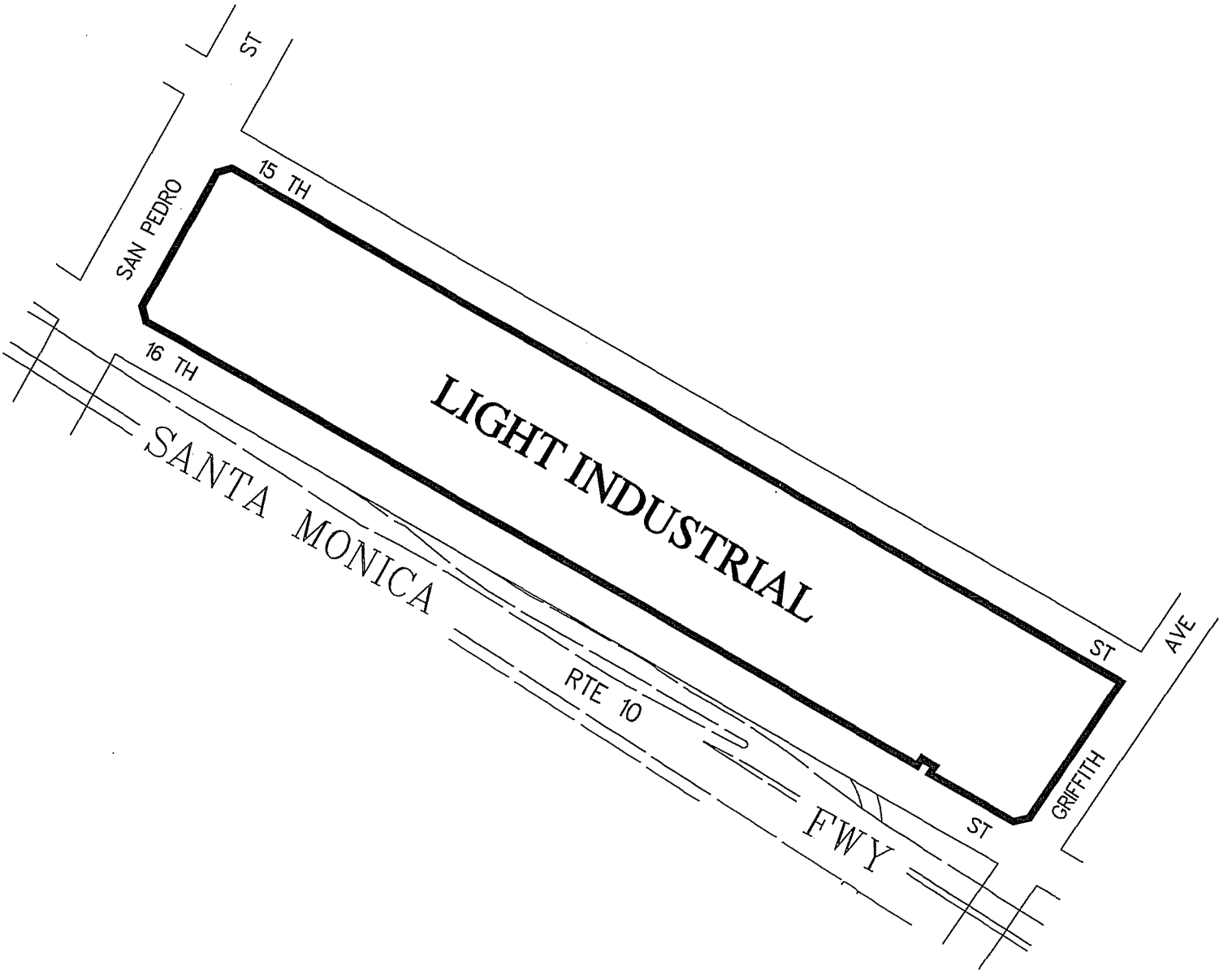
WHEREAS, the *Limited Industrial* land use designation will insure development of the property that is consistent with surrounding uses and the existing development pattern; and

WHEREAS, the *Limited Industrial* land use designation is necessary for the establishment of the proposed 15th Street Sign Supplemental Use District on the site; and

WHEREAS, the 15th Street Signage Supplemental Use District permits four billboard faces offset to offset the removals of fourteen advertising displays of various sizes and configurations previously located along the median strip between Big Santa Monica Boulevard and Little Santa Monica Boulevard between Bentley Avenue and Moreno Drive in the West Los Angeles and Westwood Community Plan areas; and

WHEREAS, an Environmental Impact Report, EIR SCH No. 2007051122 has been prepared for the subject project in accordance with the City's Guidelines for implementation of the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED that the Central City Community Plan be amended as shown on the attached General Plan Amendment map.



NOT TO SCALE

C.M. 123 A 209, 123 A 211, 121.5 A 211, 121.5 A 209	CPC 2006-9769 GPA ZC SN CU ZV

AE/AA **CENTRAL CITY** 01/17/08

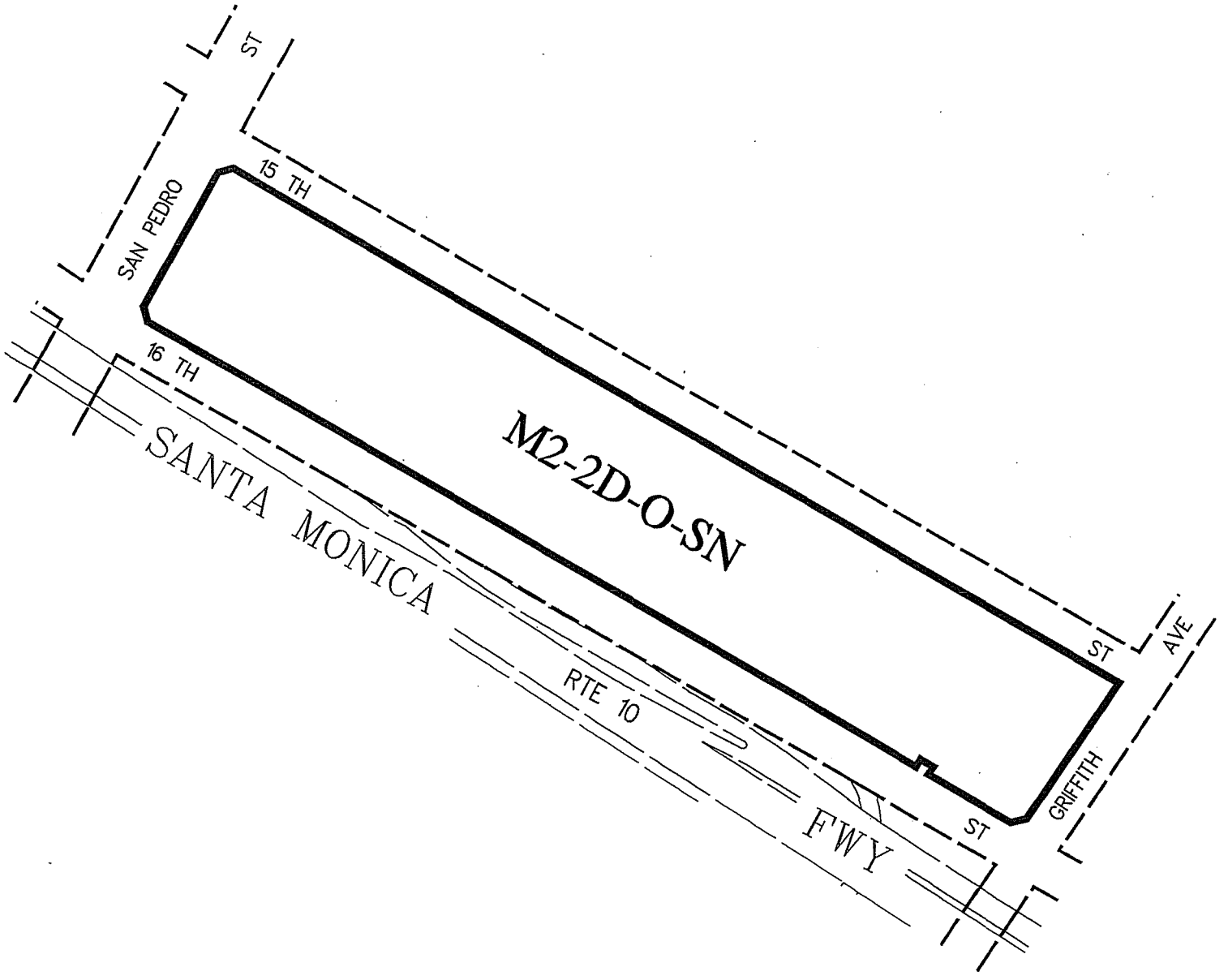
DATA SOURCES: DEPARTMENT OF CITY PLANNING - DEPARTMENT OF BUILDING & SAFETY - BUREAU OF ENGINEERING

ORDINANCE NO. _____

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the Zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zones and zone boundaries shown upon a portion of the zone map attached thereto and made a part of Article 2, Chapter 1 of the Los Angeles Municipal Code, so that such portion of the Zoning map shall be as follows:



NOT TO SCALE

C.M. 123 A 209, 123 A 211, 121.5 A 211, 121.5 A 209	CPC 2006-9769 GPA ZC SN CU ZV

AE/ AA

01/17/08

DATA SOURCES: DEPARTMENT OF CITY PLANNING - DEPARTMENT OF BUILDING & SAFETY - BUREAU OF ENGINEERING

Section 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, by a vote of not less than three-fourths of all of its members at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By _____
Deputy

Approved _____

_____
Mayor

Approved as to Form and Legality

_____
ROCKARD J. DELGADILLO, City Attorney

By _____

_____ City Attorney

Pursuant to Charter Sec. 559, I approve this ordinance and recommend its adoption for the City Planning Commission.....

December , 2007

See attached report

.....
Director of Planning

File No. C.F. _____ (Publish4)
CPC 2006-9769-GPA-ZC-CU-ZV-SN

DEPARTMENT OF CITY PLANNING

SUPPLEMENTAL RECOMMENDATION REPORT

LOS ANGELES CITY PLANNING DEPARTMENT

City Planning Commission

Date: January 10, 2008 (Continued from December 13, 2007)
Time: After 8:30 am
Place: City Hall
200 N. Spring Street, 10th Floor
Los Angeles, CA 90012

Public Hearing: November 13, 2007
Appeal Status: Appealable to City Council
Multiple Approval: Yes

Case No.: CPC-2006-9769-GPA-ZC-CU-ZV-SN
CEQA No.: EIR SCH No. 2007051122
Council No.: 9
Plan Area: Southeast Los Angeles (Subarea 1)
Central City (Subarea 2)
Specific Plan: None
Certified NC: Vernon/Main (Subarea 1)
Downtown Los Angeles Neighborhood Council (Subarea 2)
GPLU: Light Industrial (Subarea 1)
Public Facilities (Subarea 2)
Zone: M1-1 (Subarea 1)
PF-2D-O (Subarea 2)

Applicant: City of Los Angeles

PROJECT LOCATION: **Subarea I:** 5413 S. Avalon Boulevard
Subarea II: The block bounded by 16th Street, South San Pedro Street, 15th Street, and Griffith Street consisting of 1505-1525 (odd) E. 16th Street, 1504-1518 (even) S. San Pedro Street, 711-821 (odd) E. 16th Street, 706-836 (even) E. 15th Street

PROPOSED PROJECT: **Subarea I:** The construction of a 4.5 acre Wetlands Park (Phase I) on a nine acre parcel and the use of an existing ~~71,500~~ **81,760** square foot structure for **a community center (Phase I) and a** transit museum, ~~a community center,~~ and/or office use in the second phase. A variance for a reduction in parking from approximately 170 spaces to 67 spaces may be required with the establishment of the Phase II uses.
Subarea II: The erection of two double-faced billboard signs.

REQUESTED ACTION:

1. Pursuant to Section 11.5.8 of the Los Angeles Municipal Code, a **General Plan Amendment** to the Southeast Los Angeles Community Plan from Limited Industrial to Open Space (Subarea 1) and a General Plan Amendment to the Central City Community Plan from Public Facilities to Light Industrial (Subarea 2).

2. Pursuant to Section 12.32 of the Los Angeles Municipal Code, **Zone Changes** from: M1-1 to OS-1 (Subarea 1) and from PF-2D-O to M2-2D-O-SN (Subarea 2).

3. Pursuant to Section 13.11 of the Municipal Code, the creation of a **Sign Supplemental Use District** (Subarea 2).

4. Pursuant to Section 12.24.U.19 of the Los Angeles Municipal Code, a **Conditional Use Permit** to permit a community center, museum, event center, and office space in the OS Zone (Subarea 1).

5. Pursuant to 12.27 of the Los Angeles Municipal Code, a **Zone Variance** to permit 67

parking spaces in lieu of the required 170 parking spaces (Subarea 1).

RECOMMENDED ACTION:

1. **Approve** and **recommend** that City Council adopt a **General Plan Amendment** to the Southeast Los Angeles Community Plan from Light Industrial to Open Space (Subarea 1) and a **General Plan Amendment** to the Central City Community Plan from Public Facility to Light Industrial (Subarea 2).

2. **Approve** and **recommend** that City Council adopt **Zone Changes** from: M1-1 to OS-1 (Subarea 1) and from PF-2D-O to M2-2D-O-SN (Subarea 2).

3. **Approve** and **recommend** that City Council adopt a **Sign Supplemental Use District** (Subarea 2).

4. **Approve** a requested **Conditional Use Permit** to permit a community center, museum, event center, and office space in the OS Zone (Subarea 1).

5. **Approve** a **Zone Variance** to permit 67 parking spaces in lieu of the required 170 parking spaces (Subarea 1).

6. **Certify** that it has reviewed and considered the information in the Draft and Final Environmental Impact Report SCH #2007051122;

7. **Adopt** the Statement of Overriding Considerations (Finding 8.e.);

8. **Adopt** the attached Findings;

9. **Advise** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

S. GAIL GOLDBERG, AICP
Director of Planning

Charles J. Rausch, Jr
Senior City Planner

Reviewed By:

Patricia Diefenderfer
City Planner

Prepared By:

Marianne Askew
Planning Assistant

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PROJECT ANALYSIS

Project Summary

Subarea 1 – South Los Angeles Wetlands Park

- 4.5 Acre Wetlands Park as Phase I of the project
- Reuse of an existing 81,760 square feet of building with **a community center (Phase I) and a** museum, event center, and office space as Phase II of the project
- **A minimum of** 67 on-site parking spaces

Subarea II – 15th Street Signage Supplemental Use District

- Two double-faced Billboard Signs

The project includes two separate sites. **The two sites are related because the erection of the billboard signs on Subarea II is necessary for the purchase of the Subarea I site for the establishment of the South Los Angeles Wetlands Park. The erection of the billboards allows for the acquisition of the South Los Angeles Wetlands site as a condition of the sale of the property to the City by the property owner (MTA) and to allow the location of billboards onto another MTA property to offset the removals of fourteen advertising displays of various sizes and configurations previously located along the median strip between Big Santa Monica Boulevard and Little Santa Monica Boulevard between Bentley Avenue and Moreno Drive in the West Los Angeles and Westwood Community Plan areas. Subarea II is also an MTA owned property and presented a location for offsite signage in an industrial area at the edge of downtown which will minimize the impact on any residential or pedestrian oriented areas.**

Subarea I is an approximately 9 acre site located on the block bound by 54th Street to the north, Avalon Boulevard to the east, 55th Street to the south, and San Pedro Street to the West. Phase I of the proposed project for this site is a 4.5 acre constructed wetlands park which will both serve to improve local stormwater and dry-weather run-off quality and to provide public open space. **In addition, Phase I includes the use of approximately 15,000 square feet of the existing 81,760 square foot structure for a community center.** Phase II of the project is the reuse of **the remaining area of** the existing potentially historic structure. The uses proposed for the structure include a museum with a transit theme, an event center, and office space. With the completion of Phase I of the project, **a minimum of** 67 parking spaces will be provided on-site. Additional parking opportunities are anticipated through a shared use agreement with the LAUSD which is proposing to expand an existing high school on the block north of the subject site.

Subarea II is approximately 6.7 acres on the block bounded by 16th Street and the adjacent Santa Monica Freeway to the south, 15th Street to the north, Griffith Avenue to the east, and San Pedro Street on the west. The proposed project at this site is the establishment of a Sign Supplemental Use District to allow the erection of two double-faced billboard signs with off-site advertising. The sign structures will be illuminated 24 hours a day, seven days a week and will be approximately 76 feet in height. The sign faces will be a maximum of 672 square feet with periodic temporary extensions of no greater then 222 square feet. Two of the faces associated with one of the sign structures will have advertising consisting of digital sign technology which will be remotely changed by electronic communications at a rate no quicker than once every four seconds.

Background

As the Bureau of Engineering will be constructing the proposed project at the Wetlands Park, the Department of Public Works was the lead agency on the environmental impact report. On November 5, 2007, the Board of Public Works certified the EIR. The application for the required discretionary actions was City-initiated. The public hearing on this matter was held on November 13, 2007.

Subarea I (South Los Angeles Wetlands Park):

The proposed Wetlands Park is located on a 9-acre parcel at 5413 South Avalon Boulevard, which is currently a bus maintenance yard owned and operated by the Los Angeles County Metropolitan Transit Authority (MTA). Currently, there are three main structures, which are considered potentially historic structures, on the subject site, two of which would be removed to accommodate the construction of the South Los Angeles Wetlands Park. The third structure would be reused as **a community center (Phase I)** and a museum, an event center, and office space in a later phase of the project **(Phase II).**

This Project is being undertaken in connection with the settlement of two Clean Water Act enforcement actions, Santa Monica Baykeeper v. City of Los Angeles and United States and State of California ex Rel. California Regional Water Quality Control Board, Los Angeles Region v. City of Los Angeles. The Santa Monica Baykeeper lawsuit was initially filed in 1998 and later joined in the second legal action by the United States Environmental Protection Agency (USEPA), the Los Angeles Regional Water Quality Control Board and other environmental and community groups, against the City of Los Angeles for Sanitary Sewer Overflows (SSOs) within the City that occurred during the El Nino rainy season from 1997 to 1998. As a result of this combined lawsuit, the City agreed to implement projects that would reduce SSOs through a comprehensive program of sewer cleaning, upgrades and repairs; to investigate, resolve, and mitigate sewer odors to the maximum extent practicable; and to implement $8.5 million in Supplemental Environmental Projects in lieu of penalties. Supplemental Environmental Projects are defined as environmentally beneficial projects that a defendant agrees to undertake in settlement of an enforcement action, but which the defendant is not otherwise legally required to perform. The settlement agreement for the Baykeeper's case identifies the South Los Angeles Storm Water Treatment Project at 54th and Avalon Streets as a Supplemental Environmental Project and notes the project will enhance clean runoff and reduce pollution.

In November of 2004, the citizens of Los Angeles passed a $500 million Clean Water Bond Measure titled Prop O with the objective of funding projects which clean up pollution in the City's watercourses, beaches, and the ocean. The proposed South Los Angeles Wetlands Park, which includes a storm water pre-treatment system and constructed wetlands, is a Prop O funded project and will meet the Prop O objectives and assist the City in meeting the Total Maximum Daily **Load** (TMDL) requirements adopted by the Regional Water Quality Control Board for the Los Angeles River Watershed. Stormwater pre-treatment consists of diverting runoff from an existing storm drain pipe through a trash removal device, a hydrodynamic separator unit, and an oil and grease skimmer to remove pollutants prior to discharge to the wetlands. The constructed wetland component of the proposed Project will function as a stormwater quality Best Management Practice (BMP) for ~~the 9-acre Wetlands Park project site~~ **a 525 acre local watershed (which eventually drains into the Los Angeles River and eventually the ocean)**. Natural biological processes in the wetlands would improve water quality by removing additional pollutants. The proposed South Los Angeles Wetlands Park will also provide educational and recreational amenities including walkways and trails around the perimeter and through the site.

Surrounding Land Uses and Zoning

North: Properties are zoned M1-1, designated by the Southeast Los Angeles Community Plan as Limited Industrial, and developed with a LAUSD high school, a swap meet retail center, and large parking lot. LAUSD is proposing a new high school where the swap meet and parking lot now exist.

South: Properties along Avalon Boulevard are zoned C2-1VL, designated by the Southeast Los Angeles Community Plan as General Commercial, and developed as parking for lunch trucks. Properties not along Avalon Boulevard are zoned R2-1 and RD2-1, designated by the Southeast Los Angeles Community Plan as Low Medium I Multiple family Residential, and developed single family homes and low-rise multifamily structures.

East: Properties are zoned M1-1, designated by the Southeast Los Angeles Community Plan as Limited Industrial, and developed with a mix of uses including a church, multifamily residential, a small-scale light industrial, and a mixed use project with neighborhood serving retail and multifamily housing above.

West: Properties abutting 55th Street are zoned R2-1, designated by the Southeast Los Angeles Community Plan as Low Medium I Multiple Family Residential, and developed with a church and a large parking lot. Properties abutting 54th Street are zoned RD1.5-1, designated by the Southeast Los Angeles Community Plan as Low Medium II Multiple Family Residential, and developed with a low-rise multifamily structure.

Subarea II (Sign Supplemental Use District):

The proposed project also includes the establishment of a Sign Supplemental Use District to allow the erection of two billboards (two faces each) on another Metro-owned property. The Subarea II site is an existing bus yard located at 720 East 15th Street. The erection of the billboards allows for the acquisition of the South Los Angeles Wetlands site as a condition of the sale of the property to the City by the property owner (MTA) and to allow the location of billboards onto another MTA property to offset the removals of fourteen advertising displays of various sizes and configurations previously located along the median strip between Big Santa Monica Boulevard and Little Santa Monica Boulevard between Bentley Avenue and Moreno Drive. The billboard signs were removed as a result of a Public Works project, the Santa Monica Boulevard Transit Parkway Project, in West Los Angeles. The new signs represent a net reduction in billboards on a citywide basis.

In 1992, the Metropolitan Transit Authority (MTA) purchased the railroad right-of-way between little and big Santa Monica Boulevards which contained fourteen billboard structures with both single and double sign faces that were owned by a number of off-site advertising companies. In order to facilitate the east-west flow of traffic between the 405 freeway and the City of Beverly Hills border, the City of Los Angeles commenced the Santa Monica Boulevard Transit Parkway Project which involved the realignment of Santa Monica Boulevard in order to eliminate the railroad right-of-way and combine little and big Santa Monica Boulevards. The objectives of this project were to relieve congestion by reducing delays by more than fifty percent, improve the visual aesthetics of the corridor, minimize the impacts of traffic on the adjacent neighborhoods, enhance safety, create an environment complementary to the adjacent land use, and promote

alternative modes of transportation. Without the Santa Monica Boulevard Transit Parkway Project, the travel time along the subject segment of Santa Monica Boulevard would increase from approximately 10 minutes in 1994 to 30 minutes in 2020. The project would reduce the delays along the Boulevard to a travel time of 18 minutes in 2020, and bus priority treatments would further improve transit speeds. An additional benefit of the realignment of Little and Big Santa Monica Boulevard is the removal of double intersections with the north-south streets. The double intersections result in more accidents in comparison to other parallel corridors. In comparing accidents at the same intersections for Wilshire Boulevard and Santa Monica Boulevard, 54 more accidents occurred at the Santa Monica Boulevard intersections than Wilshire Boulevard intersections for a total of 133 accidents in the 1992-1994 time period. The City of Los Angeles Bureau of Engineering was the Project Manager, Construction Manager, and Principal Designer of the Santa Monica Boulevard Transit Parkway Project. The City of Los Angeles also provided essential funding to allow for the completion of the project of over eight and a half million dollars.

The MTA ordered the billboard companies to remove the billboard structures in order to facilitate the realignment. In addition, it was a stated goal of the local community that the number of billboards in the Santa Monica Boulevard Transit Parkway Project area be reduced. The removal of the billboards was consistent with the urban design concepts of the project and represented a beneficial aesthetic impact called for by the community. Section 5412 of the California Outdoor Advertising Act Business and Professions Code mandates the payment of compensation for the removal of legal advertising displays and "encourage[s] local entities and display owners to enter into relocation agreements which allow local entities to continue development in a planned manner without expenditure of public funds." The 15th Street Signage Supplemental Use District will permit four billboard faces in Subarea II in exchange for any claim of just compensation which the off-site advertising companies may have for the sign removals in West Los Angeles.

Surrounding Land Uses and Zoning

North: Properties are zoned M2-2D, designated by the Central City Community Plan as Light Manufacturing, and developed with a 222-unit commercial condominium development that is currently under construction, multiple small-scale light industrial businesses, and a midsize light industrial development.

South: Properties are zoned PF-1, designated by the Central City Community Plan as Public Facilities, and developed with the Santa Monica Freeway with parking located below the Freeway.

East: Properties are zoned M2-2D, designated by the Central City Community Plan as Light Manufacturing, and developed with small scale light industrial businesses.

West: Properties M2-2D, designated by the Central City Community Plan as Light Manufacturing, and developed with an LAUSD bus parking lot.

Related Cases:

Ordinance No. 174,547. Effective June 10, 2002, this Ordinance enacted a citywide ban on off-site advertising signs. Exceptions to this ban were limited to when off-site signs were specifically permitted pursuant to a legally adopted specific plan, supplemental use district, or an approved development agreement.

Ordinance No. 174,552. Effective June 16, 2002, this Ordinance established the procedures, guidelines, and standards for "SN" Sign Districts. Within a Sign District, off-site signage may be permitted. Areas of the City eligible for the Sign District designation are areas which have unique characteristics which can be enhanced by the imposition of special sign regulations or in which blight can be eliminated through a sign reduction program.

Issues

Subarea I (South Los Angeles Wetlands Park):

Local Hiring

Discussion

Community members expressed concerns over who will receive any potential jobs that are generated by both the construction and the operation of the park. The community members would like the City to ensure that there will be local hiring for both the temporary construction jobs and the long term jobs at the park.

Staff Analysis

The proposed project ~~will~~ **is expected** to create ~~over 75~~ **approximately 65** construction related jobs. The construction contracts for the City of Los Angeles are competitively bid and advertised through a City Web site called the Los Angeles Business Assistance Virtual Network (LABAVN) on www.labavn.org. The City encourages participation by certified Minority Business Enterprises and Women Business Enterprises. There are several resources in the City which will aid the community in securing construction bids with the City including the Los Angeles Minority Business Opportunity Center. These programs will contribute to local hiring in the construction phases of the project. The community will have the opportunity to obtain permanent employment by applying with the Department of Parks and Recreation.

Parking

Discussion

Community members expressed concerns about the request for a reduction in the parking. They believe the required amount of parking should be developed onsite, as the park is located in a residential area with limited parking. Additionally, community members expressed concerns over the possibility of the Department of Transportation red-striping the existing street parking as, according to the community members, has been done in the development of other parks in the area.

Staff Analysis

The number of parking spaces provided on-site is appropriate when weighing all the factors noted above. The proposed South Los Angeles Wetlands will be implemented in two phases. Phase I of the project consists of the Wetlands Park and a 15,000 square foot community center; and Phase II will consist of a 10,000 square foot museum, a 10,000 square foot event space, and approximately 46,760 square feet of office space. A Traffic Impact Analysis, prepared for the Bureau of Engineering by Abratique & Associates, found that Phase I of the project will generate a parking demand of 36 spaces. The parking demand for Phase I of the project will be met onsite as **a minimum of** 67 spaces will be

provided onsite. In order to meet the parking demand for Phase II onsite, the project will have to eliminate 0.85 acres of the proposed open space to accommodate the new parking lot. Replacing potential park space with a parking lot is inconsistent with of the Southeast Community Plan to develop new open space. Though the parking demand for Phase II will not be met on-site, this approval provides several options for locating parking off-site within the vicinity without impacting the existing street parking of the residential area or reducing the size of the park. These options include entering into a parking agreement with the Los Angeles Unified **School** District to utilize parking on the proposed adjacent high school across 54th Street, or other property owners with available parking; providing valet parking onsite to accommodate for more parking on the proposed on-site parking lot; or reducing the proposed office space to allow for parking within the historic structure. From the information provided, staff recommends the alternative parking scenarios as viable options which do not require the elimination of park space and utilizes existing parking resources to accommodate the parking demand.

The Department of Transportation is not proposing changing the striping on the street curbs as a part of this project. The existing street does not have meters and permits parking 24 hours a day excluding once per week for street cleaning.

Use of the Park

Discussion
Community members expressed concerns over the type of recreational space provided by the park. They expressed the desire to have a place of passive recreation and to have both bicycle and pedestrian paths throughout the park.

Staff Analysis
In addition to improving water quality, the proposed South Los Angeles Wetlands Park, will provide open space and recreational open space for the community. The park will provide walkways and trails for walking, jogging, wetlands habitat viewing, and wildlife observation. Though the majority of the park will be devoted to the constructed wetland, the park will include large open shaded areas which will serve as spaces for passive recreation and outdoor congregation, and the Phase II uses will provide space for educational programming and community, cultural, and event space.

Programming of the Building

Discussion
Community members expressed concerns over the use of the historic building which is to remain on-site. The community has requested to be a part of the process of defining the specific uses. Community members expressed the desire to have office space for local entrepreneurial businesses and educational opportunities.

Staff Analysis
The programming for Phase II of the proposed South Los Angeles Wetlands Park has not been finalized. The uses within the historic building are anticipated to open in 2013. The museum concept would provide an educational opportunity for the area and additionally incorporate the historic character of the site by including exhibits of historical railway, transportation rail cars, and other features representative of the historic use of the site as transit yard. The proposed special events center will be available for use by the community. Additionally, as a condition of this approval, the Department of Parks and Recreation undertake additional outreach to help further define the Phase II uses.

Subarea II (15th Street Sign Supplemental Use District):

Traffic Hazard

Discussion

Community members Citywide expressed concerns over the potential safety hazard created by the erection of the billboards in close proximity to the freeway. The community members were concerned about the potential traffic hazard created specifically by the electronic message display billboard.

Staff Analysis

Several recent studies have determined that billboards, and specifically digital billboards, are not a source of distraction that increase the risk of highway accidents. A study prepared by Tantala Associates, published July 2007, assessed the statistical relationship between digital billboards and traffic safety in Cuyahoga County, Ohio which includes the City of Cleveland. This study examined the accident statistics eighteen months before and eighteen months after the conversion of conventional billboards to digital billboards. The study concluded that there is no statistical relationship between digital billboards and occurrence of accidents. This supports the conclusion of a study released in March 2007 by the Center for Automotive Safety Research at Virginia Tech's Transportation Institute (VTTI) which was also conducted in Cleveland, Ohio. The VTTI study determined while digital billboards do seem to attract more attention than conventional billboards, in the form of longer, as opposed to more frequent glances, the mean glance length for digital billboards recorded in the study was less than one second. Changes in driver performance occurring in the presence of digital billboards, such as eyeglance patterns, speed maintenance, and lane-keeping, are comparable with driver performance associated with items encountered in everyday driving such as on-premises signs, logo placards, landmark buildings, and murals. The VTTI study concluded that digital billboards were safety-neutral, but this was limited to the digital billboards which instantly changed only once every eight second, looked like conventional billboards, and had their luminance attenuated at night. The proposed digital billboards which would be included in the 15th Street Supplemental Use District will be required to instantly change no more frequently once every four seconds, have no illumination which is in continuous motion or which appears to be in continuous motion, will look identical to the adjacent conventional billboards, and be reviewed by Caltrans. These design requirements will limit the impact of the digital billboards on the driver. A third study prepared by the University of North Carolina Highway Safety Research Center and assessed the major sources of distraction to drivers and potential for the distractions to cause accidents. Research conducted for the study suggested that billboards are not a significant distraction that contributes to accidents.

Conclusion

The proposed project advances many of the General Plan Framework and Community Plan goals ~~by providing needed open space and recreational and educational opportunities in Subarea I and eliminating visual blight by replacing fourteen sign structures with two Billboard Signs in Subarea II. Additionally, the South Los Angeles Wetlands Park assists the City in meeting the Total Maximum Daily Load (TMDL) requirements for the Los Angeles River Watershed by treating both local stormwater and dry-weather run-off. The proposed project is consistent with the type and intensity of development that is appropriate for each subarea, given their location and context.~~ **and provides many economic, social,**

aesthetic, and environmental benefits to the immediate communities and Citywide. Implementation of the project will:

1) Assists the City in meeting the Total Maximum Daily Load(TMDL) requirements for the Los Angeles River Watershed by treating both local stormwater and dry-weather run-off and provides long-term benefits by safely managing surface water run-off, which would protect public health and safety.

2) Provide open green space, public use facilities, and recreational and educational amenities in the Southeast Los Angeles Community where these are needed. The Wetlands Park will revitalize the street and create a more pedestrian friendly environment in a mixed use community. The proposed project maintains the historic character of the site by reusing a potentially historic building.

3) Prevents a loss of approximately eleven million dollars in available funding to the City by meeting requirements of the Baykeeper's Settlement Agreement and other available funding sources (Proposition O, K, 12, 40 and 50) through the construction of the Wetlands Park.

4) Provide approximately 65 construction related jobs and additional permanent jobs with the Department of Recreation and Parks.

5) Result in a net reduction of Off-Site Signage citywide, as the 15th Street Sign Supplemental Use District will permit four Billboard Faces (2688 total square feet) in lieu of fourteen Billboard Faces (7776 total square feet) in West Los Angeles.

6) Meet the requirements of the Clear Channel Outdoor, Inc. v. Los Angeles Metropolitan Transportation Authority (Los Angeles County Superior Court Case No. BC286040) Settlement Agreement through the establishment of the Sign Supplemental Use District. The settlement of this lawsuit is necessary for the City of Los Angeles to purchase the Wetlands Park site as it is a condition of the sale of the property by the MTA.

7) Allow for the relocation of signs which was necessary to complete the Santa Monica Boulevard Transit Parkway Project. The Santa Monica Boulevard Transit Parkway Project was necessary to:

a) Improve projected 2020 travel times from 30 minutes to 18 minutes and Levels of Services at intersections.

b) Improve transit speeds.

c) Improve vehicular safety by removing dangerous double intersections

d) Improve the pedestrian environment by providing design guidelines, removing billboards, and proving a landscaped environment.

8) Provide design guidelines for signage in Subarea II which will:

a) Limit the potential traffic hazards of the digital billboard by requiring a maximum of four seconds per advertising display, prohibiting motion or illumination which appears to be in continuous motion, and requiring Caltrans review.

b) **Does not obstruct views of the downtown skyline.**

c) **Allow for the use of the Billboards for public service announcements.**

CONDITIONS OF APPROVAL

A. Variance Conditions (Subarea 1).

Parking. The applicant shall provide one or more of the following parking alternatives:

1. Enter into a shared parking agreement with LAUSD to utilize parking on the proposed Central Region High School No. 16 site across 54th Street, or other proximate land owners that have parking available nearby, to meet parking code requirements, if feasible.

2. Provide valet parking to allow higher vehicle densities (in the Wetlands Park parking lot) than would otherwise occur under normal parking lot conditions.

B. Conditional Use Entitlement Conditions (Subarea 1).

Phase II Uses. Prior to issuance of a Building or Change of Use Permit for the Phase II building, the Department of Parks and Recreation shall conduct public outreach to finalize the use of the building and show evidence thereof to the Department of City Planning.

C. Environmental Conditions (Subarea 1).

1. Air Quality (Construction)

a. To Reduce NOx emissions during the construction of the Wetlands Park, the following construction equipment options, as feasible, would be included:

i. Use of cooled exhaust gas recirculation

ii. Use of lean-NOx catalyst

iii. Use of diesel oxidation catalyst

b. General contractors shall implement a fugitive dust control program pursuant to the provisions of SCAQMD Rule 403.5

c. Disturbed areas shall be watered three times daily.

d. All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.

e. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues shall turn their engines off, when not in use, to reduce vehicle emissions. Construction emissions should be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.

f. Electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used to the extent feasible.

g. All construction vehicles shall be prohibited from idling in excess of ten minutes, both on and off-site.

h. Project heavy-duty construction equipment shall use alternative clean fuels, such as low sulfur diesel or compressed natural gas with oxidation catalysts or particulate traps, to the extent feasible.

i. The Applicant shall utilize coatings and solvents that are consistent with applicable SCAQMD rules and regulations.

2. General Construction

a. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials, including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials and wastes shall be removed to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.

b. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

c. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.

d. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

e. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.

f. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

g. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

3. Biological Resources

a. Prepare a Wetlands Park monitoring plan that would require seasonal monitoring for the presence of the Southwestern willow flycatcher and other migratory birds during the breeding and nesting season (starting in March) once the Wetlands Park becomes operational. The monitoring plan and monitoring activities would be conducted by a biologist that specializes in bird studies. The biologist would prepare monitoring reports documenting the presence or absence of migratory bird species and their nesting locations, as deemed necessary in the monitoring plan.

b. Refrain from vegetation control during the nesting season if Southwestern willow flycatcher or other migratory birds that would be affected by either vegetation control activities or wetlands replanting are determined to be present, as determined by monitoring required under **Environmental Condition 3.a.** ~~Mitigation Measure 3.c.i.~~ Vegetation control activities would occur prior to the nesting season to allow for adequate mosquito habitat control while also avoiding nest damage or disturbance. Vegetation control may occur

during the nesting season in constructed wetland areas where no nests of migratory birds are present, as determined by a biologist.

4. Cultural Resources

a. In the event that paleontological resources are encountered during excavation, all development activities would cease within the vicinity of these area(s) until the paleontological resources are properly assessed and subsequent recommendations are made by a qualified paleontologist regarding resource preservation/recovery.

b. Monitoring by a qualified archaeological monitor would be required at the proposed Wetland Park site during grading and/or excavation activities. Monitoring would consist of directly watching the excavation and earthmoving activities. Monitoring would occur during the entire workday, and would continue on a daily basis until construction involving ground disturbance is complete, or professional judgment concludes that there is no continuing potential for encountering cultural resources. If cultural resources are observed during monitoring, the following would occur:

i. The monitoring archaeologist would halt or divert excavation equipment temporarily to examine isolated artifacts. If further study is warranted, the find(s) would be mapped, recorded, bagged with the proper provenience and the item(s) collected.

ii. Whenever the monitoring archaeologist suspects that significant cultural remains have been encountered, the piece of equipment that encounters the suspected deposit would be stopped or diverted to another work area, and the excavation inspected by the monitoring archaeologist. If potentially significant deposits are found, then recommendations would be developed for identification, testing, evaluation, preservation, or mitigation, as appropriate. If the suspected remains prove to be non-significant or non-cultural in origin, work would recommence immediately.

iii. Equipment stoppages would only involve equipment working within a ten meter buffer of the significant or potentially significant remains, and should not be construed to mean a stoppage of all work on the site unless the cultural deposit covers the entire site.

iv. During temporary equipment stoppages brought about to examine suspected remains, the archaeologist shall accomplish the necessary tasks with all due speed.

v. Should human remains be encountered, all work should be halted in the immediate vicinity of the find. The Project Supervisor and the County Coroner would be contacted immediately. If the encountered human interments cannot be avoided by modification of the project, on approval of the County, and in concurrence with the County Coroner and the Native American Most Likely Descendant designated by the Native American Heritage Commission, a qualified team of archaeologists would be brought in to recover the remains if that is the course of action deemed appropriate.

c. The former Los Angeles Railway South Park Shops Paint Shop (Building 71) would be protected during construction of the Wetlands Park (i.e., via barriers or temporary fencing).

d. Under the supervision of the City of Los Angeles Planning Department's Office of Historic Resources, a comprehensive documentation of the South Park Shops complex would be prepared, including all buildings and features identified by this study as contributive to a potential historic district, prior to the commencement of any project related alteration of the property from its present condition. The documentation would be consistent with the Historic American Building Survey/Historic American Engineering Record/Historic American Landscape Survey (HABS/HAER/HALS) format and conform to the applicable standards described in the *Secretary of Interior Standards for Architectural and Engineering Documentation.* The level of documentation, either HABS/HAER Level I or Level II, would be determined in consultation with the State Office of Historic Preservation. For example, if a resource is determined to be of national significance, such as the Paint Shop building, Level I documentation including preparation of a full set of measured drawings, would be recommended. The documentation would be a written historical report accompanying a set of measured drawings and photographs. The original historical report and documentation package would be deposited at the MTA Dorothy Peyton Gray Transportation Library. A copy of the historical report would be provided to the Central branch of the City of Los Angeles Public Library, and the main branch of the County of Los Angeles Library.

e. Prior to the commencement of any demolition activities, potentially historical items or features from the Wetlands Park site that could be used as elements of the Phase II transportation museum and/or interpretive program, which presents the history of the South Parks Shop Complex, would be identified, salvaged, and stored for future use.

f. Following the completion of the documentation listed under Environmental Condition 5.d., a transportation museum plan and/or an interpretive program which presents the history of the South Park Shops complex would be developed for implementation during Phase II. The interpretive program would include an internet website that would be of educational benefit to the public and illustrate the history and historic architecture of the site through photographs, video, and oral history interviews collected from former Los Angeles Railway/Los Angeles Transit Lines employees, and others, familiar with historic functioning of the facility. Additionally, a permanent, on-site interpretive facility presenting the history of the property and possibly incorporating historic building documentation and salvaged elements of the historic property would be created during Phase II of the Wetlands Park. The transportation museum and/or interpretive program would be coordinated between the City of Los Angeles' Department of Recreation and Parks, in coordination with the Cultural Heritage Commission and/or Planning Department's Office of Historic Resources, and other applicable agencies and organizations, as appropriate.

5. Hazard and Hazardous Materials (Construction)

a. Following removal of the clarifiers, and/or excavation and removal of remaining underground structures, and associated contaminated soil, under Los Angeles County Fire Department oversight, and once the area excavated has had time

for equilibration, additional soil and soil gas sampling would be conducted and a post-remedial human health risk assessment performed in accordance with California Department of Toxic Substances Control (DTSC) guidelines to ensure that the site meets acceptable risk levels for use as a park and wetlands. In the event that an unacceptable health risks remains, additional soil gas remediation measure(s) would be implemented to meet acceptable risk levels as determined by the health risk assessment. These additional remediation measures could include, but not be limited to, a soil vapor extraction and treatment system, and/or vapor barrier liner beneath the site. Any post-remedial selection and implementation of remediation measures would be under DTSC oversight.

b. Prior to building demolition, review past asbestos containing materials (ACM) and lead-based paint (LBP) surveys and, if necessary, perform new surveys to identify all ACM and LBP in all buildings on the Wetlands Park site. If necessary, destructive sampling would be used. All ACM and LBP would be removed or otherwise abated prior to demolition or, in the case of the retained building, renovation. Removal and abatement activities would comply with all applicable laws, regulations, and rules.

c. Prior to demolition of the buildings and renovation of the retained buildings, coordinate with the Greater Los Angeles Vector Control District (GLAVCD) and implement vector (rodent) eradication.

6. Hazard and Hazardous Materials (Operation)

a. During design, a pre-treatment system or units would be specified and selected for installation at the Wetlands Park site that has proven capabilities to remove contaminants such as oils and hydrocarbons from runoff influent. Proprietary systems such as Stormceptors would be considered.

b. Prior to the operation of the Wetlands Park, an Emergency Response Plan would be prepared by the City of Los Angeles Department of Public Works to establish a set of procedures to address the unlikely event of a spill of oil or other potentially hazardous material into the storm drain system upstream of the wetland that could potentially overwhelm the treatment wetlands system and cause significant harm to wildlife and/or water quality. At a minimum, the Plan would address containment measures, cleanup measures, and emergency contacts for fire, police, and personnel equipped to handle hazardous materials.

c. Prior to operation of the Wetlands Park, a Vector Control Plan would be prepared for inclusion in the Park's Operations and Maintenance Manual. The Vector Control Plan would provide step-by-step field guidance for vector control management. The Vector Control Plan would include requirements such as physical controls (vegetation control based on the seasonal mosquito life-cycle), biological controls (such as mosquito fish), and chemical controls (larvaecides). The Vector Control Plan would be reviewed and approved by the Greater Los Angeles Vector Control District (GLAVCD). The Vector Control Plan would be dynamic and its implementation adaptive. As such, ongoing coordination would occur with staff of the GLAVCD. The Vector Control Plan would also provide controls to prevent broadcast application of chemicals or larvaecides.

7. **Land Use.** Obtain a variance for operation of Phase II of the Wetlands Park to allow for a reduction in the number of required parking stalls required under Zoning Code Section 12.21A4. Approval of the recommended parking variance will satisfy this mitigation measure.

8. **Noise (Construction).** The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

    a. Construction shall be restricted to the hours of 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday.

    b. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously that causes high noise levels.

    c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

    d. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, to insure an acceptable interior noise environment.

    e. The construction contract(s) would specify that all construction equipment would be equipped with mufflers and other suitable noise attenuation or suppression devices, as appropriate.

    f. During construction, where sensitive receptors have a direct line-of-sight to the construction sites, temporary noise curtains or barriers would be placed between the construction activity and the receptors, as appropriate. The height and placement of the noise curtains would break the line-of-sight between sensitive receptors and the construction site. The noise curtain, in conjunction with other mitigation measures, would provide sufficient noise attenuation to prevent increases in ambient noise levels at adjacent sensitive receptors by five decibels.

    g. All residential units located within 500 feet of construction sites would be sent a notice regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet would also be posted at the construction site. All notices and the signs would indicate the dates and duration of construction activities, and would provide a telephone number where residents can inquire about the construction process and register complaints. All notices would be in English and any other appropriate language(s) for the neighborhood, and posted notices would be placed at least 10 days prior to the start of construction.

9. **Transportation/Traffic (Construction)**

    a. Projects involving the import/export of 1,000 cubic yards or more of dirt shall obtain haul route approval by the Department of Building and Safety.

    b. The applicant shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.

c. Prohibit the hauling of soul from the Wetlands Park site during site excavation and grading during the AM and PM peak hours

10. Transportation/Traffic (Operation)

a. Maximize the number of parking spaces designed into the off-street parking lot for Phase I of the Wetlands Park. After Phase II of the Wetlands Park becomes operational, parking demand is expected to be approximately 170 spaces. Prior to the design of Phase II, parking demand and requirements would be re-evaluated based on the specifics of the project and the conditions at that time to determine the exact number of parking spaces needed (beyond the spaces provided in Phase I).

b. During operation of Phase II of the Wetlands Park, provide trip reduction incentives to encourage ride sharing, transit usage, and other trip and parking reductions.

c. One or more of the following other parking mitigations shall be implemented:

i. Enter into a shared parking agreement with LAUSD to utilize parking on the proposed Central Region High School No. 16 site across 54th Street, or other proximate land owners that have parking available nearby, to meet parking code requirements, if feasible.

ii. Provide valet parking to allow higher vehicle densities (in the Wetlands Park parking lot) than would otherwise occur under normal parking lot conditions.

D. Environmental Conditions (Subarea 2).

1. Air Quality (Construction)

a. General contractors shall implement a fugitive dust control program pursuant to the provisions of SCAQMD Rule 403.5

b. Disturbed areas shall be watered three times daily.

c. All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.

d. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues shall turn their engines off, when not in use, to reduce vehicle emissions. Construction emissions should be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.

e. Electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used to the extent feasible.

f. All construction vehicles shall be prohibited from idling in excess of ten minutes, both on and off-site.

g. Project heavy-duty construction equipment shall use alternative clean fuels, such as low sulfur diesel or compressed natural gas with oxidation catalysts or particulate traps, to the extent feasible.

h. The Applicant shall utilize coatings and solvents that are consistent with applicable SCAQMD rules and regulations.

2. General Construction

a. All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials, including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non recyclable materials and wastes shall be removed to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.

b. Clean up leaks, drips and spills immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

c. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.

d. Cover and maintain dumpsters. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

e. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.

f. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop clothes to catch drips and spills.

g. Fences shall be constructed around the site to minimize trespassing, vandalism, short-cut attractions and attractive nuisances.

3. Cultural Resources

a. In the event that paleontological resources are encountered during excavation, all development activities would cease within the vicinity of these area(s) until the paleontological resources are properly assessed and subsequent recommendations are made by a qualified paleontologist regarding resource preservation/recovery.

b. In the event that archaeological resources are encountered during the course of the excavation of the proposed billboards, all development would temporarily cease within the vicinity of these areas until the City of Los Angeles' Planning Department is contacted and agrees upon a qualified archaeologist to be brought onto the project site to properly assess the resources and make recommendations for their disposition. In the event that human remains are discovered, there would be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Code Section 50973.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify those persons believed to be most likely descended from the deceased Native American for appropriate

disposition of the remains. Excavation or disturbance may continue in other areas of the project site that are not reasonably suspected to overlie adjacent remains or archaeological resources.

4. **Land Use**

   a. Obtain a variation for the Sign SUD from the City Center Redevelopment Plan and the associated Design for Development (Billboard and other Sign Structures) from the Community Redevelopment Agency.

   b. Provide a reduction of billboards elsewhere in the City of Los Angeles to offset (with a net reduction) the two new billboard structures (four billboard faces) under the proposed Sign SUD. In the case of this particular project, Clear Channel Outdoor's 14 billboard removals caused by the Santa Monica Boulevard Transit Parkway Project satisfies this mitigation measure requirement calling for a net reduction in billboards within the City. Billboard reduction is sought by policy by the City to mitigate impacts of new signs permitted by the means specified in the Code.

   c. Per Section 13.11 of the Los Angeles Municipal Code, apply for, and obtain, a Sign Supplemental Use District to be consistent with the City of Los Angeles regulations.

5. **Noise (Construction).** The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

   a. Construction shall be restricted to the hours of 7:00 AM to 6:00 PM Monday through Friday, and 8:00 AM to 6:00 PM on Saturday.

   b. Construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously that causes high noise levels.

   c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

   d. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, to insure an acceptable interior noise environment.

E. Administrative Conditions

1. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.

2. **Code Compliance.** Area, height and use regulations of the zone classification on the subject property shall be complied with, except where herein conditions may vary.

3. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on

any subsequent property owners, heirs or assigns. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.

4. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.

5. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.

6. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.

7. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if, in the Commission's or Director's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

8. **Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

9. **Mitigation Monitoring.** Pursuant to California State Public Resources Code Section 21081.6 and the California Environmental Quality Act, the applicant and any future owners, successors, heirs or assigns shall provide the Planning Department with status reports for assessing and ensuring the efficacy of the mitigation measures (environmental conditions) required herein.

    a. Within 30 days of the effective date of this land use entitlement and prior to any Planning Department clearance of the conditions of approval contained herein, the applicant shall file a Mitigation Monitoring and Reporting Program (MMRP) in a manner satisfactory to the Planning Department which defines specific reporting and/or monitoring requirements to be enforced during project implementation. Each environmental condition shall be identified as to the responsible mitigation monitor(s), the applicable enforcement agency, the applicable monitoring agency and applicable phase of project implementation as follows:

        i. Pre-construction (prior to issuance of a building permit);

        ii. Construction (prior to certificate of occupancy); and

iii. Post-construction / maintenance (post-issuance of certificate of occupancy).

In some cases, a specific mitigation measure may require compliance monitoring during more than one phase of project implementation. Such measures shall be noted within the discussion of the specific mitigation measure in the MMRP.

b. The applicant shall demonstrate compliance with each mitigation measure in a written report submitted to the Planning Department and the applicable enforcement agency prior to issuance of a building permit or certificate of occupancy, and, as applicable, provide periodic status reports to the Planning Department regarding compliance with post-construction / maintenance conditions.

c. If the environmental conditions include post-construction / maintenance mitigation measures, the applicant and all future owners, successors, heirs or assigns shall be obligated to disclose these ongoing mitigation monitoring requirements to future buyers of the subject property.

d. The applicant and any future owners, successors, heirs or assigns shall reimburse the Planning Department for its actual costs, reasonably and necessarily incurred, necessary to accomplish the required review of periodic status reports

FINDINGS

General Plan/Charter Findings

1. General Plan Land Use Designation.

a. Subarea I. The subject property is located within the area covered by the Southeast Los Angeles Community Plan, which was adopted by City Council on March 22, 2000 (Case No. CPC-1996-0398-CPR). The plan designates the property as Limited Industrial with the corresponding zones of CM, MR1, and M1. The zoning on the site is M1-1 and is in conformance with the Southeast Los Angeles Community Plan land use designation. The proposed land use designation is Open Space with the corresponding zone of OS. The proposed zoning on the site is OS-1 and is in conformance with the proposed Southeast Los Angeles Community Plan land use designation.

b. Subarea II. The subject property is located within the area covered by the Central City Community Plan, which was adopted by City Council on January 8, 2003 (Case No. CPC 1994-0225-CPU). The plan designates the property as Public Facility with the corresponding zone of PF. The zoning on the site is PF-2D-O and is in conformance with the Central City Community land use designation. The proposed land use designation is Light Industrial with the corresponding zones of MR2 and M2. The proposed zoning on the site is M2-2D-O-SN and is in conformance with the proposed Central City Community Plan land use designation.

2. General Plan Text.

a. The Southeast Los Angeles Community Plan includes the following relevant land use objectives, policies and programs:

GOAL 4: ADEQUATE RECREATION AND PARK FACILITIES WHICH MEET THE NEEDS OF THE RESIDENTS IN THE PLAN AREA.

Policy 4-1.3: Actively pursue City and/or private funding for the acquisition and construction of new recreation and park facilities.

Program: Continue the Quimby Fund program and identify and develop additional sources of funding for the provision of open space and parkland.

Policy 4-1.4: Encourage the cooperation between the Los Angeles Unified School District, other public and private entities and the Department of Recreation and Parks in order to develop and utilize other open space opportunities for the community.

Program: Establish joint-use agreements with the LAUSD and other public and private agencies to provide more recreation and park facilities for the community.

GOAL 5: A COMMUNITY WITH SUFFICIENT OPEN SPACE IN BALANCE WITH NEW DEVELOPMENT TO SERVE THE RECREATIONAL, ENVIRONMENTAL, HEALTH AND SAFETY NEEDS OF THE

COMMUNITY AND TO PROTECT ENVIRONMENTAL AND AESTHETIC RESOURCES.

Objective 5-1: To preserve existing open space resources and where possible develop new open space.

Policy 5-1.2: Accommodate active parklands, and other open space uses.

Program: The Plan Map designates lands for open space uses including all active parklands.

Objective 6-2 Maximize the use of local schools for community use and local open space and parks for school use.

Policy 6-2.1: Encourage the siting of community facilities (libraries, parks, schools and auditoriums) together.

The proposed General Plan Amendment and the project, as designed, advances the above goals, policies, and programs of the adopted Southeast Los Angeles Community Plan by providing a new open space resource to the community in an appropriate location. See more under Finding 3.a.

b. The Central City Community Plan includes the following relevant land use objectives, policies and programs.

Objective 3-1 To strengthen and retain and expand the existing industrial base as well as attract new industries to the Central City Area.

Chapter V – Urban Design: South Markets. Create design guidelines for the area including storefront and signage design. Develop new mini-parks and undertake streetscape improvements including trees, signage and street furniture.

The proposed General Plan Amendment and the proposed Sign Supplemental Use District advance the above goals, policies, and programs of the adopted Central City Community Plan by continuing an existing pattern of development and establishing the 15th Street Sign Supplemental Use District which is necessary for the relocation of displaced billboards. See more under Finding 3.b and c.

3. City Charter Sections 556 and 558.

a. Subarea I – General Plan Amendment

The proposed General Plan Amendment complies with Charter Sections 556 and 558 in that the plan amendment promotes a pattern of development consistent with the area's General Plan Framework designation; increases community access to open space; maximizes the use of open space for school use; and enhances the pedestrian environment. The recommended General Plan Amendment to the Southeast Los Angeles Community Plan to amend the land use designation on the subject property from Light Industrial to Open Space will further many of the City's land use policies concerning the availability and accessibility of open space especially in previously underserved communities including Southeast Los Angeles.

The proposed amendment complements the adjacent General Plan Framework Mixed Use Boulevard designation of portions of Avalon Boulevard. The subject site

abuts Avalon Boulevard to the east. The General Plan Framework designates all commercially designated portions of Avalon Boulevard between Vernon Avenue and Slauson Boulevard as Mixed Use Boulevards. Mixed Use Boulevards provide a variety of uses including community and neighborhood commercial, public services, cultural facilities and housing along transit corridors and are located within walking distance of surrounding residential neighborhoods. Though the subject site is not included in this designation as it is currently designated Light Industrial, the proposed General Plan Amendment is consistent with and reinforces the Mixed Use Boulevard designation as is it provides an additional neighborhood resource that is within walking distance from the surrounding single and multi-family neighborhoods. Additionally, the site is accessible by transit as the area is served by bus transit lines operated by MTA and LADOT.

The proposed plan amendment will achieve the objective of the Southeast Los Angeles Community Plan of maximizing the use of open space for school use by siting open space facilities near schools. The use of property to the north of the subject site currently includes a school, and LAUSD is proposing to expand the school use to the entire site. By providing open space adjacent to existing and proposed school facilities, the proposed general plan amendment provides the opportunity for school use of the open space for educational and recreational opportunities and for shared use of parking to better utilize existing and planned parking facilities rather than constructing more automobile parking on the park site.

b. Subarea II – General Plan Amendment

The proposed General Plan Amendment complies with Charter Sections 556 and 558 in that the plan amendment continues a pattern of development consistent with Central City Community goals, objectives, and policies for the South Market industrial area of the community. The recommended General Plan Amendment to the Central City Community Plan to amend the land use designation on the subject property from Public Facilities to Limited Industrial will further many of the City's land use policies concerning retaining industrial jobs especially within the Fashion District. Though the property will continue to be owned by a government agency, the proposed land use designation is consistent with the surrounding area and promotes the continued use of the land for industrial businesses regardless of ownership. Additionally, the Limited Industrial designation is necessary for the establishment of the proposed 15th Street Sign Supplemental Use District on the site.

c. Subarea II – Sign Supplemental Use District

The proposed Sign Supplemental Use District complies with Charter Sections 556 and 558 in that the Sign Supplemental Use District establishes design guidelines to limit visual clutter in the area by regulating the number, size, and the locations of signs. An objective of the Central City Community Plan is to create a pedestrian friendly environment in the Fashion District. The Sign Supplemental Use District furthers this goal by requiring the automobile oriented signs to be located at the edge of the Fashion District and requiring street trees in conjunction with the erection of the signs. The proposed Sign Supplemental Use District contributes to general welfare and good zoning practices by regulating signage in a manner that minimizes potential traffic hazards and protects street views and scenic vistas of the Downtown Skyline. In addition to the design regulations, the location on the edge of the City minimizes the impact of scenic views.

Additionally, the project, as proposed, represents a reduction in off-site signage Citywide **by replacing approximately 7776 square feet of permanent signage along a General Plan Framework designated Mixed Use Boulevard with approximately 2688 square feet of freeway oriented signage at the edge of the Fashion District.** The erection of the billboards allows for the acquisition of the South Los Angeles Wetlands site as a condition of the sale of the property to the City by the property owner (MTA) and to allow the location of billboards onto another MTA property to offset the removals of fourteen advertising displays of various sizes and configurations previously located along the median strip between Big Santa Monica Boulevard and Little Santa Monica Boulevard between Bentley Avenue and Moreno Drive. The Billboards were removed as a part of a Public Works project to improve the east-west flow of traffic on Santa Monica Boulevard between the 405 freeway and the City of Beverly Hills border. The MTA, who owned the median strip between the streets, ordered the billboard companies to remove the billboard structures to facilitate the realignment of the Little and Big Santa Monica. As a result, the billboard companies were entitled to just compensation for this removal pursuant to Section 5412 of the Business and Professions Code. **The billboard company appraised the value of the signage which was removed at approximately $14 million. Allowing the relocation of the signs prevents the expenditure of public funds, which could be used for projects to improve transit in the region, to pay the billboard companies just compensation.** The proposed site presents an appropriate location for the sign relocation as it is in an industrial area, and there is no impact on residential dwellings. **Other potential sign locations were examined to determine the most appropriate location to relocate the signs removed as a part of the Santa Monica Boulevard Transit Parkway Project. The potential relocation alternatives involved the modification, enlargement, and addition of faces and structures at sixteen separate locations. More locations were needed to compensate for the billboards removed because of the value of the billboards on Santa Monica Boulevard. These alternatives would not promote good zoning practice as they would increase the square footage of offsite signage Citywide, require multiple Supplemental Use Districts, and would impact both residential and pedestrian oriented areas.** The proposed Sign Supplemental Use District, which is a necessity due to a Public Works project that was constructed to improve traffic flow in West Los Angeles, is in conformity with good zoning practices by representing a net reduction in signage Citywide and by having design requirements and a location that minimizes the impact on residential areas and scenic views**. In addition, the removal of the billboards on Santa Monica Boulevard helped create a pedestrian environment on the General Plan Framework designated Mixed Use Boulevard.**

Entitlement Findings

1. Zone Change Findings

Pursuant to Section 12.32 C7 of the Municipal Code, and based on these findings, the recommended Zone Changes are deemed in conformity with the public necessity, convenience, general welfare, and good zoning practice.

a. Subarea I

The requested zone change is from M1-1 to OS-1 in order to allow the development of the site as a wetlands park. The project, as proposed, will contribute to the general welfare by providing a new open space within the Southeast Los Angeles

Community. The proposed park will provide active and passive recreational and educational opportunities, and will help the City meet water quality standards. The proposed location is appropriate for new open space opportunities as it allows for joint use opportunities with the adjacent school facility and is a site that is accessible by transit and other non-vehicular means including walking and biking. Additionally, the existing site is underutilized and the new use will better integrate the site into the surrounding neighborhood fabric and provide a valuable resource to the community while allowing for the reuse of a historically significant building.

b. Subarea II

The requested zone change is from PF-2D-O to M2-2D-O-SN in order to allow the establishment of the 15th Street Sign Supplemental Use District as a Sign District is not permitted in the PF zone. The proposed zoning is appropriate for the area as the surrounding properties are similarly zoned M2-2D-O and are developed with viable industrial uses. The existing use of the site is for bus maintenance which is an appropriate use within the M2 zone. The proposed industrial zone allows for the continued use of the site for industrial uses which is appropriate as the site is located at the southern entrance of the Fashion District in an area which will retain its industrial nature. The proposed Supplemental Use District designation is necessary to allow for the relocation of Billboards which were removed as a part of the public works project within West Los Angeles. The proposed signs reduce visual blight by representing a net reduction in Off-Site Signage citywide and by regulating the number, size, and location of signs.

2. Sign Supplemental Use District (Subarea II)

Pursuant to Section 12.32 C7 of the Municipal Code, and based on these findings, the recommended Supplemental Use District is deemed in conformity with the public necessity, convenience, general welfare, and good zoning practice.

The proposed 15th Street Sign Supplemental Use District is in substantial conformance with the goals, objectives, and policies of the Central City Community Plan concerning Urban Design within the South Market Industrial Area. The proposed Sign Supplemental Use District establishes design guidelines to limit visual clutter in the area by regulating the number, size, and the locations of signs. The proposed Sign Supplemental Use District contributes to general welfare and good zoning practices by regulating signage in a manner that minimizes potential traffic hazards and protects street views and scenic vistas of the Downtown Skyline. In addition to the design regulations, the location on the edge of the City minimizes the impact of scenic views. The Sign Supplemental Use District requires the applicant to attempt to allow the community to utilize the sign structures for community announcements which include use by the Fashion District Business Improvement District as the site is one of the primary entrance into the Fashion District from the south.

