

# California Environmental Quality Act Findings and Statement of Overriding Considerations

## MacArthur Lake Stormwater Capture Project

State Clearinghouse No. 2022040153



City of Los Angeles, Department of Public Works  
1149 South Broadway, 9th Floor  
Los Angeles, CA 90015

**August 2025**



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# 1 Introduction

Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21081) and the State CEQA Guidelines (California Code of Regulations [CCR] Title 14, Sections 15091, 15092, and 15093), no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified which identifies one or more significant effects of the project unless both of the following occur:

- a. The public agency makes one or more of the following possible findings with respect to each significant effect, accompanied by a brief explanation of the rationale for each finding:
  1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect.
  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 EIR.
- b. With respect to significant effects which were subject to a finding under Section 21081(a)(3), the public agency finds that specific overriding economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the project outweigh the unavoidable adverse effects on the environment.

As required by CEQA, the City of Los Angeles (City) finds that the Final EIR for the MacArthur Lake Stormwater Capture Project reflects the City's independent review and judgment. In accordance with the provisions of CEQA and the State CEQA Guidelines, the City adopts these Findings as part of its certification of the Final EIR. In conjunction with its adoption of these Findings, the City has reviewed and considered a substantial amount of material, including, but not limited to, the following:

- MacArthur Lake Stormwater Capture Project Notice of Preparation & Initial Study
- MacArthur Lake Stormwater Capture Project Draft EIR
- MacArthur Lake Stormwater Capture Project Final EIR, including public and agency comments and responses to those comments

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## 2 Project Overview

### 2.1 Project Summary

The proposed project is a stormwater quality improvement project proposed by the City of Los Angeles Department of Public Works, Bureau of Sanitation & Environment (LASAN) and funded by the County of Los Angeles Safe Clean Water Program (SCWP). The SCWP provides local, dedicated funding as part of a Regional Infrastructure Program with the overarching objective to plan, build, and maintain multi-benefit, watershed-based projects that increase local water supplies, improve water quality, enhance communities, and protect public health. The project site is located partially within MacArthur Park and partially within adjacent public rights-of-way in the City. The proposed project would divert a portion of wet weather stormwater flows as well as dry weather flows from the existing underground storm drain system, treat the water, and discharge it into MacArthur Lake for storage or return it to the storm drain system. This process would reduce the amount of stormwater and associated pollutant loads that enter Ballona Creek, the Ballona Creek wetlands, and, ultimately, Santa Monica Bay. Specifically, the proposed project would remove approximately 93 percent of the zinc from the stormwater that would be diverted and returned to the storm drain system, approximately 96 percent of the sediment, and almost 100 percent of the trash. The diversion of stormwater from the storm drain system into the lake would also reduce the use of potable water to refill MacArthur Lake due to evaporation as well as provide educational opportunities such as signage and information boards about stormwater management.

The proposed project would include a stormwater diversion structure, pretreatment unit, two pump stations, stormwater treatment unit, water feature, and new conveyance pipelines. The project would divert stormwater and dry weather flows from a 200-acre drainage area via a 45-inch-diameter storm drain in Lake Street. These flows would be routed to the pretreatment unit in 7th Street and would then be conveyed to the stormwater treatment unit located in MacArthur Park, where it would receive additional treatment and/or be diverted into MacArthur Lake or returned to the storm drain system through a new pipeline in Grand View Street. A recirculation system would be used to convey and distribute the lake water. Water would be conveyed to the water feature, where it would flow through a series of cascades that would follow the natural slope of the park down towards the lake. As part of the proposed project, efforts would be made to rehabilitate an existing, but unused, lake water treatment system to treat recirculated lake water. Some of the water stored in the lake would subsequently be discharged to the sanitary sewer.

### 2.2 Project Objectives

The main purpose of the proposed project is to improve water quality in the Ballona Creek watershed in an effort to comply with regulatory standards and to provide tangible community benefits, such as partially offsetting potable water use and providing enhancements to the park. The specific objectives of the proposed project are to:

- Incrementally improve the water quality in the Ballona Creek Watershed in a manner consistent with the Ballona Creek Watershed Management Plan's (WMP) customized compliance pathway for Los Angeles County's MS4 Permit.

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- Incrementally improve the water quality in the Ballona Creek Watershed via regional best management practices (BMPs) as defined in the Ballona Creek WMP and as measured against the Total Maximum Daily Load (TMDL) for metals and trash.
  - Reduce the use of potable water used to refill MacArthur Lake to compensate for evaporation losses.
  - Provide community investment benefits and nature-based solutions as required by the SCWP, including park space enhancement, public health, and educational opportunities.
  - Minimize disruption of existing social and commercial activity at MacArthur Park, on sidewalks, at transit stops, and at local businesses and gathering places during both construction and operations to the extent feasible.

## 2.3 Environmental Review Process

The City of Los Angeles has prepared an EIR for the proposed project pursuant to CEQA. A Notice of Preparation (NOP) for the Draft EIR, along with an Initial Study, was circulated for public review from April 7, 2022 to May 9, 2022. During the NOP/Initial Study public review period, LASAN held two Public Scoping Meetings on April 26, 2022. One meeting was held in English and one was held in Spanish. On May 23, 2024, LASAN published the Draft EIR for the proposed project. In accordance with CEQA, the Draft EIR was circulated for public review for more than 45 days, with the review period closing on July 8, 2024. A dual-language English and Spanish virtual (online) public meeting was held during the Draft EIR comment period on June 18, 2024, providing an additional avenue for public involvement during the Draft EIR review and comment period.

The City of Los Angeles published the Final EIR for the proposed project in August 2025. The Final EIR incorporates and responds to comments received on the Draft EIR, and includes corrections and clarifications to the Draft EIR. Mitigation measures, project commitments, and best management practices have been included in a Mitigation Monitoring Program (MMP) for the proposed project. LASAN, the City of Los Angeles Department of Public Works Bureau of Engineering (BOE), City of Los Angeles Department of Recreation and Parks, and other decision-makers will use the Final EIR to inform their decisions on the proposed project.

The findings herein have been prepared on the proposed project and its significant impacts, as discussed in the Draft EIR and amended in Chapter F3, *Revisions, Corrections, and Clarifications to the Draft EIR*, of the Final EIR.

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## 3 Record of Proceedings

The documents and other materials that constitute the record of proceedings upon which the City's approval of the project is based are located at 1149 S. Broadway, 10th Floor, Suite 1149/756, Los Angeles. LASAN and BOE are the custodians of such documents and other materials that constitute the record of proceedings. The record of proceedings is provided in compliance with Public Resources Code Section 21081.6(a)(2) and State CEQA Guidelines Section 15091(e).

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## 4 Findings of Fact

In accordance with Public Resources Code Section 21081 and State CEQA Guidelines Section 15091, the City has made one or more specific written findings regarding each significant impact associated with the proposed project. Those findings are presented below, along with a presentation of facts in support of the findings. Concurrent with the adoption of these CEQA Findings, the City adopts the MMP (State CEQA Guidelines Section 15097(a)) for the proposed project; the MMP sets forth the full text of each mitigation measure adopted in these CEQA Findings.

