

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

June 2, 2010

OFFICE OF THE BOARD OF PUBLIC WORKS

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#6 CE

City Council
Room No. 395
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Subject: NORTH SPRING STREET VIADUCT WIDENING AND REHABILITATION PROJECT –
CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL ASSESSMENT
AND APPROVAL OF PROJECT BY THE COUNCIL

As recommended in the accompanying report of the City Engineer, which this Board has adopted, the Board of Public Works recommends that the City Council review the North Spring Street Viaduct Widening and Rehabilitation Project Final Environmental Impact Report/Environmental Assessment (EIR/EA), which finds that the project will have significant environmental impacts and that the City Council:

- a. Certify that the Final EIR/EA has been completed in compliance with California Environmental Quality Act (CEQA); that the Council has reviewed and considered the information contained in the Final EIR/EA prior to approving the project; that the Final EIR/EA reflects the City's independent judgment and analysis; and that the documents constituting the record of proceedings in this matter are in the custody of the City Clerk, and in the files of the Department of Public Works, Bureau of Engineering.
- b. Adopt the Findings and Statements of Overriding Consideration.
- c. Adopt the Mitigation Monitoring and Reporting Program.
- d. Approve the project as described in the Final EIR/EA.

FISCAL IMPACT

There is no fiscal impact on the General Fund. The total cost of the proposed project is approximately \$48 million. More than 80 percent of the funding comes from Federal Highway Bridge Program grants and 2001 METRO Call-for-Projects grants. The remaining budget comes from the combination of Proposition G, Proposition C, and State Proposition 1B.

Respectfully submitted,

James A. Gibson, Executive Officer
Board of Public Works

JAG/WPW:mp



Department of Public Works

Bureau of Engineering
Report No. 6

June 2, 2010
CD No. 1

APPROVED BY THE BOARD
PUBLIC WORKS OF THE CITY
of Los Angeles California
AND REFERRED TO THE CITY COUNCIL
JUN - 2 2010

Secretary

NORTH SPRING STREET VIADUCT WIDENING AND REHABILITATION PROJECT - CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL ASSESSMENT AND APPROVAL OF PROJECT BY THE CITY COUNCIL

RECOMMENDATIONS

1. Review and consider the North Spring Street Viaduct Widening and Rehabilitation Project Final Environmental Impact Report/Environmental Assessment (EIR/EA), which finds that the project will have significant environmental impacts.
2. Review this report and forward it to the City Council with the recommendations that Council:
 - a. Certify that the Final EIR/EA has been completed in compliance with California Environmental Quality Act (CEQA); that the City Council has reviewed and considered the information contained in the Final EIR/EA prior to approving the project; that the Final EIR/EA reflects the City's independent judgment and analysis; and that the documents constituting the record of proceedings in this matter are in the custody of the City Clerk, and in the files of the Department of Public Works, Bureau of Engineering (BOE).
 - b. Adopt the Findings and Statement of Overriding Considerations.
 - c. Adopt the Mitigation Monitoring and Reporting Program.
 - d. Approve the project as described in the Final EIR/EA.

FISCAL IMPACT STATEMENT

There is no fiscal impact on the General Fund. The total cost of the proposed project is approximately \$48 million dollars. More than 80 percent of the funding comes from Federal Highway Bridge Program grants and 2001 METRO Call-for-Projects grants. The remaining budget comes from the combination of Proposition G, Proposition C, and State Proposition 1B.

TRANSMITTALS

1. Final Environmental Impact Report/Environmental Assessment (Final EIR/EA), dated May 2010
2. Mitigation Monitoring and Reporting Program, dated May 2010.

3. Findings and Statement of Overriding Considerations, date May 2010.

DISCUSSION

Background

The North Spring Street Viaduct over the Los Angeles River (Bridge No. 53C-0859), constructed in 1928, is designated as Los Angeles Historic-Cultural Monument No. 900 and is eligible for the National Register of Historic Places. It currently has two sub-standard lanes in each direction, no shoulders, and a sidewalk on only one side; it also needs seismic retrofitting.