Additionally, the project, as proposed, represents a reduction in off-site signage Citywide **by replacing approximately 7776 square feet of permanent signage along a General Plan Framework designated Mixed Use Boulevard with approximately 2688 square feet of freeway oriented signage at the edge of the Fashion District.** The erection of the billboards allows for the acquisition of the South Los Angeles Wetlands site as a condition of the sale of the property to the City by the property owner (MTA) and to allow the location of billboards onto another MTA property to offset the removals of fourteen advertising displays of various sizes and configurations previously located along the median strip between Big Santa Monica Boulevard and Little Santa Monica Boulevard between Bentley Avenue and Moreno Drive. The Billboards were

removed as a part of a Public Works project, the Santa Monica Boulevard Transit Parkway Project in West Los Angeles, to improve the east-west flow of traffic between the 405 freeway and the City of Beverly Hills border. The MTA, who owned the median strip between the streets, ordered the billboard companies to remove the billboard structures to facilitate the realignment of the Little and Big Santa Monica. As a result, the billboard companies were entitled to just compensation for this removal pursuant to Section 5412 of the Business and Professions Code. **The billboard company appraised the value of the signage which was removed at approximately $14 million. Allowing the relocation of the signs prevents the expenditure of public funds, which could be used for projects to improve transit in the region, to pay the billboard companies just compensation.** The proposed site presents an appropriate location for the sign relocation as it is in an industrial area, and there is no impact on residential dwellings. **Other potential sign locations were examined to determine the most appropriate location to relocate the signs removed as a part of the Santa Monica Boulevard Transit Parkway Project. The potential relocation alternatives involved the modification, enlargement, and addition of faces and structures at sixteen separate locations. More locations were needed to compensate for the billboards removed because of the value of the billboards on Santa Monica Boulevard. These alternatives would not promote good zoning practice as they would increase the square footage of offsite signage Citywide, require multiple Supplemental Use Districts, and would impact both residential and pedestrian oriented areas.** The proposed Sign Supplemental Use District, which is a necessity due to a Public Works project that was constructed to improve traffic flow in West Los Angeles, is in conformity with good zoning practices by representing a net reduction in signage Citywide and by having design requirements and a location that minimizes the impact on residential areas and scenic views. **In addition, the removal of the billboards on Santa Monica Boulevard helped create a pedestrian environment on the General Plan Framework designated Mixed Use Boulevard.**

3. Variance Findings (Subarea I)

a. *That the strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general plan purposes and the intent of the zoning regulations.*

The proposed project will provide a **minimum** ~~total~~ of 67 parking spaces on-site. If the proposed project complied with the parking regulations, the proposed wetlands park would be reduced in size by 0.85 acres. Requiring the project to comply with the parking requirements would be an unnecessary hardship which is inconsistent with the objectives and policies of the General Plan as it would result in less available open space in an area which is currently park deprived. Additionally, providing the parking on-site is not necessary for this project as there are other opportunities to provide parking within the vicinity. This includes a possible joint use agreement with the adjacent school site or another business with excess parking or by providing valet parking on-site.

b. *There are special circumstances applicable to the subject property such as size shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.*

The current site is developed with several historical buildings which are not present on other properties in the same zone and vicinity. The site, developed as proposed,

maximizes the size of the proposed wetlands park and allows for the reuse of one of the historic buildings. The uses within the reused historic building require approximately **152** ~~134~~ parking spaces. By not demolishing these historic resources, the proposed project is unable to provide the required parking on-site. The project's unique location in an area that is transit accessible with both LADOT DASH stops and MTA bus stops on the perimeter of the site and along a Mixed Use Boulevard with heavy pedestrian traffic provides the opportunity for users of the project site to utilize alternative modes of transportation to access the park.

c. *Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

The proposed variance is necessary to provide the maximum amount of open space and educational opportunities on the subject site. Additionally, the reuse of the existing historical building, which is a unique characteristic of the project site, increases the parking demand. Requiring 170 parking spaces on-site presents unnecessary hardships as there are additional opportunities to provide parking on adjacent parcels which would not require a reduction in the proposed wetlands park or the demolition of a historic resource.

d. *The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.*

The proposed reduction in parking will not be injurious to surrounding property or improvements as conditions of this approval require alternative parking solutions which will minimize the impact on the street parking and the adjacent residential neighborhoods. The proposed project's location adjacent to an existing school site and proposed new high school affords the opportunity for the City and LAUSD to enter into a shared use agreement to utilize the existing and planned parking facilities associated with the school. This maximizes the use of parking in the area. Additionally, the other parking alternatives can be implemented include shared use agreements with other business owners who have excess parking, valet parking on-site, and altering the reuse of the historic building to reduce the parking demand and provide parking within the building. These alternatives reduce the impact of the requested parking reduction on the community while not requiring a reduction in the size of the proposed park.

e. *The granting of such variance will not adversely affect any element of the General Plan.*

The proposed project, particularly with the size of the wetlands park maximized and the retention of the historic structure, promotes many of the goals of the General Plan. One of the goals of the Southeast Community Plan is to increase the amount of open space and the accessibility of this open space. The proposed project provides a new open space resource in the community which is both accessible to the residents in the area and the community as a whole due to its transit accessible location. Additionally, the proposed parking alternative of a joint use agreement with LAUSD to utilize existing and planned parking facilities furthers the Southeast Community Plan policy of siting community resources such as parks and schools in the same vicinity in order to maximize shared use of both facilities. By allowing the largest park possible on the site, the proposed variance increases the accessibility of

open space to the community while helping maximize the ability for the park to help the City meet water quality standards, one of a number of project objectives.

4. **Conditional Use Permit Findings (Subarea I).** Conditional Use Permit, pursuant to Section 12.24.U.19 of the Los Angeles Municipal Code for a community center, museum, event center, and office space in the OS Zone.

   a. *The proposed project will be desirable to the public convenience and welfare.*

   The proposed project will be desirable to the public convenience and welfare as the community center, museum, event center, and office space will provide public space for community use and will provide educational and recreational opportunities for the surrounding community. As conditioned by this determination, the Department of Parks and Recreational will consult with the community before they finalize the programming for the historic structure. This will ensure the uses will be desirable to the community. The proposed museum provides an educational opportunity which recognizes the historic significance of the project site. The proposed project increases the ability for the community members to utilize the project site as the majority of the proposed open space will be a constructed wetland with some open areas for gathering space.

   b. *The proposed location is proper in relation to adjacent uses or the development of the community.*

   The proposed location is proper in relation to adjacent development as the proposed site is located in an area which is a mix of residential, institutional, commercial, and light industrial uses. The proposed project is sited adjacent to an existing school and the proposed location of a new high school. This location allows for the utilization of the facilities on the subject site by the students in the adjacent schools. The proximity of the school facilities also allows for a potential joint use agreement to allow the parking demand created by uses in the historic building to be met in existing and planned parking facilities associated with the school. The location of these facilities is also appropriate as the site is transit accessible and is located in close proximity to residential community. This accessibility creates the appropriate location for uses that provide service to the immediate community such as a community center and office space and also uses that have a more regional draw such as a museum and an event center. The Southeast Los Angeles Community Plan also notes that office space which will expand the market opportunities for new businesses, educational opportunities, and open space should be located in transit accessible areas such as along a designated Mixed Use Boulevard such as Avalon Boulevard and within neighborhood and community centers.

   c. *The proposed project will not be detrimental to the character of development in the immediate neighborhood.*

   The proposed project will be an asset to the character of development in the immediate neighborhood. The proposed project will enhance the pedestrian environment of the immediate neighborhood. The existing site contains vacant historic buildings which traditionally served as transit maintenance buildings. The proposed park and reuse of the building revitalizes the street as the unused site, which with the project will become better integrated into the neighborhood fabric and development pattern and will provide valuable community resources, is currently detrimental to the pedestrian environment of the immediate neighborhood. The

proposed project maintains the historic character of the site by reusing an existing building while introducing new uses which are assets to the community.

d. *The proposed location will be in harmony with the various elements and objectives of the General Plan.*

The subject site is located in the Southeast Los Angeles Community Plan. One of the goals of the Community Plan is to provide adequate recreational facilities that meet the needs of the community members. A condition of this approval is to require the Department of Parks and Recreation to conduct public outreach to finalize the use of the building in order to ensure the uses meet the needs of the community. The proposed wetlands park, community center, events center, museum, and office space provide the community with an open space resource and additionally recreational and educational opportunities in an area for which the General Plan Framework notes a lack of open and recreational space.

5. The **Transportation Element** of the General Plan will not be affected by the recommended action herein. The operation of the proposed Wetlands Park will not have any significant affect on the surrounding streets which are fully improved to the appropriate street standards respectively.

6. The **Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.

7. **Street Lights.** Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the streets which adjoin the subject property.

8. **Environmental.** Pursuant to Public Resources Code section 21000 et. Seq.:

a. Potential Environmental Impact Areas. An Environmental Impact Report (EIR) has been prepared to analyze the potential environmental effects that could result from the construction and operation of the proposed project. The EIR identifies mitigation measures, monitoring measures when necessary and alternatives which would mitigate the negative environmental effects of the project.

The EIR for the subject project, pursuant to and in accordance with Section 21081 of the State of California Public Resources Code, identifies potential significant impacts from the project including:

Air Quality, Biological Resources, Paleontological Resources, Archaeological Resources, Hazard and Hazardous Materials, Land Use, and Transportation/Traffic.

Feasible mitigation measures and a monitoring program have been defined for those impacts.

The Final EIR identifies three impacts not mitigated to a less than significant level for the proposed project:

Air Quality (Construction) – Historic Resources - Noise.

Having: (i) adopted all feasible mitigation measures, (ii) rejected alternatives to the proposed project, (iii) recognized all significant unavoidable impacts, and (iv) balanced the benefits of the project against the project's significant and unavoidable impacts, the City hereby finds that the benefits of the project outweigh and override the significant unavoidable impacts.

b. Modifications to Mitigations Found in the EIR. The Department of City Planning added additional mitigation measures beyond those identified in the EIR. They include mitigation measures that are standard environmental mitigations ascribed to the majority of projects requiring environmental review. They include mitigations for haul routes, air quality, noise and general construction impacts.

The Department of City Planning also removed two mitigation measures which were found within the EIR. The following Transportation/ Traffic mitigations measures were removed from the environmental conditions for Subarea 1:

1. Reduce the office space component of Phase II from 46,760 by 20,000 square feet (SF), for a total office space use of 26,760 SF, and use the 20,000 square feet for Phase II parking (based on 350 SF per parking space). Adjustments to the square footage office space conversion to parking can be made provided the parking demand and/or code requirements balance. Any modifications to the structure would comply with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

2. Prior to implementation of Phase II, replace a portion of the passive recreational area of the Wetlands Park with an additional off-street surface parking lot to provide the required parking spaces. The estimate surface area of park reduction and parking lot area increase is approximately 0.85 acres (based on 350 square feet per parking space).

The Department of City Planning removed these mitigation measures from the Environmental Conditions of this approval as they are not consistent with the Southeast Los Angeles Plan. The goals and objectives of the Southeast Los Angeles Community Plan including provide adequate open space, recreational and educational opportunities, and opportunities for new businesses and locate community resources in mixed use areas which are transit accessible. The mitigation measures above result in a loss of open green space and office space, which may be used by community businesses or other community space, for the construction of new automobile parking. The other parking mitigation measures which include a shared use parking agreement with the neighboring school or another business with available parking or on-site valet parking provide preferred mitigation measures which do not impact the size of the park.

c. Cumulative Impacts. The EIR identifies that cumulative impacts could occur for Air Quality, **Historic** ~~Cultural~~ Resources, and Noise with the implementation of the project. With project-level mitigation, the potential cumulative Air Quality, **Historic** ~~Cultural~~ Resources, and Noise impacts are still found to be significant. Since addressing significant cumulative conditions is beyond the ability of any individual project to implement, the project's incremental impacts on poor cumulative conditions would be considered significant and unavoidable. The unavoidable significant cumulative impacts on Air Quality, **Historic** ~~Cultural~~ Resources, and Noise are considered acceptable when balanced against the overriding benefits of the project as set forth below in the Statement of Overriding Considerations.

d. Mitigation. Changes or alterations which will mitigate or avoid significant environmental effects have been identified in the final EIR for the subject project. Feasible mitigation measures and a monitoring program have been defined for impacts in the following areas: Air Quality, Biological Resources, Cultural Resources, Hazard and Hazardous Materials, Land Use, Noise, and Transportation/Traffic.

e. Statement of Overriding Consideration. As described in the Final EIR, development of the proposed project would have significant adverse impacts on the environment that cannot be reduced to less than significant levels through implementation of feasible mitigation measures. Section 15093(b) of the State CEQA Guidelines provides that when a project is approved which will result in the occurrence of significant effects that cannot be avoided or substantially lessened, the lead or decision-making agency shall state in writing the reasons to support its action based on the Final EIR and/or other information in the record.

The following impacts are not mitigated to a less than significant level for the proposed Project: Air Quality (Construction), Historic Resources, and Noise

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will result from the implementation phase of the project. Having: (i) adopted all feasible mitigation measures, (ii) rejected alternatives to the proposed project, (iii) recognized all significant unavoidable impacts, and (iv) balanced the benefits of the project against the project's significant and unavoidable impacts, the City hereby finds that the benefits of the project outweigh and override the significant unavoidable impacts for the reasons stated below.

The following stated reasons summarize the benefits, goals and objectives of the proposed Project, and provide the rationale for the benefits of the proposed Project. These overriding considerations of economic, social, aesthetic and environmental benefits of the Project justify adoption of the Project and certification of the completed Final EIR. Many of these overriding considerations individually would outweigh the adverse environmental impacts of the project.

1. Implementation of the Project will maximize the objective of meeting the surface water runoff Total Maximum Daily Load (TMDL) requirements mandated by the Los Angeles Regional Water Quality Control Board for the Los Angeles River Watershed Board. The Project provides long-term benefits by safely managing surface water run-off, which would protect public health and safety.

2. Implementation of the Project will provide open green space, public-use facilities, and recreational and educational amenities in a community where these are needed. The Project revitalizes the street as the unused site, which with the project will become better integrated into the neighborhood fabric and development pattern and will provide valuable community resources, is currently detrimental to the pedestrian environment of the immediate neighborhood. The proposed project maintains the historic character of the site by reusing an existing building while introducing new uses which are assets to the community.

3. Implementation of the Project will maximize the requirements of available funding sources (Proposition O, K, 12, 40 and 50; Bay keepers Settlement Agreement) by maximizing the improvement to water quality on the Wetlands Park Site.

4. Implementation of the Project will assist in the logical development of mixed use projects along Avalon Boulevard by providing assets in the form of open space and community, cultural, and event space and by improving the pedestrian environment in the area.

5. Implementation of the Project will result in a net reduction in Off-Site Signage citywide, as the Sign Supplemental Use District will permit four Billboard Faces to compensate for the displacement of fourteen Billboards in West Los Angeles.

6. Implementation of the Project's Sign Supplemental Use District will allow for the acquisition of the South Los Angeles Wetlands site as a condition of the sale of the property to the City by the property owner (MTA) and to allow the location of billboards onto another MTA property to offset the removals of fourteen advertising displays of various sizes and configurations previously located along the median strip between Big Santa Monica Boulevard and Little Santa Monica Boulevard between Bentley Avenue and Moreno Drive.

f. Mitigation Monitoring. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with Section 21081.6 of the Public Resources Code and Section 15097 of the CEQA Guidelines, which require adoption of a Mitigation Monitoring and Reporting Program for all projects for which an Environmental Impact Report or Mitigated Negative Declaration has been prepared. Specifically, Section 21081.6 of the Public Resources Code states: "the [lead] agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment...[and that program]...shall be designed to ensure compliance during project implementation." The City of Los Angeles is the lead agency for the proposed project. The Department of City Planning is a Responsible Agency for the proposed project.

The MMRP describes the procedures for the implementation of all of the mitigation measures identified in the EIR for the proposed project. It is the intent of the MMRP to: (1) verify satisfaction of the required mitigation measures of the EIR; (2) provide a methodology to document implementation of the required mitigation; (3) provide a record of the Monitoring Program; (4) identify monitoring responsibility; (5) establish administrative procedures for the clearance of mitigation measures; (6) establish the frequency and duration of monitoring; and (7) utilize existing review processes where feasible.

The MMRP lists mitigation measures according to the same numbering system contained in the Draft EIR sections. Each mitigation measure is categorized by topic, with an accompanying discussion of the following:

(i) The phase of the project during which the mitigation measure should be monitored (i.e., prior to issuance of a building permit, construction, or occupancy); (ii) The enforcement agency (i.e., the agency with the authority to enforce the mitigation measure); and (iii) The monitoring agency (i.e., the agency to which mitigation reports involving feasibility, compliance, implementation, and development operation are made).

The applicant and/or successor shall be obligated to demonstrate that compliance with the required mitigation measures has been effected. All departments are within the City of Los Angeles unless otherwise noted. The entity responsible for the

implementation of all mitigation measures shall be the applicant and/or the successor unless otherwise noted.

g. Alternatives. Pursuant to CEQA, the EIR must assess a reasonable range of alternatives to the project action or location (Section 15126.6{d}). The discussion must focus on opportunities for eliminating any significant adverse environmental effects, or reducing them to a level of less than significant "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly..." (Section 15126.6{d}). The EIR must identify an environmentally superior alternative among the evaluated alternatives. As with cumulative impacts, the discussion of alternatives is governed by the "rule of reason."

The EIR need not consider an alternative whose effect cannot be reasonably ascertained, or does not contribute to an informed decision-making and public participation process. The No-Project Alternative would be environmentally superior to the proposed project because it minimizes or eliminates physical environmental impacts. However, pursuant to Public Resources Code Section 21081(a)(3), the "No Project" alternative does not all for specific economic, legal, social, technological, or other considerations, including considerations in Section 8.d of these Findings (Statement of Overriding Considerations) and makes infeasible the No Project Alternative described in the EIR. The "No Project" alternative would fail to support the objectives of the project, such as help the City meet Total Maximum Daily Load requirements for discharges to the Los Angeles River and because it would not provide open space and recreational and educational opportunities which are need in Southeast Los Angeles.

In addition to the proposed project, the Draft EIR evaluated a reasonable range of four alternatives to the proposed project. These alternatives include: 1) Alternative 1: Slightly Reduced Wetlands Park and Sign SUD; 2) Alternative 2: Substantially Reduced Wetlands Park and Sign SUD; and 3) No Project Alternative. In accordance with CEQA requirements, the alternatives to the project include a "No Project" alternative and alternatives capable of eliminating the significant adverse impacts of the proposed project. The following describes the project alternatives along with their associated environmental impacts and findings:

1. **Alternative 1: Slightly Reduced Wetlands Park and Sign SUD.** Alternative 1 differs from the proposed Project in that it would reduce the number of historic structures that would be demolished, which would reduce the size of the proposed Wetlands Park. The Wetlands Park, under Alternative 1, would be slightly smaller (25 percent less or approximately 3.4 acres) than that of the proposed Project. The adaptive reuse of the historic building and the Sign SUD under this Alternative would be the same as the proposed Project. In addition, this alternative would retain but not reuse one of the other existing historic buildings on-site. The retained historic building not subject to reuse would not be rehabilitated but would be maintained in the current condition to avoid further deterioration until such time that the City finds a use for the building.

   This alternative would still provide runoff quality improvements, but not as much as the proposed Project due to the smaller constructed wetlands footprint. In addition, Alternative 1 would provide open green space, public-use facilities, and recreational opportunities, but at a reduced level compared to the proposed project. Of the build alternatives, Alternative 1 would result in fewer environmental impacts than the proposed Project; however, it is not being

recommended for implementation due to its lower level of water quality improvement and community betterment benefits.

2. **Alternative 2: Substantially Reduced Wetlands Park and Sign SUD.** Alternative 2 differs from the proposed Project in that it would further reduce the number of historic structures that would be demolished, which would further reduce the size of the proposed Wetlands Park. The proposed Wetlands Park under Alternative 2 would be approximately 50 percent smaller than that of the proposed Project (2.25 acres). The adaptive reuse of the historic building and the Sign SUD under this Alternative would be the same as the proposed Project. In addition, this alternative would retain but not reuse two of the other existing historic buildings on-site. The retained historic buildings not subject to reuse would not be rehabilitated but would be maintained in the current condition to avoid further deterioration until such time that the City finds a use for the buildings.

   This alternative would still provide runoff quality improvements, but not as much as the proposed Project or Alternative 1 due to the smaller constructed wetlands footprint. In addition, Alternative 2 would provide open green space, public-use facilities, and recreational opportunities, but at a reduced level compared to the Preferred Project and Alternative 1. Of the build alternatives, Alternative 2 would result in the fewest environmental impacts, but is not being recommended for implementation due to its lower level of water quality improvement and community betterment benefits due to the smaller constructed wetlands footprint. In addition, Alternative 2 would provide open green space, public-use facilities, and recreational opportunities, but at a reduced level compared to the Preferred Project and Alternative 1. Of the build alternatives, Alternative 2 would result in the fewest environmental impacts, but is not being recommended for implementation due to its lower level of water quality improvement and community betterment benefits.

3. **No Project Alternative.** Under the No Project Alternative, the City would not purchase the Wetlands Park site from Metro. The existing site would remain in Metro ownership and would continue to function as a Metro maintenance yard. This alternative would not provide a Sign SUD at the Metro bus yard (720 15th Street).

   Although the No Project would result in the fewest environmental impacts, it has not been recommended for implementation because it would not help the City meet TMDL requirements (for discharges to the Los Angeles River) and because it would not provide open green space, public-use facilities, or recreational opportunities, which are community betterments that are needed on the Southeast Los Angeles area.

Based upon the above findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

PUBLIC HEARING AND COMMUNICATIONS

A public hearing on this matter was held at the South Park Recreational Center, 345 East 51st Street, Los Angeles, 90011 on Tuesday November 13, 2007 at 7:30 p.m.

1. Present: 12 people attended.

2. Speakers: 4 people spoke; all speakers spoke both in favor of the project and made general comments regarding the South Los Angeles Wetlands Park; the speakers were residents and business owners in the Southeast Los Angeles Community

Communications Received

Bureau of Engineering Board Report on the EIR

Summary of Public Hearing Testimony and Communications Received.

Points in favor

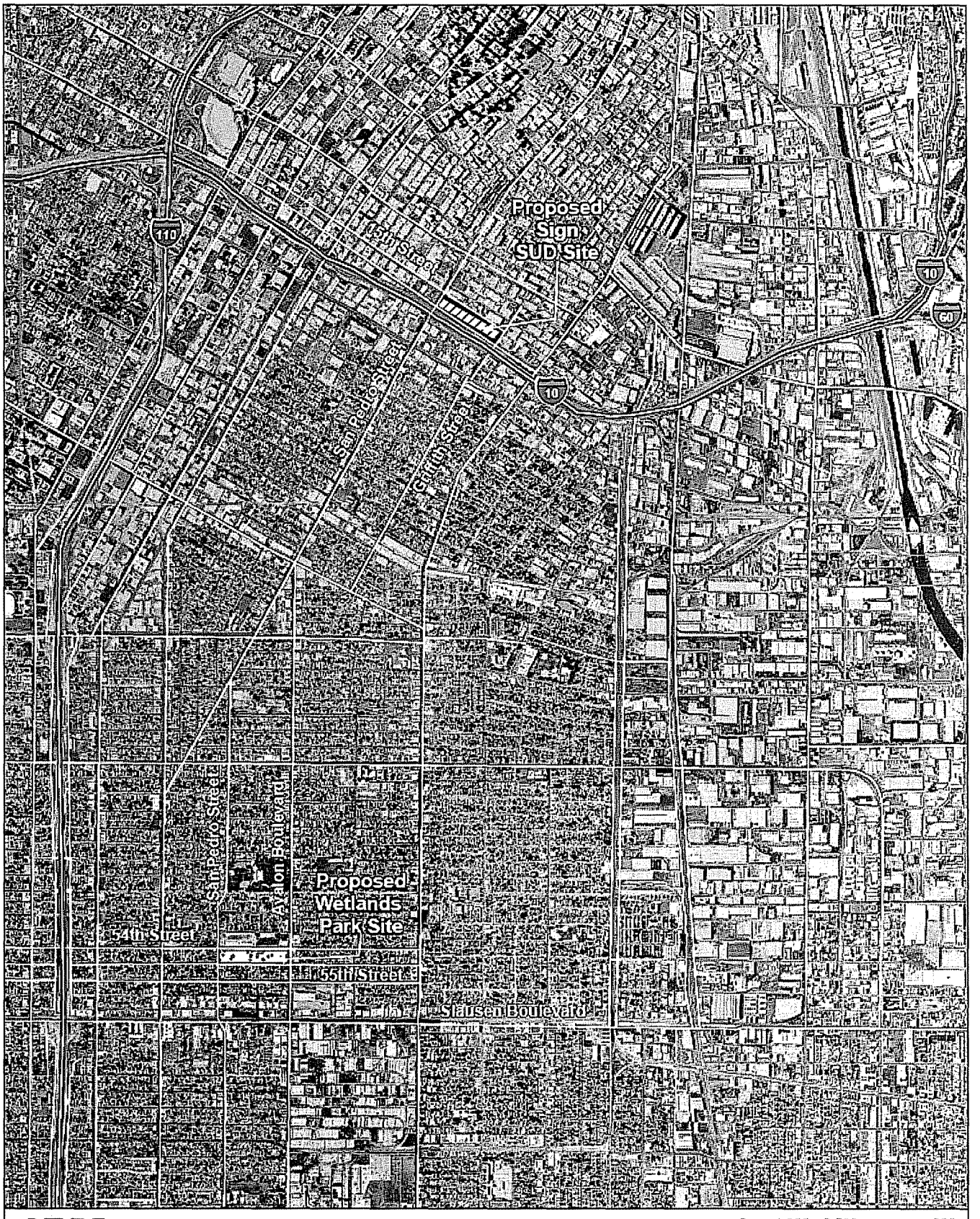
- The project provides needed new open space.
- The project provides the opportunity for educational opportunities.
- The project can provide the opportunity for office space for a new local business incubator.

General Comments

- The City should require local hiring for both construction related and permanent jobs.
- The City should actively recruit local community members for employment on-site.
- The park should be adequately lit to provide maximum safety.
- Required parking should be provided on-site to limit street parking by users of the park.
- Existing residential neighborhood has limited parking.
- Free street parking should be maintained as the existing community is low-income.
- Parking should not be limited on the street as it is surrounding the South Park Recreational Facilities
- The project should be accessible by bicycle and have bicycle paths.
- The community needs to be part of the process for the programming of the building.
- Educational opportunities need to be provided within the building.

Communications Received Subsequent to the Public Hearing

Several written communications were receieved from the community subsequent to the Public Hearing. All of these communications expressed concerns over the traffic safety impacts of digital billboards adjacent to the freeway and the visual aesthetic impacts of allowing any new billboards in the City.



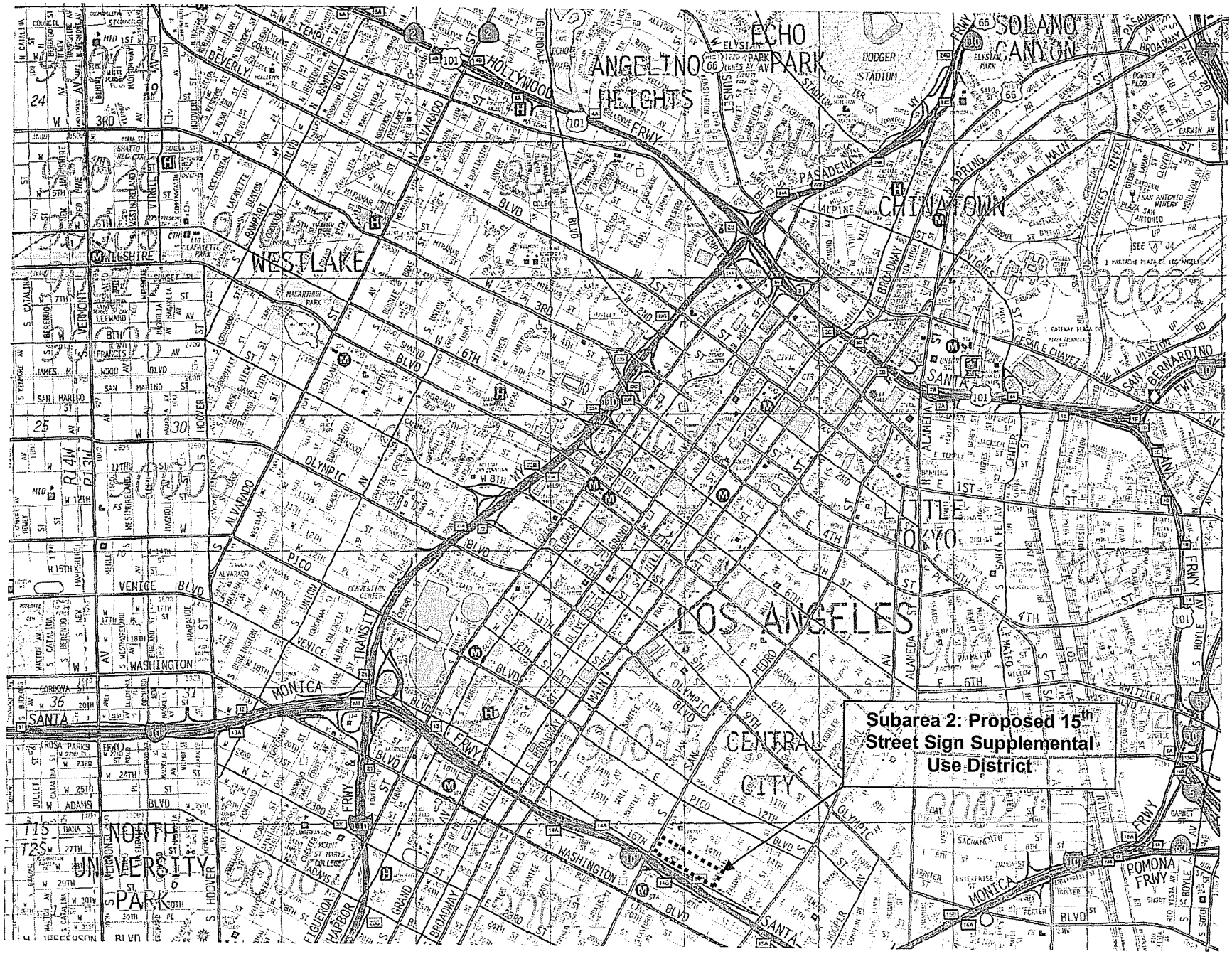
CDM

City of Los Angeles Bureau of Engineering
South Los Angeles Wetlands Park

0 1,000 2,000 4,000
Feet

Site Vicinity Map

Figure 1-2

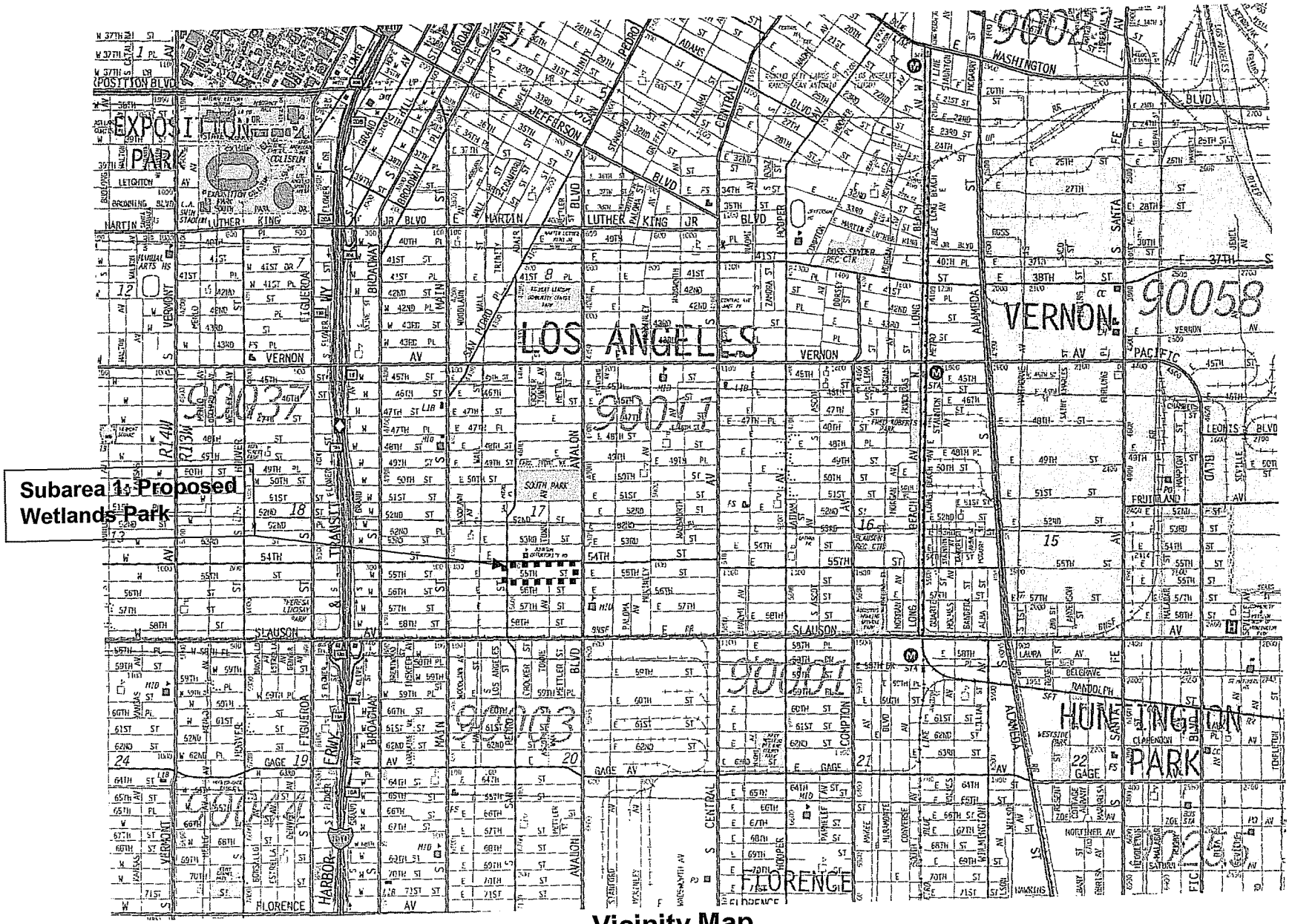


Vicinity Map

Subarea 2: Proposed 15th Street Sign Supplemental Use District

EXHIBIT A1-3

CPC-2006-9769-GPA-ZC-ZV-CU-SN

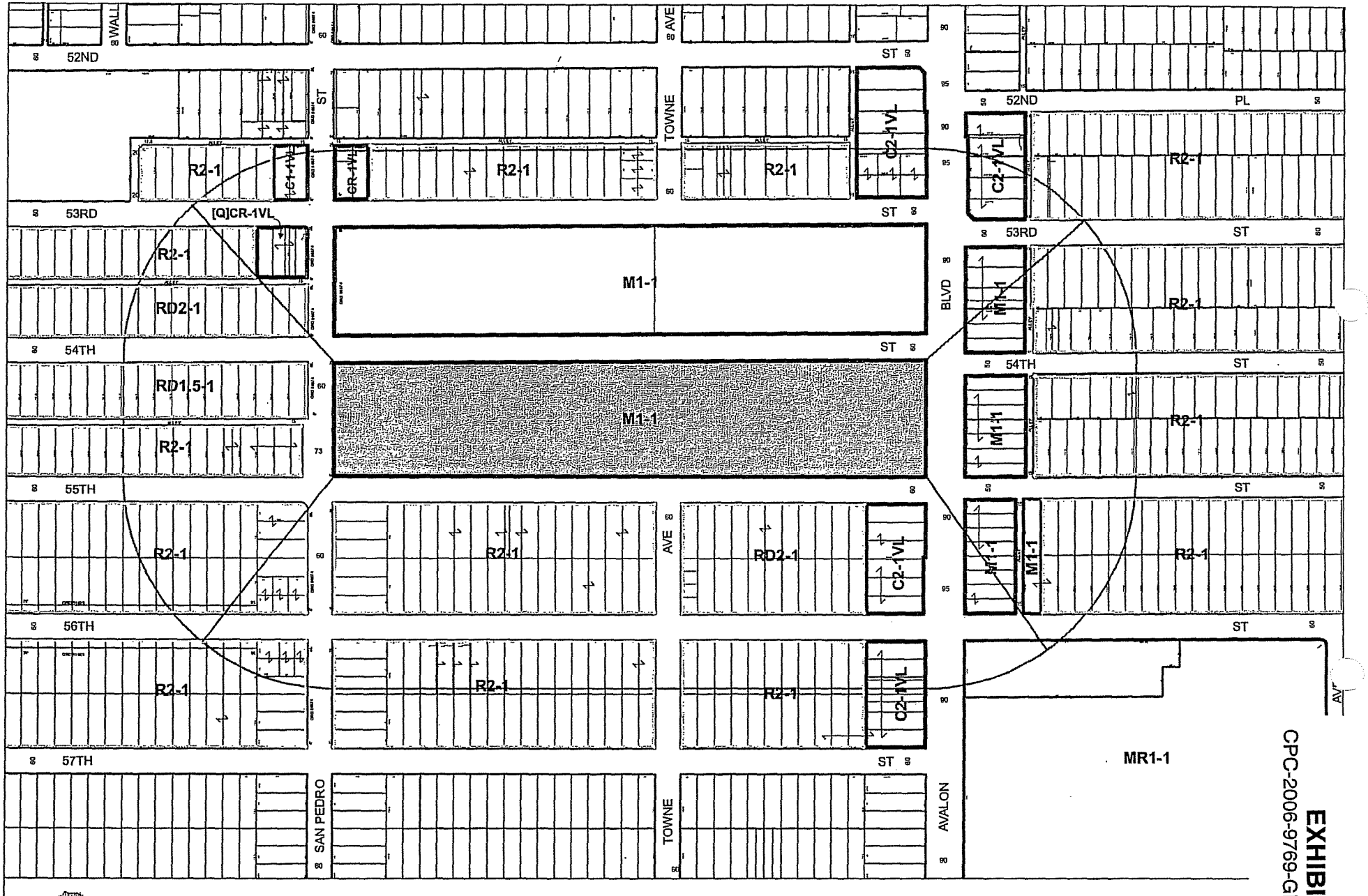


Vicinity Map

Subarea 1: Proposed South Los Angeles Wetlands Park

EXHIBIT A1-2

CPC-2006-9769-GPA-ZC-ZV-CU-SN



Radius Map

Subarea 1: Proposed South Los Angeles Wetlands Park

THOMAS BROS.
PAGE: 674
GRID: D5
C.D.: 9
P.A.: SOUTHEAST LOS ANGELES
C.T.: 2294.1

CASE NO: CPC 2006-9769-GPA-ZC-SN-CU-ZV
DATE: 09/18/07
C.M.: 108 B 205
SCALE: NOT TO SCALE
USES: HEARING
GIS: ARMANDO ALFARO

9.02 NT. AC.

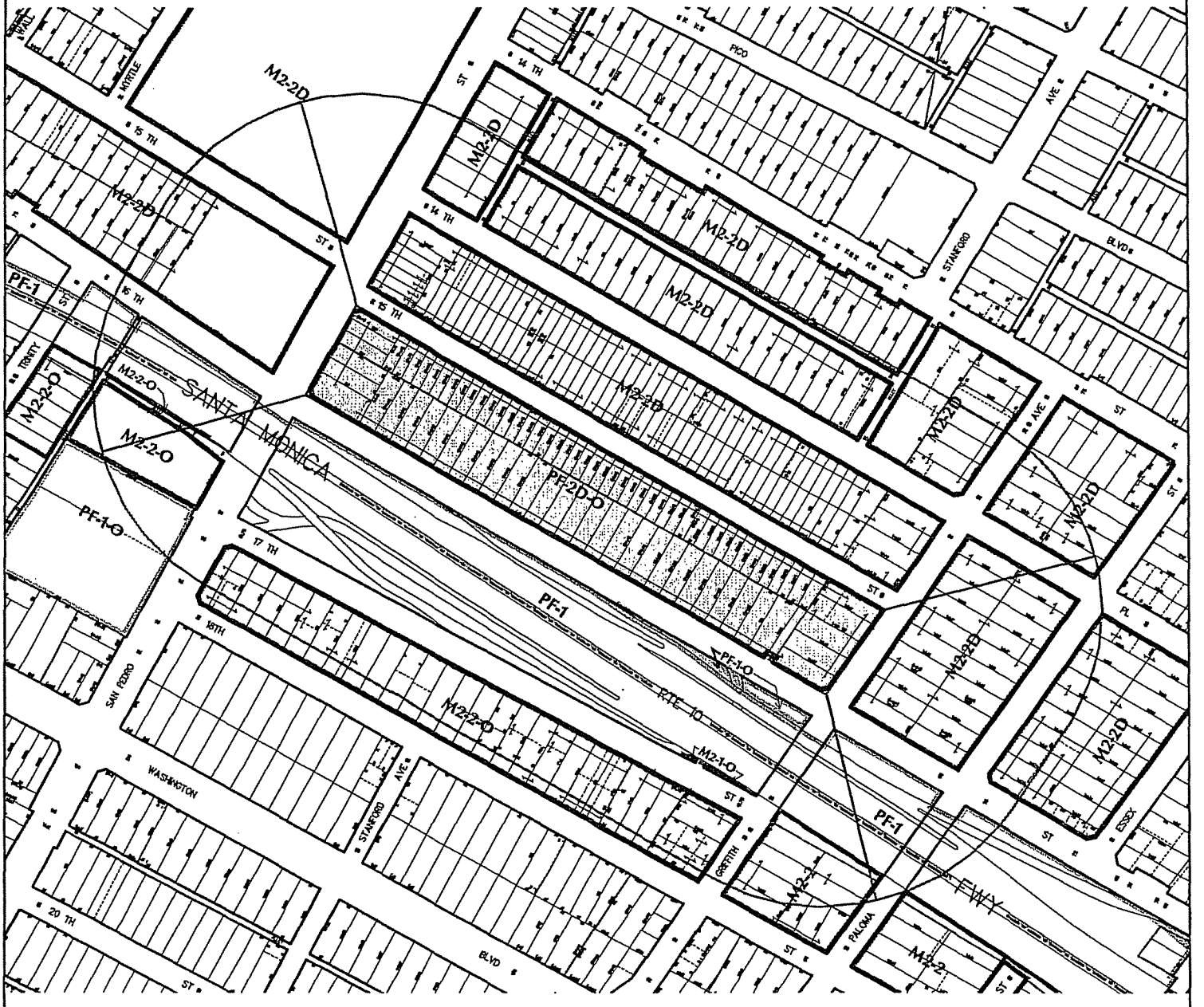
DATA SOURCES: DEPARTMENT OF CITY PLANNING - DEPARTMENT OF BUILDING & SAFETY - BUREAU OF ENGINEERING

EXHIBIT A2-1

CPC-2006-9769-GPA-ZC-ZV-CU-SN

EXHIBIT A2-2

CPC-2006-9769-GPA-ZC-ZV-CU-SN



Radius Map

Subarea 2: Proposed 15th Street Sign Supplemental Use District

City of Los Angeles Department of City Planning
Geographic Information Systems

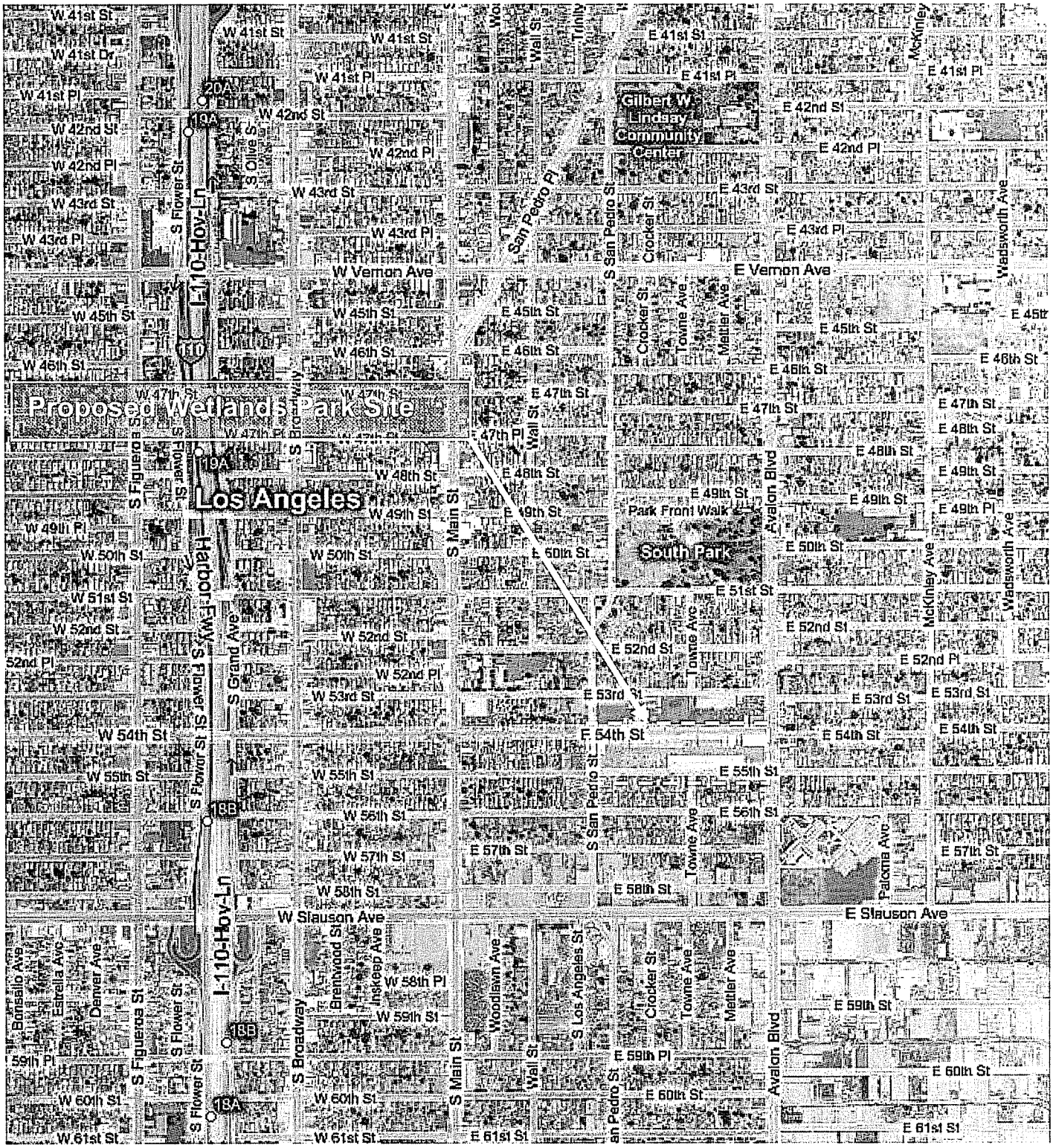
THOMAS BROS.		CASE NO:	CPC 2006-9769 GPA ZC SN CU ZV
PAGE:	634	DATE:	09-19-07
GRID:	E,F 7	C.M.:	123 A 209, 123 A 211, 121.5 A 211, 121.5 A 209
C.D.:	09	SCALE:	NOT TO SCALE
P.A.:	CENTRAL CITY	USES:	FIELD
C.T.:	2250.00	GIS:	ART ESPINOZA

7.63 NT. ZC.

NORTH

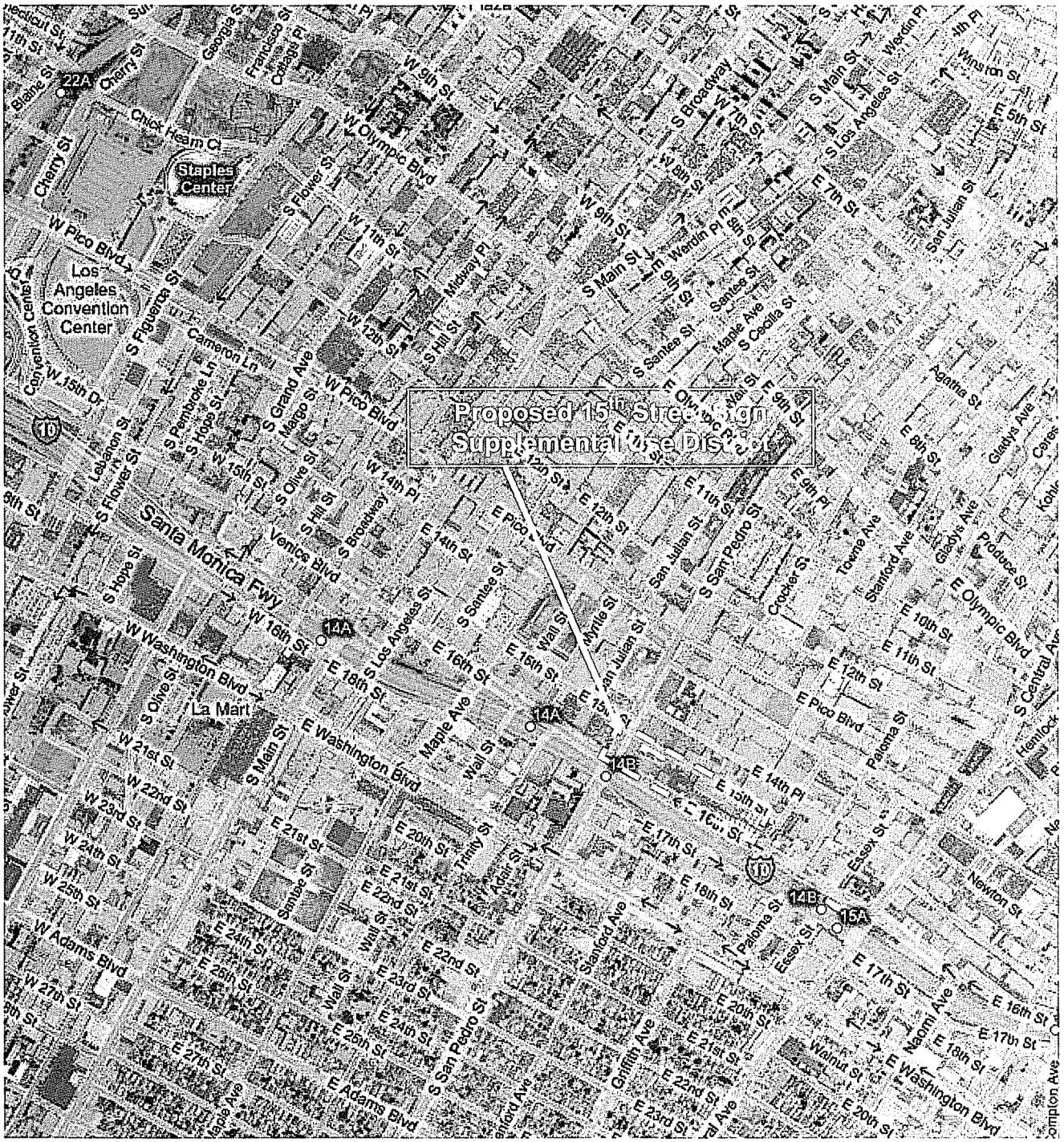
EXHIBIT A3-1

CPC-2006-9769-GPA-ZC-ZV-CU-SN



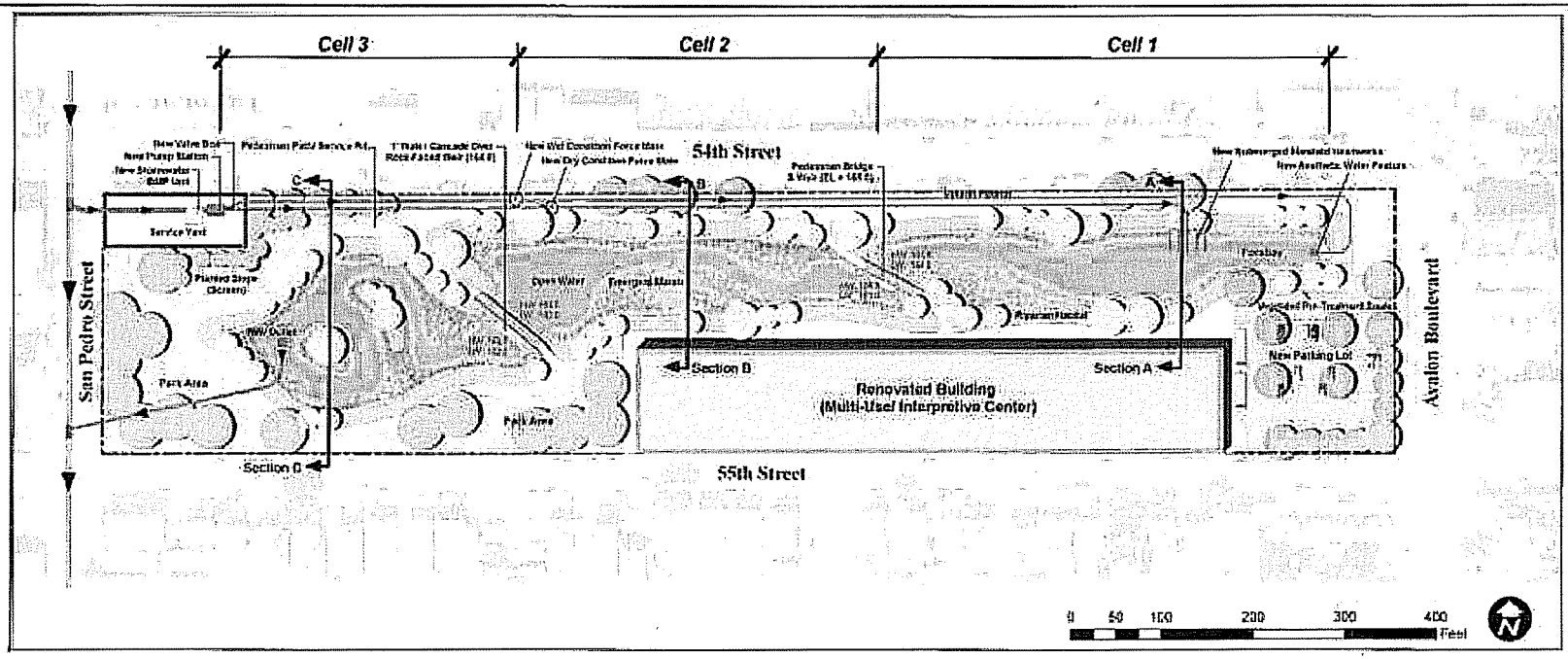
Aerial Map

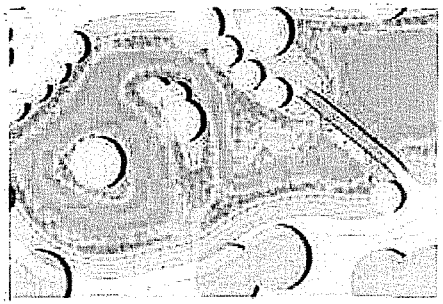
Subarea 1: Proposed South Los Angeles Wetlands Park



Aerial Map

Subarea 2: Proposed 15th Street Sign
Supplemental Use District





Cell 3 Enlargement

Upland Habitat

Riparian Habitat

Emergent Marsh Habitat

Source: Psomas (July 18, 2007)

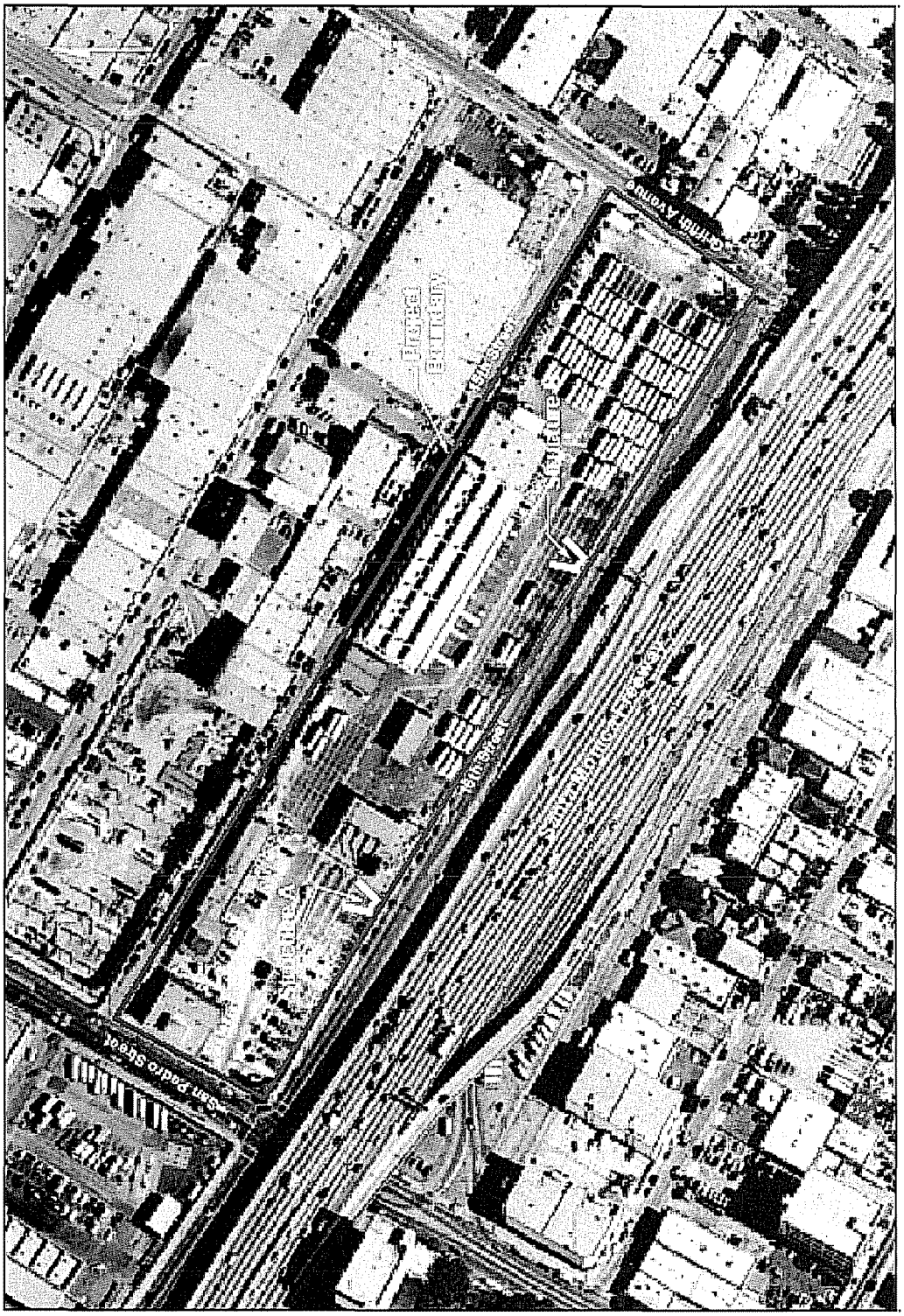
CDM

City of Los Angeles Bureau of Engineering
South Los Angeles Wetlands Park Project

Proposed Wetlands Park Preliminary Site Plan

EXHIBIT B1
CPC-2006-9769-GPA-ZC-ZV-CU-SN

EXHIBIT B2
CPC-2006-9769-GPA-ZC-ZV-CU-SN



Site Plan
Subarea 2: 15th Street Sign Supplemental Use

DRAFT

EXHIBIT F
CPC-2006-9769-GPA-ZC-ZV-CU-SN

ORDINANCE NO. _____

An ordinance establishing the 15th Street Signage Supplemental Use District pursuant to Section 13.11 of the Los Angeles Municipal Code.

WHEREAS, in 1992, the Metropolitan Transit Authority ("MTA") purchased the railroad right-of-way between little and big Santa Monica Boulevards. At the time of purchase, there was a declaration in the purchase agreement that stated that the purchase was in-lieu of condemnation; and

WHEREAS, the right of way contained fourteen billboard structures with both single and double sign faces that were owned by a number of off-site advertising companies; and

WHEREAS, the City of Los Angeles obtained financing from other governmental entities to undertake the realignment of Santa Monica Boulevard in order to eliminate the railroad right-of-way, and combine little and big Santa Monica Boulevards in order to facilitate the east-west flow of traffic between the 405 freeway and the City of Beverly Hills border; and

WHEREAS, in order to construct the realignment, all of the existing billboard structures had to be removed. To further this end, the MTA ordered the billboard companies to remove the billboard structures; and

WHEREAS, the billboard companies claimed that they were entitled to just compensation for the removal of the billboard structures pursuant to Section 5412 of the Business and Professions ("B&P") Code, and

WHEREAS, B&P Code Section 5412 states that it is the "policy of the state to encourage local entities and display owners to enter into relocation agreements which allow local entities to continue development in a planned manner without expenditure of public funds. . .''; and

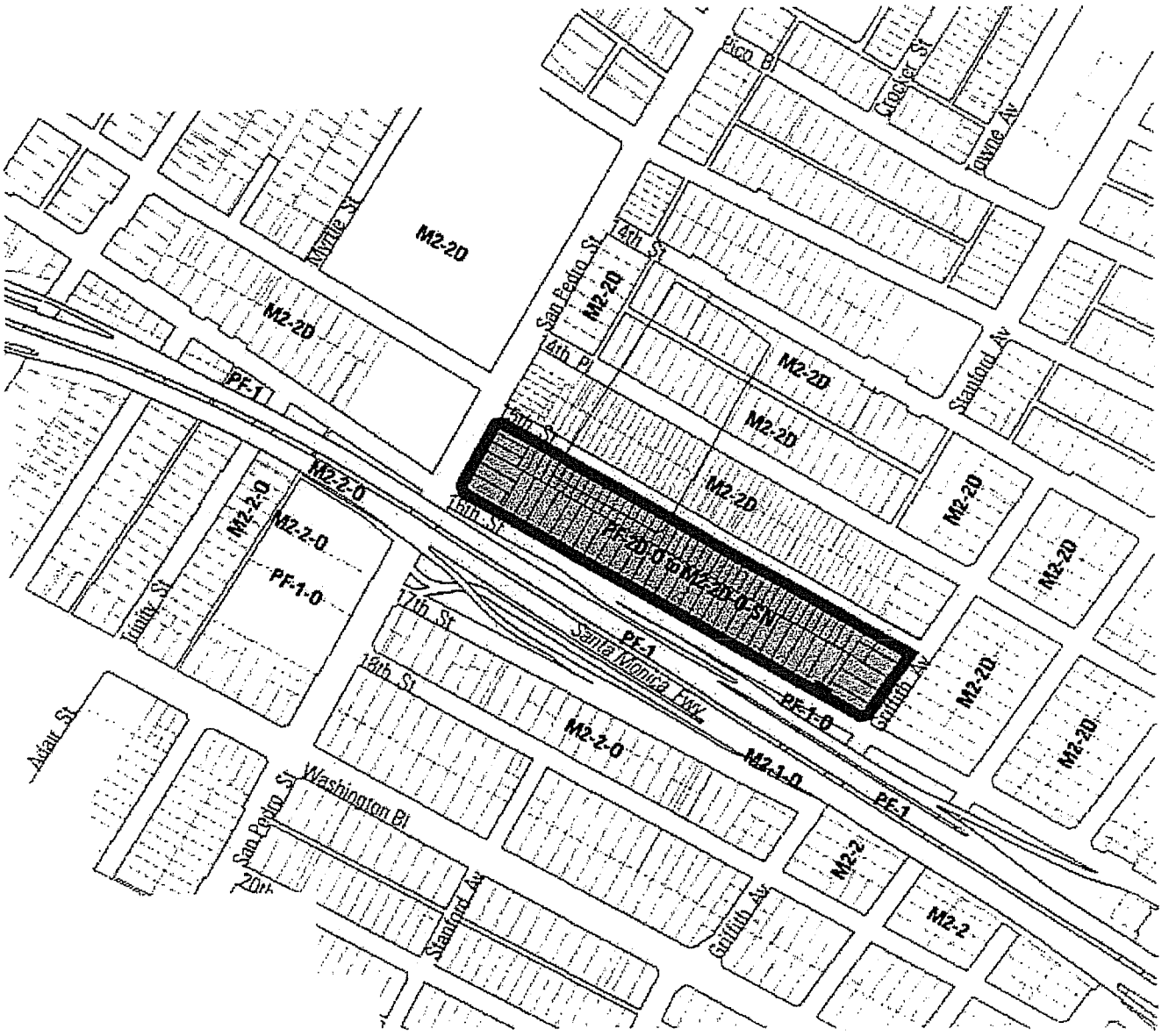
WHEREAS, this Signage Supplemental Use District will only permit four billboard faces at 720 East 15th Street on a Metro owned bus yard in the Central City Community Plan and will be in exchange for any claim of just compensation which the off-site advertising companies may have; and

WHEREAS, the four billboard faces permitted by this ordinance represent a net reduction in billboards on a citywide basis as fourteen billboards were displaced by the Santa Monica Boulevard Transit Parkway Project in West Los Angeles Community Plan.

NOW, THEREFORE,

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. **ESTABLISHMENT OF THE 15th Street SIGNAGE SUPPLEMENTAL USE DISTRICT.** The City Council hereby establishes the 15th Street Signage Supplemental Use District ("District") applicable to that area of the City of Los Angeles shown within the heavy lines on the attached map.


M2-2D
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M2-2D

Section 2 **PURPOSES.** The District is intended to:

A. Limit visual clutter by regulating the number, size and location of signs

B. Minimize potential traffic hazards and protect public safety.

C. Protect street views and scenic vistas of the Downtown Skyline.

D. Provide for the relocation of signs required to be removed pursuant to the California Business Professional Code Section 5412.

Section 3. **APPLICATION OF SUPPLEMENTAL USE DISTRICT REGULATIONS.**

A. The regulations of this Ordinance are in addition to those set forth in the planning and zoning provisions of the Los Angeles Municipal Code ("Code"). These regulations do not convey any rights not otherwise granted under the provisions and procedures contained in the Code or other relevant ordinances, except as specifically provided in this Ordinance.

B. Wherever this Ordinance contains provisions which establish regulations that are different from, more restrictive than or more permissive than would be allowed pursuant to the provisions contained in the Code, this Ordinance shall prevail and supersede the applicable provisions of the Code and those relevant ordinances.

Section 4. **DEFINITIONS.** The following terms, whenever used in this Ordinance, shall be as defined in this Section. Words and phrases not defined here shall be construed as defined in Sections 12.03 and 14.4.2 of the Code, if defined therein.

BILLBOARD SIGN: Any sign on one or more poles or columns that:

1. is four feet or greater in height as measured from the natural or finished grade, whichever is higher, to the bottom of the sign, and

2. is structurally separate from an existing building or other improvement on a lot, and

3. is supporting a sign panel that is attached to the pole(s), post(s), or column(s) and that may be cantilevered over a building or structure on the lot.

