



BOARD REPORT

NO. 16-165

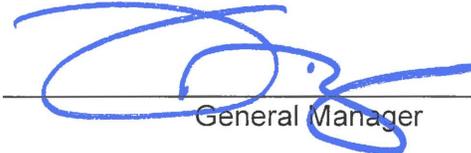
DATE JULY 13, 2016

C.D. 1 and 13

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ELYSIAN PARK — MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF RECREATION AND PARKS AND THE LOS ANGELES DEPARTMENT OF WATER AND POWER FOR THE ELYSIAN RESERVOIR WATER QUALITY IMPROVEMENT PROJECT; ACCEPTANCE OF TRANSFER OF FUNDS TO THE COMMUNITY PARKS ENHANCEMENT FUND

AP Diaz	_____	V. Israel	_____
*R. Barajas	<u>CSD</u>	K. Regan	_____
H. Fujita	_____	N. Williams	_____



 General Manager

Approved ✓ Disapproved _____ Withdrawn _____

RECOMMENDATIONS

1. Approve a proposed Memorandum of Understanding (MOU) between the Department of Recreation and Parks (RAP) and Los Angeles Department of Water and Power (LADWP), substantially in the form on file in the Board Office, specifying the terms and conditions for the use of funding provided by the LADWP for RAP operation of the Community Parks Enhancement program, subject to the approval of the Mayor and of the City Attorney as to form;
2. Authorize RAP to receive Twelve Million, Five Hundred Thousand Dollars (\$12,500,000.00) from LADWP for the Community Parks Enhancement Fund;
3. Authorize RAP's Chief Accounting Employee to establish a new account in Fund No. 205, Department No. 88, Account No. To Be Determined, with the Account name as Community Parks Enhancements Fund; and appropriate Twelve Million, Five Hundred Thousand Dollars (\$12,500,000.00) upon inter-departmental transfer from LADWP; and
4. Direct the Board Secretary to transmit the proposed MOU to the Mayor for review and approval, pursuant to Executive Directive No. 3, and to the City Attorney for review and approval as to form.

BOARD REPORT

PG. 2 NO. 16-165

SUMMARY

The Board of Water and Power Commissioners (LADWP Board) Resolution No. 012 225 (Resolution), adopted on April 17, 2012, certified the Elysian Reservoir Water Quality Improvement Project (ERWQIP) Environmental Impact Report (EIR) and approved "the establishment of a Twelve Million, Five Hundred Thousand Dollars (\$12,500,000.00) Community Parks Enhancement Fund (the Fund). The proposed MOU authorizes LADWP to transfer Twelve Million, Five Hundred Thousand Dollars (\$12,500,000.00) budgeted to RAP for the Community Parks Enhancement Fund. The Community Parks Enhancement Fund will provide community park enhancements to address and improve aesthetic needs and recreational improvements; though no specific purposes are established at this time. Best efforts shall be used to locate enhancements in the Elysian Park area. However, if no suitable enhancements can be located in the Elysian Park area, best efforts shall be used to locate enhancements in a comparable urban area or areas." All projects that may result subsequent to the approval of this MOU will return to the Department of Recreation and Parks Board of Commissioners (Board) with appropriate CEQA clearance for approval following a community process and input.

The Twelve Million, Five Hundred Thousand Dollars (\$12,500,000.00) Community Parks Enhancement Fund (Fund) is accounted for in the ERWQIP budget and appropriated from the LADWP Water System Revenue Fund. A single payment will be made via interdepartmental transfer upon LADWP receipt and RAP's request for payment. The Accounts Payable Manual Voucher IT system will be used for the inter-city fund transfer and accountability.

On December 11, 2012, the Los Angeles City Council adopted LADWP action through Council File Number 12-0761, as amended with the goal to a prioritize enhancements to the Elysian Park Area and as identified in the proposed master plan. It is to be noted that the Resolution also established the Elysian Reservoir and Park Enhancement Fund with Three Million, One Hundred Sixty Thousand Dollars (\$3,160,000.00), and that on June 27, 2013, the Board approved an MOU with LADWP (Report No. 13-178) for the transfer of funds from that Fund to RAP for improvements in Elysian Park consisting of landscaping and road modifications on the Avenue of the Palms and Phase 1 irrigation pipeline replacement in the Park.

Further City Council Action is not required.

PARK RESIDENTS SERVED

The number of park residents served will be reported to the Board, on a project by project basis, for Board approval.

TREE AND SHADE

Tree and shade issues will be reported to the Board, on a project by project basis, for Board approval.

BOARD REPORT

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ENVIRONMENTAL IMPACT STATEMENT

Future proposed appropriations from Fund will be fully evaluated under California Environmental Quality Act (CEQA) before any projects funded by such appropriations are approved. All future projects will return to the Board with appropriate CEQA clearance for approval following community input.

As adopted in Resolution No. 012 225 by LADWP Board of Commissioners on April 17, 2012, the LADWP Board found the establishment of the Fund will not create any different or substantially more severe environmental impacts from those examined in the EIR, does not constitute "significant new information" as that term is defined under CEQA Guidelines Section 15088.5, and would not otherwise require recirculation of EIR.

FISCAL IMPACT STATEMENT

The approval of the MOU will transfer Twelve Million, Five Hundred Thousand Dollars (\$12,500,000.00) from LADWP to RAP.

The costs for the design, development, and construction of future projects resulting from the MOU are anticipated to be covered by the funds provided by the MOU. Any additional funding sources that future projects may require will be brought to the Board for approval. A statement on the maintenance impacts of projects to RAP will be made to the Board as each project is brought to the Board for approval.

This Report was prepared by Thomas Gibson, Landscape Architect II, Planning, Construction, and Maintenance Branch.

ATTACHMENTS:

- City Council File 12-0761 Action History
- City Council File 12-0761-ca-12-11-12
- Resolution 012 225 (ERWQIP)

FINAL REVISED MARCH 17, 2016 – PENDING SIGNATURES

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE LOS ANGELES DEPARTMENT OF
RECREATION AND PARKS
AND
THE LOS ANGELES DEPARTMENT OF WATER AND POWER
FOR THE ESTABLISHMENT OF THE
COMMUNITY PARKS ENHANCEMENT FUND**

2016



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**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE LOS ANGELES DEPARTMENT OF RECREATION AND PARKS
AND THE LOS ANGELES DEPARTMENT OF WATER AND POWER
FOR THE ESTABLISHMENT OF THE
COMMUNITY PARKS ENHANCEMENT FUND**

This Memorandum of Understanding (MOU) is made and entered into by and between the Los Angeles Department of Recreation and Parks, hereinafter referred to as “LARAP,” and the Los Angeles Department of Water and Power, hereinafter referred to as “LADWP,” and is set forth as follows:

WITNESSETH

WHEREAS, LADWP proposed the Elysian Reservoir Water Quality Improvement Project (ERWQIP), in order to ensure the quality, reliability, and stability of the City of Los Angeles (City) drinking water supply and comply with updated United States Environmental Protection Agency (EPA) water quality standards;

WHEREAS, the ERWQIP proposed a new, buried, concrete-covered reservoir along with two alternative projects (floating cover and aluminum cover) to replace the existing uncovered Elysian Reservoir; and

WHEREAS, LADWP Board of Commissioners (Board) certified the Environmental Impact Report (EIR) for the ERWQIP and approved the floating cover alternative, in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, Board established a Community Parks Enhancement Fund in the amount of \$12,500,000 (\$12.5 million) in conjunction with the ERWQIP; and

WHEREAS, the goal of the Community Parks Enhancement Fund is to provide community park enhancements for public purposes within the Elysian Park area or comparable urban areas; and

WHEREAS, on December 11, 2012, the City Council adopted Elysian Reservoir Water Quality Improvement Project in Council File Number 12-0761; and

WHEREAS, an amendment to Council File Number 12-0761 was also approved, which stated that the Community Parks Enhancement Fund was not incorporated into the ERWQIP mitigation measures, but that it would be used to provide community park enhancements for public purposes to improve aesthetic and recreational opportunities within the Elysian Park area or comparable urban areas;

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WHEREAS, LARAP will provide informational reports on all proposed and ongoing projects to the LADWP's Board of Water and Power Commissioners ("Board") on a quarterly basis until the Community Parks Enhancement Fund is exhausted.

