



Sixth Street Park, Arts, River & Connectivity (PARC) Project

SCH #2017041045

CEQA FINDINGS



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PREPARED FOR:

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TRANSMITTAL NO. 3

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CEQA FINDINGS

**City of Los Angeles, Department of Public Works
Bureau of Engineering, Environmental Management Group
Sixth Street Park, Arts, River & Connectivity (PARC) Project
Los Angeles County, California
SCH #2017041045**

The following Findings are presented to comply with the California Environmental Quality Act (CEQA) and the Guidelines for Implementation of the CEQA (Title 14 California Code of Regulations, Chapter 3, Section 150000 et seq.) or State “CEQA Guidelines.” The Environmental Impact Report (EIR) for the Sixth Street Park, Arts, River & Connectivity (PARC) Project (proposed Project) is the main source of the information herein. The proposed Project is 13 acres of public recreational space underneath and adjacent to the Sixth Street Viaduct. Features of the proposed Project include, but are not limited to, a café, concession area, public restrooms on each side of the LA River, performance and public gathering areas, flexible play areas and lawns, adult fitness equipment, a dog play area, landscaped areas, public art, sports fields and courts, children’s play areas and mister pad, picnic and grilling areas, parking spaces, skate park elements, bicycle and pedestrian paths, roadway connectivity improvements stormwater infrastructure improvements, and rain gardens. In addition, the proposed Project would include the installation of reinforced concrete planted terraces on the west and east banks of the LA River. The proposed Project generally includes components noted in the Los Angeles River Revitalization Master Plan.

Section 15091 of the State *CEQA Guidelines* states that “No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

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

(See also Pub. Resources Code, §§21081, 21081.5.)

Section I PROJECT DESCRIPTION describes the proposed Project location, the background of the proposed Project, a summary of the proposed Project components, and the proposed Project objectives.

Section II ENVIRONMENTAL REVIEW PROCESS describes the public participation process for the proposed Project.

Section III RECORD OF PROCEEDINGS describes the custodian and location of the documents upon which these Findings are based.

Section IV FINDINGS REQUIRED UNDER CEQA describes the findings required to be made by the decisionmaker in order to certify the EIR and approve the proposed Project.

Section V PROJECT IMPACTS describes the impacts associated with the proposed Project and the specific findings required for the impacts to certify the EIR and approve the proposed Project.

Section VI ALTERNATIVES describes alternatives developed and considered for the proposed Project and the specific findings required to certify the EIR and approve the proposed Project.

Section VII OTHER CEQA CONSIDERATIONS describes additional issues raised during the responses to comments and the preparation of the Final EIR (Final EIR).

Section VIII CONCLUSIONS summarizes the findings made in this document.

I. PROJECT DESCRIPTION

A. PROJECT LOCATION AND BACKGROUND

The proposed Project would be located under and adjacent to the Sixth Street Viaduct between Mateo Street to the west and the United States Highway 101 (U.S. 101) to the east, in the City of Los Angeles (Project Area). The Project Area, which includes the potential area of direct and indirect impacts resulting from the proposed Project, spans from the Downtown Los Angeles Arts District on the west side of the Los Angeles River (“River” or “LA River”) to the neighborhood of Boyle Heights on the east side of the LA River.

The Sixth Street Viaduct was a vital connection between Downtown Los Angeles and Boyle Heights. The majority of the Project Area is currently a construction site for the Sixth Street Viaduct Replacement Project (“Viaduct Replacement Project”), which began in 2016. As such, the Project Area primarily consists of fencing around an area of exposed soil with staged construction equipment and materials.

The Project Area is located in Council District 14 at the boundary of the City of Los Angeles’ Central City North and Boyle Heights Community Plan areas. Land uses along the north and south sides of the Viaduct are predominately industrial and commercial. The nearest residence borders the northeastern edge of the Project Area at the intersection of South Clarence Street and Inez Street, and the eastern edge of the Project Area at the intersection of Boyle Avenue and Whittier Boulevard.

Railroad corridors are adjacent to the east and west banks of the LA River within the Project Area. The Los Angeles County Metropolitan Transportation Authority (Metro), Southern California Regional Rail Authority (SCRRA), Burlington Northern Santa Fe (BNSF), Amtrak, and Union Pacific Railroad (UPRR) own and/or operate railroad corridors within the Project Area. The Los Angeles Department of Water and Power's (LADWP) Transmission Right of Way (TLRW) is also located along the east and west banks of the River.

The segment of the LA River within the Project Area is a trapezoidal concrete-lined channel, which serves as a flood control channel that receives stormwater runoff from the surrounding watershed. The River discharges to an estuary south of the Project Area in Queensway Bay, in the Long Beach Harbor. An existing tunnel (LA River Access Tunnel) is located under the railroad tracks west of the River. LADWP TLRW used this tunnel to access the River from Santa Fe Avenue. The City of Los Angeles owns and operates this tunnel.

B. PROPOSED PROJECT

The City is proposing to create approximately 13 acres of public recreational space underneath and adjacent to the Sixth Street Viaduct. The proposed Project would be divided into two phases. The following elements would be constructed as part of Phase I of the proposed Project.

- A. General Park Elements: Elements that would be constructed throughout the Sixth Street PARC would include constructing or installing typical park site furnishings, pedestrian and bicycle paths, interpretive exhibits, utility connections and irrigation, crosswalks, and stormwater infrastructure improvements.
- B. East Park: The proposed East Park, located in the Boyle Heights Community Plan area, would include amenities such as a concessions area, public restrooms, office and storage space for operations and maintenance staff, sports courts and fields, two flexible play and performance lawns, adult fitness circuit, splash pad with outdoor shower, picnic and grilling areas, on-street parking, landscaped seating areas and rain gardens, small and large dog play areas, children's play area, and skate park elements. A public art piece could also potentially be installed in East Park.
- C. West Park: The proposed West Park, located in the Central City North Community Plan area, would include amenities such as a flexible play and performance lawn, small and large dog play areas, an adult fitness circuit, a café building, public restroom, landscaped areas and a rain garden, and a public art piece.
- D. Arts Plaza and River Gateway: The proposed Arts Plaza, located in the Central City North Community Plan area, would include amenities such as performance and public gathering areas and space for future mobility hub elements, bike parking, and bikeshare. The proposed River Gateway would include rehabilitating an existing pedestrian/vehicular tunnel that provides access to the LA River channel.

Phase II would include installing reinforced concrete planted terraces on the east and west banks of the LA River channel. The proposed Project generally includes components noted in the *Los Angeles River Revitalization Master Plan*.

C. PROJECT OBJECTIVES

CEQA requires that an EIR include a statement of objectives sought by the proposed Project, and that the Objectives include the underlying purpose of the proposed Project. These objectives help the lead agency determine the alternatives to evaluate in the EIR (see *CEQA Guidelines* Section 15124(a)). The following is a list of objectives for the proposed Project that support the underlying purpose:

- Serve the open space and recreational needs of surrounding communities;
- Connect and improve neighborhoods;
- Incorporate sustainable design consistent with the City’s plans and goals;
- Encourage active modes of transportation and public transit;
- Promote beneficial stormwater treatment and/or capture; and
- Provide safe pedestrian and bicycle access to the LA River.

The proposed Project would be designed to conform to the *Los Angeles River Revitalization Master Plan*, the *City of Los Angeles’ Mobility Plan 2035*, the *One Water LA 2040 Plan*, and other local and adopted plans as applicable. Consistent with the proposed Project objectives, the proposed Project would endeavor to adhere to the following guidelines and design goals:

- A. Active and passive recreation that serves the needs of the community, particularly Boyle Heights and the Arts District.
- B. Connections to improvements within the neighborhoods in proximity to the Sixth Street Viaduct open spaces.
- C. Advanced design in keeping with the City’s sustainability, low impact development (LID), green building, and Envision goals, which would include sensitivity to supporting all modes of traversing under the Viaduct.
- D. Promotion of multi-modal active transportation components, including linking to existing and future bicycle and pedestrian facilities.
- E. Environmentally friendly design that promotes beneficial stormwater treatment and/or capture throughout the site.

II. ENVIRONMENTAL REVIEW PROCESS

In accordance with CEQA, the environmental review process for the proposed Project commenced with solicitation of comments from identified responsible and trustee agencies. The notice was also circulated to members of the public, local and state agencies, organizations, and interested parties to solicit comments on the proposed Project. The City prepared an Initial Study (IS) and circulated an NOP to members of the public, local and state agencies, organizations, and interested parties to solicit comments on the proposed Project between April 13, 2017, and May 15, 2017.

Two public scoping meetings were held, one on May 3, 2017, at the Puente Learning Center and one on May 11, 2017, at the Aliso Pico Gymnasium. Informational materials were made available in Spanish and English.

The NOP/IS was available on the Los Angeles Bureau of Engineering (LABOE) website and at local public facilities. A notice, informing the public of the availability of the NOP/IS, was printed in English in *DTLA News* and in Spanish in *La Opinión*. The NOP/IS was also available at the following public facilities during the public review period:

- Central Library, 630 West Fifth Street, Los Angeles, CA 90071
- Little Tokyo Library, 203 South Los Angeles Street, Los Angeles, CA 90012
- Robert Louis Stevenson Library, 803 Spence Street, Los Angeles, CA 90023
- Benjamin Franklin Library, 2200 East First Street, Los Angeles, CA 90033
- BH Technology Center, 1600 East Fourth Street, Los Angeles, CA 90033
- Boyle Heights City Hall, 2130 East First Street Suite 241, Los Angeles, CA 90033

Following the comment period for the NOP/IS, a Draft EIR was prepared for the proposed Project. The IS, NOP, and NOP comment letters were included in **Appendix A** of the Draft EIR.

Consistent with the requirements of Sections 15087 and 15105 of the *CEQA Guidelines*, the Draft EIR was submitted to the Los Angeles County Clerk and the State Clearinghouse, a division of the Governor's Office of Planning and Research and circulated for public review. The public comment period for the Draft EIR was from May 27, 2021, to July 26, 2021, exceeding CEQA's 45-day public comment period requirement.