Description of Proposed Project

To resolve these deficiencies, the BOE proposes to undertake the widening and seismic retrofitting of the viaduct. The proposed project would extend from Baker Street to Broadway and would eliminate the existing deficiencies, correct roadway hazards, enhance safety of pedestrians and motorists, and add a bike lane.

Environmental Impact Evaluation

Because the project has federal funding, it is subject to both the CEQA and the National Environmental Policy Act. Several project alternatives were evaluated in a joint EIR/EA (Transmittal No. 1). These alternatives included continued seismic retrofit only, as well as three alternatives for improving the intersection of Baker Street and Spring Street. Alternative 2 is the only one that avoids severe impacts to the Los Angeles State Historic Park and to another historic-cultural monument (the Rafael Junction Block building, HCM No. 872), and is therefore the recommended alternative. It would extend Wilhardt Street to Baker Street (requiring acquisition and demolition of the building at 1701 N. Spring Street), close the intersection of Baker and Spring streets, and signalize the intersection of Wilhardt and Spring streets.

The draft EIR incorrectly stated that the seismic only alternative (Build Alternative 1) would not have a significant impact on the historic status of the bridge (Section 2.7.3.2 – Build Alternative 1). After publication of the draft EIR it was discovered that a miscommunication between consultants caused the determination to be based on an incorrect description of the required seismic retrofit measures. Based on the Seismic Strategy Report we have determined that Build Alternative 1 would not comply with the Secretary of the Interior's standards and therefore would have a significant impact.

Public Participation

In addition to the public notices required by CEQA, a series of meetings with affected property owners, elected officials, and community groups were held throughout the project development process. Meetings and other outreach activities included neighborhood councils, historic preservation groups, L. A. River Revitalization and L. A. Bicycle Program representatives, as well as representatives from the Los Angeles State Historic Park.

June 2, 2010
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Public Review of Draft EIR/EIS

The draft EIR/EA was circulated for public review from March 15, 2010 through April 28, 2010. Notices in English, Spanish and Chinese were sent to addresses within a 2,000-foot radius. A public hearing was held on the adequacy of the EIR/EA on April 15, 2010.

Ten comments were received; three were from public agencies. The majority of the six comments from the public, as well as the letter from the Cultural Heritage Commission, expressed concerns about the elimination of the viaduct's eligibility for listing on the national, state and city registers of historic places. Responses to all comments are included in the Final EIR/EA.

Final EIR/EA

The Final EIR/EA contains the draft EIR/EA with corrections, comments received and responses to comments.

Mitigation Monitoring and Reporting

CEQA requires public agencies to adopt a reporting or monitoring program for the changes to the project that have been adopted to mitigate or avoid significant effects on the environment. The program must be adopted by the public agency at the time findings are made regarding the significant impacts of the project. The Mitigation Monitoring and Reporting Program (Transmittal No. 2) for the Spring Street Viaduct Widening and Rehabilitation Project is transmitted herewith for adoption by the City Council.

Statement of Overriding Considerations

The Final EIR/EA finds that the likely elimination of the eligibility of the North Spring Street Viaduct for listing on the National and California registers of historic places, as well as its designation as a Los Angeles historic-cultural monument, is an unavoidable significant impact. Therefore, the project cannot move forward unless the City Council finds that the benefits of the project override this unavoidable significant environmental impact. The proposed Findings and Statement of Overriding Considerations are transmitted herewith (Transmittal No. 3) for adoption by the City Council.

Report No. 6

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(JKS JED VJ DJW)

Report prepared by:

Respectfully submitted,

Bridge Improvement Program

Julie K. Sauter, P.E.
Program Manager
Phone No. 213-202-5579


Gary Lee Moore, P.E.
City Engineer

JKS/WC/LM/05-2010-0094.BIP.klc

Questions regarding this
report may be referred to:
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and/or
Environmental Supervisor: Linda Moore
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NORTH SPRING STREET VIADUCT WIDENING AND REHABILITATION PROJECT FINAL ENVIRONMENTAL IMPACT REPORT

ERRATA

The FEIR correctly states that there would be a significant impact to the historic viaduct from the “retrofit only” alternative, but Table 1-1 incorrectly indicates there would not be an adverse effect. The score under the “Historic Preservation” column of Strategy V1 in Table 1-1 should be 1 instead of 5.

