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Date: 12/3/08
Submitted in PW Committee
December 3, 2008
Council File No: 08-0504
Item No.: 9
Deputy: Adam R. Lid

Honorable Bill Rosendahl, Chair
Public Works Committee
Los Angeles City Council

c/o Adam Lid
City Clerk
City Hall Room 395

Dear Councilmember Rosendahl and Honorable Members:

**VENICE DUAL FORCE MAIN (CF 08-0504) ENVIRONMENTAL IMPACT REPORT
ADDITIONAL INFORMATION**

On November 19, 2008 your committee received comments on the Venice Dual Force Main sewer. The following is provided as a record of the information received during deliberations of the committee, the principal concerns raised, and city staff's response to those concerns. It is recommended that this letter be added to the Findings and Statement of Overriding Considerations for the Venice Pumping Plant Dual Force Main project already provided to your committee.

RECENT COMMENTS REGARDING ENVIRONMENTAL EFFECTS

The Public Works Committee has received comments regarding the environmental effects of the proposed project. These are addressed below.

Construction Scheduling

Some communicants have protested the length of operations, stating that 2,000 residents of Via Marina, along with boaters and restaurants customers, will be subjected to years of apartment and hotel development as well as to the sewer project. The EIR characterizes the construction impacts as significant but unavoidable. Scheduling of the apartment and hotel developments is beyond the control of the City. City staff are proposing to use two microtunneling crews concurrently in order to minimize the time needed to construct the sewer. In addition, City staff will work with County staff



regarding the location of work areas, schedule of construction activities, and hours of activity in Via Marina.

Geology, Soils and Seismicity

Some communicants argue that the Via Marina route should not be used because risks of liquefaction, differential seismic settlement, subsidence and methane gas under the street. Section 5.6 of the Draft EIR and the Final EIR address the potential for encountering these hazards and the proposed mitigation program will reduce these risks to less than significant.

Traffic

Some communicants object that traffic on Via Marina will be reduced to one lane in each direction on their major north-bound route to the 405 freeway. City staff considered the potential that lane closures on Via Marina at Marquesas Way and southward would cause significant traffic impacts (see related projects below). Traffic volumes south of Marquesas Way are within the capacity of a single lane and temporary closure of half the 4-lane roadway during construction would not cause a significant impact. City staff will work with County staff regarding the location of work areas and schedule of construction activities in Via Marina.

People Impacts

The County and others are concerned that a greater number of people will be impacted or inconvenienced by the Via Marina route. Those impacts or inconveniences would last for about a year. However, the Pacific Avenue route would have more severe impacts and the beach route would have unacceptable risks for the life of the sewer.

Construction activities in Pacific Avenue and at the intersection of Pacific Avenue and Via Marina would have a severe effect on traffic and circulation. Representatives of the Los Angeles Metropolitan Transportation Authority and the Department of Transportation testified at the November 19, 2008 meeting of the Public Works Committee that bus service to the Marina Peninsula community would be prevented and L A Unified School District's bus service to Anchorage Street Elementary School would be impacted. A representative of the Police Department testified at the November 19, 2008 meeting of the Public Works Committee that patrols and emergency responses in the Marina Peninsula would be impacted, creating a public safety problem. Like the Via Marina route, these effects would last about a year.

At the November 19, 2008 meeting of the Public Works Committee, representatives of the Los Angeles Regional Water Quality Control Board, U.S. Environmental Protection Agency, Santa Monica Bay Restoration Commission, Santa Monica Baykeeper and the Department of Public Works Bureau of Sanitation testified that:

- A spill on the beach would be much more difficult to contain and clean up than a spill on a paved street. Placement of the sewer as far from the beach and other waterways as possible would minimize risks to human health and water quality.

- Co-locating the new sewer alongside the old sewer, diminishes the benefit of redundancy and adds the risk that a failure in one sewer could cause a failure in the nearby second sewer.

These risks associated with the beach route would last for the life of the sewer: over 50 years.

Overall, the Via Marina alternative is the farthest from the beach and other waterways and therefore has the least risk to human health and water quality from an accidental spill. The Via Marina alternative also avoids the concerns about co-location. The Pacific Avenue alternative reduces co-location to only the Hurricane Street segment.

RELATED PROJECTS AND CUMULATIVE EFFECTS

Marina Redevelopment Projects

The County and others have identified Marina projects planned for construction in the near future and expressed concern about, "the impact of the Project on these Marina projects." The EIR considered the potential cumulative effects of the proposed project with background growth expected to occur following the General Plan and 15 other specifically-identified projects in the Marina del Rey area. The EIR found that the proposed project would not result in substantial contribution to cumulative traffic impacts since the traffic impacts would be during construction only and therefore would be temporary in nature and would cease after the completion of the project. In addition, the preparation of traffic control plans would ensure that construction related traffic impacts would not represent a substantial contribution to cumulative traffic impacts.

With the passage of time, seven of the 15 projects identified in the EIR have been built, are under construction, or have been cancelled. Meanwhile, 13 other projects have been proposed and are in various stages of development.

Most of the projects currently pending in the Marina del Rey area are not on street segments where construction the proposed project would require lane closures. The Holiday Harbor Marina (county parcel 21), Esprit II Apartments (county parcel 15) are among those so located. Del Rey Shores Apartments (county parcel 100 and 101) will have frontage on Marquesas Way but is not expected to contribute significant traffic to Marquesas Way or Via Marina south of Marquesas Way during the construction period of the Venice Dual Force Main. The EIR's finding is still valid in these cases: the proposed project would not result in substantial contribution to cumulative traffic impacts since the traffic impacts would be during construction only and therefore would be temporary in nature and would cease after the completion of the project.