### 4.1 Findings on No Impacts and Less than Significant Impacts Identified in the Initial Study

#### 4.1.1 Description of Effects

The Initial Study, prepared for the proposed project in April 2022 and included as Appendix A of the Draft EIR, evaluated potential impacts on a range of subjects listed in Appendix G of the State CEQA Guidelines. The analysis conducted for the Initial Study determined that the proposed project would have no impacts or less than significant impacts on some or all of the criteria related to the following resource areas: aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, utilities and service systems, and wildfire.

#### 4.1.2 Findings

Based on substantial evidence in the administrative record, including the Initial Study, provided as Appendix A of the Draft EIR, the City hereby finds and determines that the proposed project would have no impacts or less than significant impacts in several categories as summarized in **Table 4-1** below.

<b>Table 4-1 No Impacts and Less Than Significant Impacts of the Proposed Project in the Initial Study</b>	
<b>Environmental Impact</b>	<b>Proposed Project</b>
<b>Aesthetics</b>	
Scenic Vista	Less than Significant
Scenic Resources	No Impact
Visual Character or Quality of Public Views	Less than Significant
Substantial Light or Glare	No Impact
<b>Agricultural and Forestry Resources</b>	No Impact
<b>Air Quality</b>	
Odors	Less than Significant
<b>Biological Resources</b>	
Local Policies or Ordinances Protecting Biological Resources	No Impact
<b>Cultural Resources</b>	
Human Remains	Less than Significant
<b>Energy Resources</b>	Less than Significant
<b>Geology and Soils</b>	
Risk due to Rupture of Known Earthquake Fault	Less than Significant
Risk due to Strong Seismic Shaking	Less than Significant
Risk due to Strong Seismic-related Ground Failure	Less than Significant
Risk due to Landslides	No Impact
Soil Erosion/Loss of Topsoil	Less than Significant
Unstable Geologic Unit or Soil	Less than Significant
Risk due to Expansive Soil	Less than Significant
Incapable Soils for Septic Tanks/Alternative Wastewater Disposal	No Impact
<b>Hazards and Hazardous Materials</b>	
Routine Transport, Use, or Disposal of Hazardous Materials	Less than Significant
Release of Hazardous Materials	Less than Significant
Hazardous Emissions, Handle Hazardous/ Acutely Hazardous Materials Near Schools	Less than Significant
Location on Hazard Materials Site (Gov. Code Section 65962.5)	Less than Significant
Safety Hazard or Excessive Noise within Vicinity of an Airport	No Impact
Impair/Interfere with Emergency Response/Evacuation Plans	Less than Significant
Expose People/Structures to Significant Wildland Fire Risks	No Impact
<b>Hydrology and Water Quality</b>	
Groundwater Supplies/Recharge	No Impact
Erosion or Siltation	Less than Significant
Surface Runoff Resulting in Flooding	Less than Significant
Exceed Stormwater Drainage System Capacity or Substantial Additional Polluted Runoff	Less than Significant
Impede or Redirect Flood Flows	Less than Significant
Risk of Pollutant Release Due to Flooding, Tsunami, or Seiche	Less than Significant
<b>Land Use and Planning</b>	

<b>Table 4-1 No Impacts and Less Than Significant Impacts of the Proposed Project in the Initial Study</b>	
<b>Environmental Impact</b>	<b>Proposed Project</b>
Physically Divide an Established Community	Less than Significant
Conflict with any Land Use Plan, Policy, or Regulation Adopted to Avoid or Mitigate an Environmental Effect	No Impact
<b>Mineral Resources</b>	No Impact
<b>Noise</b>	
Excessive Noise within Vicinity of an Airport	No Impact
<b>Population and Housing</b>	
Induce Substantial Unplanned Population Growth	No Impact
Displace Substantial Numbers of Existing People or Housing	Less than Significant
<b>Public Services</b>	No impact
<b>Recreation</b>	Less than Significant
<b>Transportation</b>	
Conflict with Program, Plan, Ordinance, or Policy Addressing Circulation System	Less than Significant
Inconsistent with State CEQA Guidelines Criteria for Analyzing Transportation Impacts	Less than Significant
Hazards from Geometric Design Feature or Incompatible Uses	No Impact
Inadequate Emergency Access	Less than Significant
<b>Utilities and Service Systems</b>	Less than Significant
<b>Wildfire</b>	No Impact

## 4.2 Findings on Beneficial Impacts Identified in the EIR

### 4.2.1 Hydrology and Water Quality

#### 4.2.1.1 Impacts

A significant impact related to hydrology/water quality would occur if the proposed project would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality or if the project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

#### 4.2.1.2 Description of Effects

As discussed in Section 4.5, *Hydrology/Water Quality*, of the Draft EIR, the proposed project would reduce the concentrations of pollutants in stormwater that is treated and returned to the storm drain system, incrementally improving the water quality in the Ballona Creek Watershed. Moreover, the proposed project would not violate any water quality standards or waste discharge requirements, substantially degrade surface or groundwater quality, or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The proposed project would result in a beneficial impact on surface water quality in Ballona Creek and would support implementation of the Los Angeles Regional Water Quality Control Board's Basin Plan and the Ballona Creek WMP. No mitigation measures are required.

### 4.2.1.3 Findings

Based on substantial evidence in the administrative record, including Section 4.5, *Hydrology/Water Quality*, of the Draft EIR, the City hereby determines that the impact associated with the proposed project as listed in Section 4.2.2 and stipulated in Impacts 4.5-1 and 4.5-2 of the Draft EIR would be beneficial for the Ballona Creek and related water quality control plans and determines that no findings are required per Public Resources Code Section 21081 and State CEQA Guidelines Section 15091.

## 4.3 Findings on No Impacts and Less than Significant Impacts Identified in the EIR

### 4.3.1 Description of Effects

Based on the resource assessment in the EIR, the City has determined that the proposed project (as described above) will have no impacts or less than significant impacts in several categories as summarized in **Table 4-2** below. For each of the impacts set forth below, the City adopts and incorporates by reference the discussion of each of the impacts in the detailed issue area analyses in Chapter 4, *Environmental Impact Analysis*, of the Draft EIR, as supplemented by information in Chapter F3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of the Final EIR, as the rationale for the conclusion that there would be no impacts or less than significant impacts.