The FEIR, on pages 1-16 and 1-17 (section 1.3.2.2) incorrectly describes the seismic retrofit strategy for the “build alternative 1” as including fiber wrapping only and would not change the outside shape of the existing structure; this alternative would actually involve steel encasing of the columns under the approach spans, which would change the shape.

North Spring Street Viaduct Widening and Rehabilitation Project

Los Angeles, California
State Clearinghouse No. 2006091076
Bridge No. 53C-0859

California Environmental Quality Act Mitigation Monitoring and Reporting Program

**Prepared by
City of Los Angeles
May, 2010**

TRANSMITTAL #2

North Spring Street Viaduct Widening and Rehabilitation Project

May 2010

Mitigation Monitoring and Reporting Program

The Mitigation Monitoring and Reporting Program has been prepared pursuant to State of California Public Resources Code (PRC) Section 21081.6, which requires adoption of a reporting or monitoring program for projects in which the lead agency has required changes or adopted mitigation to avoid significant environmental effects. The MMRP is also a part of the fulfillment of Title 23 Code of Federal Regulations (CFR) Part 635.309(j).

The purpose of the MMRP is to ensure that the mitigation measures are implemented according to the CEQA Findings. The MMRP contains all of the mitigation measures adopted with the North Spring Street Viaduct Widening and Rehabilitation Project EIR/EA. The MMRP describes the project phase in which each mitigation measure will be applied; and specifies who is responsible for the monitoring.

Responsible Party

As local lead agency, the City of Los Angeles Department of Public Works, Bureau of Engineering (LABOE) has ultimate responsibility for implementing and reporting of the mitigation measures in this MMRP. LABOE will also be responsible for construction management and oversight, and the assurance that mitigation measures are implemented by designated and qualified personnel, which may include design and construction contractors. In addition, the California Department of Transportation (Caltrans), assuming responsibility as federal lead agency, will be responsible for oversight to ensure that the mitigation measures are implemented.

Mitigation Requirements

Several measures outlined in the Final EIR/EA are requirements of applicable laws, regulations, ordinances, formally adopted City standards (e.g., Los Angeles Municipal Code and Bureau of Engineering Standard Plans), and Bureau of Engineering General Conditions/General Requirements (GC/GR) which govern the City and its contractors. These requirements are also included as part of the uniform practices established by the Southern California Chapter of the American Public Works Association (e.g., Standard Specifications for Public Works Construction as specifically adopted by the City of Los Angeles (Standard Plan 610 [AKA

"The Brown Book"), and the Work Area Traffic Control Handbook [WATCH] Manual). Mitigation measures that are part of applicable laws and the City's adopted standards are summarized in Table 1. These measures are incorporated as part of the City's bid and specifications package.

Measures that are not part of applicable laws or City-adopted standards are required to be undertaken to mitigate the potentially significant impacts and unavoidable adverse effects associated with this project. These mitigation measures are presented in Table 2.

Schedule and Reporting Frequency

Implementation and monitoring of mitigation tasks, as outlined in Table 2, will be documented in a Mitigation Monitoring Report form (Attachment A), which will be issued by LABOE Environmental Management Group (EMG) to the party responsible for task implementation. These forms will be used to demonstrate and document compliance with PRC Section 21081.6 and 23 CFR 635.309(j), and will be completed by those having designated responsibility for mitigation implementation and monitoring. Completed forms shall be submitted to EMG for verification and filing as soon as each mitigation task is completed, or reaches a designated completion milestone. Retained mitigation monitoring reports will be made available to the public for a period of five (5) years following completion of the project. Duplicate copies of certified forms will also be retained in the City's archives together with the 'as-built' drawings for this project.