During the comment period, the Draft EIR was made available for review on LABOE's Project website, <https://eng.lacity.org/about-us/divisions/environmental-management/projects/sixth-street-park-arts-river-connectivity-improvements-parc>. In addition, hard copies of the Draft EIR were made available at the following public facilities:

- Central Library, 630 West Fifth Street, Los Angeles, CA 90071
- Robert Louis Stevenson Library, 803 Spence Street, Los Angeles, CA 90023
- BH Technology Center, 1600 East Fourth Street, Los Angeles, CA 90033
- East Los Angeles County Library, 4837 East 3rd Street, Los Angeles, CA 90022

Due to the global pandemic, a virtual public meeting was held in English and Spanish on July 14, 2021, at 6:30 PM on Zoom during the 45-day public comment period for the Draft EIR. Accommodations were also made available at PUENTE Learning Center in the Boyle Heights Neighborhood for anyone requiring access to a screen or internet connection for the virtual public meeting. A notice regarding the public review period and how to access the public meeting was posted on the LABOE Project website: <https://eng.lacity.org/about-us/divisions/environmental->

[management/projects/sixth-street-park-arts-river-connectivity-improvements-parc](#), and published in the *DTLA News* in English and *La Opinion* in Spanish. Project stakeholders also received mail and email notifications regarding the virtual public meeting.

The Final EIR was prepared following the Draft EIR comment period. In accordance with CEQA Guideline Section 15088, the Final EIR includes responses to comments on environmental issues that were received during the comment period for the Draft EIR.

III. RECORD OF PROCEEDINGS

The documents and other materials that constitute the agency’s record of proceedings or administrative record on which these CEQA Findings are based can be found at the Office of the City Clerk, 200 North Spring Street, 3rd Floor, Los Angeles, CA; the Board of Public Works Commission, 200 North Spring Street, 3rd Floor, Los Angeles, CA; the Bureau of Engineering, 1149 S. Broadway, Suite 600, Los Angeles CA; and any other relevant City department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and *CEQA Guidelines* Section 15091.

The City has relied on all of the documents provided in the Record of Proceedings in reaching its decisions on the proposed Project, even if not every document was formally presented to the City as part of the files generated in connection with the Project. Without exception, any documents not found in the Project files fall into one of the two categories below. First, many of them reflect prior planning or legislative decisions with which City Council decisionmakers were aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, *fn.* 6.)

The second category are other documents that influenced the expert advice provided to the City’s staff or the environmental consultants who prepared the EIR, who then provided advice to the final decisionmakers. For that reason, such documents form part of the underlying factual basis for the City’s decisions relating to the approval of the Project. (See *Pub. Resources Code*, §21167.6, *subd.* (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

IV. FINDINGS REQUIRED UNDER CEQA

Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” The same statute provides that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to provide that “in the event [that] specific economic, social, or other

conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first such finding is that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR. (See *CEQA Guidelines*, § 15091, subd (a); see also Pub. Resources Code, § 21081, subd. (a).)

“‘Feasible’ means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” (*CEQA Guidelines*, § 15364.) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506 – 1509 [upholding CEQA findings rejecting alternatives in reliance on applicant’s project objectives]; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal. App. 4th 957, 1001 (*CNPS*) [“an alternative ‘may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record’”], quoting *Kostka & Zischke, Practice Under the Cal. Environmental Quality Act* [Cont.Ed.Bar 2d ed. 2009] (*Kostka & Zischke*), § 17.309, p. 825); *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165, 1166 (*Bay-Delta*) [“feasibility is strongly linked to achievement of each of the primary program objectives”; “a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal”].)

Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 (*City of Del Mar*); see also *CNPS, supra*, 177 Cal. App. 4th at p. 1001 [after weighing “‘economic, environmental, social, and technological factors,’... ‘an agency may conclude that a mitigation

measure or alternative is impractical or undesirable from a policy standpoint and reject it as infeasible on that ground”] quoting *Kostka & Zischke, supra*, § 17.29, p. 824.)

For the purposes of these Findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less than significant level.

CEQA requires that the lead agency adopt feasible mitigation measures or, in some instances, feasible alternatives, to substantially lessen or avoid significant environmental impacts that would otherwise occur. With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons that the agency found that the project’s benefits outweigh its unavoidable adverse environmental effects. As discussed above and supported by the Draft EIR and other documents available in the record of proceedings, the environmental impacts that would be anticipated to result from the proposed Project would be reduced to less than significant impacts with adherence to standard regulatory and permit requirements or implementation of identified project features described in the EIR, as well as BMPs described in Section V. Therefore, a statement of overriding consideration is not required for the proposed Project.

The findings provided in this document are based upon substantial evidence in the entire record before the City. The references set forth in these findings to certain pages or sections of the environmental documents for the proposed Project are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings. These findings do not attempt to describe the full analysis of each environmental impact contained in the Final EIR , its appendices, and additional documents in the case files for the Project. Instead, a full explanation of these environmental findings and conclusions can be found in the Final EIR and those documents, and these findings hereby incorporate by reference and adopt the discussion and analysis in the Final EIR , its appendices, and additional documents in the case files for the Project supporting the determination regarding the Project’s impacts. In making these findings, the determinations and conclusions of the Final EIR relating to environmental impacts are hereby ratified, adopted, and incorporated in these findings, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings. In the event these findings inadvertently omit or inaccurately reflect facts stated in the Final EIR due to a clerical error, such statements are nevertheless hereby adopted and incorporated in the findings below by reference, and the language set forth in the Final EIR shall control.

V. PROJECT IMPACTS

The City, having reviewed and considered the information contained in the Final EIR, and the record of proceedings, determined that the proposed Project would have no impact or less than

significant impacts on the following resources: mineral resources, agriculture and forestry resources, population and housing, and recreation.

The City determined that with implementation of best management practices, the proposed Project would have a less than significant impact on the following resources:

- Aesthetics
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Land Use and Planning
- Public Services

The City determined that mitigation measures were required to have a less than significant impact on the following resources:

- Air Quality
- Energy
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise and Vibration
- Transportation and Traffic
- Utilities and Service Systems

The mitigation measures and BMPs considered to be feasible and that would avoid or substantially lessen significant impacts from construction and operational activities to less than significant are provided below:

1. Aesthetics

BMPs:

BMP-AES-1: Construction Lighting

If nighttime lighting at the construction site is required, lighting shall be directed downward, on-site, and away from surrounding land uses.

BMP-AES-2: Construction Staging and Construction Staging Area

Construction staging shall be coordinated with the construction and maintenance of the Viaduct Replacement Project as needed; therefore, additional use or acquisition of public space for equipment and vehicles will not be required. The construction area shall be fenced to obscure views of construction activities, materials, and staged equipment.

BMP-AES-3: Operational Lighting

Outdoor lighting for recreational activities shall be limited to the proposed operating hours.

BMP-AES-4: Regulatory Requirements for Lighting

- Proposed Project illumination shall comply with the provisions in the City’s Municipal Code, including LAMC Chapter 1, Article 2, Sec. 12.21A5(k); LAMC Chapter 1, Article 7, Sec. 17.08C; and LAMC Chapter 9, Article 3, Section 93.0117.
- The new walkway lighting shall be compliant with all regulations set forth by the City’s Bureau of Street Lighting Design Standards and Guidelines to ensure that the area receives lighting that meets national illumination standards for vehicular and pedestrian traffic, does not emit light pollution, and produces little glare.
- Lighting for sports fields and courts shall operate in compliance with Los Angeles City Recreation and Parks (RAP) illuminance level standards for outdoor sports and recreational facilities.
- Lighting for security shall be illuminated in accordance with the Illuminating Engineering Society (IES) standards, IES RP-33-14 *Lighting for Exterior Environments* and IES G-1-03 *Security Lighting for People, Property and Public Spaces*, as updated by IES G-1-16 *Guide for Security Lighting for People, Property and Critical Infrastructure*.

Mitigation Measures: Impacts on Aesthetic Resources would be less than significant; therefore, mitigation measures are not required.

2. Air Quality

BMPs:

BMP-AQ-1: SCAQMD Rules and Regulations

The contractor shall implement measures to ensure that all construction activities are consistent with SCAQMD rules and regulations.

BMP-AQ-2: Construction Worker Incentives

The City shall offer ride-share and transit incentives for construction workers to reduce emissions associated with motor vehicle use.

BMP-AQ-3: Construction Equipment Maintenance

The contractor shall maintain construction equipment by conducting regular tune-ups according to the manufacturers’ recommendations.

Mitigation Measures:

MM-AQ-1: Newer/Tier 4 Engines in Haul Trucks and Construction Equipment

- Include in all construction contracts the requirement to use 2007 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export).
- Include in all construction contracts the requirement that all off-road diesel-fueled construction equipment greater than 50 horsepower shall meet Tier 4 off-road emission standards. In addition, if not already supplied with a factory-equipped diesel particulate filter, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. To the extent locally available, construction equipment shall incorporate emissions savings technology such as hybrid drives. In the event that any equipment required under this mitigation measure is not available, provide documentation as information becomes available. A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit at the time of mobilization of each applicable unit of equipment shall be provided.
- Maintain construction equipment by conducting regular tune-ups according to the manufacturers' recommendations.
- To the extent possible, the import and export of onsite materials shall be scheduled to minimize empty return trips.

MM-AQ-2: Construction Equipment Requirements

- All on- and off-road diesel-fueled equipment shall not idle for more than 5 minutes when not in use. The idling of diesel-fueled equipment and haul trucks within 1,000 feet of nearby residential land uses shall be prohibited. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute-idling limit.
- Staging and queuing areas shall be located at the furthest distance possible from nearby residential land uses.
- Use alternatively fueled (e.g., compressed natural gas, liquefied natural gas, propane), gasoline-fueled, or electrified construction equipment in place of diesel-fueled equipment to the extent locally available.

MM-AQ-3: Fugitive Dust Controls

- All active portions of the construction site shall be watered twice daily to prevent excessive amounts of dust.