ELECTRONIC MESSAGE DISPLAY A sign that displays still images utilizing a series or grid of lights that may be changed by electronic means, including cathode ray, light emitting diode display (LED), plasma screen, liquid crystal display (LCD), fiber optic, or other electronic media or technology approved by LADBS.

LIGHT BOX A portable unit not to exceed 222 square feet installed upon an existing sign face that displays still images utilizing a series or grid of lights that may be changed by electronic means, including cathode ray, light emitting diode display (LED),

plasma screen, liquid crystal display (LCD), fiber optic, or other electronic media or technology approved by LADBS.

SIGN EXTENSION A temporary addition not to exceed 222 square feet outside the dimensions of the sign face of a Billboard Sign.

Section 5. **SIGNAGE SUPPLEMENTAL USE DISTRICT COMPLIANCE REQUIREMENTS**

A. Prohibition. The Department of Building and Safety (LADBS) shall not issue a permit for a sign unless the sign complies with the requirements of this Ordinance, as determined by the Director of Planning and relevant requirements of the Code. Unless otherwise specified in this Signage Supplemental Use District to the contrary, all signs shall comply with the provisions of Sections 28.00, et seq.; 67.00, et seq.; and 91.6201, et seq. of the Code.

B. Planning Department Sign Off Required. Pursuant to Section 11.5.7.C.1 of the Code which allows the Director to determine the procedures for review of projects, a permit may be issued by LADBS with only a Planning Department sign off on the building permit application. Upon review and approval that the sign complies with the requirements of this Ordinance, the Director shall stamp, sign, and date the permit application plans which shall be given to LADBS prior to the issuance of any building permit.

C. Request for Exceptions from the Regulations. The Area Planning Commission shall have initial decision-making authority for granting exceptions from the provisions of this Ordinance. An applicant who is requesting an exception from the provisions of this Ordinance shall utilize the procedures for a Specific Plan Exception set forth in Section 11.5.7 of the Code. In granting an exception, the Area Planning Commission shall make all the enumerated findings set forth in Section 11.5.7 F 2 of the Code.

D. Alterations, Repairs, or Rehabilitation. Any alteration, repair or maintenance work on a legally permitted sign or sign support structure shall be governed by Section 91.6216.4 of the Code. Notwithstanding the provisions of Section 91.6216.4.1, 1 to the contrary, if either of the permitted sign support structures or signs are damaged by any means outside the sign company's control, the sign support structure and/or signs may be restored to their previously existing specifications and locations.

Section 6. **GENERAL REQUIREMENTS**

A. General Requirements of the Code. Unless otherwise specified in this Ordinance to the contrary, the general sign requirements set forth in the Code shall apply to this District for permits, plans, design and construction, materials, street address numbers, identification, maintenance, prohibited locations, and sign illumination. Notwithstanding the above, no application for a permit shall be subject to Sections 14.4.18A, B and E; 14.4.5; and 14.4.6 of the Code

B. Permitted Signs. All signs defined in Section 4 above and On-Site signs which are otherwise permitted by the Code shall be permitted, as set forth in this District.

C. Permitted Off-Site Signage. Off-Site advertising is permitted on Billboard Signs.

D. Fire Safety. All new signs and sign support structures shall be made of noncombustible materials or approved plastics. In the case of new or untested materials, the applicant shall submit a sample of a sign's material to the Fire Department for approval.

E. Caltrans Approval. All applicable signs shall continue to be subject to Caltrans approval.

F. Landscaping. The applicant for two billboard structures shall be required to landscape the perimeter of the District by planting vines on the fence surrounding the site and planting street trees, where none currently exist, in the public right of way, to the satisfaction of the Director of Planning and the Department of Public Works. The applicant shall submit a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect, prior to the issuance of any building permits.

G. Public Service Announcements. Any Billboard Signs which consist of an Electronic Message Display shall be made available no less then 30 minutes a day to community groups including the Fashion District Business Improvement District for use as a part of a public art project or for community service or special event use. The applicant may negotiate a process with the Community Redevelopment Agency to facilitate the use of the sign by community groups and shall present to the Planning Department the agreement with the CRA regarding this matter prior to building permit signoff. If the applicant does not enter into an agreement with the Community Redevelopment Agency, then the applicant shall furnish evidence of the offer to community groups and their response to the Planning Department, prior to building permit sign off.

Section 7. **STANDARDS FOR BILLBOARD SIGNS.**

A. Number. There shall be no more than two Billboard Signs in the District.

B. Location.

1. One Billboard Sign shall be located a minimum of 340 feet east of the centerline of San Pedro Street and a minimum of 460 feet west of the centerline of Griffith Avenue Street.

2. One Billboard Sign shall be located a maximum of 100 feet from the centerline of 16th Street.

C. Sign Spacing. Notwithstanding the provisions of Section 14.4.18 E of the Code to the contrary, the spacing between Billboard Signs shall be a minimum of 500 feet. Spacing shall be measure in accordance with Section 14.4.18 E of the Code.

D. Double-faced Signs. Billboard Signs shall comply with Section 14.4.18 F of the Code.

E. **Sign Area.** The area of a single sign face shall be not exceed 672 square feet as calculated pursuant to Section 14.4.2 of the Code. Sign Extensions, as defined by Section 4 of this Ordinance, are excluded from the computation of sign area.

F. **Dimensions**

1. Sign Face. The dimensions of any single sign face shall be a maximum of 14 feet in height and 48 feet in width, excluding any sign extensions.

2. Height.

a. The height to the top of any Billboard Sign, exclusive of any Sign Extension, shall be limited to a maximum of 76 feet above the sidewalk grade.

b. The height to the top of any Billboard Sign with a Sign Extension, shall be limited to a maximum of 81'6" above the sidewalk grade.

c. The bottom of the sign face, including any Sign Extension, shall be a minimum of 55 feet above the sidewalk grade.

G. **Illumination.** A Billboard Sign may be illuminated 24 hours a day, seven days a week. Signs, excluding Electronic Message Displays, shall be illuminated only by external means. Methods of signage illumination may include, but not be limited to: electric lamps, such as neon tubes; fiber optic; incandescent lamps; cathode ray tubes exposed directly to view; shielded spot lights and wall wash fixtures.

H. **Electronic Message Displays**

1. Location. A maximum of two of the sign faces may be Electronic Message Displays.

2. Illumination.

a. An Electronic Message Display shall have no illumination which is in continuous motion or which appears to be in continuous motion.

b. The display message shall not change at a rate faster than one (1) message every four (4) seconds.

c. The interval between messages shall not be less than one (1) second

d. The intensity of illumination shall be the same for all display messages.

I. **Sign Extensions.**

1. General. No Electronic Message Display shall be permitted on a Sign Extension.

2. Permit Required. A building permit shall be required for a Sign Extension.

3. **Location.** Any single Sign Extension shall be limited to a maximum height of 6 feet above the sign face, 3 feet beyond the vertical sides of the sign face, and 2 feet below the sign face.

4. **Area.** The total area of sign extensions on any one sign face shall not exceed 222 square feet.

5. **Number.** Only one Sign Extension per sign face shall be permitted at a time.

6. **Time Limit.** Any Sign Extension shall be removed within 365 days of the date of installation of the Sign Extension.

J. **Light Boxes**

1. **Location**

   a. A Light Box shall only be located on a sign face which does not operate as an Electronic Message Display

   b. A Light Box shall be installed directly upon a Billboard Sign face and shall not be outside the dimensions of the Billboard Sign face.

2. **Area.** A single Light Box shall not exceed 222 square feet in area.

3. **Illumination.**

   a. The Light Box shall have no illumination which is in continuous motion, which appears to be in continuous motion, or which flashes.

   b. The Light Box message shall not change at a rate faster than one message every two (2) minutes.

   c. The interval between messages shall not be less than one (1) second.

Section 8. **SEVERIBILITY.** If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Ordinance which can be implemented without the invalid provision, and, to this end, the provision of this Ordinance are declared to be severable.

Section 9. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, by a vote of not less than three-fourths of all of its members at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By _____
Deputy

Approved _____

_____
Mayor

Approved as to Form and Legality

_____
ROCKARD J. DELGADILLO, City Attorney

By _____

_____ City Attorney

Pursuant to Charter Sec. 559, I approve this ordinance and recommend its adoption for the City Planning Commission.....

December , 2007

See attached report

.....
Director of Planning

File No. C.F. _____ (Publish4)
CPC 2006-9769-GPA-ZC-CU-ZV-SN

DEC 15 2006 PLANNING and LAND USE MGT.

MOTION

The City passed an ordinance which became effective June 10, 2002, that established a citywide ban on off-site signs (billboards) (Los Angeles Municipal Code - Section 12.21A. 7(L)), as delineated below:

> LAMC Section 12.21A.7(L): "*Off-site signs.* No off-site sign shall be allowed in any zone, except when off-site signs are specifically permitted pursuant to a legally adopted specific plan, supplemental use district or an approved development agreement. Further, the legally permitted existing signs shall not be altered or enlarged (Amended by Ordinance No. 174,547, Effective June 10, 2002.)"

As specified above, the only procedures that allow an off-site sign in the City of Los Angeles is either through a legally adopted specific plan; supplemental use district (LAMC 12.32 S); or an approved development agreement.

I THEREFORE MOVE, that the Council direct the Planning Department to initiate proceedings, prepare the necessary maps and reports to establish a Supplemental Use District (SUD), as delineated in Los Angeles Municipal Code (LAMC) Section 12.32 S (Supplemental Use Districts), for property located at 720 East 15th Street; and to make this request part of their Work Program.

I FURTHER MOVE that the Council direct the Planning Department to prepare a report for the review and consideration of the Planning and Land Use Management (PLUM) Committee, and coordinate their response with Council District 9.

PRESENTED BY: _____
Jan Perry
Councilwoman, 9th District

SECONDED BY: _____

DEC 15 2006

EXHIBIT H3
CPC-2006-9769-GPA-ZC-ZV-CU-SN

EGCD9 05-1231-S1

ORDINANCE NO. 174547

An ordinance amending Sections 12.21 and 91.6205.11 of the Los Angeles Municipal Code relating to signs.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Subdivision 7 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended as follows:

7. No nameplate, sign or advertising matter of any kind shall be placed or maintained on any lot in any zone except in accordance with the following regulations:

(a) All nameplates, signs and advertising matter on a lot in an "A" or "R" Zone shall pertain to a permitted use (except that no signs shall be permitted to identify a home occupation) or indicate the name of the occupant and shall be located on the same lot with that use;

(b) No nameplate, sign or advertising matter, which is attached to a building on a lot in an "A" or "R" Zone, may project above the roof ridge or parapet wall (whichever is the higher) of the building;

(c) No illuminated nameplate, identification sign or advertising matter, which is permitted by this subdivision, may be of the flashing, moving or animated type;

(d) There may be only one unlighted nameplate for each dwelling unit on a lot in an "A" or "R" Zone indicating the name of the occupant, (except that no signs shall be permitted to identify a home occupation), and no nameplate may exceed three square feet in area in an "A" Zone, nor exceed one and one-half square feet in area in an "R" Zone;

(e) There may be one or more unlighted signs pertaining to the sale of farm products raised or produced on the premises, but the total area of all these signs shall not exceed 20 square feet on any lot in an "A" Zone, nor exceed 12 feet on any lot in an "R" Zone;

(f) There may be one or more unlighted signs pertaining to the prospective rental or sale of the property, but the total area of all these signs shall not exceed 20 square feet on any lot in an "A" Zone, nor exceed 12 square feet on any lot in an "R" Zone;

(g) There may be one identification sign for each farm, ranch, estate or building other than a dwelling in an "A" Zone, but that identification sign may not exceed 20 square feet in area;

(h) There may be one or more signs identifying the buildings or permitted use (except that no signs shall be permitted to identify a home occupation) on any lot in any "R" Zone, but no one sign may have a surface area which exceeds 20 square feet, nor shall the total surface area of all these signs exceed 30 square feet;

(i) There may be one church bulletin board, not exceeding 18 square feet in area, on any lot in any "A" or "R" Zone;

(j) There may be one or more signs, warning against trespassing, on any lot in an "A" Zone, but no one sign shall exceed three square feet in area.

(k) Temporary Subdivision Directional Signs. Notwithstanding any other provision of this article, a Zoning Administrator may approve the use of any property in an "A" or "R" Zone for the erection and maintenance of temporary unlighted subdivision directional signs, which are neither reflective nor fluorescent, if he or she finds that the location of the signs is proper in relation to uses of adjacent property and that the use will not be materially detrimental to the property of other persons located in that vicinity. This approval shall be subject to the following regulations:

(1) An application shall be filed in the Office of Zoning Administration upon a form and accompanied by the data and information as has been prescribed by the Office. Each application shall be consented to and acknowledged by the owner or lessee of each parcel of property upon which a sign is to erected. Only one application need be filed for all temporary, unlighted, subdivision directional signs relating to a single subdivision separately numbered and recorded by the Los Angeles County Recorder. The manner of installation and conditions regulating number, size and type of signs shall be determined and approved by a Zoning Administrator. To the extent possible, he or she shall make available a list or explanation of those installation features and conditions that are usually required.

(2) An approval to erect and maintain signs pursuant to this paragraph shall be valid for one year. If, after one year, 3/4 of the dwelling units or lots have not been sold or leased for the first time, approval for retaining the directional signs for not more than an additional one-year period may be granted by a Zoning Administrator.

(3) No sign erected pursuant to this paragraph shall exceed 12 square feet in area.

(4) One temporary, unlighted, subdivision directional sign may be approved for location adjacent to each street which constitutes a separate and distinct direction on the route from a major or secondary highway to a subdivision site. Where there are two or more major or secondary highways from which there are routes to a subdivision site, signs may be approved only along two routes.

(5) The erection and maintenance of temporary, unlighted, subdivision directional signs may be approved only on vacant property; however, if a Zoning Administrator determines that vacant property is not available in locations where provisions for travel directions are essential, he or she may approve developed property for the location of signs.

(6) Signs may not be located within the public right-of-way of any highway, street, alley, or on any other public right-of-way.

(7) All signs permitted by this paragraph shall be removed within five days after the expiration of the authorized time period. Each application shall contain a statement signed by the applicant, the owner of the signs, and the owner or lessee of the property upon which the signs are to be placed, agreeing that if the signs are not removed as required above, they may be confiscated, removed and destroyed by the City without further notice. Prior to the erection of any signs authorized pursuant to any single application, the applicant shall deposit $100 with the Department of Building and Safety for the purposes of defraying any expense incurred by the City in the removal of the signs. This money shall be refunded on the expiration of the prescribed time period if all of the signs have been removed by the applicant, the owner of the signs, or the owner and the lessee of the property where the signs are placed.

(8) Any sign erected pursuant to these regulations may be used only for the purpose of providing necessary travel direction to a subdivision development located in the City of Los Angeles, and must include the name of the owner, the City Planning Department file number, and the expiration date of the approval period. The sign may contain the name of the land development project to which it pertains, including a characteristic trademark or other identifying insignia. The content of each sign shall be subject to approval by a Zoning Administrator.

(9) The approval of temporary subdivision directional signs pursuant to these regulations does not release the applicant from the responsibilities of complying with any provisions of the Los Angeles Municipal Code pertaining to building permit requirements or any other provisions of the Code regulating signs.

(10) Appeals. Appeals from a determination by a Zoning Administrator may be taken to the Area Planning Commission in the manner prescribed in Section 12.24 I.

(l) Off-site signs. No off-site sign shall be allowed in any zone, except when off-site signs are specifically permitted pursuant to a legally adopted specific plan, supplemental use district or an approved development agreement. Further, that legally permitted existing signs shall not be altered or enlarged.

Sec. 2. Section 91.6205.11 of the Los Angeles Municipal Code is hereby amended by adding a new subsection 11 to read:

11. Are off-site signs, except when off-site signs are specifically permitted pursuant to a variance, legally adopted specific plan, supplemental use district or an approved development agreement. This shall also apply to alterations or enlargements of legally existing off-site signs.

(73730)

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of APR 30 2002.

J. MICHAEL CAREY, City Clerk

By _____
KONRAD CARTER Deputy

Approved MAY 07 2002

_____
Mayor

Approved as to Form and Legality

MAR 29 2002

ROCKARD J. DELGADILLO, City Attorney

By _____
SHARON SIEDORF CARDENAS
Assistant City Attorney

Pursuant to Charter Section 559, I approve this ordinance and recommend its adoption on behalf of the City Planning Commission . . . . . .

March 28 2002

see attached report.

_____
CON HOWE
Director of Planning

File Nos. C.F. 00-2254 and 02-0138; CPC 2002-461 CA;

Department of Public Works

Bureau of Engineering
Report No. 3

November 5, 2007
CD No. 9

SOUTH LOS ANGELES WETLANDS PARK PROJECT (W.O. NO. EW40006A) - CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007051122 AND BE NO. 010-07) AND PROJECT APPROVAL BY THE CITY COUNCIL

RECOMMENDATIONS

1. Review and consider the Environmental Impact Report (EIR), which finds that the project will have significant environmental impacts.

2. Adopt this report and forward it to the City Council with the recommendation that Council:

   a. Review and consider the Environmental Impact Report (EIR), which finds that the Project will have significant environmental impacts.

   b. Certify that the EIR was completed in compliance with CEQA; that the City Council reviewed and considered the information contained in the final EIR prior to approving the project; that the final EIR (BE No. 010-07) reflects and expresses the City's independent judgment and analysis; and that the documents constituting the record of proceedings in this matter are located in Council file No. 05-1231 in the custody of the City Clerk, and in the files of the Departments of City Planning and Public Works Bureau of Engineering (BOE).

   c. Adopt the Findings and Statement of Overriding Considerations.

   d. Approve the Project as described in the EIR.

   e. Adopt the Mitigation Monitoring and Reporting Program.

   f. Consider and adopt the attached reports from applicable City decision-making entities, including, but not limited to City Planning Commission and Community Redevelopment Agency Board.

3. After your adoption of this report, please forward to City Planning Commission for their use in consideration of General Plan Amendments, Zone Changes, Conditional Use Permit, Parking Variance, and the establishment of a Sign Supplemental Use District (Sign SUD).

4. Recommend that subsequent to their actions, the City Planning Commission attach to this report their recommendations to Council and forward the report to the following:

a. Community Redevelopment Agency for use in consideration of a redevelopment plan variation, and

b. City Council.

FISCAL IMPACT STATEMENT

The project has a budget of approximately $20,000,000. The funding is from the following sources:

- On August 18, 2006, the City Council approved $8,100,000 in Proposition O (Prop O) General Obligation Bond Funding (CF 06-1235).

- During the Fifth Cycle of the Proposition K competitive grant process, $1,000,000 was allocated for land acquisition for the development of wetlands during the Fiscal Year 2007-08.

- The Project is being undertaken in connection with the settlement of two Clean Water Act enforcement actions, Santa Monica Baykeeper v. City of Los Angeles and United States and State of California *ex Rel.* California Regional Water Quality Control Board, Los Angeles Region v. City of Los Angeles. On September 12, 2007, the Bureau of Sanitation, Program Review Committee, approved $3,407,000 in Sewer Maintenance Charge funds for the Project as part of the settlement agreement.

- As a condition of sale of the property, Metropolitan Transportation Authority will reimburse the City up to $900,000 to help fund site clean up for the project. The purchase agreement is being finalized.

- Proposition 40 ("California Clean Water Act, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002") has granted $3,344,201 in reimbursable discretionary funds for the Project.

- The Department of Water Resources has committed Proposition 50 funds to the County and City of Los Angeles for several Integrated Regional Water Management projects. The South Los Angeles Wetlands Park is one such project. Currently, the agreement is being finalized. The anticipated reimbursement is $3,300,000.

TRANSMITTALS

1. Draft Environmental Impact Report, dated August 16, 2007.

2. Final Environmental Impact Report, dated October, 2007.

3. Mitigation Monitoring and Reporting Program, dated October, 2007.

4. Findings and Statement of Overriding Considerations, dated October, 2007.

DISCUSSION

Background

The Los Angeles storm drain system flows directly to the ocean. Contaminated stormwater receives no treatment because of the sheer volume of runoff from an area encompassing 1,060 square miles. The cost of treating all of Los Angeles' stormwater would be so high that it would exceed available resources. Anything carried by this runoff (for example, litter, pesticides, oil, anti-freeze, or pet waste) ends up trashing the beaches, polluting the ocean, and harming marine life, as well as surfers and swimmers.

In November 2004, the citizens of Los Angeles passed a $500 million Clean Water Bond Measure titled Prop O. The primary objective of all Prop O funded projects is to protect public heath by cleaning up pollution in the City's watercourses, beaches, and the ocean.

The purpose of the South Los Angeles Wetlands Parks is to meet the Prop O objectives and assist the City of Los Angeles in meeting Total Maximum Daily Load (TMDL) requirements passed by the Regional Water Quality Control Board for the Los Angeles River Watershed. The Wetlands Park will minimize the introduction of pollutants generated from urban runoff to receiving waters by implementing a series of stormwater best management practices (BMPs). The constructed wetlands will be fed by runoff from a 525-acre watershed and will be designed to provide a medium to high level of removal effectiveness for sediment, nutrients, trash, metals, bacteria, oil, grease, and organics before returning the flow to the storm drain system, thus, improving water quality to downstream receiving waters such as the Los Angeles River and coastal areas. The Wetlands Park has the additional purpose of neighborhood enhancement by providing the surrounding community with much needed open green space, public-use facilities, and recreational and educational amenities.

Project Description

The South Los Angeles Wetlands Park Project (Project) includes the following components, which are further discussed below:

- Wetlands Park
- Sign Supplemental Use District (SUD)

Wetlands Park

The proposed Wetlands Park is located on a 9-acre parcel at 5413 South Avalon Boulevard, which is currently a bus maintenance yard owned and operated by the Los Angeles County

Metropolitan Transportation Authority (Metro). Currently, there are three main structures, which are considered historic structures, on the property, two of which would be removed to accommodate the construction of the Wetlands Park. The proposed Wetlands Park component includes two elements: 1) a stormwater pre-treatment system and constructed wetlands to improve local stormwater and dry-weather runoff quality; and, 2) a recreational space for educational and community-serving uses. Stormwater pre-treatment consists of diverting runoff from an existing storm drain pipe through a trash removal device, a hydrodynamic separator unit, and an oil and grease skimmer to remove pollutants prior to discharge to the wetlands. The constructed wetland component of the proposed Project will function as a stormwater quality BMP for the 9-acre Wetlands Park project site. Natural biological processes in the wetlands would improve water quality by removing additional pollutants. The process of improving water quality through biological means would be achieved by constructing three wetland "cells" consisting of a deep marsh system (open water, emergent marsh, riparian and upland habitats) and forebay with energy dissipation. In total, the three-cell wetland configuration would occupy approximately 4.5 acres of the 9-acre site. All three wetlands cells would be lined to prevent infiltration and contact with groundwater. The majority of the vegetation that is proposed would be native species. In addition, for aesthetic purposes, a small water feature (i.e., cascading water over rocks) is proposed in the upstream wetland cell (near Avalon Boulevard) with a separate pump. Once the water has completed passing through the wetlands, the water would be discharged back into the existing 63-inch storm drain at San Pedro and 55th Streets through a proposed junction structure.

The Wetlands Park has the additional purpose of neighborhood enhancement by providing the surrounding community with open green space, public-use facilities, and recreational and educational amenities. The park will include trails and educational signage, wildlife viewing opportunities, historical railway elements, a community multi-use center, and historical building reutilization.

Sign SUD

The Project also includes a second component - the establishment of a Sign SUD and placement of two billboards (two faces each) on another Metro property, an existing bus yard, located at 720 East 15th Street. Metro has agreed to sell the Wetlands Park property to the City in conjunction with the creation of the Sign SUD and placement of the two billboards. This will allow Metro to settle the lawsuit entitled Clear Channel Outdoor, Inc. v. Los Angeles Metropolitan Transportation Authority (Los Angeles County Superior Court Case No. BC286040). This lawsuit arises from Metro's termination of leases and the removal of fourteen Clear Channel Outdoor advertising displays of various sizes and configurations at designated locations along the median strip between Big Santa Monica Boulevard and Little Santa Monica Boulevard between Bentley Avenue and Moreno Drive in Los Angeles. The billboards were removed in conjunction with the Santa Monica Boulevard Transit Parkway Project. Under the proposed settlement agreement, the establishment of a Sign SUD and the placement of two billboards on Metro property, consisting of a total of four display faces, would constitute settlement of the lawsuit between Clear Channel Outdoor and Metro over the displacement of the fourteen advertising displays.

The proposed billboards would be along the southern boundary of the Metro site, adjacent to 16th Street. The establishment of the Sign SUD would be limited to these two billboards. The sign structures would consist of two illuminated advertising sign structures. Both structures would consist of a five-foot diameter pole approximately 76 feet high with two sign faces each. The bottom of each sign would be approximately 43 feet above the grade of the adjacent Interstate 10 freeway. All four display faces would be the standard 14-foot by 48-foot dimension (672 square feet). Both billboards would be "V - Shaped" with two display faces each, such that the east face on both structures would be visible to westbound traffic flow and the west face on both structures would be visible to eastbound traffic flow. The advertising associated with the two faces of Structure A (structure closest to San Pedro Street) would consist of digital sign technology and the advertisements would be changed remotely by electronic communications such that only one advertisement per face is displayed at a time, up to once every four seconds (in compliance with State law). The two faces on Structure B (structure closest to Griffith Street) would be the more traditional vinyl display signs.

Findings of EIR

The EIR, which is comprised of a Draft EIR volume (Transmittal No. 1) and a Final EIR volume (Transmittal No. 2) states that the project would result in significant environmental impacts related to air quality, biological resources, cultural resources, hazards and hazardous materials, land use, noise, and transportation. Most of these impacts would occur during project construction and are associated with the Wetlands Park component of the Project. With implementation of feasible mitigation measures, impacts related to biological resources, hazards and hazardous materials, land use and transportation would be reduced to a less-than-significant level (Transmittal No. 3). However, even with implementation of mitigation, significant and unavoidable adverse impacts related to air quality, cultural resources, and noise would remain. In addition, the Project would contribute to cumulative impacts with respect to air quality, cultural resources, and noise, all related to construction of the Wetlands Park component, and associated with the potential approval and construction of the adjacent proposed Central Region High School No. 16 by the Los Angeles Unified School District, since construction of the two projects may overlap. As such, the Project would require that a Statement of Overriding Considerations be adopted by the City Council to approve this Project (Transmittal No. 4).

Project Alternatives

In accordance with the requirements of CEQA, the No Project Alternative was analyzed in the Draft EIR as well as two other project alternatives.

No Project Alternative

Under the No Project Alternative, the City would not purchase the Wetlands Park site from Metro. The existing site would remain in Metro ownership and would continue to function as

a Metro maintenance yard. This alternative would not provide a Sign SUD at the Metro bus yard (720 15th Street).

Alternative 1: Slightly Reduced Wetlands Park and Sign SUD

Alternative 1 differs from the proposed Project in that it would reduce the number of historic structures that would be demolished, which would reduce the size of the proposed Wetlands Park. The Wetlands Park, under Alternative 1, would be slightly smaller (25 percent less or approximately 3.4 acres) than that of the proposed Project. The adaptive reuse of the historic building and the Sign SUD under this Alternative would be the same as the proposed Project. In addition, this alternative would retain, but not reuse, one of the other existing historic buildings on-site. The retained historic building not subject to reuse would not be rehabilitated but would be maintained in the current condition to avoid further deterioration until such time that the City finds a use for the building.

Alternative 2: Substantially Reduced Wetlands Park and Sign SUD

Alternative 2 differs from the proposed Project in that it would further reduce the number of historic structures that would be demolished, which would further reduce the size of the proposed Wetlands Park. The proposed Wetlands Park under Alternative 2 would be approximately 50 percent smaller than that of the proposed Project (2.25 acres). The adaptive reuse of the historic building and the Sign SUD under this Alternative would be the same as the proposed Project. In addition, this alternative would retain but not reuse two of the other existing historic buildings on-site. The retained historic buildings not subject to reuse would not be rehabilitated but would be maintained in the current condition to avoid further deterioration until such time that the City finds a use for the buildings.

Public Participation

On May 30, 2007, the BOE held a public scoping meeting at the gymnasium of South Park, to give an overview of the proposed Project, solicit comments and answer questions on the Project. The comments made at the scoping session related to the proposed Wetlands Park included questions and concerns over how storm water quality will be improved, applicability of the proposed education feature of the Project with the adjacent school (i.e., appropriate level of curriculum with adjacent high school), and possible insect (vector) issues. One comment at the public scoping meeting was raised regarding the Sign SUD and whether the establishment of the Sign SUD was in advance of future Metro plans for the existing bus yard at 15th and San Pedro Streets. Public input received at the scoping meeting did not identify any issues that were not addressed in the Notice of Preparation/Initial Study.

On September 12, 2007, the BOE held a public workshop and hearing at the gymnasium of South Park, to give an overview of the proposed Project, solicit comments and answer questions on the Project. Approximately one week prior to the public hearing, Council District No. 9 staff supplied the area in the vicinity of the proposed Wetlands Park site with additional noticing of the public hearing.

Draft EIR Review and Comments

The Draft EIR was circulated for public review from August 16, 2007 to October 1, 2007. The Notice of Availability, and in many instances the Notice of Availability and the Draft EIR, was sent to all known responsible and trustee agencies, numerous City of Los Angeles departments that could have interest or discretionary approval regarding the Project, and individuals and organizations known to have interest in the Project, or type of project. The Notice of Availability was also sent to all owners and occupants within 1,000 feet of both Project component boundaries and a newspaper notice was posted on August 16, 2007, in the *Los Angeles Times* - a newspaper of citywide circulation. In addition, the Notice of Availability and Draft EIR were sent to the State of California Governor's Office of Planning and Research, State Clearinghouse, for further responsible and trustee agency distribution. As with the Notice of Preparation/Initial Study, the Draft EIR was also available at several local public facilities (i.e., BOE office, two libraries and Council District No. 9 office), as well as available on the BOE website. A total of four comment letters were received during the Draft EIR public review period. None of the comments received identified any issues that were not addressed in the Draft EIR. Responses to comments are documented in the Final EIR.

At the request of the City's Planning Department, received during the Draft EIR public review period, the following new mitigation measure, LU-4, has been added to aid the Planning Department in their approval and certification process:

- LU-4: Per Section 13.11 of the Los Angeles Municipal Code, apply for, and obtain, a Sign Supplemental Use District to be consistent with City of Los Angeles regulations.

Seven speakers provided verbal comments, at the public hearing (on September 12, 2007), which were recorded by a court reporter for inclusion in the Final EIR. Public input received at the public hearing did not identify any issues that were not addressed in the Draft EIR.

The Final EIR also includes minor clarifications and modifications to the Draft EIR to address minor corrections and clarifications for administrative purposes. No clarifications or modifications have been made to the Draft EIR that would add a new significant unmitigated impact or a substantial increase in the severity of an impact already analyzed.

In conclusion, none of the public comments or revisions to the Project necessitated changes in the findings of the EIR, which shows that the Project would result in significant and unavoidable air quality, cultural resources, and noise impacts during construction.

(AJK KKO WHH RTH DJW)

Report reviewed by:

Proposition O Bond Program

Report prepared by:

Environmental Management Group

Ara J. Kasparian, Ph.D.
Group Manager
Phone No. (213) 485-5729

AK/CS/MM/10-2007-0230.EMG.gva

Questions regarding this report
may be referred to:
Project Manager: Chris Salvaggio
Phone No. (213) 847-0304
Fax No. (213) 485-3122
and/or
Writer: Maria Martin, Environmental Supervisor
Phone No. (213) 485-5753
Fax No. (213) 847-0656

Respectfully submitted,

Gary Lee Moore

Gary Lee Moore, P.E.
City Engineer

MOTION

TO CITY CLERK FOR PLACEMENT ON NEXT REGULAR COUNCIL AGENDA TO BE POSTED

JUN 15 2005

#54

The proposed South Los Angeles Wetlands Park (Wetlands Park) in Council District 9 will create a community resource of wetlands riparian habitat, and playgrounds that will be created in a densely populated urban area. Council District 9 has identified a 9-acre site for the proposed project located at 5413 S. Avalon Boulevard. The site is owned by the Los Angeles County Metropolitan Transportation Authority (MTA), and is adjacent to a new soccer field currently under development, and a multi-use community center that will be used for hosting youth activities.

The MTA has agreed to sell the property to the City for $3 million, and funding from the Council District 9 share of Proposition 12 and Proposition 40 funds has been identified to proceed with the purchase of this site. In order to proceed with the purchase of the site, the City Council must officially designate the necessary funding to effectuate this transaction. Since the MTA has requested that the City accept the terms of the proposed sale by June 17, 2005, the Council must expedite the approval of this matter.

In conjunction with the purchase of this property, the Council District wishes to create a Special Use District ("SUD") for the erection of four billboard faces on the property, in accordance with LAMC Sec. 12.21 A 7 (*l*). Establishment of this SUD will allow the MTA to settle the lawsuit entitled Clear Channel Outdoor, Inc. V. Los Angeles County Metropolitan Transportation Authority. This lawsuit arises from the elimination of billboards in conjunction with the Santa Monica Boulevard Transit way project.

I THEREFORE MOVE that the City Council take the following actions relative to the purchase of the Los Angeles County Metropolitan Transportation Authority property at 5413 S. Avalon Boulevard, for the creation of the South Los Angeles Wetlands Park:

1. Designate the use of the following Proposition 40 funds from the Council District 9 share of these funds, for the South Los Angeles Wetlands Park Acquisition: 1/3 Per Capita ($215,839), 2/3 Per Capita ($1,240,069), 1/3 Roberti-Z'Berg-Harris ($217,131), and 2/3 Roberti-Z'Berg-Harris ($1,294,712).

2. Redesignate the use of Proposition 12 Per Capita funding from the Council District 9 share of these funds, from the following projects, and in the amounts noted therein, to the South Los Angeles Wetlands Park Acquisition: South Park Trailer (1/3 Per Capita-$99,999) and Vernon Branch Library Pocket Park ($276,471). This action reduces total funding for the Vernon Branch Library Pocket Park acquisition and development project to $612,250.

3. Instruct the General Manager of the General Services Department or the Department of Recreation and Parks, as appropriate, to negotiate and execute the purchase of this site and agree to the terms noted in the MTA's letter to the City of Los Angeles dated June 8, 2005.

I FURTHER MOVE that the Council take the following actions relative to the creation of the Special Use District:

1. Direct the Planning Department to initiate proceedings, prepare the necessary maps and reports to establish a Supplemental Use District (SUD) at 5413 S. Avalon Boulevard, generally bounded by 54th Street to the north, 55th Street to the south, Avalon Boulevard to the east and San Pedro Street to the west, as specified in Section 13.11 "SN" - Sign District and Section 12.32 S (Supplemental Use Districts) of the Los Angeles Municipal Code (LAMC).

2. Require that the geographical parameters of the proposed SUD specified above, be further adjusted through the community review process, if requested by the community.

AP

05-1231

REF TO 00-0461-S2

CD 9

PRESENTED BY: _____

JAN PERRY

Councilwoman, 9th District

SECONDED BY: _____

JUN 15 2005

N:\mdg\JP\SLAWetlands.wpd

EXHIBIT H1

CPC-2006-9769-GPA-ZC-ZV-CU-SN

05-1231
CD 9

PUBLIC WORKS
BUDGET & FINANCE

SEP 13 2005

MOTION

Council District 9 has proposed the development and implementation of the South Los Angeles Wetlands Park project that will be located at 5413 South Avalon Boulevard. The proposed project is intended to be a community resource of wetlands riparian habitat, playgrounds and open space that will be established in a densely populated urban area of this district. The proposed project's 9 acre site is currently owned by the Los Angeles County Metropolitan Transportation Authority (MTA), and is adjacent to a new soccer field currently under development, and a multi-use community center that will be used for hosting youth activities.

In order to proceed with development of the project, the site must be acquired. On August 23, 2005, MTA notified the City that it was authorized to proceed with the sale of the property for $5 million. To effectuate this purchase, the City has identified approximately $3.3 million in Proposition 40 and Proposition 12 discretionary funds. Furthermore, CD 9 will be requesting funding from Proposition K in the amount of $1 million by the application deadline of September 30, 2005. Therefore, there is a need to identify $700,000 to provide gap funding for the property acquisition.

This funding gap can be immediately closed by borrowing $700,000 from the Public Works Trust Fund, thereby expediting purchase of the site. These proceeds may then be repaid, at a later date, to the Public Works Trust Fund from any of the following sources: Proposition O, Stormwater Pollution Abatement Fund (SPAF), Municipal Improvement Corporation of Los Angeles (MICLA), Supplemental Environmental Project funding associated with the Sewer Service Charge and potential grant funding from the State's Proposition 50. City staff can be instructed to report on the most viable repayment source(s) of the funds advanced from the Public Works Trust Fund.

I THEREFORE MOVE the Council, subject to the approval of the Mayor:

1. Authorize a loan in the amount of $700,000 from the Public Works Trust Fund for gap funding for the purchase of the property located at 5413 Avalon Boulevard, the future site of the "South Los Angeles Wetlands Park," to be repaid from a source to be determined in a subsequent action.

2. Authorize the General Manager, Department of General Services, with the assistance of the City Administrative Officer, to submit appropriate instructions to the Controller to transfer funds from the Public Works Trust Fund to the appropriate Fund and Account in the General Services Department to effectuate the purchase of the above specified property.

I FURTHER MOVE that the Council instruct the City Administrative Officer and the Chief Legislative Analyst to report to the Council in 60 days on the most viable repayment source for the $700,000 borrowed from the Public Works Trust Fund.

PRESENTED BY _____
JAN PERRY
Councilmember, 9th District

SEP 13 2005

SECONDED BY _____

EXHIBIT H2
CPC-2006-9769-GPA-ZC-ZV-CU-SN

ORDINANCE NO. **174552**

An ordinance adding Section 13.11 to the Los Angeles Municipal Code to create a new Supplemental Use District, the "SN" Sign District, which would permit special sign regulations in certain areas of the City where the property owners approve a Sign District, and amending Sections 12.04 and 12.32 to make technical changes.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Subsection D of Section 12.04 of the Los Angeles Municipal Code is amended to read:

D. Certain portions of the City are also designated as being in one or more of the following districts, by the provisions of Article 3 of this chapter.

"O"	Oil Drilling District
"S"	Animal Slaughtering
"G"	Surface Mining District
"RPD"	Residential Planned Development District
"K"	Equinekeeping District
"CA"	Commercial and Artcraft District
"POD"	Pedestrian Oriented District
"CDO"	Community Design Overlay District
"MU"	Mixed Use District
"FH"	Fence Height District
"SN"	Sign District

The "**Zoning Map**" is amended to indicate these districts and the boundaries of each district.

Land classified in an "O" Oil Drilling District, "S" Animal Slaughtering District, "G" Surface Mining District, "RPD" Residential Planned Development District, "K" Equinekeeping District, "CA" Commercial and Artcraft District, "POD" Pedestrian Oriented District, "CDO" Community Design Overlay District, "MU" Mixed Use District, "FH" Fence Height District, or "SN" Sign District is also classified in one or more zones, and land classified in the "P" Automobile Parking Zone may also be classified in an "A" or "R" Zone.

These classifications are indicated on the "**Zoning Map**," with a combination of symbols, *e.g.*, **R2-2-O, C2-4-S, M1-3-G, M1-1-P and R2-O, C2-G**, *etc.*, where height districts have not been established.

Sec. 2. Paragraph (b) of Subdivision 1 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to read:

(b) Districts. In order to carry out the provisions of this article, the following districts are established:

"O"	Oil Drilling District
"S"	Animal Slaughtering District
"G"	Surface Mining District
"RPD"	Residential Planned Development District
"K"	Equinekeeping District
"CA"	Commercial and Artcraft District
"POD"	Pedestrian Oriented District
"CDO"	Community Design Overlay District
"MU"	Mixed Use District
"FH"	Fence Height District
"SN"	Sign District

Sec. 3. Subparagraph (2) of Paragraph (c) of Subdivision 1 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to read:

(2) Additional Requirements for Application. One or more of the owners or lessees of property within the boundaries of the proposed district may submit a verified application for the establishment of a district. An application for the establishment of a Commercial and Artcraft District, a Pedestrian Oriented District, an Equinekeeping District, a Community Design Overlay District, a Mixed Use District, or a Sign District shall contain the signatures of at least 75 percent of the owners or lessees of property within the proposed district. An application for the establishment of a Fence Height District shall contain the signatures of at least 50 percent of the owners or lessees of property within the proposed district. An application shall be accompanied by any information deemed necessary by the Department.

If establishment of a district is initiated by the City Council, City Planning Commission, or Director of Planning, the signatures of the property owners or lessees shall not be required.

Sec. 4. Subsubparagraph (iii) of Subparagraph (3) of Paragraph (c) of Subdivision 1 of Subsection S of Section 12.32 is amended to read:

(iii) Time for Commission to Act on Application. The City Planning Commission shall act on an application to establish an "O," "S," "G," "K," "CA," "POD," "CDO," "MU," "FH," or "SN" District within 75 days from the date of the filing of the application. The City Planning Commission shall act on an application to establish an "RPD" District within 75 days from receipt of the Subdivision Committee report and recommendation. The City Planning Commission shall act on proceedings initiated by the Council within 75 days of receipt of that action from the

Council, or within the time that the Council may otherwise specify.

Sec. 5. A new Section 13.11 is added to the Los Angeles Municipal Code to read:

SEC. 13.11 "SN" SIGN DISTRICT.

A. Purpose. This section sets forth procedures, guidelines and standards for the establishment of "SN" Sign Districts in areas of the City, the unique characteristics of which can be enhanced by the imposition of special sign regulations designed to enhance the theme or unique qualities of that district, or which eliminate blight through a sign reduction program.

B. Establishment of Districts. The procedures set forth in Section 12.32 S shall be followed, however each "SN" Sign District shall include only properties in the C or M Zones, except that R5 Zone properties may be included in a "SN" Sign District provided that the R5 zoned lot is located within an area designated on an adopted community plan as a "Regional Center," "Regional Commercial," or "High Intensity Commercial," or within any redevelopment project area. No "SN" Sign District shall contain less than one block or three acres in area, whichever is the smaller. The total acreage in the district shall include contiguous parcels of land which may only be separated by public streets, ways or alleys, or other physical features, or as set forth in the rules approved by the Director of Planning. Precise boundaries are required at the time of application for or initiation of an individual district.

C. Development Regulations. The Department of Building and Safety shall not issue a building permit for a sign within a "SN" Sign District unless the sign conforms to the regulations set forth in a specific "SN" Sign District ordinance. The development regulations for each "SN" Sign District shall be determined at the time the district is established, except that definitions shall conform with those found in Section 91.6203 of this Code, if defined in that section. The sign regulations shall enhance the character of the district by addressing the location, number, square footage, height, light illumination, hours of illumination, sign reduction program, duration of signs, design and types of signs permitted, as well as other characteristics, and can include murals, supergraphics, and other on-site and off-site signs. However, the regulations for a "SN" Sign District cannot supersede the regulations of an Historic Preservation Overlay District, a legally-adopted specific plan, supplemental use district or zoning regulation needed to implement the provisions of an approved development agreement.

(76044)

Sec. 6. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAY 01 2002.

J. MICHAEL CAREY, City Clerk

By Maria Kostenko
Deputy

Approved MAY 13 2002

Mayor

Approved as to Form and Legality

May 1, 2002
Rockard J. Delgadillo, City Attorney

By
SHARON SIEDORF CARDENAS
Assistant City Attorney

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend it be adopted . . . . . .

May 1, 2002

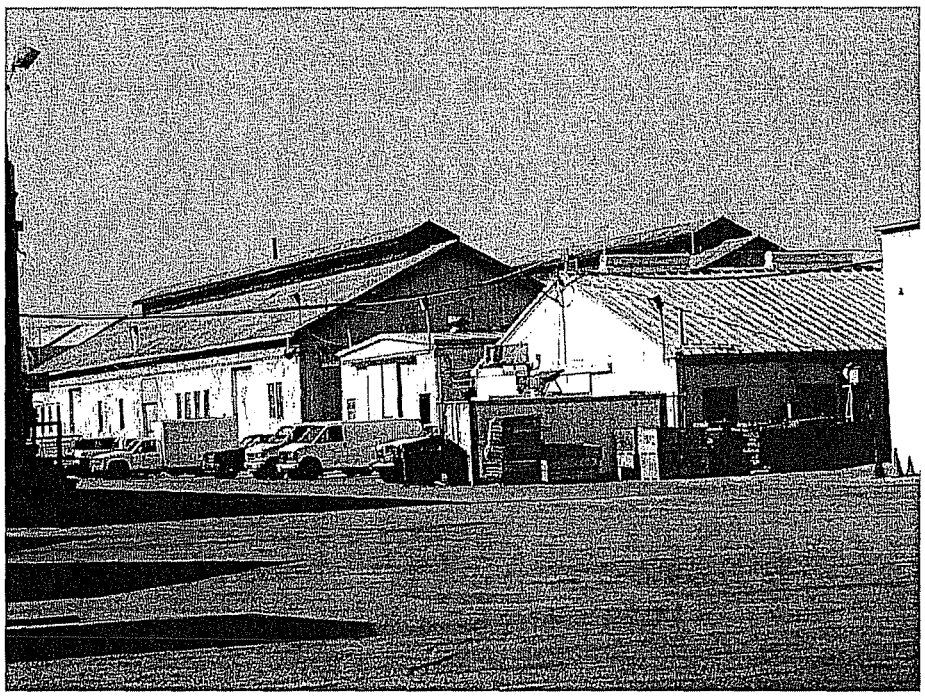
see attached report.

CON HOWE
Director of Planning

File Nos. C.F. 99-1092; CPC 2002-388

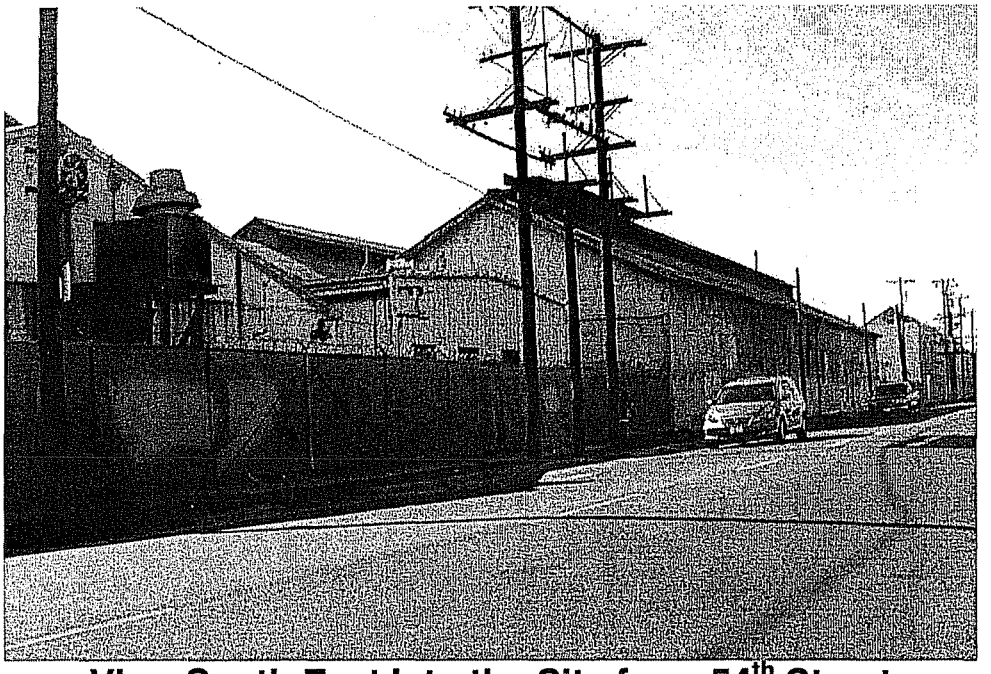
EXHIBIT J1
CPC-2006-9769-GPA-ZC-ZV-CU-SN

Subarea I Site Photographs

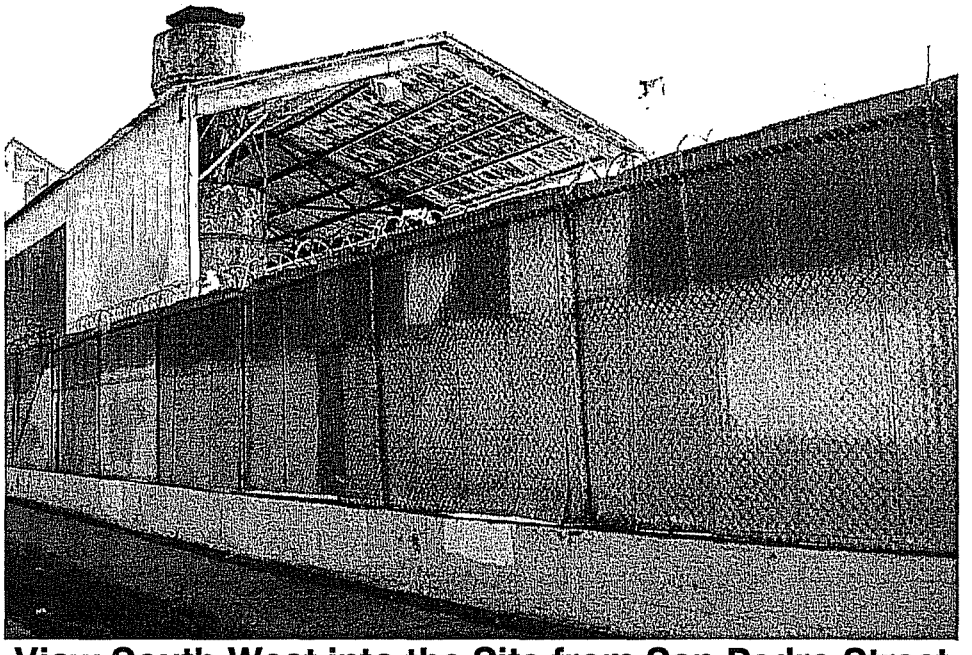


View West into the Site from Avalon Boulevard

View North into the Site from 55th Street

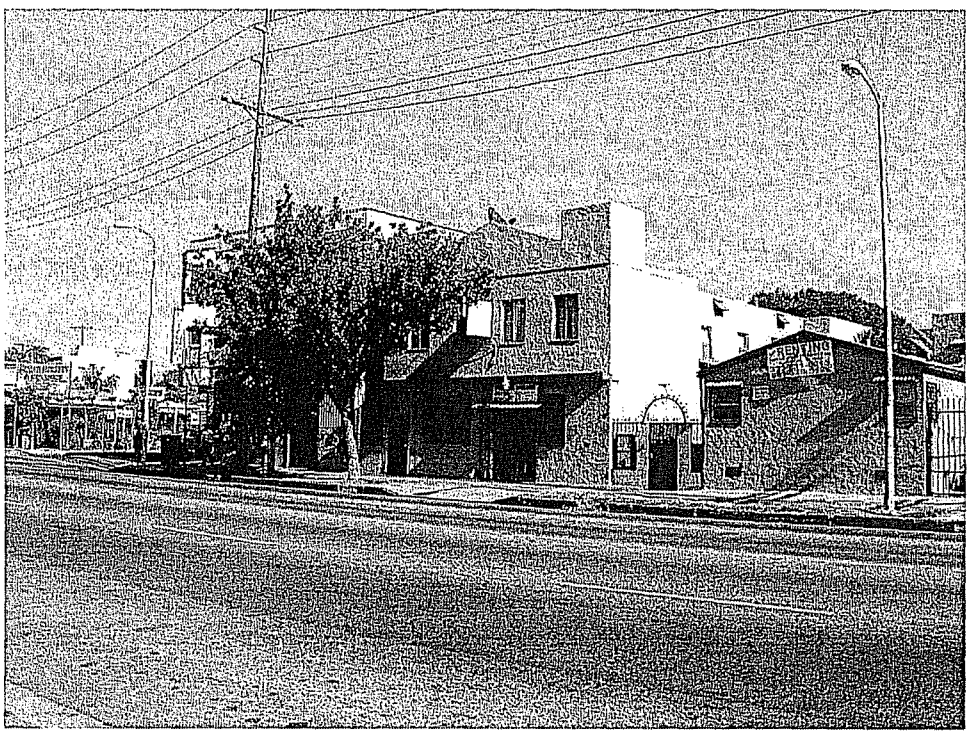


View South East Into the Site from 54th Street

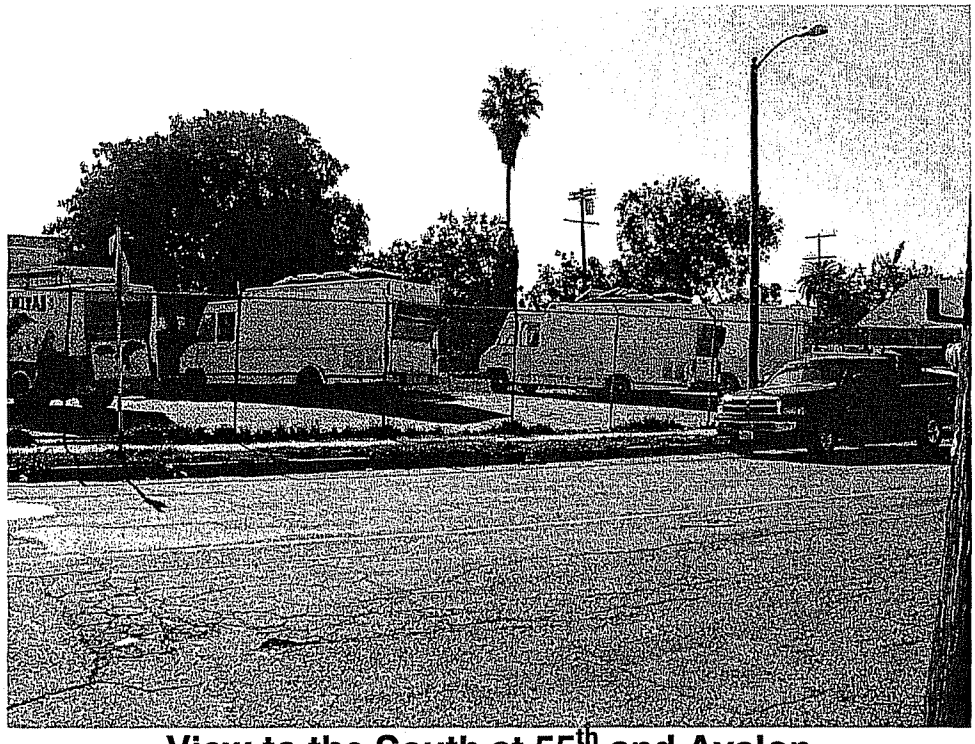


View South West into the Site from San Pedro Street

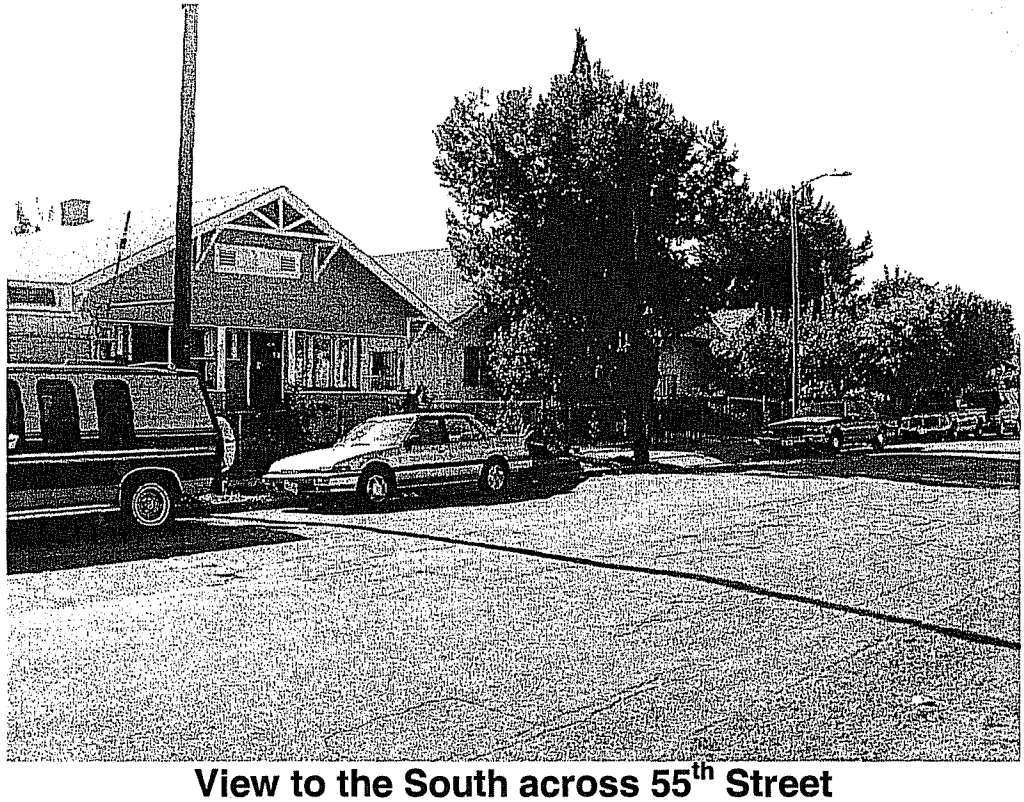
View to the East of the Site at 54th St. and Avalon Blvd
Mixed Use Building



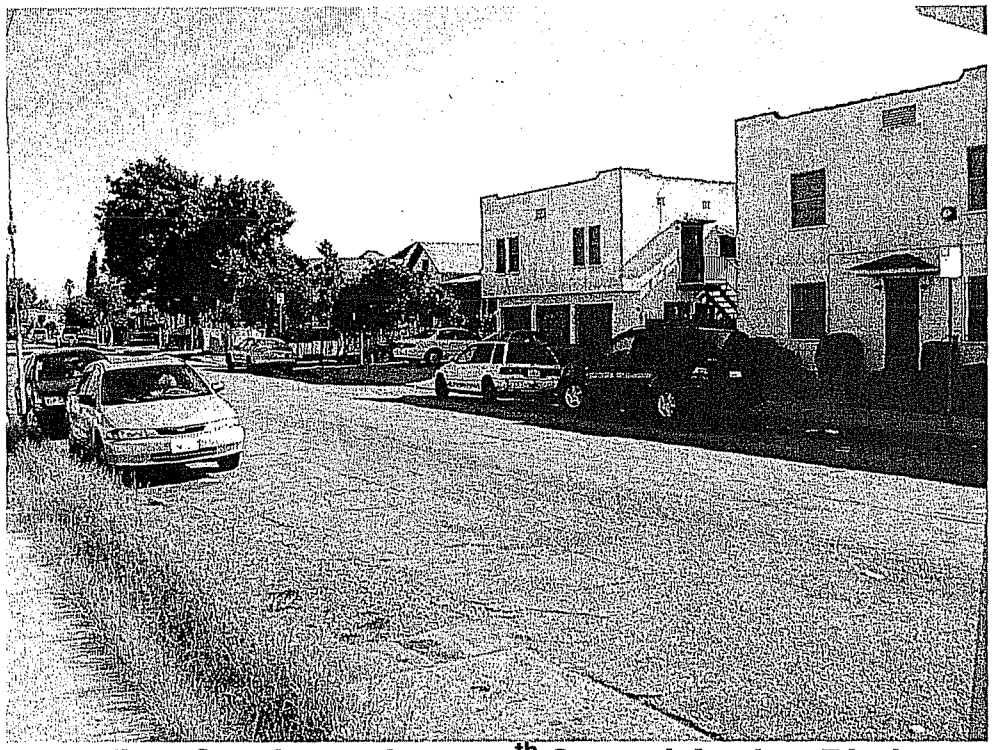
View to the East across Avalon Boulevard
Church and Multifamily Residential



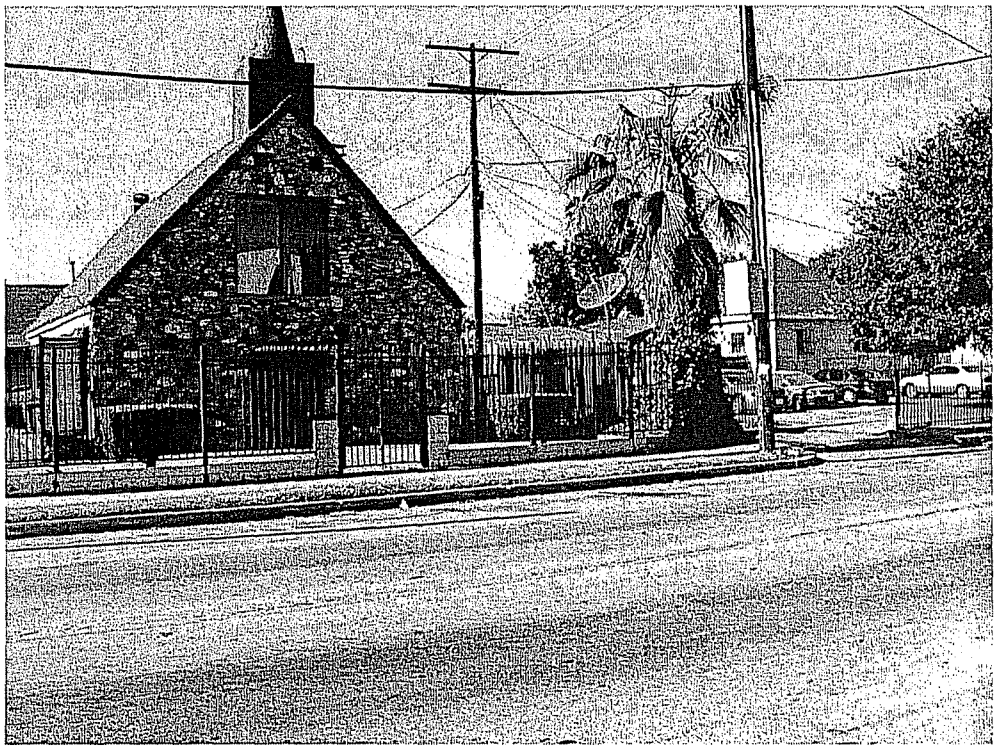
View to the South at 55th and Avalon
Parking for Lunch Trucks



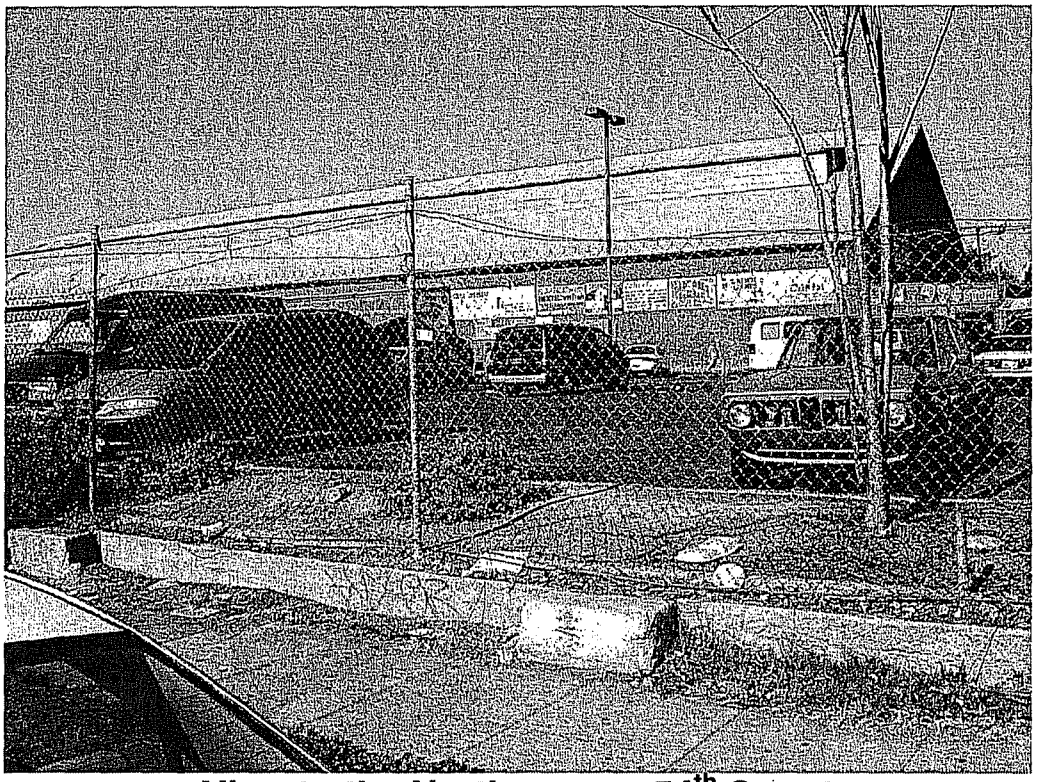
View to the South across 55th Street
Single Family Dwellings