Table 1 Standard Measures

Standard Measure	Applicable Environmental Resource
Trees and landscaping removed to accommodate the proposed Viaduct widening would be replaced in accordance with City of Los Angeles guidelines.	Land Use
The following shall be completed in accordance with the January 1, 2004, Programmatic Agreement Among the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation (ACHP), the California State Historic Preservation Officer (SHPO) and the California Department of Transportation (Caltrans) regarding compliance with Section 106 of the National Historic Preservation Act, as it pertains to the Administration of the Federal-Aid Highway Program in California, and in accordance with the MOA to be prepared between SHPO, Caltrans, and FHWA: Prior to any Viaduct construction activities, the City shall contact the National Park Service (NPS) Historic American Buildings Survey (HABS)/HAER program to determine if additional recordation is required for the North Spring Street Viaduct beyond that provided in 1996. Unless otherwise agreed to by the NPS HABS/HAER, the City shall ensure that all documentation is completed and accepted by HABS/HAER before the Viaduct is altered. All measures will be undertaken to the satisfaction of SHPO to reduce potential effects of the proposed project.	Historical Resources
The proposed project would comply with the City of Los Angeles MS4 Permit, the General Construction Permit and the LARWQCB Dewatering Permit. Compliance with these permits should mitigate potential impacts to water quality. During the project's preliminary design phase, specific construction and post-construction BMPs would be selected to meet permit requirements.	Hydrology, Floodplain and Water Quality
The Viaduct design for the widening would be developed in accordance with City of Los Angeles and Caltrans Bridge Specifications.	Geology/Soils/Seismicity
To reduce emissions of ACMs and LBP, prior to any partial or full demolition of any structure or building, the contractor shall conduct an investigation to determine the existence of ACMs and LBP. A licensed asbestos abatement contractor shall remove all friable asbestos using approved abatement methods. In addition, the licensed asbestos abatement contractor shall be responsible for compliance of all asbestos-related regulations of SCAQMD, in particular Rule 1403, Asbestos Emissions from Demolition/Renovation Activities. ACMs shall be disposed of properly at permitted landfills. Similar action items for any LBP identified during demolition activities. To reduce emissions of fugitive dust, the contractor would comply with regional rules, which would assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 requires that fugitive dust be controlled with best available control measures (BACMs) so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 402 prohibits dust from creating a nuisance off site. To reduce exhaust emissions from PM10 and PM2.5 emissions generated by construction equipment, the contractor would implement improvement plans and specifications that may include the following measures when feasible: The construction contractor shall comply with Caltrans' Standard Specifications Section 7-	Air Quality

Standard Measure	Applicable Environmental Resource
1.01F and Section 10 of Caltrans' Standard Specifications (1999). Section 7, "Legal Relations and Responsibility," addresses the contractor's responsibility on many items of concern, such as: air pollution; protection of lakes, streams, reservoirs, and other water bodies; use of pesticides; safety; sanitation; convenience of the public; and damage or injury to any person or property as a result of any construction operation. Section 10 is directed at controlling dust. • Use low-emission mobile construction equipment (i.e., Tier 1, 2, or 3 emission standards). • Maintain construction equipment engines by keeping them tuned to manufacturer's specifications. • Use low-sulfur fuel for stationary construction equipment. This is required by SCAQMD Rules 431.1 and 431.2. • Utilize existing power sources (i.e., power poles) when feasible. This measure would minimize the use of higher-polluting gas or diesel generators. • Configure construction parking to minimize traffic interference. • Minimize obstruction of through-traffic lanes. When feasible, construction should be planned so that lane closures on existing streets are kept to a minimum. • Schedule construction operations affecting traffic for off-peak hours; • Develop a Traffic Management Plan (TMP) to minimize traffic flow interference from construction activities; (the plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service). (See discussions of TMP in Section 3.5, Traffic, Transportation, and Pedestrian Facilities of this Final EA-EIR.). Develop a "Diesel Fuel Reduction Plan" that identifies the actions to be taken to reduce diesel fuel emissions during construction activities (inclusive of grading and excavation activities). Reductions in diesel fuel emissions can be achieved by measures including, but not limited to, the following: a) use of alternative energy sources, such as compressed natural gas or liquefied petroleum gas, in mobile equipment and vehicles; b) use of "retrofit technology," including diesel particulate traps on existing diesel engines and vehicles; c) limit idling time to less than five minutes unless warranted; and d) other appropriate measures. Prior to the issuance of a grading permit, the Diesel Fuel Reduction Plan shall be filed with the City.	
• Hold community meetings to explain to area residents the construction work, time involved, and control measures to be taken to reduce the impact of the construction work.	Noise and Vibration
• Limit noisy construction activities to between 7:00 am and 7:00 pm by scheduling the timing and duration of construction activities to minimize noise impacts at noise-sensitive locations	Noise and Vibration
• As practicable, use noise-attenuating "jackets" or portable noise screens to provide shielding for pavement breaking, jack-hammering or other similar activities when work is close to noise-sensitive areas.	Noise and Vibration
• Replace all street trees to be removed at a 2:1 ratio. Types of trees and planting locations would be reviewed and approved by the City's Bureau of Street Services Street Tree Division.	Biological Resources
• Conduct a preconstruction survey for nesting cliff swallows and roosting bats. If the birds are	Biological Resources

