

## STATEMENT OF OVERRIDING CONSIDERATIONS

### State CEQA Guidelines Section 15093

For

### East Los Angeles Sustainable Median Stormwater Capture Project

### Final Addendum to the Los Angeles County Flood Control District Enhanced Watershed Management Programs Final Program Environmental Impact Report (SCH# 2014081106)

### Lead Agency: County of Los Angeles Department of Public Works

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its significant unavoidable adverse impacts in determining to approve the project. The State CEQA Guidelines Section 15168(c) requires that subsequent activities in a program be examined in light of the Program Environmental Impact Report (PEIR) to determine whether any additional environmental document must be prepared. The East Los Angeles Sustainable Median Stormwater Capture Project (Proposed Project) involves site specific operations associated with the Enhanced Watershed Management Programs (EWMP), and thus, the PEIR was reviewed to assess the nature and degree to which the impacts specific to the Proposed Project are accounted for in the PEIR and determine whether an additional environmental document beyond the PEIR must be prepared. Based on that review, it has been determined that the Proposed Project is within the scope of the program covered by the PEIR and, other than providing minor additions and clarifications to the PEIR in the form of an Addendum, there are no new significant impacts not previously addressed in the PEIR and no new mitigation measures are warranted. Therefore, pursuant to CEQA Guidelines Section 15164, an Addendum to the PEIR has been prepared to address specific impacts associated with the Proposed Project, and no conditions calling for the preparation of a subsequent EIR have occurred.

As identified in the Addendum and the PEIR, the Proposed Project and EWMP would result in some environmental effects that, although mitigated to the extent feasible by the implementation of mitigation measures, would remain significant and unavoidable adverse impacts. This Statement of Overriding Considerations is specific to the Proposed Project, and thus only the significant and unavoidable adverse impacts identified in the PEIR that are applicable to the Proposed Project are addressed below.

#### ***Air Quality***

- 1) Impact 3.2-2 (The project would violate air quality standards or contribute substantially to an existing or projected air quality violation). Construction of large centralized Best Management Practices (BMPs) associated with the proposed program (such as the Proposed Project) could result in temporary significant and unavoidable air emissions during peak periods of construction. The exceedance of applicable South Coast Air Quality Management District (SCAQMD)-recommended air quality thresholds would be generated primarily during the grading phase of

projects, when emissions associated with off-road construction equipment and on-road soil hauling activities would occur. Mitigation measures are incorporated to reduce the severity of the emissions during construction that require the use of low-emission equipment which meet Tier II emissions standards at a minimum. However, because there are no feasible mitigation measures that can be implemented to prevent violation of air quality standards during construction, impacts to air quality would remain significant and unavoidable despite implementation of Mitigation Measures AIR-1 and AIR-2. Based on the Addendum and the PEIR, the Proposed Project does not involve new significant impacts or a substantial increase in previously identified impacts to air quality. It would not require substantial revisions of the PEIR and no changes occur with respect to the circumstances under which that project is undertaken. Further, there is no substantial new information indicating there would be a new significant impact requiring major revisions of the certified PEIR.

- 2) Impact 3.2-3 (The project could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)). The Proposed Project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is nonattainment. The Los Angeles Basin is currently in nonattainment for ozone, PM10, and PM2.5, which indicates that combined with other reasonably foreseeable future projects in the Basin, the proposed program, including the Proposed Project, could violate an air quality standard. Even with implementation of mitigation measures, the resulting aggregate daily emissions may not be reduced to levels below the SCAQMD thresholds should multiple structural BMP projects be constructed concurrently throughout the Basin. As pollutants for which the Basin is in nonattainment (i.e., ozone, PM10, and PM2.5) could exceed SCAQMD's respective thresholds for construction, these pollutant emissions would be cumulatively considerable, and impacts would be significant and unavoidable despite implementation of Mitigation Measures AIR-1 and AIR-2. Operational emissions for the program, including the Proposed Project, would not exceed air quality standards therefore would not be cumulatively considerable; cumulative air quality impacts would be less than significant after implementation of structural BMPs. Based on the Addendum and the PEIR, the Proposed Project does not involve new significant impacts or a substantial increase in previously identified impacts to air quality. It would not require substantial revisions of the PEIR and no changes occur with respect to the circumstances under which that project is undertaken. Further, there is no substantial new information indicating there would be a new significant impact requiring major revisions of the certified PEIR.