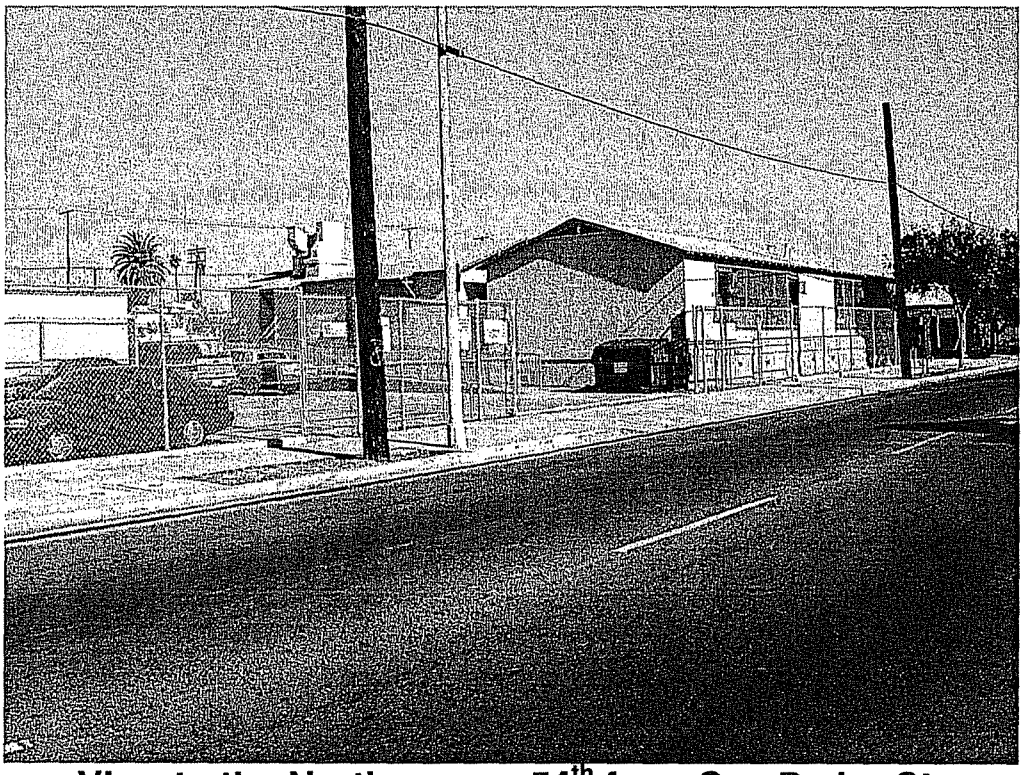
View Southeast from 55th St. and Avalon Blvd
Multifamily Residential



View to the West across San Pedro Street
Church and Multifamily Residential



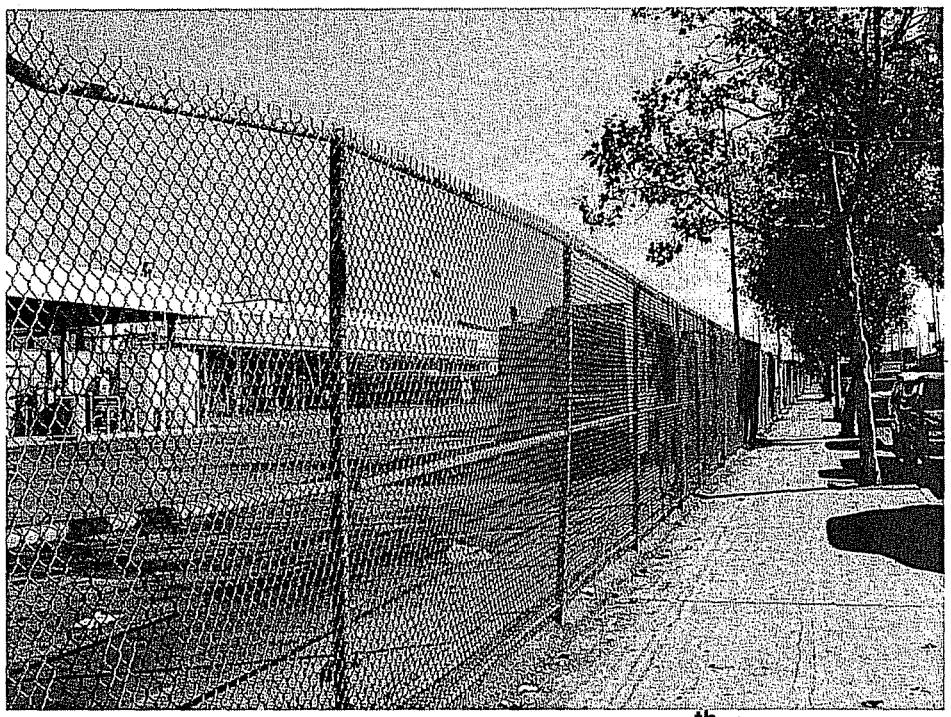
View to the North across 54th Street
Swap Meet and Parking Lots/Site of Proposed High School



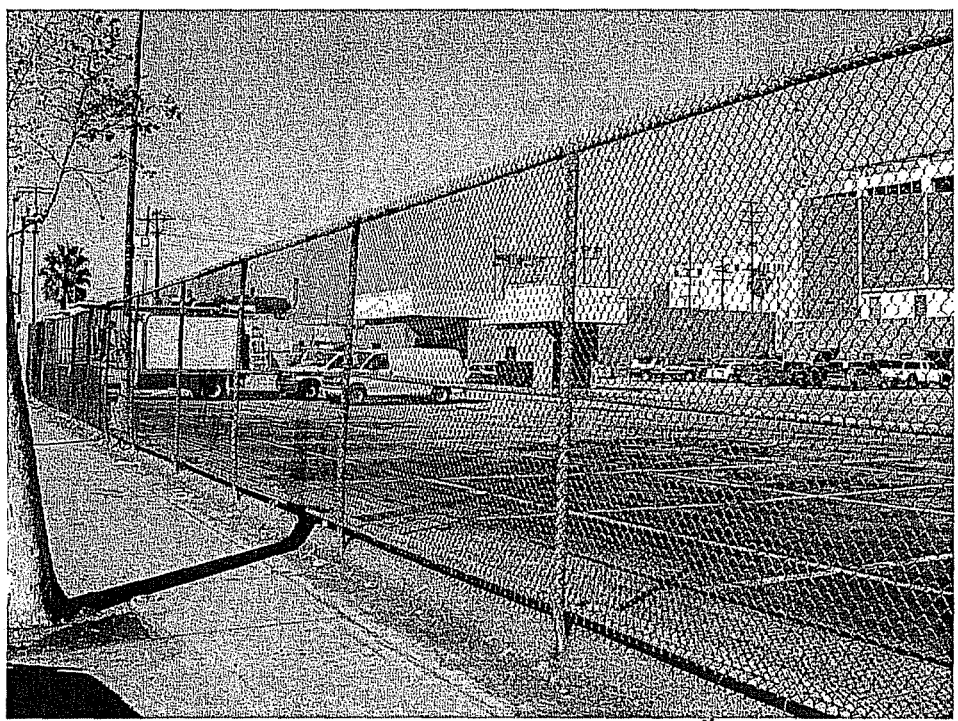
View to the North across 54th from San Pedro St.
Existing High School

EXHIBIT J2
CPC-2006-9769-GPA-ZC-ZV-CU-SN

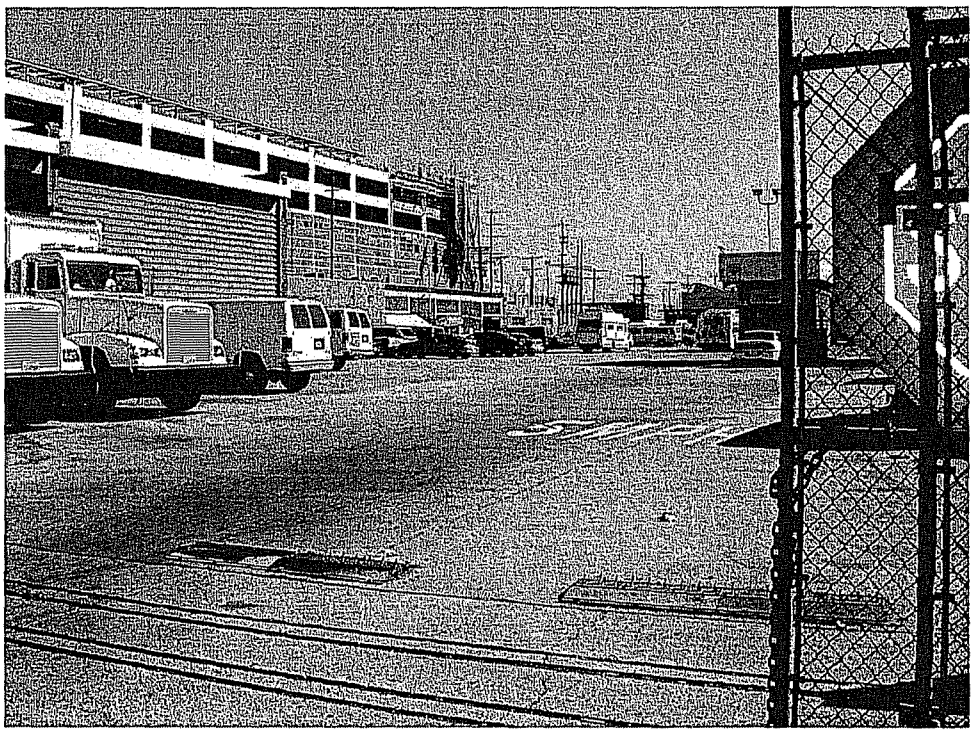
Subarea 2 Site Photographs



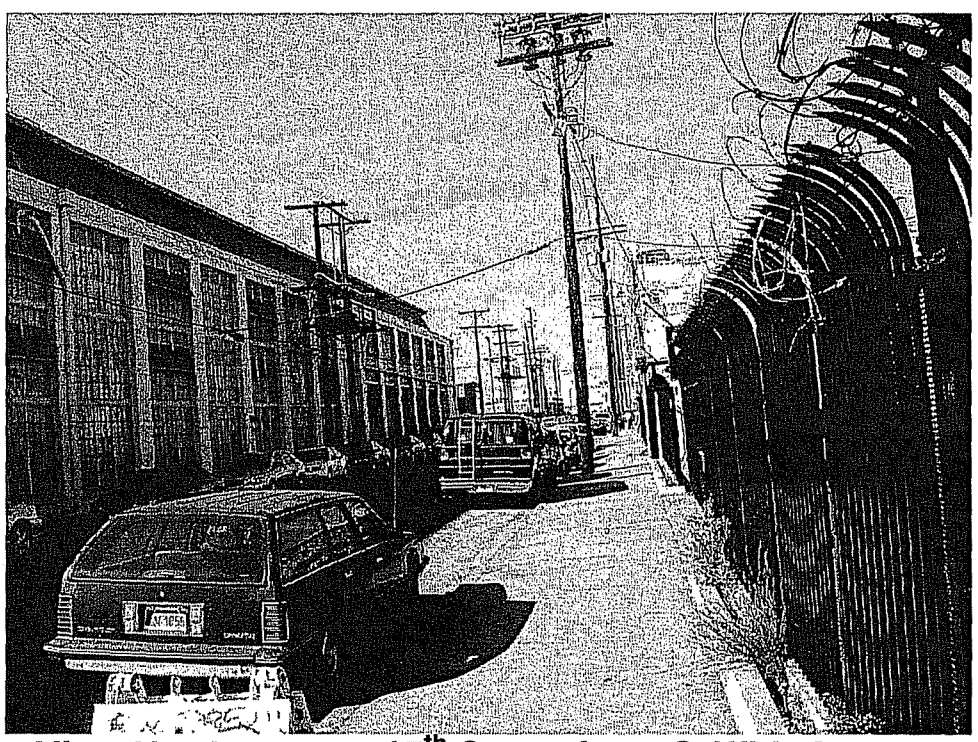
View Southeast into Site from 16th Street
Vicinity of Proposed Sign Location



View Northwest into Site from 16th Street
Vicinity of Proposed Sign Location

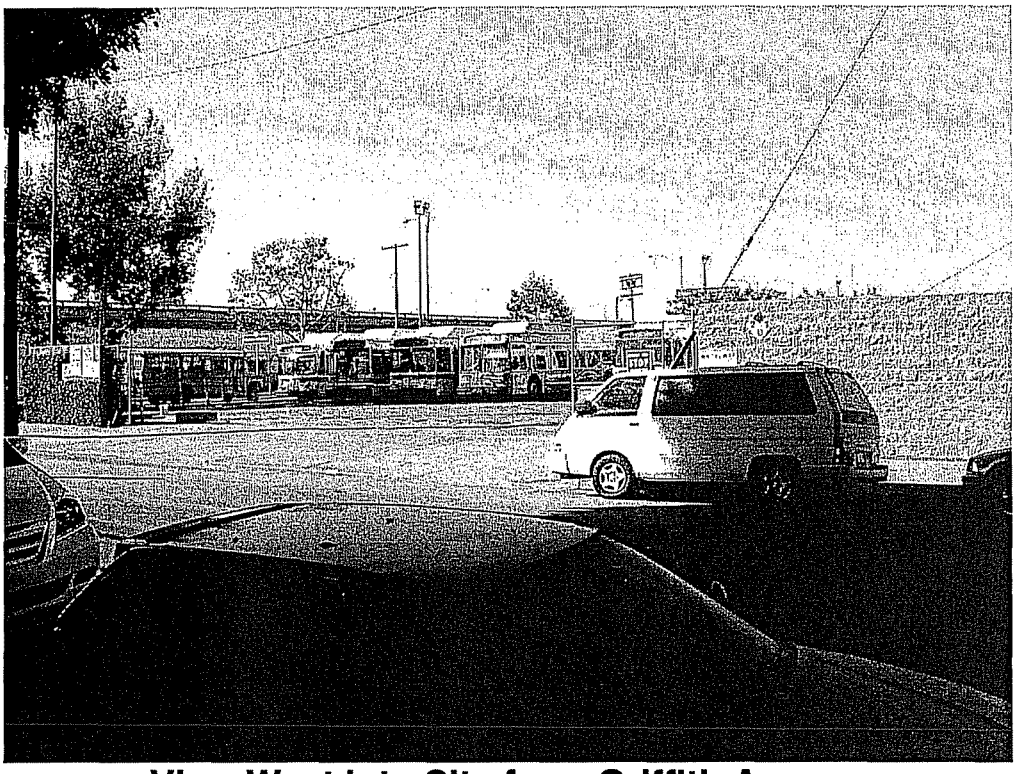


View Southeast into Site from San Pedro

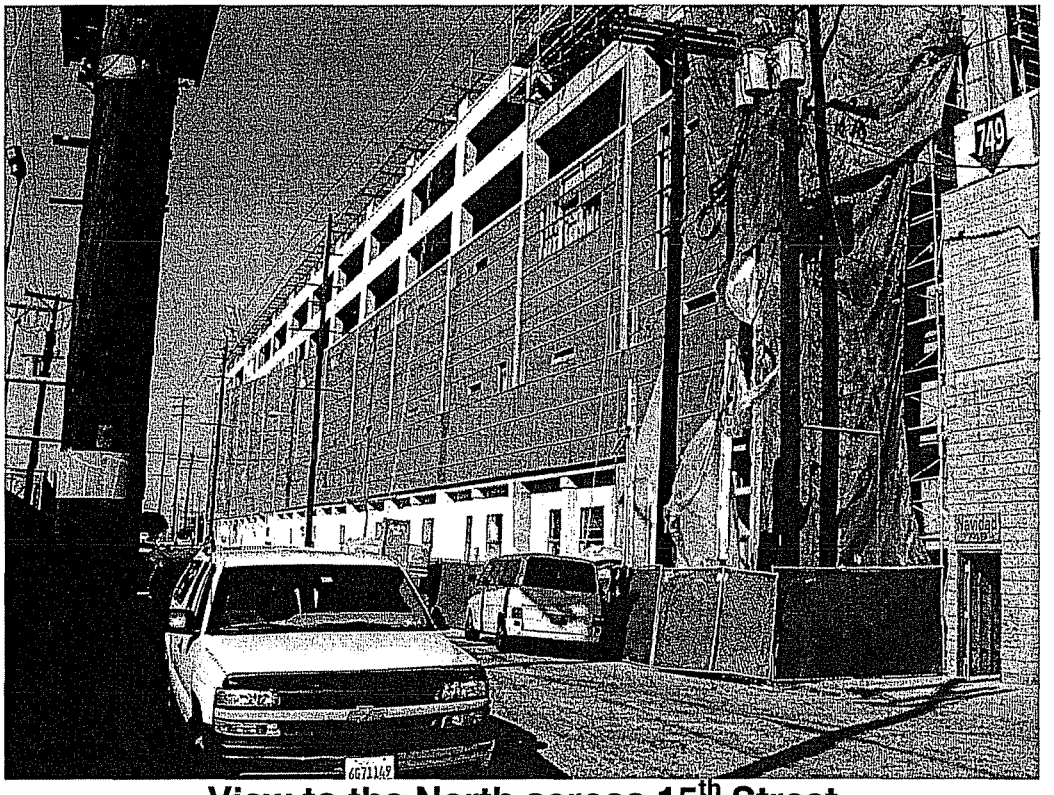


View Northwest on 15th Street from Griffith Avenue

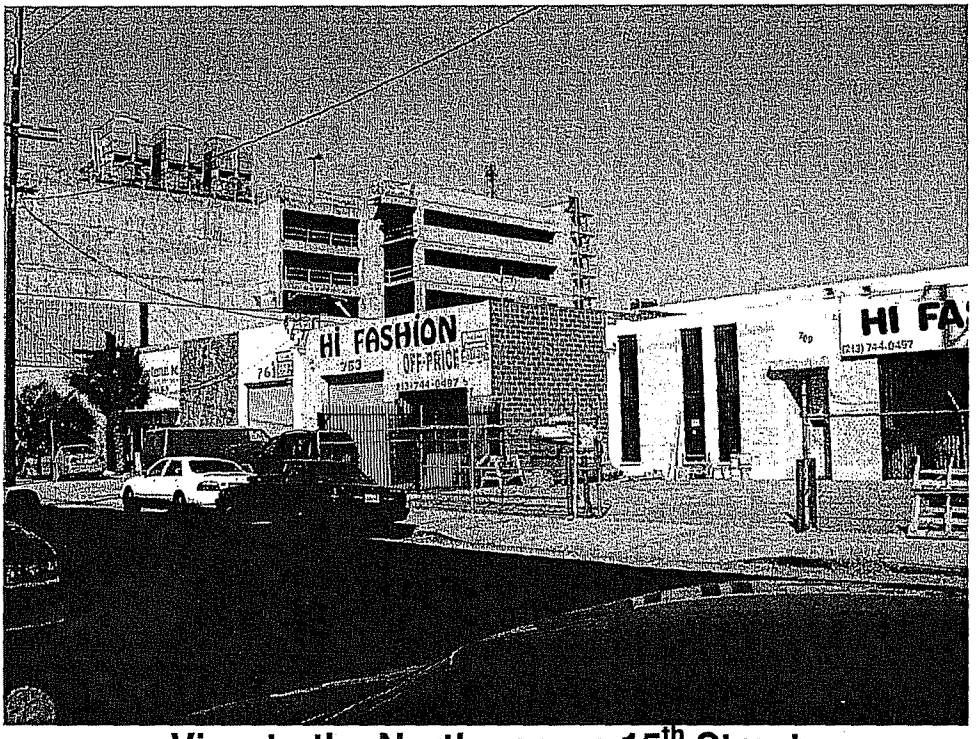
Subject Site on the Left



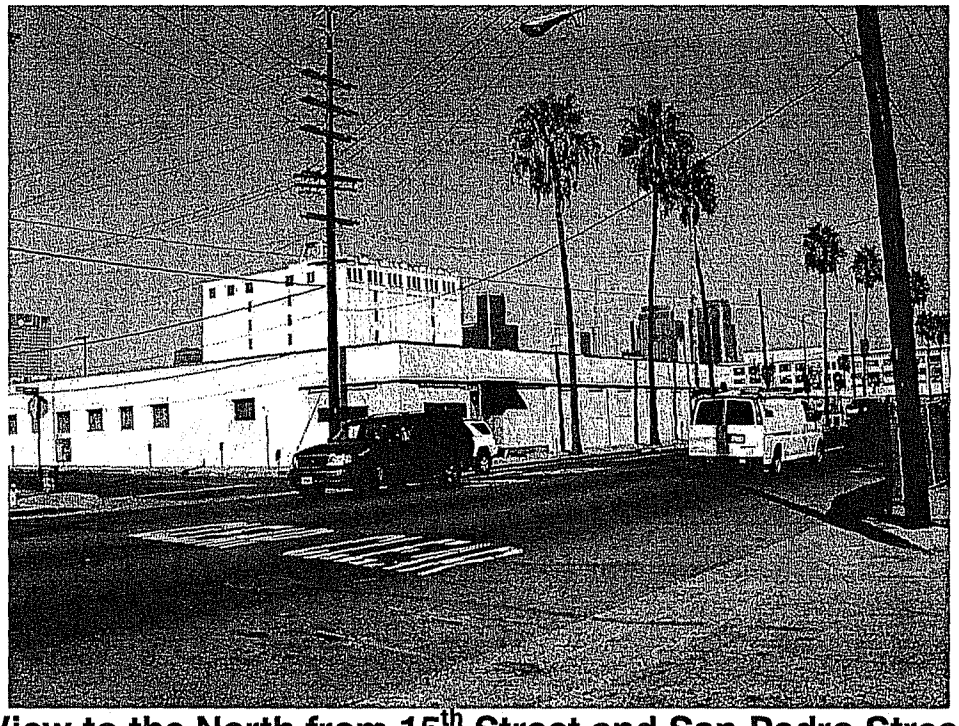
View West into Site from Griffith Avenue



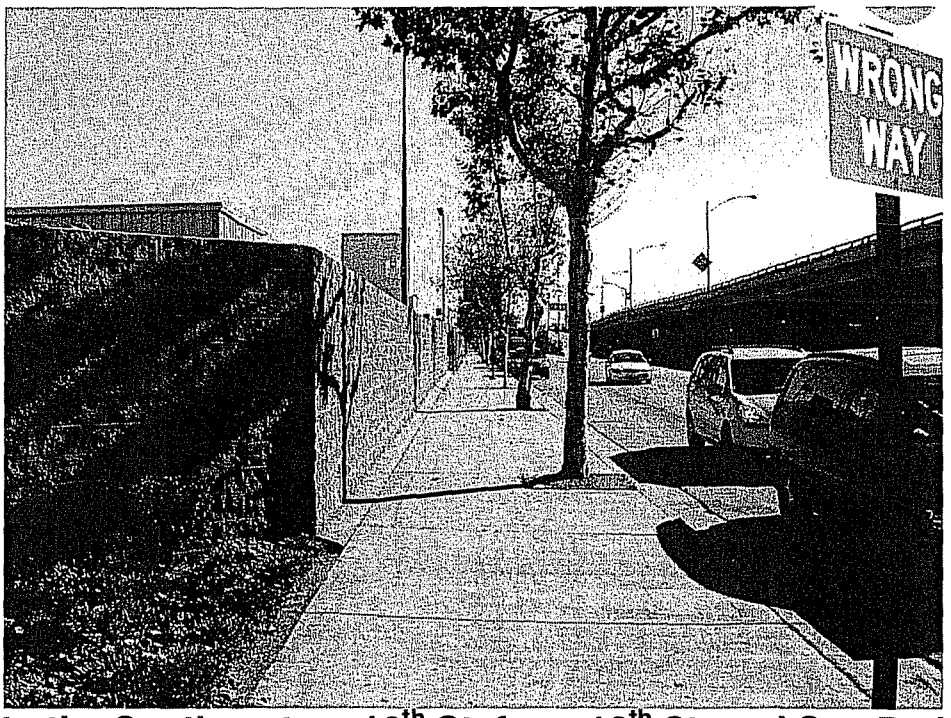
View to the North across 15th Street
Industrial Condominiums under Development



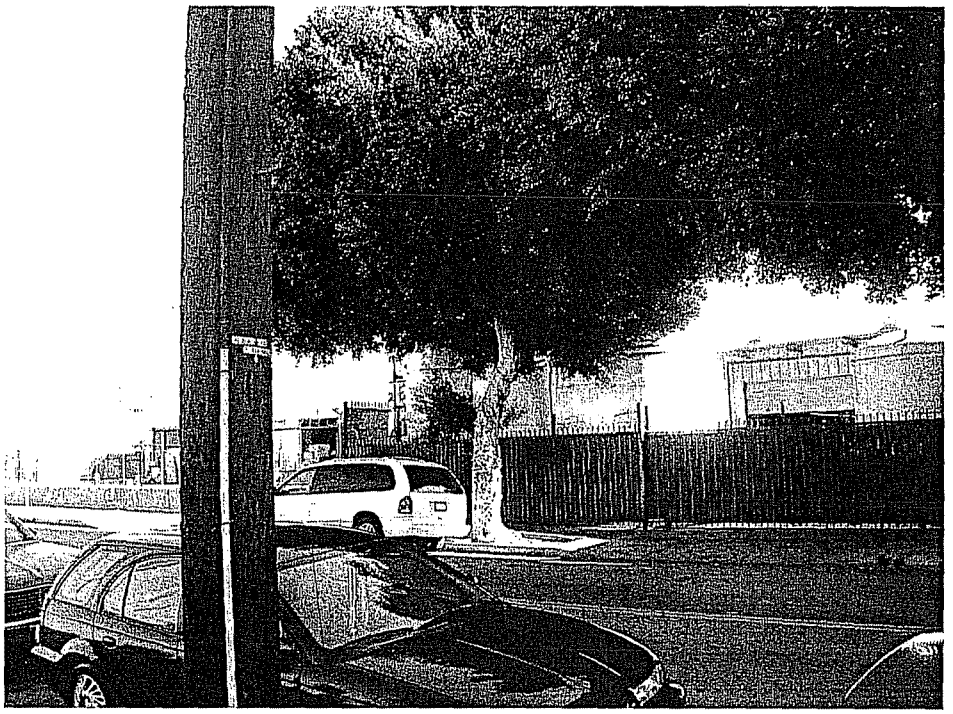
View to the North across 15th Street
Small Scale Light Industrial Business



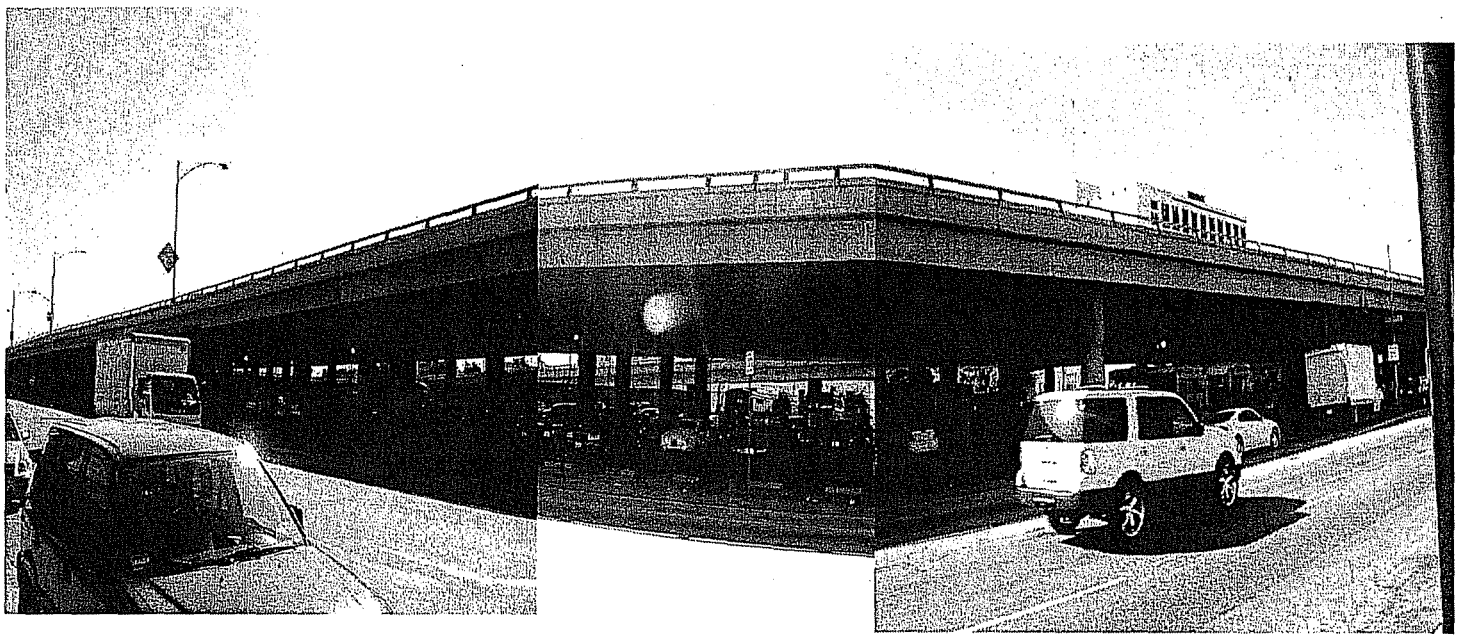
View to the North from 15th Street and San Pedro Street



View to the Southeast on 16th St. from 16th St. and San Pedro St.
Subject Site to the Left



View to Northwest across Griffith Street
Small Scale Light Industrial Businesses



View to South across 16th Street
Santa Monica Freeway

EXHIBIT K
CPC-2006-9769-GPA-ZC-ZV-CU-SN

FILED
CLERK, U.S. DISTRICT COURT
OCT 28 2004
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

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(Additional Attorneys Listed on Following Pages)

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CLERK, U.S. DISTRICT COURT
OCT 27 2004
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA and PEOPLE OF THE STATE OF CALIFORNIA *ex rel.* CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION, Plaintiffs, v. CITY OF LOS ANGELES, Defendant.	Civil Action No. 01-191-RSWL Civil Action No. 98-9039-RSWL CONSOLIDATED SETTLEMENT AGREEMENT AND FINAL ORDER
SANTA MONICA BAYKEEPER, a non-profit corporation; Plaintiff, v. THE CITY OF LOS ANGELES, Defendant.	

ENTERED
CLERK, U S DISTRICT COURT
OCT 29 2004
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

98

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Attorneys for Defendant City of Los Angeles

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WHEREAS:

Plaintiffs Santa Monica Baykeeper ("Baykeeper") and Terry Tamminen filed a complaint against Defendant City of Los Angeles (the "City") in Civil Action 98-9039 on November 9, 1998 pursuant to Clean Water Act Section 505(a)(1), 33 U.S.C. § 1365(a)(1). The Baykeeper complaint alleged that the City's discharges of untreated sanitary sewage from the City's sewer collection system and the City's monitoring practices violated the terms and conditions of National Pollution Discharge Elimination System ("NPDES") Permit Number CA010991 regarding the Hyperion Treatment Plant (the "Hyperion Permit"). The Baykeeper complaint also alleged that by allowing sewage to enter the City's storm sewer system, the City violated the City's storm water permit, NPDES Permit Number CAS614001. Terry Tamminen was voluntarily dismissed as a plaintiff pursuant to the Court's Order dated January 23, 2004 and docketed January 26, 2004.

Plaintiff United States of America ("United States"), on behalf of the United States Environmental Protection Agency ("EPA"), and Plaintiff People of the State of California ex rel. California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") filed a complaint against the City in Civil Action 01-191 on January 8, 2001. The United States brought its action under Section 309 of the Clean Water Act, 33 U.S.C. § 1319, and the State of California brought its action under California Water Code Sections 13376, 13385, and 13386. The United States and the Regional Board alleged that the City, by discharging untreated sanitary sewage from manholes, sewer lines, and other parts of the City's sewer collection system, violated Clean Water Act Section 301(a), 33 U.S.C. § 1311(a), California Water Code Section 13376, and the terms and conditions of the Hyperion Permit and NPDES Permit Number CA0053856 regarding the Terminal Island Treatment Plant (the "Terminal Island Permit"). In addition, the United States' and the Regional Board's Complaint alleged that by creating odor nuisances the City violated the terms and conditions of the Hyperion Permit.

The two actions were consolidated pursuant to an Order of the Court dated February 6, 2001.

On July 5, 2001, Plaintiffs in Intervention Baldwin Hills Estates Homeowners' Association, Inc., Baldwin Hills Village Garden Homes Association, United Homeowners Association, Village Green Owners Association, and Concerned Citizens of South Central Los Angeles (collectively the "Intervenors") filed a complaint in intervention against the City in Civil Action 01-191 alleging that the City's sewage spills violated Clean Water Act Section 301(a), 33 U.S.C. § 1311(a), and the terms and conditions of the Hyperion Permit and the Terminal Island Permit. In addition, the Intervenors alleged that by creating odor nuisances the City violated the terms and conditions of the Hyperion Permit.

Pursuant to the Regional Board's September 30, 1998 Civil Liability Complaint regarding spills that occurred in 1993, 1994, 1995, and 1998, the Regional Board administratively assessed an $850,000 civil penalty. Of the total, $200,000 was paid to the State Water Resources Control Board's Cleanup and Abatement Account, and $650,000 was expended on supplemental environmental projects.

Pursuant to the Regional Board's September 14, 1998 Cease and Desist Order ("CDO"), the City prepared a dewatering feasibility study for the Eagle Rock area; revised the City's spill response and reporting procedures; constructed the Eastern Avenue Relief Sewer and the North Hollywood Interceptor Sewer; and is constructing the East Central Interceptor Sewer, the Northeast Interceptor Sewer, and three relief sewers in the Eagle Rock area.

The City does not admit any liability to Plaintiffs for the transactions or occurrences alleged in the Complaints and contends that it is operating and maintaining its sewage collection system in compliance with all applicable laws.

The Parties desire to avoid further litigation and to work cooperatively on issues relating to the City's wastewater collection system.

The Parties recognize, and the Court by entering this Settlement Agreement and Final Order ("Settlement Agreement") finds, that this Settlement Agreement has been negotiated by the Parties in good faith and will avoid further litigation between the Parties, and that this Settlement Agreement is fair, reasonable, and in the public interest.

NOW, THEREFORE, IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of these actions pursuant to 28 U.S.C. §§ 1331, 1345, 1355, and 1367, and Sections 309(b) and 505(a) of the Clean Water Act, 33 U.S.C. §§ 1319(b) and 1365(a), and the Court has jurisdiction over the Parties. Venue lies in this District pursuant to Sections 309(b) and 505(c) of the Clean Water Act, 33 U.S.C. §§ 1319(b) and 1365(c), and 28 U.S.C. §§ 1391(b) and 1395(b) because this is the District in which the City is located.

2. Notice of the commencement of the United States' action was provided to the Regional Board pursuant to Section 309(b) of the Clean Water Act, 33 U.S.C. §§ 1319(b). Baykeeper provided notice to the City, EPA, and the Regional Board pursuant to Clean Water Act Section 505(b), 33 U.S.C. § 1365(b).

II. APPLICABILITY

3. The provisions of this Settlement Agreement shall apply to and be binding upon the United States, the Regional Board, Baykeeper, the Intervenors, and the City, and any successors or other entities or persons otherwise bound by law.

4. The City shall provide a copy of this Settlement Agreement to the Members and Executive Officer of the Board of Public Works, the Chief Legislative Analyst, the City Administrative Officer, the City Clerk, the Director and Assistant Directors of the Bureau of Sanitation, the Wastewater Treatment Plant Managers, the Wastewater Program Division Managers, the Bureau of Sanitation Financial Management Division Manager, the City Engineer, the Chief Deputy City Engineer, the Wastewater Program Deputy Engineers, the Wastewater Program Group Managers, the Director and Assistant Director of the Bureau of Contract Administration, the Managers of the Wastewater Construction Division, the Metropolitan Construction Division, the Valley Construction Division, and any other managers whose responsibilities include the management of the implementation of material components of the work required to be performed under this Settlement Agreement. The City shall make copies of the Settlement Agreement available to any contractor retained to perform work required under this Settlement Agreement.

5. In any action to enforce this Settlement Agreement, the City shall not raise as a defense the failure by any of its officers, directors, employees, agents, or contractors to take any actions necessary to comply with the provisions of this Settlement Agreement.

6. The City shall provide a copy of this Settlement Agreement to any successor in interest at least thirty (30) days prior to transfer of that interest, and simultaneously shall verify in writing to EPA and the Regional Board that such notice has been given. Absent agreement of the Parties or order of the Court, any sale or transfer of the City's interests in, or operating role with respect to, the City's "treatment works" or "POTW," as those terms are defined in 33 U.S.C. § 1292(2)(A) and 40 C.F.R. § 403.3(o) (2004), shall not in any manner relieve the

City of its responsibilities for meeting the terms and conditions of this Settlement Agreement.

III. OBJECTIVES

7. The objectives of this Settlement Agreement are to resolve the pending consolidated litigation, to set out the program requirements that the City will implement to reduce Sanitary Sewer Overflows to the maximum extent feasible, and to investigate, resolve, and mitigate sewer odors to the maximum extent practicable in furtherance of the objectives of the Clean Water Act as set forth in Section 101 of the Act, 33 U.S.C. § 1251, and the objectives of the Porter-Cologne Water Quality Control Act as set forth at California Water Code Sections 13000, 13001, 13370, and 13372.

IV. DEFINITIONS

8. Unless otherwise defined herein, terms used in this Settlement Agreement shall have the meaning given to those terms in the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*, and the regulations promulgated thereunder. Whenever terms set forth below are used in this Settlement Agreement, the following definitions shall apply:

"Baykeeper" shall mean the Santa Monica Baykeeper.

"Calibration" shall mean the process of running a model using a set of input data and then comparing the results to actual measurements of the system. If the model results do not reasonably approximate the actual measurements, the modeler reviews the components of the model to determine if adjustments should be made so that the model better reflects the system it represents. A model is calibrated to multiple data sets simultaneously.

"CCTV" shall mean closed circuit television.

"Citizen Plaintiffs" shall mean Baykeeper and the Intervenors.

"City" shall mean the City of Los Angeles.

"Complaints" shall mean the complaint filed on November 9, 1998 by the Baykeeper and Terry Tamminen in what is now Civil Action 98-9039-RSWL, the complaint filed on January 8, 2001 by the United States on behalf of the EPA and the People of the State of California ex rel. the Regional Board in what is now Civil Action 01-191-RSWL, and the complaint in intervention filed on July 5, 2001 in Civil Action 01-191-RSWL by the Intervenors.

"Condition Assessment Inspection" shall mean an inspection of a sewer Pipe Reach by CCTV that results in documentation of a Condition Assessment Rating for the inspected Pipe Reach. "Condition Assessment Inspections" shall not include CCTV inspections for cleaning QA/QC, spill follow-up, FOG source investigations, or other types of CCTV inspection unless those inspections yield a Condition Assessment Rating for the entire Pipe Reach.

"Condition Assessment Rating" shall mean the assignment of an overall condition rating (A, B, C, D or E) for each inspected Pipe Reach in accordance with City procedures and include documentation in the City's CCTV database of defects found during the CCTV inspection.

"CWA" shall mean the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*

"Day," regardless of whether it is capitalized, shall mean a calendar day unless expressly stated to be a working day. In computing any period of time under this Settlement Agreement, where the last day would fall on a Saturday, Sunday, or federal or State holiday, the period shall run until the close of business of the next working day.

"Deliverable" shall mean any written report or other document required to be prepared and/or submitted pursuant to Sections II (Applicability),

V.G (Work - Odor Provisions), VI (Reporting Requirements), VII (Review and Approval of Deliverables), and VIII (Supplemental Environmental Projects) of this Settlement Agreement.

"Design Costs" shall mean any and all costs associated with planning, investigation, alternative development, environmental clearance, facility configuration, detailed design (including, as appropriate, architectural, landscape, civil, water quality, mechanical, electrical, instrumentation and control system, structural, and geotechnical design), constructability review, and procurement (including contract document preparation).

"Design Storm" shall mean a 10-year, 24-hour storm utilizing a back loaded hyetograph occurring over the entire Los Angeles service area with wet antecedent soil conditions.

"EPA" shall mean the United States Environmental Protection Agency.

"First-Time Condition Assessment" shall mean a Condition Assessment Inspection that has not been the subject of a Condition Assessment Inspection more recently than five years prior to July 1 of the Fiscal Year in which the inspection was conducted.

"Fiscal Year" shall mean the City's fiscal year beginning on July 1 and ending on June 30 of the following year.

"FOG" shall mean fats, oils, and grease.

"FOG Control Program" or "Fats, Oils, and Grease Control Program" shall mean the City's program to control the discharge of FOG from FSEs as mandated by the City Council's August 2001 Industrial Waste Ordinance modification, and as may be modified consistent with this Settlement Agreement.

"FSE," short for "food service establishment," shall mean a facility

engaged in preparing food for consumption by the public such as a restaurant, commercial kitchen, caterer, hotel, school, hospital, prison, correctional facility, or care institution. L.A. Muni. Code 64.00(a)(27).

"Government Plaintiffs" shall mean the United States and the Regional Board.

"Hotspot Cleaning" shall mean scheduled cleaning conducted as part of the maintenance of sewer Pipe Reaches that the City has determined to be in need of high frequency cleaning to reduce the risk of SSOs.

"Independent Review of the Sewer Odor Control Program for the City of Los Angeles" shall mean the review conducted by the independent expert retained pursuant to the July 2001 Stipulated Case Management Order.

"Intervenors" shall mean the Plaintiffs in Intervention Baldwin Hills Estates Homeowners' Association, Inc., Baldwin Hills Village Garden Homes Association, United Homeowners Association, Village Green Owners Association, and Concerned Citizens of South Central Los Angeles.

"Odor Advisory Board" shall mean the community advisory board established pursuant to the July 2001 Stipulated Case Management Order.

"Odor Complaint Response Form" shall mean the form used by City crews to respond to odor complaints.

"Odor Outreach Plan" shall mean the plan adopted by the City to publicize the existence of the Sewer Odor Hotline.

"Paragraph" shall mean a portion of this Settlement Agreement identified by an Arabic numeral.

"Parties" shall mean the United States, the Regional Board, Baykeeper, the Intervenors, and the City.

"Pipe Reach" (used primarily with respect to sewer cleaning) shall

mean a length of sewer line extending from one maintenance hole to the next maintenance hole.

"Plaintiffs" shall mean the United States, the Regional Board, Baykeeper, and the Intervenors.

"Primary Basin Plan" shall mean a master plan for the Primary Sewers in the individual primary basins in the City. Currently, there are 25 primary basins in the City.

"Primary Sewers" shall mean sewers that are 16 inches and greater in diameter, excluding the major outfalls and interceptor sewers.

"'R' Factor" shall mean the percentage of rainfall volume in a sewer basin that enters the sanitary sewer.

"Regional Board" shall mean the California Regional Water Quality Control Board, Los Angeles Region.

"Secondary Basin Plan" shall mean a master plan for the Secondary Sewers in the individual secondary basins in the City. Currently, there are 218 secondary basins in the City.

"Secondary Sewers" shall mean sewers that are less than 16 inches in diameter.

"Section" shall mean a portion of this Settlement Agreement identified by an uppercase Roman numeral.

"Settlement Agreement" shall mean this Settlement Agreement and Final Order, including all its attached appendices: Appendix A - Sewer Relief Projects, Appendix B - Rehabilitation and Replacement Projects, and Appendix C - Supplemental Environmental Projects.

"Sewer Odor Hotline" shall mean the hotline operated by the City for the purpose of receiving and recording calls reporting sewage odor complaints,

which was established pursuant to the July 2001 Stipulated Case Management Order.

"Sewer Relief Projects" shall mean new sewers, the replacement of old sewers with larger diameter sewers, diversion structures, and other projects built primarily for the purpose of increasing the hydraulic capacity of the Wastewater Collection System.

"SSO" or "Sanitary Sewer Overflow" shall mean an overflow, spill, diversion, or release of wastewater from or caused by the City's Wastewater Collection System, except that the term "SSO" does not include wastewater backups into buildings caused solely by a blockage or other malfunction in a building lateral that is privately owned.

"SSO Subject to Stipulated Penalties" or "Subject SSO" shall mean (i) an SSO that results in a release to navigable waters or surface waters of the State in excess of 500 gallons, and (ii) any other SSO in excess of 1000 gallons. A release of wastewater to a storm sewer shall be considered a release to navigable waters unless the City demonstrates that a structural diversion was in place in the storm sewer and operational such that the flow was diverted into the sanitary sewer, or unless the flow did not otherwise enter the primary storm water collection system, or unless the City removed the wastewater from the primary storm water collection system before the wastewater entered a navigable water or surface water of the State. SSOs Subject to Stipulated Penalties shall exclude those caused by acts of vandalism or an error of a contractor or subcontractor not working directly or indirectly on behalf of the City. For the purposes of this definition, the "primary storm water collection system" shall mean the system of laterals and other storm sewers that convey rain water and runoff.

"State" shall mean the State of California.

"Three-Year Average" – a "Three-Year Average" shall be calculated over three consecutive Fiscal Years.

"Three-Year Rolling Average" – a "Three-Year Rolling Average" is a series of Three-Year Averages made up, for example, by the Three-Year Average for Years One through Three, the Three-Year Average for Years Two through Four, the Three-Year Average for Years Three through Five, and so on.

"Trigger Flow" shall mean the measured peak dry weather flow level in a sewer pipe that, when reached, triggers the initiation of City planning and design for a Sewer Relief Project. City standards and procedures define the trigger flow level in terms of d/D, the ratio between the depth of flow (d) in a sewer pipe and the diameter (D) of the sewer pipe.

"United States" shall mean the United States of America.

"Validation" shall mean the process of testing a Calibrated model using one or more independent data sets. The model is run without any further adjustment using independent data set(s) of rainfall data. Then the results are compared to the field measurements collected concurrently with the rainfall data. If the results are suitably close, the model is considered validated.

"Wastewater Collection System" shall mean all parts of the wastewater collection system owned or operated by the City that are intended to convey domestic or industrial wastewater to the City's wastewater treatment plants, including without limitation, sewers, pipes, pump stations, lift stations, manholes or maintenance holes, and force mains.

"Year" shall mean "Fiscal Year."

"Year One" through "Year Ten" are Fiscal Years defined as follows:

"Year One" – July 1, 2004 through June 30, 2005
"Year Two" – July 1, 2005 through June 30, 2006
"Year Three" – July 1, 2006 through June 30, 2007
"Year Four" – July 1, 2007 through June 30, 2008

"Year Five" – July 1, 2008 through June 30, 2009
"Year Six" – July 1, 2009 through June 30, 2010
"Year Seven" – July 1, 2010 through June 30, 2011
"Year Eight" – July 1, 2011 through June 30, 2012
"Year Nine" – July 1, 2012 through June 30, 2013
"Year Ten" – July 1, 2013, through June 30, 2014.

V. WORK

9. The parties have evaluated the components of the City's Wastewater Collection System program. Pursuant to this Agreement, the City agrees to continue to implement its program components as augmented herein.

A. SEWER CLEANING

10. Starting with Year One, the City shall clean a minimum of 60,000 sewer Pipe Reaches annually (equivalent to approximately 2,600 miles of sewer) and, starting with Year Three, maintain a Three-Year Rolling Average of 65,000 sewer Pipe Reaches cleaned (equivalent to approximately 2,800 miles of sewer). All Pipe Reach cleaning, including preventative maintenance, proactive maintenance, and reactive maintenance (including Hotspot Cleaning), shall be included in determining compliance with this provision, including multiple cleanings of a Pipe Reach in a given Year.

11. If, in any Year, the City cleans more than 60,000 sewer Pipe Reaches, the City may "bank" the excess Pipe Reach cleaning. In any Year following Year One, the City may demonstrate compliance with the annual requirement of cleaning 60,000 Pipe Reaches per Year through a combination of Pipe Reaches cleaned in that Year and "banked" cleaning from previous Years, *provided*, however, that in no Year may the number of Pipe Reaches actually cleaned be reduced below a floor of 48,000 Pipe Reaches, and *provided* that once a banked Pipe Reach cleaning has been used in one Year, it may not be used in any subsequent Year.

12. If, in any three-Year period starting with Years One through Three, the

City cleans an average of more than 65,000 sewer Pipe Reaches per Year (more than 195,000 Pipe Reaches total in the three-Year period), the City may "bank" the excess Pipe Reach cleaning. In any three-Year period ending after Year Three, the City may demonstrate compliance with the Three-Year Rolling Average requirement of cleaning an average of 65,000 Pipe Reaches per Year through a combination of Pipe Reaches cleaned in that three-Year period and "banked" cleaning from previous three-Year periods, *provided* however, that in no three-Year period may the average number of Pipe Reaches actually cleaned be reduced below a floor of 52,000 Pipe Reaches per Year, and *provided* that once a banked Pipe Reach cleaning has been used in one three-Year period, it may not be used in any subsequent three-Year period.

13. The Hotspot Cleaning portion of the annual cleaning in Year One shall be at least 35,000 Pipe Reaches. After Year One, the City shall adjust the quantity of Hotspot Cleaning as necessary to meet the City's cleaning needs. The frequency and breakdown of cleaning between preventative and proactive maintenance shall be adjusted by the City as appropriate based on field conditions. However, the overall amount of cleaning shall not be reduced below the minimum requirements set forth in Paragraphs 10 through 12, above.

B. CHEMICAL ROOT CONTROL

14. In Year One and Year Two, to control the growth of roots in the Wastewater Collection System, the City shall apply chemicals to a minimum of 150 miles of sewers annually.

C. SEWER CONDITION ASSESSMENT (CCTV)

15. The City shall continue to conduct comprehensive and systematic inspections and structural condition assessments of its Wastewater Collection System. Inspections shall be used, among other things, as the primary tool to

identify sewers in need of repair, rehabilitation, or replacement. Starting with Year One, at a minimum, the City shall use CCTV to inspect 600 miles of pipes annually. The City shall make it a priority to inspect and assess the condition of pipes that have not been previously inspected by CCTV or were most recently inspected by CCTV more than five years prior to entry of this Agreement. CCTV inspections that are included in determining compliance with the annual inspection requirement include multiple assessments of a sewer pipe, post-spill assessment, and CCTV inspections performed as part of quality assurance/quality control (QA/QC) procedures. By September 1 of each year, the City shall complete Condition Assessment Ratings for each pipe inspected pursuant to this Paragraph during the previous Fiscal Year.

16. If in Year One or any subsequent Year, the City completes CCTV Condition Assessment Inspections of more than 600 miles of sewer pipes, the City may "bank" the percentage of the excess CCTV work that equals the percentage of the CCTV work performed during that Year that were First-Time Condition Assessments.

17. Beginning in Year Two, in demonstrating compliance with the 600-mile CCTV inspection requirement, the City may rely on the miles of sewer pipes inspected in that Year and any miles "banked" from previous Years, *provided* however, once a "banked" mile of CCTV inspection has been used to demonstrate compliance in one Year, it may not be used again in any other Year.

D. SEWER CAPACITY PROJECTS, SYSTEM EVALUATION, AND CAPACITY ASSURANCE

18. The City shall complete the construction of the Sewer Relief Projects identified in Appendix A to this Settlement Agreement by the deadlines set forth in Appendix A specific to each project, or as modified pursuant to Subsection V.H

(Modification of Construction Deadlines).

19. Following approval of the additional Sewer Relief Projects in the Capacity Report and Plan submitted pursuant to Subsection VI.E (Capacity Report and Plan), the City shall complete the construction of the Sewer Relief Projects set forth in that Report by the deadlines provided for in the approved Report, or as modified pursuant to Subsection V.H (Modification of Construction Deadlines).

20. Design Manual. No later than the end of Year One, the City shall add the following language to its design manual ("PDWF" means peak dry-weather flow and "RDI/I" means rainfall derived infiltration and inflow):

> Sewers shall be sized so the depth of the PDWF, projected for the design period, shall be no more than one half the pipe diameter (d/D = 0.5). An exception shall be made to the design criteria in Table 250 in circumstances where, as a result of a 10-year, 24-hour storm, the tributary area contributing flow to the sewer pipe produces RDI/I flow greater that the PDWF. In these situations, unique and localized conditions shall be considered when sizing pipes. For example, the design depth of flow in the sewer pipe may be adjusted to a level below d/D = 0.5 such that the pipe will accommodate peak wet weather flow (PDWF plus RDI/I) resulting from the 10-year, 24-hour storm. As an alternative, the useful design period of the pipe may also be adjusted down to provide sufficient capacity for RDI/I throughout the reduced design period. Where upstream treatment and/or storage reservoirs are planned or available, their effect on reducing peak flows shall be considered in sizing downstream sewers. In the case of relief sewers, the combined capacity of the relief sewer and the sewer being relieved shall meet the above criteria. Under special conditions consistent with good engineering practice and the judgment of the City Engineer, the d/D design criteria of 0.5 may be slightly increased. Some of these special conditions include limitation in pipe size, ability to achieve minimum velocity and to control sewer odors.

21. MOUSE Model. No later than the end of Year Five, the City shall have expanded its MOUSE model to include all Primary Sewers. The expansion will be performed systematically as part of the development of the Primary Sewer master plans. An individual MOUSE model will be developed as part of developing each Primary Basin Plan and will be linked to the existing City MOUSE model. These individual MOUSE models and the expanded MOUSE

model shall be Calibrated and Validated.

22. The City shall continue its wet weather Calibration and Validation of its existing MOUSE model.

23. "R" Factors. No later than the end of Year One, the City shall utilize all current and past valid flow data to complete the development of all "R" Factors for all model basins within the City's MOUSE model.

24. Primary Basin Plans. No later than the end of Year Five, the City shall complete all Primary Basin Plans. The City shall utilize all available valid flow data and valid modeling results to evaluate the hydraulic capacity of the Primary Sewer system as part of the development of these master plans.

25. Secondary Basin Plans. No later than the end of Year Ten, the City shall complete Secondary Basin Plans for the 100 highest priority secondary basins. As part of the preparation of the Secondary Basin Plans, the City shall consider any possible backwater conditions utilizing all available valid flow data and valid modeling results.

E. SEWER REHABILITATION AND REPLACEMENT PROJECTS

26. The City shall complete construction of the sewer rehabilitation and replacement projects identified in the Appendix B to this Settlement Agreement by the deadlines set forth in Appendix B specific to each project, or as modified pursuant to Subsection V.H (Modification of Construction Deadlines).

27. In Year Four through Year Ten of this Agreement, the City shall rehabilitate or replace the miles of sewer pipes required pursuant to the approved Rehabilitation and Replacement Report and Plan submitted pursuant to Subsection VI.D (Rehabilitation and Replacement Report and Plan). In no event shall the projects set forth in Appendix B be counted in achieving compliance with the mileage requirements in the approved Rehabilitation and Replacement Report and

Plan. For purposes of this Agreement, rehabilitation and replacement includes emergency repairs that restore the affected pipe to Condition C or better, trenchless sewer rehabilitation, and sewer replacement or reconstruction.

28. If, in any Year during Years Four though Ten, the City rehabilitates or replaces more than the annual number of miles of sewer pipe required pursuant to the approved Rehabilitation and Replacement Report and Plan submitted pursuant to Subsection VI.D of this Settlement Agreement, the City may "bank" the excess miles of pipe. In any Year beginning in Year Five, the City may demonstrate compliance with the annual rehabilitation and replacement mileage requirement of Paragraph 27 and Subsection VI.D through a combination of miles rehabilitated or replaced in that Year and "banked" rehabilitation or replacement from previous Years, *provided*, however, that once a banked mile of rehabilitation or replacement has been used in one Year, it may not be used in any subsequent Year.

29. If, in any three-Year period starting with the three-Year period comprising Years Four through Six, the City rehabilitates or replaces, on a Three-Year Average, more miles of pipe than is required pursuant to the approved Rehabilitation and Replacement Report and Plan submitted pursuant to Subsection VI.D of this Settlement Agreement, the City may "bank" the excess miles of pipe. In any three-Year period ending in or after Year Seven, the City may demonstrate compliance with the Three-Year Rolling Average mileage requirement for sewer pipe rehabilitation or replacement of Paragraph 27 and Subsection VI.D through a combination of miles rehabilitated or replaced in that three-Year period and "banked" miles from previous three-Year periods, *provided* however, that once a banked mile has been used in one three-Year period, it may not be used in any subsequent three-Year period.

F. FATS, OILS, AND GREASE (FOG) CONTROL PROGRAM

30. The City shall continue to implement its Grease Control Ordinance. At a minimum, the City shall inspect all permitted FSEs annually.

31. No later than the end of Year One, following review and, where applicable, approval of the FOG Report required pursuant to Paragraph 59, the City shall a) make any modifications to the FOG Control Program Standard Operating Procedures and Enforcement Response Plan and Enforcement Response Guide provided for in the report, and b) begin implementation of the FOG Control Program in accordance with the modified Standard Operating Procedures and Enforcement Response Plan and Enforcement Response Guide.

G. ODOR PROVISIONS

General

32. The City will continue to investigate, resolve, and mitigate sewer odors to the maximum extent practicable. The City will continue to work closely with the Odor Advisory Board on these efforts.

Sewer Odor Hotline and Response

33. The City will continue to operate the Sewer Odor Hotline. Within six months from the entry of this Settlement Agreement, the City shall, if practicable, arrange for calls to the Sewer Odor Hotline to be answered and documented by a live person rather than a recording.

34. Within six months from the entry into this Settlement Agreement, the City will develop an updated Odor Outreach Plan for advertising the Sewer Odor Hotline. The Plan will continue the public outreach efforts advertising the Sewer Odor Hotline in Los Angeles City Council Districts 8, 9, and 10 and gradually expand the outreach to the entire City.

35. As part of the City's Odor Outreach Plan, the City will develop a community feedback system. Under this system, the City will periodically contact

a select group of people who live near known odor hot spots to inquire about their recent experiences with sewage odors and, if applicable, their experiences with the Sewer Odor Hotline.

36. The City will implement its updated Odor Outreach Plan and will report on the progress as part of the Annual Report required under Subsection VI.G. of this Settlement Agreement.

37. The City will modify its Odor Complaint Response Form to include a qualitative description of the wind condition (i.e., calm, windy, or gusty) observed in good faith by the field crews and wind direction, as readily available to the field crews. In some special cases and as deemed necessary by the City, available basic weather information may be used for the odor complaint investigation.

38. The City will make an initial return call to the community member filing the sewer odor complaint through the Sewer Odor Hotline (complainant) within 1 week from the receipt of the hotline complaint if requested by the complainant and the complainant has provided call back information.

39. The City will investigate the sewer odor complaint received by the Sewer Odor Hotline and shall call the complainant to attempt to report findings and actions within 30 days from the receipt of the Sewer Odor Hotline complaint if requested by the complainant and the complainant has provided call back information.

40. For the first year after the entry into this Settlement Agreement, the City will prepare quarterly reports reviewing the Sewer Odor Hotline program. The reports shall list all sewer odor complaints received by the Sewer Odor Hotline for that period, the date received, the location, the date when the initial call was made, the cause of the odor complaint as determined by the field inspection crew, the action taken and the date of the follow-up call made. The report shall assess the

effectiveness of the Sewer Odor Hotline program, including whether callers are reasonably satisfied with the Sewer Odor Hotline, and shall include any recommendations for improvement, if necessary. A draft of the report will be reviewed with the Odor Advisory Board and the Odor Advisory Board shall have an opportunity to comment on the report, as well as its findings and recommendations. The final report, including any findings and recommendations for improvement, shall be posted on the sewer hotline web page. Thereafter, the City will prepare and post an annual report. The Odor Advisory Board may request a quarterly report if necessary.

Odor Advisory Board

41. The City will continue to support the Odor Advisory Board for the length of this Settlement Agreement, unless sooner terminated by mutual assent of the parties.

42. The City will provide the Odor Advisory Board with all of the reports relating to system evaluation and capacity assurance, including reports concerning flow levels and sewer capacity, that the City is required to provide under this Settlement Agreement.

Existing Odor Control Measures

43. Within six months of the entry into this Settlement Agreement, the City will prepare written procedures for the odor control measures the City currently employs including the addition of chemicals for sewer odor control. The procedures will outline and describe the type of chemicals and the underlying assumptions utilized to estimate the necessary dosage, including baseline monitoring data, performance monitoring data, odor complaints, and any other factors as deemed necessary to ensure the effectiveness of the odor control measures. The procedures will also outline instances with significant changes that

require notification of the Odor Advisory Board. This will include instances where the chemicals used are changed or the underlying assumptions are changed.

44. The City will distribute these written procedures to the Odor Advisory Board. On an annual basis, or as requested by the Odor Advisory Board, the City will share summary data with the Odor Advisory Board regarding the odor control measures utilized by the City and any relevant information.

Odor Master Plan

45. The City will complete the preparation of its Odor Master Plan within 2 years from the entry into this Settlement Agreement. This will include the assessment of known odor hotspots, additional testing and monitoring, and recommended actions. The City will develop the Odor Master Plan in consultation with the Odor Advisory Board or its designees. The Odor Advisory Board will be updated quarterly on the progress of the Master Plan preparation.

Air Treatment Facilities & Interim Scrubbers

46. The City will install and operate seven Air Treatment Facilities ("ATFs") for the control of sewer odors at the following locations by the corresponding dates:

Project Title	Construction End Date
ATF – ECIS/NORS (4 Sites) Mission & Jesse 23rd and San Pedro Jefferson Siphon (Jefferson & La Cienega) At NORS Connection	5/23/08
ATF - NCOS Jefferson & Rodeo	5/23/08
ATF - NEIS (2 Sites) Humboldt Richmond	3/26/09

The deadline for completion of construction will reflect appropriate design, permitting and/or construction contingencies. The City shall make its best efforts

to ensure that any delays do not exceed one year.

47. While the ATFs are being constructed, interim odor carbon scrubbers will be installed at the following locations per the corresponding dates:

Project Title	Construction End Date
Interim Carbon scrubber – NCOS	completed
Interim Carbon scrubber – ECIS/NORS (4 Sites) Mission & Jesse 23rd and San Pedro Jefferson Siphon (Jefferson & La Cienega) At NORS connection	8/27/04
Interim Carbon scrubber – NEIS (2 Sites) Humboldt Richmond	10/30/06

The deadline for completion of construction will reflect appropriate construction contingencies. The Parties recognize that these dates represent the most reliable estimates based on information currently available and that the dates may be modified as new circumstances dictate.

48. In addition, the City will continue to operate the odor control carbon scrubber at the traffic island at the intersection of Rodeo and Jefferson until the ATF at that location is operational.

49. The City will develop a written maintenance and operations manual for each of the ATFs. The written operations manual shall state that the standard operating procedure for the ATFs includes the operation of the ATF's biotrickling filter and its carbon polishing system.

50. The City will monitor all the odor control facilities as necessary to comply with all regulatory and permit requirements. The City will disclose the terms of these regulatory and permit requirements to the Odor Advisory Board.

51. The City will install an indicator light on the outside wall of each ATF that visually depicts whether the biotrickling filter of the ATF is operational or not

and the number to call to report any issues with the operations.

52. The City will report quarterly to the Odor Advisory Board, or more frequently if requested by the Odor Advisory Board, on the removal levels for hydrogen sulfide at each of the odor control facilities (interim scrubbers and permanent ATFs) showing inlet concentration and outlet concentration. The information will also be posted on the odor hotline web site. One year after the last ATF is installed, the reports will become annual or as requested by the Odor Advisory Board.

53. The City will report on the construction progress of the odor control facilities as part of the Annual Report and construction progress will be discussed with the Odor Advisory Board on an annual basis or as requested by the Odor Advisory Board.

54. With the completion of each of the ATFs, the City will extend an invitation to the Odor Advisory Board to tour the facility.

ECIS Odor Monitoring

55. Within two months after ECIS (the East Central Interceptor Sewer) becomes operational, the City will conduct monitoring of hydrogen sulfide gas levels, air pressure, and other necessary parameters in ECIS as necessary to evaluate the effectiveness of the odor control efforts. Within 3 months after the operation of ECIS, the City will share the results of this monitoring with the Odor Advisory Board or its designees.

Independent Review of the Sewer Odor Control Program

56. Within six months from entry into this Settlement Agreement, the City will prepare an implementation plan for implementing the recommendations made as part of the Independent Review of the Sewer Odor Control Program for the City of Los Angeles. The implementation plan will include an implementation schedule

and reasons for deviating from the recommendations in the Independent Review, if any.

57. The progress on the implementation of the recommendations will be reported as part of the Annual Report and will be discussed with the Odor Advisory Board on an annual basis or as requested by the Odor Advisory Board.

H. MODIFICATION OF CONSTRUCTION DEADLINES

58. If the City and the Government Plaintiffs so agree, the deadlines applicable to the Sewer Relief Projects identified in Paragraphs 18 and 19 above, and the deadlines applicable to the sewer rehabilitation and replacement projects identified in Paragraph 26 above and Appendix B to this Settlement Agreement, may be adjusted to address unforeseen construction contingencies. The City and the Government Plaintiffs agree to work in good faith to adjust these schedules as necessary to address such contingencies. The City shall provide Baykeeper and Intervenors with timely notice of a City proposal to modify a deadline pursuant to this Paragraph and Baykeeper and the Intervenors shall provide Government Plaintiffs with any comments on said proposal. Any dispute with regard to any schedule adjustment proposed pursuant to this Paragraph shall be subject to dispute resolution pursuant to Section XI (Dispute Resolution).

