

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 25, 2015

Reference No.: 2.2c.(2)
Action

From: WILL KEMPTON
Executive Director

Subject: **APPROVAL OF PROJECT FOR FUTURE CONSIDERATION OF FUNDING
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 6TH STREET VIADUCT
SEISMIC IMPROVEMENT PROJECT (RESOLUTION E-15-35)**

ISSUE:

Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR), Findings of Fact, Statement of Overriding Considerations and Addendum for the 6th Street Viaduct Seismic Improvement Project in Los Angeles County for future consideration of funding?

RECOMMENDATION:

Staff recommends the Commission accept the FEIR, Findings of Fact, Statement of Overriding Considerations and Addendum and approve the project for future consideration of funding.

BACKGROUND:

The City of Los Angeles (City) is the CEQA lead agency for the project. The proposed project will replace the seismically and structurally deficient 6th Street Viaduct over the Los Angeles River and the 6th Street Overcrossing which is a portion of the US-101 Hollywood Freeway. The project will also include active transportation improvements that will include sidewalks, bike lanes, Americans with Disabilities Act compliant ramps, striping and pedestrian lighting improvements.

On November 18, 2011, the Los Angeles City Council approved and certified the FEIR, Findings of Facts, Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the project. An addendum to the 2011 FEIR was prepared in April 2015 to address the addition of the active transportation elements. The City certified that the circumstances surrounding the project and the area's social, economic, and environmental setting remain essentially the same as they were when the FEIR was approved in 2011.

The FEIR determined that impacts related to land use, community, traffic and transportation/pedestrian facilities, emergency services, visual and aesthetics, cultural resources, air quality, biological resources and cumulative effects would be significant and unavoidable.

The City found that there were several benefits that outweigh the unavoidable adverse environmental effects of the project. These benefits include, but are not limited to: a new viaduct that meets the current seismic standards; a new structure that meets current design standards, including crash-resistant railings, shoulders for bike lanes, a safety median and wider sidewalks; and enhanced transportation and connectivity between Boyle Heights and Downtown. The County established a Mitigation Monitoring and Reporting Program to ensure that the mitigation measures specified for the project are implemented.

On May 13, 2015, the City confirmed that the 2011 FEIR remains valid and there are no new identified impacts requiring mitigation since adoption of the FEIR in 2011. On June 4, 2015, the City also confirmed that the active transportation elements added through the Addendum are consistent with the project programmed by the Commission.

The total cost of the project is estimated to cost \$401,200,000. The Active Transportation Program components are estimated to cost \$2,552,000 and will be funded entirely with Active Transportation Program funds. Construction is estimated to begin in fiscal year 2015/16.

Attachment

- Resolution E-15-35
- Project Location
- Findings of Fact and Statement of Overriding Considerations

CALIFORNIA TRANSPORTATION COMMISSION

Resolution for Future Consideration of Funding 07– Los Angeles County Resolution E-15-35

- 1.1 **WHEREAS**, the City of Los Angeles has completed a Final Environmental Impact Report and Addendum pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following project:
 - 6th Street Viaduct Seismic Improvement Project
- 1.2 **WHEREAS**, the City of Los Angeles has certified that the Final Environmental Impact Report and Addendum were completed pursuant to CEQA and the State CEQA Guidelines; and
- 1.3 **WHEREAS**, the project will replace the seismically and structurally deficient 6th Street Viaduct over the Los Angeles River and the 6th Street Overcrossing which is a portion of the US-101 Hollywood Freeway. The project includes active transportation improvements that will include sidewalks, bike lanes, Americans with Disabilities Act compliant ramps, striping, and pedestrian lighting improvements; and
- 1.4 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report and Addendum; and
- 1.5 **WHEREAS**, Findings of Fact made pursuant to CEQA Guidelines indicate that specific unavoidable significant impacts related to land use, community, traffic and transportation/pedestrian facilities, emergency services, visual and aesthetics, cultural resources, air quality, biological resources, and cumulative effects make it infeasible to avoid or fully mitigate to a less than significant level the effects associated with the project; and
- 1.6 **WHEREAS**, the City of Los Angeles adopted a Statement of Overriding Considerations for the project finding that the project benefits outweigh the unavoidable adverse environmental effects; and
- 1.7 **WHEREAS**, the City of Los Angeles adopted a Mitigation Monitoring and Reporting Program for the project; and
- 1.8 **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Final Environmental Impact Report, Findings of Fact, Statement of Overriding Considerations, and Addendum and approves the above referenced project to allow for future consideration of funding.