NOW, THEREFORE, in consideration of the foregoing and of the benefits which will accrue to the parties hereto in carrying out the terms and conditions of this MOU, it is understood and agreed, by and between the parties hereto, as follows:

ARTICLE 1 – SECTION HEADINGS

All titles, subtitles, and/or section headings appearing herein have been inserted for convenience and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning, intent or construction of any of the terms or provisions hereof. The singular shall include the plural; use of the feminine, masculine, or neuter genders shall be deemed to include the genders not used.

ARTICLE 2 – DEFINITIONS

CPEF	Community Parks Enhancement Fund, as adopted by LADWP Board of Commissioners on April 17, 2012
ERWQIP	Elysian Reservoir Water Quality Improvement Project, passed on December 11, 2012, in Council File Number 12-0761, in addition to any amendments.
LADWP	City of Los Angeles Department of Water and Power
LARAP	City of Los Angeles Department of Recreation and Parks
MOU	Memorandum of Understanding
MOU Date	Date when this MOU is fully executed

ARTICLE 3 – PURPOSE

The goal of this Community Parks Enhancement Fund (CPEF) is to provide community park enhancements for public purposes within the Elysian Park area or comparable urban areas to address and improve certain aesthetic needs and recreational opportunities. Initiated in conjunction with ERWQIP, CPEF will provide needed park enhancements through LARAP. A paragraph from associated LADWP Resolution No. 012 225 states the following:

“BE IT FURTHER RESOLVED that, the Board hereby approves the establishment of a \$12.5 million Community Parks Fund (the Fund). The Fund will be used of the public purposes related to community parks, though no specific purposes are established at this time. Best efforts shall be used to located (sic) enhancements in the Elysian Park area. However, if no suitable enhancements can be located in the Elysian Park area, best efforts shall be used to locate enhancements in a comparable urban area or areas. Future proposed appropriations from the Fund will be fully evaluated under CEQA before any projects funded by such appropriations are approved. The Board hereby finds that the establishment of the Fund will not create any different or substantially more severe environmental impacts for those examined in the EIR, does not constitute “significant new information” as that term is defined under CEQA Guidelines Section 15088.5 and would not otherwise require recirculation of the EIR.”

LADWP will transfer funds to LARAP pursuant to its authorizing Resolution No. 012 225 requesting LADWP to transfer \$12.5 million for the Community Parks Funds with the goal of prioritizing opportunities identified in the Draft Elysian Park Master Plan.

All CPEF funds shall be expended in accordance with LADWP Resolution No. 012 225.

All CPEF projects shall consider and implement water conservation features, to the extent appropriate and feasible.

The CPEF amount will be obtained from the LADWP Water System Revenue Fund, specifically the ERWQIP. It will be made available upon approval of this MOU and appropriate payment processing procedures.

3.1 Payment

LADWP shall provide LARAP funds according to the following terms and conditions:

3.1.1 Single Payment

A single payment in the amount noted above will be made via interdepartmental transfer upon LADWP’s receipt and approval of LARAP’s request for payment. The Accounts Payable Manual Voucher IT system will be used for the inter-city fund transfer and accountability.

3.2 Limitations on Use of Funds

Funds will be utilized for community park enhancement projects for a public purpose within the Elysian Park area or comparable urban areas under the

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discretion of LARAP. LARAP will consult with appropriate city council districts to select CPEF projects, determine necessary budgets, and estimate delivery schedules.

ARTICLE 4 – SCOPE OF SERVICES

4.1 Responsibilities and Tasks to be Performed by LADWP

4.1.1 Transfer of Funds

LADWP's sole responsibility under this MOU shall be to transfer funds to LARAP, as requested by Los Angeles City Council and as authorized by the Board of Water and Power Commissioners. The transfer of funds will occur as soon as possible, following execution of this MOU. A current estimate for fund availability is approximately March 31, 2016.

4.2 Responsibilities and Tasks to be Performed by LARAP

4.2.1 Project Development

LARAP resources shall be used to develop and accomplish the identified enhancement projects in a timely manner. LARAP shall initially select projects and shall then consult with appropriate city council districts to select additional and/or replacement projects.

4.2.2 Management of Funds

LARAP shall be fully responsible for the management of funds and accountability of expenditures. LARAP shall provide annual accounting to LADWP that fully describes all projects and expenditures.

4.2.3 Use of Funds

Funds shall be expended as defined in this MOU and as intended and approved by Resolution No. 012 225.

4.2.4 Duty to Provide Maintenance

All CPEF projects and/or enhancements shall be maintained in accordance with LARAP maintenance standards.

4.2.5 Progress Reporting

LARAP shall provide informational reports on all proposed and ongoing projects to the LADWP's Board on a quarterly basis, beginning July 1, 2016 and

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continuing until the projects are completed, funds are exhausted or this MOU is terminated. All informational reports shall be agendaized and presented during regular public Board meetings. All reports shall include project descriptions, location maps, schedules, completion dates, and expenditures. LARAP shall coordinate all presentation of all informational reports with LADWP staff.

4.2.6 CEQA

LARAP shall be responsible for all CEQA compliance for any CPEF projects.

ARTICLE 5 – TERM OF MEMORANDUM OF UNDERSTANDING

The parties' obligation hereunder shall commence on the MOU Date.

ARTICLE 6 – TERMINATION

LADWP will commence termination of this MOU should LARAP fail to abide by any of the terms in this MOU, or should LARAP fail to create the agreed upon enhancements, in conformity with this MOU. In the event this MOU is terminated, LARAP shall immediately refund any unused CPEF funds to LADWP.

ARTICLE 7 – COMPENSATION AND PAYMENTS

7.1 No MOU Fees and Adjustments

LARAP shall not compensate LADWP for services rendered under this MOU, or in accordance with any prior agreement. LADWP shall not compensate LARAP for the services rendered under this MOU, or in accordance with any prior agreement.

ARTICLE 8 – CHANGES OR MODIFICATION

Changes or modifications to MOU terms may be made at any time by mutual written agreement between the parties hereto with approval of LARAP and LADWP.