City staff considered the potential that lane closures on Via Marina at Marquesas Way and southward would cause significant traffic impacts because of redevelopment of the adjacent county parcels for the Neptune Marina Apartments (county parcels 10 and FF) and Anchorage/Woodfin Suite Hotel and Timeshare Resort Project (county parcel 9). In an October 17, 2008 letter to the Public Works Committee, incorporated herein by reference, city staff concluded that the traffic volumes south of Marquesas Way are within the capacity of a single lane and temporary closure of half the 4-lane roadway

during Marina construction would not cause a significant impact. Therefore the EIR's finding is still valid.

ALTERNATIVES CONSIDERED

The following additional information has been received about the alternatives to the proposed project.

Pacific Avenue Alignment

Construction activities in Pacific Avenue and at the intersection of Pacific Avenue and Via Marina would have a severe effect on traffic and circulation. Representatives of the Los Angeles Metropolitan Transportation Authority and the Department of Transportation testified at the November 19, 2008 meeting of the Public Works Committee that bus service to the Marina Peninsula community would be prevented and bus service to Anchorage Street Elementary School would be impacted. A representative of the Police Department testified at the November 19, 2008 meeting of the Public Works Committee that patrols and emergency responses in the Marina Peninsula would be impacted, creating a public safety problem. These effects would last about a year.

The Via Marina and Beach alternatives would not have these effects.

Dockweiler Beach Alignment

At the November 19, 2008 meeting of the Public Works Committee, representatives of the Los Angeles Regional Water Quality Control Board, U.S. Environmental Protection Agency, Santa Monica Bay Restoration Commission, Santa Monica Baykeeper and the Department of Public Works Bureau of Sanitation testified that:

- o A spill on the beach would be much more difficult to contain and clean up than a spill on a paved street. Placement of the sewer as far from the beach and other waterways as possible would minimize risks to human health and water quality.
- o Co-locating the new sewer alongside the old sewer, diminishes the benefit of redundancy and adds the risk that a failure in one sewer could cause a failure in the nearby second sewer.

Overall, the Via Marina alternative is the farthest from the beach and other waterways and therefore has the least risk to human health and water quality from an accidental spill. The Via Marina alternative also avoids the concerns about co-location. The Pacific Avenue alternative reduces co-location to only the Hurricane Street segment.

MEANINGFUL OPPORTUNITY FOR PUBLIC COMMENT

The City mailed a Notice of Availability to all organizations and individuals known to have an interest in the project and published the notice in the Los Angeles Times, a newspaper of general circulation in the project area. Those notices satisfied the requirements of the California Environmental Quality Act. In addition, the City elected to mail the Notice of Availability to over 7,000 addresses along the project with the intent to

notify directly all parties in the area of potential environmental effect for each of the alternative routes. The City further elected to seek out and meet with stakeholder groups in the affected community such as the Los Angeles County Beach Commission and the Marina Affairs Committee of the Westchester/LAX/Marina del Rey Chamber of Commerce.

In the past nine months alone, City staff have met with staff of the Los Angeles County Supervisor Fourth District, and staff from the county departments of Beaches and Harbors, Public Works, and Regional Planning. We have made presentations to the Marina del Rey Design Control Board, the Marina del Rey Lessee's Association, and the Small Craft Harbors Commission. We have mailed or emailed fliers to 434 addressees including all parties known to have an interest in the project, all managers of leased Marina del Rey properties, and community stakeholders who are routinely mailed agendas of the Design Control Board and the Small Craft Harbors Commission. The comments we have received as a result of this additional outreach have been entered into the record and considered. They confirm the findings of the EIR but have not raised any significant new information.

Throughout the life of this project we have kept affected County offices informed. The County is the owner and operator of the Marina. The residents and businesses in the Marina are the County's tenants. Over the past three years, the County has had ample opportunity to inform its tenants and solicit input from them.

In its role as lead agency for the EIR, the City has far exceeded the legal requirements for public notice and believes that the public has been provided a meaningful opportunity to comment upon the environmental effects of the project. At the November 19, 2008 meeting of the Public Works Committee, a representative of the Los Angeles Regional Water Quality Control Board, also speaking for Region 9 of the U.S. Environmental Protection Agency, warned that EPA is, "standing ready to issue a stipulated order in the \$330,000,00 range" if there is a catastrophic spill. We must continue to move forward toward a solution decisively, diligently and quickly.

DECISION TO NOT RECIRCULATE THE EIR

Several parties, including the County of Los Angeles, have asked that the EIR be recirculated for public comment. City staff has considered the County's concerns and the comments received to date (the foregoing and supporting documents in CF 08-0504) and has found no significant new information that would require recirculation. The new information received to date does not reveal any heretofore undisclosed significant impact or mitigation measure pertaining to the proposed Via Marina alternative, nor any feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the proposed Via Marina alternative. Therefore recirculation of the EIR is not required.

In addition, the City staff has considered and rejected voluntarily recirculating the EIR because of the urgency of this project, which has been underscored by comments from

the Los Angeles Regional Water Quality Control Board, U.S. Environmental Protection Agency and environmental stakeholder groups such as Heal the Bay.

CONCLUSION

The communicants' concerns are real and substantial. However, the solutions that opponents seek, recirculation of the EIR and selection of another route, involve greater risks overall than continuing to develop the proposed project. City staff will continue to work with County staff and to reach out to all stakeholders throughout the life of this project to produce the best project.

If you have any questions, please contact Jim Doty at (213) 485-5759.

Sincerely,



Gary Lee Moore, P.E.
City Engineer

GLM/pwc081203:jed

cc: Enrique Zaldivar, Director, Bureau of Sanitation

Tim Haug, Deputy City Engineer, Bureau of Engineering

Wayne Lawson, Wastewater Conveyance Engineering Division Engineer, Bureau of Engineering