- Non-toxic soil stabilizers shall be applied to all inactive construction areas (previously graded areas inactive for 20 days or more, assuming no rain) according to manufacturers' specifications.
- All excavating and grading operations shall be suspended when wind gusts (as instantaneous gust) exceed 25 miles per hour.
- On-site off-road equipment and on-road vehicles used on-site shall be limited to 15 miles per hour.
- All on-site roads shall be paved as soon as feasible, watered twice daily, or chemically stabilized.
- Visible dust beyond the property line which emanates from the project shall be prevented to the maximum extent feasible.
- All material transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust prior to departing the job site.
- Track-out devices shall be used at all construction site access points.
- All delivery truck tires shall be watered down and/or scraped down prior to departing the job site.
- Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads and use of SCAQMD Rule 1186 and 1186.1 certified street sweepers or roadway.
- Replace ground cover in disturbed areas as quickly as possible.
- All trucks that are to haul excavated or graded material on-site shall comply with State Vehicle Code Section 23114 (Spilling Loads on Highways), with special attention to Sections 23114(b)(F), (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
- Conduct continuous, direct-reading, near real-time ambient monitoring of PM₁₀. Install appropriate signage and notify the SCAQMD in accordance with Rule 1466, Control of Particulate Emissions from Soils with Toxic Air Contaminants, prior to conducting any earth-moving activities on any site meeting the applicability of the rule.

3. Biological Resources

BMPs:

BMP-BIO-1: Pre-Construction Wildlife Surveys

Pre-construction wildlife surveys shall be completed by a qualified biologist no more than 48 hours prior to clearing, grubbing, or other construction activities to determine the presence/absence of wildlife species, including special-status species, within 100 feet of the construction area. Special attention will be focused on any existing burrowing, roosting, and nesting habitat within the Project

Area. Surveys shall be repeated if construction activities are suspended for five days or more. If any wildlife species are identified, appropriate BMPs shall be developed and implemented to reduce potential impacts on these species, in consultation with regulatory agencies where appropriate.

BMP-BIO-2: Trash and Construction Debris Removal

All trash and construction debris shall be removed from the LA River construction areas on a daily basis. All water quality BMP materials shall be properly maintained during project construction and removed upon completion of construction activities. After completion of proposed construction activities, all construction equipment and materials shall be removed from the Project Area, and the Project Area shall be returned to pre-project conditions.

BMP-BIO-3: Work Area Limitations

No work for the proposed Project shall be conducted on the Fourth Street Bridge or Seventh Street Bridge structures.

BMP-BIO-4: Nesting Bird Survey

If vegetation trimming or clearing is conducted during the nesting season (typically February 15 through September 15), nesting bird surveys shall be completed by a qualified biologist within 300 feet of potential bird-nesting areas and 500 feet of potential raptor-nesting areas no more than 48 hours prior to trimming/removal activities to determine if nesting birds are within the affected vegetation. Surveys shall be repeated if trimming or removal activities are suspended for five days or more.

BMP-BIO-5: Nesting Bird Buffer

If nesting birds protected under the MBTA and California Fish and Game Code Sections are found in the Project Area, appropriate buffer consisting of orange flagging/fencing or similar (typically up to 300 feet for songbirds and 500 feet for raptors shall be installed and maintained until nesting activity has ended, as determined in coordination with the project biologist and regulatory agencies, as appropriate, to ensure that nesting birds and active nests are not harmed.

BMP-BIO-6: Hazardous Material BMPs

Appropriate hazardous material BMPs shall be implemented to reduce the potential for chemical spills or contaminant releases into the LA River, including any non-stormwater discharge.

BMP-BIO-7: Equipment Maintenance

All equipment refueling and maintenance shall be conducted in the staging area. In addition, vehicles and equipment shall be checked daily for fluid and fuel leaks, and drip pans shall be placed under all equipment that is parked and not in operation.

BMP-BIO-8: Regulatory Permits

The City shall consult with the appropriate responsible resource agency (e.g., CDFW and RWQCB) to determine permanent and temporary impact areas. Prior to undertaking ground-disturbing activities within or immediately adjacent to any aquatic resource areas, the City and/or their consultant shall obtain a CWA Section 401 Water Quality Certification, and California Fish and Game Code Section 1602 Streambed Alteration Agreement.

BMP-BIO-9: Pre-Construction Bat Surveys

At least 30 days prior to construction, alterations to the LA River Access Tunnel shall be surveyed by a qualified biologist to assess the presence of bats or potential bat-roosting cavities. If bats or bat-roosting cavities are identified, then during the non-breeding and active season (typically October), bats shall be safely evicted, to the extent feasible, under the direction of a qualified biologist. Once it has been determined that all roosting bats have been safely evicted from roosting cavities, exclusionary devices shall be installed and maintained where appropriate to prevent bats from roosting in these cavities prior to construction.

BMP-BIO-10: Monitoring During LA River Access Tunnel Alteration

In the event that all bats are not able to be excluded from affected roosting habitat, a qualified biologist shall monitor LA River Access Tunnel alterations. If bats are disturbed, work shall be safely suspended until all bats leave the vicinity on their own, or alternative measures can be identified under the direction of a qualified biologist. Work shall resume only once the bats have left the site and/or approval to resume work is given by a qualified biologist.

BMP-BIO-11: Bat Monitoring

In the event that all bats are not able to be excluded from affected roosting habitat, a qualified biologist shall monitor structure alteration activities. If bats are disturbed, work shall be safely suspended until all bats leave the vicinity of the LA River Access Tunnel on their own, or alternative measures shall be identified under the direction of a qualified biologist. Work shall resume only once the bats have left the site and/or approval to resume work is given by a qualified biologist.

Surveys and exclusion measures are expected to prevent maternal colonies from becoming established in structures to be removed or altered. In the event that a maternal colony of bats is found, no work shall be conducted within 100 feet of the maternal roosting site until the maternal season is over or the bats have left the site, or as otherwise directed by a qualified biologist. The site shall be designated as a sensitive area and protected as such until the bats have left the site. No activities shall be authorized adjacent to the roosting site. Combustion equipment, such as generators, pumps, and vehicles, shall not be parked or operated under or adjacent to the roosting site. Construction personnel shall not be authorized to enter areas beneath the colony, especially during the evening exodus.

Mitigation Measures: Impacts on Biological Resources would be less than significant; therefore, mitigation measures are not required.

4. Cultural Resources and Tribal Cultural Resources

BMPs:

BMP-CUL-1: Archaeological Monitoring During Excavation

A qualified archaeological monitor shall conduct archaeological monitoring in the West Park and East Park for excavations at depths greater than 5 feet. Monitoring efforts may be reduced or eliminated for those portions of the Project Area shown to have been recently disturbed by construction activities associated with the Sixth Street Viaduct Project.

BMP-CUL-2: Tribal Cultural Resources Sensitivity Training

The City shall invite a qualified tribal representative from the Gabrieleño Band of Mission Indians to a pre-construction meeting to provide a training session to the construction contractor regarding potential tribal resources that could be encountered during construction activities and procedures to follow should a tribal resource be encountered.

BMP-CUL-3: Tribal Cultural Resources Monitoring During Excavation

The City shall retain and compensate for the services of a Tribal monitor who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the Project Area. The Tribal monitor shall only be present on-site during the construction phases that involve ground-disturbing activities in the proposed Arts Plaza. Monitoring efforts may further be reduced or eliminated for those portions of the proposed Arts Plaza that (1) are underlain with artificial fill of known origin, (2) require superficial scraping of land at depths less than five feet, or (3) are demonstrated to have been recently disturbed by construction activities associated with the Sixth Street Viaduct Project. The on-site monitoring shall cease when the grading and excavation activities in the proposed Arts Plaza are completed, or when the Tribal representatives and monitor have indicated that the site has a low potential for impacting tribal cultural resources.

BMP-CUL-4: Unanticipated Discovery of Archaeological and Tribal Cultural Resources

In the event that potentially significant buried archaeological materials are encountered within the Project Area, all work in the vicinity must stop until the archaeological and Tribal monitor can visit the site and assess the significance of the resource. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the City regarding treatment and curation of these resources. Work may continue on other parts of the Project Area while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]).

BMP-CUL-5: Unanticipated Discovery of Human Remains

Health and Safety Code Section 7050.5, Section 15064.5(e) of the CEQA Guidelines, and PRC Section 5097.98 mandate the process to be followed in the unlikely event of an unanticipated discovery of human remains in a location other than a dedicated cemetery. The Los Angeles County Coroner must be notified within 24 hours of the discovery of potentially human remains. The Coroner must then determine within two working days of being notified if the remains are subject to his or her authority.

If the Coroner recognizes the human remains (including bone fragments and funerary objects) to be Native American, he or she must contact the NAHC by phone within 24 hours. The NAHC then designates a Most Likely Descendant (MLD) with respect to the human remains within 48 hours of notification. The MLD will then have the opportunity to recommend to the Project proponent means for treating or disposing of, with appropriate dignity, the human remains and associated grave goods within 24 hours of notification.

Mitigation Measures: Impacts on Cultural Resources would be less than significant; therefore, mitigation measures are not required.

5. Energy

BMPs: There are no proposed BMPs specifically for Energy. With implementation of the BMPs identified in Section 3.2.4 (Air Quality) and Section 3.7.4 (Greenhouse Gas Emissions), construction-related energy use would be minimized to the greatest extent feasible.

Mitigation Measures: There are no proposed mitigation measures specifically for Energy. Implementation of the mitigation measures identified in Section 3.2.4 (Air Quality), would reduce impacts related to construction-related energy use. Impacts related to Energy would be less than significant.

6. Geology and Soils

BMPs:

BMP-GEO-1: Erosion Control

The contractor shall implement standard BMPs, such as the use of fiber rolls and silt fencing, to reduce the amount of dust and dirt from leaving the construction area.

BMP-GEO-2: Geotechnical Site Investigation Recommendations

The Geotechnical Site Investigation report for the proposed Project includes recommendations to ensure that the Project Area is suitable for construction, and to ensure that appropriate measures are taken to reduce impacts during earthwork, excavation, utility trenching, backfilling, and other construction activities (Hushmand Associates, Inc., 2018). Backfill soils shall be moisture-conditioned and recompacted to meet ASTM International standards to counteract the potential adverse effects of soil expansiveness. If import soils are used, the import soil shall not exhibit an

Expansion Index greater than 20 or contain more than 35 percent fines (i.e., fine-grained soils), and shall be screened by the geotechnical engineer to meet ASTM International standards.

BMP-PAL-1: Paleontological Sensitivity Training

Prior to the start of construction, all field personnel shall be briefed regarding the types of fossils that could be found and the procedures to follow should paleontological resources be encountered. Specifically, the training shall provide a description of the fossil resources that may be encountered, outline steps to follow when a fossil discovery is made, and provide contact information for a qualified paleontologist. The training shall be developed by a qualified paleontologist and provided as hand-outs or a PowerPoint Presentation that may be presented concurrently with other pre-construction training.