<b>Table 4-2 No Impacts and Less Than Significant Impacts of the Proposed Project in the EIR</b>	
Environmental Impact	Proposed Project
<b>Air Quality</b>	
Impact 4.1.1-1: Regional Emissions	Less than Significant
Impact 4.1.1-2: Localized Emissions	Less than Significant
<b>Biological Resources</b>	
Impact 4.2-1: Candidate, Sensitive, or Special Status Species (Downstream)	Less than Significant
Impact 4.2-2: Riparian Habitat or Sensitive Natural Communities	Less than Significant
Impact 4.2-3: State or Federally Protected Wetlands	Less than Significant
Impact 4.2-4: Native or Migratory Fish or Wildlife Species	Less than Significant
Impact 4.2-5: Habitat Conservation Plans	Less than Significant
<b>Cultural Resources (Historical Resources)</b>	
Impact 4.3-1: Historical Resources	Less than Significant
Impact 4.3-1: Heritage Trees	No Impact
<b>Greenhouse Gas Emissions (GHG)</b>	
Impact 4.4-1: Generation of GHG	Less than Significant
Impact 4.4-2: Plans, Policies or Regulations for Reducing GHG Emissions	Less than Significant
<b>Hydrology/Water Quality</b>	
Impact 4.5-1: Water Quality Standards for MacArthur Lake	Less than Significant <sup>1</sup>
Impact 4.5-2: Water Quality Control Plan for MacArthur Lake	No Impact
<b>Noise and Vibration</b>	
Impact 4.6-1: Construction Traffic Noise	Less than Significant

Table 4-2 No Impacts and Less Than Significant Impacts of the Proposed Project in the EIR	
Environmental Impact	Proposed Project
<b>Tribal Cultural Resources</b>	
Impact 4.7-1: Adverse Change in Significance of a Tribal Cultural Resource	Less than Significant <sup>2</sup>
Notes: <sup>1</sup> LASAN is committed to long term monitoring of the lake for a period of 3 years to assess the health of the lake. As a project commitment, LASAN would develop a Post-Construction Lake Monitoring Plan to monitor lake water quality. Data from post-construction lake water quality monitoring would be collected and reported to RAP. At the end of the 3-year monitoring period, LASAN and RAP would review the data collected and would determine if further monitoring is necessary. <sup>2</sup> Notwithstanding that no known tribal cultural resources have been identified at the project site, BOE will incorporate project commitments into the construction program for the proposed project to provide for the presence of an onsite monitor to observe construction-related ground disturbing activities for Native American tribal cultural resources.	

### 4.3.2 Findings

Based on substantial evidence in the administrative record, including Chapter 4, *Environmental Impact Analysis*, of the Draft EIR, as supplemented by information in Chapter F3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of the Final EIR, the City hereby finds and determines that the proposed project would have no impacts or less than significant impacts in the categories listed in Table 4-2.

## 4.4 Findings on Significant Impacts Identified in the EIR that will be Reduced to Below the Level of Significance with Mitigation

### 4.4.1 Biological Resources – Migratory Birds

#### 4.4.1.1 Impacts

A significant biological impact would occur if the proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

#### 4.4.1.2 Description of Effects

As discussed in Section 4.2.5, *Biological Resources*, of the Draft EIR (Impact 4.2-1), as supplemented by information in Chapter F3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of the Final EIR, construction and operation of the project could adversely affect migratory birds on the project site, which are protected by U.S. Fish and Wildlife Service regulations (i.e., the Migratory Bird Treaty Act), by disturbing vegetation during the migratory bird nesting season. This would be a significant impact. However, with the implementation of mitigation measure MM-BIO-1, Protection of Migratory Birds, significant project-related impacts to migratory from both construction and operations would be reduced to a level that is less than significant.

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#### 4.4.1.3 Findings

Based on substantial evidence in the administrative record, including Section 4.2, *Biological Resources*, of the Draft EIR, as supplemented by information in Chapter F3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of the Final EIR, the City hereby finds and determines that changes or alterations have been required in, or are incorporated into, the project that avoid or substantially lessen the significant environmental effects identified in the EIR. Specifically, with incorporation of Mitigation Measure MM-BIO-1, the proposed project will not have significant impacts on nesting sites for migratory birds during either construction or operational phases. Beyond the project-specific mitigation measure, which is included in the MMP for the proposed project, no other mitigation measures are required for these impacts because they will be less than significant.

### 4.4.2 Cultural Resources – Archaeological Resources

#### 4.4.2.1 Impacts

A significant cultural resources impact would occur if the proposed project would cause a substantial adverse change in the significance of an archaeological resource as defined in State CEQA Guidelines Section 15064.5.

#### 4.4.2.2 Description of Effects

Although no previously-recorded archaeological resources—including Native American or historic sites, features, or isolates—have been identified or recovered within the boundaries, or within a quarter-mile radius, of the cultural resource study area, the proposed project has the potential to disturb unidentified archaeological resources during construction excavation. As detailed in Section 4.3.5, *Cultural Resources*, of the Draft EIR (Impact 4.3-2), this could result in a substantial adverse change in the significance of an unknown archaeological resource, which would be a significant impact. In addition, the proposed project, in combination with other cumulative projects, could result in a significant cumulative impact, and the project's contribution to this impact could be cumulatively considerable. However, with implementation of Mitigation Measures MM-CR-1, Archaeological Resources Pre-construction Worker Training, and MM-CR-2, Archaeological Resources Monitoring, significant project-related impacts to unidentified archaeological resources from construction excavation would be reduced to a level that is less than significant, and the project's contribution to significant impacts to archaeological resources would be less than cumulatively considerable.

#### 4.4.2.3 Findings

Based on substantial evidence in the administrative record, including Section 4.3, *Cultural Resources*, of the Draft EIR, the City hereby finds and determines that changes or alterations have been required in, or are incorporated into, the project that avoid or substantially lessen the significant environmental effects identified in the EIR. Specifically, with incorporation of Mitigation Measures MM-CR-1 and MM-CR-2, the proposed project will not have significant impacts on unidentified archaeological resources during the construction phase. Beyond the project-specific mitigation measures, which are included in the MMP for the proposed project, no other mitigation measures are required for these impacts because they will be less than significant. Additionally, with the mitigation described above, the project's contribution to significant cumulative impacts to archaeological resources will be less than cumulatively considerable.

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## 4.4.3 Cultural Resources – Paleontological Resources

### 4.4.3.1 Impacts

A significant cultural resources impact would occur if the proposed project would directly or indirectly destroy a unique paleontological resource or site.

### 4.4.3.2 Description of Effects

Although there are no known fossil localities within the project site or the cultural resource study area, Section 4.3.5, *Cultural Resources*, of the Draft EIR (Impact 4.3-3) finds that the proposed project has the potential to uncover unknown paleontological resources during excavation activities. This could indirectly or directly destroy unknown unique paleontological resources, which would be a significant impact. In addition, the proposed project, in combination with other cumulative projects, could result in a significant cumulative impact, and the project's contribution to this impact could be cumulatively considerable. However, with implementation of Mitigation Measures MM-CR-3, Paleontological Resources Pre-construction Worker Training, and MM-CR-4, Paleontological Resource Monitoring, significant project-related impacts to unidentified unique paleontological resources or sites from construction activities would be reduced to a level that is less than significant. Additionally, the project's contribution to significant impacts to paleontological resources would be less than cumulatively considerable.