	Applicable Environmental Resource
found, employ methods to prevent the establishment of nests prior to the commencement of construction activities. If swallows or bats are found, the CDFG biologist would be consulted on how to relocate them to avoid any construction impacts.	

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Table 2 Mitigation Monitoring and Reporting Program

Mitigation Measure	Responsible Branch/Staff	Timing/Phase
Traffic/Circulation		
MM TRA-1: Prior to construction, the contractor shall prepare a construction staging plan that shall ensure that a walkway on either the north or south side of the Viaduct shall be open to pedestrians at all times.	Department of Public Works, City of Los Angeles/Caltrans/ Contractor	Pre-construction
Visual/Aesthetics		
MM AES-1: Historic features or character-defining features (as defined by the historic resource evaluation) removed as a result of the street-and viaduct-widening project shall be replaced with like features.	Caltrans/City of Los Angeles	Pre- construction/Construction
MM AES-2: Existing trees and/or landscaping that are to be removed shall be replaced with similar plantings and/or landscaping, as agreed upon by the City's Street Services Bureau, Street Tree Division, in conjunction with Recreation and Park Architecture.	Department of Public Works, City of Los Angeles	Pre- construction/Construction
Archaeological		
MM ARC-1: The City shall arrange for a qualified professional archaeological monitor to be present during demolition, grading, trenching, and other excavation on the project site. In addition, all construction personnel shall be informed of the need to stop work on the project site in the event of a potential find(s), until a qualified archaeologist has been provided the opportunity to assess the significance of the find(s) and implement appropriate mitigation measures to protect or scientifically remove the find(s). Construction personnel would also be informed that unauthorized collection of cultural resources is prohibited.	Department of Public Works, City of Los Angeles/Contractor	Construction
MM ARC-2: A cultural resource brochure or fact sheet would be provided and available to all construction crew members detailing the necessary procedures for the discovery of archaeological resources within the project site.	Department of Public Works, City of Los Angeles /Contractor	Construction
Hazards and Hazardous Materials		
MM HAZ-1: The contractor shall conduct a pre-construction survey of the proposed project sites and locations for the presence of actionable levels of hazardous materials and, if found, shall minimize potential effects on the public by implementing established regulatory procedures.	Department of Public Works, City of Los Angeles/Contractor	Construction
MM HAZ-2: Prior to renovation, demolition, or any other activity that might cause a disturbance of any suspect lead-based paint, the contractor shall conduct sampling to determine lead content. If paint containing lead chromate is encountered, it shall be collected and disposed of, as necessary, in accordance with all applicable worker protection and hazardous materials management regulations. If hazardous materials (e.g., petroleum hydrocarbon-contaminated soils) or other regulated substances (e.g., pesticides or herbicides) are identified in the soil during construction, work shall cease at that location and soil containing such substances shall be collected, tested, and disposed of in accordance with applicable state and federal regulations.	Department of Public Works, City of Los Angeles/Contractor	Pre-construction
MM HAZ-3: Any affected lead-based roadway pavement markings shall be collected, tested, and disposed of according to applicable State and Federal regulations. If paint containing lead chromate is encountered, it shall be collected and disposed of in accordance with all applicable worker protection and hazardous materials management regulations	Department of Public Works, City of Los Angeles/Contractor	Construction