### **Cultural Resources**

- 3) Impact 3.4-1 (The project would cause a substantial adverse change in the significance of an historical resource as defined in §15064.5.). Historical resources can include not only buildings and structures, but also any object, site area, place, record, or manuscript which a lead agency determines to be historically significant, or which is listed in or determined eligible for listing in the California Register of Historic Resources (CRHR). Known archaeological resources, as well as unknown and unrecorded archaeological resources that may be unearthed during construction activities associated with implementation of structural BMPs, could be impacted by individual projects. Because the degree of impact and the applicability, feasibility, and success of these measures cannot be accurately predicted for each specific project, the PEIR determined that in some circumstances, documentation and data recovery for impacts to an historical resource of an

archaeological nature will not fully mitigate the effects. Therefore, the PEIR determined that the program-level impact related to archaeological and cultural resources that qualify as historical resources is significant and unavoidable. As program implementation actions move forward, individual projects, such as the Proposed Project, would undergo additional CEQA review prior to construction to assess impacts to specific cultural resources not addressed in the PEIR. Mitigation measures will be implemented to lessen impacts to historical resources through historic built environment surveys, cultural resources inventories, archaeological monitoring, and assessment of findings if applicable during ground-disturbing operations. Even with implementation of Mitigation Measures CUL-2 through CUL-4, impacts would remain significant and unavoidable. Based on the Addendum and the PEIR, the Proposed Project does not involve new significant impacts or a substantial increase in previously identified impacts to cultural resources. It would not require substantial revisions of the PEIR and no changes occur with respect to the circumstances under which that project is undertaken. Further, there is no substantial new information indicating there would be a new significant impact requiring major revisions of the certified PEIR.

- 4) Cumulative Impact, Cultural Resources (The project would result in cumulative impacts to cultural resources). Development of the program, including the Proposed Project, together with simultaneous development of nearby, reasonably foreseeable planned projects in the area would result in significant cumulative cultural resources impacts. The program and Project could cause impacts on cultural and paleontological resources during the construction period or as a result of operation and maintenance or closure and decommissioning activities. Cumulative impacts to cultural resources in the cultural resources geographic scope of analysis could occur if other existing or proposed projects, in conjunction with the proposed program, had or would have impacts on cultural resources that, when considered together, would be significant. While implementation of mitigation measures would reduce impacts to historical resources, the proposed program may ultimately result in a substantial adverse change to historical resources through development activities for which no possible mitigation may be available to maintain historic integrity of an affected resource or its surroundings. Therefore, despite implementation of Mitigation Measures CUL-1 through CUL-4, the program would have cumulatively significant and unavoidable environmental impact to historical resources. Based on the Addendum and the PEIR, the Proposed Project does not involve new significant impacts or a substantial increase in previously identified impacts to cultural resources. It would not require substantial revisions of the PEIR and no changes occur with respect to the circumstances under which that project is undertaken. Further, there is no substantial new information indicating there would be a new significant impact requiring major revisions of the certified PEIR.

### **Noise**

- 5) Impact 3.10-1 (The proposed project would result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies). During construction of the proposed program, including the Proposed Project, noise levels would be increased temporarily and intermittently to levels substantially greater than existing ambient noise levels in the area. Mitigation would help reduce construction noise impacts, requiring construction activities to be conducted in accordance with the applicable local noise regulations and standards, the implementation of noise reduction devices and techniques during construction activities, and advance notification to the surrounding noise-sensitive receptors of a structural BMP site about upcoming construction activities and their hours of operation. As detailed in the PEIR and Addendum, construction of certain structural BMP projects may exceed

noise levels established by local jurisdictions, which would make this impact significant and unavoidable despite implementation of Mitigation Measure NOISE-1. Based on the Addendum and the PEIR, the Proposed Project does not involve new significant impacts or a substantial increase in previously identified impacts to noise. It would not require substantial revisions of the PEIR and no changes occur with respect to the circumstances under which that project is undertaken. Further, there is no substantial new information indicating there would be a new significant impact requiring major revisions of the certified PEIR.