### 4.4.3.3 Findings

Based on substantial evidence in the administrative record, including Section 4.3, *Cultural Resources*, of the Draft EIR, the City hereby finds and determines that changes or alterations have been required in, or are incorporated into, the project that avoid or substantially lessen the significant environmental effects identified in the EIR. Specifically, with incorporation of Mitigation Measures MM-CR-3 and MM-CR-4, the proposed project will not indirectly or directly destroy unique paleontological resources or sites during the construction phase. Beyond the project-specific mitigation measures, which are included in the MMP for the proposed project, no other mitigation measures are required for these impacts because they will be less than significant. Additionally, with the mitigation described above, the project's contribution to significant cumulative impacts to paleontological resources will be less than cumulatively considerable.

## 4.4.4 Noise and Vibration – Structural Damage Criteria

### 4.4.4.1 Impacts

A significant impact related to construction equipment vibration would occur if the proposed project would generate groundborne vibration that would exceed the following vibration damage criteria:

- 0.10 PPV at fragile structures;
- 0.30 PPV at older residential structures; or
- 0.50 PPV at modern industrial or commercial structures

### 4.4.4.2 Description of Effects

Construction activities could result in damage to vibration-susceptible buildings in the project area; as noted in Section 4.6, *Noise and Vibration*, of the Draft EIR (Impact 4.6-3), this would be a significant impact. In addition, the proposed project, in combination with other cumulative projects, could result in a significant cumulative impact, and the project's contribution to this impact would be cumulatively

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considerable. However, with implementation of Mitigation Measure MM-NV-2, Construction Vibration Control and Mitigation Plan, significant project-related and cumulative impacts associated with vibration-induced structural damage would be reduced to a level that is less than significant.

#### 4.4.4.3 Findings

Based on substantial evidence in the administrative record, including Section 4.6, *Noise and Vibration*, of the Draft EIR, the City hereby finds and determines that changes or alterations have been required in, or are incorporated into, the project that avoid or substantially lessen the significant environmental effects identified in the EIR. Specifically, with incorporation of Mitigation Measure MM-NV-2, the proposed project will not generate groundborne vibration that would exceed structural damage criteria during construction activities. Beyond the project-specific mitigation measures, which are included in the MMP for the proposed project, no other mitigation measures are required for these impacts because they will be less than significant. Additionally, with implementation of the mitigation measure, cumulative impacts will be less than significant.

## 4.5 Findings on Significant and Unavoidable Impacts Identified in the EIR

### 4.5.1 Construction Equipment Noise

#### 4.5.1.1 Impacts

A significant impact related to construction equipment noise would occur if construction activities would exceed existing ambient noise levels by 5 dBA or more at noise-sensitive uses in association with the following:

- Construction activities lasting more than 10 days in a 3-month period; or
- Construction activities occurring between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at any time on Sunday

#### 4.5.1.2 Description of Effects

As discussed in Section 4.6, *Noise and Vibration*, of the Draft EIR (Impact 4.6-2), noise-sensitive receptors within the project vicinity would experience a greater than 5 dBA increase in equivalent noise level (Leq) during usage of construction equipment, which would be a significant impact. This significant impact would occur during various construction elements, with the magnitude of the impact to noise-sensitive uses varying throughout the construction period. Specifically, as discussed in Section 4.6.5.2.1 of the Draft EIR, project-related construction equipment noise levels may temporarily exceed a 5 dBA increase, ranging from 7 dBA to 34 dBA above existing ambient conditions. The degree of noise impacts related to construction activities has been conservatively estimated and does not account for any noise attenuation or decrease in construction-related noise from intervening structures located between the construction noise sources and noise receptors. In addition, the proposed project, in combination with other cumulative projects, could result in a significant cumulative impact with respect to construction equipment noise, and the project's contribution to this impact would be cumulatively considerable. As discussed in Section 4.6.5.2 of the Draft DEIR, as supplemented by information in Chapter F3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of the Final EIR, with implementation of Mitigation Measure MM-NV-1, Construction Noise Control and Mitigation Plan, project-related noise levels would

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be reduced, but not to a level that is less than significant. Furthermore, there are no additional feasible mitigation measures that could be adopted at this time to further reduce these impacts to below significance. Therefore, noise impacts related to construction equipment usage would remain significant and unavoidable and the project's contribution to the significant cumulative impact would remain cumulatively considerable.

### 4.5.1.3 Findings

Based on substantial evidence in the administrative record, including Section 4.6, *Noise and Vibration*, of the Draft EIR, as supplemented by information in Chapter F3, *Revisions, Clarifications, and Corrections to the Draft EIR*, of the Final EIR, the City hereby finds and determines that changes or alterations have been required in, or are incorporated into, the project that lessen the significant environmental effects identified in the EIR. Specifically, Mitigation Measure MM-NV-1, which is incorporated into the MMP for the proposed project, will reduce these impacts. However, even with incorporation of Mitigation Measure MM-NV-1, the City finds that impacts related to construction equipment noise will be significant and unavoidable and the project's contribution to significant cumulative impacts will remain cumulatively considerable. The City also finds that there are no additional feasible mitigation measures that will reduce these impacts to a level that is less than significant and that specific economic, legal, social, technological, or other considerations make project alternatives infeasible.

## 4.5.2 Human Annoyance

### 4.5.2.1 Impacts

A significant impact related to construction equipment vibration would occur if the proposed project would generate groundborne vibration that would exceed 0.04 peak particle velocity (PPV) at a human annoyance vibration-sensitive receptor.

### 4.5.2.2 Description of Effects

As discussed in 4.6, *Noise and Vibration*, of the Draft EIR (Impact 4.6-4), construction of the proposed project would generate groundborne vibration that would exceed human annoyance criteria of 0.04 PPV at human annoyance vibration-sensitive receptors. This significant impact would occur during various construction elements, with the magnitude of impacts to human annoyance-sensitive uses varying throughout the construction period. Specifically, as discussed in Section 4.6.5.4.1 of the Draft EIR, project-related construction vibration levels may temporarily exceed 0.04 PPV, ranging from 0.127 to 0.320 PPV. The degree of groundborne vibration impacts related to construction activities would be limited to the temporary intervals in which the vibratory equipment is used in close proximity to nearby sensitive uses. In addition, the proposed project, in combination with other cumulative projects could result in a significant cumulative impact with respect to vibration-related human annoyance, and the project's contribution to this impact would be cumulatively considerable. As discussed in Section 4.6.5.4.3 of the Draft DEIR, with implementation of Mitigation Measure MM-NV-2, Construction Vibration Control and Mitigation Plan, vibration-related human annoyance impacts would be reduced, but not to a level that is less than significant. Furthermore, there are no additional feasible mitigation measures that could be adopted at this time to further reduce these impacts to below significance. Therefore, groundborne vibration impacts related to human annoyance would remain significant and unavoidable and the project's contribution to the significant cumulative impact would remain cumulatively considerable.