ARTICLE 9 – CONTACT PERSONS - PROPER ADDRESSES - NOTIFICATION

9.1 Representatives of the Parties

The representatives of the parties to administer this MOU and to whom all notices and communications shall be given are as follows:

LARAP:

Planning, Construction, and Maintenance Branch

Cathie Santo Domingo, Superintendent
221 North Figueroa Street, 4th Floor
Los Angeles, California 90012
(213) 202-2668
cathie.santodomingo@lacity.org

Legal

Anthony-Paul Diaz, Deputy City Attorney
200 North Main Street, 7th Floor
Los Angeles, California 90012
(213) 978-8156
ap.diaz@lacity.org

LADWP:

Water Engineering & Technical Services Division

Susan Rowghani, Director
111 North Hope Street, Room 1336
Los Angeles, California 90012
(213) 367-0866
Susan.Rowghani@LADWP.com

Legal

David Edwards, Deputy City Attorney
111 North Hope Street, Room 340
Los Angeles, California 90012
(213) 367-4496
David.Edwards@LADWP.com

9.2 Notices

All notices shall be made in writing or by e-mail transmission and sent to the designated contact persons for each party identified in Section 9.1 of this MOU. If the name or address of the person designated to receive notice changes, written notice shall be forwarded to the appropriate agency section and contact person of equal responsibility.

ARTICLE 10 – SEVERABILITY

Should any portion of this MOU be determined to be void or unenforceable, such shall be severed from the whole and the MOU will continue as modified.

ARTICLE 11 – ENTIRE MEMORANDUM OF UNDERSTANDING

This MOU contains all of the agreements, representations, and understandings of the parties hereto and supersedes and/or incorporates any previous understandings, proposals, commitments or agreements, whether oral or written, and may be modified or amended only as herein before provided.

ARTICLE 12 – GOVERNING LAW

Each party's performance hereunder shall comply with all applicable laws of the United States of America, the State of California, and City of Los Angeles. This MOU shall be governed by, enforced, and interpreted under the laws of the State of California and City of Los Angeles. Each party shall comply with new, amended, or revised laws, regulations, and/or procedures that apply to the performance of this MOU.

If any part, term of provision of this MOU shall be held void, illegal, unenforceable, or in conflict with any law of a federal, state, or local government having jurisdiction over this MOU, the validity of the remaining portions of provisions shall not be affected thereby.

ARTICLE 13 - WAIVER

A waiver of a default of any part, term or provision of this MOU shall not be construed as a waiver of any succeeding default or as a waiver of the part, term or provision itself. A party's performance after the other party's default shall not be construed as a waiver of that default.

ARTICLE 14 - INDEMNIFICATION

It is understood and agreed that the Los Angeles City Council, by action of Council File 12-0761, as amended, stated in part that the LADWP, a proprietary department of the City of Los Angeles, shall be indemnified from and against any loss or liability arising from acts or omissions of a non-proprietary department, including the LARAP, its employees or contractors, while the non-proprietary department is performing services for the proprietary department, when such loss or liability would not have occurred or accrued absent the non-proprietary department's performance of such services on the proprietary department's premises.

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IN WITNESS WHEREOF, the parties hereto have executed this MOU on the date below their signatures.

DEPARTMENT OF WATER AND POWER
OF THE CITY OF LOS ANGELES BY
BOARD OF WATER AND POWER COMMISSIONERS
OF THE CITY OF LOS ANGELES

By: _____
MARCIE L. EDWARDS
General Manager

Date: _____

And: _____
BARBARA E. MOSCHOS
Secretary

LOS ANGELES DEPARTMENT OF
RECREATION AND PARKS

By: _____
MICHAEL A. SHULL
General Manager

Date: _____

Office of the City Clerk, City of Los Angeles

This report was generated by the Council File Management System on 01/09/2013

Council File Number

12-0761

Title

Elysian Reservoir Water Quality Improvement Project

Last Change Date

12/17/2012

Expiration Date

11/26/2014

Reference Numbers

State Clearinghouse 2008061109

Initiated by

The Citizens Committee to Save Elysian Park

Action History for Council File 12-0761

Date Activity

12/17/2012 Council Action.

12/11/2012 Council adopted item, as amended, forthwith.

11/26/2012 City Clerk scheduled item for Council on December 11, 2012 .

11/07/2012 Energy and Environment Committee denied appeal(s).

11/02/2012 Energy and Environment Committee scheduled item for committee meeting on November 7, 2012.

10/17/2012 Energy and Environment Committee continued item to/for a date to be determined.

10/12/2012 Energy and Environment Committee scheduled item for committee meeting on October 17, 2012.

06/20/2012 Board of Water and Power Commissioners document(s) referred to Energy and Environment Committee.

06/15/2012 Document(s) submitted by Board of Water and Power Commissioners, as follows:

Board of Water and Power Commissioners report, dated June 8, 2012, relative to the Elysian Reservoir Water Quality Improvement Project, including Environmental Impact Report.

05/24/2012 The Citizens Committee to Save Elysian Park document(s) referred to Energy and Environment Committee.

05/24/2012 Document(s) submitted by Chatten-Brown and Carstens, as follows:

The Citizens Committee to Save Elysian Park communication, dated April 23, 2012, relative to an appeal of certification of the Final Environmental Report for the Elysian Reservoir Water Quality Improvement Project, from the Board of Water and Power Commissioners.

CITY OF LOS ANGELES
CALIFORNIA

JUNE LAGMAY
City Clerk

HOLLY L. WOLCOTT
Executive Officer

When making inquiries relative to
this matter, please refer to the
Council File No.



ANTONIO R. VILLARAIGOSA
MAYOR

Office of the
CITY CLERK

Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
General Information - (213) 978-1133
Fax: (213) 978-1040

SHANNON HOPPES
Council and Public Services
Division

www.cityclerk.lacity.org

December 17, 2012

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council File
No. 12-0761, at its meeting held December 11, 2012.

City Clerk
OS

COMMUNICATION

TO: LOS ANGELES CITY COUNCIL

FILE NO. 12-0761

FROM: COUNCILMEMBER JOSE HUIZAR, CHAIR
COUNCILMEMBER DENNIS ZINE, VICE CHAIR
ENERGY AND ENVIRONMENT COMMITTEE

ENVIRONMENTAL IMPACT REPORT (EIR) and COMMUNICATION FROM CHAIR and VICE CHAIR, ENERGY AND ENVIRONMENT COMMITTEE relative to the consideration of and recommendation to the City Council on the California Environmental Quality Act (CEQA), Section 21151(c) appeal by the Citizens Committee to Save Elysian Park (CCSEP) represented by Chatten-Brown and Carstens relative to the EIR certification by the Board of Commissioners of the Los Angeles Department of Water and Power for the Elysian Reservoir Water Quality Improvement Project.

Recommendations for Council action:

1. DENY the APPEAL filed by the CCSEP represented by Chatten-Brown and Carstens relative to the Environmental Impact Report certification by the Board of Water and Power Commissioners' for the Elysian Reservoir Water Quality Improvement Project.
2. ADOPT the April 17, 2012 action of the City of Los Angeles, Board of Water and Power Commissioners, as the action of the Council to:
 - a. Certify that the EIR for the Elysian Reservoir Water Quality Improvement Project has been completed in compliance with CEQA, reflects the City's independent judgment and analysis, and was presented to and considered and reviewed by the Council before approving the Project.
 - b. Require implementation of the mitigation measures and adopt the Mitigation Monitoring and Reporting Plan.
 - c. Adopt the findings of Fact and Statement of Overriding Considerations for impacts that remain significant after implementation of the mitigation measures.
 - d. Approve the floating cover alternative with additional enhancements to the reservoir area and park instead of the proposed buried reservoir for the Project after consideration of the EIR and budget.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

On November 7, 2012, the Energy and Environment Committee Chair and Vice Chair considered a Board of Water and Power Commissioners (Board) report relative to the Elysian Reservoir Water Quality Improvement Project including the EIR for the Elysian Reservoir Water Quality Improvement Project. Pursuant to Public Resources Code Section 21151, a CEQA appeal has been filed with the City Council on behalf of the CCSEP regarding this project.