CITY OF LOS ANGELES
CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS
FOR THE
6TH STREET VIADUCT SEISMIC IMPROVEMENT PROJECT
October 2011

Section 21081 of the California Environmental Quality Act (CEQA) (California Public Resources Code, Division 13) and Section 15091 of the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) require a public agency, prior to approving a project, to identify the significant environmental effects of the project and make one or more written findings for each of those significant effects. The findings contained herein for the 6th Street Viaduct Seismic Improvement Project (project) are based on the final environmental impact report /environmental impact statement, hereinafter referred to as final EIR/EIS, and the mitigation monitoring and reporting program (MMRP) prepared for this project.

Record of Proceedings

The documents and other materials that constitute the record of proceedings upon which the City of Los Angeles project approval is based are located in the offices of the city clerk, and at the Department of Public Works Bureau of Engineering, located at 1149 S. Broadway, Suite 750, Los Angeles, California 90015.

Findings

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

Land Use

Significant Environmental Impact:

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

Findings:

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

The replacement alternative and the alignment for the new viaduct were selected to optimize safety and functionality while minimizing overall impacts. The final EIR/EIS found other alignments to be inferior in these regards. Other locations for the bridge replacement would result in far greater impacts to industrial lands. The retrofit alternative would still result in significant impacts to the historic integrity of the viaduct, and it would only meet a “no collapse” standard for a major earthquake and

major damage could occur. Though it has a lower construction cost, it has the highest life-cycle cost. Neither it nor the no-project (no build) alternative would stop the ASR, correct the geometric deficiencies or allow for bicycle lanes consistent with the 2010 Bicycle Plan, and the viaduct would likely require replacement following major damage. The Bureau of Engineering has agreed to work with affected businesses and to design the viaduct to minimize the impact to industrial properties to the extent feasible. Nevertheless, loss of some commercial/industrial land uses in the vicinity of the viaduct corridor cannot be avoided. The impact is significant and unavoidable.

Community

Significant Environmental Impact:

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

Finding:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effect as identified in the final EIR/EIS.

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

Traffic and Transportation/Pedestrian Facilities

Significant Environmental Impact:

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

Finding:

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

Mitigation measures MM3-5, MM3-8 and MM3-9 have been made conditions of approval and included in the mitigation monitoring and reporting plan. However, as explained in the final EIR/EIS, additional mitigation at 11 of the 13 impacted intersections was found to cause additional significant ROW impacts and is thus not feasible. The impact is significant and unavoidable.

Emergency Services

Significant Environmental Impact:

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

Finding:

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

Mitigation measures MM3-1, MM3-5, MM3-8 and MM3-9 have been made conditions of approval and included in the mitigation monitoring and reporting plan. However, even with implementation of these mitigation measures to minimize traffic impacts and coordinate with emergency response agencies, traffic congestion is expected to be substantial and delays in emergency response could occur during the four-year construction period as a result. Further mitigation to reduce traffic congestion is not feasible, as explained above and in the final EIR/EIS. The impact is significant and unavoidable.

Visual and Aesthetics

Significant Environmental Impact:

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

Finding:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effect as identified in the final EIR/EIS.

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

Cultural Resources

Significant Environmental Impact:

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

Finding:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effect as identified in the final EIR/EIS.

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

Significant Environmental Impact:

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

Finding:

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

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

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

Air Quality

Significant Environmental Impact:

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

Finding:

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

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

Cumulative Impacts

Significant Environmental Impact:

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

Finding:

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

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

Significant Environmental Impact:

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

Findings:

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

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

Mandatory Findings of Significance

Significant Environmental Impact:

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

Findings:

Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final EIR/EIS. The impact is significant and unavoidable.

CITY OF LOS ANGELES
STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE
6TH STREET VIADUCT SEISMIC IMPROVEMENT PROJECT
October 2011

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

Based on the joint Environmental Impact Report/Environmental Impact Statement for the 6th Street Viaduct Seismic Improvement Project (project), the City of Los Angeles, as the lead agency under CEQA, has determined that the project may result in the following significant and not fully mitigatable impacts:

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

The benefits of the project consist of the following:

- Provision of a new viaduct that meets the current seismic standards, ensuring the long-term safety of the 6th Street Viaduct in major earthquakes and protecting this critical east-west link between Boyle Heights and Downtown Los Angeles.
- Provision of a new structure that meets current design standards, including crash-resistant railings, shoulders for bike lanes, a safety median and wider sidewalks, as well as improved sight distance to reduce accidents by removal of the kink in the viaduct alignment over the river.
- Enhancement of the transportation and connectivity between Boyle Heights and Downtown by providing a facility that respects the needs of both pedestrians and bicyclists in addition to automobile drivers.

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