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### 4.5.2.3 Findings

Based on substantial evidence in the administrative record, including Section 4.6, *Noise and Vibration*, of the Draft EIR, the City hereby finds and determines that changes or alterations have been required in, or are incorporated into, the project that lessen the significant environmental effects identified in the EIR. Specifically, Mitigation Measure MM-NV-2, which is incorporated into the MMP for the proposed project, will reduce these impacts. However, even with incorporation of Mitigation Measure MM-NV-2, the City finds that significant impacts related to groundborne vibration-related human annoyance will be significant and unavoidable and the project's contribution to significant cumulative impacts will remain cumulatively considerable. The City also finds that there are no additional feasible mitigation measures that will reduce these impacts to a level that is less than significant and that specific economic, legal, social, technological, or other considerations make project alternatives infeasible.

## 4.6 Findings on Project Alternatives

As discussed in Section 5.4.1, *Alternatives*, of the Draft EIR, two alternatives were evaluated in detail in the Draft EIR; however, LASAN considered additional alternatives which were not evaluated in the Draft EIR. These additional alternatives were eliminated from detailed analysis in the Draft EIR either because they did not meet the basic project objectives, would fail to avoid or substantially lessen the significant impacts, and/or were determined at the outset to be infeasible. Findings related to the alternatives considered in the Draft EIR are provided below.

### 4.6.1 Alternatives Considered and Rejected

#### 4.6.1.1 Alternative Locations

##### Description of Alternative

Under this alternative, the proposed project would be constructed at a different site elsewhere in the Ballona Creek watershed and not at and adjacent to MacArthur Lake. As discussed in Section 5.4.1.1 of the Draft EIR, alternative locations within the Ballona Creek watershed were considered but not carried forward for further evaluation. As discussed in Chapter 2, *Project Description*, of the Draft EIR, the proposed project would be one component of a network of control measures, known as BMP projects; these projects collectively are intended as part of the Ballona Creek WMP. As such, an alternative location would only be added to the network of control measures for the Ballona Creek WMP as opposed to existing in lieu of the proposed project. In addition, any alternative location for the proposed project must be within the Ballona Creek watershed in order to achieve the basic project objectives; locations outside of the Ballona Creek watershed would fail to meet the project objectives and were not considered in the Draft EIR. For this reason, there are no locations that would be practical as CEQA alternatives for the proposed project, as similar BMP projects in alternative locations are already part of the Ballona Creek WMP.

##### Findings

The City of Los Angeles hereby finds that specific economic, legal, social, technological, or other considerations make the adoption of this alternative infeasible because constructing the project at a different site would not replace the proposed project, it would be in addition to it. Moreover, constructing the proposed project at an alternative location would not meet the proposed project objective of reducing the reuse of potable water to refill MacArthur Lake. Constructing the proposed project at an alternative

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location instead of at the MacArthur Lake would not fulfill the basic intent of the Ballona Creek WMP of developing a network of control measures throughout the watershed.

#### 4.6.1.2 Reduced Design Alternative

##### Description of Alternative

A reduced design alternative was considered but not carried forward for further evaluation. Under this alternative a version of the proposed project with reduced features or construction requirements would be implemented. As discussed in Section 5.4.1.2 of the Draft EIR, a reduction in the size of project features would not lessen any construction impacts, including those associated with construction noise or vibration. Moreover, the proposed project already represents the minimum reasonable construction activity necessary to achieve comparable levels of stormwater capture, pre-treatment, and capacity. A reduced design alternative would not achieve the core project objectives, enumerated in Section 5.3, *Project Objectives*, of the Draft EIR, to the same extent as the proposed project. For these reasons, there are no reduced design alternatives that would fulfill most of the project objectives while substantially lessening the environmental impacts of the proposed project.

##### Findings

The City of Los Angeles hereby finds that specific economic, legal, social, technological, or other considerations make the adoption of this alternative infeasible because a reduced design would not eliminate or substantially lessen any of the significant impacts of the proposed project but it would reduce the overall effectiveness of the proposed project. Specifically, depending on the nature of the design reductions, it is anticipated that the Reduced Design Alternative would not achieve the same level of pollutant reductions as the proposed project, may not reduce potable water refill to the same extent, and could diminish or eliminate community investment benefits and nature-based solutions if the reduced design were to remove or reduce the size of the water feature.

#### 4.6.2 Alternatives Carried Forward for Further Consideration

In accordance with Section 15126.6(a) of the State CEQA Guidelines, the process of formulating alternatives to the proposed project focused on identifying alternatives that would feasibly attain most of the project objectives while avoiding or substantially lessening the project's significant effects. For the Draft EIR, this focused on identifying alternatives that could reduce or avoid significant unavoidable impacts associated with construction equipment noise and vibration-related human annoyance as well as significant but mitigable impacts associated with vibration-related structural damage. One build alternative was carried forward for evaluation, the Alvarado Street Alternative (Alternative 2). In addition, as required by CEQA, a "no project" alternative was also evaluated.

##### 4.6.2.1 Alternative 1 – No Project Alternative

###### Summary of Alternative

Under the No Project Alternative (Alternative 1), construction of the proposed project—including the stormwater diversion structure, treatment unit, pump station, pipelines, and water feature—would not occur. The project site would remain in its existing condition and no BMPs to improve water quality in Ballona Creek would be implemented in/adjacent to MacArthur Park. As described in Section 5.4.3.1 of the Draft EIR, implementation of the No Project Alternative would completely avoid the significant impacts related to construction noise and construction-related vibration annoyance, which would otherwise be unavoidable under the proposed project. In addition, the No Project Alternative would avoid

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the significant, but mitigable, impacts related to biological resources, cultural resources (archaeological and paleontological resources), and structural vibration. However, the No Project Alternative would not have beneficial impacts on water quality in Ballona Creek and aquatic habitat for biological resources in the Ballona Estuary and Ballona Reserve that would occur under the proposed project. With respect to the project objectives, the No Project Alternative would not meet any of the basic project objectives. Specifically, the No Project Alternative would not result in any improvement to water quality in the Ballona Creek watershed, would not advance the goals of Ballona Creek WMP's compliance pathway for Los Angeles County's MS4 Permit, and would not contribute to meeting the Ballona Creek TMDL for metals and trash. Moreover, the No Project Alternative would not reduce the use of potable water for lake refill or provide community investment benefits or nature-based solutions, including park space enhancement, public health, and educational opportunities.

### Findings

While the No Project Alternative would avoid the significant impacts of the proposed project, including significant and unavoidable impacts related to construction noise and vibration-related human annoyance, this alternative would not have the beneficial impacts on water quality and aquatic habitat that would occur under the proposed project. Moreover, the No Project Alternative would not fulfill the main purpose of the proposed project, which is to improve water quality in the Ballona Creek watershed in an effort to comply with regulatory standards. The No Project Alternative would not meet any of the basic project objectives relating to water quality improvements, reducing potable water use, and providing community investment benefits and nature-based solutions. For the reasons described herein, the City of Los Angeles hereby rejects the No Project Alternative.