BMP-PAL-2: Unanticipated Paleontological Resource Discoveries

In the event that an unanticipated fossil discovery is made during construction, a qualified professional paleontologist shall be retained to examine the find and to determine whether further paleontological resource mitigation is warranted in accordance with SVP (2010) guidelines.

Mitigation Measures: Impacts related to Geology and Soils would be less than significant; therefore, mitigation measures are not required.

7. Greenhouse Gas Emissions

BMPs:

BMP-GHG-1: Off-Road Equipment Construction Requirements

Idling shall be limited for vehicles and off-road equipment. Off-road equipment shall meet Tier 4 emission standards and newer. Efficient on-road haul trucks shall be used, where practicable.

Mitigation Measures: Impacts related to GHG emissions would be less than significant; therefore, mitigation measures are not required.

8. Hazards and Hazardous Materials

BMPs:

BMP-HAZ-1: Coordination with Regulatory Agencies

The City shall coordinate with Metro, U.S. EPA, and DTSC during construction activities to minimize health risks to the public or the environment associated with ongoing cleanup actions within the Project Area.

BMP-HAZ-2: Compliance with SCAQMD Rules and Regulations

The contractor shall implement measures to ensure that all construction activities are consistent with SCAQMD rules and regulations, including Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil and Rule 1466 – Control of Particulate Emissions from Soils with Toxic Air Contaminants.

Mitigation Measures:

MM-HAZ-1: Remediation Category 1A

The City shall be required to implement the following measures in areas where RCRA Level Heavy Metals, PCBs, or TPH DRO will be excavated and disposed of at Class 1 Hazardous Waste Landfills:

- Soils will be excavated as needed up to a maximum depth of 4.5 feet below ground surface (bgs), consistent with the limits designated on **Figure 3.8-3a** and **Figure 3.8-3b** of the Draft EIR, Areas of Concern with Contamination.
- The transport and disposal of RCRA hazardous waste will be accompanied with a Hazardous Waste Manifest (i.e., documentation accompanying the transport, treatment, storage and disposal of hazardous waste) completed by a licensed transporter. A site-specific CalEPA Hazardous Waste Generator Identification Number will be obtained for each RCRA hazardous waste. Additional sampling and testing will likely be required by the facility accepting the soil for disposal.
- For excavations deeper than 4 feet, shoring or other approved means will be required to maintain stability of the excavation walls.
- During excavation activities, dust and runoff controls will be implemented to prevent windborne or surface waterborne migration of the soil from the Project Site. The soils will be directly loaded into the transport trucks, which will require tarps to prevent spillage or windblown loss of soil during transport. These controls will be verified and monitored by an independent third party.
- A site-specific Health and Safety Plan (HASP) will be prepared and implemented during all proposed construction activities, including full time perimeter sampling and testing of particulates and dust from the Project Site.
- All onsite workers and supervisors will complete a 40-hour OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) training course and be equipped with the appropriate personal protective equipment.
- Excavated areas will be backfilled with certified clean soil.

MM-HAZ-2: Remediation Category 2A

The City shall be required to implement the following measures in areas where soils contaminated with Heavy Metals and/or TPH DRO that are classified as non-RCRA hazardous waste will be excavated. These contaminated soils shall be disposed at Class 2 Landfills:

- Soils will be excavated as needed up to a maximum depth of 6 feet bgs, consistent with the limits designated on **Figure 3.8-3a** and **Figure 3.8-3b** of the Draft EIR, Areas of Concern with Contamination.

- The transport and disposal of non-RCRA hazardous waste will be accompanied with a Hazardous Waste Manifest completed by a licensed transporter. A CalEPA Non-RCRA Hazardous Waste Generator Identification Number will be obtained. Additional sampling and testing will likely be required by the facility accepting the soil for disposal.
- For excavations deeper than four feet, shoring or other approved means shall be required to maintain stability of the excavation walls.
- During excavation activities, dust and runoff controls will be implemented to prevent windborne or surface waterborne migration of the soil from the Project Site. The soils will be directly loaded into the transport trucks, which will require tarps to prevent spillage or windblown loss of soil during transport. These controls will be verified and monitored by an independent third party.
- A site-specific HASP will be prepared and implemented during all proposed construction activities, including full time perimeter sampling and testing of particulates and dust from the Project Site.
- All onsite workers and supervisors will complete a 40-hour OSHA HAZWOPER training course and be equipped with the appropriate personal protective equipment.
- Excavated areas will be backfilled with certified clean soil.

Remediation Category 2B

In addition to the measures above, the following measures shall be implemented in areas where VOCs were observed in soil gases:

- Emission controls will be used to clear the area of emitting VOCs (i.e., spraying water or applying foam agents to all exposed soil surfaces and/or using large, spark-free fans). Full-time monitoring will be required to verify that the emission controls are effective in preventing the VOCs from impacting workers or the public. Monitoring will comply with SCAQMD Rule 1166.
- A detailed HASP will be prepared and implemented during the excavation and transport of contaminated soils.
- The excavation, transport, and disposal of contaminated soils will require permitting and approval by the CUPA, CalEPA/DTSC, and SCAQMD. A detailed Work Plan/Remedial Action Plan will be prepared and submitted to these agencies for review and approval. Under Rule 1166, a Mitigation Management Plan for potential VOC emissions during excavation will be submitted to SCAQMD and subject to SCAQMD approval. A site-specific CalEPA Hazardous Waste Generator Identification Number will be obtained and manifests completed by the licensed transporter.
- A soil vapor extraction (SVE) system will be designed and installed to remove and treat VOCs in the soil gases. If Health Risk Assessments indicate the need, a vertical barrier/line will be

installed around the perimeter of the area to prevent soil gases with VOCs from migrating back into the area. Gases migrating from below the clean backfill or deeper depths will be extracted through the SVE slotted wells and treated by the SVE treatment system. Treatment for VOCs typically involves carbon filtration unless hydrogen sulfide is detected in the gas stream. Operating and maintenance procedures for the SVE system and permit applications will be prepared and approved by the oversight agency and SCAQMD.

- If the City determines it is necessary, a “Pilot Study” will be designed and implemented to evaluate the sustainable flow rate and concentration of VOCs in the soil gas stream and to determine the size of the final SVE system components.
- Design of the SVE system, preparation of a Design Report and Work Plan/Remedial Action Plan (including HASP) will be submitted to and subject to approval by the CUPA and LACoFD Site Mitigation Unit.
- The SVE will be implemented and monitored. This may require several months to over a year.
- The City shall provide documentation to the CUPA, LACoFD Site Mitigation Unit, and SCAQMD when the SVE has reached the specified cleanup goals.
- Excavated areas will be backfilled with certified clean soil.

MM-HAZ-3: Remediation Category 3: The City shall be required to implement one of the following three options in areas where no heavy metals were observed, but VOCs were observed in soil gas:

- Option 1: This alternative will involve the same measures as described under Category 2b above. Contaminated soils will be removed to a depth of up to 15 feet or more and shoring of the excavation walls will be necessary. A liner will be installed on the bottom of the excavation area to prevent contaminated soil gas from re-entering the backfill soils. Gas migration from the side walls will be mitigated by either installation of a vertical liner placed on the side walls of the excavation or SVE wells installed vertically outside the limits of the excavation after backfilling is done. The backfill soil will be certified clean fill and placement will need to meet the geotechnical specifications of the proposed Project design. During the process, the site will require strict emissions controls and monitoring.
- Option 2: This alternative, the SVE treatment method, utilizes extraction and monitoring wells (In Situ Method) or excavation and encapsulation of impacted soils in above ground piles with horizontal slotted piping (On Site Method), a vacuum pump or pumps, and carbon filtration units to extract and remove VOCs from the soil gas. The process will require several steps as follows:
 1. Design and implementation of a “Pilot Study” to evaluate the sustainable flow rate and concentration of VOCs in the soil gas stream and to size the final SVE system components.

2. Design of the SVE system, preparation of a Design Report and Work Plan/Remedial Action Plan (including HASP) for submittal to and approval by the CUPA and CalEPA/DTSC.
 3. Solicitation of bids for construction and implementation of the remediation.
 4. Implementation and monitoring of the SVE. This may require several months to over a year.
 5. Reporting to the agencies with documentation that the SVE has reached the specified clean up goals.
- Option 3: This alternative will mitigate the impact of the VOCs and/or methane and hydrogen sulfide by precluding soil gases migration from the subsurface soil and intrusion into structures or other facilities and surface emissions. Depending on the type of soil gases and pressure in the soil gas, the systems can include several of the following components:
 - Shallow excavation (three to four feet bgs) to allow installation of the mitigation components (some of the soil will be used to backfill trenches)
 - Gravel layers and slotted piping for gas collection
 - Liner installation above the slotted piping and extending side wide
 - Vacuum pumps for gas extraction or air injection blowers
 - Filtration systems to remove VOCs and/or hydrogen sulfide from the gas stream
 - Geomembrane barriers placed beneath concrete slabs and/or foundations or fill areas
 - Installation of automated and/or manual monitoring systems

MM-HAZ-4: Remediation Category 4

The City shall be required to implement the following measures in areas within Caltrans ROW where soil contains ADL:

- In accordance with the Caltrans/DTSC ADL Agreement, soils above a depth of approximately 2.9 feet bgs will require one foot of clean soil cover to remain on site per the Caltrans/DTSC ADL Agreement.

MM-HAZ-5: Soil Gas Sampling

Additional soil gas sampling and testing is recommended for completion in PARC Areas 1A, 5, 6, 7, and 8. The additional sampling could potentially eliminate or reduce the need for soil gas remediation.

Ambient air and soil gas samples shall be tested for VOCs. If soil gas samples in PARC Area 6 yield ILCR values below the *de minimis* risk target or within the risk management range, no further mitigation and/or remedial actions will be required. If ILCR values are above the *de*

minimis risk target, additional remedial actions will be taken to lower values to within the risk management range, such as applying SVE to a maximum depth of 15 to 20 feet bgs.