Mitigation Measure	Responsible Branch/Staff	Timing/Phase
MM HAZ-4: Prior to construction, the contractor shall inspect the structures to be demolished and confirm presence of asbestos-containing materials. The contractor shall prepare an asbestos abatement and worker protection plan to be implemented prior to and during demolition of structures where the presence of asbestos has been confirmed. All asbestos-containing materials shall be removed and disposed of by a state-licensed abatement contractor in accordance with applicable state and federal laws.	Department of Public Works, City of Los Angeles/Contractor	Pre-construction

ATTACHMENT A

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MITIGATION MONITORING REPORT

SECTION 21081.6 PUBLIC RESOURCES CODE

CITY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS 221 N. FIGUEROA STREET, SUITE 350 Los Angeles, CALIFORNIA, 90012		MITIGATION NO. _____ Page _____ of _____	
Project North Spring Street Viaduct		Location North Spring Street Viaduct between Avenue 18/Broadway and Wilhardt Street	
Mitigation Description:		Implementation Responsibility:	
Implementation Task:		Implementation Schedule:	
Record of Implementation:		Start Date	Complete Date
Remarks:			
<i>The information contained in this report is an independent evaluation based on my personal observations and information provided to me. In accordance with Section 21081.6 of the California Public Resources Code, I hereby certify under penalty of perjury that the information contained herein is true and correct to the best of my knowledge.</i> Name of Person Completing Form _____ Title _____ Signature _____ Date Signed _____			
VERIFICATION: Form Received by: _____ Signature: _____ Title: _____ Department/Division: _____ Date Rec'd: _____			
Compliance Acceptance: ☐ Yes ☐ No		Mitigation Completed: ☐ Yes ☐ No	

North Spring Street Viaduct Widening and Rehabilitation Project

Los Angeles, California
State Clearinghouse No. 2006091076
Bridge No. 53C-0859

California Environmental Quality Act Findings and Statement of Overriding Considerations

Prepared by
City of Los Angeles
May, 2010

CITY OF LOS ANGELES
CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS
FOR THE
NORTH SPRING STREET VIADUCT WIDENING AND REHABILITATION PROJECT
May 2010

Section 21081 of the California Environmental Quality Act (CEQA) (California Public Resources Code, Division 13) and Section 15091 of the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) require a public agency, prior to approving a project, to identify the significant environmental effects of the project and make one or more written findings for each of those significant effects. The findings contained herein for the North Spring Street Viaduct Widening and Rehabilitation Project ("Project") are based on the joint Final Environmental Impact Report (EIR)/Environmental Assessment (EA), hereinafter referred to as Final EIR/EA, and the Mitigation Monitoring and Reporting Program (MMRP) prepared for this Project.

Record of Proceedings

The documents and other materials that constitute the record of proceedings upon which the City of Los Angeles project approval is based are located in the offices of the City Clerk, and at the Department of Public Works Bureau of Engineering, located at 221 N. Figueroa Street, Suite 350, Los Angeles, CA 90012.

Findings

The Final EIR/EA identifies several significant effects, or impacts, that would result from development of the Project. Pursuant to Public Resources Code Section 21081 of the CEQA and Section 15091 of the CEQA Guidelines, the Los Angeles City Council hereby makes the following findings for each significant impact.

Traffic and Transportation/Pedestrian and Bicycle Facilities

Significant Environmental Impact:

Temporary construction impacts could occur from disruption to pedestrian access to walkway on the Viaduct.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effects as identified in the Final EIR/EA. The Los Angeles City

Council finds that with the proposed mitigation measure, related impacts would be reduced to a less than significant level.

Visual and Aesthetics

Significant Environmental Impact:

The project has the potential to degrade the existing historical quality and character of the site and its surroundings by replacing features of the Viaduct viewable from key views, and by replacing trees and landscaping along the project route.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect as identified in the Final EIR/EA. The Los Angeles City Council finds that with the proposed mitigation measures implemented, the impacts would be reduced to a less-than-significant level.