#### 4.6.2.2 Alternative 2 – Alvarado Street

##### Summary of Alternative

Similar to the proposed project, Alternative 2 would divert a portion of wet weather stormwater flows as well as dry weather flows from the existing underground storm drain system, treat the water, and discharge it into MacArthur Lake for storage or return it to the storm drain system. This alternative would divert stormwater from a storm drain located on the east side of Alvarado Street. As described in detail in Section 5.4.2.2 of the Draft EIR, Alternative 2 would include most of the same facilities as the proposed project (i.e., stormwater flow diversion structure, pretreatment unit, two pump stations, stormwater treatment unit, recirculation system, conveyance pipelines, and a pipeline to convey water from MacArthur Lake to the sanitary sewer system). However, instead of the water feature included in the proposed project, Alternative 2 would include a constructed arroyo and treatment wetlands. The arroyo would consist of a sloped stream bed containing rocks and boulders designed to transport the flow to the treatment wetlands. Most of the components of this alternative would occur in the southeast quadrant of MacArthur Park or in the sidewalks adjacent to Alvarado Street and 7<sup>th</sup> Street. Installation of the storm drain diversion structure would occur on the east side of Alvarado Street near its intersection with Wilshire Boulevard. Stormwater conveyance pipes would be installed crossing Alvarado Street from the diversion structure into MacArthur Park. Stormwater not stored in the lake would be discharged to an existing storm drain located in 7<sup>th</sup> Street. In addition, a pipeline would be extended from a location near the existing pump house to an existing sewer maintenance hole located in Lake Street.

Impacts of Alternative 2 on air quality, biological resources, cultural resources, greenhouse gases, water quality, and tribal cultural resources would be comparable to impacts associated with the proposed

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project. Mitigation measures addressing biological resources, archaeological resources, and paleontological resources that are recommended for the proposed project would also apply to Alternative 2, as would project commitments addressing tribal cultural resources.

As detailed in Section 5.4.3.2.6 of the Draft EIR, construction of Alternative 2 would avoid or substantially reduce the significant and unavoidable construction equipment noise impacts to some noise-sensitive receptors compared to the proposed project. However, construction of Alternative 2 would increase significant noise impacts to some receptors that would also be affected by the proposed project, including park visitors and unhoused individuals. Alternative 2 would also result in new significant impacts to noise-sensitive receptors in the vicinity of the park compared to the proposed project. Alternative 2 would also have adverse effects on receptors that are not considered to be noise-sensitive (e.g., pedestrians, street vendors). Due to the location of Alternative 2 within and adjacent to Alvarado Street and the more heavily utilized areas of the park, and the fact that noise experienced by outdoor receptors—such as park visitors, unhoused individuals, pedestrians, and street vendors—would not be reduced/attenuated by structures, it is anticipated that a greater number of people would be adversely affected by construction equipment noise for a longer duration of time as compared to the proposed project. Although the mitigation measure recommended for the proposed project would also apply to Alternative 2, as with the proposed project, construction equipment noise impacts would be significant and unavoidable.

Alternative 2 would avoid or substantially reduce certain significant but mitigable construction-related vibration impacts to some nearby structures, but would result in significant, but mitigable, structural vibration impacts to a new receptor. The mitigation measure recommended for the proposed project would also apply to Alternative 2 and, as with the proposed project, would mitigate structural vibration impacts to a level that is less than significant.

Alternative 2 would avoid certain construction-related vibration annoyance impacts associated with the proposed project but would result in significant impacts to MacArthur Park visitors similar to those associated with the proposed project. Although the mitigation measure recommended for the proposed project would also apply to Alternative 2, as with the proposed project, human annoyance impacts on park visitors would be significant and unavoidable.

In summary, while Alternative 2 would not wholly avoid the significant impacts of the proposed project to any environmental resource areas, it would avoid significant, and in some cases unavoidable, impacts to certain noise- and/or vibration-sensitive receptors that would otherwise occur under the proposed project.

Alternative 2 would fulfill the main purpose of the proposed project, which is to improve water quality in the Ballona Creek watershed in an effort to comply with regulatory standards and to provide tangible benefits. Alternative 2 would improve water quality in the Ballona Creek watershed to the same extent as the proposed project, would advance the goals of Ballona Creek WMP's compliance pathway for Los Angeles County's MS4 Permit, and would contribute to meeting the Ballona Creek TMDL for metals and trash. In addition, Alternative 2 would reduce the use of potable water for lake refill and would provide community investment benefits or nature-based solutions, including park space enhancement, public health, and educational opportunities. However, Alternative 2 would not fulfill the objective of minimizing disruption to existing social and commercial activity at MacArthur Park, on sidewalks, at transit stops, and at local businesses and gathering places during construction and operations. The Alternative 2 project site

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is located in and adjacent to Alvarado Street, which is a busy thoroughfare. Construction would cause lane closures and traffic disruptions along Alvarado Street and would disrupt sidewalk activity. In addition, construction of facilities within the park would disrupt a heavily-utilized area of the park and the above-ground features (the arroyo and treatment wetlands) would alter the way this portion of the park is used during operations. As described in Section 5.4.3.2.6 of the Draft EIR and summarized above, because Alternative 2 would occur in a busier portion of the park, it is anticipated that construction noise associated with this alternative would affect a greater number of users in portions of the park that would remain open during construction compared to the proposed project. Unhoused populations residing in the northeast portion of MacArthur Park (i.e., the eastern half of the park north of Wilshire Boulevard) would be impacted by project construction noise under Alternative 2. In addition, the Westlake/MacArthur Park Metro station (directly across Alvarado Street from the site) and the sidewalks on both the east and west sides of Alvarado Street are highly utilized by the local community, including street vendors. Although these uses are not considered to be noise-sensitive receptors (as defined in Section 4.6.2.2 of the Draft EIR), pedestrians and street vendors along Alvarado Street, which would not be affected under the proposed project, would be subject to noise from Alternative 2 construction. Unlike impacts to residents, businesses, and institutional uses, whose structures would provide noise reduction/attenuation, these receptors are located outside.

## Findings

Other than Alternative 1—No Project, Alternative 2—Alvarado Street, is the environmentally superior alternative, as discussed in Section 5.5.4 of the Draft EIR. Nevertheless, in light of the analysis in the EIR and substantial evidence in the administrative record, the City of Los Angeles hereby rejects Alternative 2—Alvarado Street for the specific economic, legal, social, technological, or other considerations discussed below, and because it would not meet one of the project objectives. While Alternative 2 would avoid or substantially lessen significant and unavoidable impacts to certain noise-and/or vibration-sensitive receptors that would otherwise occur under the proposed project, the avoidance of those significant impacts would be offset by significant structural vibration impacts and significant and unavoidable construction noise impacts to new receptors associated with the Alternative 2 construction program. As discussed in Section 4.6.5 of the Draft EIR, some of the construction vibration annoyance impacts that would be avoided by Alternative 2 would be of very short duration (i.e., 3 to 6 weeks). Alternative 2 would have the same impacts to air quality, biological resources, cultural resources, greenhouse gases, water quality, and tribal cultural resources that would be associated with the proposed project.