VI. REPORTING REQUIREMENTS

A. REPORT ON NEED FOR MODIFICATIONS TO FOG CONTROL PROGRAM

59. No later than six months after entry of this Agreement, the City shall submit a report for Government Plaintiffs' review and, as to certain elements, approval that evaluates the need for modifications to its current FOG Control Program Standard Operating Procedures ("SOPs") and Enforcement Response Plan and Enforcement Response Guide ("ERG"), and applicable sections of its existing

rules and regulations implementing its Grease Control Ordinance. This report (the "FOG Report") shall propose any modifications considered necessary by the City to these elements of the City's FOG Control Program. The City shall consider SOP and ERG modifications necessary to timely and effectively implement its FOG Control Program and enforce its Grease Control Ordinance. The FOG Report shall include consideration of the eleven elements listed below.

The portions of the FOG Report concerning the following five elements shall be subject to Government Plaintiffs' review and approval:

1. Implementation of the conditional waiver provisions including, but not limited to, FSE application for conditional waivers, review of conditional waiver criteria, acknowledgment by each FSE with a conditional waiver of its conditional waiver status and its operational responsibilities to maintain its conditional waiver, and revocation of conditional waivers;

2. Follow-up referrals of FOG-caused SSOs and procedures for identifying FSEs responsible for such overflows;

3. Procedures for inspection and maintenance of Grease Removal Devices ("GRDs") including criteria for evaluating the adequacy of GRD design, installation, and maintenance;

4. Enforcement response for FOG discharges resulting in an SSO; and

5. Establishment of routine inspection frequency and follow-up inspection frequency (where follow-up inspections are necessary);

The portions of the FOG Report concerning the following six elements shall be subject to the Government Plaintiffs' review but not approval:

6. Sampling and analysis of the oil and grease concentration in FSE discharges;

7. Targeted residential outreach associated with FOG-caused SSO referrals,

focusing on multiple-family dwellings;

8. Enforcement response for violations associated with failure to timely apply for permits and/or failure to timely pay applicable fees;

9. Enforcement response for FOG discharges causing violations of local oil and grease limits;

10. Enforcement response for modifications to an approved GRD without authorization; and

11. Inspection forms.

B. WET WEATHER CALIBRATION REPORT

60. Within six months after the entry of this Agreement, the City shall submit for Government Plaintiffs' review a report on the City's progress on the wet weather Calibration and Validation of the City's MOUSE model (see Paragraph 22), the rationale and procedures used in the Calibration and Validation, and any additional information and work needed for completing the Calibration and Validation.

C. CHEMICAL ROOT CONTROL REPORT

61. No later than 90 days following the end of Year Two, the City shall submit for Government Plaintiffs' review an evaluation of the effectiveness and applicability of its use of root control chemicals. (See Subsection V.B.) This evaluation shall include recommendations for expanding the application of root control chemicals, if appropriate, that are both feasible and cost-effective, and a schedule for implementing any such recommendations. In addition, the City shall include in its evaluation a review of the potential water quality impact(s) of the application of root control chemicals. In performing this review of potential water quality impact(s), the City may utilize and rely on existing reports and literature.

D. REHABILITATION AND REPLACEMENT REPORT AND PLAN

62. No later than the end of Year Two, the City shall submit a Rehabilitation and Replacement Report and Plan ("Rehabilitation Plan") to Government Plaintiffs for their review and approval. (See Paragraph 27 in Subsection V.E - Sewer Rehabilitation and Replacement Projects.) The Rehabilitation Plan shall utilize a comprehensive and systematic inspection and structural condition assessment methodology which enables the City to identify sewers requiring rehabilitation or replacement and to prioritize necessary rehabilitation and replacement projects. The Rehabilitation Plan shall focus on sewers targeted for rehabilitation or replacement based on overflow history, age (with particular attention to sewers constructed prior to 1960), material of construction, maintenance factors, and other factors deemed appropriate by the City.

63. The Rehabilitation Plan shall project the necessary rehabilitation and replacement work for Year Four through Year Ten. This projection shall specify the number or miles of sewer pipes to be rehabilitated or replaced on an annual and Three-Year Rolling Average basis. The rehabilitation and replacement mileage proposed in the Rehabilitation Plan for Years Four through Ten shall not be less than a minimum of 50 miles per Year on an annual basis and a minimum of an average of 60 miles per Year on a Three-Year Rolling Average basis.

64. The Rehabilitation Plan shall be consistent with the City's methodologies that call for timely rehabilitation or replacement of pipes in Condition D and E in accordance with City procedures, and the Rehabilitation Plan shall provide for the rehabilitation or replacement of other pipes necessary to reduce the risks of SSOs and ensure the long-term sustainable renewal of the City's infrastructure. The Rehabilitation Plan shall include a list of pipes known to date to be in Condition D or E and shall describe the City's strategies for addressing the

other pipes in the targeted sewers.

E. CAPACITY REPORT AND PLAN

65. No later than the end of Year Two, the City shall submit a Capacity Report and Plan ("Capacity Plan") to Government Plaintiffs for their review; and, with respect to the additional Sewer Relief Projects, their approval. The Capacity Plan shall address the following issues:

a. additional Sewer Relief Projects (see Paragraph 19 in Subsection V.D);

b. review of Trigger Flow level; and

c. flow monitoring program assessment.

66. Additional Sewer Relief Projects. The Capacity Plan will list additional Sewer Relief Projects the City may propose to build in Years Four through Ten to assure that its Wastewater Collection System has sufficient capacity to convey wet weather flows consistent with the City's design standard. For each project, the Capacity Plan shall include a description of the project and a deadline for completion of construction. Project descriptions shall include the sewer pipe being relieved; the location, size, and length of the new sewer pipe, if feasible; and any other pertinent information describing the capacity project.

67. Review of Trigger Flow Level. The Capacity Plan will evaluate the City's current "trigger" flow level to determine whether it remains an appropriate criterion for setting priorities for potential capacity relief projects. The review will identify any modifications to the Trigger Flow level that are necessary to account for the planning horizon necessary for timely response. The review will consider the effect wet weather may have on the timing of any projected sewer relief including basins known to have high RDI/I. The Capacity Plan will make findings and recommendations regarding any proposed changes to the City's "trigger" flow

level, and any proposed changes as to how the "trigger" flow (either current or revised) will be implemented and applied.

68. Flow Monitoring Program Assessment. The Capacity Plan will describe the City's existing flow monitoring program and evaluate its adequacy to support the City's system capacity assessment and planning work.

F. IRP REPORT

69. No later than the end of Year Five, the City shall complete and submit its Integrated Resources Plan (IRP) addressing the system needs and the improvement plans for the City interceptors and outfall sewers. The City shall submit an update to the IRP no later than the end of Year Ten.

G. ANNUAL PROGRESS REPORT

70. Timing. By October 1 following the end of Year One and on September 1 of each following year this Settlement Agreement remains in effect, the City shall submit an Annual Progress Report ("Annual Report") to Government Plaintiffs for their review. The Annual Report shall cover at least the period in the Fiscal Year ending on the previous June 30.

71. Contents.

a. Designated Rehabilitation and Replacement Projects. For Years One through Three of this Settlement Agreement, the Annual Report shall report the status of each project required by Paragraph 26 and identified in Appendix B of this Settlement Agreement. For projects that are completed, the Annual Report shall report whether the project was completed by the applicable deadline. For projects that have not been completed, the Annual Report shall briefly describe the status of the project including whether the project remains on schedule for completion by the applicable deadline. If any projects identified in Appendix B are not completed by the end of Year Three of this Settlement Agreement, subsequent

Annual Reports shall continue to set forth the status of these uncompleted projects until each project is completed.

b. Rehabilitation and Replacement – Mileage Requirements. For Years Four through Ten of this Settlement Agreement, the Annual Reports shall report the number of miles of sewer pipes the City has rehabilitated and replaced in the previous Fiscal Year, and, for Years Six through Ten of this Settlement Agreement, report the Three-Year Average of sewer pipes rehabilitated and replaced in the previous three Fiscal Years. The City will provide a list of Condition D and E pipes that have been rehabilitated or replaced in that period of time. For each sewer line rehabilitated or replaced the City shall provide the following information if available:

(1) the pipe identification number;

(2) whether the pipe was rehabilitated or replaced;

(3) the length of the sewer line at issue;

(4) the pipe material;

(5) the diameter of the pipe;

(6) the original installation date of the sewer line at issue;

(7) the most recent Sewer Condition Assessment Rating of the sewer pipe prior to its rehabilitation or replacement; and

(8) a map depicting the locations of each pipe rehabilitated or replaced.

If the Annual Report indicates that the City has not achieved the required mileage of sewer line rehabilitation and replacement (either on an annual or Three-Year Rolling Average basis), the Annual Report may identify and discuss the reasons why the mileage requirements were not achieved. If the City exceeded the required mileage of sewer line rehabilitation and replacement (either on an annual

or Three-Year Rolling Average basis), and is eligible to bank the excess mileage as provided for by Paragraphs 28 and 29, the Annual Report shall identify the number of miles the City proposes to bank and document the basis for the City's position that it has exceeded the mileage requirements in this Settlement Agreement.

c. Sewer Relief Projects. For Years Four through Ten of this Settlement Agreement, the Annual Report shall report the status, including completion schedule, of each Sewer Relief Project incorporated in this Settlement Agreement pursuant to the terms of Paragraphs 18 and 19 and Appendix A. For sewer capacity projects that are completed, the Annual Report shall state whether the project was completed by the deadline applicable to that project.

d. Capacity Exceptions List. The Annual Report shall include the current "Capacity Exceptions List." The "Capacity Exceptions List" shall list all identified sewer locations with peak dry weather flow levels exceeding 75% of the pipe diameter and those that are exceeding 50% but less than or equal to 75% of the pipe diameter. The City shall provide information and a schedule, if applicable, relative to the planned action for each location that exceeds the City's adopted Trigger Flow.

e. Wastewater Capital Improvements. The Annual Report shall include a copy of the latest Wastewater Capital Improvements Program.

f. Sewer Cleaning. The Annual Report shall report the number and miles of sewer Pipe Reaches cleaned in the previous Year, and, for Years Three through Ten of this Settlement Agreement, on a Three-Year Rolling Average. The Annual Report for Year One of this Settlement Agreement shall state whether the hotspot portion of the City's cleaning comprised at least 35,000 pipes. Each Annual Report shall compare the amount of cleaning to the applicable requirements of this Settlement Agreement, discuss the breakdown of cleaning

performed between hotspot and preventative cleaning, and discuss the anticipated level of cleaning and breakdown for the coming Year. If the City has cleaned sewer Pipe Reaches in excess of the requirements of this Settlement Agreement (either on an annual or Three-Year Rolling Average basis), and is eligible to bank the excess cleaned Pipe Reaches as provided for by Subsection V.A (Sewer Cleaning), the Annual Report shall identify the number of cleaned Pipe Reaches the City proposes to bank and document the basis for the City's position that it has exceeded the cleaning requirements in this Settlement Agreement.

g. Sewer Line Television Assessment. The Annual Report shall report the number of miles of sewer pipe inspected by CCTV, and the number of miles of First-Time Condition Assessments.

h. The Annual Report shall report findings of CCTV condition assessments conducted during the Year including the number of miles of sewer pipe found in each Condition rating A through E.

i. Fats, Oils, and Grease (FOG) Control Program. The Annual Report shall report on the implementation and enforcement of the City's FOG Control Program. The City shall provide an annual summary of its weekly FOG reports and report the number of permitted FSEs that were not inspected during the prior year. The Annual Report shall, in addition, report on the City's implementation of its Standard Operating Procedures and Enforcement Response Plan and Enforcement Response Guide. The Annual Report shall provide an annual summary of the Oil/Grease Referrals from WCSD (Wastewater Collection Systems Division), which shall include the names of any FSE identified as a source causing or contributing to a FOG blockage. In addition, the Annual Report shall report on conditional waiver activity including, if applicable, the number of conditional waivers denied or revoked. (See Subsection V.F - FOG Control Program.)

j. Primary and Secondary Basin Plans. The Annual Report shall report on the City's progress towards completing the master plans for the Primary and Secondary Basins Plans required by this Settlement Agreement. This shall include identifying the master plans completed in the previous Year.

k. MOUSE Model. The Annual Report shall report on the City's progress on its wet weather Calibration and Validation of its MOUSE model (see Paragraph 22), including, in the Annual Report for Year One, the required development of all "R" Factors for all model basins within the City's existing MOUSE model (see Paragraph 23).

l. Chemical Root Control. The Annual Report shall report on the City's use of chemicals to inhibit the growth of roots in the sewer system, including the number of miles of sewer to which root inhibitor has been applied. (See Subsection V.B - Chemical Root Control, and Subsection VI.C - Chemical Root Control Report.)

m. Implementation. The Annual Report shall report on any other significant program modifications made during the preceding Fiscal Year that affect compliance with or implementation of the requirements of this Settlement Agreement.

n. The Annual Report shall propose new or modified plans in any area where the City has failed to materially comply with this Settlement Agreement.

72. Within 30 days of submission of the Annual Report, the City shall schedule a meeting to discuss its contents with Government Plaintiffs, Baykeeper, and Intervenors. At the meeting, the City shall be prepared to discuss its compliance with this Settlement Agreement to date, and the steps the City plans to take in the Fiscal Year then in progress to assure continued compliance.

H. QUARTERLY REPORTS

73. Quarterly SSO Reports. On the thirtieth day of January, April, July, and October (30 days after the end of the fiscal quarter) of each year until this Settlement Agreement is terminated, the City shall submit to Plaintiffs a summary of all SSOs occurring during the previous fiscal quarter. The reports shall provide:

a. the date and time of each SSO;

b. the location of each SSO including address, district number, basin number, and manhole numbers;

c. the structure(s) from which each SSO emerged (for example maintenance hole, broken pipe, wet well, indoor plumbing, lateral cleanout, etc.)

d. the pipe size, length, and material;

e. the estimated volume of each SSO including gross volume, amount recovered, and amount not recovered;

f. the cause of each SSO;

g. whether each SSO entered a particular water of the United States and, if so, the name of the water body and whether it entered via storm drains or other man-made conveyances;

h. the results and analysis or any post-SSO CCTV results;

i. the actions the City took to control the overflow and prevent future SSOs at the same location.

The City shall also provide the Regional Board with notice of each SSO concurrently with the notices the City provides the County of Los Angeles.

I. OTHER PROVISIONS

74. Other Reports. Upon Government Plaintiffs' request, the City shall provide any information required by this Settlement Agreement. In addition, in response to reasonable requests by Government Plaintiffs, the City shall provide

information relevant to implementation or compliance with any provision of this Settlement Agreement.

75. All reports shall be submitted to the persons designated in Section XVI of this Settlement Agreement (Notices).

76. Each report submitted by the City under this Section shall be signed by an official of the submitting party and include the following certification:

> I certify under penalty of law that this document and its attachments were prepared either by me personally or under my direction or supervision in a manner designed to ensure that qualified and knowledgeable personnel properly gathered and presented the information contained therein. I further certify, based on my personal knowledge or on my inquiry of those individuals immediately responsible for obtaining the information, that to the best of my knowledge and belief the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing and willful submission of a materially false statement.

This certification requirement does not apply to emergency or similar notifications where compliance would be impractical.

77. The reporting requirements of this Settlement Agreement do not relieve the City of any reporting obligations required by the Clean Water Act or the California Water Code or their implementing regulations, or by any other federal, state, or local law, regulation, permit, or other requirement.

VII. REVIEW AND APPROVAL OF DELIVERABLES

78. After review of the additional Sewer Relief Projects section of the Capacity Plan submitted pursuant to Paragraph 65.a and the Rehabilitation and Replacement Report and Plan submitted pursuant to Paragraph 62, the Government Plaintiffs shall in writing within 150 days of submission of these Deliverables: (a) approve the submission; (b) approve the submission upon specified conditions; (c) approve part of the submission and disapprove the remainder; or (d) disapprove the submission. If the Government Plaintiffs do not submit a decision in writing

within the time specified, the City shall have the right to invoke the procedures set forth in Section XI (Dispute Resolution).

79. If the submission is approved pursuant to Paragraph 78(a), the City shall take all actions required by the Deliverable, in accordance with the schedules and requirements of the Deliverable as approved. If the submission is conditionally approved or approved only in part, pursuant to Paragraph 78(b) or (c), the City shall, upon written direction of the Government Plaintiffs, take all actions required by the approved Deliverable that the Government Plaintiffs determine are technically severable from any disapproved portions, subject to the City's right to dispute only the specified conditions or the disapproved portions, under Section XI of this Settlement Agreement (Dispute Resolution).

80. If the submission is disapproved in whole or in part pursuant to Paragraph 78(c) or (d), the City shall, within 60 days or such other time as the Parties agree to in writing, correct all deficiencies and resubmit the Deliverable, or disapproved portion thereof, for approval, in accordance with the preceding Paragraphs. Alternatively, the City may invoke Section XI of this Settlement Agreement (Dispute Resolution).

81. If a resubmitted Deliverable, or portion thereof, is disapproved in whole or in part, the Government Plaintiffs may again require the City to correct any deficiencies, in accordance with the preceding Paragraphs, subject to the City's right to invoke Dispute Resolution.

82. The Report on Need for Modification to FOG Control Program required under Paragraph 59 shall be subject to the review and, in part, approval as provided for by Paragraph 59. In their approval of the portions of the FOG Report concerning elements 1 through 5 as listed in Paragraph 59, Government Plaintiffs will verify whether the Report reflects reasonable regulatory judgment aimed at

improving the effectiveness of the City's implementation of its FOG program. As to those portions of this report that are subject to Government Plaintiffs' approval, the process set forth in Paragraphs 78 through 81 will apply.

83. The Wet Weather Calibration Report, the Chemical Root Control Report, the IRP Report, and the "Trigger" Flow and flow monitoring sections of the Capacity Plan required by Paragraphs 60, 61, 67, 68, and 69 of this Settlement Agreement shall be subject to Government Plaintiffs' review and verification that these Reports reflect sound engineering principles and are consistent with the requirements set forth in the Paragraph(s) requiring the preparation of the reports.

84. With the exception of the Work Plans discussed in Section VIII Supplemental Environmental Projects (which shall be reviewed and approved pursuant to Paragraph 90), the remaining Deliverables, including the portions of the FOG Report concerning elements 6 through 11 as listed in Paragraph 59, will be subject to the Government Plaintiffs' review but not approval.

85. Permits. Where any compliance obligation under this Settlement Agreement requires the City to obtain a federal, state, or local permit or approval, the City shall submit timely and complete applications and take all other actions necessary to obtain all such permits or approvals. The City may seek relief under the provisions of Section X (Force Majeure) of this Settlement Agreement for any delay in the performance of any such obligation resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if the City has submitted timely and complete applications and has taken all other actions necessary to obtain all such permits or approvals.

VIII. SUPPLEMENTAL ENVIRONMENTAL PROJECTS

86. In implementing Supplemental Environmental Projects ("SEPs") under this Settlement Agreement, the City shall spend no less than $8.5 million in

eligible SEP costs. This $8.5 million shall include the $800,000 payment required by Paragraph 144. "Eligible SEP costs" include the costs of planning and implementing SEPs, but do not include City overhead, administrative expenses, legal fees, and contractor oversight. Design Costs in excess of 18% of the overall SEP costs shall not be "eligible SEP costs." If the Design Costs exceed 18% of the total overall SEP costs, the City and the Government Plaintiffs shall negotiate in good faith regarding whether an adjustment to the 18% figure is appropriate and if so, the size of the adjustment. The City shall implement the following SEPs, which are described briefly in Appendix C to this Settlement Agreement:

a. North Atwater Creek Restoration and Water Quality Enhancement Project;

b. South Los Angeles Storm Water Treatment Project at 54th and Avalon Streets;

c. Hazard Creek and Wetlands Restoration Project;

d. Inner Cabrillo Beach Pollution Control and Water Circulation Enhancement Project;

e. Downtown Los Angeles Storm Drain Low-Flow Diversion Project.

87. If the City implements each of the projects provided for in Paragraph 86, above, but those projects cost less than $8.5 million in eligible SEP costs, the City shall implement an additional project or additional projects from the following list to ensure that the City spends no less than $8.5 million in eligible SEP costs:

a. Restoration of Los Angeles River Wetlands at the "Headworks" Spreading Ground Project;

b. Additional Downtown Los Angeles Storm Drain Low-Flow Diversion Project(s) (not to exceed $2.0 million);

c. Legion Lane Park - LA River Revitalization, Habitat Restoration & Water Quality Enhancement Project;

d. Sycamore Grove Streambed Daylighting Project.

These projects are briefly described in Appendix C to this Settlement Agreement. If projects from the above list are required, the City shall have the discretion to choose which project or projects to implement. Prior to incurring any eligible SEP costs for an additional project, the City shall provide notice to the Parties that it is electing to implement the project pursuant to the terms of this Paragraph.

88. If the City in its sole discretion, at any point, determines that a project provided for in Paragraph 86 cannot be implemented at a reasonable cost, is not needed to fulfill the requirement to spend no less than $8.5 million in eligible SEP costs, or is not in the public interest, the City may elect not to implement that project. If the City elects not to implement a project provided for by Paragraph 86, the City may propose to substitute a project or projects from the additional projects set forth in Paragraph 87; however, the proposal to substitute projects from Paragraph 87 is subject to the approval of Government Plaintiffs. If the Government Plaintiffs do not approve the City's substitute project proposal, the Government Plaintiffs will identify what projects from Paragraph 87 would be acceptable substitute projects. The City and Government Plaintiffs will negotiate in good faith to determine a mutually agreeable substitute project or projects, including, if necessary, pursuant to Section XIX (Modification) of this Settlement Agreement, a SEP not set forth in Paragraphs 86 and 87.

89. If the City initiates work on a project but, for any reason, elects not to complete it, no costs of the project are eligible SEP costs. If the City initially completes a project unsatisfactorily (as measured by the Work Plan for the project), no costs of the project are eligible SEP costs unless and until the project is

satisfactorily completed.

90. The City shall submit to the Government Plaintiffs a proposed Work Plan for each SEP, which shall include a plan for the implementation of the SEP, a schedule for implementing the SEP, cost estimates for the various phases of the project, and a certification of the truth and accuracy of the statements in Paragraph 92 below, as of the time of the submission of the Work Plan. The Government Plaintiffs shall have approval rights regarding the Work Plans as follows: they can reject the Work Plans if the Work Plans are not consistent with the description and objectives of the project as set forth in Appendix C, are not based on sound engineering or other technical principles relevant to the implementation of the SEPs, or fail to properly make the required certification. The Government Plaintiffs shall have 90 days to review and approve SEP Work Plans. If the Government Plaintiffs have not approved in writing a Work Plan within 90 days of its submission, the Work Plan shall be deemed denied. The City shall implement SEPs in accordance with the approved Work Plans, which shall be deemed to be attached to, and incorporated into, this Settlement Agreement.

91. The City is responsible for the satisfactory completion of the SEPs in accordance with the requirements of this Settlement Agreement. "Satisfactory completion" means that the City shall complete the work in accordance with the approved Work Plans and shall spend, in total, not less than the amount set forth in Paragraph 86, above. The City may use contractors and/or consultants in planning and implementing the SEP.

92. With regard to the SEPs, the City certifies the truth and accuracy of each of the following, subject to the provisions of Paragraph 93:

a. That all cost information provided to EPA and the Regional Board in connection with EPA's and the Regional Board's approval of the SEP represents

a reasonable and fair estimate of the costs necessary to implement the SEP based on the information available to the City at the time the cost information was submitted to the Government Plaintiffs;

b. That, as of the date of executing this Settlement Agreement, the City is not required to perform or develop the SEP by any federal, state, or local law or regulation, nor is the City required to perform or develop the SEP by agreement, grant, or as injunctive relief awarded in any other action in any forum;

c. That the SEP is not a project that the City was intending to construct, perform, or implement other than in settlement of the claims resolved in this Settlement Agreement;

d. That the City has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action; and

e. That the City will not receive any reimbursement for any portion of the SEP from any other person.

93. The City in the future may seek alternate sources of funds to implement any of the 2nd Tier projects set forth in Paragraph 87 and Appendix C, *provided*, however, that if the City obtains funding from any other person to implement any such project, the project shall not be eligible for implementation as a SEP and shall be deemed deleted from Paragraph 87.

94. Annual SEP Status Report. In each Annual Report, the City shall report on the status of each SEP for which a SEP Completion Report has not been submitted. Each SEP Status Report shall contain at least the following information:

1) A detailed description of the SEP as implemented to date;

2) An itemized list of all eligible SEP costs incurred through the Fiscal Year covered by the Annual Report.

95. SEP Completion Report

a. No later than the end of Year Ten, the City shall submit a SEP Completion Report on each SEP to each Plaintiff, in accordance with Section XVI of this Settlement Agreement (Notices). Each SEP Completion Report shall contain the following information:

1) A detailed description of the SEP as implemented;

2) An itemized list of all eligible SEP costs;

3) Certification that the SEP has been fully implemented pursuant to the provisions of this Settlement Agreement; and

4) A description of the environmental and public health benefits resulting from implementation of the SEP.

96. The Government Plaintiffs in their reasonable discretion may require additional information from the City relevant to a determination of the City's compliance with the SEP requirements of this Settlement Agreement.

97. After receiving a SEP Completion Report, the Government Plaintiffs shall notify the City whether or not the City has satisfactorily completed the SEP. If the Government Plaintiffs fail to notify the City, within 90 days of receipt of a SEP Completion Report, whether the SEP has been satisfactorily completed, the SEP shall be deemed to have been unsatisfactorily completed, and the City may commence Dispute Resolution pursuant to Section XI of this Settlement Agreement.

98. Disputes concerning the satisfactory completion of a SEP, the amount of eligible SEP costs (including whether an expenditure is an eligible SEP cost), and whether the Government Plaintiffs have identified sufficient projects acceptable to them pursuant to Paragraph 88 may be resolved under Section XI of this Settlement Agreement (Dispute Resolution). No other disputes arising under this

Section shall be subject to Dispute Resolution.

99. Each submission required under this Section shall be signed by an official with knowledge of the SEP and shall bear the certification language set forth in Paragraph 76, above.

100. Any public statement, oral or written, in print, film, or other media, made by the City that publicizes SEPs implemented pursuant to this Settlement Agreement shall include the following language, "This project was undertaken in connection with the settlement of two Clean Water Act enforcement actions, Santa Monica Baykeeper v. City of Los Angeles and United States and State of California *ex Rel.* California Regional Water Quality Control Board, Los Angeles Region v. City of Los Angeles."

IX. STIPULATED PENALTIES

101. If the City fails to make the payments required by Section XII of this Settlement Agreement (Civil Penalty and Section 13385 Payment) when due, the City shall pay a stipulated penalty of $500 per day for each day that the payment is late. Late payment of the amounts due under Section XII shall be made in accordance with Paragraphs 143 and 144, below. Stipulated Penalties shall be paid in accordance with Paragraph 122, below. All transmittal correspondence shall state that any such payment is for late payment of the civil penalty due under this Settlement Agreement, or for Stipulated Penalties for late payment, as applicable, and shall include the identifying information set forth in Paragraphs 143 and 144, below.

102. The City shall be liable for Stipulated Penalties to the Government Plaintiffs for the following violations of this Settlement Agreement as specified below:

103. Designated Rehabilitation and Replacement Projects.

a. For each failure to complete the rehabilitation and replacement projects identified in Paragraph 26 and Appendix B of this Settlement Agreement in accordance with the schedule set forth in that Paragraph and Appendix or as modified pursuant to Subsection V.H (Modification of Construction Deadlines), the City shall be liable for stipulated penalties as set forth below:

Period of Noncompliance	Penalty Per Day For Failure to Timely Complete
Days 1-30	$1,000
Days 31-60	$2,000
Days 61+	$3,000

b. If the City is liable for a stipulated penalty pursuant to Subparagraph "a" of this Paragraph, the City shall also be liable for a stipulated penalty of $2,000 for each Subject SSO from an uncompleted sewer pipe (i.e., pipe that was the subject of the stipulated penalty under Subparagraph "a") during the period of violation.

104. Rehabilitation and Replacement – Annual Mileage Requirement.

Beginning in Year Four, if the City fails to rehabilitate or replace at least 50 miles of sewer pipe per Fiscal Year, the minimum annual mileage figure permitted by Paragraph 63, the City shall be liable for the following stipulated penalty:

- $4,000 per mile for each mile by which the City falls short of the 50-mile minimum, and
- during any Fiscal Year in which the City fails to rehabilitate or replace at least 50 miles of sewer pipe, $1,000 for each Subject SSO caused by pipe failure or pipe collapse, or a blockage caused by a pipe failure or pipe collapse.

105. Rehabilitation and Replacement – Three-Year Average Mileage Requirement. Beginning in the three-Year period comprising Years Four through

Six, if the City fails to rehabilitate or replace at least an average of 60 miles of sewer pipe per Fiscal Year during any three-Year period, the minimum mileage figure permitted by Paragraph 63, the City shall be liable for the following stipulated penalty:

- $4,000 per mile for each mile by which the City falls short of the 60-mile minimum average during the three-Year period, and
- during any three-Year period in which the City fails to rehabilitate or replace at least an average of 60 miles of sewer pipe per Fiscal Year, $1,000 for each Subject SSO that (i) occurs during a Fiscal Year in which the City failed to rehabilitate or replace at least 60 miles of sewer pipe and (ii) was caused by pipe failure or pipe collapse, or a blockage caused by a pipe failure or pipe collapse.

106. Fats, Oils, and Grease. The City shall be liable for stipulated penalties in the following amounts with respect to the following elements of its Fats, Oils, and Grease Control Program:

a. If the City fails to inspect 95% of the permitted FSEs that the City must inspect in a Fiscal Year pursuant to Paragraph 30, the City shall be liable for $250 per FSE for every FSE below the 95% threshold that was not inspected .

b. If, after notice of deficiency and opportunity to cure, the City materially fails to implement its Fats, Oils, and Grease enforcement guide as required by Paragraph 31, for example, without limitation, by failing to conduct follow-up inspections:

(1) the City shall be liable for $500 for each permitted FSE at which the City failed to implement its Fats, Oils and Grease enforcement guide, and

(2) if the City is liable for a stipulated penalty pursuant to

Subparagraph "b (1)" above, the City shall be liable for $1,000 for every Subject SSO caused by grease that occurs during the period of the violation.

107. Sewer Cleaning – Annual Average. If the City is liable for failing to clean at least 60,000 Pipe Reaches in any Fiscal Year as required by Paragraphs 10 and 11, the City shall be liable for the following stipulated penalty:

- $10 per Pipe Reach for the first 10,000 Pipe Reaches below the 60,000-Pipe Reach threshold, and $25 per Pipe Reach for each additional Pipe Reach below the 60,000-Pipe Reach threshold, and
- during any Fiscal Year in which the City is liable for failing to clean at least 60,000 Pipe Reaches, $500 per Subject SSO for each Subject SSO caused by a root or grease blockage.

108. Sewer Cleaning – Three-Year Average. If the City fails to clean an average of at least 65,000 Pipe Reaches per Fiscal Year in any three-Year period as required by Paragraph 12, the City shall be liable for the following stipulated penalty:

- $10 per Pipe Reach for the first 10,000 Pipe Reaches below the 65,000-Pipe Reach average threshold, and $25 per Pipe Reach for each additional Pipe Reach below the 65,000-Pipe Reach average threshold, and
- during any three-Year period in which the City is liable for failing to clean at least an average of 65,000 Pipe Reaches per Fiscal Year, $500 per Subject SSO for each Subject SSO caused by a root or grease blockage.

109. Sewer Line Television Assessment. If the City fails in any Fiscal Year to televise 600 miles of sewer pipe as required by Subsection V.C (Sewer Condition Assessment (CCTV)), the City shall be liable for a stipulated penalty of

$250 per mile not televised.

110. Sewer Capacity Projects.

a. For each failure to complete a Sewer Relief Project identified in Paragraph 18 and Appendix A of this Settlement Agreement in accordance with the schedule set forth in that Paragraph and Appendix, or as modified pursuant to Subsection V.H (Modification of Construction Deadlines), the City shall be liable for stipulated penalties as set forth below:

Period of Noncompliance	Penalty Per Day For Failure to Timely Complete
Days 1-30	$1,000
Days 31-60	$2,000
Days 61+	$3,000

b. If the City is liable for a stipulated penalty pursuant to Subparagraph "a" of this Paragraph, the City shall also be liable for $5,000 per Subject SSO or $1 per gallon released, whichever is higher (to a maximum of $27,500 per Subject SSO), for each Subject SSO during the period of noncompliance resulting from insufficient capacity in any sewer pipe for which the required capacity improvement work has been delayed beyond the scheduled completion date.

111. Secondary Basin Planning. If the City fails to timely complete 100 Secondary Basins Plans as required by Paragraph 25, the City shall be liable for stipulated penalties as set forth below:

Period of Noncompliance	Penalty Per Day for Failure to Timely Complete
Days 1-30	$50 per basin plan not complete
Days 31-60	$100 per basin plan not complete
Days 61+	$250 per basin plan not complete

112. Primary Basin Planning. If the City fails to timely complete all the

Primary Basin Plans as required by Paragraph 24, the City shall be liable for stipulated penalties as set forth below:

Period of Noncompliance	Penalty Per Day for Failure to Timely Complete
Days 1-30	$50 per basin plan not complete
Days 31-60	$100 per basin plan not complete
Days 61+	$250 per basin plan not complete

113. MOUSE Model Expansion. For failure to complete expansion of the MOUSE model in each primary basin as required by Paragraph 21, the City shall be liable for stipulated penalties as set forth below:

Period of Noncompliance	Penalty Per Day for Failure to Timely Complete
Days 1-30	$25 per basin not complete
Days 31-60	$50 per basin not complete
Days 61+	$100 per basin not complete

114. Approvable Sewer Rehabilitation and Replacement Report. If the City fails to submit a complete sewer Rehabilitation and Replacement Report and Plan as required by Subsection VI.D, after notice of deficiency and an opportunity to cure, the City shall be liable for a stipulated penalty of $50,000. For purposes of this Paragraph, a complete sewer Rehabilitation and Replacement Report and Plan is one which includes the elements required by Paragraphs 62-64, and employs reasonable engineering judgment in assessing each element.

115. Delays in Submission of Deliverables. The City shall be subject to the following stipulated penalties for each failure to timely submit to Government Plaintiffs, whether in draft or final form, a Deliverable subject to a deadline under this Settlement Agreement:

Period of Noncompliance	Penalty Per Day for Failure to Timely Submit
Days 1-30	$250

Days 31-60	$500
Days 61+	$2,000

116. SEP Compliance. If the City has spent less than the amount set forth in Paragraph 86, above, on SEPs, the City shall pay a stipulated penalty equal to the difference between the amount of total eligible SEP costs incurred by the City and the amount set forth in Paragraph 86.

117. If an SSO Subject to Stipulated Penalties creates liability under more than one stipulated penalty provision, the Government Plaintiffs, in the unreviewable exercise of their discretion, may decide under which stipulated penalty provision they will demand a stipulated penalty; each Subject SSO, however, shall be subject to only one stipulated penalty payment pursuant to this Section.

118. The Government Plaintiffs may, in the unreviewable exercise of their discretion, reduce or waive stipulated penalties otherwise due under this Settlement Agreement. In exercising their discretion under this Paragraph, the Government Plaintiffs will take into consideration the amount of time that has elapsed since they received notice of the underlying violation.

119. In the event the Regional Board has initiated a collateral proceeding to assess a penalty for an SSO Subject to Stipulated Penalties, 50% of the stipulated penalty associated with the Subject SSO shall be held in abeyance pending completion of the Regional Board's penalty action. The 50% of the stipulated penalty not held in abeyance shall be paid to the United States pursuant to Paragraph 122. If the Regional Board collects a penalty for the Subject SSO through the collateral proceeding and the penalty collected in the collateral proceeding equals or exceeds the amount held in abeyance, the 50% of the stipulated penalty held in abeyance shall be waived. If the Regional Board collects

no civil penalty for the Subject SSO through the collateral proceeding or if the amount collected for the Subject SSO is less than the amount held in abeyance, then the stipulated penalty held in abeyance shall be paid to the Regional Board pursuant to the provisions of Paragraph 122, but the amount paid to the Regional Board shall be reduced by the amount paid to the Regional Board through the collateral proceeding for the Subject SSO. The Regional Board shall provide written notice to the City and the United States of the completion of any collateral proceeding relevant to this Section and a renewed demand for payment of any of the stipulated penalties due and owing pursuant to the provisions of this Paragraph.

120. If the City pays the Regional Board a stipulated penalty for an SSO under this Settlement Agreement, the City and the Regional Board agree that the amount of the stipulated penalty shall be credited against any penalty imposed in a collateral proceeding brought by the Regional Board to assess a penalty for an SSO.

121. Except for the payment to the Regional Board of stipulated penalties held in abeyance pursuant to the immediately preceding Paragraph, fifty percent (50%) of each payment of stipulated penalties made pursuant to this Section shall be made to the United States, and fifty percent (50%) of each payment shall be made to the Regional Board, using the penalty payment procedures set forth in Paragraph 122. The Government Plaintiffs may modify these payment procedures through written notice to the City.

122. The City shall pay Stipulated Penalties owing to the United States by certified or cashier's check in the amount due payable to the "U.S. Department of Justice," referencing DOJ No. 90-5-1-1-809/1 and United States Attorney's Office file number 2001V01641 and delivered to the office of the United States Attorney, Central District of California, Financial Litigation Unit, 300 North Los Angeles

Street, Suite 7516 AA, Los Angeles, California 90012, *unless* the United States directs the City to pay by EFT in accordance with Paragraph 143 of this Settlement Agreement. The City shall pay Stipulated Penalties owing to the Regional Board by sending a certified or cashier's check payable to "State Water Pollution Cleanup and Abatement Account" to: Executive Officer, California Regional Water Quality Control Board, Los Angeles Region, 320 West Fourth Street, Suite 200, Los Angeles, CA 90013.

123. If the City fails to pay Stipulated Penalties according to the terms of this Settlement Agreement, the City shall be liable for interest on such penalties, as provided for in 28 U.S.C. § 1961, accruing as of the date payment became due, subject to the following Paragraph.

124. Upon receipt of Government Plaintiffs' written demand for payment of a stipulated penalty, the City may dispute its liability for such stipulated penalty pursuant to the dispute resolution provisions of Section XI (Dispute Resolution). Pending resolution of any such dispute, stipulated penalties continue to accrue if the obligation at issue has not been met and interest on any unpaid penalties accrue pursuant to the terms of Paragraph 123, *provided,* however, that the City may argue to the Court that stipulated penalties and interest should not run after the matter has been fully briefed and submitted to the Court and *provided* that Plaintiffs can argue the contrary. Upon the completion of dispute resolution, any stipulated penalties that are ultimately determined to be due, plus interest as applicable, shall be paid within twenty (20) days of the date of the Government Plaintiffs' written decision or, if applicable, any Court order.

125. The payment of stipulated penalties shall not alter in any way the City's obligation to complete the performance of all activities required under this Settlement Agreement.

126. Payment of stipulated penalties as set forth above shall be in addition to any other rights or remedies that may be available to the Government Plaintiffs by reason of the City's failure to comply with requirements of this Settlement Agreement or any applicable federal, state, or local laws, regulations, NPDES Permits, and all other applicable permits.

X. FORCE MAJEURE

127. A "force majeure event" is any event beyond the control of the City, its contractors, or any entity controlled by the City that delays the performance of any obligation under this Settlement Agreement despite the City's best efforts to fulfill the obligation. "Best efforts" includes anticipating reasonably foreseeable force majeure events and taking appropriate preventive actions before a force majeure event occurs. "Best efforts" also includes addressing the effects of any force majeure event (a) as it is occurring and (b) after it has occurred, to prevent or minimize any resulting delay to the extent reasonably practicable. "Force Majeure" does not include the City's financial inability to perform any obligation under this Settlement Agreement.

128. The City shall provide written notice, as provided in Section XVI of this Settlement Agreement (Notices), within 30 days of the time the City first knew of, or by the exercise of due diligence, should have known of, a claimed force majeure event. The notice shall state the anticipated duration of any delay, its cause(s), the City's past and proposed actions to prevent or minimize any delay, a schedule for carrying out those actions, and the City's rationale for attributing any delay to a force majeure event. Failure to provide oral and written notice as required by this Paragraph shall preclude the City from asserting any claim of force majeure.

129. If the Government Plaintiffs agree that a force majeure event has

occurred, they may agree to extend the time for the City to perform the affected requirements for the time necessary to complete those obligations. An extension of time to perform the obligations affected by a force majeure event shall not, by itself, extend the time to perform any other obligation. Where the Government Plaintiffs agree to an extension of time, the appropriate modification shall be made pursuant to Section XIX of this Settlement Agreement (Modification).

130. If the Government Plaintiffs do not agree that a force majeure event has occurred, or do not agree to the extension of time sought by the City, the Government Plaintiffs' position shall be binding, unless the City invokes Dispute Resolution under Section XI of this Settlement Agreement. In any such dispute, the City bears the burden of proving, by a preponderance of the evidence, that each claimed force majeure event is a force majeure event, that the City gave the notice required by Paragraph 128, that the force majeure event caused any delay the City claims was attributable to that event, and that the City exercised best efforts to prevent or minimize any delay caused by the event.

XI. DISPUTE RESOLUTION

131. Unless otherwise expressly provided for in this Settlement Agreement, all disputes under this Settlement Agreement are subject to dispute resolution and the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve disputes arising under or with respect to this Settlement Agreement. However, such procedures shall not apply to actions by the United States and the Regional Board to enforce obligations of the City that have not been disputed in accordance with this Section.

132. Role of Intervenors. The Intervenors shall participate in the dispute resolution process set forth in this Section whenever the dispute involves the odor provisions of Subsection V.G of this Settlement Agreement.

133. Informal Dispute Resolution. Any dispute subject to dispute resolution under this Settlement Agreement shall first be the subject of informal negotiations. The dispute shall be considered to have arisen when the City or a Citizen Plaintiff sends the other Parties a written Notice of Dispute. Such Notice of Dispute shall state clearly the matter in dispute. The period of informal negotiations shall not exceed 20 days from the date the dispute arises, unless that period is modified by written agreement. If the Parties cannot resolve a dispute by informal negotiations, then the position advanced by the Government Plaintiffs shall be considered binding unless, within 30 days after the conclusion of the informal negotiation period, the City or a Citizen Plaintiff invokes the dispute resolution procedures as set forth in Paragraphs 134 to 136 below.

134. Dispute Resolution. The City or a Citizen Plaintiff shall invoke the dispute resolution procedures of these Paragraphs 134 to 136 within the time period provided in Paragraph 133 above by serving on the Government Plaintiffs (with copies to the other Parties) a written Statement of Position regarding the matter in dispute. The Statement of Position shall include, but may not necessarily be limited to, any factual data, analysis, or opinion supporting the position and any supporting documentation relied upon by the Party invoking formal dispute resolution.

135. Parties that did not invoke the dispute resolution process of these Paragraphs 134-136, but that wish to serve a Statement of Position before the Government Plaintiffs serve their Statement of Position, shall serve Statements of Position 30 days after service of the Statement of Position that invoked the dispute resolution process of Paragraphs 134-136. A Statement of Position served pursuant to this Paragraph shall include, but may not necessarily be limited to, any factual data, analysis, or opinion supporting the position and any supporting

documentation relied upon by the Party invoking the formal dispute resolution procedures of Paragraphs 134-136.

136. The Government Plaintiffs shall serve their Statement of Position within 45 days after service of the later of the City's or Citizen Plaintiff's Statement of Position, as applicable. The Government Plaintiffs' Statement of Position shall include, but may not necessarily be limited to, any factual data, analysis, or opinion supporting that position and all supporting documentation relied upon by the United States and the Regional Board. The Government Plaintiffs' Statement of Position shall be binding unless the City or a Citizen Plaintiff files a motion for judicial review of the dispute in accordance with the following Paragraphs.

137. Judicial Dispute Resolution. The City and Citizen Plaintiffs may seek judicial review of the dispute against Government Plaintiffs by filing with the Court and serving on the Government Plaintiffs (with copies to other Parties, including Intervenors if participating) in accordance with Section XVI of this Settlement Agreement (Notices), a motion requesting judicial resolution of the dispute. The motion must be filed within 60 days after service of the Government Plaintiffs' Statement of Position pursuant to Paragraph 136. The motion shall contain a written statement of the City's or Citizen Plaintiff's position on the matter in dispute, including any supporting factual data, analysis, opinion, or documentation, and shall set forth the relief requested and any schedule within which the dispute must be resolved for orderly implementation of this Settlement Agreement.

138. The Government Plaintiffs (and any non-moving party participating in the dispute) shall have at least 60 days in which to respond to the City's or Citizen Plaintiff's motion. The City and Citizen Plaintiff may file a reply memorandum to

the extent permitted by the Local Rules.

139. In any dispute in District Court pursuant to these Paragraphs 137-141, the Court shall first rule on the dispute between the City and the Government Plaintiffs. If the City's position prevails over the Government Plaintiffs' position, the dispute resolution process shall end. If the position of the Government Plaintiffs prevails over the position of the City, the Court shall then consider any remaining dispute between the Government Plaintiffs and any Citizen Plaintiff.

140. In any dispute in District Court under these Paragraphs 137-141, the City shall bear the burden of demonstrating by a preponderance of the evidence that the City's position on the issues in dispute should prevail over Government Plaintiffs' position.

141. In any dispute in District Court pursuant to these Paragraphs 137-141, a Citizen Plaintiff shall bear the burden of demonstrating that the Government Plaintiffs' position is arbitrary and capricious.

142. Effect on Settlement Agreement Obligations. The invocation of dispute resolution procedures under this Section shall not, by itself, extend, postpone, or affect in any way any obligation of the City under this Settlement Agreement, unless and until the final resolution of the dispute so provides. Stipulated Penalties with respect to the disputed matter shall continue to accrue from the first day of noncompliance, but payment shall be stayed pending resolution of the dispute as provided in Paragraph 124, above. If the City does not prevail on the disputed issue, Stipulated Penalties shall be assessed and paid as provided in Section IX (Stipulated Penalties).

XII. CIVIL PENALTY AND SECTION 13385 PAYMENT

143. Within 30 days after the Effective Date of this Settlement Agreement, the City shall pay the United States the sum of $800,000 as a civil penalty.

Payment shall be made by FedWire Electronic Funds Transfer ("EFT") to the U.S. Department of Justice in accordance with instructions to be provided to the City by the Financial Litigation Unit of the U.S. Attorney's Office for the Central District of California following lodging of this Settlement Agreement. At the time of payment, the City shall simultaneously send written notice of payment and a copy of any transmittal documentation (which should reference DOJ case number 90-5-1-1-809/1 and Central District of California Civil Action No. 01-191-RSWL) to the United States in accordance with Section XVI of this Settlement Agreement (Notices).

144. The City shall make a payment to the Regional Board in the amount of $800,000 in settlement of the Regional Board's claims under California Water Code Section 13385. This payment shall be incorporated into the funding provided for pursuant to Section VIII (Supplemental Environmental Projects).

XIII. INFORMATION COLLECTION AND RETENTION

145. The Government Plaintiffs and their representatives, including attorneys, contractors, and consultants, shall have the right of entry on City property at all reasonable times, upon presentation of credentials, to:

a. monitor the progress of activities required under this Settlement Agreement;

b. verify any data or information submitted to the Government Plaintiffs in accordance with the terms of this Settlement Agreement;

c. obtain samples and, upon request, splits of any samples taken by the City or its representative, contractors, or consultants;

d. obtain documentary evidence, including photographs and similar data; and

e. assess the City's compliance with this Settlement Agreement.

146. Upon request, the City shall provide Government Plaintiffs or their authorized representatives splits of any samples taken by the City. Upon request, Government Plaintiffs shall provide the City splits of any samples taken by Government Plaintiffs.

147. Until the termination of this Settlement Agreement, the City shall retain, and shall instruct its contractors and agents to preserve, all non-identical copies of all records and documents (including records or documents in electronic form) in its or its contractors' or agents' possession or control, or that come into its or its contractors' or agents' possession or control, that document the City's performance of its obligations under this Settlement Agreement. This record retention requirement shall apply regardless of any City, corporate, or institutional document-retention policy to the contrary. At any time during this record-retention period, the Government Plaintiffs may request copies of any documents or records required to be maintained under this Paragraph.

148. This Settlement Agreement in no way limits or affects any right of entry and inspection, or any right to obtain information, held by the Government Plaintiffs pursuant to applicable federal or state laws, regulations, or permits, nor does it limit or affect any duty or obligation of the City to maintain records or information imposed by applicable federal or state laws, regulations, or permits.

XIV. EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS

149. This Settlement Agreement resolves the civil claims of the United States, the Regional Board, Baykeeper, and the Intervenors for the violations alleged in the Complaints filed in these consolidated actions through the date of the entry of this Settlement Agreement.

150. This Settlement Agreement also resolves the claims of Baykeeper, the Intervenors, and the Regional Board for litigation costs (including attorneys fees)

pursuant to CWA Section 505(d), 33 U.S.C. § 1365(d) and Cal. Code Civ. Proc. § 1021.8.

151. The Court's management orders, including the Stipulated Case Management Order dated and filed on July 3, 2001, are hereby terminated.

152. The United States and the Regional Board reserve all legal and equitable remedies available to enforce the provisions of this Settlement Agreement, except as expressly stated herein. This Settlement Agreement shall not be construed to prevent or limit the rights of the United States or the Regional Board to obtain penalties or injunctive relief under the Act or implementing regulations, or under other federal or state laws, regulations, or permit conditions, except as expressly specified herein.

153. This Settlement Agreement is not a permit, or a modification of any permit, under any federal, state, or local laws or regulations. The City is responsible for achieving and maintaining complete compliance with all applicable federal, state, and local laws, regulations, and permits. The United States and the Regional Board do not, by their consent to the entry of this Settlement Agreement, warrant or aver in any manner that the City's compliance with any aspect of this Settlement Agreement will result in compliance with provisions of the CWA or the California Water Code.

154. Nothing in this Settlement Agreement shall constitute an admission of any fact or of any liability or a waiver of any right unless explicitly set forth herein. It is the intent of the Parties that all prior Orders of the Court, including stipulations, shall have no collateral estoppel effect, and that this Settlement Agreement shall not preclude the City from raising defenses or arguments in any future civil enforcement action, whether or not such defense or argument was raised in any proceeding in this action. This Settlement Agreement shall be

considered continuing "diligent prosecution" of the claims alleged in the Complaints as that term is used in the CWA.

155. This Settlement Agreement does not limit or affect the rights of the City or of the Plaintiffs against any third parties not party to this Settlement Agreement, nor does it limit the rights of third parties not party to this Settlement Agreement against the City, except as otherwise provided by law.

156. This Settlement Agreement shall not be construed to create rights in, or grant any cause of action to, any third party not party to this Settlement Agreement.

157. Nothing in this Settlement Agreement shall limit the City's ability to modify its program for the design, planning, construction, operation, and maintenance of its Wastewater Collection System in any fashion not inconsistent with this Settlement Agreement.

XV. COSTS

158. The Parties shall bear their own costs of this action, including attorneys fees, except:

a. Within 45 days after the Effective Date of this Settlement Agreement, the City shall pay Baykeeper $1,600,000; the Intervenors $425,000; and the Regional Board $71,745; and

b. The Government Plaintiffs shall be entitled to collect the costs (including attorneys fees) incurred in any action necessary to collect any portion of the civil penalty required by Section XII, or any Stipulated Penalties due but not paid by the City (for the purposes of this Paragraph, Stipulated Penalties are not "due" until after the conclusion of dispute resolution proceedings regarding the Stipulated Penalties pursuant to Section XI (Dispute Resolution), if any).

159. Payment of fees and costs to Santa Monica Baykeeper shall be by certified or cashier's check, made payable to "Lawyers For Clean Water Attorney

Client Trust Account," sent via Federal Express to Layne Friedrich, 1004 O'Reilly Avenue, San Francisco, California 94129.

160. Payment of costs to the Regional Board shall be by certified or cashier's check payable to "Department of Justice,"shall be sent to Nancy Sahm, P. O. Box 944255, Sacramento, CA 94244-2550, and shall be identified with the title of this action.

XVI. NOTICES

161. Unless otherwise specified herein, whenever notifications, submissions, or communications are required by this Settlement Agreement they shall be made in writing and addressed as follows:

a. To EPA:

Chief, Clean Water Act Compliance Office (WTR-7)
Water Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

b. To the Regional Board:

Executive Officer
Los Angeles Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

and

Gregory J. Newmark
Deputy Attorney General
300 South Spring Street, Suite 1100-N
Los Angeles, CA 90013

c. To the United States:

Chief, Clean Water Act Compliance Office (WTR-7)
Water Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

and

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, D.C. 20044-7611
Re: DOJ No. 90-5-1-1-809/1

d. To the Government Plaintiffs:

To the United States and the Regional Board as indicated in "b" and "c" above.

e. To Baykeeper:

Santa Monica Baykeeper
Executive Director
P.O. Box 10096
Marina del Rey, CA 90295

f. To Intervenors:

Kathleen Salvaty
Stephen R. English
English, Munger & Rice
1545 Wilshire Boulevard, Suite 800
Los Angeles, California 90017

and

Robert García
Center for Law in the Public Interest
3250 Ocean Park Blvd., Ste. 300
Santa Monica, California 90405

g. To the City:

Director, Bureau of Sanitation
Department of Public Works
City of Los Angeles
433 S. Spring Street, Suite 400
Los Angeles, California 90013

General Counsel to the Department of Public Works
200 N. Main Street
Room 700
Los Angeles, California 90012

and

James J. Dragna, Esq.
Bingham McCutchen LLP
355 South Grand Avenue, Suite 4400
Los Angeles, California 90071

162. Any Party may, by written notice to the other Parties, change its designated notice recipient(s) or notice address(es) provided above.

163. Notices submitted pursuant to this Section shall be deemed submitted upon mailing, unless otherwise provided in this Settlement Agreement or by mutual agreement of the Parties in writing.

XVII. EFFECTIVE DATE

164. The Effective Date of this Settlement Agreement shall be the date upon which this Settlement Agreement is entered by the Court.

XVIII. RETENTION OF JURISDICTION

165. The Court shall retain jurisdiction over this case until termination of this Settlement Agreement for the purpose of resolving disputes arising under this Settlement Agreement pursuant to Section XI (Dispute Resolution), entering orders modifying this Settlement Agreement pursuant to Section XIX (Modifications), or effectuating or enforcing compliance with the terms of this Settlement Agreement.

XIX. MODIFICATION

166. The terms of this Settlement Agreement may be modified only by a subsequent written agreement signed by all the Parties. Where the modification constitutes a material change to any term of this Settlement Agreement, it shall be effective only upon approval by the Court. Modifications of construction deadlines made pursuant to Subsection V.H of this Settlement Agreement, and modifications to the terms and schedules contained in SEP Work Plans submitted pursuant to Paragraph 90 of this Settlement Agreement, that do not extend the duration of this Settlement Agreement beyond ten years, may be made upon written agreement of the Parties without Court approval.

XX. TERMINATION

167. This Settlement Agreement shall terminate as set forth below.

168. Nine and One-Half Year Report. Six months before the end of Year Ten, the City shall submit a report to EPA that certifies the following ("Nine and One-Half Year Report"):

a. How many miles of pipe the City has rehabilitated or replaced pursuant to Subsection V.E (Work: Sewer Rehabilitation and Replacement Projects) as of the date of the Nine and One-Half Year Report, that the City has met its obligations through Year Nine under Subsection V.E, and, if the City has not met its obligations under Subsection V.E, whether and how the City plans to meet them by the end of Year Ten;

b. That the City has completed the SEPs pursuant to Section VIII and submitted SEP Completion Reports for each SEP, or whether and how the City plans to complete any uncompleted SEPs and submit the necessary SEP Completion Reports by the end of Year Ten;

c. That the City has completed construction of the Sewer Relief Projects required pursuant to Subsection V.D, Paragraphs 18 and 19, and if the

City has not completed those projects, whether and how the City plans to complete them by the end of Year Ten;

d. That there are no outstanding stipulated penalty assessments pursuant to Section IX or pending dispute resolution proceedings pursuant to Section XI;

e. That the City has completed all the Primary and 100 Secondary Basin Plans pursuant to Paragraphs 24 and 25, or, if the City has not completed all the required Basin Plans, whether and how the City plans to complete them before the end of Year Ten.

169. Government Plaintiffs shall use best efforts to approve or reject the Nine and One-Half Year Report within 100 days of receipt thereof. If the Government Plaintiffs approve a City certification that an obligation set forth in Subparagraphs (a) through (e) of Paragraph 168 is complete, the City's obligation to perform that obligation under this Settlement Agreement is complete. If Government Plaintiffs reject, in whole or in part, the Nine and One-Half Year Report, they shall specify the grounds upon which the rejection is based. In the event that the Government Plaintiffs reject the Nine and One-Half Year Report, reject one or more certifications within the Report, or do not respond to the Nine and One-Half Year Report within the 100-day period, the City may move the Court for approval of any certification in the Nine and One-Half Year Report that was not approved by the Government Plaintiffs. If the City moves the Court, the standard set forth in Paragraph 140 shall apply.

170. No later than July 1 following the end of Year Ten, the City shall submit a report certifying whether it has completed the requirements of the Settlement Agreement applicable to the City in Year Ten ("Year Ten Report"). This report shall address:

a. Whether the City has rehabilitated or replaced the miles of pipe required in Year Ten pursuant to the terms of Paragraph 27.

b. Whether the City has cleaned the number of Pipe Reaches required in Year Ten pursuant to the terms of Subsection V.A.

c. Whether the City has implemented its FOG Program in Year Ten pursuant to the terms of Subsection V.F.

d. Whether the City has conducted in Year Ten CCTV inspections on the number of miles of pipe required pursuant to the terms of Subsection V.C.

e. Whether all work identified as uncompleted, and all penalties and dispute resolution proceedings identified as unpaid or pending, in the Nine and One-Half Year Report provided for in Paragraph 168 have been completed, paid, or resolved.

171. Government Plaintiffs shall use best efforts to approve or reject the Year Ten Report within 60 days of receipt thereof. If the Government Plaintiffs approve a City certification that an obligation set forth in Subparagraphs (a) through (e) of Paragraph 170 is complete, the City's obligation to perform that obligation under this Settlement Agreement is complete. If Government Plaintiffs reject, in whole or in part, the Ten Year Report, they shall specify the grounds upon which the rejection is based. In the event that the Government Plaintiffs reject the Year Ten Report, one or more certifications within the Report, or do not respond to the Year Ten Report within 75 days of its receipt, the City may invoke the Dispute Resolution procedures of Section XI or move the Court for approval of any certification in the Year Ten Report that was not approved by the Government Plaintiffs and for termination of this Settlement Agreement. If Government Plaintiffs approve the Year Ten Report, the Government Plaintiffs and the City, following notice to Baykeeper and Intervenors, shall submit a joint motion

terminating the Settlement Agreement.

XXI. PUBLIC PARTICIPATION

172. This Settlement Agreement shall be lodged with the Court for a period of not less than 30 days for public notice and comment in accordance with 28 C.F.R. § 50.7. The United States and the Regional Board reserve the right to withdraw or withhold their consent if comments regarding this Settlement Agreement disclose facts or considerations indicating that this Settlement Agreement is inappropriate, improper, or inadequate. The City consents to entry of this Settlement Agreement without further notice.

XXII. SIGNATORIES/SERVICE

173. Each undersigned representative of the City, the Regional Board, Baykeeper, the Intervenors, and the Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice certifies that he or she is fully authorized to enter into the terms and conditions of this Settlement Agreement and to execute and legally bind the Party he or she represents to this document.

174. This Settlement Agreement may be signed in counterparts, and its validity shall not be challenged on that basis.

175. The City agrees not to oppose entry of this Settlement Agreement by the Court or to challenge any provision of this Settlement Agreement, unless the United States or the Regional Board notifies the City in writing that it no longer supports entry of this Settlement Agreement.

XXIII. INTEGRATION

176. This Settlement Agreement constitutes the final, complete, and exclusive agreement and understanding among the Parties with respect to the settlement embodied in this Settlement Agreement, and this Settlement Agreement

settlement embodied in this Settlement Agreement, and this Settlement Agreement supersedes all prior agreements and understandings, whether oral or written, concerning the settlement embodied herein. Other than Deliverables that are subsequently submitted pursuant to this Settlement Agreement, no other document and no other representation, inducement, agreement, understanding, or promise constitutes any part of this Settlement Agreement or the settlement it represents, nor shall they be used in construing the terms of this Settlement Agreement.

XXIV. FINAL JUDGMENT

177. Upon approval and entry of this Settlement Agreement and Final Order by the Court, this Settlement Agreement and Final Order shall constitute a final judgment of the Court as to the Parties.

Dated and entered this 28th day of October, 2004.