The EIR for this Project was approved by the Board on April 17, 2012. The Board's specific action is as follows:

- Certify the EIR for the Elysian Reservoir Water Quality Improvement Project which was prepared in order to comply with the CEQA.
- Require implementation of the mitigation measures and adopt the Mitigation Monitoring and Reporting Plan.
- Adopt the Finding of Fact and Statement of Overriding Considerations for impacts that remain significant after implementation of the mitigation measure.;
- Approve the floating cover alternative with additional enhancements to the reservoir area and park instead of the proposed buried reservoir for the Project after consideration of the EIR and budget.

On April 23, 2012, the CCSEP filed a CEQA appeal of the Board's action with the Council. Pursuant to Public Resources Code Section 21151, if a non-elected decision-making body of a local lead agency certifies an environmental impact report, the certification may be appealed to the agency's elected decision-making body. In this case the Board is a non-elected decision-making body therefore any appeals of its CEQA certifications are referred to the Council.

According to the Los Angeles Department of Water and Power (LADWP), the Elysian Reservoir Water Quality Improvement Project is intended to protect the quality and reliability of the City's drinking water supply and comply with the updated Federal Environmental Protection Agency (EPA) water quality standards.

Specifically, the LADWP must comply with updated Federal water quality regulations to mitigate the formation of potentially carcinogenic byproducts that may result from the chemical disinfection processes. In addition, the LADWP seeks to address local water storage capability as part of the Project. To meet this objective and the water quality requirements, the LADWP must cover the existing Elysian Reservoir and replace both the existing inlet line which connects the reservoir to the Riverside Trunk Line.

The LADWP indicates that it has worked closely with local citizen groups to address the nature and extent of facility improvements at the Elysian Reservoir. The process was an outgrowth of public meetings in the late 1980s between the LADWP and numerous citizens groups throughout the City related to the proposed physical and operational changes at the City's open reservoirs.

As part of the EIR, the LADWP presented a buried concrete-covered reservoir. Under this EIR option, the area atop the buried reservoir would be developed for recreation uses. A shallow wildlife pond of not less than 0.5 acres in size would also be created at the northern end of the project site, but not atop the buried reservoir. After completion of project construction, the site would be open to the public as part of the Elysian Park.

The other two alternatives under the EIR would not provide a publicly-accessible recreation area at the Elysian Reservoir property.

The first alternative under consideration is a floating cover. Under this alternative, a flexible membrane floating cover would be installed over the entire water surface and anchored to the edge of the reservoir basin. It is estimated that the cover option may require replacement every 15 to 20 years. Under this option, the reservoir would essentially retain its existing shape and volume. The EIR identifies the floating cover as the environmentally superior alternative.

The second alternative under consideration is an aluminum cover. Under this alternative, a lightweight aluminum cover would be installed over the entire surface of the reservoir. The aluminum cover would consist of a standing seam roof situated several feet above the water surface, resting on concrete side walls. Under this EIR option, the reservoir would essentially retain its existing shape and volume.

This second alternative also contains an option to install solar photovoltaic panels atop the aluminum cover to assist the DWP's renewable energy production goals. According to the LADWP, the project cost of the proposed buried concrete-covered reservoir is estimated to be \$110 million. The construction duration of the buried reservoir is approximately five and a half years.

In terms of the two alternatives, the floating cover is estimated at \$25 million and the aluminum cover at \$55 million. The durations for these alternatives are less than the buried reservoir - two and a half years for the floating cover and four years for the aluminum cover.

All noted costs relate to reservoir modification, including design, construction, operations, and maintenance over a 60 year life cycle. The floating cover alternative also has the lowest construction contract cost which is estimated to be \$15 million. The funding for the construction of this project will be provided from the Water System Revenue Fund.

The EIR identifies the floating cover as the environmentally superior alternative. It noted that the alternative meets the primary objectives of complying with updated water quality regulations and maintaining local drinking water storage capacity within the Elysian Reservoir service area. However, it would not meet the secondary project objective of providing publicly-accessible open space at the Elysian Reservoir property.

Environmental impacts under both the floating cover alternative and the aluminum cover alternative would be reduced compared to the buried concrete-covered reservoir because these alternatives involve less ground disturbance, truck traffic and construction time; and therefore would have reduced impacts to air quality/greenhouse gas emissions, biological resources and noise.

Further, the EIR finds that environmental impacts related to air quality/greenhouse gas emissions, noise, and transportation/traffic would be less under the floating cover alternative than under the aluminum cover alternative due to the reduced scope of construction required.

The Board's action associated with the EIR, and the approval of the floating cover alternative, includes additional enhancements/mitigations to the reservoir area and park not to exceed \$3,160,000. Construction enhancements include:

- Entry gate and landscaping;
- Dam crest and reservoir security fencing;
- Asphalt Concrete coloring;
- Wildlife pond and additional trees;
- Park trail loops; and
- Park restroom improvements.

The Board's action also included the establishment of a \$12.5 million Community Parks Fund. The Fund will be used for public purposes related to community parks. The LADWP states that best efforts will be used to locate enhancements in the Elysian Park area. However, if no suitable enhancements can be located in the area, best efforts will be used to locate enhancements in a

comparable urban area.

The CCSEP maintains that the selected alternative (floating cover) will have significant and unmitigated aesthetic and recreational impacts on Elysian Park and surrounding communities. The CCSEP's letter follows that its members live and recreate in Elysian Park and would be aggrieved by a loss of aesthetic and recreational opportunities in the Park. The letter concludes that the Board's selected alternative violates CEQA.

In terms of the \$12.5 million Community Parks Fund, the CCSEP states that the Fund was not incorporated into the Project's mitigation measures, and the wording creating the Fund fails to actually require its use in or near Elysian Park. The CCSEP seeks to have this matter addressed.

After consideration and having provided an opportunity for public comment, the Committee Chair and Vice Chair recommended approval of the Board's report and to deny the appeal. This matter is now submitted to Council for its consideration.

Respectfully submitted,



JOSE HUIZAR, CHAIR
ENERGY AND ENVIRONMENT
COMMITTEE

DENNIS ZINE, VICE CHAIR
ENERGY AND ENVIRONMENT
COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
HUIZAR:	YES
ZINE:	YES
CÁRDENAS:	ABSENT
ALARCÓN:	ABSENT
KORETZ:	ABSENT

EV
12-0761_rpt_ee_11-07-12

ADOPTED
As Amended
DEC 11 2012
See Attached Motion
LOS ANGELES CITY COUNCIL

FORTHWITH

MOTION

I MOVE that the Energy and Environment Committee Report relative to the California Environmental Quality (CEQA) appeal by the Citizens Committee to Save Elysian Park, Item No. 25 on today's Council Agenda (CF 12-0761), BE AMENDED to include the following additional recommendations:

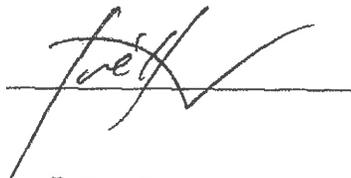
- Request the Department of Water and Power (DWP) to work with the Citizen's Committee to Save Elysian Park with respect to the expenditure of the \$3,160,000 associated with the reservoir area and park enhancements in order to meet project needs and maximize community objectives;
- Request the DWP to transfer the \$12.5 million associated with the Community Parks Fund to California Community Foundation with the goal of prioritizing opportunities identified in the Elysian Park Master Plan;
- At the time of the termination of the currently approved floating cover's lifecycle the DWP should consider other project alternatives to meet federal water quality standards in order to determine the feasibility of implementation anytime leading up to or upon the consideration of a replacement instead of automatically replacing it.