MM-HAZ-6: Methane Mitigation and Testing

Methane mitigation applies to PARC Area 1A, which is located within the Methane Zone, and portions of PARC Area 7, where soil gases were detected and impervious surfaces are to be constructed adjacent to existing buildings. Any buildings (except naturally vented) to be constructed in Area 1A shall have methane mitigation systems meeting Level II requirements involving membrane and passive venter per Table 71, unless additional testing indicates no subsurface gas pressure and lower methane concentrations. In addition, paved areas that are over 5,000 square feet in area and within 15 feet of the exterior wall of a commercial, industrial, institutional building, shall be vented in accordance with the Methane Mitigation Standards, design Level II, unless additional testing indicates no subsurface gas pressure and lower methane concentrations.

Additional testing for methane concentrations and subsurface pressure shall be completed in accordance with the Division 71 Methane Seepage Regulations testing requirements should any buildings or paved areas over 5,000 square feet be proposed in PARC Area 1A and in PARC Area 7 where methane was detected.

9. Hydrology and Water Quality

BMPs:

BMP-HYDRO-1: Construction Drainage Design

The proposed Project shall incorporate drainage designs that direct stormwater runoff or irrigation runoff away from structures or the top of the slopes. No stormwater will be allowed to discharge over the top of a cut or fill slope.

BMP-HYDRO-2: Off-Site Sediment Transport

All entrances and exits to the construction site shall be stabilized to reduce transport of sediment off-site. Any sediment or other materials tracked off-site shall be removed within a reasonable time.

BMP-HYDRO-3: Storm Drain Message and Signage

Existing and proposed storm drain catch basins within the vicinity of the Project Site shall be marked and maintained.

BMP-HYDRO-4: Outdoor Material Storage Area Design

Proposed outdoor storage areas shall be organized and maintained to prevent stored materials from being permitted to runoff with stormwater. The outdoor storage of toxic and hazardous materials is not permitted.

BMP-HYDRO-5: Outdoor Trash Storage Area Design

Proposed outdoor trash storage enclosures shall be organized and maintained to prevent the transportation of trash and debris in stormwater. Bins and dumpsters shall remain covered.

BMP-HYDRO-6: Employee Training

Operations and maintenance employees shall be trained and made aware of the source controls, LID BMPs, educational materials, and maintenance requirements for the proposed Project at first hire and yearly thereafter.

BMP-HYDRO-7: Common Area Landscape Management

A landscape maintenance program shall be established in order to optimize water efficiency, limit pollutant introduction from fertilizers and pesticides, manage landscape waste, and prevent soil erosion.

BMP-HYDRO-8: Common Area Litter Control

A waste management program shall be implemented to inspect the Project Site for litter and pick up any litter as necessary on a regular basis.

BMP-HYDRO-9: Common Area Catch Basin Inspection

Catch basins shall be inspected and maintained, at a minimum, yearly and prior to the rainy season.

BMP-HYDRO-10: Street Sweeping Parking Lots

The parking plaza shall be vacuum swept, at a minimum, yearly and prior to the rainy season.

BMP-HYDRO-11: BMP Maintenance

Proposed structural source controls, non-structural source controls, and LID BMPs shall be maintained as outlined in the Operations and Maintenance Plan that will be developed for the proposed Project.

BMP-HYDRO-12: Structural and LID BMPs

- Runoff from the Project Site and tributary Viaduct areas shall be captured by proposed stormwater drainage systems, routed to a variety of structural and LID BMPs and discharged to the existing stormwater drainage facilities adjacent to the site. In addition, the Project Site shall include a combination of paved surfaces and landscaped areas to provide soil stability and further minimize erosion.
- Structural BMPs (i.e., hydrodynamic separators) shall be installed to treat the runoff from the Viaduct to the maximum extent practicable.

BMP-HYDRO-13: Regulatory Requirements for Water Quality

- To comply with the provisions of the NPDES MS4 Permit, the proposed Project shall implement a SWPPP that includes construction site BMPs to control erosion and

sedimentation. BMPs include silt fencing, fiber rolls, sandbag barriers, drainage inlet protections, and berms at the top of all grade slopes. The SWPPP shall also include post-construction stormwater management measures to control pollutants in stormwater discharges during operation of the proposed Project.

- If groundwater is encountered, the contractor shall develop a dewatering plan, and a Dewatering Permit with the Los Angeles RWQCB will also be required. Should dewatering be required, the proposed Project shall comply with the General Waste Discharge Requirements for Discharges of Groundwater from Construction and Project Dewatering to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties.
- Proposed construction activities shall comply with all applicable federal, state, and local requirements to reduce the potential for the release of hazardous waste and other contaminants into groundwater. In addition, construction activities will be subject to the provisions of the CWA and Porter-Cologne Act; and other federal, state, and local requirements to ensure that stormwater pollutants resulting from construction will not substantially degrade water quality.
- A water diversion plan is not anticipated for the proposed Project because Phase II construction activities shall be performed during the dry season (April 15 through October 15). However, if work in a flowing stream is unavoidable, a water diversion plan shall be required, and the entire stream flow shall be diverted around the work area by a barrier, temporary culvert, new channel, or other means approved by the CDFW. Should water diversion be necessary, a 401/404 permit will also be required.
- An emergency evacuation plan shall be prepared for Phase II construction within the LA River. If measurable rain with 25 percent or greater probability is predicted within 72 hours during project-related activities, all activities within the LA River shall cease and protective measures to prevent siltation/erosion shall be implemented/maintained. With the implementation of BMPs, alterations to drainage patterns during construction in the LA River channel will not result in substantial erosion or siltation onsite or offsite.
- A Notice of Intent (NOI) for stormwater discharges associated with construction activities may also be required under the NPDES General Permit.
- Stormwater BMPs shall follow the latest California Stormwater Quality Association's Stormwater Best Management Practices Handbook. All entrances and exits to a construction site will be stabilized to reduce transport of sediment off-site. Any sediment or other materials tracked off-site will be removed within a reasonable time.
- Any non-stormwater discharge shall be controlled and properly disposed of through the sanitary sewer system or transported to an approved processing facility to prevent the contamination of site soils and groundwater.

- The handling, storage, and disposal of contaminants shall comply with all applicable federal, state, and local requirements. The Project Site shall be remediated to standards acceptable to LACoFD and other regulatory agencies as required, thereby reducing the area affected by contaminants.

Mitigation Measures:

MM-HYDRO-1: Public Safety Plan

The City, in coordination with USACE, shall publish a Public Safety Plan in order to reduce the potential for safety impacts related to flooding. The Public Safety Plan shall include an evacuation plan and protocols for protecting pedestrians and potential homeless populations (e.g., vehicular deterrents such as bollards and safety warning devices) in the LA River Access Tunnel during flood conditions.

10. Land Use and Planning

BMPs:

BMP-LAND-1: Coordination with Los Angeles Department of City Planning

The City BOE shall continue to work with the Los Angeles Department of City Planning to ensure that the proposed Project is consistent with future zoning changes.

BMP-LAND-2: Coordination with Viaduct Replacement Project

Any necessary land use entitlements shall be secured prior to the start of construction activities and shall be coordinated with construction and maintenance of the Viaduct Replacement Project as needed.

BMP-LAND-3: Construction Area

Construction equipment, materials storage, and construction activities shall be contained within the limits of construction, and construction areas shall be fenced.

Mitigation Measures: There are no significant unavoidable adverse impacts on Land Use and Planning from construction and operation of the proposed Project.

11. Noise and Vibration

BMPs:

BMP-NOISE-1: Construction Equipment Requirements

Construction equipment shall be properly maintained and equipped with mufflers.

Mitigation Measures:

MM-NOISE-1: Construction-Noise Management Plan

A construction-noise management plan (CNMP) shall be prepared for the proposed Project. The CNMP shall, at a minimum, include the following measures:

- Construction activities shall be restricted outside the hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, and between the hours of 8:00 a.m. to 6:00 p.m. on Saturdays. While the intention is not to conduct work on Sundays, occasional Sunday work may be required to ensure the proposed Project schedule is met. If it is determined that Sunday work is necessary, the proper permits will need to be obtained through the Police Commission. Construction activities shall be prohibited on federal holidays.
- Construction equipment shall be properly maintained and equipped with mufflers.
- Equipment shall be turned off when not in use for an excess of five minutes, except for equipment that requires idling to maintain performance.
- A public liaison shall be appointed for project construction and shall be responsible for addressing public concerns about construction activities, including excessive noise. As needed, the liaison shall determine the cause of the concern (e.g., starting too early, bad muffler) and implement measures to address the concern. The liaison will work directly with the construction contractor to ensure implementation of the noise control plan.
- The liaison will work directly with the construction contractor to ensure implementation of the noise control plan.
- The public shall be notified in advance of the location and dates of construction hours and activities.
- Where necessary, temporary sound barriers shall be installed.
- Signage and notification on where to report construction-generated noise shall be posted on-site and around the construction area, as well as on the Bureau of Engineering website.
- Staging and queuing areas shall be located at the furthest distance possible from nearby residential land uses, as well as any other noise-sensitive land uses identified in the Project Area at the time of construction (e.g., transient lodging, schools, libraries, churches, hospitals, and nursing homes).
- Limit noise/vibration intensive activities occurring within ten feet of existing structures and occupied land uses. Where possible and to the extent locally available, select low-noise/vibration generating equipment when activities occur within ten feet of adjacent existing structures.

12. Population and Housing

BMPs: There are no Best Management Practices related to Population and Housing.

Mitigation Measures: There are no significant unavoidable adverse impacts on Population and Housing from construction and operation of the proposed Project.

13. Public Services

BMPs: There are no best management practices for Public Services. With implementation of the best management practices identified in Section 3.15.4 (Transportation), impacts associated with delays to emergency vehicles would be avoided or minimized.

Mitigation Measures: There are no mitigation measures for Public Services. The mitigation measures identified in Section 3.15.5 (Transportation) address impacts associated with traffic concerns. As discussed in Section 3.15.5, traffic control plans for large events shall identify emergency services egress and access. Therefore, impacts on Public Services would be less than significant.

14. Recreation

BMPs: There are no Best Management Practices related to Recreation.

Mitigation Measures: Impacts related to Recreation would be less than significant; therefore, mitigation measures are not required.

15. Transportation and Traffic

BMPs:

BMP-TRANS-1: Temporary Detour Routes

During proposed construction activities, temporary detours shall be provided for any affected pedestrian and bicycle facilities.