- 6) Impact 3.10-4 (The proposed project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project). During construction of the Proposed Project (which consists of centralized BMPs), temporary or periodic increases in noise levels in and around each structural BMP site would result from the operation of construction equipment. Under circumstances where structural BMP sites are located immediately adjacent to existing sensitive land uses, the noise impacts related to a substantial temporary or periodic increase in ambient noise levels above levels existing without the structural BMPs would remain significant, even with implementation of mitigation measures. Although the Proposed Project could result in a temporary increase in noise levels, despite implementation of Mitigation Measure NOISE-1, the impact would remain significant and unavoidable. However, the Proposed Project would not result in any material difference in noise impacts compared to those described in the PEIR. Based on the Addendum and the PEIR, the Proposed Project does not involve new significant impacts or a substantial increase in previously identified impacts to cultural resources. It would not require substantial revisions of the PEIR and no changes occur with respect to the circumstances under which that project is undertaken. Further, there is no substantial new information indicating there would be a new significant impact requiring major revisions of the certified PEIR.
- 7) Cumulative Impact, Noise (The project would result in significant cumulative construction noise impacts). Construction of the structural BMPs, in combination with other current and planned projects in the County would result in an increase in construction-related noise levels, which would temporarily increase the ambient noise levels of the existing noise environment in areas where a construction project would occur. Despite implementation of Mitigation Measure NOISE-1, cumulative impacts for construction would remain significant and unavoidable. Based on the Addendum and the PEIR, the Proposed Project does not involve new significant impacts or a substantial increase in previously identified impacts to noise. It would not require substantial revisions of the PEIR and no changes occur with respect to the circumstances under which that project is undertaken. Further, there is no substantial new information indicating there would be a new significant impact requiring major revisions of the certified PEIR.

## Findings

The County of Los Angeles Department of Public Works finds and determines that it has considered the identified means of lessening or avoiding the project's significant effects and that to the extent any significant direct or indirect environmental effects, including cumulative project impacts, remain unavoidable or not reduced to below a level of significance after mitigation, such impacts are at an unacceptable level in light of the social, legal, economic, environmental, technological, and other project benefits discussed below, and such benefits override, outweigh, and make "acceptable" any such remaining environmental impacts of the Proposed Project (State CEQA Guidelines Section 15092(b)).

The following benefits and considerations outweigh the identified significant and unavoidable adverse environmental impacts. All of these benefits and considerations are based on the facts set forth in the findings, the PEIR, and the record of proceedings for the project. Each of these benefits and considerations are determined on a separate and independent basis that justifies approval of the Proposed Project, so that if a court were to set aside the determination that any particular benefit or consideration would occur and justifies project approval, the Board would otherwise stand by its determination that the remaining benefit(s) or considerations are sufficient to justify and substantiate project approval.

## **Facts**

Each benefit set forth below constitutes an overriding consideration warranting approval of the Proposed Project, a subsequent activity of the EWMP, independent of the other benefits, and the County determines that the adverse environmental impacts of the Proposed Project are “acceptable” if any of these benefits would be realized. The Proposed Project would provide benefits to the County of Los Angeles as follows:

- 1) As with the EWMP, the Proposed Project would help the County and Los Angeles County Flood Control District (LACFCD), in partnership with other Permittees, to achieve compliance with the municipal separate storm sewer system (MS4) permit issued by the Los Angeles Regional Water Quality Control Board (RWQCB) in 2012.
- 2) As with the EWMP, the Proposed Project would result in improved water quality in receiving waters throughout the County including the major rivers, streams, and the ocean through the retention, detention, or treatment of stormwater and dry weather flow.
- 3) As with the EWMP, the Proposed Project would help the County and LACFCD, in partnership with other Permittees, to achieve total maximum daily load (TMDL) water quality objectives identified by the Los Angeles RWQCB.
- 4) As with the EWMP, the Proposed Project would benefit communities within the County and LACFCD in developing multi-benefit facilities.
- 5) As with the EWMP, the Proposed Project would benefit certain communities within the County and LACFCD in augmenting groundwater supplies with captured stormwater.
- 6) Implementation of the EWMP, including the Proposed Project, would help support and be consistent with the State of California Ocean Plan promoting improved ocean water quality for multiple beneficial uses.
- 7) Implementation of the EWMP, including the Proposed Project, would be consistent with the stated goals and policies of the Los Angeles Region Basin Plan prepared by the RWQCB pursuant to California Water Code Section 13240.
- 8) Implementation of the EWMP, including the Proposed Project, would promote and be consistent with the County of Los Angeles 2014 Low Impact Development Standards Manual.

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