6TH STREET VIADUCT SEISMIC IMPROVEMENT PROJECT

CITY OF LOS ANGELES

CALIFORNIA ENVIRONMENTAL QUALITY ACT

FINDINGS

and

STATEMENT OF OVERRIDING CONSIDERATIONS

October 2011

TRANSMITTAL NO. 4

CITY OF LOS ANGELES

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

FOR THE

6TH STREET VIADUCT SEISMIC IMPROVEMENT PROJECT

October 2011

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 6th Street Viaduct Seismic Improvement Project (project) are based on the final environmental impact report /environmental impact statement, hereinafter referred to as final EIR/EIS, 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 1149 S. Broadway, Suite 750, Los Angeles, California 90015.

Findings

The final EIR/EIS identifies several significant effects of the project. Pursuant to *Public Resources Code* Section 21081, the Los Angeles City Council hereby makes the following findings for each significant impact.

Land Use

Significant Environmental Impact:

The project will require some land acquisition within the new viaduct alignment which is designated "industrial preservation and employment protection zone" in the Adelante Eastside Community Redevelopment Plan of the Los Angeles Community Redevelopment Agency. The loss of industrial and commercial uses is inconsistent with this plan.

Finding:

Specific economic, legal, social, technological or other considerations, incuding considerations for the provision of employment oppportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final EIR/EIS.

The replacement alternative and the alignment for the new viaduct were selected to optimize safety and functionality while minimizing overall impacts. As documented in Appendix N and the final EIR/EIS, other alternatives and alignments were found to be substantially inferior

(would result in equal or greater impacts and/or would not meet the goals of the project) in these regards and thus infeasible. Other locations for the bridge replacement would result in far greater impacts to industrial lands. The retrofit alternative would still result in significant impacts to the historic integrity of the viaduct, and it would only meet a "no collapse" standard for a major earthquake and major damage could occur. Though it has a lower construction cost, it has the highest life-cycle cost. Neither it nor the no-project (no build) alternative would stop the deterioration caused by ASR, correct the geometric deficiencies or allow for bicycle lanes consistent with the 2010 Bicycle Plan, and the viaduct would likely require replacement following major damage. The Bureau of Engineering has agreed to work with affeced businesses and to design the viaduct to minimize the impact to industrial properties to the extent feasible. Nevertheless, loss of some commercial/industrial land uses in the vicinity of the viaduct corridor cannot be avoided. The impact is significant and unavoidable.

Community

Significant Environmental Impact:

Roadway blockage and disruptions to remaining businesses within the vicinity of the project site are expected to occur throughout the four-year construction period.

Finding:

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/EIS.

Mitigation measures MM3-1 through MM3-7 to minimize disruptions to business and community life have been made conditions of approval and included in the mitigation monitoring and reporting plan. The impact is less than significant with mitigation.

Traffic and Transportation/Pedestrian Facilities

Significant Environmental Impact:

Closure of the 6th Street Viaduct for up to four years will require traffic detours along the street network east and west of the river, significantly impacting area residents with higher traffic volumes and related congestion. Up to 13 intersections will be adversely affected, 11 of which cannot be mitigated without causing substantial additional right-of-way impacts to the local area.

Finding:

Specific economic, legal, social, technological or other considerations, incuding considerations for the provision of employment oppportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final EIR/EIS.

Mitigation measures MM3-5, MM3-8 and MM3-9 have been made conditions of approval and included in the mitigation monitoring and reporting plan. However, as explained in the final EIR/EIS, additional mitigation at 11 of the13 impacted intersections was found to cause additional significant right-of-way impacts and is thus not feasible. The impact is significant and unavoidable.

Emergency Services

Significant Environmental Impact:

During the four-year construction period, increases in emergency response time could occur due to closure of the 6th Street Viaduct and related traffic congestion at intersections along the detour routes.

Finding:

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/EIS.

Mitigation measures MM3-1, MM3-5, MM3-8 and MM3-9 to minimize traffic impacts and coordinate closely with emergency response agencies have been made conditions of approval and included in the mitigation monitoring and reporting plan. The impact is not significant with mitigation.

Visual and Aesthetics

Significant Environmental Impact:

Replacement of the 6th Street Viaduct and the loss of this historic resource will change the visual character of the landmark.

Finding:

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/EIS.

Mitigation measures MM3-3 and MM3-10 have been made conditions of approval and included in the mitigation monitoring and reporting plan. The visual qualities of unity, vividness, and intactness would be replaced with the new viaduct, and an aesthetics advisory committee will contribute to the aesthetic elements of the final design. The impact is less than significant with mitigation.

Cultural Resources

Significant Environmental Impact:

The project area has the potential for buried archaeological materials to be encountered during ground disturbance. Construction could also cause adverse impacts to a historic-era archaeological site (LAN 19-003683) located at one of the potential construction laydown areas.

Finding:

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/EIS.

Mitigation measure MM3-18 to protect the resources has been made a condition of approval and included in the mitigation monitoring and reporting plan. The impact is less than significant with mitigation.

Significant Environmental Impact:

The project will remove the 6th Street Viaduct, an individual resource eligible for listing in the California Register of Historical Resources (CRHR), and designated as Los Angeles Historic-Cultural Monument (HCM) #905.

Finding:

Specific economic, legal, social, technological or other considerations, incuding considerations for the provision of employment oppportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final EIR/EIS.