Alternative 2 would not fulfill the objective of minimizing disruption to existing social and commercial activity at MacArthur Park, on sidewalks, at transit stops, and at local businesses and gathering places during construction and operations. Disruption to social and commercial activity at and near MacArthur Park would be substantially greater than the proposed project during both construction and operations.

For the reasons described herein, the City of Los Angeles hereby rejects Alternative 2—Alvarado Street.

## 4.7 Findings on Mitigation Measures Suggested in Comments on the Draft EIR

The Los Angeles County Metropolitan Transportation Authority (Metro) submitted a comment letter on the Draft EIR. As described in the responses to Comment Letter 2 in the Final EIR, this comment letter was

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essentially a duplication of Metro’s comment letter submitted in response to the Notice of Preparation, and outlined several areas of inquiry that Metro suggested LASAN pursue in the EIR. The comment letter did not include specific comments on the contents of the Draft EIR. In the comment letter, Metro identifies types of impacts that should be evaluated in the EIR and mentions measures that it refers to as “recommended mitigation measures” to address them. These potential mitigation measures include maintaining bus stops during construction or temporarily relocating bus stops in compliance with Metro requirements; locating project driveways away from transit stops; coordinating with Metro regarding bus operations during construction; and mitigation measures or design features to address potential effects on subway operations.

As documented in the Initial Study (Section 4, Issue XVII), the proposed project would not result in any significant impacts to transportation. Specifically, as discussed in the Initial Study and summarized in Section 1.6 of the Draft EIR, the proposed project would not result in any long-term changes to bus stops, bicycle lanes or racks, sidewalks, or other non-automotive transportation infrastructure. In the event a bus stop(s) is affected, it is expected that any such closure would be short term in nature (i.e., 3 to 4 weeks). As noted in the Draft EIR, as more detailed construction plans are developed, the City will coordinate with Metro regarding potential effects to bus facilities and ways to minimize those effects, if warranted. Also as summarized in Section 1.6 of the Draft EIR, the proposed project would not result in any changes to subway infrastructure, operations, or service. The proposed project components would not encroach on Metro’s easement in MacArthur Park, and no construction would occur in proximity to the Westlake/MacArthur Park Station. The water feature weirs would only be approximately 18 inches deep, limiting the depth of construction activities, and the water feature would be lined to prevent infiltration that could affect subsurface resources. As noted in the Draft EIR, as more detailed construction plans and engineering drawings are developed, the City will provide those to Metro for their consideration. Therefore, as described in Response to Comment 2-3 of the Final EIR, the proposed project would not result in any significant impacts to transportation facilities that would warrant mitigation. The measures included in Metro’s comment letter would not result in a change to the conclusions of the transportation analysis conducted as part of the Initial Study and would not avoid or substantially lessen any significant impacts of the project.

## 4.8 Findings on Comments on the Draft EIR, Responses to Comments, and Revisions Made in the Final EIR

Comments made on the Draft EIR, responses to those comments, and revisions made in the Final EIR merely clarify and amplify the analysis presented in the document and do not amount to significant new information that changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the City of Los Angeles has declined to implement. Therefore, the City of Los Angeles finds that recirculation of the MacArthur Lake Stormwater Capture Project Draft EIR is not required pursuant to State CEQA Guidelines Section 15088.5(b).

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## 5 Statement of Overriding Considerations

State CEQA Guidelines Section 15093(b) provides that, when a public agency approves a project that will result in significant impacts that are identified in the Final EIR but are not avoided or substantially lessened to a less than significant level, the agency must state in writing the specific reasons to support its decision based on the Final EIR and/or other information in the whole administrative record. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh its unavoidable adverse environmental impacts, the adverse effects may be considered “acceptable.” As set forth in the preceding sections, the City’s approval of the proposed project will result in significant and unavoidable effects relating to construction noise and vibration (associated with human annoyance), depending on the proximity of sensitive receptors and the nature of the construction equipment and methods used. Accordingly, the City of Los Angeles, as the Lead Agency for the MacArthur Lake Stormwater Capture Project EIR, adopts the following Statement of Overriding Considerations.

Based on the substantial evidence in the whole of the administrative record for the MacArthur Lake Stormwater Capture Project, the Board of Public Works hereby finds, concludes, and determines that the unavoidable significant adverse environmental impacts associated with the construction and operation of the MacArthur Lake Stormwater Capture Project are acceptable in light of the following specific economic, operational, legal, technological, or other project benefits, including region-wide or statewide environmental benefits. Each project benefit described below constitutes an overriding consideration warranting approval of the MacArthur Lake Stormwater Capture Project, independent of other benefits, despite the proposed project’s significant unavoidable impacts. Even if, for any reason, one or more of the listed benefits were found to be insufficient or unsupported, the Board of Public Works would nevertheless adopt the following Statement of Overriding Considerations and approve the project, notwithstanding its significant and unavoidable environmental effects, based on the listed benefit or those listed benefits that remain. The substantial evidence supporting the various benefits can be found in the preceding CEQA findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings.

### 5.1 Benefits Associated with the MacArthur Lake Stormwater Capture Project

The MacArthur Lake Stormwater Capture Project is a multi-benefit stormwater project that would be implemented under the Los Angeles County Flood Control District’s Safe, Clean Water Program (SCWP). The SCWP funds stormwater initiatives that improve water quality, increase the local water supply, and provide community benefits. It is part of the region’s strategy for achieving compliance with the federal Clean Water Act while protecting local communities. The City’s SCWP goal is to maximize the benefits to water quality, water supply, and community reinvestment for Los Angeles in the implementation of multi-benefit, nature-based stormwater SCWP projects.

The main purpose of the MacArthur Lake Stormwater Capture Project is to improve water quality in the Ballona Creek watershed in an effort to comply with regulatory standards and to provide tangible community benefits, such as partially offsetting potable water use and providing enhancements to the

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park. The project would capture, treat, and store stormwater for beneficial use, enabling the collected and treated stormwater to offset potable water currently used to replenish evaporation losses within the lake, while also providing for downstream water quality benefits in the Ballona Creek watershed. The project would provide community benefits to the Westlake neighborhood, a disadvantaged community in Council District 1, through nature-based solutions and landscaping to preserve and enhance the utility of the park, a Los Angeles Historic Cultural Monument. Proposed nature-based project components include the addition of a water feature, educational signage, and new trees within the park. The MacArthur Lake Stormwater Capture Project was recognized by the City's SCW Committees as an exceptional project for meeting SCW goals, in particular its benefits to a disadvantaged community.

### 5.1.1 Improve Water Quality in the Ballona Creek Watershed

The MacArthur Lake Stormwater Capture Project is located within the Ballona Creek watershed. Stormwater discharges within the watershed are governed by the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit. The purpose of the permit is to ensure storm water systems in Los Angeles County are not causing or contributing to exceedances of water quality objectives set to protect the beneficial uses in the receiving waters. Pollutants of concern within the watershed include trash, metals, toxics, and bacteria, with zinc being the limiting pollutant.