BMP-TRANS-2: Construction Staging Plan

A construction staging plan shall be developed to reduce impacts related to noise, dust, traffic, and other health hazards. In addition, construction site BMPs (e.g., fencing, signs, and detours) shall be implemented to minimize hazards and prevent safety issues on the roadways and sidewalks surrounding the construction site.

BMP-TRANS-3: Construction Traffic

Construction-related trips shall be scheduled with increased frequency during off-peak hours to minimize impacts to commuters. Additionally, a Caltrans Transportation Permit would be required for the use of oversized vehicles on State highways.

BMP-TRANS-4: Access to Parcels

If access to any existing parcels is removed during proposed construction activities, temporary access shall be provided, and/or new points of access shall be constructed.

BMP-TRANS-5: Site-Specific Traffic Control and Transit Plan for Large Events

Large event permittees shall develop a site-specific traffic control plan to provide information on parking and circulation and highlight transit options for event attendees to minimize congestion and vehicle miles traveled. Traffic control strategies for events will include inbound/outbound flex lanes and sheriff-controlled intersections. Traffic control plans will also identify nearby public

parking facilities and identify passenger pick-up/drop-off locations. Permittees will be required to consider the cumulative traffic impacts of their event in relation to other events in the Project Area. The traffic control plans will also identify emergency services egress and access.

Mitigation Measures:

MM-TRANS-1: Mobility Hub

The City shall reserve space for a mobility hub at the proposed Project Site, including additional amenities for bicyclists, drivers, and transit users, to encourage event attendees to use alternative modes of transportation.

MM-TRANS-2: Bicycle Facilities

The City shall reserve space for a Bike Share hub at the proposed Project Site to allow Bike Share participants to dock bicycles and scooters.

MM-TRANS-3: Rideshare Zones

The City shall create permanent rideshare pick-up and drop-off zones for the East Park and West Park. Rideshare pick-up/drop-off zones could be located on South Santa Fe Street adjacent to the proposed West Park and South Mission Road adjacent to the proposed East Park. The pick-up/drop-off zones shall be clearly marked, and wayfinding signage shall be installed throughout the proposed Project Site.

MM-TRANS-4: Public Transportation

The City shall reserve space at the proposed Project Site to accommodate access to a future Sixth Street Metro Station near the Arts Plaza.

16. Utilities and Service Systems

BMPs:

BMP-USS-1: Wastewater Treatment

Any wastewater produced as a result of proposed construction activities, such as water containing diesel and oil, paint, solvents, cleaners, and other chemicals, as well as construction debris and dirt, shall be collected in settlement tanks and screened. The clean water shall be discharged, and the remaining sludge shall be disposed of in accordance with water and solid waste disposal regulations, including the CWA, the Porter-Cologne Water Quality Control Act, and the RCRA.

BMP-USS-2: Temporary Stormwater Drainage Measures

Temporary stormwater drainage measures to prevent polluted runoff in the construction site shall include, but not be limited to, the installation of earth dikes, drainage swales, and ditches, silt fences, desilting basins, and stormwater drain inlet protection.

BMP-USS-3: Coordination with Service Providers

The location of underground utilities shall be confirmed prior to proposed construction activities by contacting the Underground Service Alert of Southern California (DigAlert). If necessary, the City shall work in close coordination with utility providers to develop a relocation plan to minimize possible impacts and disruption to service utilities. The City will also coordinate with Metro to ensure that any applicable utility connections, relocations and undergrounding of utilities, and other utility improvements adjacent to and within the LA River Path corridor do not lead to any potential conflicts and/or issues during future construction activities.

BPM-USS-4: Reduced Consumption of Water Resources

Design features to reduce the consumption of water resources shall be implemented, such as low-flow water fixtures and water efficient irrigation design and practices. In addition, drought-tolerant landscaping shall be planted to further reduce water consumption.

BMP-USS-5

The right-of-way contains high-voltage electrical conductors. Only such equipment, material, and construction techniques that are permitted under applicable safety ordinances and statutes, including the following, shall be used: State of California Code of Regulations, Title 8, Industrial Relations, Chapter 4, Division of Industrial Safety, Subchapter 5, Electrical Safety Orders, and California Public Utilities Commission, General Order No. 95, Rules for Overhead Electric Line Construction.

Mitigation Measures:

MM-HYDRO-1: Public Safety Plan

The City, in coordination with USACE, shall publish a Public Safety Plan in order to reduce the potential for safety impacts related to flooding. The Public Safety Plan shall include an evacuation plan and protocols for protecting pedestrians and potential homeless populations (e.g., vehicular deterrents such as bollards and safety warning devices) in the LA River Access Tunnel during flood conditions.

B. Significant and Unavoidable Adverse Impacts Under CEQA

The City, having reviewed and considered the information contained in the Final EIR, and the proposed Project as designed and proposed for approval, did not find any significant and unavoidable adverse impacts (from construction or implementation of the Project). With implementation of BMPs and mitigation measures, all project impacts were found to be less than significant.

C. Cumulative Impacts Under CEQA

With implementation of BMPs and mitigation measures as previously described, the proposed Project's contribution to cumulative impacts would be less than significant.

VI. ALTERNATIVES

Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” This statutory command is known as the “substantive mandate” of CEQA. (See *Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal.4th 105, 134.) Public Resources Code Section 21002 also states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

Under *CEQA Guidelines* Section 15126.6, the alternatives to be discussed in detail in an EIR should be able to “feasibly attain most of the basic objectives of the project.” For this reason, the objectives described in Section I.D, *supra*, provided the framework for defining possible alternatives. (See *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1166.)

Based on the requirements of *CEQA Guidelines* Section 15126.6, the Project objectives, and community input, a total of four project alternatives for the Project were identified during the EIR process. Of these four alternatives, three alternatives to the proposed Project – the required No Project Alternative, Alternative 1, and Alternative 2 – were considered by the City. For information on the infeasibility of the one rejected alternative, see Section VI.C below. Consistent with Section IV above, the findings regarding the alternatives are based on the Final EIR and the entire record of proceedings.

A. Alternatives to the Proposed Project Considered and Analysis, and the Feasibility of the Alternative-Effectiveness in Meeting Project Objectives

The No Project Alternative and Alternatives 1 to 2 were evaluated in the EIR but ultimately determined to be infeasible for the following reasons. For more information about the Environmentally Superior Alternative, refer to Section 4.6 of the Draft EIR.

1. No Project Alternative

Under this alternative, the proposed 13-acre Project Site would remain as vacant land and an industrial and freight corridor.

Impacts as compared to the proposed Project:

The objectives of the proposed Project described in Section 4.2 of the Draft EIR would not be met. Although the No Project Alternative would not result in significant environmental impacts, it would also not include the following benefits that would occur with implementation of the proposed Project, Alternative 1, or Alternative 2:

Aesthetics

The No Project Alternative would not result in the visual character and quality improvements under the proposed Project, Alternative 1, and Alternative 2, which include landscaping, vegetation, recreational areas, and public art.

Air Quality

With the exception of emissions generated from vehicle traffic during large events, the existing industrial land use associated with the No Project Alternative would contribute greater operational emissions than the land uses associated with the proposed Project, Alternative 1, and Alternative 2 (i.e., smaller special events, soccer fields, park uses, and buildings).

Energy

The existing industrial land use associated with the No Project Alternative would require greater energy consumption than the land uses associated with the proposed Project, Alternative 1, and Alternative 2.

Greenhouse Gas Emissions

With the exception of greenhouse gas (GHG) emissions generated from vehicle traffic during infrequent large events (up to 5,000 people), the existing industrial land use associated with the No Project Alternative would contribute greater GHG emissions than the land uses associated with the proposed Project, Alternative 1, and Alternative 2 (i.e., smaller special events, soccer fields, park uses, and buildings).

Hazards and Hazardous Materials

Under the No Project Alternative, contaminated soils would be left in place and would not be remediated to standards acceptable by the Los Angeles County Fire Department (LACoFD) and other regulatory agencies as required.

Recreation

Under the No Project Alternative, there would continue to be a high need for parks in the communities of Boyle Heights and Central City North. The proposed Project, Alternative 1, and Alternative 2 would provide additional park and recreation services that may alleviate the demand for other existing parks and recreational facilities in the vicinity of the Project Area.

Noise and Vibration

Under the No Project Alternative, the existing industrial land use would continue to generate noise at levels greater than that projected for the proposed Project (i.e., special events, soccer fields, park uses, and buildings).

Traffic and Transportation

Under the No Project Alternative, improvements to pedestrian and bicycle access throughout the Project Area would not occur.

The Feasibility of the No Project Alternative and Effectiveness in Meeting Project Objectives:

Under the No Project Alternative, the Project Site would remain in its existing condition as vacant land and an industrial and freight corridor. The No Project Alternative would result in no impacts to the existing land use because it would not result in an action and would not require discretionary approvals that trigger CEQA compliance; however, it would not provide the benefits that would result from implementation of the proposed Project, Alternative 1, or Alternative 2, nor would it meet the proposed Project objectives. No public park amenities would be constructed and no landscaping, lighting, or pedestrian improvements would be made. No improvements to the LA River channel, including terracing and landscaping, would be made. Additionally, contaminated soils would be left in place and would not be remediated to standards acceptable by the LACoFD and other regulatory agencies. Therefore, the No Project Alternative is undesirable, infeasible, and should be rejected because it fails to meet the Project objectives.

2. Alternative 1 – Nature Focused Alternative

Impacts as compared to the Project:

Alternative 1 would meet the objectives of the proposed Project. However, Alternative 1 would provide reduced programming compared to the proposed Project. As such, the public indicated greater support for the proposed Project because it would provide a better balance of the open space and recreational needs for the surrounding communities than Alternative 1.

Impacts during construction would be similar to the proposed Project. During operation, Alternative 1 would feature smaller event capacity and reduced recreational programming, which would result in less project-generated vehicle traffic to the Project Site. The impacts for each environmental resource are discussed below.

Aesthetics:

Impacts would be similar to the proposed Project. Compared to the proposed Project, the East Park would feature more vegetation and landscaping under Alternative 1, which would marginally change the visual character and quality of the Project Site.