As explained in the final EIR/EIS, the loss of the historic resource cannot be avoided without creating substantial, additional, severe ROW and other impacts and/or substantially higher costs in the long run, and the viaduct would eventually require replacement, resulting in the same or even greater impacts. The replacement alternative and the alignment for the new viaduct were selected to optimize safety and functionality while minimizing overall impacts. Other locations for the bridge replacement would result in far greater impacts to industrial lands and are not economically feasible. The retrofit alternative would not avoid significant impacts to the historic integrity of the viaduct (it would not allow the viaduct to maintain its eligibility for the CRHR or its HCM designation), and it would only meet a "no collapse" standard for a major earthquake and major damage could occur, requiring replacement. Though it has a lower construction cost, it has the highest life-cycle cost. Neither it nor the no-project (no build) alternative would stop the ASR, correct the geometric deficiencies or allow for bicycle lanes consistent with the 2010 Bicycle Plan, and the viaduct would likely require replacement following major damage.

Mitigation measures MM3-11 through MM3-17 have been made conditions of approval and included in the mitigation monitoring and reporting plan. Nevertheless, the impact is significant and unavoidable.

Paleontology

Significant Environmental Impact:

Construction may impact scientifically important fossil remains.

Finding:

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/EIS.

Mitigation measure MM3-19 to require monitoring of excavation into Older alluvium by a paleontologist has been made a condition of approval and included in the mitigation monitoring and reporting plan. The impact is less than significant with mitigation.

Air Quality

Significant Environmental Impact:

On the worst-case day of the construction period, the emissions of nitrogen oxides (NO_X) would exceed the regional daily significance threshold set forth by the South Coast Air Quality Management District (SCAQMD).

Finding:

Specific economic, legal, social, technological or other considerations, incuding considerations for the provision of employment oppportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final EIR/EIS.

Mitigation measures MM3-20 through MM3-22 have been made conditions of approval and included in the mitigation monitoring and reporting plan. However, these mitigation measures cannot reduce the regional emissions of nitrogen oxide (NO_X) to a level that is below the SCAQMD CEQA significance threshold during the most intense construction activities of the four-year construction period. Alternatives considered do not avoid this impact. The impact is significant and unavoidable.

Cumulative Impacts

Significant Environmental Impact:

Construction of the project could occur at the same time as construction of several other projects within very close proximity. As a result, the project could contribute to significant cumulative traffic impacts, which are in turn contributory to significant impacts to air quality and noise.

Finding:

Specific economic, legal, social, technological or other considerations, incuding considerations for the provision of employment oppportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final EIR/EIS.

As discussed above, traffic and air quality impacts cannot be fully mitigated even for the project alone. The impact is significant and unavoidable.

Significant Environmental Impact:

The 6th Street Viaduct is a Los Angeles Historic-Cultural Monument, along with 11 other bridges over the L. A. River. Implementation of the project would result in the viaduct's demolition, impacting the city's historic-cultural monument bridges on a cumulative basis.

Findings:

Specific economic, legal, social, technological or other considerations, incuding considerations for the provision of employment oppportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final EIR/EIS.

As discussed above and in the final EIR/EIS, the alternatives are not found to be feasible and the mitigation measures, which include documentation of the resource and its place among the other L. A. River bridges, cannot fully mitigate this impact. The impact is significant and unavoidable.

Mandatory Findings of Significance

Significant Environmental Impact:

Loss of the historic viaduct would eliminate an important example of a major period of California history.

Findings:

Specific economic, legal, social, technological or other considerations, incuding considerations for the provision of employment oppportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final EIR/EIS. As discussed above and in the Final EIR/EIS, the impact is significant and unavoidable.

CITY OF LOS ANGELES

STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

6TH STREET VIADUCT SEISMIC IMPROVEMENT PROJECT

October 2011

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 Impact Statement for the 6th Street Viaduct Seismic Improvement Project (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 impacts:

- Loss of industrial and commercial land uses in the area designated "industrial preservation and employment protection zone" of the Community Redevelopment Agency's Adelante Eastside Redevelopment Area.
- Increase in traffic congestion at 11 roadway intersections along the detour route during construction.
- Loss of historic 6th Street Viaduct.
- Exceedance of air pollutant (NO_x) regional limits during construction.
- Contribution to cumulative effects during construction from increased traffic congestion and related impacts such as elevated air pollutant emissions and traffic noise levels, if other projects are concurrently under construction in the vicinity of the 6th Street Viaduct project site and the traffic detour route.
- Affecting the overall integrity of the City of Los Angeles historic-cultural monument bridges on a cumulative basis.

The benefits of the project consist of the following:

- Provision of a new viaduct that meets the current seismic standards, ensuring the long-term safety of the 6th Street Viaduct in major earthquakes and protecting this critical east-west link between Boyle Heights and Downtown Los Angeles.
- Provision of a safe structure that meets current design standards, including crash-resistant railings, shoulders for bike lanes, a safety median and wide sidewalks, as well as

improved sight distance to reduce accidents by removal of the kink in the viaduct alignment over the river.

- Enhancement of the transportation and connectivity between Boyle Heights and Downtown by providing a facility that respects the needs of both pedestrians and bicyclists in addition to motorists.
- Introduction of an iconic cable-supported structure, representing a 21st Century design solution using a relatively new technology, which will make a uniquely modern architectural statement over the Los Angeles River.
- Provision of employment for skilled workers in the construction of the new viaduct, which will contribute to economic growth.
- Availability of funding from the federal and state governments requiring a match of only $5.5 million out of the $401 million budget.

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.