PRESENTED BY:



ED P. REYES
Councilmember, 1st District

SECONDED BY:



ADOPTED

DEC 11 2012

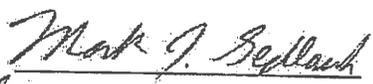
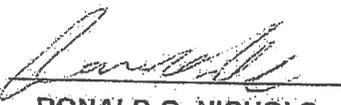
LOS ANGELES CITY COUNCIL

FORTHWITH

ORIGINAL


DEC 11 2012

LOS ANGELES DEPARTMENT OF WATER AND POWER (LADWP) BOARD APPROVAL LETTER

TO: BOARD OF WATER AND POWER COMMISSIONERS		DATE: March 14, 2012
 LORRAINE A. PASKETT Senior Assistant General Manager Sustainability Programs and External Affairs.		SUBJECT: Elysian Reservoir Water Quality Improvement Project Including Environmental Impact Report
 RONALD O. NICHOLS General Manager		
 JAMES B. McDANIEL Senior Assistant General Manager Water System		FOR COMMISSION OFFICE USE: RESOLUTION NO. <u>012 225</u> COPY RESO TO: <u>APR 17 2012</u> <i>1- Sr. Asst. Sustainability Programs & External Affairs</i> <i>2- Sr. Asst. Water System</i>
CITY COUNCIL APPROVAL REQUIRED: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	IF YES, BY WHICH CITY CHARTER SECTION:	RESOLUTION MODIFIED AND ADOPTED AT APRIL 17, 2012 BOARD MEETING.

PURPOSE

Transmitted for approval by your Honorable Board is a Resolution recommending to act on the following items, which are set forth in the attached Resolution:

- Certify the Environmental Impact Report (EIR) for the Elysian Reservoir Water Quality Improvement Project, which was prepared in order to comply with the California Environmental Quality Act (CEQA);
- Require implementation of the mitigation measures and adopt the Mitigation Monitoring and Reporting Plan (MMRP);
- Adopt the Findings of Fact and Statement of Overriding Considerations for impacts that remain significant after implementation of the mitigation measures;
- Approve the floating cover alternative with additional enhancements to the reservoir area and park instead of the proposed buried reservoir for the Elysian Reservoir Water Quality Improvement Project after consideration of the EIR and budget.

The Elysian Reservoir Water Quality Improvement Project will help ensure the quality, reliability, and stability of the City of Los Angeles drinking water supply and comply with updated United States Environmental Protection Agency (EPA) water quality standards.

COST AND DURATION

Project cost of the proposed buried concrete-covered reservoir is estimated to be \$110 million. The two feasible alternatives, the floating cover and the aluminum cover, were identified and similarly analyzed as part of the CEQA process. In comparison, project costs for these alternatives are \$25 million and \$55 million, respectively. All costs noted are primarily for reservoir modification and include design, construction, operations, and maintenance over a 60-year life cycle. Since both the floating and aluminum covers would need to be replaced during this time period, initial cost for implementation of these alternatives is less than the amounts noted. The floating cover alternative also has the lowest construction contract costs, which are estimated to be \$15 million.

The budget for the procurement and construction of this project will be provided from Water System ratepayer funds. In addition, several loans and grants may be available as the proposed project nears the construction phase. These funding opportunities would be pursued for any of the project options.

There are two primary low interest loan programs available. The largest amount may be obtained from the California Department of Public Health *Safe Drinking Water State Revolving Fund*. This program permits a maximum of \$30 million annually for the Water System, \$20 million of which may be used for a single project. The California Infrastructure and Economic Development Bank *Infrastructure State Revolving Fund* is another low interest loan which allows as much as \$10 million per year. The cost savings realized would be the difference in interest between the revolving fund and normal borrowing rates. It is estimated the total savings on a \$20 million loan would be about \$2 million due to the lower interest costs.

Additionally, there are various grants for open space or recreational park development which are administered by either the City of Los Angeles Department of Public Works (LADPW) or Department of Recreation and Parks (LADRP). Though these funds are smaller in amounts than the loans mentioned above, LADWP could work with these agencies to distinguish recreational components of the reservoir project. One such program, *Proposition K*, has identified Elysian Park as a potential recipient. Several million dollars may be available, but would require reallocation of the funds as they are currently designated for land acquisition and facility enhancements.

Construction duration of the buried reservoir is approximately five and a half years. The durations for the two alternatives are less than the buried reservoir, and are two and a half years for the floating cover and four years for the aluminum cover.

The following tables summarize costs and schedules as well as construction scenarios for the options under consideration. For comparison, the costs are for a 60-year period and include replacement of the floating and aluminum covers at the end of their expected lifespans.

PROJECT COST AND SCHEDULE			
Category	Buried Reservoir	Floating Cover	Aluminum Cover
Cost (In Millions)	\$110	\$25	\$55
Length of Construction	5.5 years	2.5 years	4 years (+ 7 months for solar panels)
Construction Duration	2015-2021	2014-2016	2014-2018

CONSTRUCTION SCENARIOS			
Category	Buried Reservoir	Floating Cover	Aluminum Cover
Total Off-Site Truck Trips	48,000	11,800	15,200
Peak Equipment	38	25	25
Peak Personnel	98	72	72
Total Volume of Earthwork	425,000 Cubic Yards	Minimal	Less than 1,000 Cubic Yards

RESERVOIR SITE AND ELYSIAN PARK ENHANCEMENTS

The following table summarizes the reservoir property and park enhancements associated with the Floating Cover Alternative:

No	Description	Estimated Cost
1	Entry Gate and Landscaping Vehicle gate and native landscaping at the reservoir entry	\$ 25,000
2	Dam Crest Fencing Vinyl clad chain-link fencing along reservoir dam crest	\$ 15,000
3	Reservoir Security Fencing Security fencing along reservoir perimeter wall	\$ 65,000
4	Asphalt Concrete Coloring Color coating of reservoir service road	\$ 140,000
5	Asphalt Paving Grand View Drive paving enhancements from Park Row to reservoir entry	\$ 115,000

No	Description	Estimated Cost
6	Wildlife Pond 1/2-acre pond, already included in the water quality improvement project	\$ 525,000
7	Trees and Landscaping Additional trees and landscaping below Point Grand View and near the wildlife pond	\$ 50,000
8	Rock Fall Barrier System Color-coated steel wire mesh on hillside slope above service road	\$ 370,000
9	Park Trail Loops New trail loops as described in the Draft Elysian Park Master Plan	\$ 255,000
10	Park Pipe Replacement Replace approximately 4,400 feet of 6-inch pipe along the westerly side of the Park	\$ 1,100,000
11	Park Restroom Improvements Repair an existing restroom facility in poor condition	\$ 500,000
	TOTAL:	\$ 3,160,000

BACKGROUND

Project Description:

LADWP must comply with updated EPA water quality standards, including the Stage 2 Disinfectants and Disinfection Byproducts Rule (D-DBPR), which establishes new regulations related to the formation of potentially carcinogenic disinfection byproducts that may result from certain drinking water chemical disinfection processes, and the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR), which establishes new regulations related to the presence of microbial pathogens in drinking water supplies. In addition, to maintain reliability and flexibility to meet the Elysian Reservoir service area demand for drinking water at required distribution system pressures, including during emergency or planned outages of upstream supplies, local water storage capability must be preserved. To meet these objectives, LADWP must cover the existing Elysian Reservoir and replace both the existing inlet line which connects the reservoir to the Riverside Trunk Line supply, and the existing bypass line which diverts water around the reservoir when necessary.