Air Quality:

Impacts would be similar to the proposed Project. Under Alternative 1, event capacity for large events in the proposed East Park would be reduced to 2,800 people, compared to 3,300 people under the proposed Project. In addition, the East Park would feature fewer sports fields under Alternative 1 than under the proposed Project. Because Alternative 1 features less recreational programming than the proposed Project, it is anticipated that Alternative 1 would result in less operational emissions of criteria air pollutants (i.e., reactive organic gas, nitrogen oxides, carbon monoxide, sulfur oxide, and particulate matter) than the proposed Project.

Biological Resources:

Impacts would be similar to the proposed Project. Like the proposed Project, best management practices (BMP) would be implemented to avoid and minimize construction impacts (i.e., habitat removal; increased noise, vibration, light, carbon dioxide, and human activity; and construction staging and activities in the LA River channel) on special-status species and aquatic resources. Compared to the proposed Project, the East Park would feature more vegetation and landscaping under Alternative 1, which could potentially create additional nesting habitat for special-status birds during operations.

Cultural Resources:

Impacts would be similar to the proposed Project. Like the proposed Project, standard measures would be implemented in the case of an unanticipated discovery of cultural resources during construction of Alternative 1. As with the proposed Project, operation of Alternative 1 would not involve any ground-disturbing activities; therefore, there would be no potential to disturb, damage, or degrade cultural resources.

Energy:

Impacts would be similar to the proposed Project. Under the proposed Project and Alternative 1, energy consumption would be required for park lighting, WiFi, security cameras, on-site buildings, electric vehicle charging station, and sound and lighting equipment for special events. In addition, diesel and gasoline fuel would be consumed from on-road vehicles. Under Alternative 1, smaller event capacity and reduced recreational programming would reduce energy consumption, when compared to the proposed Project. Therefore, energy consumption would be marginally less under Alternative 1.

Geology and Soils:

Impacts would be similar to the proposed Project. Like the proposed Project, BMPs would be implemented to reduce the potential for erosion during soil excavation and other construction activities. In addition, Alternative 1 would follow standard engineering practices and recommendations identified in the Geotechnical Site Investigation (Hushmand Associates, Inc., 2018) to reduce the potential for geologic hazards. Similar to the proposed Project, open spaces would be landscaped or hardscaped such that soil erosion and the loss of topsoil are not anticipated during operation of Alternative 1.

Greenhouse Gas Emissions:

Impacts would be similar to the proposed Project. Under the proposed Project and Alternative 1, the majority of GHG emissions would be associated with motor vehicle use. Under Alternative 1, smaller event capacity and reduced recreational programming would reduce motor vehicle use to the Project Site, when compared to the proposed Project. Therefore, GHG emissions would be marginally less under Alternative 1.

Hazards and Hazardous Materials:

Impacts would be similar to the proposed Project. Like the proposed Project, Alternative 1 would result in remediation of the Project Site to standards acceptable by LACoFD and other regulatory agencies as required. Under these standards, the concentrations of contaminants of concern would not pose health risks to construction workers or the public. The use of hazardous materials during construction or during routine maintenance and landscaping would be subject to proper handling and disposal in compliance with applicable laws and regulations.

Hydrology and Water Quality:

Impacts would be similar to the proposed Project. Like the proposed Project, Alternative 1 would result in the net addition of impervious surfaces. However, this minor increase would not substantially deplete groundwater supplies, interfere with groundwater recharge, or increase the potential for flooding. Alternative 1 would include construction and low impact development (LID) BMPs to prevent, control, and reduce the potential for stormwater pollutants to degrade ground or surface water quality.

Land Use and Planning:

Impacts would be similar to the proposed Project. Like the proposed Project, Alternative 1 is consistent with the City's General Plan land use and zoning designations. The City Bureau of Engineering would continue to work with the Los Angeles Department of City Planning to ensure that Alternative 1 is consistent with future zoning changes.

Noise and Vibration:

Impacts would be similar to the proposed Project. Under the proposed Project and Alternative 1, operational noise levels would be associated with project-generated vehicle traffic and onsite recreational uses and events. Alternative 1 features smaller event capacity and reduced recreational programming than the proposed Project. Therefore, operational noise levels would be marginally less under Alternative 1 compared to the proposed Project.

Population and Housing:

Impacts would be similar to the proposed Project. Like the proposed Project, Alternative 1 would not have the potential to result in growth that would otherwise not occur.

Public Services:

Impacts would be similar to the proposed Project. Like the proposed Project, Alternative 1 could increase the demand for fire and police protection services; however, the expansion or construction of new fire or police protection facilities would not be required. Alternative 1 would provide additional recreation and park services that may alleviate the demand for other existing parks and recreational facilities in the vicinity of the Project Area.

Recreation:

Impacts would be similar to the proposed Project. Like the proposed Project, Alternative 1 would provide additional recreation and park services that may alleviate the demand for other existing parks and recreational facilities in the vicinity of the Project Area.

Transportation and Traffic:

Impacts from proposed construction activities would be similar to the proposed Project. Under Alternative 1, event capacity for large events in the proposed East Park would be reduced to 2,800 people, compared to 3,300 people under the proposed Project. In addition, the East Park would feature fewer sports fields under Alternative 1 than under the proposed Project. Because Alternative 1 features smaller event capacity and reduced recreational programming than the proposed Project, project-generated vehicle traffic would be marginally less under Alternative 1. In addition, the demand for parking under Alternative 1 during large events would be marginally reduced compared to the proposed Project.

Utilities and Service Systems:

Impacts would be similar to the proposed Project. Like the proposed Project, construction activities for Alternative 1 would be conducted in accordance with the Stormwater Pollution Prevention Plan (SWPPP) and all other applicable laws, policies, and regulations to avoid and minimize potential impacts. The water consumption and wastewater generation demands for operation of Alternative 1, like the proposed Project, would not require the construction of new water or wastewater treatment facilities or the expansion of existing facilities.

The Feasibility of Alternative 1 and Effectiveness in Meeting Project Objectives:

Impacts under Alternative 1 would be marginally less than the proposed Project because of the reduced programming, smaller event sizes, and reduced project-generated vehicle traffic. Under Alternative 1, smaller event capacity and reduced recreational programming would result in less project-generated vehicle traffic to the Project Site than the proposed Project. As such, implementation of Alternative 1 would result in marginally less impacts to Air Quality, Energy, Greenhouse Gas Emissions, Noise and Vibration, and Transportation and Traffic than the proposed Project. Therefore, Alternative 1 is considered the Environmentally Superior Alternative.

CEQA Guidelines do not require an agency to select the environmentally superior alternative (*CEQA Guidelines* 15042-15043). Because Alternative 1 would provide reduced programming compared to the proposed Project, it would not meet the recreational needs of the surrounding communities.

3. Alternative 2 – Sports Focused Alternative

Impacts as compared to the Project:

Alternative 2 would meet the objectives of the proposed Project described in Section 4.2 of the Draft EIR. However, Alternative 2 would provide increased programming compared to the

proposed Project. As such, the public indicated greater support for the proposed Project because it would provide a better balance of the open space and recreational needs for the surrounding communities than Alternative 2.

Impacts during construction would be similar to the proposed Project. During operation, Alternative 2 would feature larger event capacity and increased recreational programming, which would result in more project-generated vehicle traffic to the Project Site. The impacts for each environmental resource are discussed below.

Aesthetics:

Impacts would be similar to the proposed Project. Compared to the proposed Project, the East Park would feature less vegetation and landscaping under Alternative 2, which would marginally change the visual character and quality of the Project Site.

Air Quality:

Impacts would be similar to the proposed Project. Under Alternative 2, event capacity for large events in the proposed East Park would be increased to 3,500 people, compared to 3,300 people under the proposed Project. In addition, the East Park would feature more sports fields under Alternative 2 than under the proposed Project. Because Alternative 2 features more recreational programming than the proposed Project, it is anticipated that Alternative 2 would result in greater operational emissions of criteria air pollutants (i.e., reactive organic gas, nitrogen oxides, carbon monoxide, sulfur oxide, and particulate matter) than the proposed Project.

Biological Resources:

Impacts would be similar to the proposed Project. Like the proposed Project, BMPs would be implemented to avoid and minimize construction impacts (i.e., habitat removal; increased noise, vibration, light, carbon dioxide, and human activity; and construction staging and activities in the LA River channel) on special-status species and aquatic resources. Compared to the proposed Project, the East Park would feature less vegetation and landscaping under Alternative 2, which would create less nesting habitat for special-status birds during operations.

Cultural Resources:

Impacts would be similar to the proposed Project. Like the proposed Project, standard measures would be implemented in the case of an unanticipated discovery of cultural resources during construction of Alternative 2. As with the proposed Project, operation of Alternative 2 would not involve any ground-disturbing activities; therefore, there would be no potential to disturb, damage, or degrade cultural resources.

Energy:

Impacts would be similar to the proposed Project. Like the proposed Project, energy consumption would be required for park lighting, WiFi, security cameras, on-site buildings, electric vehicle charging station, and sound and lighting equipment for special events. In addition, diesel and

gasoline fuel would be consumed from on-road vehicles. Under Alternative 2, larger event capacity and increased recreational programming would increase energy consumption, when compared to the proposed Project. Therefore, energy consumption would be marginally greater under Alternative 2.

Geology and Soils:

Impacts would be similar to the proposed Project. Like the proposed Project, BMPs would be implemented to reduce the potential for erosion during soil excavation and other construction activities. In addition, Alternative 2 would follow standard engineering practices and recommendations identified in the Geotechnical Site Investigation to reduce the potential for geologic hazards. Similar to the proposed Project, open spaces would be landscaped or hardscaped such that soil erosion and the loss of topsoil are not anticipated during operation of Alternative 2.

Greenhouse Gas Emissions:

Impacts would be similar to the proposed Project. Under the proposed Project, Alternative 1, and Alternative 2, the majority of GHG emissions would be associated with motor vehicle use. Under Alternative 2, larger event capacity and increased recreational programming would increase motor vehicle use to the Project Site, when compared to the proposed Project. Therefore, GHG emissions would be marginally greater under Alternative 2.

Hazards and Hazardous Materials:

Impacts would be similar to the proposed Project. Like the proposed Project, Alternative 2 would result in remediation of the Project Site to standards acceptable by LACoFD and other regulatory agencies as required. Under these standards, the concentrations of contaminants of concern would not pose health risks to construction workers or the public. The use of hazardous materials during construction or during routine maintenance and landscaping would be subject to proper handling and disposal in compliance with applicable laws and regulations.