RONALD S.W. LEW

RONALD S.W. LEW
UNITED STATES DISTRICT JUDGE
Central District of California

WE HEREBY CONSENT to the entry of this Settlement Agreement, subject to the public notice and comment provisions of 28 C.F.R. § 50.7:

For Plaintiff the United States of America:

Dated: 7.21.04

Tom Sansonetti

THOMAS L. SANSONETTI
Assistant Attorney General
Environment & Natural Resources Division
U.S. Department of Justice

David B. Glazer/ERC

DAVID B. GLAZER
Environmental Enforcement Section
U.S. Department of Justice
301 Howard Street, Suite 1050
San Francisco, California 94105

Robert R Klotz

ROBERT R. KLOTZ
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611

Attorneys for Plaintiff
United States of America

SCANNED

WE HEREBY CONSENT to the entry of this Settlement Agreement, subject to the public notice and comment provisions of 28 C.F.R. § 50.7:

For Plaintiff the United States of America (con't):

Dated: 7.27.04

THOMAS V. SKINNER
Acting Assistant Administrator for
Enforcement and Compliance Assurance
U.S. Environmental Protection Agency

SCANNED

WE HEREBY CONSENT to the entry of this Settlement Agreement, subject to the public notice and comment provisions of 28 C.F.R. § 50.7:

For Plaintiff the United States of America (con't):

Dated: 08 July 2004

WAYNE NASTRI
Regional Administrator
U.S. Environmental Protection Agency
Region 9

Of Counsel:
HUGH BARROLL
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 9

SCANNED

SCANNED

WE HEREBY CONSENT to the entry of this Settlement Agreement:

For Plaintiff People of the State of California *ex rel.* California Regional Water Quality Control Board, Los Angeles Region:

BILL LOCKYER
Attorney General of the State of California

Dated: 7/7/2004

GREGORY J. NEWMARK
MARILYN LEVIN
Deputy Attorneys General
300 South Spring Street
11th Floor, North Tower
Los Angeles, California 90013

Attorneys for Plaintiff People of the State of California *ex rel.* California Regional Water Quality Control Board, Los Angeles Region

Dated: 7/8/2004

JONATHAN BISHOP
Interim Executive Officer
California Regional Water Quality Control Board, Los Angeles Region

WE HEREBY CONSENT to the entry of this Settlement Agreement:

For Plaintiff Santa Monica Baykeeper:

Dated: 7/6/04

TRACY EGOSCUE
Executive Director
Santa Monica Baykeeper

Dated: 6 July 04

DANIEL COOPER
Lawyers for Clean Water
1004 O'Reilly Avenue
San Francisco, California 94129

DANIELLE FUGERE
Environmental Advocates
1004 O'Reilly Avenue
San Francisco, California 94129

Attorneys for Plaintiffs
Santa Monica Baykeeper

WE HEREBY CONSENT to the entry of this Settlement Agreement:

For Plaintiffs in Intervention Baldwin Hills Estates Homeowners' Association, Inc., Baldwin Hills Village Garden Homes Association, United Homeowners Association, Village Green Owners Association, and Concerned Citizens of South Central Los Angeles (collectively the "Intervenors"):

Dated: July 7, 2004

KATHLEEN SALVATY
STEPHEN R. ENGLISH
CONSTANCE L. RICE
English, Munger & Rice
1545 Wilshire Boulevard, Suite 800
Los Angeles, California 90017

Dated: July 7, 2004

ROBERT GARCÍA
Center for Law in the Public Interest
3250 Ocean Park Blvd., Ste. 300
Santa Monica, California 90405

Attorneys for Intervenors

SCANNED

WE HEREBY CONSENT to the entry of this Settlement Agreement:

For Defendant City of Los Angeles:

ROCKARD J. DELGADILLO
City Attorney (Bar No. 125465)

Dated: 7/06/04

CECILIA V. ESTOLANO
Assistant City Attorney (Bar No. 198038)

CHRISTOPHER M. WESTHOFF
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Bingham McCutchen LLP
Suite 4400
355 South Grand Avenue
Los Angeles, California 90071

Attorneys for Defendant, City of Los Angeles

SCANNED

APPENDIX "A"
SEWER RELIEF PROJECTS FOR THE FIRST THREE YEARS OF AGREEMENT

Project Title	Project Description	Settlement Agreement Construction End Date
ECIS [EAST CENTRAL INTERCEPTOR SEWER]	This relief sewer extends approximately 11 miles from the Baldwin Hills in Culver City along La Cienega Blvd, and east along Exposition Blvd, to the east side of the Los Angeles River near Mission Road.	08/27/04
NEIS PH 1 [NORTH EAST INTERCEPTOR SEWER, PHASE 1]	This relief sewer extends approximately 5 miles from the intersection of San Fernando Road and Eagle Rock Boulevard to the intersection of Mission Road and Jesse Street.	10/30/05
AVE 45 ARROYO DR RLF SWR [AVE 45 ARROYO DRIVE RELIEF SEWER]	This project will relieve the overloaded primary wastewater collection system in the Eagle Rock and Highland Park areas. A 12,500 linear foot 12- to 36- inch diameter relief sewer will be constructed. The preliminary project alignment will be along the Pasadena Freeway from Figueroa Street, and Avenue 45 to Arroyo Glen Street and Avenue 63, and in Avenue 50 to Echo Street.	10/06/06
EAGLE ROCK INTER SWR [EAGLE ROCK INTERCEPTOR SEWER]	This project will provide relief for the Eagle Rock area. The project boundaries are: along Eagle Rock Boulevard and Verdugo Road from York Boulevard to the future NEIS; Lincoln Avenue and York Boulevard from Avenue 50 to Eagle Rock Boulevard; and from Fair Park Avenue to York Boulevard.	10/30/06
BAYWOOD BNDCT ESMT SWR [BAYWOOD BENEDICT EASEMENT SEWER]	This project will eliminate the Baywood Court Pumping Plant which includes the demolition of the existing plant and the construction of a gravity sewer to redirect the flows.	10/31/06
FLOWER WASHINGTON PICO SWR [FLOWER SEWER, WASHINGTON TO PICO]	This project will replace an existing 8-inch sewer located along Flower Street beneath the Long Beach/Los Angeles Light Rail concrete track slab. This sewer extends from about 150 feet south of Pico Boulevard to Washington Boulevard.	10/31/06
BUCKINGHAM DIVR SWR [BUCKINGHAM ROAD DIVERSION SEWER]	This project will install the Buckingham sewer, approximately 3,500 feet in length along Buckingham Road from Martin Luther King to Exposition Blvd, and diversion structure, as well as the demolition of the Buckingham Pumping Plant #603 in conjunction with the ECIS project.	11/11/06
SEPULVEDA VAL MEADOW RLF SWR [SEPULVEDA SHERMAN OAKS / VALLEY MEADOW RELIEF SEWER]	This project will provide approximately 4,955 feet of relief sewer in Sepulveda Boulevard from Valley Meadow Road to Flume Walk.	12/30/06

NOS DIV HUMBOLDT AV 18 & SFR [NOS DIVERSION AT HUMBOLDT STREET BETWEEN AVE 18 & SAN FERNANDO ROAD]	This project will design and construct a diversion structure at NOS to be located at the intersection of Avenue 18 & Humboldt Street. Design and construct a junction structure under Humboldt Street close to San Fernando Road, connecting to Humboldt Junction Drop Structure Number 2, part of NEIS. Design and construct a 725 feet long, more than 50 feet deep, 48-inch diameter sewer between the new diversion structure and junction structure.	12/31/06
SLAUSON/VAN NESS/COS EXTERNAL BYPASS	Design and construct a permanent bypass from the existing 42" diameter brick sewer along the north side of Slauson Avenue and the existing 39" diameter brick sewer along the south side of Slauson Avenue to the Central Outfall Sewer (COS) in Van Ness Avenue.	12/31/06

Appendix "B"
SEWER REHABILITATION AND REPLACEMENT PROJECTS FOR THE FIRST THREE YEARS OF AGREEMENT

Project Title	Project Description	Settlement Agreement Construction End Date
EQ RPR SWRS U298	This Northridge Earthquake sewer repair project is located near Parthenia St. & Farralone Ave. Project length: approximately 4,876 feet.	12/14/04
EQ RPR SWRS U277	This Northridge Earthquake sewer repair project is bounded by N/O 101 Freeway, W/O 170 Freeway. Project length: approximately 12,988 feet.	01/13/05
EQ RPR SWRS U269	This Northridge Earthquake sewer repair project is bounded by N/O Riverside, S/O Chandler, W/O Tujunga. Project length: approximately 15,520 feet.	01/13/05
EQ RPR SWRS U290	This Northridge Earthquake sewer repair project is bounded by N/O Plummer, S/O Devonshire, E/O Topanga. Project length: approximately 5,759 feet.	02/11/05
EQ RPR SWRS U289	This Northridge Earthquake sewer repair project is bounded by N/O Plummer, S/O 118 Freeway, E/O Topanga Canyon. Project length: approximately 4,796 feet.	02/11/05
SAN PEDRO AREA SWR REHAB	This project will rehabilitate approximately 15,000 linear feet of aging and structurally deteriorated sewers. The diameter of the sewers ranges from 6"-8". They are approximately 74 years old. The majority of the sewer reaches, to be rehabilitated as part of this project, are located between 22nd Street to the north, 30th Street to the south Alma Street to the west and Denison Ave. to the east. These reaches are located in sewer (S) map quadrants 625-07 and 625-08.	02/28/05
EQ RPR SWRS U346	This Northridge Earthquake sewer repair project is within S- map# 536-6, S-map #536-2. Project length: approximately 8,701 feet.	03/16/05
EQ RPR SWRS U344	This Northridge Earthquake sewer repair project is located in the Mid-City area. Project length: approximately 6,872 feet.	03/16/05
EQ RPR SWRS U373	This Northridge Earthquake sewer repair project is located at Culver Bl, Grandview Bl, Inglewood Bl, Allin St, Beethoven St, Bray St, Marshall St, Moore St, Verdi St, and Wagner St. Project length: approximately 7,210 feet.	04/15/05
EQ RPR SWRS U369	This Northridge Earthquake sewer repair project is located at Sepulveda Bl, Allin St, Bray St, Farias St, Lindblade St, Marshall St, and Sanford St. Project length: approximately 7,404 feet.	04/15/05
EQ RPR SWRS U327	This Northridge Earthquake sewer repair project contains work in the following streets:Casiano Rd, Hammer Dr., Roscomare Rd., Alana, Bayberry, Dartford, Meadow Crest, Tobin, Valley Falls Rd., Wood Rd., Dorilee Lane, Fond, Jeanne Ln, Red Rose, Sandy, Sepulveda Blvd., Steven Dr., High Valley Rd., High Knoll Rd., Valley Meadow Rd., Royal Crest Pl., Royal Mount Dr., Valley Vista Blvd., Castlewoods Dr., Crownridge Dr., Royal Woods, Regalwoods Pl., Aqueduct Av., Camarillo St., Huston St., La Maida St., Moorpark St., Morrison St., Woodley Ave., Densmore St., Gloria Ave., Haskell Ave., Ventura Bl. Project length: approximately 11,851 feet.	05/16/05

Project Title	Project Description	Settlement Agreement Construction End Date
EQ RPR SWRS U317	This Northridge Earthquake project contains repair of the sewer in the following streets: Katherine Ave., Vanowen St., Lemay St., Lennox Ave., Tyrone Ave., Costello Ave., Hamlin St., Gilmore St., Ranchito Ave., Kittridge Ave., Cantaloupe Ave., Colbath Ave., Murietta Av., Matilija Ave, Victory Bl., Mammoth Ave., Haynes St. Project length: approximately 7,116 feet.	05/16/05
SOUTH LA CSRP U - 6	This project will replace the non-reinforced concrete sewers and rehabilitate approximately 7,000 ft of the concrete sewers within South Central Area S-Map 566-2.	07/30/05
SOUTH LA CSRP U - 5	This project will rehabilitate approximately 7,500 ft. of the cement sewers in the area covered by South Central Area S-Map 565, Quadrants 3,4, and 8. This project will replace existing cement sewers that are in poor condition.	07/30/05
SOUTH LA CSRP U - 3	This project will rehabilitate approximately 10,500 ft of the cement sewers in the areas covered by South Central Area S-Map 558, Quadrant 11. This project will replace existing cement sewers that are in poor condition.	07/30/05
WILSHIRE AREA NE SWR REHAB	This project will rehabilitate approximately 1,767 linear feet of sewers in the northeast (NE) Wilshire area. The sewer reaches to be rehabilitated are located in Wilton Place, 6th Street, Catalina Street, and Norton Avenue.	08/30/05
MT WASHINGTON AREA SWR REHAB	This project will rehabilitate or replace about 784 ft. of vitrified clay pipe in the Mt. Washington area. The project is located in Shanley Avenue between Monte Vista Street and Malta Street and in a sewer easement north of Shanley Avenue between Monte Vista Street and Lynne Street.	09/30/05
S BOYLE AREA SWR REHAB	This project will remove and replace and rehabilitate approximately 4,056 feet of sewers in Mission Road between 6th Street and Cesar Chavez and in a sewer easement beginning at 6th and Mission and extending through various streets and sewer easements to the east and northeast to approximately 4th and Louis Street.	12/08/05
HOLLYWOOD AREA PRIM SWR REHAB [HOLLYWOOD AREA PRIMARY SWR REHAB]	This project will rehabilitate or replace approximately 7,870 feet of the cement sewers in the Hollywood area. The sewers to be repaired are located in Genesse Ave, Olympic Blvd, Packard St, and Crescent Heights Blvd.	12/30/05
4TH SHATTO VERMONT SWR REHAB	This project will rehabilitate approximately 500 feet of 18-inch sewers located in 4th Street east of Vermont Avenue.	12/30/05
EQ RPR SWRS U274	This Northridge Earthquake sewer repair project is bounded by N/O Sherman Way, S/O Keswick, E/O Laurel. Project length: approximately 6,645 feet.	03/16/06
EQ RPR SWRS U340	This Northridge Earthquake sewer repair project contains various works within S-map # 494-13. Project length: approximately 6,045 feet.	04/15/06
EQ RPR SWRS U283	This Northridge Earthquake sewer repair project is bounded by portions of the Hollywood & Eagle Rock Areas. Project length: approximately 9,279 feet.	04/15/06

Project Title	Project Description	Settlement Agreement Construction End Date
HARBOR AREA CSRP U- 6	This project will rehabilitate about 14,000 to 17,000 feet of the cement sewers in the Harbor Area bounded by 14th St. on the north, 22nd St. on the south, Averill on the west and Gaffey St. on the east.	05/30/06
NICHOLS CYN ESMT SWR REPLC [NICHOLS CANYON ESMT SWR REPLC]	This project will relocate an existing 8-inch diameter sewer from an easement to the public right-of-way. The project will involve the construction of approximately 2,600 feet of 8-inch diameter sewer.	05/31/06
EQ SWR RPR U300	This Northridge Earthquake sewer repair project is bounded by N/O Archwood, W/O Woodlake, E/O Valley Circle. Project length: approximately 5,696 feet.	07/15/06
EQ RPR SWRS U299	This Northridge Earthquake sewer repair project is near Farralone Ave. & Topanga Canyon Blvd. Project length: approximately 9,886 feet.	07/15/06
LAS PULGAS CANYON SWR REPLC	This project will provide a new replacement sewer system for the Pulga Canyon service area. It will provide approximately 2,700 feet of replacement sewers.	07/30/06
HOLLYWOOD AREA CSRP U- 2	This project will rehabilitate 20,880 feet of 8- to 15-inch cement sewers in the area bounded by Santa Monica Boulevard on the north, Mansfield Avenue on the east, Wilshire Boulevard on the South and Oakhurst Drive on the west.	07/30/06
EQ RPR SWRS U295	This Northridge Earthquake sewer repair project is in the area of Natik Ave, Kester Ave, Sylmar Ave, Vanyus Bl, Vincennes St, Cedros Ave, Tupper St, Lemona Ave, Terra Bella St, Willis Ave, Wakefield Ave, and Calahan St. Project length: approximately 11,836 feet.	09/15/06
EQ RPR SWRS U292	This Northridge Earthquake sewer repair project includes work in Branford St, Chase St, Crowley St, Debell St, Kagel Canyon St, Laurel Canyon Bl, Montague St, Osborne St, Reliance St, Tanopah St, Tonopah St, Wentworth St, and Wingo St. Project length: approximately 4,190 feet.	09/15/06
EQ RPR SWRS U291	This Northridge Earthquake sewer repair project includes work in Glenoaks Bl, Sunland Bl, Dora St, Fleetwood St, Goss St, Luddington St, Pendleton St, Penrose St, Peoria St, Randall St, Sheldon St, Thelma St, Tuxford St, Vinedale St, and Wicks St. Project length: approximately 2,661 feet.	09/15/06
EQ RPR SWRS U354	This Northridge Earthquake sewer repair project is located at Bestor Bl, Chautauqua Bl, Sunset Bl, Akron St, Baylor St, Carey St, Embury St, Friends St, Galloway St, Goucher St, Hartzell St, Ida St, Iliff St, Kagawa St, Monument St, San Lorenzo St. Project length: approximately 6,781 feet.	10/14/06
EQ RPR SWRS U339	This Northridge Earthquake sewer repair project contain various work in the areas within S-Map #516-10, 516-02, 516-01, 516-09, 516-06. Project length: approximately 4,266 feet.	11/15/06
EQ RPR SWRS U338	This Northridge Earthquake sewer repair contains work in the 5th St., Figueroa St., Lucas, Maryland & Miramar St. area bounded by N/O Magnolia, S/O Oxnard, E/O Lankershim. Project length: approximately 3,748 feet.	11/15/06
EQ RPR SWRS U320	The Northridge Earthquake sewer repair project is located within S-map # 428-07. Project length: approximately 7,020 feet.	12/15/06

Project Title	Project Description	Settlement Agreement Construction End Date
EQ RPR SWRS U316	The Northridge Earthquake sewer repair project is located within S-map # 428-16, S-map # 422-04, Smap # 427-13. Project length: approximately 6,609 feet.	12/15/06
WASHINGTON FLOWER GRAND SWR REPLC [WASHINGTON BL / FLOWER to GRAND]	This project will provide for the replacement of 10- to 24-inch diameter sewers located between Flower Street and Grand Avenue beneath the Long Beach/Los Angeles Light Rail line in Washington Boulevard.	12/30/06
CENTRAL AREA CSRP U-5	Revised scope of project to include replacement of 181 LF of 8-inch concrete sewer and 780 LF of 15-inch concrete sewer work remaining of project 52nd St.-6th AVE SEWER REPLACEMENT, W.O. E2001665 which will be deleted from the WCIP due to the fact that U279 repaired 75% of the sewer reaches of this project. Furthermore U279 also replaced approximately 67% of this project, therefore Central Area CSRP U5 will be replacing approximately 1,900 ft. of sewer.	12/30/06
CENTRAL AREA CSRP U-3 & U-4	This project will replace approximately 5,793 feet of the cement sewers with vitrified clay pipe in 69th, 70th, and 71st streets from 330 feet east of Normandie Avenue to Halldale Avenue, and Florence Avenue from Normandie Avenue to west of Denver Avenue.	12/30/06
12TH HILL SWR REHAB [12TH / HILL SWR REHAB]	This project will rehabilitate approximately 3,700 linear feet of sewers ranging from 27 to 50 inches in diameter in the area of 12th Street, 18th Street, Hill Street, and Grand Avenue.	12/30/06
SAN FERNANDO PSDNA SWR REHAB [SAN FERNANDO PASADENA SWR REHAB]	This project will replace about 1,680 feet of 16-inch sewer pipe in the area bounded by the intersection of San Fernando Road and Pasadena Avenue to the intersection of Pasadena Avenue and Avenue 33.	12/31/06
EQ RPR SWRS U294	This Northridge Earthquake sewer repair project within S-map # 389-03, 04. Project length: approximately 6,238 feet.	01/13/07
EQ RPR SWRS U293	This Northridge Earthquake sewer repair project is near Mayall St, Stare St, Vintage St & Aqueduct Ave. Project length: approximately 6,885 feet.	01/16/07
EQ RPR SWRS U319	This Northridge Earthquake project contains repair of the sewer in the following streets: Sylvan St., Tiara St., Murietta Ave, Costello St., Califa St., Ranchito Ave, Erwin St, Delano St., Calvert St., Bessemer St., Matilija Ave., Atoll Ave, Hillview Park Ave., Oxnard St., Varna St., Ventura Canyon Ave. & Buffalo Ave. Project length: approximately 4,055 feet.	02/15/07
EQ RPR SWRS U318	This Northridge Earthquake sewer repair is located near Welby Way, Archwood St., Van Nood Ave. & Hamlin St. Project length: approximately 6,560 feet.	02/15/07
HARBOR AREA CSRP U- 3	This project will repair 8,070 feet of 8" to 18" cement sewers within the Harbor area bounded by Youth St. on the north, "B" St. on the south, Figueroa on the west and Wilmington Blvd. on the east.	03/03/07
EQ RPR SWRS U342	This Northridge Earthquake sewer repair project is located near 6th St., Ceres Ave, Industrial St., Gladys Ave, Factory Pl, Stanford Ave. Project length: approximately 2,971 feet.	03/15/07

Project Title	Project Description	Settlement Agreement Construction End Date
EQ RPR SWRS U341	This Northridge Earthquake sewer repair project is located near Barlett St., Glendale Ave., Diamond St. and Kellam Ave. Project length: approximately 3,833 feet.	03/15/07
FLINT AVE G ST SWR REPLC [FLINT AVE & G ST SWR REHAB]	This project will replace about 2,700 linear feet of 8, 10 and 14-inch vitrified clay pipe located in Flint Avenue south of G Street.	03/24/07
EQ RPR SWRS U304	This Northridge Earthquake sewer repair project is located near Cedros Ave, Lanark St., Brimfield Ave, Strathern St. and Blythe ave. Project length: approximately 5,322 feet.	04/14/07
EQ RPR SWRS U296	This Northridge Earthquake sewer repair includes Tobias Ave, Lemoma Ave, Broadmoor St., Katherine Avel, Wakefield Ave, Parthenia St Alley, Tyrone Ave, Chase St R/W, Parthenia St. and Willis Ave. Project length: approximately 7,614 feet.	04/14/07
HOOVER ST SWR REHAB [HOOVER STREET SWR REHAB]	This project will rehabilitate 1,522 linear feet of 24- inch diameter sewers on Hoover Street between 28th and 25th Street.	05/02/07
LINCOLN 83RD SWR REPLC [LINCOLN BLVD N/O 83rd]	This project will replace 2,600 linear feet of 10-inch sewers in Lincoln Boulevard between the North Outfall Sewer and the alley north of Manchester Boulevard.	06/30/07
HARBOR AREA CSRP U- 5 & WILM U-20	This project will rehabilitate or replace about 13,000 feet of 8-inch concrete sewer in the San Pedro and Wilmington area. The project is located in the region bounded by the intersection of 7th and Alma to the intersection of Dodson and Park Dr. and Anaheim Street and Cristoball to the intersection of Coil Avenue and Colon Street. The existing sewer is dilapidated with fractures, loose pipe joints and corrosion.	06/30/07

ABBREVIATIONS:

CSRP - Cement Sewer Renewal Program

EQ RPR SWRS - Earthquake Repair Sewers

SWR REHAB - Sewer Rehabilitation

SWR REPLC - Sewer Replacement

Appendix "C"
DESCRIPTION OF SEPs

Projects	Description & Scope	Suggested Commitment
	1st Tier SEPS	
North Atwater Creek Restoration & Water Quality Enhancement Project (in Council District ("CD") 4 and Adjacent to CD 13)	This project will construct water quality physical and structural improvements to an area along the Los Angeles ("LA") LA River in the vicinity of the North Atwater Park. The project will restore wetlands for storm water runoff capture and treatment and provide habitat linkage to the Los Angeles River. This will begin a restoration and revitalization of the LA River and its vicinity where wetlands existed along the riverbanks. This will be the lead project and corner stone for the City's proposed Los Angeles River Revitalization Plan. The project will reconstruct an area along the LA River in the North Atwater community and restore wetlands to treat runoff from the North Atwater Creek storm drain. In addition, runoff Best Management Practices will be implemented to minimize waste from horses using the LA riverbank from entering the LA River. This project will directly benefit the North Atwater neighborhood and the East and Northeast LA communities, which are low income and minority areas.	$2,000,000
South Los Angeles Storm Water Treatment Project at 54th and Avalon St. (CD 9)	The project will construct an advanced system for capture and treatment of polluted urban runoff in an inner City area. The project is a major element of the South LA Wetland project, a project in which an MTA maintenance facility is being converted to a multi-benefit community resource with a water quality treatment element, a constructed wetland, and a community and educational center. The 54th and Avalon St. project will clean up the runoff from local storm drains that would be intercepted and brought into the storm water facility for treatment. The project is in the South Los Angeles community, which is a lower income and minority area. The project area would enhance clean runoff and reduce pollution.	$2,000,000
Hazard Creek and Wetlands Restoration Project (CD 14)	This project will restore and enhance approximately a one-half mile reach of the historic Hazard Creek corridor and 2.5 acres of wetlands habitat in the Lincoln Heights area of the City. The project will restore the creekbed, which was converted into a railroad track, preserve and refurbish 0.5 acres of wetlands that still exist, and restore 2.0 acres of wetland that used to exist. The project will entail the removal of the railroad track and bed, slope re-grading, non-native plant removal, and native plant restoration in the park and wetlands. This project will provide wetlands that will clean up the water in the creekbed with the wetlands, which will help clean up the area's urban runoff. The Lincoln Heights area of the City that will directly benefit from the re-creation of the creek and wetland is a low-income and minority area.	$750,000

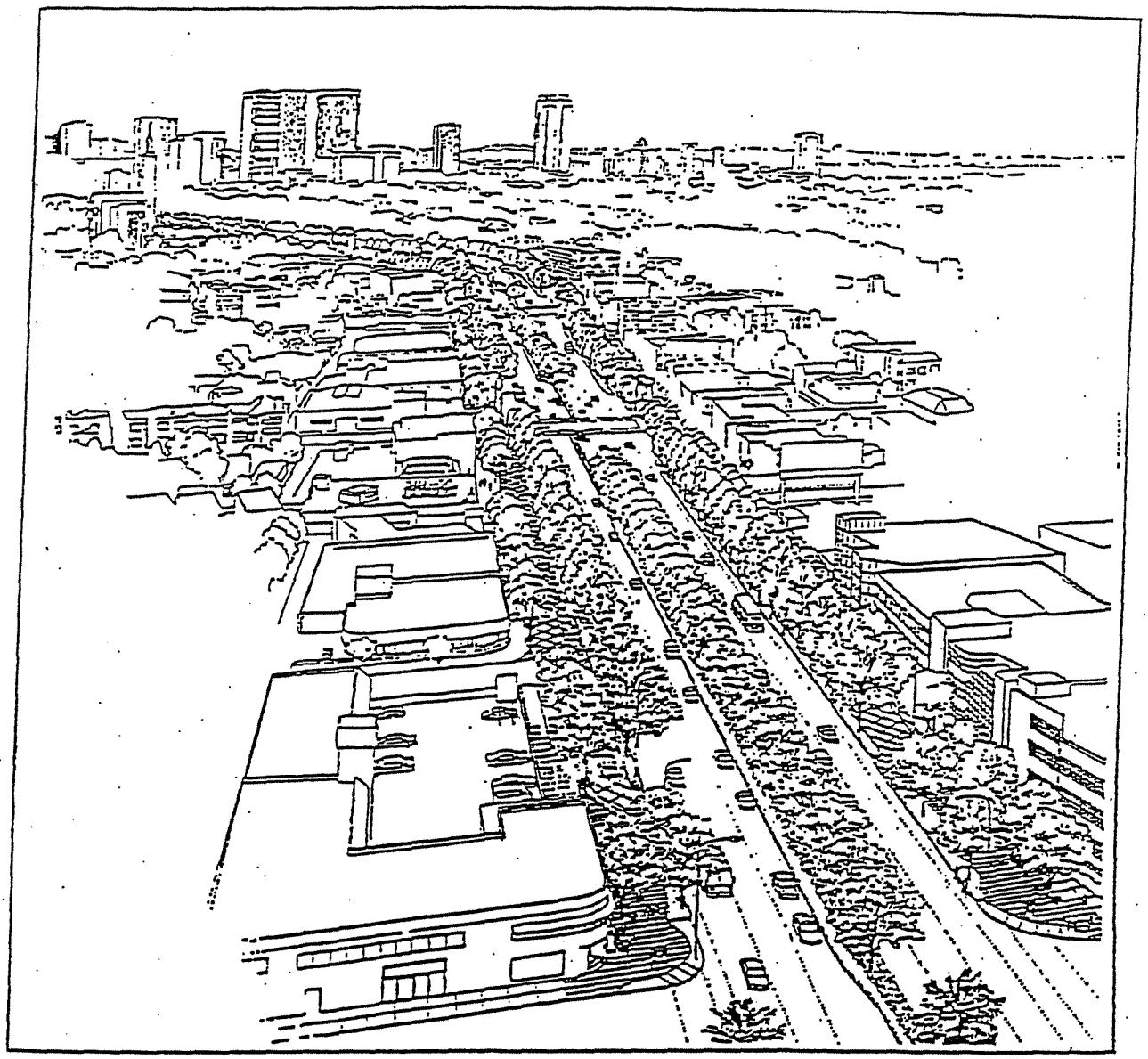
Inner Cabrillo Beach Pollution Control and Water Circulation Enhancement Project (CD 15)	This project will address the high bacteria levels at Inner Cabrillo Beach. The Beach has high bacteria counts, particularly near the south end of the inner beach, which is a popular beach area used by many low income and minority community members. This project will construct physical and structural recirculation enhancements to improve the water quality in the beach. This project will build on the findings of the study conducted as part of the Clean Beaches Initiative and the RWQCB's TMDL linkage analysis to determine the sources of the bacteria, and effective solutions to solve the pollution problem. The project will reduce the high bacteria levels affecting the beach, thus improving water quality, enhancing the beneficial use of the beach, and protecting the public health and safety as the public uses the beach. Many of the beachgoers on this beach come from nearby neighborhoods that have low income and minority residents.	$1,000,000
Downtown Los Angeles Storm Drain Low-Flow Diversion Project (CD 9 & CD 14)	This project will construct a single storm drain low-flow diversion structure to divert the low-flow from a high priority (highly polluted) storm drain discharging into the LA River in the Downtown Los Angeles area. The runoff will be diverted into the sewer system for treatment at the Hyperion Treatment Plant. This will help reduce pollution entering the LA River in a fashion similar to the coastal projects implemented by the City along the beaches of Santa Monica Bay. This will help clean up the runoff into the Los Angles River, thus improving the water quality. This project will be built in an area of low income and minority residences, which will directly benefit from the project.	$1,000,000
2nd Tier SEPS		
Restoration of LA River Wetlands at the Headworks Spreading Ground Project (CD 4)	Convert part (15 acres) of the Headworks Spreading Grounds into treatment wetlands that would remove trash from the LA River, and treat the urban runoff from the Forest Lawn/Griffith Park part of the LA River watershed. The project would feature a rubber dam in the LA River to divert the flow, with a trash removal system both in the river behind the dam and where the river water enters the wetlands. Future additional projects funded in partnership with the City Department of Water and Power will add other features to the site, including up to another 10 acres of wetlands. The diversion of LA River water for treatment in the restored wetlands will improve the quality of the LA River water and reduce pollutants in the water and enhance the overall water quality. This project will benefit users in the Griffith Park, which is used by nearby low income and minority neighborhoods in East and South Los Angeles. Also, the wetlands will be used as an educational extension to schools in these same areas.	$3,000,000

Additional Downtown Los Angeles Storm Drain Low-Flow Diversion Project(s) (CD 9 & CD 14)	This project will construct additional storm drain low-flow diversion structures to divert the low-flow from one or two high priority (highly polluted) storm drains discharging into the LA River in the Downtown Los Angeles area. The runoff will be diverted into the sewer system for treatment at the Hyperion Treatment Plant. This will help reduce pollution entering the LA River in a fashion similar to the coastal projects implemented by the City along the beaches of Santa Monica Bay. This will help clean up the runoff into the Los Angles River, thus improving the water quality. These projects will be built in an area of low income and minority residences, which will directly benefit from the project.	$1,000,000 per diversion with a maximum of $2,000,000
Legion Lane Park LA River Revitalization, Habitat Restoration & Water Quality Enhancement Project (CD 13)	The project is an LA River revitalization project that will help in the restoration of 1,000 feet of riverbank along the LA River and its adjacent areas. The project will acquire a vacant parcel around 28,000 square feet in size at 3781 Legion Lane on the east bank of the Los Angeles River north of Glendale Boulevard near Sunnynook Drive. After acquisition of the property, the property will be restored through "daylighting" an existing storm drain and the construction of grassy swales for runoff treatment before the runoff enters the unlined section of the LA River. Native plants and restoration of the lot will provide habitat restoration and an extension and connection to the rich habitat in the unlined section of the river. The park will not only provide water quality and habitat restoration but will provide access to the public to visit and interact with the unlined section of the river. This will increase awareness of the river as a valuable resource to our community and the need to protect and restore it.	$1,500,000
Sycamore Grove Streambed Daylighting Project (in CD 1 and adjacent to CD 14)	This project will establish a 600-foot long streambed that courses through Sycamore Grove Park in the Highland Park area of the City, and is adjacent to the Glassell Park and Cypress communities as well. This project will create a diversion structure and take water from a buried storm drain directly beneath this park. The riparian habitat that will be re-created will provide for urban runoff treatment, supplemented by a runoff treatment facility to remove selected pollutants of concern such as trash along with oil and grease. The project will clean up the urban runoff form a 2 square- mile area of the City, thus improving runoff water quality. This project will benefit the communities of Glassell Park and Cypress, which are low income and minority neighborhoods.	$1,000,000

EXHIBIT L
CPC-2006-9769-GPA-ZC-ZV-CU-SN

EXECUTIVE SUMMARY

Santa Monica Boulevard Transit Parkway Project



Environmental Assessment/ Final Environmental Impact Report

for
Los Angeles County
Metropolitan Transportation Authority
and the
U.S. Department of Transportation
Federal Highway Administration

July 1999

TRANSMITTAL 1c2

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1.0 INTRODUCTION

This document, along with the Environmental Assessment/Draft Environmental Impact Report (EA/DEIR) for the Santa Monica Boulevard Transit Parkway, comprises the EA/Final EIR for this project. The EA/Draft EIR is presented under separate cover and available at the MTA library (One Gateway Plaza, 15th Floor, Los Angeles, CA 90012-2952).

The recommended project alternative, described below, includes some minor revisions to the project alternatives that were evaluated in the EA/Draft EIR. However, these revisions do not create any new significant impacts or require any additional mitigation measures. The revisions include:

1. Relocation of the median opening to the north frontage road to west of Comstock Avenue;
2. Addition of a second right-turn lane on westbound Santa Monica Boulevard at Beverly Glen;
3. Reconfiguration of the westbound lanes between Century Park East and Avenue of the Stars to provide an option to drivers in the northern-most through lane to enter the frontage road, west of Avenue of the Stars or continue west in a through lane; and
4. Some design features such as chokers and stop signs have been identified for Club View Drive, Warnall, Ensley, and Comstock Avenues, north of Santa Monica Boulevard. During the project's design, the City of Los Angeles in cooperation with the neighborhood will refine these design features elements.

These minor revisions do not require a re-circulation of the draft document because they do not create any new significant impacts or require additional mitigation measures.

This EA/FEIR contains:

- Overview of the proposed project history;
- The four alternatives evaluated in the EA/DEIR;
- The environmentally superior alternative;
- Summary of the Environmental Effects, Mitigation Measures, and Findings;
- Mitigation monitoring program;
- Written comments received and the responses to those comments;
- Public testimony received at the Public Hearing and responses to that testimony; and
- Errata Sheets, which present any changes made to the text of the EA/DEIR as a result of public comment.

1.1 INTRODUCTION AND BACKGROUND

Santa Monica Boulevard is currently a state highway (State Route 2) under the jurisdiction of the California Department of Transportation (CALTRANS). The State no longer plans to construct a freeway along this corridor. As such, the State intends to return urban arterial highways such as Santa Monica Boulevard to the control of local jurisdictions through which it passes. It is CALTRANS' intent to relinquish this portion (from the Beverly Hills city limit to the Santa Monica city limit, west of the I-405 Freeway) of State Route 2 to the City of Los Angeles; other portions of the route will be relinquished to the Cities of Beverly Hills and West Hollywood. The timing of the relinquishment is dependent upon the completion of negotiation and execution of an agreement between CALTRANS and each jurisdiction which will assume responsibility for its respective portions of the roadway. Accordingly, the proposed improvements in this Environmental

Assessment/Environmental Impact Report (extending from Moreno Drive to I-405 within the City of Los Angeles) will be designed to City of Los Angeles Design Standards since the City will eventually assume control of the roadway. This EA/DEIR only addresses the portion of the roadway within the project limits.

Since the purchase of the railroad right-of-way by the Los Angeles County Metropolitan Transportation Authority (MTA) (with funding assistance from the City and County of Los Angeles) from the Southern Pacific Transportation Company in 1991, the entire right-of-way has been publicly owned. To evaluate the potential improvements in this corridor, the MTA has conducted several studies along Santa Monica Boulevard within the project limits. Two studies of particular relevance were conducted in 1994: the *Santa Monica Boulevard (SR-2) Corridor Study* and the *Santa Monica Boulevard Transit Parkway Project Study Report (PSR)*. The Corridor Study evaluated the entire State Route 2 corridor from the 101 Freeway to the I-405 and recommended a Phase 1 improvement in the western portion from I-405 to Beverly Hills city limits. The PSR then evaluated several alternatives and recommended a proposed project that would have combined Big and Little Santa Monica Boulevards into one facility, with four lanes of mixed-flow traffic and one exclusive bus-only lane along the curb in each direction, plus a bikeway down the center of the street on a landscaped median. The proposed project in the PSR did not receive support in the community and was perceived as "like a freeway, with too many lanes of traffic."

Subsequent to these studies, the MTA initiated the Major Investment Study (MIS) in January 1996. The MIS reconsidered alternatives to the project proposed in the PSR and undertook a significant outreach program to involve the community in the evaluation and selection of a preferred improvement in the corridor. The MIS recommended a modified "Classic Boulevard" concept for the Santa Monica Boulevard corridor under study. This concept features a center roadway with three vehicular travel lanes and a bicycle lane in each direction, plus a landscaped center median, and frontage roads on both the north and south sides for parking and access to local streets. It also included bus priority treatment at all signalized intersections, an eastbound transit lane through Century City, on-ramp improvements at the I-405 (San Diego Freeway) interchange, and landscaping and urban design improvements. This recommendation was reached through a careful evaluation and elimination of various alternatives and combinations of alternate components. The MIS also recommended that the MTA initiate preparation of an environmental document to more fully consider the environmental effects of the recommended project concept.

In February 1997, the MIS report was approved by the MTA Board of Directors. The Board then directed MTA staff to proceed with the preparation of a joint environmental document to meet the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). An Environmental Assessment (EA) and Environmental Impact Report (EIR) was considered the appropriate level of environmental documentation. The MTA Board also gave specific directions to address, as a high priority, the need for replacement parking on the south side of Santa Monica Boulevard between Westwood and Sepulveda Boulevards. The mitigation measures for the replacement parking were to be in place prior to commencing construction in that area. The MIS was also approved by the Southern California Association of Governments (SCAG) MIS Committee.

In September 1997, the Environmental Assessment/Draft Environmental Impact Report was initiated and a Notice of Preparation was circulated in November 1997. Circulation of the draft environmental document to the public began in March 1999, and ended on May 14, 1999. A public hearing was held on April 12, 1999, to receive public testimony on the proposed improvements. Written comments were accepted to May 14, 1999, the close of the public comment period. Responses to comments received on the environmental document are contained in the Environmental Assessment/Final Environmental Impact Report.

1.2 DESCRIPTION OF PROPOSED IMPROVEMENTS

1.2.1 Alternatives Considered. The EA/DEIR considered the following four alternatives:

- No Project - This alternative includes no changes to the roadway geometric configuration, and no capacity improvements and no traffic operations improvements to roadways or intersections along either Big or Little Santa Monica Boulevards. However, if the proposed project were not to be implemented, it would be necessary for CALTRANS to resurface and repair Santa Monica Boulevard. This alternative has been defined as not simply a "do-nothing" scenario, but a scenario in which both Big and Little Santa Monica Boulevards would undergo complete pavement reconstruction and resurfacing within the proposed project limits, as planned by CALTRANS.

- Transportation Systems Management (TSM) - This alternative utilizes low-cost methods of providing operational and safety improvements to traffic flow at a number of key intersections along both Big and Little Santa Monica Boulevards. The TSM Alternative entails modifying the existing roadway geometric configuration of Big and Little Santa Monica Boulevards and the intersecting north and south arterial roadways. Specifically, the TSM Alternative would provide additional turn lanes and acceleration lanes at specified intersections. The TSM improvements would require additional roadway pavement width at the intersection approaches to provide adequate space for both through and turn lanes. For the most part, this would have to be accomplished through a combination of restriping the existing pavement (reducing the width of existing lanes) and roadway widening, and utilizing additional right-of-way from the existing median between Big and Little Santa Monica Boulevards. As with the No Project Alternative, it would be necessary under the TSM Alternative to resurface Santa Monica Boulevard within the proposed project area east of the 405 Freeway.

- Classic Boulevard - This alternative represents the one recommended for further refinement and evaluation in the MIS for this proposed project. The Classic Boulevard Alternative features: a center roadway, with three vehicular travel lanes in each direction; a bicycle lane in each direction; a landscaped center median; one-way westbound frontage roads on the north side for parking and access to local streets; frontage roads on the south side for the same purposes that are one-way eastbound, west of Overland Avenue, two-way between Overland Avenue and Beverly Glen Boulevard, and one-way eastbound between Beverly Glen Boulevard and Century Park West.

  The proposed alternative also includes bus priority treatment at all signalized intersections, an eastbound transit lane through Century City, and on-ramp improvements at the San Diego Freeway interchange, landscaping, urban design and bus stop improvements, and bicycle lanes along the outside travel land adjacent to a set of landscaped medians, which separate the boulevard from the frontage roads. The frontage roads diverge from the main boulevard beyond the signalized intersections of major north-south streets and re-enter the main boulevard prior to the next signalized intersection. This results in "four-legged" intersections at all the major cross streets, rather than the double intersections which now exist. The signalized intersections will include left turn signals on the Santa Monica Boulevard approaches to facilitate turns, as well as designated right-turn-only lanes at most locations.

- Classic Boulevard with Design Options (Design Options) - This alternative includes all of the basic design elements of the Classic Boulevard Alternative (three travel lanes, with a center landscaped median, bike lanes on either side of the median, side medians separating the boulevard from one-way local access roads with parking, a two-way Little Santa Monica Boulevard between

Overland Avenue and Beverly Glen Boulevard, freeway ramp improvements, and transit improvement). This Alternative proposes design options at: Overland Avenue, the Century City Shopping Center, Club View Drive, and the transition at the Beverly Hills City limit.

According to the regulations of NEPA and CEQA, a No Project, or "do nothing," Alternative is required. NEPA and CEQA also require the consideration of other alternatives to the proposed project that are reasonable and feasible. The TSM Alternative falls within this category. The other alternatives evaluated, the Classic Boulevard and the Classic Boulevard with Design Options, represent the preferred alternative recommended in the MIS and the preferred alternative with design options, respectively.

1.2.2 Description of Environmentally Superior Alternative

In accordance with CEQA, an environmentally superior alternative must be identified. In this case, the environmentally superior alternative is a combination of elements from the Classic Boulevard and the Design Options Alternatives, which incorporates appropriate mitigation measures to address potential parking, neighborhood traffic intrusion, and construction impacts. This combined alternative includes the Classic Boulevard to the west of Beverly Glen Boulevard and the Design Options Alternative east of Beverly Glen Boulevard. This alternative meets the goals and objectives of the project, to enhance mobility through a multi-modal transportation improvement, while improving the aesthetics of the corridor, minimizing traffic impacts on adjacent residential neighborhoods and improving safety for drivers, pedestrians and bicyclists. The Recommended Alternative is the environmentally superior alternative for the following reasons:

a. The design near the Century City Shopping Center provides greater accessibility to land uses on both sides of the boulevard, while reducing construction impacts and visibility issues for businesses along the north frontage road.

b. The design prevents left turns from Century Park West, which reduces traffic on this street, and accommodates left turns into and out of the Century City Shopping Center.

c. The design does not require the lowering of the grade of the north lanes on Santa Monica Boulevard between Club View Drive and Comstock Avenue, which reduces the duration of construction, the construction impacts, the amount of grading and hauling of materials required during construction and leaves the westbound lanes and the frontage road at the same elevations, providing more flexibility for connections (both physically and visually) between the main Boulevard and the frontage road.

d. The Recommended Alternative includes a median opening for left turns at Manning Avenue, the major access route to the Mormon Temple. Queue detection loops will be included in this left turn pocket and on southbound Manning Avenue so that if excessive queues develop, the traffic signal at Westholme Avenue will be triggered to stop westbound traffic, thereby creating gaps to facilitate turns to/from Manning Avenue.

e. The Recommended Alternative will include an opening to the frontage road west of Club View Drive (Option A). This design would provide enhanced access and visibility to the commercial land uses along the north frontage road to the west of Club View Drive and would reduce the amount of southbound cut-through traffic on Club View Drive. This design adds southbound left turns at the Beverly Glen/Santa Monica Boulevard intersection. The western median opening between the frontage road and the main Boulevard will be provided west of Comstock Avenue, to reduce the potential for neighborhood traffic intrusion, and will include a transition to dual westbound right-

turn-only lanes at Beverly Glen. This will encourage northbound traffic to use Beverly Glen rather than Club View Drive or other streets in the Century Westwood neighborhood. The eastern end of the frontage road near Avenue of the Stars will be designed so that the northernmost westbound lane will have the option to enter the frontage road or continue westbound in one of the three through lanes on the main Boulevard. The fourth westbound lane will lead directly into the dual left turn lanes at Avenue of the Stars. Additionally, some design features such as chokers and stop signs have been identified for Club View Drive, Warnall, Ensley, and Comstock Avenues, north of Santa Monica Boulevard. During the project's design, the City of Los Angeles in cooperation with the neighborhood will refine these design features elements.

f. The Recommended Alternative includes two-way access on Little Santa Monica Boulevard between Overland Avenue and Beverly Glen Boulevard. This can be implemented to accommodate two-way traffic, including single-body trucks, in the block between Pandora and Beverly Glen with adequate turning radii at the Beverly Glen intersection, with a right of way dedication of about 22 square meters along the property at the southwest corner of the Beverly Glen/Little Santa Monica intersection.

g. The Recommended Alternative will accommodate potential alternative transitions into Beverly Hills. The transition median islands will be designed to allow for the potential future re-striping of an additional lane on Big Santa Monica Boulevard in Beverly Hills. The component which included dropping one eastbound lane at Century Park East was found to be infeasible because the congestion created from the reduction of travel lanes.

h. The Recommended Alternative provides off-street parking mitigation with the implementation of Frontage Road Alternative 2, which narrows the median islands and bicycle lanes between Westwood and Sepulveda Boulevards in order to maximize the amount of parallel parking that is provided on the southern frontage road. The need for off-street replacement parking lots is therefore reduced to only one parking lot. This mitigation alternative maintains the design concept all the way to Sepulveda Boulevard and accommodates trees in the medians by utilizing five-foot rather than 6.5-foot bicycle lanes. The other parking mitigation alternatives, which eliminated the north frontage road to provide diagonal parking on the south frontage road, was found infeasible because it would place the westbound bicycle lane directly adjacent to the parked cars and would eliminate the buffer provided by the frontage road for pedestrians and land uses north of the boulevard. By reducing the need for off-street replacement parking to a level that can be satisfied with one parking lot also increases the likelihood that the lot can be located in commercially zoned property along the south side of Santa Monica Boulevard and will not require the purchase and displacement of residential lots south of the Boulevard. The selection of a parking mitigation measure that includes implementation of one off-street parking lot would allow parking to be available during construction because the off-street lot would be constructed during the first phase of the project.

i. The Recommended Alternative includes a side street parking configuration to replace lost curb parking spaces in the hill area of Little Santa Monica Boulevard.

j. The Recommended Alternative reduces neighborhood traffic impacts on both sides of the boulevard by implementation of neighborhood traffic management measures. The frontage roads also will help to reduce the potential for cut-through traffic on residential streets between intersections where left turns to/from the boulevard are accommodated. The neighborhood traffic management plans proposed for implementation on Westholme Avenue north of the boulevard and on Overland Avenue

and parallel streets east of Overland Avenue south of the boulevard, will reduce cut-through traffic on these residential streets.

k. The Recommended Alternative contains enhanced bus stops and signal priority treatments that would reduce delays for transit vehicles along this corridor. The priority treatments would result in improved travel time from the reduction of intersection delay time, queue jumpers and the eastbound bus-only lane in Century City.

Other features associated with the Recommended Alternative that makes it the preferred alternative are:

l. The inclusion of extensive landscaping and urban design enhancements, including three landscaped median islands to buffer the adjacent land uses from the effects of through traffic on the boulevard;

m. Safety improvements at signalized intersections due to the elimination of the double intersections at each north-south street;

n. Freeway on-ramp improvements at the I-405, which will encourage ridesharing through the implementation of carpool bypass lanes. These ramp improvements will also increase the vehicle queuing area on the southbound on-ramp thereby reducing blockage of the Santa Monica Boulevard/ramp terminus intersection;

o. The inclusion of bicycle lanes extending from Avenue of the Stars to Sepulveda Boulevard;

p. The inclusion of pedestrian amenities, including widened sidewalks, improved lighting, pedestrian-actuated traffic signals, and handicap ramps at intersections and bus stops; and

q. Aesthetic improvements in the MTA by the removal of billboards.

1.3 SIGNIFICANT ENVIRONMENTAL EFFECTS, MITIGATION MEASURES, AND FINDINGS

The environmental effects, mitigation measures, and findings of the Recommended Alternative for each impact category are presented below and summarized in Table 1.

1.3.1 Arterial Transportation

a. **Environmental Effects.** The Recommended Alternative will eliminate the double intersections at each north-south cross street thereby reducing congestion along the corridor. The elimination of these double intersections will reduce delays by 50 percent and improve the levels of service at most intersections along the corridor. Travel time will be significantly reduced, except at the intersection of Santa Monica Boulevard and Overland Avenue. The Recommended Alternative includes a single left turn lane on westbound Santa Monica Boulevard at Overland Avenue. This feature results in a significant impact to operations at this intersection, increasing delay by 34.9 seconds over the No Project Alternative.

b. **Mitigation Measures.** The only measure that would mitigate the significant impact at Overland Avenue is the implementation of dual left turn lanes at Overland Avenue, combined with traffic calming measures proposed to reduce the volume of traffic on Overland Avenue.

c. Findings. The proposed dual left-turn lanes were found to be infeasible because: 1) the dual lanes would encourage the use of Overland Avenue, a residential street, by through traffic, thereby increasing traffic on this street; and 2) the increased traffic on Overland would require the implementation of a merge area on southbound Overland. The widened pavement width for this merge area would likely require the acquisition of additional right-of-way on Overland Avenue. Therefore, this mitigation measure of dual left turn lanes would not be implemented and an unavoidable significant impact would remain at the Overland Avenue and Santa Monica Boulevard intersection.

1.3.2 Neighborhood Transportation

a. Environmental Effects. The Recommended Alternative will provide one-way frontage roads between signalized intersections, adjacent to the residential neighborhoods, along all of the corridor except on the south side between Overland Avenue and Beverly Glen Boulevard. While the frontage road will reduce the potential for these intervening streets to be used as north-south cut-through routes, there remains the potential for significant impacts on neighborhood transportation: north of the Boulevard, significant neighborhood traffic impacts would be reduced with the location of the median openings west of Club View Drive and west of Comstock Avenue. Additionally, some design features such as chokers and stop signs have been identified for Club View Drive, Warnall, Ensley, and Comstock Avenues, north of Santa Monica Boulevard. During the project's design, the City of Los Angeles in cooperation with the neighborhood will refine these design features elements. As a result, traffic volumes will be significantly reduced on Club View Drive, but they will potentially be increased on Westholme Avenue. Neighborhood traffic management measures are proposed to reduce the potential impact on Westholme Avenue.

South of the Boulevard, the Recommended Alternative increases traffic on Overland Avenue, increasing the possibility that drivers will seek alternate routes on streets parallel to and east of Overland Avenue. Neighborhood traffic management measures are proposed for Overland Avenue and the parallel streets, east to Prosser Avenue.

While no other neighborhood impacts were identified in the EA/DEIR, because the project will alter access routes to/from adjacent neighborhoods, the volumes on all residential streets in the area bounded by Sepulveda Boulevard, Wilshire Boulevard, Club View/Moreno Drive, and Olympic Boulevard should be monitored to check that no adverse impacts result from implementation of the project. If the volume on any residential street within this area is increased by an amount found to be significant (based on City of Los Angeles thresholds of significance criteria), neighborhood traffic management measures should be developed and implemented.

b. Mitigation Measures

1) Neighborhood traffic management measures shall be implemented on the following streets to reduce impacts identified in the EA/DEIR:

- Westholme Avenue, between Santa Monica Boulevard and Wilshire Boulevard;
- Overland Avenue, between Santa Monica Boulevard and Pico Boulevard; and
- Prosser, Parnell, Manning, and Pelham Avenues, between Santa Monica Boulevard and Olympic Boulevard.

In the City of Los Angeles, the process for developing a neighborhood traffic management plan entails a series of community meetings between LADOT and representatives of the affected neighborhoods to discuss the pros and cons of alternative measures and their anticipated impacts. In this EA/DEIR potential neighborhood traffic management measures are suggested, with the understanding that neighborhood meetings would be required to finalize the details of the traffic control plan. The purpose of including suggested measures in the EA/DEIR is to demonstrate to the community and decision-makers that there are feasible mitigation measures potentially available to mitigate project impacts and to identify the magnitude of the cost of such measures, so that funds to implement the measures can be included in the proposed project budget.

2) Commit $700,000 to implement neighborhood traffic management plans in the residential areas adjacent to the Santa Monica Boulevard corridor. All of the residential streets in the area bounded by Sepulveda Boulevard, Wilshire Boulevard, Club View/Moreno Drive, and Olympic Boulevard shall be eligible for inclusion in the Neighborhood Traffic Management Monitoring Program.

The threshold for determining a significant impact to a residential street for which a mitigation measure will be required shall use the City of Los Angeles criteria adopted for residential streets. The thresholds are summarized below:

Average Daily Traffic Volume with the Project	% Project-Related Increase in ADT
1,000 or more	12% or more of final ADT
2,000 or more	10% or more of final ADT
3,000 or more	8% or more of final ADT

c. Findings. Subject to the outcome of an outreach program to be conducted by the Los Angeles Department of Transportation and reaching consensus with neighborhood residents, a Neighborhood Traffic Management Program shall be implemented to reduce potential neighborhood traffic impacts to a less than significant level.

1.3.3 Parking

a. Environmental Effects. The Recommended Alternative will reconfigure the supply of on-street parking by providing parallel parking along the sidewalk areas on the one-way frontage roads and on the two-way local roadway between Overland Avenue and Beverly Glen Boulevard. This will eliminate the need for peak hour parking restrictions along the north side of Big Santa Monica Boulevard, improving the availability of on-street parking along the north curb. The reconfiguration with parallel parking reduces the supply of on-street parking in the western segment, from Westwood Boulevard to Sepulveda Boulevard, by 87 spaces because the existing supply includes cars parked head-in to the abandoned railroad right-of-way. In the area between Prosser Avenue and Beverly Glen Boulevard, the on-street supply on Little Santa Monica Boulevard is reduced by 19 spaces by the relocation from the north side of the roadway, where there is a continuous row of parking, to the south side, where driveways and side street intersections interrupt the continuous row. The reduction in the supply of on-street parking results in a significant impact requiring mitigation.

b. Mitigation Measures.

Western Segment, South Side of the Boulevard. Mitigation of the significant parking impact in this segment will be provided through the implementation of the following measure:

1) Frontage roads on both sides of Santa Monica Boulevard shall be retained, however median islands shall be narrowed and bike lanes narrowed to accommodate about 70 parallel parking spaces on both sides of the frontage road between Westwood and Sepulveda Boulevards. In addition, one off-street parking lot with at least 47 spaces or one off-street lot with 27 spaces and side street reconfiguration for at least 20 spaces, shall be selected. The MTA will assist the City of Los Angeles in the purchase of the parcel(s) for off-street parking lot(s). Four candidate off-street parking lot locations are identified in the EA/DEIR (page 4.3-14). In total, 123 parking spaces shall be provided in this segment.

Hill Segment of Little Santa Monica Boulevard. Mitigation of the significant parking impact in this segment will be provided through the implementation of the following measures:

2) The side street parking in the area between Prosser and Pandora Avenues of Little Santa Monica Boulevard shall be reconfigured to accommodate about 19 additional parking spaces.

3) Subject to the approval of the Los Angeles Department of Transportation, specific locations for loading zones and time limits on street parking shall be designated. Time limit designations shall take into account existing buildings with insufficient off-street employee parking at the time the project is implemented. If a new development replaces one of the existing older buildings that does not have off-street parking, the new development would be subject to current City codes and would be required to provide off-street parking.

c. Findings. The measures identified above would replace lost parking spaces in the western segment and the hill segment of Santa Monica Boulevard. No unmitigated impacts will remain. The creation of off-street parking lots mitigation would however have the following secondary environmental effects:

- Displacement of 10 to 30 housing units;
- Encroachment into residential neighborhood for sites located south of the east-west alley;
- Air emissions from building demolitions;
- Increased exposure to noise from Santa Monica Boulevard for remaining properties because the intervening building has been removed;
- Reduced privacy for remaining adjacent residential property;
- Illumination and glare from parking lot lights;
- Land use incompatibility at some locations from replacement parking lots adjacent to residential uses.

1) **Secondary Impact Mitigation Measures.** As a result, the following measures are proposed to mitigate the secondary impacts from the off-street replacement parking mitigation measures:

a) Acquisition of property and compensation to owners and tenants and the provision of relocation assistance in accordance with federal uniform relocation policies;

b) Formal public hearing process if zone change is required for proposed parking lots;
c) Implementation of fugitive dust control measures to reduce particulate emissions from demolition activities;
d) Noise abatement for residential buildings that experience increased noise above thresholds from Santa Monica Boulevard due to the removal of intervening buildings for a replacement parking lot.;
e) Wall or landscaping treatment to restore privacy of adjacent residential properties; and
f) Shield lights in off-street parking lots to avoid casting illumination on adjacent residential properties.

Implementation of the measures identified above would partially eliminate potential secondary impacts from off-street replacement parking. Depending on the specific off-street parking lot location(s) ultimately acquired, four significant impacts could result from the replacement parking mitigation because there would be no feasible mitigation measures.

- Potential encroachment (depending on the lot selected) into adjacent residential neighborhoods and loss of privacy for properties adjacent to parking lots;
- Land use incompatibility at locations south of alley (parallel to and south of Santa Monica Boulevard between Sepulveda and Westwood Boulevards) and adjacent to residential areas;
- The replacement parking option that removes the frontage road on the north side has additional unavoidable significant impacts. This option places the bicycle lane adjacent to the parked cars which raises a safety issue for bicyclists. In addition, this option removes the buffer created by the frontage road for adjacent residential areas and removes one of the landscaped median islands which reduces the visual and aesthetic benefits of the urban design streetscape; and
- The parking option that narrows the median also reduces the visual and aesthetic benefits of the proposed urban design streetscape element.

1.3.4. Land Use and Planning

a. Environmental Effects. The Recommended Alternative would be consistent with the objectives of the planning documents to improve mobility for motorists, pedestrians, and bicyclists. However, this alternative has the potential to significantly impact the visibility and accessibility of businesses along the frontage roads.

b. Mitigation Measures.

1) In order to mitigate the visibility and accessibility impacts associated with the limited-opening median, signage shall be incorporated into the overall design of the Recommended Alternative to enable motorists to easily locate and access entrances to the frontage roads. The landscaping plan shall ensure that businesses are visible to motorists. Tress and shrubs shall be placed to allow business visibility. Types of trees shall also be selected that allow the driver to see under the tree canopy.

c. Findings. The installation of signage, the landscaping treatments to reflect the need for visibility, and the construction of the Recommended Alternative (westbound lanes at same elevation as frontage road) east of Beverly Glen Boulevard would mitigate the impacts of visibility and access so that no unmitigated adverse impacts would result to land use and planning.

1.3.5 Visual

a. Environmental Effects. The Recommended Alternative would result in the following significant visual effects:

- require the removal of 42 existing trees and the removal or relocation of 11 trees within the existing right-of-way.

- removal of all existing and construction of new retaining walls. The exposed wall face of the retaining wall by the Century City Shopping Center Access Option between Warnall Avenue and Club View Drive would be approximately ten feet in height (an exposed wall face above six feet is considered a significant visual impact). Potential significant impacts would occur related to the visual impacts of these retaining walls, if they contain exposed wall faces greater than six feet in height.

- narrowing the frontage median islands in the western segment of the corridor to accommodate additional on street parking would limit landscaping and have an adverse visual effect if the median islands are too narrow.

b. Mitigation Measures

1) As part of the proposed landscape plan provide approximately 1,000 new trees within the project right-of-way.

2) Final engineering of the retaining walls shall avoid the impact of exposed wall faces greater than six feet in height by minimizing the height wherever possible. Retaining walls will be architecturally treated and screened with shrubs and vines to minimize the unscreened visible exposed wall face to less than six feet, unless the wall is faced with a public art work.

3) Side and center median islands between Westwood and Sepulveda Boulevards shall be designed for the Recommended Alternative to be wide enough to contain trees and ground cover consistent with the overall project landscaping concept.

c. Findings.

1) The implementation of the proposed landscaping plan to provide approximately 1,000 new trees would mitigate the affects of existing trees to be removed.

2) Following the implementation of engineering design measures discussed above, unmitigated adverse impacts would occur if the exposed retaining wall faces between Warnall Avenue and Club View Drive are greater than six feet in height. Final engineering would seek to avoid this impact by minimizing the height of the walls wherever possible. However, measures to minimize wall height may not be feasible due to other engineering related design constraints.

1.3.6 Construction Impacts

a. Environmental Effects. The Recommended Alternative entails the complete reconfiguration and reconstruction of Santa Monica Boulevard. Therefore, there will be a dramatic effect on local circulation and access during the period of construction. To avoid significant disruptions to local access and loss of parking, specific steps will need to be taken to maintain access to businesses, as well as to the adjacent neighborhoods. The conceptual traffic mitigation plan is intended to identify specific locations requiring attention. A basic objective of the traffic and parking mitigation plan is to construct the new facility by maintaining three through lanes in each direction for traffic at all times and to construct new facilities on an alternating block basis so that there is always convenient on-street parking in the block adjacent to where construction is taking place. As the design of the roadway progresses, it is envisioned that the conceptual traffic mitigation plan will be transformed into specific measures tied to the construction staging and phasing of the roadway.

Because three lanes will be maintained at all times, it is unlikely that travel speeds along Santa Monica Boulevard will be reduced to the extent that there would be significant pollutant emissions. Emissions from an anticipated speed reduction from 35 to 30 mph are not anticipated to exceed SCAQMD criteria. The major sources of pollutant emissions are:

- Entrained dust on temporary roadways;
- Emissions from pavement demolition and removal;
- Emissions from earthwork and grading in the railroad right of way area; and
- Emissions from heavy diesel construction machinery.

In each of these cases, uncontrolled PM10 emissions are expected to exceed SCAQMD daily emissions criteria.

Noise levels related to daytime construction are not expected to exceed the five decibel change criteria established by the City of Los Angeles, and no significant noise impacts are anticipated.

b. Mitigation Measures

1) A Construction Impact Mitigation Plan shall be prepared that as a minimum includes the following requirements and conditions to the extent feasible:

a) Traffic shall be conveyed on asphalt paved roadways rather than unconsolidated aggregate base or gravel;
b) Full directional access to/from all adjacent neighborhoods shall be maintained. Detour signs shall be visible and routes clearly defined to minimize driver confusion;
c) An access and parking plan in coordination with local businesses and property owners shall be prepared;
d) Signs directing patrons to parking locations shall be provided. Signs shall be oriented for Santa Monica Boulevard motorists, as well as residents from adjacent neighborhoods;
e) All grading of railroad rights-of-way areas shall be accompanied by wetting to minimize particulates;
f) Street sweepers shall be used to minimize dust entrainment on all temporary paved roadways;

g) Construction areas shall be configured, oriented and graded to minimize the potential for the ponding of water, flooding of private property or the creation of nuisances or hazards for pedestrians;
h) Erosion control measures, such as catch basin traps for large particles and sand bags, shall be undertaken to reduce the flow of material into the storm water system;
i) Pavement demolition shall be accompanied by wetting to minimize particulates;
i) Access to all properties shall be maintained for both autos and pedestrians during business hours;
j) Neighborhood preferential parking programs adjacent to the corridor shall be amended and employees of businesses shall be allowed to obtain parking permits;
k) Incentive clauses shall be included in contractors contracts to complete work early;
l) Off-street replacement parking lots shall be constructed in the first stage of the construction project;
m) Intelligent Transportation Systems (ITS) measures shall be used to inform the public of construction activities; and
n) On-going outreach program shall be maintained to inform businesses and residents of construction activities and respond to issues as they arise.

c. Findings. After implementation of the above mitigation measures, it is anticipated that unmitigated adverse temporary construction impacts would remain in the following areas where there are no fully effective and feasible mitigation measures:

- Increased PM10 emissions from vehicular travel on aggregate surfaces and/or paved temporary roadway surfaces for the Recommended Alternative;
- Day time construction related noise from heavy equipment for the Recommended Alternative for land uses directly adjacent to the route.

1.4 MITIGATION REPORTING AND MONITORING PROGRAM

As required by State law, the following section identifies the implementation and enforcement and reporting mechanism for each identified mitigation measure. Because it is the intent of CALTRANS to relinquish the roadway to the City of Los Angeles, the Mitigation Monitoring Program specifies City of Los Angeles entities for the various aspects of implementation.

1.4.1 Neighborhood Traffic.

a. Neighborhood traffic management measures shall be implemented on the following streets to reduce impacts identified in the EA/DEIR:

- Westholme Avenue, between Santa Monica Boulevard and Wilshire Boulevard;
- Overland Avenue, between Santa Monica Boulevard and Pico Boulevard; and
- Prosser, Parnell, Manning, and Pelham Avenues, between Santa Monica Boulevard and Olympic Boulevard.

In the City of Los Angeles, the process for developing a neighborhood traffic management plan entails a series of community meetings between LADOT and representatives of the affected neighborhoods to discuss the pros and cons of alternative measures and their anticipated impacts. In this EA/DEIR potential neighborhood traffic management measures are suggested, with the

understanding that neighborhood meetings would be required to finalize the details of the traffic control plan. The purpose of including suggested measures in the EA/DEIR is to demonstrate to the community and decision-makers that there are feasible mitigation measures potentially available to mitigate project impacts and to identify the magnitude of the cost of such measures, so that funds to implement the measures can be included in the proposed project budget.

Phase:	Pre-Construction or During Construction
Responsible:	Los Angeles Department of Transportation
Enforcement:	Los Angeles Department of Transportation
Monitoring:	Los Angeles Department of Transportation

b. Commit $700,000 to implement neighborhood traffic management plans in the neighborhood adjacent to the Santa Monica Boulevard corridor. All of the residential streets in the area bounded by Sepulveda Boulevard, Wilshire Boulevard, Club View/Moreno Drive, and Olympic Boulevard shall be eligible for inclusion in the Neighborhood Traffic Management Monitoring Program. Traffic counts will be taken in advance of the start of construction of the project and after completion of the project, at locations to be determined by LADOT, to determine if the Santa Monica Boulevard Transit Parkway Project has resulted in any traffic diversion which results in a significant impact, based on the City of Los Angeles criteria for determination of significant impacts on residential streets. The details of the count program will be developed by LADOT in consultation with the neighborhoods and council offices. The threshold for determining a significant impact to a residential street for which a mitigation measure will be required shall use the City of Los Angeles criteria adopted for residential streets. The thresholds are summarized below:

Average Daily Traffic Volume with the Project	% Project-Related Increase in ADT
1,000 or more	12% or more of final ADT
2,000 or more	10% or more of final ADT
3,000 or more	8% or more of final ADT

Phase:	Post Construction
Responsible:	Los Angeles Department of Transportation
Enforcement:	Los Angeles Department of Transportation
Monitoring:	Los Angeles Department of Transportation

1.4.2 Parking

a. Western Segment. Frontage roads on both sides of Santa Monica Boulevard shall be retained, however median islands shall be narrowed to a minimum of five feet and bike lanes narrowed to accommodate about 70 parallel parking spaces on both sides of the frontage road between Westwood Boulevard and Sepulveda Boulevard. In addition, one off-street parking lot with at least 47 spaces or one off-street parking lot with 27 spaces and side street reconfiguration for at least 20 spaces, shall be selected. Four candidate off-street parking lot locations are identified in the EA/DEIR (Figure 4.3-2 on page 4.3-15). In total, 123 parking spaces shall be provided in this segment.

Phase:	Pre-Construction
Responsible:	Los Angeles Department of Public Works/MTA
Enforcement:	Los Angeles Department of Transportation/MTA
Monitoring:	Los Angeles Department of Public Works/MTA

b. Hill Segment of Little Santa Monica Boulevard. The side street parking in the area between Prosser and Pandora Avenues of Little Santa Monica Boulevard shall be reconfigured to accommodate about 19 additional parking spaces.