For two decades, LADWP has worked closely with the Elysian Reservoir Subcommittee of the Coalition to Preserve Open Reservoirs (CPOR) to determine the nature and extent of facility improvements at Elysian Reservoir that would meet the required federal and state drinking water standards. This process was an outgrowth of public meetings in the late 1980s between LADWP and numerous citizens groups in communities throughout the City related to proposed physical and operational changes at the City's open reservoirs necessary to implement the

Surface Water Treatment Rule, first promulgated by the EPA in 1989. In 1990, the Los Angeles City Council directed that decisions regarding improvements at several open reservoirs (including those at Elysian) be conducted through a mediation process between LADWP and the CPOR committee associated with each reservoir. The Elysian Subcommittee of CPOR strives to preserve Elysian Park open space areas for public use, which includes recreational activities. This includes taking advantage of potential opportunities to provide additional publicly accessible areas within the park. In relation to Elysian Reservoir, CPOR has played a primary role in advocating a buried structure.

To help ensure the quality, reliability, and stability of the City of Los Angeles drinking water supply and to ensure compliance with updated water quality standards, LADWP presented a new, buried concrete-covered reservoir (buried reservoir) as the proposed project in the EIR to replace the existing uncovered Elysian Reservoir. The new buried reservoir would be constructed in essentially the same location as the existing reservoir, although with a slightly reduced footprint. The buried reservoir would provide an equal amount of potable water storage (55 million gallons [MG]) as is available in the existing reservoir. In addition to the buried reservoir, new pipelines are needed for the water distribution system capacity and reliability. This includes a new 54-inch diameter inlet supply line and correspondingly, a new 54-inch reservoir bypass pipeline. These facilities will replace existing infrastructure installed in the early 1940s. The area atop the buried reservoir would be developed for recreation uses. A shallow wildlife pond of not less than 0.5 acres in size would also be created at the northern end of the project site, but not atop the buried reservoir. After completion of project construction, the site would be open to the public as part of Elysian Park. Other than facilities related to water storage and distribution, the site would be maintained and operated by the LADRP.

Two alternatives to the buried reservoir, which would meet the primary water quality and storage objectives, are also under consideration and were fully evaluated in the EIR. These alternatives would not provide a publicly-accessible recreation area at the Elysian Reservoir property. Both alternatives include the replacement of both the existing inlet and bypass lines as well as creation of a wildlife pond at the north end of the reservoir property.

The first alternative under consideration is a floating cover. Under this alternative, a flexible membrane floating cover would be installed over the entire water surface and anchored to the edge of the reservoir basin above the top of water elevation. This cover may require replacement every 15 to 20 years. Although the reservoir liner and appurtenant facilities would be removed and replaced under this alternative, the reservoir would essentially retain its existing shape and volume. The EIR identifies the floating cover as the environmentally superior alternative.

The second alternative under consideration is an aluminum cover. Under this alternative, a lightweight aluminum cover would be installed over the entire surface of the reservoir. The aluminum cover structure would consist of a standing seam roof situated several feet above the water surface, resting on concrete side walls. Although the reservoir liner and appurtenant facilities would also be removed and replaced under this alternative, the reservoir would essentially retain its existing shape and volume. Under this alternative, there is an option to

install solar photovoltaic panels atop the aluminum cover to help meet LADWP's ongoing commitment to renewable energy production.

Environmental Impact Report:

- An Initial Study (IS) was prepared and made available for public review from June 23, 2008 to July 22, 2008. Copies of the IS were made available for review at the Lincoln Heights, Chinatown, and Cypress Park Branch Libraries, as well as on the LADWP website. A Notice of Preparation of an EIR was submitted to the State Clearinghouse and mailed to agencies and individuals believed to have an interest in the project. A public notice was published in the Los Angeles Times on June 23, 2008. The IS and Notice of Preparation are in Appendix A of the Draft EIR, which is included as Attachment 1. The mailing list and proofs of publication are included as Attachment 2.
- An EIR was prepared by LADWP, which analyzed the potential environmental impacts associated with the construction and operation of the proposed project and two alternatives. The proposed project consisted of a buried concrete-covered reservoir. The area atop the buried reservoir would be developed for recreation uses as part of Elysian Park. The alternatives analyzed consisted of a floating cover and an aluminum cover, which also includes an option for the installation of solar panels. All alternatives included replacement of the inlet line connecting the reservoir to the Riverside Trunk Line, and the bypass pipeline to divert water around the reservoir when necessary.
- The EIR was submitted to the State Clearinghouse and made available for public review from March 10, 2011, through April 25, 2011. Copies of the EIR were again made available for review at the Lincoln Heights, Chinatown, and Cypress Park Branch Libraries, as well as on the LADWP website. In response to a community request, additional copies were made available at the Edendale, Echo Park, and Silver Lake Branch Libraries. A Notice of Availability was prepared and mailed to agencies and individuals believed to have an interest in the project. A public notice was published in the Los Angeles Times on March 10, 2011. Copies of the Notice of Availability, Mailing Lists, and the Los Angeles Times proofs of publication are included as Attachment 3.
- The EIR concludes that there are no feasible mitigation measures to reduce the temporary air quality and noise impacts to a level of less than significant during construction of the proposed project. The aluminum cover alternative would also have significant and unavoidable air quality and noise impacts during construction. The floating cover would have significant and unavoidable air quality impacts. Neither the proposed project nor the alternatives would cause significant operational impacts.
- The EIR identifies the floating cover as the environmentally superior alternative. This alternative meets the primary objectives of complying with updated water quality regulations and maintaining local drinking water storage capacity within the Elysian Reservoir service area. It would not meet the secondary project objective of providing publicly-accessible open space at the Elysian Reservoir property.

The following table summarizes the level of environmental impacts in each issue area analyzed in the EIR. Since there are varying degrees of impact above and below the threshold of significance, a comparison of the magnitude of impacts of the alternatives to that of the proposed buried reservoir is also included, as indicated by the less, similar, or greater notations.