As discussed in Section 2.3, *Project Objectives*, of the EIR, the underlying objective of the MacArthur Lake Stormwater Capture Project is to incrementally improve water quality in the Ballona Creek Watershed in a manner consistent with the Ballona Creek Watershed Management Program's (WMP) customized compliance pathway for the MS4 permit via regional best management practices (BMPs) as defined in the Ballona Creek WMP and as measured against the Total Maximum Daily Load (TMDL) for metals and trash. As described in Section 2.4, *Project Overview*, of the EIR, the proposed project would divert a portion of wet weather stormwater flows as well as dry weather flows from a 200-acre drainage area within the Ballona Creek watershed, treat the water, and discharge it into MacArthur Lake for storage or return it to the storm drain system. This process would reduce the amount of stormwater and associated pollutant loads that enter Ballona Creek, the Ballona Creek wetlands, and, ultimately, Santa Monica Bay. Specifically, the proposed project would remove approximately 93 percent of the zinc from the stormwater that would be diverted and returned to the storm drain system, approximately 96 percent of the sediment, and almost 100 percent of the trash. A portion of the stormwater stored in MacArthur Lake would be diverted to the sanitary sewer system to make room for additional stormwater discharges. Lake water discharged to the sewer would be treated at the Hyperion Water Reclamation Plant (HWRP), which is located outside of the Ballona Creek watershed, and would contribute to pollutant reductions in Ballona Creek.

The City concludes that the project's benefits in improving water quality in the Ballona Creek watershed outweigh its significant and unavoidable impacts.

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## 5.1.2 Reduce Potable Water Used for Lake Refill

Currently, an automated system using a floating water level sensor is used to replenish the lake with potable water when lake levels drop as a result of evaporation. The MacArthur Lake Stormwater Capture Project would provide the seasonal substitution of potable water with stormwater and dry weather flows to counteract evaporative water losses in MacArthur Lake. The diversion of stormwater from the storm drain system into the lake would decrease the amount of potable water that is used to maintain the lake level (i.e., lake refill). Up to 27.6 acre-feet per year of potable water use would be avoided with project implementation.

The substitution of potable water with treated stormwater and treated dry weather flows would alter water quality within MacArthur Lake. A water quality study was conducted to evaluate potential impacts associated with this substitution. The study concluded that there would be no substantial degradation in lake water quality as a result of the project.

The City concludes that the project's benefits in reducing the use of potable water to refill the lake outweigh its significant and unavoidable impacts.

## 5.1.3 Provide Community Investment Benefits and Nature-Based Solutions

As described in Section 2.5.4, *Water Feature*, of the EIR, the MacArthur Lake Stormwater Capture Project would include an approximately 0.085-acre tiered water feature, as well as new pedestrian paths, seating areas, a boardwalk, new shade trees, and interpretive signage. The lake water would recirculate through a series of cascades that would follow the natural slope of the park down towards the lake. Water from the water feature would flow into the lake under a new pedestrian bridge that would follow the pathway of the existing walkway. The pedestrian bridge would replace a portion of the walkway that runs adjacent to the lake and would be constructed over the discharge side of the water features, permitting continued pedestrian access around the lake. The pedestrian bridge would be compliant with the Americans with Disabilities Act (ADA). The water feature would offer educational and engaging opportunities for the public to learn more about watershed management and stormwater treatment.

Construction of the water feature would require the removal of two non-native trees and the relocation of a third tree. Additional trees within the park or on adjacent/nearby parkways may need to be replaced or protected in place. As described in Section 2.6.1, *Construction Activities*, in the EIR, the two trees to be removed would be replaced by ten new trees to be planted near the water feature or elsewhere in the park, which would enhance the park environment. All tree removals and replacements within the park would be handled in accordance with the City of Los Angeles Department of Recreation and Park's Urban Forest Program. If additional trees outside of the park would require removal or relocation, the removed trees would be replanted or replaced in accordance with the City of Los Angeles Bureau of Street Services (StreetsLA) policies and requirements.

The City concludes that the project's benefits in providing nature-based solutions and community investment benefits, such as the water feature, public seating areas, a boardwalk and new pedestrian paths, new shade trees, and interpretive signage, outweigh its significant and unavoidable impacts.

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## 5.1.4 Minimize Disruption of Social and Commercial Activity In and Around MacArthur Park

As described in Section 2.2, *Project Location and Setting*, of the EIR, the MacArthur Lake Stormwater Capture Project would be located within MacArthur Park and on adjacent streets south of the park. Construction of the water feature and project-related pipelines would occur in the southwestern portion of the park, which is a quieter, more lightly used portion of the park that does not experience commercial activity to the same degree as the northern and southeastern portions of the park. Moreover, this area of the park has historically supported fewer unhoused individuals than the northern and southeastern portions of the park. As described in Section 2.6.1, *Construction Activities*, of the EIR, if any unhoused individuals are located in the portion of the park that would be affected by construction at the time of construction, these unhoused residents would be relocated and supported in accordance with the City's Comprehensive Homeless Strategy, which provides recommendations and actions needed to effectively respond to homelessness, streamline services for unhoused people, and ensure coordination between the City of Los Angeles departments and the County of Los Angeles. In addition, any relocations would be coordinated with City Council District 1 and appropriate agencies.

Although construction work would require lane and/or roadway closures, the closure or relocation of the bike lane on 7<sup>th</sup> Street, and the closure of sidewalks, these closures would be temporary and would not result in any long-term disruption to the community. As discussed in Section 1.6, *Areas of Known Controversy and Issues to be Resolved*, of the EIR, closure of bus stops on 7<sup>th</sup> Street is not currently anticipated. If such closures are required, it is expected they would be short term in nature (i.e., 3 to 4 weeks) and would be coordinated with LA Metro. The project would not be located along or in close proximity to Alvarado Street, which is a busy transportation, commercial, and pedestrian corridor that supports numerous street vendors and includes a wide public plaza that leads to the LA Metro Westlake/MacArthur Park subway station. Therefore, no impacts to social and commercial activity along or adjacent to this corridor would occur.

The City concludes that the project would minimize disruption of existing social and commercial activity at the park, and on sidewalks, at transit stops, and at local businesses and gathering places during both construction and operations compared to the other build alternative, which would require construction within and adjacent to Alvarado Street and within the busy southeastern portion of the park, and that this comparative benefit outweighs its significant and unavoidable impacts.

## 5.2 Conclusion

In conclusion, the MacArthur Lake Stormwater Capture Project would support improvements to water quality in the Ballona Creek Watershed in accordance with the WMP as measured against the TMDL for metals and trash, reduce the use of potable water used to refill MacArthur Lake, provide community investments benefits and nature-based solutions as required by the SCWP, and minimize disruption to existing social and commercial activity at and adjacent to MacArthur Park to the extent feasible. Having considered these benefits, the Board of Public Works finds, concludes, and determines that the benefits of the MacArthur Lake Stormwater Capture Project outweigh the unavoidable adverse environmental effects, and that the adverse environmental effects are, therefore, acceptable.