Cultural Resources

Significant Environmental Impact:

Implementation of the Project would have direct significant adverse effects on the North Spring Street Viaduct's eligibility for listing by the National Register of Historic Places (NRHP). The Project would have direct adverse effects because it would involve removal or substantial alteration of historic fabric in a manner that is not consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR part 68), the most applicable of which would be the Standards for Rehabilitation. The alternatives would thus greatly diminish the historic property's historic integrity and its ability to convey its significance. In addition, the Project may make the property no longer eligible for its current listed status as Historic Cultural Monument (HCM) No. 900 with the City of Los Angeles.

Findings:

Specific economic, social and technological considerations make infeasible project alternatives identified in the Final EIR/EA. Although the Project will employ the measures to resolve adverse effects as stipulated by the January 1, 2004 Programmatic Agreement among the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation (ACHP), the California State Historic Preservation Officer (SHPO) and the California Department of Transportation (Caltrans) regarding compliance with Section 106 of the National Historic Preservation Act, as it pertains to the Administration of the Federal-Aid Highway Program in California, and in accordance with the Memorandum Of Agreement (MOA) to be prepared between SHPO, Caltrans, and the City of Los Angeles, that resolution will only satisfy the requirements of NEPA. The loss of HCM No. 900 cannot

be avoided and will remain a significant impact under CEQA that cannot be mitigated. The Los Angeles City Council finds that the impact is significant and unavoidable.

Hazardous Waste/Materials

Significant Environmental Impact:

Thermoplastic pavement markings in the project area, or other types or colors of street or municipal markings, may contain lead-based paint. Asbestos and lead-based paint may also exist at the structures/buildings that may be affected as a result of implementing the Project. During construction, the Project may encounter contaminated groundwater.

Findings:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect as identified in the Final EIR/EA. The Los Angeles City Council finds that with the proposed mitigation measures implemented, the impacts would be reduced to a less-than-significant level.

Mandatory Findings of Significance

Significant Environmental Impact:

The Project has the potential to eliminate an example of an important period of California history by demolition and removal of various character-defining components of the North Spring Street Viaduct, which has been designated Historical Cultural Monument (HCM) No. 900 by the City, and determined eligible for listing in the NRHP. These removals and modifications are unavoidable if the Project's purposes are to be achieved.

Findings:

Specific economic, social and technological considerations make infeasible project alternatives identified in the Final EIR/EA. Although the Project will employ the measures to resolve adverse effects as stipulated by the January 1, 2004 Programmatic Agreement among the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation (ACHP), the California State Historic Preservation Officer (SHPO) and the California Department of Transportation (Caltrans) regarding compliance with Section 106 of the National Historic Preservation Act, as it pertains to the Administration of the Federal-Aid Highway Program in California, and in accordance with a Memorandum Of Agreement (MOA) to be prepared between SHPO, Caltrans, and the City of Los Angeles, that resolution will only satisfy the requirements of NEPA. The loss of HCM No. 900 cannot be avoided and will remain a significant impact under CEQA that cannot be mitigated. The Los Angeles City Council finds that the impact is significant and unavoidable.

CITY OF LOS ANGELES
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE
NORTH SPRING STREET VIADUCT WIDENING AND REHABILITATION PROJECT
May 2010

The California Environmental Quality Act (CEQA) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” (California Code of Regulations Title 14, Chapter 3, Section 15093).

Based on the joint Environmental Impact Report/Environmental Assessment (EIR/EA) for the North Spring Street Viaduct Widening and Rehabilitation Project, the City of Los Angeles, as the Lead Agency under CEQA, has determined that the Project may result in the following significant and not fully mitigatable impact:

- Loss of Historic Cultural Monument No. 900 North Spring Street Viaduct.

The benefits of the Project consist of the following:

- Provide a North Spring Street Viaduct that meets the current federal and State seismic standards, ensuring the long-term safety of the North Spring Street Viaduct in major earthquakes.
- Improve safety by eliminating existing and geometrical design deficiencies associated with the Viaduct and its adjoining approach roadways;
- Create and improve pedestrian and bicycle travel through the Project’s study area and connections with regional bicycle routes and mass-transit facilities.

The Los Angeles City Council concludes, based upon the whole record, that the economic, social, and technological benefits of the Project outweigh the unavoidable adverse environmental effects and determines that the adverse environmental effects are, therefore, acceptable.