ENVIRONMENTAL IMPACTS			
Issue Area	Buried Reservoir	Floating Cover	Aluminum Cover
<i>Aesthetics</i>	Less than Significant	Less than Significant (Similar)	Less than Significant (Similar)
<i>Air Quality</i>	Significant and Unavoidable	Significant and Unavoidable (Less)	Significant and Unavoidable (Less)
<i>Biological Resources</i>	Less than Significant with Mitigation	Less than Significant with Mitigation (Less)	Less than Significant with Mitigation (Less)
<i>Cultural Resources</i>	Less than Significant with Mitigation	Less than Significant with Mitigation (Less)	Less than Significant with Mitigation (Less)
<i>Noise</i>	Significant and Unavoidable	Less than Significant with Mitigation (Less)	Significant and Unavoidable (Less)
<i>Traffic</i>	Less than Significant with Mitigation	Less than Significant with Mitigation (Less)	Less than Significant with Mitigation (Less)

Public Comments on the EIR:

During the public review period, a total of 11 comment letters were received by LADWP. Comments were received from:

- 1 State of California, Governor's Office of Planning and Research, State Clearinghouse
Signed: Mr. Scott Morgan April 26, 2011
- 2 State of California, Department of Transportation, District 7
Signed: Ms. Dianna Watson April 20, 2011

3	Valley Alliance of Neighborhood Councils <i>Signed: Ms. Jill Banks Barad</i>	April 18, 2011
4	Citizens Committee to Save Elysian Park <i>Signed: Ms. Sallie Neubauer</i>	April 20, 2011
5	Ms. Susan Borden	April 10, 2011
6	Mr. Michael O'Brien	April 13, 2011
7	Ms. Alison O'Neill	April 24, 2011
8	Mr. Peter Slutzky	April 24, 2011
9	Mr. Peter Lassen	April 25, 2011
10	Ms. Kathleen and Mr. Phillip Murphy	April 25, 2011
11	Ms. Joyce Dillard	April 25, 2011

Copies of the letters and LADWP's responses are provided in Section 2.0 of the Final EIR. A public meeting was held on April 13, 2011 to solicit comments on the Draft EIR. Approximately 20 people attended this meeting. Comments received at this meeting, both verbal and in writing, along with staff responses, are also provided in Section 2.0 of the Final EIR.

Numerous comments were received expressing support for the buried reservoir in spite of the environmental impacts of construction. Numerous comments were also received opposing the buried reservoir and supporting the floating cover alternative primarily due to the large cost differential between the options. The major environmental concerns that were expressed in the comments consist of the following:

Aesthetics

Comments: Both the floating and aluminum covers would create aesthetic visual environmental damage. Park users have almost continuous views of the reservoir from Grandview Drive and this cannot be screened. Losing the open reservoir would have a negative impact regardless of the alternative chosen, however, creating accessible parkland meadow is acceptable mitigation for losing it.

Staff response: The Draft EIR analyzed the potential aesthetic impacts using a customary approach under CEQA. Given the character of the Elysian Reservoir site and surrounding property as well as the nature of the project and alternatives, it was determined that aesthetic impacts would be less than significant.

Comment: There would be substantial glare from the solar panels if the aluminum cover with solar panels alternative was implemented.

Staff response: The protective glass panes on solar panels would be low in iron content to increase the transmission of light to the photovoltaic cells by reducing absorption, refraction, and reflection of light by the glass. The panes also include an anti-reflective coating to further reduce glare.

Climate Change

Comments: New parkland planted with shrubs, grass, and plants would help mitigate climate change.

Staff response: The Draft EIR evaluated Greenhouse Gas (GHG) emissions (the primary source of climate change) for construction and operation of the buried reservoir. Amortized over a 30-year period, the proposed project (buried reservoir), which includes a park on top, would generate approximately 586 metric tons annually of carbon dioxide equivalent, significantly more than the alternatives. Operation of a recreation facility at the site would continue to generate 849 metric tons annually. Given the limited area (six to eight acres), it is not likely that the landscaped area would offset these additional GHG emissions.

Biological Resources

Comment: All efforts should be made to save the trees in the carob grove even though they are not specifically protected by the City's Protected Tree Ordinance.

Staff response: Efforts would be made to clear only the amount of land necessary to accommodate construction staging activities. All disturbed areas would be restored during the final phase of construction.

Comment: The Draft EIR fails to recognize that Elysian Park is part of a wildlife migration corridor connected to Griffith Park. It only discusses wildlife migration relative to birds and does not address terrestrial species.

Staff response: Because it is fenced and adjacent to a freeway, the Elysian Reservoir property provides limited opportunities for wildlife migration of terrestrial species. As noted, there are mitigation measures that reduce impacts to nesting birds to a level of less than significant.

Traffic

Comment: Caltrans comments included information on all permits needed for work performed within the State right-of-way or impacting access to freeways. They recommend that truck trips on State Highways be limited to off-peak hours.

Staff response: LADWP will obtain all necessary permits. The traffic study performed for the EIR found no significant impacts so there is no need to limit truck trips to off-peak hours.

Comment: Elysian Park is used heavily and roads within the park are used for parking during the weekends. There should be no hauling through the park on Saturdays.

Staff response: The Draft EIR concluded that heavy construction vehicle traffic on interior park roads would conflict with the use of Elysian Park for recreation purposes. As a result, mitigation measures were developed and included in the Draft EIR to reduce traffic-related impacts during construction to a less than significant level.

Comment: On weekdays when there are games or other events at Dodger Stadium, there should be no hauling from two hours before to two hours afterwards rather than the one hour as specified in the Draft EIR.

Staff response: Weekday games and events at Dodger Stadium that could overlap the hours of construction activity would occur infrequently. Although the Dodger's organization has traffic officers and engineers managing traffic for the period starting two hours before a game and ending two hours after a game, the one hour prior to and after a game was found to be sufficient to manage construction traffic.

Land Use and Planning

Comment: The buried reservoir is the only alternative that conforms with the city's General Plan and the Elysian Park Master Plan.

Staff response: The Elysian Reservoir is zoned as Open Space so a land use variance would be required to implement the floating cover or aluminum cover. However, not all Open Space is intended primarily for scenic, recreation, or natural resource values. According to the Open Space Element of the City of Los Angeles General Plan, in order of first importance, Open Space "includes lands needed for life support systems such as the water supply, water recharge, water quality protection, wastewater disposal, solid waste disposal, air quality protection, energy production and noise prevention." The floating cover is consistent with these goals. The Elysian Park Master Plan has not been adopted by the LADRP.

Environmentally Superior Alternative

Comment: The buried reservoir is the only alternative that would create new parkland. This long-term benefit of additional parkland outweighs the short-term damage caused by construction of the buried reservoir. Therefore, the environmentally superior alternative is the buried reservoir, not the floating cover as identified in the Draft EIR.

Staff response: Under CEQA, the determination of environmental superiority among the alternatives is based on the degree of adverse impact to the physical environment in relation to existing conditions at and surrounding the project site. Based on the comparison of adverse impacts in relation to the existing environment among the proposed project and the alternatives to the project, the floating cover was determined to be the environmentally superior alternative. This alternative does not, however, meet the secondary objective of providing publicly accessible parkland at the Elysian Reservoir site.

The Final EIR, comprised of the Draft EIR, comments received on the Draft EIR, responses to those comments, and corrections to the Draft EIR was prepared. None of the changes to the Draft EIR necessitated recirculation of the document. The Final EIR was sent to each agency that submitted comments. It was also made available for public review on the LADWP website and at the libraries that received copies of the Draft EIR. A letter was sent to each person who submitted comments notifying them of the availability and locations of the Final EIR. The Final EIR has been included as Attachment 4. Copies of the letters and the mailing lists are included

Board of Water and Power Commissioners
Page 11
March 14, 2012

Department of Public Health (CDPH) on the deadline for compliance with the water quality regulations. This extension was requested to allow the community time to identify external funding options to help reduce the cost of the buried concrete reservoir to the LADWP customers. This extension was denied by CDPH. Subsequently, Mr. Lassen submitted a letter asking LADWP to request an extension of the deadline from the EPA in light of their review of the LT2ESWTR in response to requests from New York. CDPH has been in contact with the EPA regarding this review process. The EPA indicated that any revision to the requirements would not be in the near-term and that water agencies that have negotiated Compliance Agreements, as LADWP has, should continue to move forward with their projects to address existing water quality requirements. Copies of these letters are included as Attachment 7.