Phase:	Pre-Construction
Responsible:	Los Angeles Department of Public Works/MTA
Enforcement:	Los Angeles Department of Transportation/MTA
Monitoring:	Los Angeles Department of Public Works/MTA

c. Subject to the approval of the Los Angeles Department of Transportation, specific locations for loading zones and time limits for on street parking shall be designated, as needed. Time limit designations shall take into account existing buildings with insufficient off-street employee parking at the time the project is implemented. If a new development replaces one of the existing older buildings that does not have off-street parking, the new development would be subject to current City codes and would be required to provide off-street parking.

Phase:	Post Construction
Responsible:	Los Angeles Department of Transportation
Enforcement:	Los Angeles Department of Transportation
Monitoring:	Los Angeles Department of Transportation

1.4.3 OFF-STREET REPLACEMENT PARKING.

a. Secondary Impact Mitigation Measures. As a result, the following measures are proposed to mitigate the secondary impacts from the off-street replacement parking mitigation measures:

- Acquisition of property and compensation to owners and tenants and the provision of relocation assistance in accordance with federal uniform relocation policies;
- Formal public hearing process if zone change is required for proposed parking lots;
- Implementation of fugitive dust control measures to reduce particulate emissions from demolition activities;
- Noise abatement for residential buildings that experience increased noise above thresholds from Santa Monica Boulevard due the removal of intervening buildings for a replacement parking lot.;
- Wall or landscaping treatment to restore privacy of adjacent residential properties; and
- Shield lights in off-street parking lots to avoid casting illumination on adjacent residential properties.

Phase:	Pre-Construction/Construction
Responsible:	Los Angeles Department of Public Works/MTA
Enforcement:	Los Angeles Department of Public Works
Monitoring:	Los Angeles Department of Public Works

1.4.4 LAND USE AND PLANNING

a. In order to mitigate the visibility and accessibility impacts associated with the limited-opening median, signage shall be incorporated into the overall design of the Recommended Alternative to enable motorists to easily locate and access entrances to the frontage roads. The landscaping plan shall ensure that businesses are visible to motorists. Trees and shrubs shall be placed to allow business visibility. Types of trees shall also be selected that allow the driver to see under the tree canopy. The median island shall be a minimum of five feet wide to accommodate the planting of large trees.

Phase:	Pre-Construction/Construction
Responsible:	Los Angeles Department of Public Works
Enforcement:	Los Angeles Department of Public Works
Monitoring:	Los Angeles Department of Public Works

1.4.5 VISUAL

a. As part of the proposed landscape plan provide approximately 1,000 new trees within the project right-of-way.

Phase:	Pre-Construction/Construction
Responsible:	Los Angeles Department of Public Works
Enforcement:	Los Angeles Department of Public Works
Monitoring:	Los Angeles Department of Public Works

b. Final engineering of the retaining walls shall avoid the impact of exposed wall faces greater than six feet in height by minimizing the height wherever possible. Retaining walls will be architecturally treated and screened with shrubs and vines to minimize the unscreened visible exposed wall face to less than six feet, unless the wall is faced with a public art work.

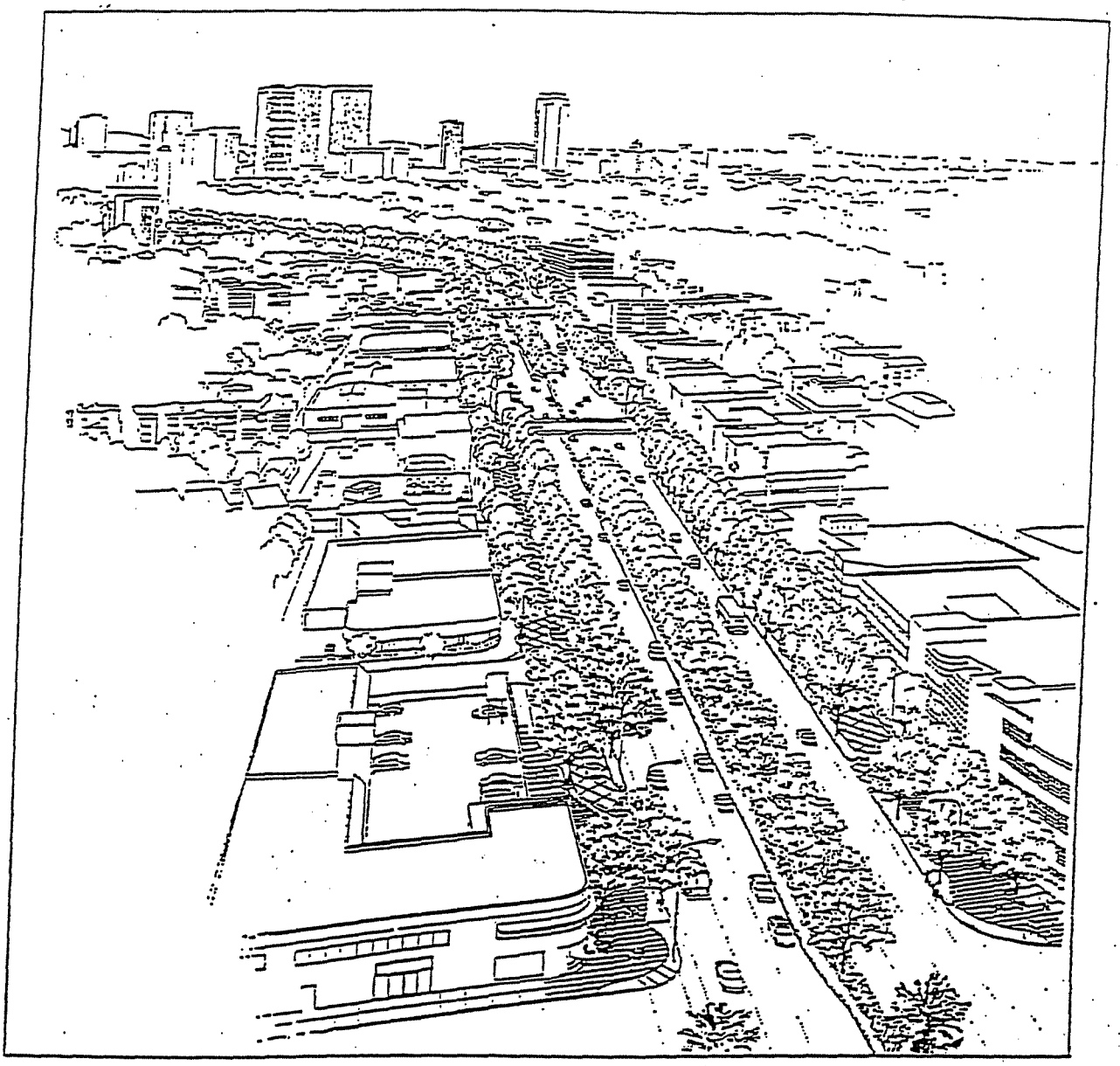
Phase:	Pre-Construction
Responsible:	Los Angeles Department of Public Works
Enforcement:	Los Angeles Department of Public Works
Monitoring:	Los Angeles Department of Public Works

1.4.6 CONSTRUCTION

A Construction Impact Mitigation Plan shall be prepared that at a minimum includes the following requirements and conditions to the extent feasible:

- Traffic shall be conveyed on asphalt paved roadways rather than unconsolidated aggregate base or gravel;
- Full directional access to/from all adjacent neighborhoods shall be maintained. Detour signs shall be visible and routes clearly defined to minimize driver confusion;
- An access and parking plan in coordination with local businesses and property owners shall be prepared;

Santa Monica Boulevard
Transit Parkway Project



Environmental Assessment/
Draft Environmental Impact Report

for
Los Angeles County
Metropolitan Transportation Authority
and the
U.S. Department of Transportation
Federal Highway Administration

March 1999

- Signs directing patrons to parking locations shall be provided. Signs shall be oriented for Santa Monica Boulevard motorists, as well as residents from adjacent neighborhoods;
- All grading of railroad rights-of-way areas shall be accompanied by wetting to minimize particulates;
- Street sweepers shall be used to minimize dust entrainment on all temporary paved roadways;
- Construction areas shall be configured, oriented and graded to minimize the potential for the ponding of water, flooding of private property or the creation of nuisances or hazards for pedestrians;
- Erosion control measures, such as catch basin traps for large particles and sand bags, shall be undertaken to reduce the flow of material into the storm water system;
- Pavement demolition shall be accompanied by wetting to minimize particulates;
- Access to all properties shall be maintained for both autos and pedestrians during business hours;
- neighborhood preferential parking programs adjacent to the corridor shall be amended and employees of businesses shall be allowed to obtain parking permits;
- incentive clauses shall be included in contractors contracts to complete work early;
- Off-street replacement parking lot(s) shall be constructed in the first stage of the construction project;
- Intelligent Transportation Systems (ITS) measures shall be used to inform the public of construction activities; and
- on-going outreach program shall be maintained to inform businesses and residents of construction activities and respond to issues as they arise.

Phase:	Pre-Construction/Construction
Responsible:	Los Angeles Department of Public Works/Department of Transportation
Enforcement:	Los Angeles Department of Public Works/Department of Transportation
Monitoring:	Los Angeles Department of Public Works/Department of Transportation

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ACRONYMS AND ABBREVIATIONS USED

ADT	Average Daily Traffic
ANSI	American National Standards Institute
AQMP	Air Quality Management Plan
ATCS	Adaptive Traffic Control System
ARB	California Air Resources Board
AT&SF	Atchison, Topeka and Santa Fe Railway
BLS	Bureau of Labor Statistics
CAA	Clean Air Act Amendments
CAAQS	California Ambient Air Quality Standards
CALTRANS	California Department of Transportation
CARE	Commercial Area Revitalization Effort
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
CF	Cubic Feet
CNEL	Community Noise Equivalent Level
CPI-U	Consumer Price Index-Urban
CO	Carbon Monoxide
dBA	Decibel
DOA	City of Los Angeles Department of Airports
DSL	Diesel
EA	Environmental Assessment
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Maps
FPPP	Fire Protection and Prevention Plan
GPF	City of Los Angeles General Plan Framework
HD	Heavy-Duty
HTP	Hyperion Treatment Plant
JWPCP	Joint Water Pollution Control Plant
kWh	Killowat Hours
LACTC	Los Angeles County Transportation Commission
LADOT	City of Los Angeles Department of Transportation
LADWP	Los Angeles Department of Water and Power
LAMC	Los Angeles Memorial Coliseum
LAPD	Los Angeles Police Department
LAPL	Los Angeles Public Libraries
LAX	Los Angeles International Airport
L_{eq}	Sound Equivalent Level
LOS	Level of Service
LUP	Land Use Permits
LUPAMS	Land Use Planning and Management System
MEA	Master Environmental Assessment
MCE	Maximum Credible Earthquakes
mcfd	Million Cubic Feet per Day
mgd	Million Gallons per Day

ACRONYMS AND ABBREVIATIONS USED (cont.)

MIS	Major Investment Study
MTA	Los Angeles County Metropolitan Transportation Authority
MWD	Metropolitan Water District
NAAQS	National Ambient Air Quality Standards
NCOS	North Central Outfall Sewer
NEPA	National Environmental Policy Act
NO_2	Nitrogen Dioxide
NO_x	Oxides of Nitrogen
NOP	Notice of Preparation
NORS	North Outfall Replacement Sewer
NOS	North Outfall Sewer
NPDES	National Pollution Discharge Elimination System
O^2	Ozone
PCH	Pacific Coast Highway
PEPPER	Pre-Earthquake Planning for Post-Earthquake Rebuilding
PM	Particulate Matter
PM_{10}	Particulate Matter Less Than 10 Microns in Diameter
ROG	Reactive Organic Gases
SCAG	Southern California Association of Governments
SCG	Southern California Gas Company
SCAQMD	South Coast Air Quality Management District
s.f.	Square Feet
SOCAB	South Coast Air Basin
SO_x	Oxides of Sulfur
SPT	Southern Pacific Transportation Company
TAC	Toxic Air Contaminants
TDS	Total Dissolved Solids
TIMP	Transportation Improvement and Mitigation Plans
TOG	Total Organic Gases
TSG	Total Suspended Particulates
TSM	Transportation System Management
UCLA	University of California Los Angeles
USC	University of Southern California
UTM	Universal Transverse Mercator
VMT	Vehicle Miles Traveled

EXECUTIVE SUMMARY

ES-1 INTRODUCTION

This report considers the environmental consequences of improvements to a 2.5-mile segment of Santa Monica Boulevard (State Route 2), known as the Santa Monica Boulevard Transit Parkway project (proposed project). A federal action is necessary to fund the proposed project and local discretionary approvals are necessary from the Los Angeles County Metropolitan Transportation Authority (MTA), the California Department of Transportation (CALTRANS) and the City of Los Angeles. This report will therefore need to satisfy the environmental requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The Lead Agency for NEPA compliance is the Federal Highway Administration (FHWA). The Lead Agency for CEQA compliance is the MTA. CALTRANS and the City of Los Angeles are responsible agencies, as defined by CEQA.

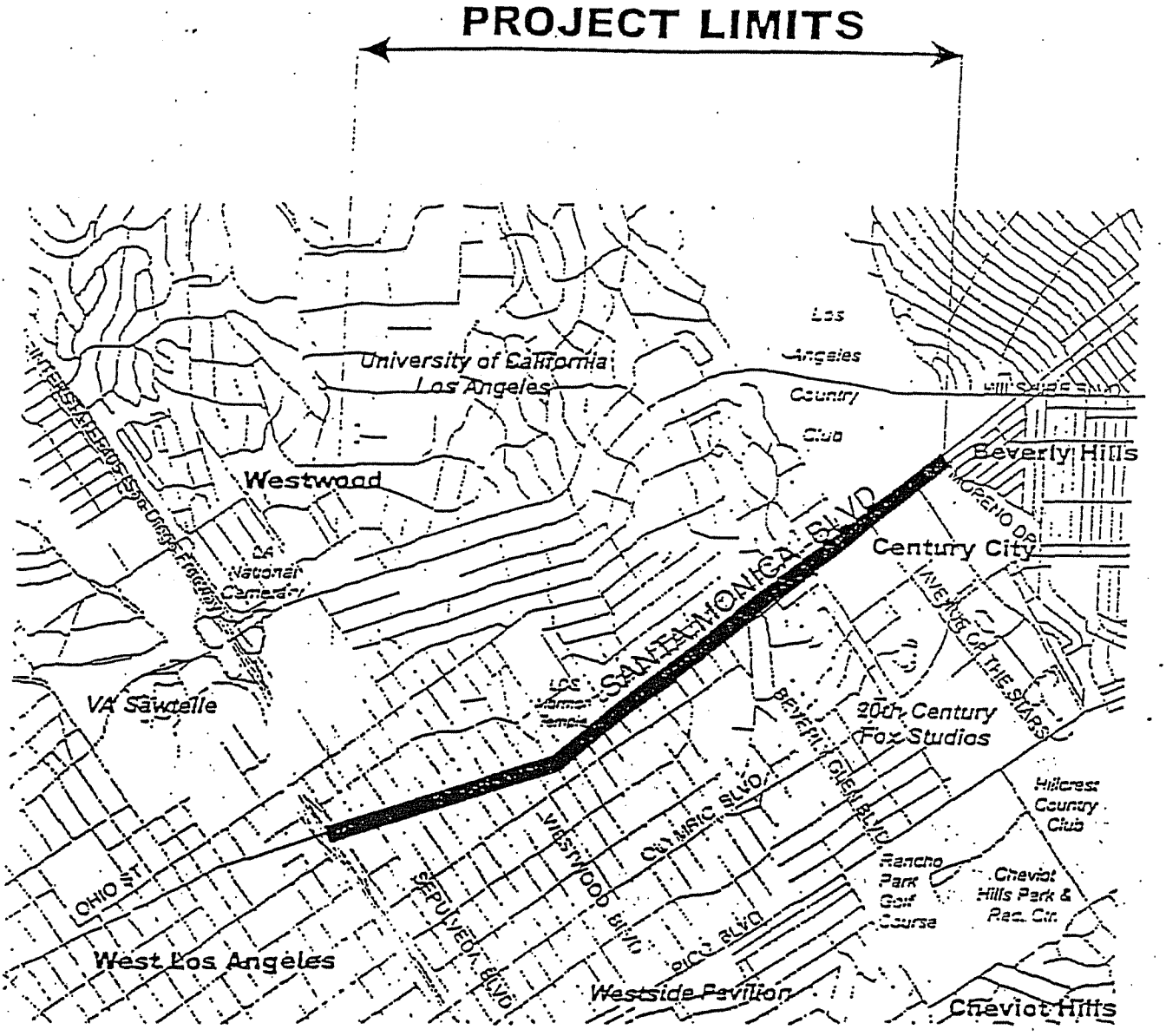
In this Environmental Assessment/Environmental Impact Report (EA/EIR), the term "significant is used extensively. While the CEQA requires that each effect having a "significant impact" be identified in an EIR, the NEPA does not. In this document, references to "significant impact" are made to fulfill this requirement under CEQA, pursuant to California law. No representation as to significance is made in this document represents an assessment as to the magnitude of such an impact under the requirements of Federal law. Under NEPA, significance is used to determine whether an environmental impact statement (EIS) or some lower level document will be required for Federal environmental compliance purposes. Some impacts determined to be significant under CEQA may not be of sufficient magnitude to be determined significant under NEPA. Under NEPA, once a decision to prepare an EIS is made, it is the magnitude of the impacts that is evaluated and no judgment of its significance is made in the environmental document. Therefore, use of the word "significant," or the phrase "significant adverse impact" in this environmental document will be applicable to CEQA only. The Federal Highway Administration and the MTA have concluded that the proposed project that is analyzed herein does not significantly affect the human environment, and that an Environmental Assessment/Finding of No Significant Impact (EA/FONSI) is the appropriate federal environmental document for this project.

To address the requirements of both CEQA and NEPA, this document will be processed as a combined document: an Environmental Assessment (EA) to meet NEPA and an Environmental Impact Report (EIR) to meet CEQA.

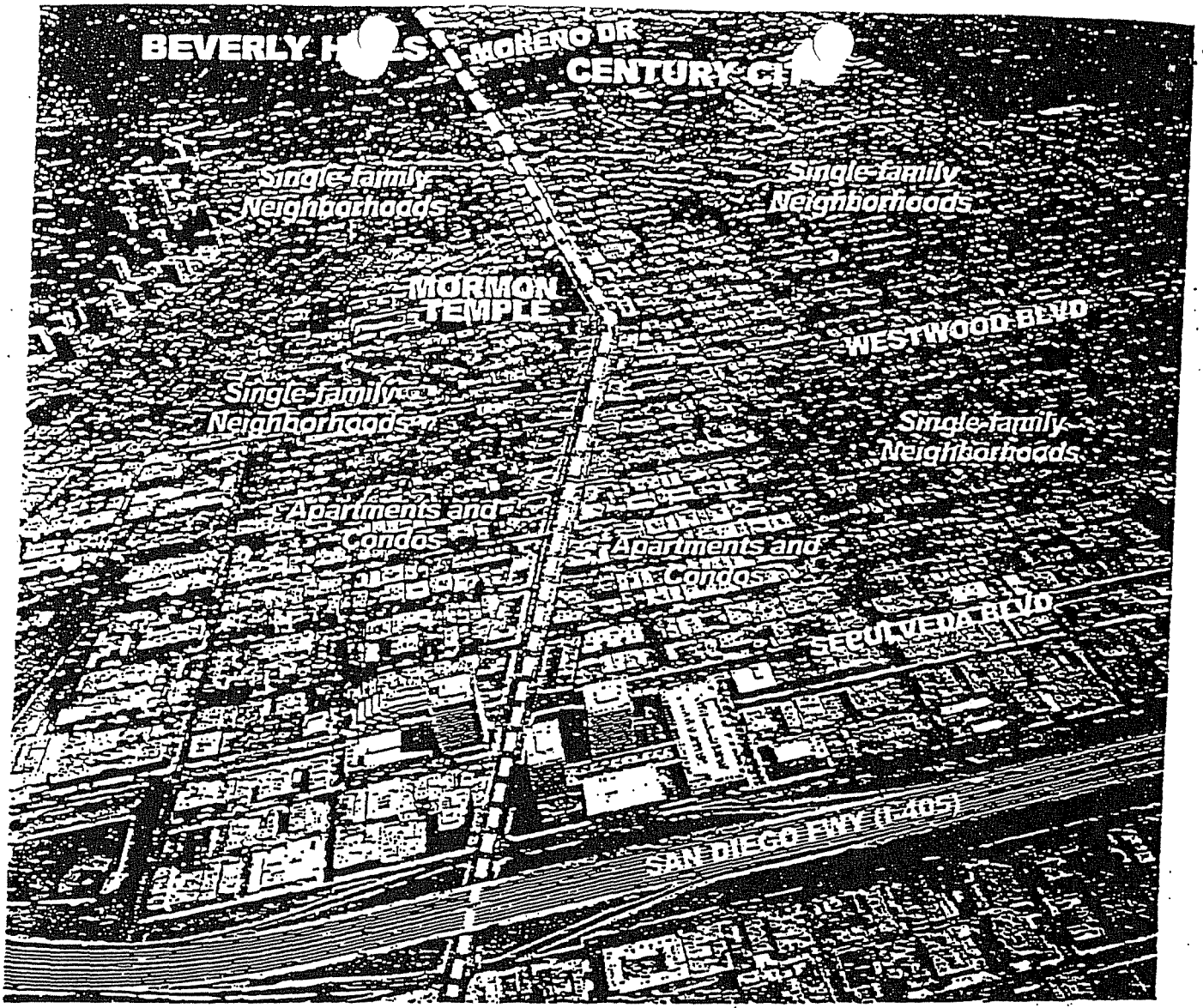
ES-2 PROJECT LOCATION

Figure ES-1 illustrates the location of the proposed project. The proposed project would be entirely located within the corporate limits of the City of Los Angeles. The limits of the proposed project would extend from Moreno Drive at the Beverly Hills City limit on the east to Interstate 405 (San Diego Freeway) on the west, inclusive of the interchange between Santa Monica Boulevard and the San Diego Freeway. As shown in Figure ES-2, the proposed project would pass through the West Los Angeles area that has been urbanized and developed for many years.

With the exception of private property that may be acquired for replacement parking mitigation, the proposed project would be located within existing, publicly-owned rights-of-way. Publicly-owned rights-of-way include: north or "Big" Santa Monica Boulevard; south or "Little" Santa



The proposed project extends from I-405 (San Diego Freeway) to Moreno Drive, a distance of approximately 2.5 miles. The project is located wholly within the City of Los Angeles. Proposed improvements are to be made within publicly owned rights-of-way, including the north or "Big" Santa Monica Boulevard roadway, and the south or "Little" Santa Monica Boulevard roadway under the jurisdiction of CALTRANS, and the abandoned Southern Pacific Railroad right-of-way owned by the Los Angeles County Metropolitan Transportation Authority.



Affected Environment. As shown in this aerial view looking to the east, the Santa Monica Boulevard corridor passes through a highly urbanized area. The project extends from the San Diego Freeway to immediately beyond the mid- and high-rise office developments in Century City (a major mixed-use center). West of Century City, land uses adjacent to Santa Monica Boulevard include a mixture of ground-level retail and commercial office uses with a lesser amount of multi-family residential. The next tier of development adjacent to the street frontage is typically apartments and condominiums. A large number of single-family neighborhoods are located as close as a block north or south of the boulevard.

FIGURE ES-2
Aerial View

Monica Boulevard; the Santa Monica Boulevard/I-405 Interchange under the jurisdiction of the CALTRANS; and the abandoned Southern Pacific Railroad right-of-way owned by the MTA.

It is anticipated that CALTRANS will relinquish this segment of Route 2 (which includes both Big and Little Santa Monica Boulevards) to the City of Los Angeles. CALTRANS and the City of Los Angeles are currently considering the terms of this change. Thus, the City of Los Angeles would be responsible for the maintenance and upkeep of the proposed project as a City street.

ES-3 PROJECT BACKGROUND

There have been several previous studies related to improvements along Santa Monica Boulevard. Two studies of particular relevance to this EA/EIR were conducted in 1994: the *Santa Monica Boulevard (SR-2) Corridor Study* and the *Santa Monica Boulevard Transit Parkway Project Study Report (PSR)*. The Corridor Study evaluated the entire SR-2 corridor from the 101 Freeway to I-405 and recommended a Phase 1 improvement in the western portion from I-405 to Beverly Hills city limits. The Project Study Report then evaluated several alternatives and recommended a proposed project that would have combined Big and Little Santa Monica Boulevards into one facility, with four lanes of mixed-flow traffic and one exclusive bus-only lane along the curb in each direction, plus a bikeway down the center of the street on a landscaped median. The proposed project in the PSR did not receive support in the community and was perceived as "like a freeway, with too many lanes of traffic."

Subsequent to these studies, the MTA initiated the Major Investment Study (MIS) in January 1996. The MIS reconsidered alternatives to the project proposed in the PSR and undertook a significant outreach program to involve the community in the evaluation and selection of a preferred improvement in the corridor. The MIS was approved by the MTA Board in February 1997 and is available for review in the MTA library.

The preferred project identified in the MIS, the Classic Boulevard Alternative, is discussed below in 1.5 (Alternatives Considered). The subsequent step, as identified in the MIS, was to prepare a focused environmental impact report/environmental assessment, hence the initiation of the subject EA/EIR.

ES-4 PURPOSE AND NEED

The purpose of the proposed project consists of several items, as discussed below:

- Significant traffic congestion currently occurs along the corridor;
- Forecasted traffic volumes indicate worsening of existing traffic congestion, resulting in increased travel time along corridor from 10 to 30 minutes;
- The configuration of the existing intersections results in safety issues and queuing that blocks through travel lanes in both directions;
- Queuing at freeway ramps also extend onto Boulevard, also blocking intersections;
- Existing transit service is diminished by existing traffic congestion and transit amenities are substandard;
- The lack of pedestrian-friendly crossings makes the existing corridor unattractive to pedestrian activity and reduces the accessibility of the bus stops;
- The City of Los Angeles has designated the corridor as a Class I bicycle facility and no bicycle facilities are currently in place; and

- Public input during the MIS process strongly supported the need for aesthetic improvements in the corridor.

ES-5 PROJECT OBJECTIVES

The objectives of the proposed Santa Monica Boulevard Transit Parkway project were previously identified in the MIS and are as follows:

- Relieve existing and future congestion and improve mobility along the corridor through a multi-modal transportation improvement project;
- Improve the aesthetics along the corridor through urban design, landscape improvements, and billboard removal;
- Minimize the impacts of traffic in the corridor on adjacent residential neighborhoods;
- Enhance safety for drivers, pedestrians and bicyclists;
- Create an environment that is complementary to the existing and future land uses along the corridor; and
- Promote alternative modes of transportation through enhanced transit service, carpool incentives and improved non-motorized transportation alternatives.

ES-6 ALTERNATIVES CONSIDERED

The following provides a summary of the alternatives considered in the MIS process and the alternatives considered in this EA/EIR.

ES-6.1 MIS Alternatives

As part of the MIS process, seven preliminary concepts were evaluated. The four alternatives (shown in bold) were evaluated in detail in the MIS. The other three alternatives were deferred from further study after the preliminary evaluation. The reason for deferment of these alternatives is indicated at the end of the alternative description.

Concept 1. Classic Boulevard. A six-lane center roadway with bicycle lanes, and one-way frontage roads with parking on both the north and south sides of the center roadway. This alternative evokes the great boulevards of Europe, and provides neighborhood protection from the main roadway. It would be similar to parts of San Vicente or Crenshaw Boulevards in Los Angeles.

Concept 2. Combined Roadway with Median Bike Lanes. An eight-lane roadway, four mixed flow or three mixed flow and one High Occupancy Vehicle [HOV] each direction, with a two-way bike lane down the median island. Parallel parking would be provided along both north and south curbs. A frontage road would only be provided on the south side in the hill area between Parnell Avenue and Beverly Glen Boulevards. *Due to lack of support for median bike lanes and safety considerations, this alternative was deferred from further refinement/study.*

Concept 3. Combined Roadway with Maximum Pedestrian Amenities. An eight-lane roadway wide sidewalks to accommodate additional urban design/landscaping features. On-street bicycle lanes adjacent to parallel parking would be provided along both the north and south curbs. A frontage road would only be provided on the south side in the hill area betweenParnell Avenue and Beverly Glen Boulevard.

Concept 4. Two Parallel, Two-way Streets (Overland Avenue to Fox Hills Drive) An eight-lane roadway with narrower medians to accommodate two-way frontage road on south side between Overland Avenue and Fox Hills Drive. A grade separation at Beverly Glen Boulevard allows two-way frontage road to cross Beverly Glen.

Concept 5. Two Parallel. Two-way Streets (Widened North Santa Monica Boulevard). Little Santa Monica Boulevard remains "as is" with Big Santa Monica Boulevard widened to three lanes each direction, narrowing the separation between the two roadways. *This concept did not reduce congestion and would actually worsen traffic flow due to signal phasing requirements. Therefore, this alternative was deferred from further refinement/study.*

Concept 6. Combined Roadway with Angled Parking on One-Way Frontage Road. An eight-lane roadway with on-street bike lanes and a one-way eastbound frontage road with angled parking along the south side.

Concept 7. Combined Roadway with Median Bus-Only Lanes. A six-lane combined roadway with bike lanes and parking and a median with exclusive two-way bus lanes. *Due to lack of support from the public and bus operators, safety considerations and limited number of buses, this alternative was deferred from further refinement/study.*

After detailed evaluation of the alternatives, the MIS recommended a combined Concept 1 and 3/4. This combined alternative featured a center roadway with three vehicular travel lanes and a bicycle lane in each direction, plus a landscaped center median, and frontage roads on both the north and south sides for parking and access to local streets. It also included bus priority treatment at all signalized intersections, an eastbound transit lane through Century City, and on-ramp improvements at the San Diego Freeway interchanges. It also included landscaping and urban design improvements. This was the preferred alternative in the MIS.

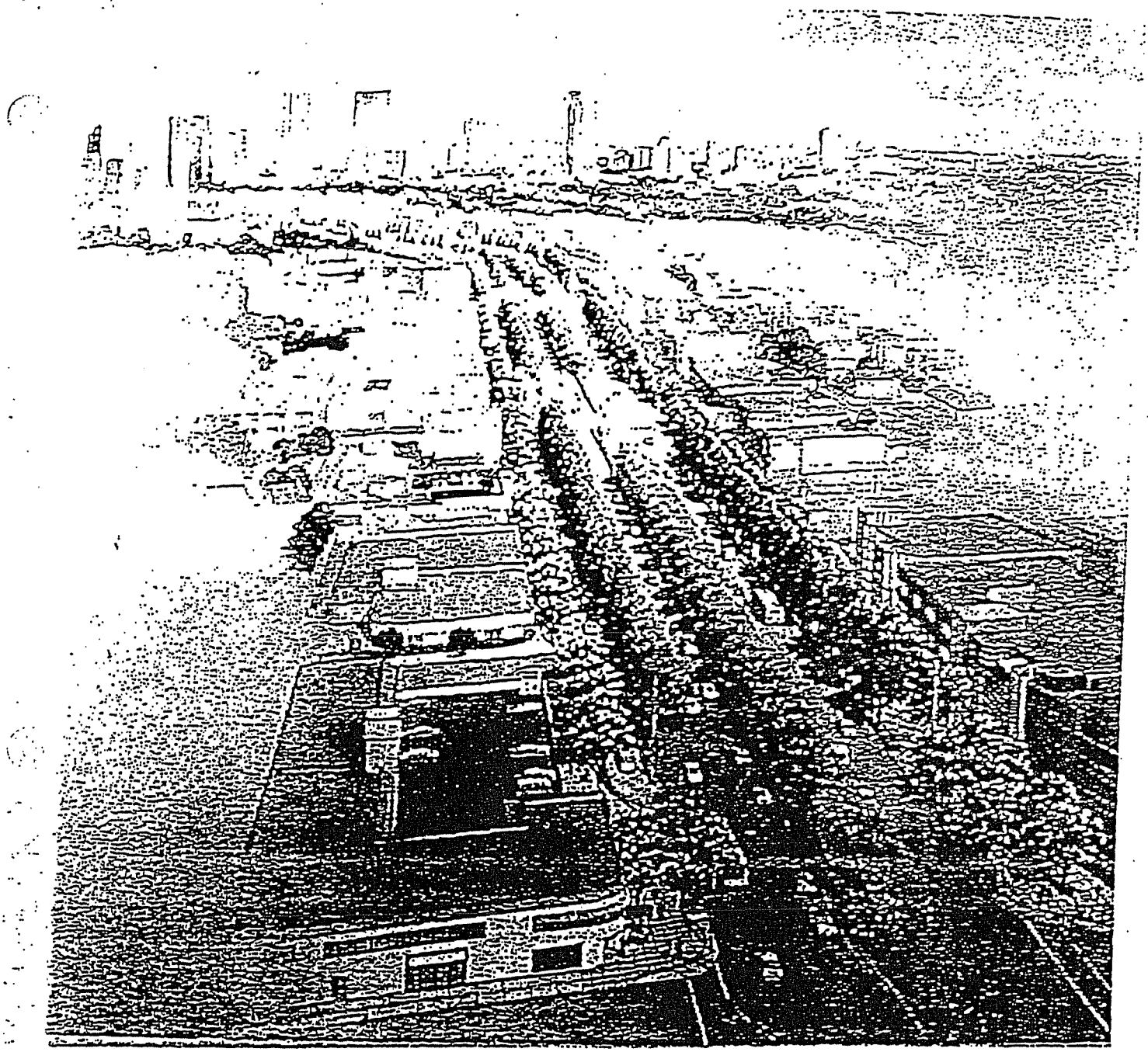
The MIS recommended the Classic Boulevard concept on grounds that it best met the proposed project objectives that were developed in conjunction with the community during the initial phase of the MIS. Identified benefits of the Classic Boulevard included:

- Improved mobility along the corridor by reducing congestion at signalized intersections and I-405 on-ramps, and by providing three high-capacity through lanes in each direction separated from parking, thereby lessening side friction;
- Annual travel time savings compared to the No Project Alternative of approximately $9.5 million per year, prior to implementation of the Red Line Western Extension, and approximately $3.5 million per year in 2015, assuming that the Red Line Western Extension is implemented on that date and traffic demands along the corridor decrease as a result (at the present time, there are no plans to implement the Red Line Western Extension by 2015);
- High-quality Class II on-street bicycle lanes separated from parked cars by a median island;
- Superior potential for pedestrian environment, landscaping, and aesthetic improvements;
- Transit enhancements which save transit operating costs by improving bus speeds;
- Frontage roads providing buffers to neighborhoods on both sides of the Boulevard and protecting local streets from cut-through traffic; and
- Improved signalized intersections and signalized pedestrian crosswalks, which improve pedestrian safety and facilitate pedestrian access across the Boulevard.

ES-6.2 EA/EIR Alternatives

Subsequent to completion of the MIS, this EA/EIR was initiated. The alternatives considered in this document include the following:

- No Project - typically constitutes "no action" or doing nothing in the proposed project area in question. In the case of the proposed Santa Monica Boulevard Transit Parkway project, a "No Project" scenario includes no changes to the roadway geometric configuration, and no capacity improvements and no traffic operations improvements to roadways or intersections along either Big or Little Santa Monica Boulevards. However, if the proposed project were not to be implemented, it would be necessary for CALTRANS to resurface Santa Monica Boulevard within the proposed project has been defined as not simply a "do-nothing" scenario, but a scenario in which both Big and Little Santa Monica Boulevards would undergo complete pavement reconstruction and resurfacing within the proposed project limits, as planned by CALTRANS.
- Transportation Systems Management - utilizes low-cost methods of providing operational and safety improvements to traffic flow at a number of key intersections along both Big and Little Santa Monica Boulevards. The TSM Alternative entails modifying the existing roadway geometric configuration of Big and Little Santa Monica Boulevards and the intersecting north and south arterial roadways. Specifically, the TSM Alternative would provide additional turn lanes and acceleration lanes at specified intersections. The TSM improvements would require additional roadway pavement width at the intersection approaches to provide adequate space for both through and turn lanes. For the most part, this would have to be accomplished through a combination of restriping the existing pavement (reducing the width of existing lanes) and roadway widening, and utilizing additional right-of-way from the existing median between Big and Little Santa Monica Boulevards. As with the No Project Alternative, it would be necessary under the TSM Alternative to resurface Santa Monica Boulevard within the proposed project area east of the 405 Freeway.
- Classic Boulevard - represents the alternative recommended for further refinement and evaluation in the MIS for this proposed project. The Classic Boulevard Alternative features: a center roadway, with three vehicular travel lanes in each direction; a bicycle lane in each direction; a landscaped center median (see Figure ES-3, Illustrative View and Figure ES-4, Classic Boulevard); one-way westbound frontage roads on the north side for parking and access to local streets; frontage roads on the south side for the same purposes that are one-way eastbound, west of Overland Avenue, two-way between Overland Avenue and Beverly Glen Boulevard, and one-way eastbound between Beverly Glen Boulevard and Century Park West. The proposed project also includes bus priority treatment at all signalized intersections, an eastbound transit lane through Century City, and on-ramp improvements at the San Diego Freeway interchange. It also includes landscaping, urban design and bus stop improvements, and bicycle lanes along the outside travel land adjacent to a set of landscaped medians, which separate the boulevard from the frontage roads. The frontage roads diverge from the main boulevard beyond the signalized intersections of major north-south streets and re-enter the main boulevard prior to the next signalized intersection. This results in "four-legged" intersections at all the major cross streets, rather than the double intersections which now occur. The signalized intersections will include left turn signals on the Santa Monica Boulevard approaches to facilitate turns, as well as designated right-turn-only lanes at most locations.



Illustrative view of proposed landcape and streetscape improvements for the Classic Boulevard Alternative. View is from Sepulveda Boulevard looking toward Century City to the east. Trees in the median and along the frontage road dramatically affect the visual character of the route.

- Classic Boulevard with Design Options (Design Options) - includes all of the basic design elements of the Classic Boulevard Alternative (three travel lanes, with a center landscaped median, bike lanes on either side of the median, side medians separating the boulevard from one-way local access roads with parking, a two-way Little Santa Monica Boulevard between Overland Avenue and Beverly Glen Boulevard, freeway ramp improvements, and transit improvement (see also Figure ES-4, Classic Boulevard). The Design Options Alternative proposes design options at: Overland Avenue, the Century City Shopping Center, Club View Drive, and the transition at the Beverly Hills City limit.

According to the regulations of NEPA and CEQA, a No Project, or "do nothing," Alternative is required. NEPA and CEQA also require the consideration of other alternatives to the proposed project that are reasonable and feasible. The TSM Alternative falls within this category. The other alternatives evaluated, the Classic Boulevard and the Classic Boulevard with Design Options, represent the preferred alternative recommended in the MIS and the preferred with options, respectively. This report compares the impacts of these four alternatives.

ES-7 SUMMARY OF PROJECT-RELATED ISSUES/AREAS OF CONTROVERSY

An extensive public outreach and coordination program was undertaken for the proposed Santa Monica Boulevard Transit Parkway project. Public input throughout the MIS and environmental documentation phases of the proposed project (responses to the Notice of Preparation) have identified the following community concerns:

- Loss of parking for businesses west of Westwood Boulevard;
- Change in access to businesses (during and after construction);
- Increase in traffic, air pollution, and noise along Santa Monica Boulevard;
- Increase in traffic on east-west neighborhood streets;
- Increase in traffic on Century Park West;
- Potential to induce growth in the Century City North Specific Plan area;
- Retention of Little Santa Monica Boulevard as a two-way roadway for neighborhood access; and
- Some support for each of the proposed alternatives.

These issues were considered during the development and evaluation of alternatives. A summary of the results of the alternatives evaluation appears below. The detailed evaluation is presented in the body of the EA/EIR.

ES-8 SUMMARY OF IMPACTS AND MITIGATION MEASURES

The discussion of the impacts and mitigation measures for each alternative is presented in a comparative format under each impact category. This format facilitates comparison between alternatives. Table ES-1 provides a summary of significant environmental impacts by category and by alternative.

TABLE ES-1: SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS

	Alternatives			
Impact Category	No Project	TSM	Classic Blvd.	Design Options
Arterial Transportation	*IMPACTS-CEQA:* - Traffic volumes increase by about 67% at western end of corridor, 62% west of Century City and 18% at eastern end of corridor. Volumes on north-south streets increase by 60-70% - LOS E/F at 18 out of 24 intersections - Degraded transit service and speeds. *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None	*IMPACTS-CEQA:* - Marginal improvement at 4 locations - Reduces delays by 8% - LOS E/F at 16 out of 24 intersections - Degraded transit service and speeds despite implementation of bus pre-emption. *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - Does not result in same level of improvement as Classic Blvd. Significant congestion remains.	*IMPACTS-CEQA:* - Eliminates double intersections - Reduces delays by 48% - Improved LOS at many intersections: LOS E/F at 10 out of 24 intersections - Impact at Overland Ave intersection - Improved bus service/speeds with bus priority treatments *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None, following mitigation	*IMPACTS-CEQA:* - Eliminates double intersections - Reduces delays by 52% - Improved LOS at many intersection; LOS E/F at 10 out of 24 intersections - Reduces delays at Overland over Classic Blvd. Alt. - Access at Century City Shopping Center improved with left turn lane onto SM Blvd. - Century Park West downgraded as major route by elimination of left turns onto SM Blvd - Some frontage road access alternatives near Club View Drive impact Beverly Glen intersection - Improved bus service/speeds with bus priority treatments *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None, following mitigation

Neighborhood Transportation	*IMPACTS-CEQA:* - Traffic volumes on residential collector streets (Overland, Westholme, Manning, Club View, Veteran) increase by over 50% *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - Do not provide funding for neighborhood traffic management plan. Spillover of traffic from arterials onto residential streets is unavoidable impact that will continue as congestion increases and if no funding is identified for management programs.	*IMPACTS-CEQA:* - Same as No Project - Some motorists may use Bentley-Missouri connection because of elimination of westbound connection to SM Blvd. (see Figure 3.2-2). *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - Same as No Project	*IMPACTS-CEQA:* - Frontage roads reduce potential for north-south streets to be used as cut-through routes - Traffic volumes significantly reduced on Club View but potentially increased on Westholme, and Overland and parallel streets - Neighborhood mitigation proposed to reduce impacts *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - Plans fund $200,000 for neighborhood traffic management plans, the implementation of which results in no unavoidable significant impacts.	*IMPACTS-CEQA:* - Same as Classic Blvd. -Minor changes in Club View Drive southbound volume associated with options for opening in median between Club View and Beverly Glen *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - Same as Classic Blvd.
Parking	*IMPACTS-CEQA:* - No Impact *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None	*IMPACTS-CEQA:* - No Impact *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - No Impact	*IMPACTS-CEQA:* - Improves availability of parking by eliminating peak hour restrictions on north frontage road - Supply of parallel parking on south side decreased by 87 spaces from Westwood to Sepulveda and 19 spaces from Prosser to Beverly Glen - Implementation of measures (off-street replacement parking lots, parking reconfiguration, and/or modification of boulevard design) will mitigate to insignificant *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None, with implementation of mitigation	*IMPACTS-CEQA:* - Same as Classic Blvd. *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - Same as Classic Blvd.

Off-Street Replacement Parking	*IMPACTS-CEQA:* - No Impact *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None	*IMPACTS-CEQA:* - No Impact *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None	*IMPACTS-CEQA:* -Reduction in supply of on-street parking on south side of corridor - Residential dwellings and commercial building displaced to construct replacement parking lots as mitigation. Number to be determined after identification of specific properties needed - Requires zone change - Lots in residential areas could increase local traffic - Visual intrusion due to inconsistency adjacent to residential uses *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None	*IMPACTS-CEQA:* - Same as Classic Blvd. *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - Same as Classic Blvd.

Land Use and Planning	*IMPACTS-CEQA:* - No impact on visibility and accessibility - Inconsistent with planning documents to improve mobility for motorists, pedestrians, bicyclists *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None	*IMPACTS-CEQA:* - Same as No Project *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - Same as No Project	*IMPACTS-CEQA:* - Limited-opening median could change perception of accessibility to businesses on frontage roads - Impact offset somewhat from removal of parking restrictions - Elevation difference between westbound lanes and north frontage road reduces visibility of businesses on north side because of the 10-foot elevation difference between approximately Comstock Avenue and Club View Drive. - Use of railroad right-of-way results in termination of business leases - Consistent with planning documents - Class II bike lane is not same as proposed Class I but Class II determined to be more operationally functional and safer *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - Installation of signage, landscaping treatments that reflect need for visibility (placement of trees to allow signage visibility, selection of lacy tree species, specification of large specimen trees that allow driver to see under canopy, proper maintenance and thinning of foliage) mitigates to insignificant	*IMPACTS-CEQA:* - Same as Classic Blvd., except for visibility impact from elevation difference - Option places westbound lanes at same elevation as north frontage road and eliminates potential visibility impact from approximately Comstock Avenue to Club View Drive *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - Same as Classic Blvd.

Construction Impacts				
Type of Construction	*IMPACTS-CEQA:* - Rehabilitation of existing roadway to bring into state of good repair, including rebuilding roadbeds and resurfacing of roadways *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - Same as No Project *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - Reconstruction of roadways in new configuration, including reconstruction of all roadways and sidewalks and installation of landscaping, lighting, and other urban design enhancements *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - Same as Classic Blvd. *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below
Duration	*IMPACTS-CEQA:* - 18 months *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - Same as No Project *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - 23-28 months *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - Same as Classic Blvd. *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below
Hours of Construction	*IMPACTS-CEQA:* - Construction during late night hours, due to necessity to maintain use of existing travel lanes during day - Potential for construction noise and glare at night *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - Same as No Project *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - Construction during day because use of temporary pavement on the railroad will allow traffic to be shifted to these lanes while construction occurs in other areas - Night time construction only west of Sepulveda Blvd. and in Century City area *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - Same as Classic Blvd. *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below

Air Quality	*IMPACTS-CEQA:* - Daily emissions of Carbon Monoxide, Reactive Organic Gases, Nitrogen Oxides exceed State and Federal thresholds *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None	*IMPACTS-CEQA:* - Same as No Project - Consistent with Clean Air Act and AQMD Air Quality Management Plan *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - Same as No Project	*IMPACTS-CEQA:* - Slight decrease in daily emissions from No Project - Consistent with Clean Air Act and AQMD Air Quality Management Plan *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None	*IMPACTS-CEQA:* - Same as Classic Blvd. *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - Same as Classic Blvd.
Noise	*IMPACTS-CEQA:* - No impact *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None	*IMPACTS-CEQA:* - No impact *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None	*IMPACTS-CEQA:* - No impact *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None	*IMPACTS-CEQA:* - No impact *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None
Visual and Aesthetics	*IMPACTS-CEQA:* - Would not improve appearance of railroad right-of-way and sidewalks - Existing billboards remain - No new retaining walls constructed *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None	*IMPACTS-CEQA:* - Same as No Project, however, minimal lighting may be added *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - None	*IMPACTS-CEQA:* - Requires removal of 42 existing trees and removal or relocation of 11 trees, however, offset by landscape plan that adds 1,000 new trees - Street lighting added - Removes billboards in railroad right-of-way - Requires removal of all existing and construction of new retaining walls *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - Following mitigation, no unavoidable significant impacts would occur	*IMPACTS-CEQA:* - Exposed wall face of approximately 10 feet of retaining wall by shopping center access option between Warnall Ave. and Club View Dr. *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - Following mitigation, unavoidable significant impact would occur related to visual impacts of approximate 10-foot retaining wall by shopping center access option between Warnall Ave. and Club View Dr.

Maintenance of Existing Travel Lanes/Need for Detours	*IMPACTS-CEQA:* - Night time construction reduces need for detours to late night hours when traffic volumes are low, however, not likely that all lanes could remain open to traffic during day at all times. Lanes likely to be reduced by one lane in each direction for weeks at a time. Could cause diversion of traffic to alternate *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - Same as No Project *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - Construction staging designed to keep existing number of lanes open at all times during day time hours, through use of area on railroad right-of-way. Reduces likelihood that traffic would divert to alternate routes *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - Same as Classic Blvd. *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below
Parking	*IMPACTS-CEQA:* - Results in temporary loss of on-street parking as reconstruction of existing roadway progresses. Could be minimized by staggering construction zones from block-to-block so that block parking could be maintained but total supply would be temporarily reduced *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - Same as No Project *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - May include provision of off-street replacement lots in western segment of project and these would be constructed during first phase of construction. Reduces parking impact during construction. Along other segments, would result in parking impacts during construction similar to No Project *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - Same as Classic Blvd. *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below

Differences by Segment	*IMPACTS-CEQA:* - Reconstruction would begin in west on Little SM Blvd. and proceed easterly in three segments prior to reconstruction of Big SM Blvd. in two segments. Construction activity limited to one of two existing roadways at a time. *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - Same as No Project *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* - Some construction occurring along entire length of corridor during most phases, although confined to railroad right-of-way during some phases. - Includes lowering of elevation of existing westbound lanes. Will require greater amount of excavation and will require that westbound traffic be shifted to temporary lanes on railroad during excavation. During this phase, only one lane along north curb would remain in use for access to businesses and side streets. - Longer construction duration than Design Options Alt. between Beverly Glen and Ave. of the Stars, with five phases of construction. *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below	*IMPACTS-CEQA:* -Similar to Classic Blvd. - Leaves westbound lanes at their current elevation - Requires less excavation - Four phases of construction *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - See below
Construction Oversight Agency	*IMPACTS-CEQA:* - CALTRANS *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - NA	*IMPACTS-CEQA:* - Same as No Project *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - NA	*IMPACTS-CEQA:* - City of LA *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - NA	*IMPACTS-CEQA:* - City of LA *IMPACTS-NEPA:* - No Impact *UNAVOIDABLE SIGNIFICANT IMPACTS-CEQA:* - NA
Unavoidable Significant Impacts	- Reduced travel speeds - Increased CO and ROG emissions from reduced travel speeds - Construction-related night time noise and glare impacts	- Reduced travel speeds - Increased CO and ROG emissions from reduced travel speeds - Increased PM10 emissions from vehicular travel on aggregate surfaces - Construction-related night time noise and glare impacts	- Increased PM10 emissions from vehicular travel on aggregate surfaces - Day time construction-related noise from heavy equipment for land uses directly adjacent to route	- Same as Classic Blvd.

ES-8.1 Arterial Transportation

Impacts

No Project Alternative. Year 2020 traffic forecasts indicate that traffic volumes along the Santa Monica Boulevard corridor will increase significantly (by about 67 percent at the western end of the corridor, 62 percent west of Century City and 18 percent at the eastern end of the corridor). Volumes on parallel arterials will also increase significantly (Wilshire Boulevard, by 50-80 percent, Olympic Boulevard, by 35-60 percent, and Pico Boulevard, by over 25 percent). Traffic volumes on north-south streets crossing Santa Monica Boulevard will also increase by 60 to 70 percent. Without any changes in the existing roadway, traffic conditions along Santa Monica Boulevard will deteriorate, with virtually every intersection operating at level of service E or F, above capacity conditions. Total delay at intersections along the corridor will increase fivefold and travel time will increase from 10.5 minutes to 33 minutes on average in peak hours. Vehicle queues will exceed storage capacity at intersections and between the north and south roadways, causing continued blockages of intersections. There will degradation in transit service, as buses are delayed by heavy congestion. No improvement in the pedestrian environment or for bicyclists would be expected.

TSM Alternative. The TSM Alternative will result in a marginal improvement in traffic operations at the four locations where it provides additional turning lane capacity, but it will not significantly change conditions from the No Project conditions. Travel time along the corridor will be much worse than under existing conditions, 30 minutes, but improved over the No Project. Total intersection delay will be reduced by eight percent. This will include transit travel times, resulting in a degradation of transit service. No improvements would be provided for pedestrians or bicyclists.

Classic Boulevard Alternative. The Classic Boulevard Alternative will eliminate the double intersections at each north-south cross street thereby reducing congestion along the corridor. This will reduce delays by 48 percent and improve the levels of service at most intersections along the corridor. Travel time from one end of the corridor to the other will be significantly reduced to 19 minutes, but delay at the intersection of Santa Monica Boulevard and Overland Avenue will be increased due to the additional signal phase required to accommodate the western end of remaining two-way Little Santa Monica. Bus priority treatments will improve bus speeds over the No Project Alternative and the pedestrian streetscape improvements and addition of bicycle lanes will enhance non-motorized transportation conditions. The Classic Boulevard Alternative also will widen each of the on-ramps on the I-405 northbound and southbound on-ramps to provide a carpool bypass lane. To facilitate access to the ramp from westbound Santa Monica Boulevard, a westbound right-turn only lane will be provided at Cotner Avenue. These improvements to the ramps will reduce the potential for queues on the ramp extending back into the Santa Monica Boulevard intersections blocking through traffic.

Design Options Alternative. This alternative results in corridor-level traffic operations similar to the Classic Boulevard Alternative, but it reduces delays at the Overland Avenue intersection and effects local traffic circulation in the Century City area and at the eastern terminus into Beverly Hills. Access at the Century City Shopping Center is improved with a left turn onto Santa Monica Boulevard, but Century Park West is downplayed as a major route by the elimination of left turns onto Santa Monica Boulevard. The eastern transition option is designed to accommodate potential changes on Santa Monica Boulevard in Beverly Hills and u-turns at Century Park East. Transit speeds, pedestrian, and bicycle facilities are improved to the same degree as with the Classic

Boulevard Alternative. Total intersection delay is reduced by 52 percent compared to the No Project Alternative and travel time is reduced to an average of 18 minutes in peak hours.

The Classic Boulevard and Design Options alternatives will also widen each of the on-ramps on the I-405 northbound and southbound on-ramps to provide a carpool bypass lane. These improvements to the ramps will reduce the potential for queues on the ramp extending back into the Santa Monica Boulevard intersections blocking through traffic.

Mitigation Measures

The only intersection where a mitigation measure is necessary to mitigate a project impact is at the Overland Avenue/Santa Monica Boulevard intersection. The proposed measure to be implemented at this location is the provision of dual westbound-to-southbound left turn lanes (as included in the Design Options Alternative) to reduce the amount of green time devoted to the left turn movement. The dual left turn lane on Overland Avenue combined with traffic calming measures on Overland to reduce the volume on Overland improves the level of delay to 33.7 seconds (LOS D), less than the 104.8 seconds (LOS F) associated with the dual No Project Alternative intersections at this location, thus fully mitigating this impact.

Unavoidable Significant Impacts

The TSM Alternative does not result in the same level of improvement as the proposed Classic Boulevard.

ES-8.2 Neighborhood Transportation

Impacts

No Project Alternative. The increased levels of congestion forecast for the Santa Monica Boulevard corridor will likely result in an increase in the number of drivers who seek alternate routes through residential neighborhoods. The existing transportation network, with its grid pattern of parallel north-south streets, provides many alternate north-south routes through the neighborhoods. In the east-west direction, there are few continuous parallel routes. Traffic volumes on residential collector streets, such as Overland Avenue, Westholme Avenue, Manning Avenue, Club View Drive, and Veteran Avenue will increase by 60 percent above existing conditions, with a near doubling of volume on some streets.

TSM Alternative. The TSM Alternative will not change the traffic volumes or access patterns on most residential streets. The only streets likely to be affected by the TSM Alternative are Bentley Avenue and Missouri Avenue, near the western end of Little Santa Monica Boulevard, where the westbound connection to Big Santa Monica Boulevard will be eliminated and some motorists will use the Bentley-Missouri connection to reach Sepulveda Boulevard.

Classic Boulevard Alternative. The Classic Boulevard will provide one-way frontage roads between signalized intersections, adjacent to the residential neighborhoods, along all of the corridor except on the south side between Overland Boulevard and Beverly Glen Boulevard. This will reduce the potential for these intervening streets to be used as north-south cut-through routes. North of the Boulevard, traffic volumes will be significantly reduced on Club View Drive, but they will

potentially be increased on Westholme Avenue. Neighborhood traffic mitigation measures are proposed to reduce the potential impact on Westholme Avenue. South of the Boulevard, the Classic Boulevard increases traffic on Overland Avenue, increasing the possibility that drivers will seek alternate routes on streets parallel to and east of Overland Avenue, where they would be able to travel north and turn left onto Little Santa Monica Boulevard. Neighborhood traffic mitigation measures are proposed for Overland Avenue and the streets parallel to it, east toProsser Avenue.

Design Options Alternative. The Design Options Alternative will result in the same level of traffic impacts on residential streets as the Classic Boulevard Alternative. In the area between Club View Drive and Beverly Glen Boulevard, on the north side of the Boulevard, the Design Options Alternative provides greater flexibility in terms of the number and location of openings between the frontage road and the main Boulevard. These openings will be located to improve local access and discourage cut-through traffic.

Mitigation Measures

In the City of Los Angeles, the process for developing a neighborhood traffic management plan entails a series of community meetings between LADOT and representatives of the affected neighborhoods to discuss the pros and cons of alternative measures and their anticipated impacts. In this EA/EIR potential neighborhood traffic mitigation measures are suggested, with the understanding that neighborhood meetings would be required to finalize the details of the traffic control plan. The purpose of including suggested measures in the EA/EIR is to demonstrate to the community and decision-makers that there are feasible mitigation measures potentially available to mitigate project impacts and to identify the magnitude of the cost of such measures, so that funds to implement the measures can be included in the proposed project budget.

Given this, mitigation measures are required in two neighborhoods to mitigate the potential impacts of through traffic added to residential streets as a result of the Classic Boulevard Alternative: (1) on Westholme Avenue, north of the Boulevard; and (2) on Overland and on the streets between Overland and Prosser Avenues, south of the Boulevard. These measures are discussed below.

- Westholme Avenue. Westholme Avenue is intended to collect the traffic from the adjacent residential streets and carry it to/from Santa Monica Boulevard and Wilshire Boulevard. It is not intended to carry regional through traffic which should use the arterial street network. Westholme Avenue also has an elementary school located along it, so it is desirable to have the traffic on Westholme Avenue traveling at reduced speeds. In order to discourage through traffic and reduce the speed of traffic onWestholme Avenue, the following mitigation measures are proposed:

  - Install Intersection Chokers (curb extensions to narrow roadway width) and Four-Way Stop Controls at the entrances to the neighborhood at the intersections of Westholme Avenue with Ashton Avenue and Eastbourne Avenue.
  - Install Speed Humps on Westholme Avenue between Holman and Kennard Avenues and between Wilkins and Ohio Avenues (where the street is flat and straight).
  - Re-time the Wilshire Boulevard Traffic Signal to reduce the amount of north-south green time provided for through movements on Westholme Avenue.

  The additional travel time required to stop at two additional stop signs and slow for speed humps in two blocks will provide a disincentive to the use ofWestholme Avenue for through

travel. A reduction of the average travel time on Westholme Avenue of 5 mph from 30 mph to 25 mph would shift as many as 840 vehicles per hour off of Westholme Avenue, with 360 vehicles shifting to Beverly Glen Boulevard and 240 vehicles shifting to Westwood Boulevard. The remainder would shift to alternate routes outside the corridor. The actual diversion associated with the neighborhood traffic mitigation measures proposed on Westholme Avenue may not be this dramatic, but it is likely that they will be successful in reducing the 90 vehicle proposed project-related traffic increase. It is not anticipated that any secondary impacts would occur as a result of the implementation of traffic management measures on Westholme Avenue because the frontage roads associated with the Classic Boulevard will prevent the use of any other local streets as an alternate cut-through route.

- Overland Avenue and Parallel Streets. Overland Avenue is one lane in each direction and has residences fronting onto it. However, it does provide access to the Santa Monica Freeway, and as a result it carries regional through trips between Santa Monica Boulevard and the freeway. Given its current designation and function in the regional arterial network it would not be feasible to suggest measures to restrict access to Overland Avenue, but it is reasonable to propose measures that would slow traffic to be more compatible with the residential character of the street.

The mitigation measures proposed for Overland Avenue include the following:

- Install Median Islands on the north- and southbound approaches of Overland Avenue to the intersections of La Grange and Mississippi Avenues adjacent to Westwood School to narrow the traveled way, prevent cars from passing a stopped car and enhance the safety of pedestrian crossings at these locations.
- Re-time the Olympic Boulevard traffic signal and the traffic signal planned by LADOT for installation at Overland/Tennessee to reduce the amount of north-south green time provided for through movements on Overland.

In order to preclude cut-through traffic from utilizing the streets east of Overland Avenue, the following mitigation measures are proposed:

- Install Speed Humps on Pelham, Manning, Parnell, and Prosser Avenues, in the blocks between Olympic Boulevard and Mississippi Avenue, Mississippi Avenue and La Grange Avenue, and La Grange and Missouri Avenues

The additional travel time attributable to the retiming of trafficsignals on Overland Avenue and stop completely at the single-lane approaches to two intersections with median island chokers will increase the disincentive to the use of Overland Avenue for high-speed through travel. The installation of speed humps on the four streets east of Overland Avenue will provide a disincentive to use of them as cut-through routes. A reduction of the average travel time on Overland Avenue of 5 mph from 35 mph to 30 mph, and on the parallel streets from 30 mph to 25 mph, would shift as many as 500 vehicles per hour off of Overland Avenue and 200 off of the parallel streets, with 150 shifting to Beverly Glen Boulevard and the remainder shifting out of the study area (e.g., staying on the freeway system). The actual diversion associated with the neighborhood traffic mitigation measures proposedmay not be this dramatic, but it is likely that they will be successful in reducing the proposed project-related traffic increases on residential streets.

Unavoidable Significant Impacts

The No Project and TSM Alternatives do not provide funding for neighborhood traffic management plans in the neighborhoods adjacent to the Santa Monica Boulevard corridor. The spillover of traffic from arterial streets onto residential streets is an unavoidable significant impact that is likely to continue to occur as a result of increased congestion on arterial streets, if the No Project or TSM Alternatives are selected, and the City of Los Angeles does not identify funds for the $200,000 neighborhood traffic mitigation plan proposed as mitigation for the Classic Boulevard or Design Options Alternatives.

The funding plans for the Classic Boulevard Alternative and the Design Options Alternative will include a commitment of $200,000 to implement neighborhood traffic management plans in the neighborhoods adjacent to the Santa Monica Boulevard corridor.. Upon completion of the outreach effort and based upon a consensus of the neighborhood, a neighborhood traffic management program is anticipated to be implemented in the neighborhoods affected by either the Classic Boulevard or the Design Options Alternative, thereby eliminating the neighborhood traffic impacts. The implementation of the Classic Boulevard or the Design Options Alternative will therefore not result in any unavoidable significant impacts.

ES-8.3 Parking

Impacts

No Project Alternative. The No Project Alternative will not affect the supply of on-street parking and will not cause any parking impacts.

TSM Alternative. The TSM Alternative will not affect the supply of on-street parking and will not cause any parking impacts.

Classic Boulevard Alternative. The Classic Boulevard Alternative will reconfigure the supply of on-street parking by providing parallel parking along the sidewalk areas on the one-way frontage roads and on the two-way local roadway between Overland Avenue and Beverly Glen Boulevard. This will eliminate the need for peak hour parking restrictions along the north side of Big Santa Monica Boulevard, improving the availability of on-street parking along the north curb. The reconfiguration with parallel parking reduces the supply of on-street parking in the western segment, from Westwood Boulevard to Sepulveda Boulevard, by 87 spaces because the existing supply includes cars parked head-in to the abandoned railroad right-of-way. In the area betweenProsser Avenue and Beverly Glen Boulevard the on-street supply on Little Santa Monica Boulevard is reduced by 19 spaces by the relocation from the north side of the roadway, where there is a continuous row of parking, to the south side, where driveways and side street intersections interrupt the continuous row. The reduction in the supply of on-street parking results in a significant impact requiring mitigation.

Design Options Alternative. The Design Options Alternative results in the same parking impact as the Classic Boulevard Alternative because it includes the same reconfiguration of parking from the north side of Little Santa Monica Boulevard to parallel parking along the south curb.

Mitigation Measures

The 1997 Major Investment Study (MIS) report disclosed that there could be approximately 100 spaces lost on the south side of Little Santa Monica Boulevard between Sepulveda Boulevard and Westwood Boulevard, and approximately 20 spaces lost on the south side of Little Santa Monica Boulevard between Prosser Avenue and Beverly Glen Boulevard, as a result of the capacity and landscaping improvements that were being proposed. Specifically, there could be a loss of curb parking as well as the loss of informal parking along the abandoned railroad right-of-way. It was acknowledged that this loss of parking could particularly have an adverse effecton the businesses located along Little Santa Monica Boulevard between Sepulveda and Westwood Boulevards. As a result, the MTA Board action, in authorizing the preparation of environmental documentation for the proposed project, specifically required that replacement parking be provided as a mitigation measure for the Classic Boulevard Alternative. Four alternative mitigation measures have been identified for the western segment, and two alternative measures have been identified for the eastern segment.