Hydrology and Water Quality:

Impacts would be similar to the proposed Project. Like the proposed Project, Alternative 2 would result in the net addition of impervious surfaces. However, this minor increase would not substantially deplete groundwater supplies, interfere with groundwater recharge, or increase the potential for flooding. Alternative 1 would include construction and low impact development (LID) BMPs to prevent, control, and reduce the potential for stormwater pollutants to degrade ground or surface water quality.

Land Use and Planning:

Impacts would be similar to the proposed Project. Like the proposed Project, Alternative 2 is consistent with the City's General Plan land use and zoning designations. The City Bureau of Engineering would continue to work with the Los Angeles Department of City Planning to ensure that Alternative 2 is consistent with future zoning changes.

Noise and Vibration:

Impacts would be similar to the proposed Project. Under the proposed Project, Alternative 1, and Alternative 2, operational noise levels would be associated with project-generated vehicle traffic and onsite recreational uses and events. Alternative 2 features larger event capacity and increased recreational programming than the proposed Project. Therefore, operational noise levels would be marginally greater under Alternative 2 compared to the proposed Project.

Population and Housing:

Impacts would be similar to the proposed Project. Like the proposed Project, Alternative 2 would not have the potential to result in growth that would otherwise not occur.

Public Services:

Impacts would be similar to the proposed Project. Like the proposed Project, Alternative 2 could increase the demand for fire and police protection services; however, the expansion or construction of new fire or police protection facilities would not be required. Alternative 2 would provide additional recreation and park services that may alleviate the demand for other existing parks and recreational facilities in the vicinity of the Project Area.

Recreation:

Impacts would be similar to the proposed Project. Like the proposed Project, Alternative 2 would provide additional recreation and park services that may alleviate the demand for other existing parks and recreational facilities in the vicinity of the Project Area.

Transportation and Traffic:

Impacts from proposed construction activities would be similar to the proposed Project. Under Alternative 2, event capacity for large events in the proposed East Park would be increased to 3,500 people, compared to 3,300 people under the proposed Project. In addition, the East Park would feature more sports fields under Alternative 2 than under the proposed Project. Because Alternative 2 features larger event capacity and increased recreational programming than the proposed Project, project-generated vehicle traffic would be marginally greater under Alternative 2. In addition, the demand for parking under Alternative 2 during large events would be marginally greater compared to the proposed Project.

Utilities and Service Systems:

Impacts would be similar to the proposed Project. Like the proposed Project, construction activities for Alternative 2 would be conducted in accordance with the SWPPP and all other applicable laws, policies, and regulations to avoid and minimize potential impacts. The water consumption and wastewater generation demands for operation of Alternative 2, like the proposed Project, would not require the construction of new water or wastewater treatment facilities or the expansion of existing facilities.

The Feasibility of Alternative 2 and Effectiveness in Meeting Project Objectives:

Alternative 2 would result in the greatest impacts when compared to the proposed Project because of the increased programming, larger event sizes, and increased project-generated vehicle traffic. Alternative 2 would result in the greatest increase in impacts when compared to the existing condition. Therefore, Alternative 2 is undesirable, infeasible, and should be rejected because the environmental impacts that would occur in pursuit of meeting the project objectives would be greater in comparison to the proposed Project and Alternative 1.

B. Environmentally Superior Alternative and Reasons for Rejecting

Section 15126.6 of the *CEQA Guidelines* requires that an “environmentally superior” alternative be identified. The environmentally superior alternative is the alternative that would be expected to generate the least amount of significant impacts. As described in the EIR, none of the alternatives would result in significant impacts. Although the No Project Alternative would result in the fewest impacts on the existing environment, this alternative would not result in the improvements anticipated under the proposed Project, Alternative 1, or Alternative 2. The No Project Alternative would not result in the following improvements, as described in Section 4.4.1 of the Draft EIR: enhanced visual character and quality of the Project Site, remediated soils, increased park and recreational facilities, and improved bicycle and pedestrian access. In addition, the existing industrial land use under the No Project Alternative would contribute greater air quality and greenhouse gas emissions and noise and vibration levels than the land uses associated with the proposed Project (except during large events).

Pursuant to Section 15126.6(e)(2) of the *CEQA Guidelines*, when the No Project Alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from the remaining alternatives. As noted in Section 4.5 of the Draft EIR, impacts associated with the proposed Project, Alternative 1, and Alternative 2 would be similar. Under Alternative 1, smaller event capacity and reduced recreational programming would result in less project-generated vehicle traffic to the Project Site than the proposed Project. As such, implementation of Alternative 1 would result in marginally less impacts to Air Quality, Energy, Greenhouse Gas Emissions, Noise and Vibration, and Transportation and Traffic than the proposed Project. Therefore, Alternative 1 is considered the Environmentally Superior Alternative.

CEQA Guidelines do not require an agency to select the environmentally superior alternative (*CEQA Guidelines* 15042-15043). Because Alternative 1 would provide reduced programming compared to the proposed Project, it would not meet the recreational needs of the surrounding communities. At the community meetings, the public overwhelmingly supported the proposed Project as the preferred alternative because it meets all of the objectives described in Section 4.2 of the Draft EIR.

C. Alternatives to the Project That Were Considered But Rejected for Further Analysis

As set forth in the Draft EIR, Section 4.3, and other evidence in the record, one other alternative was eliminated from consideration and was not subject to detailed analysis in the EIR because it

failed to meet most of the project objectives, is infeasible, and/or did not avoid any significant environmental impacts of the Project. This included the use of an Alternative Project Site.

The Alternative Project Site alternative is not feasible because the City already owns the Project Site and cannot reasonably be expected to acquire, control, or access an alternative site that would meet the project's basic objectives in a timely fashion. It is anticipated that significant and unavoidable impacts associated with noise, traffic, water quality, and land use could occur if an Alternative Project Site could be found in Downtown LA, along the LA River. As such, development of the proposed Project at an alternative site could potentially produce other environmental impacts that would otherwise not occur at the current Project Site and result in greater environmental impacts than the proposed Project. Therefore, an alternative site is not considered feasible since the City does not own another suitable site that would achieve the underlying purpose and objectives of the proposed Project.

VII. OTHER CEQA CONSIDERATIONS

- A. The City is the Lead Agency under CEQA for the project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the *CEQA Guidelines*. The City finds that it has independently reviewed and analyzed the information in the EIR for the Project prior to approving the Project, that the Draft EIR which was circulated for public review, reflected its independent judgment, and that the Final EIR reflects the independent judgment and analysis of the City.
- B. The City finds that the EIR provides the objective information to assist the decisionmakers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.
- C. Textual refinements were compiled and presented to the decisionmakers. The City is the Lead Agency under CEQA for the project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the *CEQA Guidelines*. The City finds that it has independently reviewed and analyzed the information in the EIR for the Project prior to approving the Project, that the Draft EIR which was circulated for public review, reflected its independent judgment, and that the Final EIR reflects the independent judgment and analysis of the City.
- D. The City has determined that it has evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of key environmental issues raised. The Final EIR provides adequate, good-faith and reasoned response to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The City has based its actions on full appraisal of all

viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.

- E. The City determines that these findings recognize that the determination of significance thresholds and conclusions of significance and non-significance are judgments within the discretion of the City; the significance thresholds and determinations of significance and non-significance used in the Final EIR are supported by substantial evidence in the record, including the expert opinion of the Final EIR preparers and City staff; and the significance thresholds used in the Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.
- F. The City finds that, in weighing the evidence on the whole record, the conclusions of the Final EIR are supported by substantial evidence, including evidence from the expert opinion of the Final EIR preparers and City staff, and the level of detail is sufficient to provide an informed understanding of the issues presented, and that comment letters disputing the expert opinion, data, analysis, and conclusions of the Final EIR preparers and City staff are not credible based on evidence presented in the Final EIR and the whole record, including but not limited to the fact that any contrary opinions presented were not supported based on expert analysis and modeling conducted in the Final EIR on the specific facts and circumstances of the Project. Notwithstanding the lack of credibility of the comments, the City finds that disagreements on issues in question have been adequately and in good faith discussed, and substantial evidence in the whole record supports the Final EIR 's reasonably explained approach regarding the scope of analysis, methodology, and the accuracy of data relied upon.
- G. The Final EIR documents changes to the Draft EIR: The Final EIR provides additional information that was not included in the Draft EIR. Having reviewed the information contained in the Draft EIR and the Final EIR and in the administrative record, as well as the requirements of CEQA and the *CEQA Guidelines* regarding recirculation of Draft EIRs, the City finds that there are no new significant impacts, substantial increase in the severity of a previously disclosed impact, significant information in the record of proceedings or other criteria under CEQA that would require recirculation of the Draft EIR, or preparation of a supplemental or subsequent EIR. Recirculation is not required where new information added makes insignificant modifications in an adequate EIR. (*CEQA Guidelines* Section 15088.5 (b).) The City finds that substantial evidence supports the decision not to recirculate the EIR. (*CEQA Guidelines* Section 15088.5(e).)
 - 1. The changes to the project description do not deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the Project or a feasible way of mitigating or avoiding such effects, because no such significant impacts have been identified from either the circulated Draft project description or the Final modification in the project description.
 - 2. The Responses To Comments contained in the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence

that none of these comments provided substantial evidence that the Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.

3. The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as it relates to the Project to determine whether under the requirements of CEQA any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
 4. None of the information submitted after publication of the Final EIR constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.
- H. The City finds and declares that substantial evidence for each and every finding made herein that is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
- I. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project.

VIII. CONCLUSION

As explained above, the City has carefully considered the environmental impacts of the proposed Project, as well as a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project. In order to meet the needs of the surrounding communities (identified in the project objectives) while generating the least environmental impacts possible, the proposed Project is the preferred alternative. As discussed above and supported by the Draft EIR and Final EIR and other documents available in the record of proceedings, the environmental impacts that would be anticipated to result from the proposed Project would be reduced to less than significant impacts with adherence to standard regulatory and permit requirements, as well as mitigation measures and BMPs described in Section V. Therefore, the proposed Project would bring benefits to the City and its citizens as discussed herein and as supported by substantial evidence in the record of proceedings.