Western Segment Mitigation Measures. The Classic Boulevard Alternative will provide 32 parking spaces on the south side of Santa Monica Boulevard, between Sepulveda and Westwood Boulevards, 91 spaces less than the existing supply and 85 spaces less than the number required to avoid a parking deficiency. In order to increase the parking supply by 85 spaces, the following alternative mitigation measures have been considered:

- Provide Off-Street Replacement Parking in public parking lots
- Implement Frontage Road Alternative 1, which eliminates the frontage road on the north side of the Boulevard and provides diagonal parking on the south side frontage road.
- Implement Frontage Road Alternative 2, which narrows the median islands and provides parallel parking along both sides of part of the south side frontage road.
- Reconfigure some of the side street parking to gain more on-street spaces in the first block south of the Boulevard, north of the alley.

The specific details of each of these alternative mitigation measures are described below.

Off-Street Replacement Parking. This mitigation measure would entail constructing public surface parking lots. The parking lots would become City of Los Angeles municipal parking lots, potentially with metered spaces, and would be managed by the Los Angeles Department of Transportation. Since there are no vacant parcels within the target area, the acquisition of one or more parcels of private property would be required.

The MTA has selected four candidate sites in the area for consideration as off-street replacement parking lots. Two are within the commercial frontage along the south side of Little Santa Monica Boulevard, and two are immediately south of the east-west alley that separates the commercially zoned parcels from those zoned for multi-family residential use.
A total of 11 parcels were considered as potential parking lot sites. The sites were narrowed to the four sites under consideration based on location in proximity to the blocks on which no off-street parking is available, efficiency of the parking layout, potential environmental impacts, and existing

land uses on the sites. The sites provide the potential to provide the following number of off-street spaces in a surface parking lot:

Site 2: 36 spaces
Site 5: 48 spaces
Site 9: 31 spaces
Site 11: 32 spaces

None of the individual sites under consideration could provide enough off-street replacement parking in a surface parking lot to fully mitigate the parking impact of the Classic Boulevard Alternative.

Frontage Road Redesign Alternatives. Two alternative designs for the frontage roads at the western end of the Classic Boulevard were developed in an attempt to increase the supply of on-street parking.

- Frontage Road Alternative 1. The western end of the Classic Boulevard would be redesigned if this mitigation measure were selected for implementation. The frontage road on the north side of the Boulevard would be eliminated. Parallel parking would be provided along the north curb at all times, with the bicycle lane adjacent to the parked cars. The frontage road on the south side of the Boulevard would be widened to include a total of 96 parking spaces. These would be provided in pockets of diagonal parking where feasible, as well as some areas of parallel parking on both sides of the frontage road. This mitigation measure would not fully mitigate the impact of the parking displacement, leaving a parking shortfall of 21 spaces (123 existing, minus 96 on frontage road, minus 6 available on side streets).

- Frontage Road Alternative 2. This alternative mitigation measure would retain the frontage roads on both the north and south sides of the Boulevard, but would narrow the median islands and the bike lanes to provide additional room on the south frontage road to accommodate parallel parking on both sides of the frontage road between Veteran Avenue and Westwood Boulevard. This alternative provides a total of 70 spaces on the south side of the Boulevard in the western segment, leaving a shortfall of 47 spaces (123 existing, minus 70 on frontage road, minus 6 available on side streets).

Reconfigure Parking On Side Streets. Currently, parallel parking is provided on both sides of most of the side streets south of Santa Monica Boulevard. The spaces are not marked, nor metered, but each block south of the Boulevard can accommodate four standard parking spaces on each side of the street, except when there are driveways in this first block. A potential reconfiguration of the side streets would convert them to mini-parking areas in the block between the Boulevard and the alley. This would be accomplished by narrowing the sidewalks/parkway strips to eight feet to accommodate perpendicular parking on one side of the street, north of the alley. The number of perpendicular spaces that could be accommodated on each block would be 13 spaces, representing an increase of five spaces in each reconfigured block. If four blocks between Sepulveda and Westwood Boulevards were reconfigured, an additional 20 on-street parking spaces could be provided. This mitigation measure, by itself, would not fully mitigate the parking impact, but in combination with one of the measures above, it could help to fully replace the displaced parking.

The following combinations of parking mitigation measures will fully mitigate the parking impacts of the proposed Classic Boulevard:

- Off-Street Replacement Parking - Two parking lots contributing a total of at least 85 spaces.
- Frontage Road Alternative 1, plus the side street parking reconfiguration to gain 20 spaces on the side streets
- Frontage Road Alternative 2, plus one off-street replacement parking lot with at least 47 spaces, or one off-street lot with at least 27 spaces and the side street parking reconfiguration.

It also should be noted that representatives of some of the businesses in the western segment of the Corridor suggested that some of the parking spaces provided as part of the Classic Boulevard Alternative be designated as loading zones and as long-term, employee parking. The designation of the specific locations for loading zones and time limits on parking (e.g., potential 8-hour and 10-hour parking meters which allow for all-day parking for employees versus one- or two-hour customer parking) will be determined in the future by LADOT, based on parking needs at the time of proposed project completion. It is intended, however, that sufficient employee parking be provided to accommodate the needs of employees working in buildings with no available off-street parking. The number of such employee parking spaces will vary in the future depending upon the types of tenants in the buildings and whether any of the parcels along the Corridor are redeveloped. If a new development replaces one of the existing older buildings that does not have off-street parking, the new development would be subject to current City codes and would be required to provide off-street parking.

Hill Segment of Little Santa Monica Boulevard The 19-space reduction in the on-street parking supply in the hill area of Little Santa Monica Boulevard can be fully mitigated by one of the two following mitigation measures:

- Implement Side Street Parking Reconfiguration; and
- Modify the Proposed Project Design to Leave the On-Street Parking on the North Side of Little Santa Monica Boulevard

The implementation of the same type of on-street parking reconfiguration as discussed earlier for the side streets, south of Santa Monica Boulevard in the western segment, could be implemented on the first block of four streets intersecting the hilly section of Little Santa Monica Boulevard. This reconfiguration is recommended to distribute the additional parking and avoid block with driveways and large trees. The reconfiguration of four blocks would increase the supply by 20 spaces, fully mitigating the parking impact.

Alternatively, the proposed Classic Boulevard could be redesigned to leave the parking on the north side of Little Santa Monica Boulevard. This is not the preferred mitigation measure because it would continue the existing non-standard parking design where the parking is on the opposite side of the street from the land uses it is intended to serve. The relocation of the parking to the south side of the street improves the pedestrian environment on the sidewalks along the south side of Little Santa Monica Boulevard, by creating a buffer between the sidewalk and the moving traffic. It also improves the safety of pedestrians, since they would not have to cross Little Santa Monica

Boulevard to get to/from their parked cars. The proposed Classic Boulevard Alternative will include a safety railing/fence along the north side of Little Santa Monica Boulevard which may make it more difficult in the future for passengers in parked cars on Little Santa Monica Boulevard to exit their cars, since there will not be a sidewalk on the north side of the street. Currently, there is no curb and gutter along the north side of the street and passengers step out of parked cars into the landscaped area adjacent to the roadway. With a redesigned and re-landscaped street, this would not be a desirable practice.

Unavoidable Significant Impacts

There will be no remaining unavoidable significant parking impacts with the implementation of the following two measures:

(1) One of the following combinations of parking mitigation measures is implemented in the western segment of the Corridor:

- Off-Street Replacement Parking - Two parking lots contributing a total of at least 85 spaces;
- Frontage Road Alternative 1, plus the side street parking reconfiguration; or
- Frontage Road Alternative 2, plus one off-street replacement parking lot with at least 47 spaces, or a 27 space lot and the side street parking reconfiguration.

(2) One of the following measures is implemented on the segment betweenProsser and Beverly Glen:

- Implement Side Street Parking Reconfiguration; or
- Modify the Classic Boulevard Design to Leave the On-Street Parking on the North Side of Little Santa Monica Boulevard

ES-8.4 Impacts from Replacement Parking Mitigation

Impacts

The Classic Boulevard and Design Options Alternatives would result in the loss of approximately 100 parking spaces which are to be replaced. If these spaces are replaced in off-street locations, the following environmental effects are anticipated:

- Displacement of 10 to 30 housing units;
- Encroachment into residential neighborhood for sites located south of the east-west alley;
- Air emissions from building demolitions;
- Increased exposure to noise from Santa Monica Boulevard for remaining properties because the intervening building has been removed;
- Reduced privacy for remaining adjacent residential property;
- Illumination and glare from parking lot lights;
- Land use incompatibility at some locations from replacement parking lots adjacent to residential uses.

Mitigation Measures

- Acquisition of property and compensation to owners and tenants per federal uniform relocation policies;
- Formal public hearing process if zone change is required for proposed parking lots;
- Dust control measures to reduce particulate emissions from demolition;
- Wall or building retrofit treatments to reduce noise from Santa Monica Boulevard for remaining adjacent residential buildings;
- Wall or landscaping treatment to restore privacy of adjacent residential properties; and
- Shield lights to avoid casting illumination on adjacent residential properties.

Unavoidable Significant Impacts

Four unavoidable significant impacts would result from the replacement parking mitigation:

- Encroachment into adjacent residential neighborhoods and loss of privacy for properties adjacent to parking lots; and
- Land use incompatibility at locations south of alley and adjacent to residential areas.
- The replacement parking option that removes the frontage road on the north side has additional unavoidable significant impacts. This option places the bicycle lane adjacent to the parked cars which raises a safety issue for bicyclists. In addition, this option removes the buffer created by the frontage road for adjacent residential areas. Also, this option removes one of the landscaped median islands which reduces the visual and aesthetic benefits of the urban design streetscape.
- The parking option that narrows the median also reduces the visual and aesthetic benefits of the urban design streetscape.

ES-8.5 Land Use and Planning

Impacts

No Project Alternative. The No Project Alternative would be inconsistent with the objectives of the West LA District, Westwood Community, Century City North Specific. West LA TIMP, and City of Los Angeles Bicycle plans to improve mobility for motorists, pedestrians, and bicyclists. This alternative would, however, not impact the visibility and accessibility of local businesses along the frontage roads since no changes in visibility and accessibility would be made.

TSM Alternative. This alternative would provide some intersection specific operational improvements to reduce queues and delays, and would therefore be consistent with the objectives of the community and specific plans to improve mobility. This alternative would not be consistent with the plans' objectives to provide improvements for pedestrians and bicycles. This alternative would, however, not impact the visibility and accessibility of local businesses along the frontage roads since no changes in visibility and accessibility would be made.

Classic Boulevard Alternative. This alternative would be consistent with the objectives of the planning documents to improve mobility for motorists, pedestrians, and bicyclists. This alternative has the potential to impact the visibility and accessibility of businesses along the frontage roads.

In order to mitigate this impact, signage shall be incorporated into the overall design of the alternatives to enable motorists to easily locate businesses.

Design Options Alternative. This alternative would have similar impacts as the Classic Boulevard Alternative with regards to consistency with planning documents. This Design Options Alternative mitigates the visibility impact associated with the frontage road by situating the westbound travel lanes at the same elevation as the north frontage road.

Mitigation Measures

In order to mitigate the visibility and accessibility impacts associated with the limited-opening median, signage shall be incorporated into the overall design of the Classic Boulevard and Design Options Alternatives to enable motorists to easily locate and access businesses along the frontage roads. Landscaping shall also reflect the need for visibility of businesses along frontage roads, such as the placement of trees to allow signage visibility, the selection of lacey tree species, the specification of large specimen trees that allow the driver to see under the canopy and proper maintenance and thinning of foliage. The Design Options Alternative would also be scaled to mitigate the visibility issue of the grade differential between the roadway and the frontage roads by bringing the westbound lanes to the same elevation as the north frontage road.

Unavoidable Significant Impacts

The installation of signage, the landscaping treatments to reflect the need for visibility, and the construction of the Design Options Alternative (westbound lanes at same elevation as frontage road) would mitigate the impacts so that no unavoidable significant adverse impacts would result.

ES-8.6 Air Quality

Impacts

No Project Alternative. For daily operation emissions, the No Project Alternative is used as a basis for comparison of emissions from the other alternatives. Daily emissions of Carbon Monoxide (CO), Reactive Organic Gasses (ROG), and Nitrogen Oxides (NOX) under the No Project conditions would exceed State and Federal thresholds. With regard to localized CO concentrations, the No Project Alternative would be below both State and Federal thresholds.

TSM Alternative. The TSM Alternative would result in the same emissions as the No Project Alternative due to the fact that the vehicle miles traveled (VMT), traffic volume, and traffic speed, would be identical. Therefore, the TSM Alternative represents zero change over the No Project conditions and would not exceed State or Federal thresholds for either daily operation emissions or localized CO concentrations. Because the TSM Alternative would represent zero change in emissions, it would be considered consistent with the SCAQMD Air Quality Management Plan and would conform to the objectives of the Clean Air Act, as amended.

Classic Boulevard Alternative. The Classic Boulevard Alternative would entail a slight decrease in daily emissions compared to the No Project Alternative because of overall improvements in roadway capacity and traffic speed. Local CO concentrations for the Classic Boulevard Alternative would be below the State and Federal standards. At most locations, the Classic Boulevard

Alternative would entail an increase of 0.1 ppm compared to No Project. Because the Classic Boulevard Alternative would represent a decrease in operations emissions it would be considered consistent with the SCAQMD Air Quality Management Plan and would conform to the objectives of the Clean Air Act, as amended.

Design Options Alternative. The Design Options Alternative would result in the same emissions as the Classic Boulevard Alternative due to the fact that the vehicle miles traveled (VMT), traffic volume, and traffic speed, would be identical.

Mitigation Measures

No mitigation measures are required.

Unavoidable Significant Impacts

No unavoidable significant impacts would result.

ES-8.7 Noise

Impacts

No Project Alternative. Noise levels for this scenario would range from one decibel lower than existing levels to five decibels higher than existing levels. Increases in noise levels would not exceed the State threshold at any of the fourteen sensitive receptors. The Federal criteria does not apply to the No Project alternative since FHWA uses this alternative as the base for comparison to the other project alternatives. Therefore, no noise impacts would occur with regard to both the State and Federal criteria.

TSM Alternative. Since the TSM Alternative would result in the same noise levels as the No Project Alternative, no impacts would occur with regard to both the State and Federal criteria.

Classic Boulevard Alternative. Under the State criteria, noise levels would range from two decibels lower than existing levels to three decibels higher than existing conditions. Increases in noise levels would not exceed the State threshold at any of the fourteen sensitive receptors. Under the Federal criteria, noise levels would range from seven decibels lower than No Project conditions to two decibels higher than No Project conditions. Increases in noise levels would not exceed the Federal threshold at any of the fourteen sensitive receptors. Therefore no noise impacts would occur with regard to both the State and Federal criteria.

Design Options Alternative. Since the Design Options Alternative would result in the same noise levels as the Classic Boulevard Alternative, no impacts would occur with regard to both the State and Federal criteria.

Mitigation Measures

No mitigation measures are required.

Unavoidable Significant Impacts

No unavoidable significant impacts would result.

ES-8.8 Visual Impacts

Impacts

No Project Alternative. The No Project Alternative would not improve the appearance of the existing railroad right-of-way and sidewalks, and would not add street lighting. Existing billboards would remain as is, and no new retaining walls would be constructed.

TSM Alternative. The TSM Alternative would result in similar impacts as the No Project Alternative. However, while the No Project Alternative would not add street lighting, minimal lighting may be installed with the TSM Alternative. These changes would be minimal and therefore glare would not be experienced and light trespass would not occur.

Classic Boulevard Alternative. The Classic Boulevard Alternative would require the removal of 42 existing trees and the removal or relocation of 11 trees. However, the landscaping plan would result in approximately 1,000 new trees being planted within the proposed project area. The proposed landscaping would provide a major beneficial aesthetic improvement to the currently bare or paved surface of the center median, and dramatically increase the number and type of trees and plants in the proposed project area.

Street lighting would also be installed. The lighting would be directed onto the roadway and sidewalks and, therefore, the perception of glare and the potential for light trespass would be less than significant.

This alternative would also remove the billboards located in the center median right-of-way, which would result in beneficial visual and aesthetic impacts to the corridor, Eastbound Little Santa Monica Boulevard near Veteran Avenue). Billboards along the side of the street on private property would not be removed.

The Classic Boulevard Alternative would also require the removal of all existing and construction of new retaining walls. The exposed wall face of the retaining wall by the Century City Shopping Center Access Option between Warnall Avenue and Club View Drive would be approximately ten feet in height (above six feet is considered a significant visual impact). Following mitigation, significant impacts would occur related to the visual impacts of these retaining walls.

Design Options Alternative. The Design Options Alternative would result in similar impacts as the Classic Boulevard Alternative. The primary difference is that the Overland Avenue intersection in the Design Options Alternative would not contain available space for landscaping, the lack of which in this area would be inconsistent with the urban design concept. However, the landscaping plan would result in approximately 1,000 new trees being planted within the proposed project area. These plants would provide a major beneficial aesthetic improvement to the currently bare or paved surface of the center median, and dramatically increase the number of species of plants in the proposed project area.

Mitigation Measures

Mitigation for the impacts involves preserving the older traditional lights in theirexisting locations or relocating them within the proposed project area, if benefitting property owners agree to pay for annual maintenance. The existing older traditional poles and the fixtures would be protected in place during the construction process and an attempt made to reinstall these in the proposed project area. If this cannot be done, the poles and fixtures would revert to the City and could be used for replacement poles elsewhere in the City.

Retaining walls will be architecturally treated and screened with shrubs and vines to minimize the unscreened visible exposed wall face to less than six feet, unless the wall is faced with a publicart work.

Side and center median islands between Westwood and Sepulveda Boulevards shall be designed for the Classic Boulevard and the Classic Boulevard with Design Options Alternative to be wide enough to contain trees and ground cover consistent with the urban design concept.

Unavoidable Significant Impacts

Following mitigation, significant impacts would occur related to the visual impacts of the retaining wall required by the Century City Shopping Center Access for the Design Options Alternative only. between Warnall Avenue and Club View Drive.

ES-8.9 Construction Impacts and Mitigation Measures

Comparison of Alternatives

- Type of Construction. The No Project and TSM Alternatives would entail a rehabilitation of the existing Big and Little Santa Monica Boulevards to bring them into a state of good repair before being relinquished to the City of Los Angeles. The rehabilitation would include rebuilding the roadbeds (base material) and resurfacing the roadways. It could also include sidewalk repairs. The Classic Boulevard and Design Options Alternatives entail reconstructing the roadways in a new configuration. This new configuration would include total reconstruction of all roadways and sidewalks and installation of landscaping, lighting, and other urban design enhancements.

- Duration. The No Project and TSM Alternatives would include a construction duration of about 18 months. The Classic Boulevard and Design Options Alternatives would be under construction for 23 to 28 months.

- Hours of Construction. The work activities related to rebuilding Big and Little Santa Monica Boulevards under the No Project and TSM Alternatives will take place primarily during late night hours. due to the necessity to maintain the use of existing travel lanes during the day. Construction of the Classic Boulevard or Design Options Alternative could occur largely during the day time because the use of temporary pavement on the old railroad right of way will allow traffic to be shifted to these lanes while construction occurs in the areas of the

existing roadways. The necessity for night time construction would be reduced primarily to the area west of Sepulveda Boulevard and in the Century City area.

- Maintenance of Existing Travel Lanes/Need for Detours. Night time construction of the No Project and TSM Alternatives would reduce the need for detours to the late night hours when traffic volumes are low. It is not likely, however, that all lanes of Big and Little Santa Monica Boulevards could remain open to traffic during the day time at all times. When portions of the roadway are torn up to replace the base materials, it would not be possible to drive on the night-time construction zone during the day time. Under the No Project and TSM Alternatives, the number of lanes available during the day time is likely to be reduced by one lane in each direction for weeks at a time. This could cause some diversion of traffic to alternate routes.

  The construction staging of the Classic Boulevard and Design Options Alternatives will be designed to keep the existing number of through lanes open at virtually all times during day time hours, through the use of the area on the abandoned railroad right of way. This would reduce the likelihood that traffic would divert to alternate routes around the construction area in comparison to the No Project and TSM Alternatives.

- Parking. The No Project and TSM Alternatives will result in temporary loss of on-street parking as the reconstruction of the existing roadway progresses. This impact could be minimized by staggering the construction zones from block-to-block so that on-street parking could be maintained within a block of the parkers' destinations, but the total supply of on-street parking would be temporarily reduced. The Classic Boulevard and Design Options Alternatives may include the provision of off-street replacement parking lots in the western segment of the project (depending upon the parking mitigation program adopted) and these would be constructed in the first phase of construction. This would help to reduce the parking impact during construction. Along other segments of the corridor, the Classic Boulevard and Design Options Alternatives would result in parking impacts during construction similar to the No Project and TSM Alternatives.

- Differences by Segment. The No Project and TSM Alternatives would have similar impacts in each segment of the corridor. Reconstruction of the two roadways would begin at the west on Little Santa Monica Boulevard and proceed easterly in three segments prior to the reconstruction of Big Santa Monica Boulevard in two segments. The construction activity in each segment of the proposed project area would be limited to one of the two existing roadways at a time.

  The Classic Boulevard and Design Options Alternatives would be similar to each other in all segments except in the area between Beverly Glen Boulevard and Avenue of the Stars. Some construction activity would be occurring along the entire length of the corridor during most phases of construction, although during several phases it would be confined to the area within the abandoned railroad right-of-way. The Classic Boulevard Alternative includes the lowering of the elevation of the existing westbound travel lanes between approximately Club View Drive and Comstock Avenue, whereas the Design Options Alternative leaves the westbound lanes at their current elevation. The Classic Boulevard Alternative will require a greater amount of excavation and will require that westbound traffic be shifted to temporary lanes on the abandoned railroad right of way during the excavation. During that phase of construction, only one lane along the north curb would remain in use for access

to businesses and side streets, while the through traffic is diverted around the construction zone. The Classic Boulevard Alternative has a longer duration of construction activity in the segment between Beverly Glen Boulevard and Avenue of the Stars, with construction occurring in all five phases of the construction scenario as opposed to four of the five phases with the Design Options Alternative.

- Construction Oversight Agency. For the No Project Alternative, CALTRANS will be in charge of the rehabilitation project. For the TSM, Classic Boulevard or Design Options Alternatives, it is likely that the City of Los Angeles would oversee construction. A Memorandum of Understanding between the MTA and the City of Los Angeles is still in the process of development.

Mitigation Measures

No Project Alternative. A roadway resurfacing project is categorically exempt under CEQA. Therefore, no mitigation would be required. CALTRANS would prepare a traffic management plan as part of its standard provisions for such projects.

TSM Alternative. A construction impact mitigation plan shall be prepared that at a minimum include the following requirements and conditions:

- Use of jack hammers for pavement or curb/gutter/sidewalk demolition shall not be permitted between 10:00 p.m. and 7:00 a.m.;
- To the extent feasible traffic shall be conveyed on asphalt paved roadways rather than unconsolidated aggregate base or gravel;
- Preparation of an access and parking plan in coordination with local businesses and property owners;
- Where unconsolidated aggregate base is used as the travel way, signs shall be posted to limited the travel speed to 25 miles per hour to reduced dust re-entrainment;
- Pavement milling and demolition shall be suspended on days with high winds;
- Pavement milling or demolition shall be accompanied by wetting to minimize particulates;
- Street sweepers shall be used to minimize dust entrainment on all temporary paved roadways; and
- Temporary high intensity lighting shall be shielded and oriented in a manner not to cast illumination on adjacent residences.

Classic Boulevard Alternative and Design Options Alternative A construction impact mitigation plan shall be prepared that as a minimum includes the following requirements and conditions:

- To the extent feasible traffic shall be conveyed on asphalt paved roadways rather than unconsolidated aggregate base or gravel;
- Full directional access to/from all adjacent neighborhoods shall be maintained. Detour signs shall be visible and routes clearly defined to minimize driver confusion;
- Preparation of an access and parking plan in coordination with local businesses and property owners;
- Signs directing patrons to parking locations shall be provided. Signs shall be oriented for Santa Monica Boulevard motorists as well as residents from adjacent neighborhoods;
- All grading of railroad rights-of-way areas shall be accompanied by wetting to minimize particulates;

- Street sweepers shall be used to minimize dust entrainment on all temporary paved roadways;
- Construction areas shall be configured, oriented and graded to minimize the potential for the ponding of water, flooding of private property or the creation of nuisances or hazards for pedestrians;
- Pavement demolition shall be accompanied by wetting to minimize particulates;
- Access to all properties will be maintained for both autos and pedestrians during business hours;
- Amend the neighborhood preferential parking programs adjacent to the corridor and allow employees of businesses to obtain parking permits;
- Include incentive clauses in contractors contracts to complete work early;
- Construct any off-street replacement parking lots in the first stage of the construction project;
- Use Intelligent Transportation Systems (ITS) measures to inform the public of construction activities; and
- Maintain an on-going outreach program to inform businesses and residents of construction activities and respond to issues as they arise.

Unavoidable Significant Impacts

After implementation of the above mitigation measures it is anticipated that unavoidable significant impacts would remain in the following areas:

- Reduced travel speeds for the No Project/TSM Alternative;
- Increased CO and ROG emissions from reduced travel speeds associated with No Project/TSM Alternative;
- Increased PM10 emissions from vehicular travel on aggregate surfaces for the TSM Alternative and/or paved temporary roadway surfaces for the Classic Boulevard Alternatives;
- Construction-related nighttime noise impacts for the TSM Alternative; and
- Day time construction related noise from heavy equipment for the Classic Boulevard and Design Options Alternatives for land uses directly adjacent to the route.

ES-9 REQUIRED CEQA DISCUSSIONS

Pursuant to the California Environmental Quality Act (CEQA), this Environmental Impact Report (EIR) must include a discussion of the growth-inducing impacts and the cumulative impacts associated with the proposed project alternatives and must identify the environmentally-superior alternative.

ES-9.1 Growth Inducing Impacts

The proposed project alternatives are designed to serve population, housing, and employment related to demands that are inherent in the year 2020 forecast adopted by the Southern California Association of Governments. The project alternatives have been formulated to meet planned growth levels. These levels would occur with or without the implementation of the proposed project. Specifically, the adopted forecast entail a 27 percent increase in population and a 25 percent increase in employment for the Santa Monica Boulevard corridor vicinity

Based on the land use controls that exist within the corridor vicinity, it is unlikely that the proposed project alternatives would be growth inducing. The reason for this conclusion rests primarily with the provisions of the Central City North Specific Plan - which controls office and retail development in Century City (a major regional center) - within the eastern portion of the corridor.

Adopted in 1981, the Century City North Specific Plan limits growth by limiting the trip capacity from the Specific Plan area. Trips have been divided in to Phase I and Phase II capacity. Development and associated trips in Century City, including the recently-approved JMB office development project, have consumed all of the trip capacity in Phase I (approximately 20,000 trips) according to the City of Los Angeles Department of Transportation, but represents only a portion of the approved SCAG forecasts. The remaining Phase II trip capacity (approximately 10,000 trips) can only be achieved by a project-by-project conditional use process, where the City Planning Commission must consider, in part, impacts on Santa Monica Boulevard, one mile east or west of the plan area. The City Planning Commission can only make a decision on approval or rejection of future projects after a public review/hearing process is held. In addition, the Commission review process is only one step in the final approval of a future project. Once the Commission has approved or rejected a project, their decision can be forwarded or appealed to the City Council. Therefore, given the discretionary nature of these review processes, it cannot be definitively concluded that any of the proposed project alternatives would or would not be growth inducing.

ES-9.2 Cumulative Impacts

The proposed Santa Monica Boulevard Transit Parkway project takes into account the year 2020 regional forecast adopted by SCAG. The effects of this added growth have been evaluated in SCAG's environmental review of the Regional Comprehensive Plan. The City of Los Angeles has also evaluated growth in the West Los Angeles and Westwood Community Plan areas as part of the General Plan Framework EIR.

ES-9.3 Environmentally Superior Alternative

The environmentally superior alternative is the Design Options Alternative, which incorporates appropriate mitigation measures to address parking, neighborhood traffic intrusion and construction impacts. This alternative meets the goals and objectives of the project, to enhance mobility through a multi-modal transportation improvement, while improving the aesthetics of the corridor, minimizing traffic impacts on adjacent residential neighborhoods and improving safety for drivers, pedestrians and bicyclists.

The Design Options Alternative is the environmentally superior alternative for the following reasons:

- The design option near the Century City Shopping Center provides greater accessibility to land uses on both sides of the boulevard, while reducing construction impacts and visibility issues for businesses along the north frontage road. The Design Options Alternative prevents left turns from Century Park west, which reduces traffic on this street and downgrades it as a major route. This alternative also accommodates left turns into and out of the Century City Shopping Center, as compared to the Classic Boulevard Alternative, which did not allow left turns out of the shopping center. The Design Options Alternative

does not require the lowering of the grade of the north lanes on Santa Monica Boulevard between Club View Drive and Comstock Avenue, as does the Classic Boulevard Alternative. This reduces the construction impacts, the amount of grading and hauling of materials required during construction and leaves the westbound lanes and the frontage road at the same elevations, so more connections (both physically and visually) are provided between the main Boulevard and the frontage road. This alternative also reduces the duration of construction.

- The Design Options Alternative includes a double left turn lane on westbound Santa Monica Boulevard at Overland Avenue.

- The north frontage road alternative with the opening to the main Boulevard located at Club View Drive, but with an island nose design which prevents right turns onto Club View Drive from the main Boulevard is found to be the environmentally superior alternative. It would provide enhanced access and visibility to the commercial land uses along the north frontage road to the west of Club View Drive, in comparison to Option B, and would not significantly increase the amount of southbound cut-through traffic on Club View Drive.

- The Classic Boulevard and Design Options Alternatives both result in the same level of parking impact along the corridor. The environmentally superior parking mitigation alternative would be the implementation of the Frontage Road Alternative 2, which narrows the median islands and bicycle lanes between Westwood and Sepulveda Boulevards in order to maximize the amount of parallel parking that is provided on the southern frontage road. The need for off-street replacement parking lots is therefore reduced to only one parking lot. By reducing the need for off-street replacement parking to a level that can be satisfied with one parking lot also increases the likelihood that the lot can be located in commercially zoned property along the south side of Santa Monica Boulevard and will not require the purchase and displacement of residential lots south of the boulevard.

Other common features associated with both the Classic Boulevard and Design Options Alternatives that make them environmentally superior to the No Project or TSM Alternatives are:

- Both can accommodate potential alternative transitions into Beverly Hills by the design of the transition median islands to allow for the potential future restriping of an additional lane on Big Santa Monica Boulevard.

- Both can be constructed without causing any significant negative effects that will not be mitigated by the implementation of the proposed Transportation Management Plan.

- The Classic Boulevard and Design Options Alternatives both result in an equal level of protection to residential neighborhoods on both sides of the boulevard and both require implementation of neighborhood protection measures on the same streets.

- The inclusion of extensive landscaping and urban design enhancements, including three landscaped median islands to buffer the adjacent land uses from the effects of through traffic on the boulevard;

- The signal priority treatments associated with all of the "Build" alternatives would reduce delays for transit vehicles along this corridor.

- Safety improvements at signalized intersections due to the elimination of the double intersections at each north-south street;

- Freeway on-ramp improvements, which will encourage ridesharing through the implementation of carpool bypass lanes. These improvements also will increase the queuing area on the southbound on-ramp thereby reducing blockage of the Santa Monica Boulevard/ramp terminus intersection;

- The inclusion of bicycle lanes extending from Avenue of the Stars to Sepulveda Boulevard. Bicyclists could then cross at-grade and access the proposed W.L.A. Veloway via the proposed access ramp on the west side of Sepulveda Boulevard;

- The inclusion of pedestrian amenities, including widened sidewalks, improved lighting pedestrian-actuated traffic signals at existing and new crosswalks, and handicap ramps at intersections and bus stops; and

- Aesthetic improvements resulting from the removal of billboards in the MTA right-of-way.

TRANSMITTAL 6B

SANTA MONICA BOULEVARD TRANSIT PARKWAY PROJECT

STATEMENT OF FINDINGS AND OVERRIDING CONSIDERATIONS

SANTA MONICA BOULEVARD TRANSIT PARKWAY

FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

A. INTRODUCTION

Section 21081 of the California Public Resources Code and Section 15091 of the California Environmental Quality Act (CEQA) Guidelines require a public agency, prior to approving a project, to identify significant impacts of the project and make written findings for each such impact. Summarized below are descriptions of each significant impact, mitigation measures, and appropriate findings.

B. FINDINGS REGARDING SIGNIFICANT ENVIRONMENTAL IMPACTS

1. Arterial Transportation

a. **Environmental Effects.** The Recommended Alternative will eliminate the double intersections at each north-south cross street thereby reducing congestion along the corridor. The elimination of these double intersections will reduce delays by 50 percent and improve the levels of service at most intersections along the corridor. Travel time will be significantly reduced, except at the intersection of Santa Monica Boulevard and Overland Avenue. The Recommended Alternative includes a single left turn lane on westbound Santa Monica Boulevard at Overland Avenue. This feature results in a significant impact to operations at this intersection, increasing delay by 34.9 seconds over the No Project Alternative.

b. **Mitigation Measures.** The only measure that would mitigate the significant impact at Overland Avenue is the implementation of dual left turn lanes at Overland Avenue, combined with traffic calming measures proposed to reduce the volume of traffic on Overland Avenue.

c. **Findings.** The proposed dual left-turn lanes were found to be infeasible because: 1) the dual lanes would encourage the use of Overland Avenue, a residential street, by through traffic, thereby increasing traffic on this street; and 2) the increased traffic on Overland would require the implementation of a merge area on southbound Overland. The widened pavement width for this merge area would likely require the acquisition of additional right-of-way on Overland Avenue. Therefore, this mitigation measure of dual left turn lanes would not be implemented and an unavoidable significant impact would remain at the Overland Avenue and Santa Monica Boulevard intersection.

2. Neighborhood Transportation

a. **Environmental Effects.** The Recommended Alternative will provide one-way frontage roads between signalized intersections, adjacent to the residential neighborhoods, along all of the corridor except on the south side between

Overland Avenue and Beverly Glen Boulevard. While the frontage road will reduce the potential for these intervening streets to be used as north-south cut-through routes, there remains the potential for significant impacts on neighborhood transportation: north of the boulevard, significant neighborhood traffic impacts would be reduced with the location of the median openings west of Club View Drive and west of Comstock Avenue. Additionally, some design features such as chokers and stop signs have been identified for Club View Drive, Warnall, Ensley, and Comstock avenues, north of Santa Monica Boulevard. During the project's design, the City of Los Angeles in cooperation with the neighborhood will refine these design features elements. As a result, traffic volumes will be significantly reduced on Club View Drive, but they will potentially be increased on Westholme Avenue. Neighborhood traffic management measures are proposed to reduce the potential impact on Westholme Avenue.

South of the Boulevard, the Recommended Alternative increases traffic on Overland Avenue, increasing the possibility that drivers will seek alternate routes on streets parallel to and east of Overland Avenue. Neighborhood traffic management measures are proposed for Overland Avenue and the parallel streets, east to Prosser Avenue.

While no other neighborhood impacts were identified in the EA/EIR, because the project will alter access routes to/from adjacent neighborhoods, the volumes on all residential streets in the area bounded by Sepulveda Boulevard, Wilshire Boulevard, Club View/Moreno Drive, and Olympic Boulevard should be monitored to check that no adverse impacts result from implementation of the project. If the volume on any residential street within this area is increased by an amount found to be significant (based on City of Los Angeles thresholds of significance criteria), neighborhood traffic management measures should be developed and implemented.

b. Mitigation Measures

1) Neighborhood traffic management measures shall be implemented on the following streets to reduce impacts identified in the EA/EIR:

- Westholme Avenue, between Santa Monica Boulevard and Wilshire Boulevard;
- Overland Avenue, between Santa Monica Boulevard and Pico Boulevard; and
- Prosser, Parnell, Manning, and Pelham Avenues, between Santa Monica Boulevard and Olympic Boulevard.

The process for developing a neighborhood traffic management plan entails a series of community meetings between LADOT and representatives of the affected neighborhoods to discuss the pros and

cons of alternative measures and their anticipated impacts. In this EA/EIR potential neighborhood traffic management measures are suggested, with the understanding that neighborhood meetings would be required to finalize the details of the traffic control plan. The purpose of including suggested measures in the EA/EIR is to demonstrate to the community and decision-makers that there are feasible mitigation measures potentially available to mitigate project impacts and to identify the magnitude of the cost of such measures, so that funds to implement the measures can be included in the proposed project budget.

2) Commit $700,000 to implement neighborhood traffic management plans in the residential areas adjacent to the Santa Monica Boulevard corridor. All of the residential streets in the area bounded by Sepulveda Boulevard, Wilshire Boulevard, Club View/Moreno Drive, and Olympic Boulevard shall be eligible for inclusion in the Neighborhood Traffic Management Monitoring Program.

The threshold for determining a significant impact to a residential street for which a mitigation measure will be required shall use the City's criteria adopted for residential streets. The thresholds are summarized below:

Average Daily Traffic Volume with the Project	% Project-Related Increase in ADT
1,000 or more	12% or more of final ADT
2,000 or more	10% or more of final ADT
3,000 or more	8% or more of final ADT

c. **Findings.** Subject to the outcome of an outreach program to be conducted by the Department of Transportation and reaching consensus with neighborhood residents, a Neighborhood Traffic Management Program shall be implemented to reduce potential neighborhood traffic impacts to a less than significant level.

3. **Parking**

a. **Environmental Effects.** The Recommended Alternative will reconfigure the supply of on-street parking by providing parallel parking along the sidewalk areas on the one-way frontage roads and on the two-way local roadway between Overland Avenue and Beverly Glen Boulevard. This will eliminate the need for peak hour parking restrictions along the north side of Big Santa Monica Boulevard, improving the availability of on-street parking along the north curb. The reconfiguration with parallel parking reduces the supply of on-street parking in the western segment, from Westwood Boulevard to Sepulveda Boulevard, by 87 spaces because the existing supply includes cars parked head-in to the abandoned railroad right-of-way. In the area between Prosser Avenue and Beverly Glen Boulevard, the on-street supply on Little Santa Monica Boulevard is reduced by 19 spaces by the relocation from the north side of the roadway,

where there is a continuous row of parking, to the south side, where driveways and side street intersections interrupt the continuous row. The reduction in the supply of on-street parking results in a significant impact requiring mitigation.

b. Mitigation Measures.

Western Segment, South Side of the Boulevard. Mitigation of the significant parking impact in this segment will be provided through the implementation of the following measure:

1) Frontage roads on both sides of Santa Monica Boulevard shall be retained, however median islands shall be narrowed and bike lanes narrowed to accommodate about 70 parallel parking spaces on both sides of the frontage road between Westwood and Sepulveda Boulevards. In addition, one off-street parking lot with at least 47 spaces or one off-street lot with 27 spaces and side street reconfiguration for at least 20 spaces, shall be selected. The MTA will assist the City in the purchase of the parcel(s) for off-street parking lot(s). Four candidate off-street parking lot locations are identified in the EA/EIR (page 4.3-14). In total, 123 parking spaces shall be provided in this segment.

Hill Segment of Little Santa Monica Boulevard. Mitigation of the significant parking impact in this segment will be provided through the implementation of the following measures:

2) The side street parking in the area between Prosser and Pandora Avenues of Little Santa Monica Boulevard shall be reconfigured to accommodate about 19 additional parking spaces.

3) Subject to the approval of the Department of Transportation, specific locations for loading zones and time limits on street parking shall be designated. Time limit designations shall take into account existing buildings with insufficient off-street employee parking at the time the project is implemented. If a new development replaces one of the existing older buildings that does not have off-street parking, the new development would be subject to current City codes and would be required to provide off-street parking.

c. Findings. The measures identified above would replace lost parking spaces in the western segment and the hill segment of Santa Monica Boulevard. No unmitigated impacts will remain. The creation of off-street parking lots mitigation would however have the following secondary environmental effects:

- Displacement of 10 to 30 housing units;
- Encroachment into residential neighborhood for sites located south of the east-west alley;

- Air emissions from building demolitions;
- Increased exposure to noise from Santa Monica Boulevard for remaining properties because the intervening building has been removed;
- Reduced privacy for remaining adjacent residential property;
- Illumination and glare from parking lot lights;
- Land use incompatibility at some locations from replacement parking lots adjacent to residential uses.

1) **Secondary Impact Mitigation Measures.** As a result, the following measures are proposed to mitigate the secondary impacts from the off-street replacement parking mitigation measures:

   a) Acquisition of property and compensation to owners and tenants and the provision of relocation assistance in accordance with federal uniform relocation policies;
   b) Formal public hearing process if zone change is required for proposed parking lots;
   c) Implementation of fugitive dust control measures to reduce particulate emissions from demolition activities;
   d) Noise abatement for residential buildings that experience increased noise above thresholds from Santa Monica Boulevard due to the removal of intervening buildings for a replacement parking lot.;
   e) Wall or landscaping treatment to restore privacy of adjacent residential properties; and
   f) Shield lights in off-street parking lots to avoid casting illumination on adjacent residential properties.

Implementation of the measures identified above would partially eliminate potential secondary impacts from off-street replacement parking. Depending on the specific off-street parking lot location(s) ultimately acquired, four significant impacts could result from the replacement parking mitigation because there would be no feasible mitigation measures.

- Potential encroachment (depending on the lot selected) into adjacent residential neighborhoods and loss of privacy for properties adjacent to parking lots;
- Land use incompatibility at locations south of alley (parallel to and south of Santa Monica Boulevard between Sepulveda and Westwood boulevards) and adjacent to residential areas;
- The replacement parking option that removes the frontage road on the north side has additional unavoidable significant impacts. This option places the bicycle lane adjacent to the parked cars which raises a safety issue for bicyclists. In addition, this option removes the buffer created by the frontage road for adjacent residential areas and removes one of the landscaped median islands which reduces the visual and aesthetic benefits of the urban design streetscape; and

- The parking option that narrows the median also reduces the visual and aesthetic benefits of the proposed urban design streetscape element.

4. **Land Use and Planning**

a. **Environmental Effects.** The Recommended Alternative would be consistent with the objectives of the planning documents to improve mobility for motorists, pedestrians, and bicyclists. However, this alternative has the potential to significantly impact the visibility and accessibility of businesses along the frontage roads.

b. **Mitigation Measures.**

1. In order to mitigate the visibility and accessibility impacts associated with the limited-opening median, signage shall be incorporated into the overall design of the Recommended Alternative to enable motorists to easily locate and access entrances to the frontage roads. The landscaping plan shall ensure that businesses are visible to motorists. Tress and shrubs shall be placed to allow business visibility. Types of trees shall also be selected that allow the driver to see under the tree canopy.

c. **Findings.** The installation of signage, the landscaping treatments to reflect the need for visibility, and the construction of the Recommended Alternative (westbound lanes at same elevation as frontage road) east of Beverly Glen Boulevard would mitigate the impacts of visibility and access so that no unmitigated adverse impacts would result to land use and planning.

5. **Visual**

a. **Environmental Effects.** The Recommended Alternative would result in the following significant visual effects:

- require the removal of 42 existing trees and the removal or relocation of 11 trees within the existing right-of-way.

- removal of all existing and construction of new retaining walls. The exposed wall face of the retaining wall by the Century City Shopping Center Access Option between Warnall Avenue and Club View Drive would be approximately ten feet in height (an exposed wall face above six feet is considered a significant visual impact). Potential significant impacts would occur related to the visual impacts of these retaining walls, if they contain exposed wall faces greater than six feet in height.

- narrowing the frontage median islands in the western segment of the corridor to accommodate additional on street parking would limit

landscaping and have an adverse visual effect if the median islands are too narrow.

b. Mitigation Measures

1) As part of the proposed landscape plan provide approximately 1,000 new trees within the project right-of-way.

2) Final engineering of the retaining walls shall avoid the impact of exposed wall faces greater than six feet in height by minimizing the height wherever possible. Retaining walls will be architecturally treated and screened with shrubs and vines to minimize the unscreened visible exposed wall face to less than six feet, unless the wall is faced with a public art work.

3) Side and center median islands between Westwood and Sepulveda Boulevards shall be designed for the Recommended Alternative to be wide enough to contain trees and ground cover consistent with the overall project landscaping concept.

c. Findings.

1) The implementation of the proposed landscaping plan to provide approximately 1,000 new trees would mitigate the affects of existing trees to be removed.

2) Following the implementation of engineering design measures discussed above, unmitigated adverse impacts would occur if the exposed retaining wall faces between Warnall Avenue and Club View Drive are greater than six feet in height. Final engineering would seek to avoid this impact by minimizing the height of the walls wherever possible. However, measures to minimize wall height may not be feasible due to other engineering related design constraints.

6. **Construction Impacts**

a. **Environmental Effects.** The Recommended Alternative entails the complete reconfiguration and reconstruction of Santa Monica Boulevard. Therefore, there will be a dramatic effect on local circulation and access during the period of construction. To avoid significant disruptions to local access and loss of parking, specific steps will need to be taken to maintain access to businesses, as well as to the adjacent neighborhoods. The conceptual traffic mitigation plan is intended to identify specific locations requiring attention. A basic objective of the traffic and parking mitigation plan is to construct the new facility by maintaining three through lanes in each direction for traffic at all times and to construct new facilities on an alternating block basis so that there is always convenient on-street parking in the block adjacent to where construction is taking place. As the design of the roadway progresses, it is envisioned that the conceptual traffic mitigation plan will be transformed into specific measures tied to the construction staging and phasing of the roadway.

Because three lanes will be maintained at all times, it is unlikely that travel speeds along Santa Monica Boulevard will be reduced to the extent that there would be significant pollutant emissions. Emissions from an anticipated speed reduction from 35 to 30 mph are not anticipated to exceed SCAQMD criteria. The major sources of pollutant emissions are:

- Entrained dust on temporary roadways;
- Emissions from pavement demolition and removal;
- Emissions from earthwork and grading in the railroad right of way area; and
- Emissions from heavy diesel construction machinery.

In each of these cases, uncontrolled PM10 emissions are expected to exceed SCAQMD daily emissions criteria.

Noise levels related to daytime construction are not expected to exceed the five decibel change criteria established by the City, and no significant noise impacts are anticipated.

b. **Mitigation Measures**

1) A Construction Impact Mitigation Plan shall be prepared that as a minimum includes the following requirements and conditions to the extent feasible:

a) Traffic shall be conveyed on asphalt paved roadways rather than unconsolidated aggregate base or gravel;

b) Full directional access to/from all adjacent neighborhoods shall be maintained. Detour signs shall be visible and routes clearly defined to minimize driver confusion;

c) An access and parking plan in coordination with local businesses and property owners shall be prepared;

d) Signs directing patrons to parking locations shall be provided. Signs shall be oriented for Santa Monica Boulevard motorists, as well as residents from adjacent neighborhoods;

e) All grading of railroad rights-of-way areas shall be accompanied by wetting to minimize particulates;

f) Street sweepers shall be used to minimize dust entrainment on all temporary paved roadways;

g) Construction areas shall be configured, oriented and graded to minimize the potential for the ponding of water, flooding of private property or the creation of nuisances or hazards for pedestrians;

h) Erosion control measures, such as catch basin traps for large particles and sand bags, shall be undertaken to reduce the flow of material into the storm water system;

i) Pavement demolition shall be accompanied by wetting to minimize particulates;

j) Access to all properties shall be maintained for both autos and pedestrians during business hours;

k) Neighborhood preferential parking programs adjacent to the corridor shall be amended and employees of businesses shall be allowed to obtain parking permits;

l) Incentive clauses shall be included in contractors contracts to complete work early;

m) Off-street replacement parking lots shall be constructed in the first stage of the construction project;

n) Intelligent Transportation Systems (ITS) measures shall be used to inform the public of construction activities; and

o) On-going outreach program shall be maintained to inform businesses and residents of construction activities and respond to issues as they arise.

c. **Findings.** After implementation of the above mitigation measures, it is anticipated that unmitigated adverse temporary construction impacts would remain in the following areas where there are no fully effective and feasible mitigation measures:

- Increased PM10 emissions from vehicular travel on aggregate surfaces and/or paved temporary roadway surfaces for the Recommended Alternative;
- Day time construction related noise from heavy equipment for the Recommended Alternative for land uses directly adjacent to the route.

C. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to and in accordance with Public Resources Code Section 21081, Guidelines Section 15093 (CEQA, Revised 1998), the Environmental Assessment/Final Environmental Impact Report for the Santa Monica Boulevard Transit Parkway project finds that the unmitigated adverse impacts are as follows:

- The implementation of a single left-turn lane from westbound Santa Monica Boulevard to southbound Overland Avenue would result in a delay to motorists totaling 139.7 seconds. This would constitute an unmitigated adverse impact. The dual left turn lanes, which would mitigate this impact, were found to be infeasible because: 1) the dual lanes would encourage the use of Overland Avenue, a residential street, by through traffic, thereby increasing traffic on this street; and 2) the increased traffic on Overland Avenue would require the implementation of a merge area on southbound Overland Avenue.

- The construction of retaining walls in excess of 10 feet would result in an unmitigated adverse visual impact since landscaping would only mitigate approximately 6 feet in height. Final engineering of the retaining walls would seek to avoid this impact by minimizing the height of the walls wherever possible.

- Four unavoidable significant impacts would result from the replacement parking mitigation:

  - Encroachment into adjacent residential neighborhoods and loss of privacy for properties adjacent to parking lots; and
  - Land use incompatibility at locations south of alley (parallel to Santa Monica Boulevard between Sepulveda and Westwood boulevards) and adjacent to residential areas.
  - The replacement parking option that removes the frontage road on the north side has additional unavoidable significant impacts. This option places the bicycle lane adjacent to the parked cars which raises a safety issue for bicyclists. In addition, this option removes the buffer created by the frontage road for adjacent residential areas. Also, this option removes one of the landscaped median islands which reduces the visual and aesthetic benefits of the urban design streetscape.
  - The parking option that narrows the median also reduces the visual and aesthetic benefits of the urban design streetscape.

- The construction of the proposed project would result in unmitigated adverse impacts from increased PM10 emissions from vehicular travel on aggregate surfaces and daytime construction related noise from heavy equipment for land uses directly adjacent to the route. These impacts would be temporary in nature.

The benefits of the Santa Monica Boulevard Transit Parkway project include:

- Relief from existing and future congestion and improved mobility along the corridor through a multi-modal transportation improvement project;
- Improved aesthetics along the corridor through urban design, landscape improvements, and billboard removal;
- Minimized impacts of traffic in the corridor on adjacent residential neighborhoods;
- Enhanced safety for drivers, pedestrians and bicyclists;
- Creation of an environment that is complementary to the existing and future land uses along the corridor;
- Promotion of alternative modes of transportation through enhanced transit service, carpool incentives and improved non-motorized transportation alternatives; and
- Inclusion of off-street parking to maintain the parking demands of the commercial businesses.

The City of Los Angeles concludes that the benefits of the project outweigh its unavoidable impacts and overrides the importance of those impacts.

RESOLUTION OF THE LOS ANGELES CITY COUNCIL
APPROVING THE DESIGN AND CONSTRUCTION
COOPERATIVE AGREEMENT (AGREEMENT No. 4241) BETWEEN
THE STATE OF CALIFORNIA (STATE)
AND THE CITY OF LOS ANGELES (CITY) FOR THE
SANTA MONICA BOULEVARD TRANSIT PARKWAY PROJECT (PROJECT)

WHEREAS, LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (LACMTA), State AND CITY desire to develop and implement a multi-model approach to the transportation system by the reconfiguration and reconstruction of an approximately 2.5 mile segment of Santa Monica Boulevard (State Route 2), between I-405 (San Diego Freeway) and the Beverly Hills City limits at Moreno Drive, including the interchange between State Route 2 and I-405, referred herein as "PROJECT," and

WHEREAS, as part of the Transportation Improvement Program (TIP) Call for Projects, the LACMTA Board, at its July 29, 1999 meeting, authorized grants to the CITY, Project Sponsor; and

WHEREAS, the total PROJECT budget is $68.4 million; and

WHEREAS, the CITY has entered into separate funding agreements with MTA for $23.6 million and LOS ANGELES COUNTY (COUNTY) for $2.6 million; and

WHEREAS, the CITY has applied and received funding from FCR STIP, ISTEA/TEA 21 for the sum of $34.1 million; and

WHEREAS, the CITY has funding available from the State Relinquishment, Street Lighting Assessment fund and LADOT Developer Fees totaling $8.1 million; and

WHEREAS, STATE and CITY, pursuant to Streets and Highways Code Section 130, are authorized to enter into a Cooperative Agreement for improvements to State Highways within the County of Los Angeles; and

WHEREAS, the STATE and CITY intend to define in the Design and Construction Cooperative Agreement No. 4241 (AGREEMENT) the terms and conditions under which the PROJECT is to be developed, designed, constructed, financed and maintained; and

WHEREAS, the respective rights and obligations of STATE and CITY under the this AGREEMENT are subject to the successful relinquishment of State Route 2 by September 2001, within the project limits, to CITY by STATE; and

WHEREAS, this AGREEMENT has been reviewed and approved as to form by the City Attorney;

THEREFORE, BE IT RESOLVED THAT THE LOS ANGELES CITY COUNCIL HEREBY:

1. Approves the AGREEMENT with STATE for PROJECT.
2. Authorize the City Engineer, or designee, as agent of the City of Los Angeles, Department of Public Works to conduct all negotiations, and to execute and submit all documents, including, but not limited to, agreements, payment request and so forth, which may be necessary for the completion of PROJECT as described in AGREEMENT.

Approved and Adopted this 29TH day of NOVEMBER, 2000. I, the undersigned, hereby certify that the foregoing Resolution No. _____ was adopted by the Los Angeles City Council with the following roll call vote:

Ayes: 14
Nayes: 0
Absent: 1

MICHAEL J. CAREY, CITY CLERK, DEPUTY

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SANTA MONICA BOULEVARD TRANSIT PARKWAY

FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

A. INTRODUCTION

Section 21081 of the California Public Resources Code and Section 15091 of the California Environmental Quality Act (CEQA) Guidelines require a public agency, prior to approving a project, to identify significant impacts of the project and make written findings for each such impact. Summarized below are descriptions of each significant impact, mitigation measures, and appropriate findings.

B. FINDINGS REGARDING SIGNIFICANT ENVIRONMENTAL IMPACTS

1. Arterial Transportation

a. **Environmental Effects.** The Recommended Alternative will eliminate the double intersections at each north-south cross street thereby reducing congestion along the corridor. The elimination of these double intersections will reduce delays by 50 percent and improve the levels of service at most intersections along the corridor. Travel time will be significantly reduced, except at the intersection of Santa Monica Boulevard and Overland Avenue. The Recommended Alternative includes a single left turn lane on westbound Santa Monica Boulevard at Overland Avenue. This feature results in a significant impact to operations at this intersection, increasing delay by 34.9 seconds over the No Project Alternative.

b. **Mitigation Measures.** The only measure that would mitigate the significant impact at Overland Avenue is the implementation of dual left turn lanes at Overland Avenue, combined with traffic calming measures proposed to reduce the volume of traffic on Overland Avenue.

c. **Findings.** The proposed dual left-turn lanes were found to be infeasible because: 1) the dual lanes would encourage the use of Overland Avenue, a residential street, by through traffic, thereby increasing traffic on this street; and 2) the increased traffic on Overland would require the implementation of a merge area on southbound Overland. The widened pavement width for this merge area would likely require the acquisition of additional right-of-way on Overland Avenue. Therefore, this mitigation measure of dual left turn lanes would not be implemented and an unavoidable significant impact would remain at the Overland Avenue and Santa Monica Boulevard intersection.

2. Neighborhood Transportation

a. **Environmental Effects.** The Recommended Alternative will provide one-way frontage roads between signalized intersections, adjacent to the residential neighborhoods, along all of the corridor except on the south side between

Overland Avenue and Beverly Glen Boulevard. While the frontage road will reduce the potential for these intervening streets to be used as north-south cut-through routes, there remains the potential for significant impacts on neighborhood transportation: north of the boulevard, significant neighborhood traffic impacts would be reduced with the location of the median openings west of Club View Drive and west of Comstock Avenue. Additionally, some design features such as chokers and stop signs have been identified for Club View Drive, Warnall, Ensley, and Comstock avenues, north of Santa Monica Boulevard. During the project's design, the City of Los Angeles in cooperation with the neighborhood will refine these design features elements. As a result, traffic volumes will be significantly reduced on Club View Drive, but they will potentially be increased on Westholme Avenue. Neighborhood traffic management measures are proposed to reduce the potential impact on Westholme Avenue.

South of the Boulevard, the Recommended Alternative increases traffic on Overland Avenue, increasing the possibility that drivers will seek alternate routes on streets parallel to and east of Overland Avenue. Neighborhood traffic management measures are proposed for Overland Avenue and the parallel streets, east to Prosser Avenue.

While no other neighborhood impacts were identified in the EA/EIR, because the project will alter access routes to/from adjacent neighborhoods, the volumes on all residential streets in the area bounded by Sepulveda Boulevard, Wilshire Boulevard, Club View/Moreno Drive, and Olympic Boulevard should be monitored to check that no adverse impacts result from implementation of the project. If the volume on any residential street within this area is increased by an amount found to be significant (based on City of Los Angeles thresholds of significance criteria), neighborhood traffic management measures should be developed and implemented.

b. Mitigation Measures

1) Neighborhood traffic management measures shall be implemented on the following streets to reduce impacts identified in the EA/EIR:

- Westholme Avenue, between Santa Monica Boulevard and Wilshire Boulevard;
- Overland Avenue, between Santa Monica Boulevard and Pico Boulevard; and
- Prosser, Parnell, Manning, and Pelham Avenues, between Santa Monica Boulevard and Olympic Boulevard.

The process for developing a neighborhood traffic management plan entails a series of community meetings between LADOT and representatives of the affected neighborhoods to discuss the pros and

cons of alternative measures and their anticipated impacts. In this EA/EIR potential neighborhood traffic management measures are suggested, with the understanding that neighborhood meetings would be required to finalize the details of the traffic control plan. The purpose of including suggested measures in the EA/EIR is to demonstrate to the community and decision-makers that there are feasible mitigation measures potentially available to mitigate project impacts and to identify the magnitude of the cost of such measures, so that funds to implement the measures can be included in the proposed project budget.

2) Commit $700,000 to implement neighborhood traffic management plans in the residential areas adjacent to the Santa Monica Boulevard corridor. All of the residential streets in the area bounded by Sepulveda Boulevard, Wilshire Boulevard, Club View/Moreno Drive, and Olympic Boulevard shall be eligible for inclusion in the Neighborhood Traffic Management Monitoring Program.

The threshold for determining a significant impact to a residential street for which a mitigation measure will be required shall use the City's criteria adopted for residential streets. The thresholds are summarized below:

Average Daily Traffic Volume with the Project	% Project-Related Increase in ADT
1,000 or more	12% or more of final ADT
2,000 or more	10% or more of final ADT
3,000 or more	8% or more of final ADT

c. **Findings.** Subject to the outcome of an outreach program to be conducted by the Department of Transportation and reaching consensus with neighborhood residents, a Neighborhood Traffic Management Program shall be implemented to reduce potential neighborhood traffic impacts to a less than significant level.

3. Parking

a. **Environmental Effects.** The Recommended Alternative will reconfigure the supply of on-street parking by providing parallel parking along the sidewalk areas on the one-way frontage roads and on the two-way local roadway between Overland Avenue and Beverly Glen Boulevard. This will eliminate the need for peak hour parking restrictions along the north side of Big Santa Monica Boulevard, improving the availability of on-street parking along the north curb. The reconfiguration with parallel parking reduces the supply of on-street parking in the western segment, from Westwood Boulevard to Sepulveda Boulevard, by 87 spaces because the existing supply includes cars parked head-in to the abandoned railroad right-of-way. In the area between Prosser Avenue and Beverly Glen Boulevard, the on-street supply on Little Santa Monica Boulevard is reduced by 19 spaces by the relocation from the north side of the roadway,

where there is a continuous row of parking, to the south side, where driveways and side street intersections interrupt the continuous row. The reduction in the supply of on-street parking results in a significant impact requiring mitigation.

b. Mitigation Measures.

Western Segment, South Side of the Boulevard. Mitigation of the significant parking impact in this segment will be provided through the implementation of the following measure:

1) Frontage roads on both sides of Santa Monica Boulevard shall be retained, however median islands shall be narrowed and bike lanes narrowed to accommodate about 70 parallel parking spaces on both sides of the frontage road between Westwood and Sepulveda Boulevards. In addition, one off-street parking lot with at least 47 spaces or one off-street lot with 27 spaces and side street reconfiguration for at least 20 spaces, shall be selected. The MTA will assist the City in the purchase of the parcel(s) for off-street parking lot(s). Four candidate off-street parking lot locations are identified in the EA/EIR (page 4.3-14). In total, 123 parking spaces shall be provided in this segment.

Hill Segment of Little Santa Monica Boulevard. Mitigation of the significant parking impact in this segment will be provided through the implementation of the following measures:

2) The side street parking in the area between Prosser and Pandora Avenues of Little Santa Monica Boulevard shall be reconfigured to accommodate about 19 additional parking spaces.

3) Subject to the approval of the Department of Transportation, specific locations for loading zones and time limits on street parking shall be designated. Time limit designations shall take into account existing buildings with insufficient off-street employee parking at the time the project is implemented. If a new development replaces one of the existing older buildings that does not have off-street parking, the new development would be subject to current City codes and would be required to provide off-street parking.

c. Findings. The measures identified above would replace lost parking spaces in the western segment and the hill segment of Santa Monica Boulevard. No unmitigated impacts will remain. The creation of off-street parking lots mitigation would however have the following secondary environmental effects:

- Displacement of 10 to 30 housing units;
- Encroachment into residential neighborhood for sites located south of the east-west alley;

- Air emissions from building demolitions;
- Increased exposure to noise from Santa Monica Boulevard for remaining properties because the intervening building has been removed;
- Reduced privacy for remaining adjacent residential property;
- Illumination and glare from parking lot lights;
- Land use incompatibility at some locations from replacement parking lots adjacent to residential uses.

1) **Secondary Impact Mitigation Measures**. As a result, the following measures are proposed to mitigate the secondary impacts from the off-street replacement parking mitigation measures:

   a) Acquisition of property and compensation to owners and tenants and the provision of relocation assistance in accordance with federal uniform relocation policies;
   b) Formal public hearing process if zone change is required for proposed parking lots;
   c) Implementation of fugitive dust control measures to reduce particulate emissions from demolition activities;
   d) Noise abatement for residential buildings that experience increased noise above thresholds from Santa Monica Boulevard due to the removal of intervening buildings for a replacement parking lot.;
   e) Wall or landscaping treatment to restore privacy of adjacent residential properties; and
   f) Shield lights in off-street parking lots to avoid casting illumination on adjacent residential properties.

Implementation of the measures identified above would partially eliminate potential secondary impacts from off-street replacement parking. Depending on the specific off-street parking lot location(s) ultimately acquired, four significant impacts could result from the replacement parking mitigation because there would be no feasible mitigation measures.

- Potential encroachment (depending on the lot selected) into adjacent residential neighborhoods and loss of privacy for properties adjacent to parking lots;
- Land use incompatibility at locations south of alley (parallel to and south of Santa Monica Boulevard between Sepulveda and Westwood boulevards) and adjacent to residential areas;
- The replacement parking option that removes the frontage road on the north side has additional unavoidable significant impacts. This option places the bicycle lane adjacent to the parked cars which raises a safety issue for bicyclists. In addition, this option removes the buffer created by the frontage road for adjacent residential areas and removes one of the landscaped median islands which reduces the visual and aesthetic benefits of the urban design streetscape; and

- The parking option that narrows the median also reduces the visual and aesthetic benefits of the proposed urban design streetscape element.

4. Land Use and Planning

a. **Environmental Effects.** The Recommended Alternative would be consistent with the objectives of the planning documents to improve mobility for motorists, pedestrians, and bicyclists. However, this alternative has the potential to significantly impact the visibility and accessibility of businesses along the frontage roads.

b. **Mitigation Measures.**

1. In order to mitigate the visibility and accessibility impacts associated with the limited-opening median, signage shall be incorporated into the overall design of the Recommended Alternative to enable motorists to easily locate and access entrances to the frontage roads. The landscaping plan shall ensure that businesses are visible to motorists. Tress and shrubs shall be placed to allow business visibility. Types of trees shall also be selected that allow the driver to see under the tree canopy.

c. **Findings.** The installation of signage, the landscaping treatments to reflect the need for visibility, and the construction of the Recommended Alternative (westbound lanes at same elevation as frontage road) east of Beverly Glen Boulevard would mitigate the impacts of visibility and access so that no unmitigated adverse impacts would result to land use and planning.

5. Visual

a. **Environmental Effects.** The Recommended Alternative would result in the following significant visual effects:

- require the removal of 42 existing trees and the removal or relocation of 11 trees within the existing right-of-way.

- removal of all existing and construction of new retaining walls. The exposed wall face of the retaining wall by the Century City Shopping Center Access Option between Warnall Avenue and Club View Drive would be approximately ten feet in height (an exposed wall face above six feet is considered a significant visual impact). Potential significant impacts would occur related to the visual impacts of these retaining walls, if they contain exposed wall faces greater than six feet in height.

- narrowing the frontage median islands in the western segment of the corridor to accommodate additional on street parking would limit