ENVIRONMENTAL DETERMINATION

Adoption of the Resolution will result in the certification of the EIR and the adoption of the MMRP, Findings of Fact and Statement of Overriding Considerations for the floating cover alternative and satisfies the requirements of the CEQA. In addition, the resolution will authorize funding for the reservoir site improvement projects. The MMRP for floating cover alternative is included as Attachment 8.

RECOMMENDATION

It is recommended that your Honorable Board adopt the accompanying Resolution, approved as to form and legality by the City Attorney, and certify the EIR. It is further recommended that your Honorable Board approve the floating cover alternative for the Elysian Reservoir Water Quality Improvement Project.

JVW:db

Attachments

e-c/att: Ronald O. Nichols
Richard M. Brown
Aram Benyamin
James B. McDaniel
Lorraine A. Paskett
Philip R. Leiber
Ann M. Santilli
Gary Wong
Mark J. Sedlacek
Charles C. Holloway
Julie Van Wagner

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RESOLUTION NO. 012 225

WHEREAS, the Los Angeles Department of Water and Power (LADWP) has an obligation to deliver a dependable supply of safe, high-quality water to customers in the City of Los Angeles in an efficient and publicly responsible manner; and

WHEREAS, the LADWP must comply with updated United States Environmental Protection Agency (EPA) water quality standards, including the Stage 2 Disinfectants and Disinfection Byproducts Rule, which establishes new regulations related to the formation of potentially carcinogenic disinfection byproducts that may result from certain drinking water chemical disinfection processes, and the Long Term 2 Enhanced Surface Water Treatment Rule, which establishes new regulations related to the presence of microbial pathogens in drinking water supplies; and

WHEREAS, the Elysian Reservoir is currently an uncovered reservoir that provides approximately 55 million gallons of potable water, supplying water to approximately 285,000 people in the greater downtown Los Angeles area; and

WHEREAS, Elysian Reservoir provides crucial emergency storage and operational capacity that allows for the flexibility necessary to meet peaks in demand that could not be satisfied long term through other sources or the use of water distribution pipelines alone; and

WHEREAS, LADWP field demonstrations have established that it is difficult in uncovered reservoirs to maintain the intended chloramine residual and optimal chlorine-to-ammonia ratio necessary to achieve compliance with the Stage 2 Disinfectants and Disinfection Byproducts Rule, and that replacing the uncovered Elysian Reservoir with a buried or covered reservoir would allow for the proper management of chloramine disinfectant levels; and

WHEREAS, the Long Term 2 Enhanced Surface Water Treatment Rule requires that downstream treated-water storage facilities, such as the Elysian Reservoir, maintain the microbial protection of the treated water they receive before the water is discharged from the storage facilities; that treated water stored in uncovered reservoirs can be contaminated from numerous sources such as incidental surface water runoff, bird and animal waste, and airborne deposition (including pollutants and bacteria); and that replacing the uncovered Elysian Reservoir with a buried or covered reservoir would mitigate these contamination risks; and

WHEREAS, LADWP has proposed the Elysian Reservoir Water Quality Improvement Project (Project) whose primary project objectives are to (1) bring the Elysian Reservoir into compliance with updated standards enacted by the EPA and, by extension, the California Department of Public Health, including the Stage 2 Disinfectants and Disinfection Byproducts Rule and the Long Term 2 Enhanced Surface Water Treatment Rule and (2) to preserve the Elysian Reservoir's existing water storage capability to

maintain reliability and flexibility to meet the Elysian Reservoir's service area demand for drinking water at required distribution system pressures, including during emergency or planned outages of upstream supplies; and

WHEREAS, LADWP stated a secondary objective of the proposed Project is to provide a publicly accessible recreation area at the Elysian Reservoir site; and

NOW, THEREFORE, BE IT RESOLVED that the City of Los Angeles Board of Water and Power Commissioners (Board) recognizes that a study was made of the environmental effects of the Project, including its construction and operation. This study is embodied in the Environmental Impact Report (EIR), which analyzed the buried reservoir (Proposed Project) and two alternatives in detail. The Proposed Project consisted of the buried reservoir, with the area atop being developed for possible recreation uses. A new water supply bypass line to replace the existing, aging bypass line would be installed to the west of the reservoir to allow unimpeded water supply operations during construction as well as greater accessibility to the line after construction is complete. A new inlet line would connect the reservoir to the existing Riverside Truck Line located within Riverside Drive to help maintain critical system reliability and provide improved distribution system capability.

BE IT FURTHER RESOLVED that the EIR also analyzed alternatives to the Proposed Project. The alternatives consisted of a floating cover and an aluminum cover, which included the option of solar panels installed on top. The floating cover alternative would not include an option of solar panels because incompatibilities between the floating cover and the solar components would hinder operations and maintenance and compromise the integrity of both the water storage and solar energy systems. Both alternatives would achieve the primary water quality and water storage objectives of the Project, however neither of the two would achieve the secondary objective of providing a publicly accessible recreation area at the Elysian Reservoir site.

BE IT FURTHER RESOLVED that the EIR, including all comment letters and responses, is on file with the Secretary of this Board and is incorporated in this Resolution, and made a part hereof.

BE IT FURTHER RESOLVED that this Board must balance the economic, legal, social, technological, or other benefits against unavoidable environmental impacts and has the discretion to approve the proposed project or either of the alternatives based on these factors.

BE IT FURTHER RESOLVED that this Board recognizes that the EIR identified the floating cover as the environmentally superior alternative as it would result in the least significant adverse impact on the physical environment among all the alternatives when analyzed in relation to the existing environmental conditions at and surrounding the project site. Impacts under both the floating cover alternative and the aluminum cover alternative would be reduced compared to the Proposed Project because these alternatives involve less ground disturbance, truck traffic and construction time, and

therefore would have reduced impacts to air quality/greenhouse gas emissions, biological resources, cultural resources, noise, and transportation and traffic compared to the Proposed Project. Impacts related to air quality/greenhouse gas emissions, noise, and transportation/traffic would be less under the floating cover alternative than under the aluminum cover alternative due to the reduced scope of construction required.

BE IT FURTHER RESOLVED that this Board recognizes that the costs for design, construction, operations, and maintenance over a 60-year project lifespan have been estimated at \$110 million for the buried reservoir, \$25 million for the floating cover, and \$55 million for the aluminum cover without the solar panels.

BE IT FURTHER RESOLVED that this Board recognizes that the staff recommendation for compliance with the updated EPA water quality standards and water storage objectives is the floating cover alternative, which meets the primary project objectives for this Project.

BE IT FURTHER RESOLVED that this Board makes the following findings and determinations with respect to the floating cover alternative for the Project.

The floating cover alternative would install an approximately 325,000-square-foot flexible membrane floating cover anchored to the edge of the Elysian Reservoir. The reservoir liner and appurtenant facilities would be removed and replaced, but the reservoir would essentially retain its existing shape and volume. A shallow wildlife pond would be created at the north end of the reservoir property.

The floating cover alternative includes the construction of a new bypass line to the west of the reservoir and a 54-inch diameter underground inlet line connecting the reservoir to the existing Riverside Trunk Line within Riverside Drive.

The floating cover alternative was found to be the environmentally superior alternative based on the analysis in the EIR.

BE IT FURTHER RESOLVED that this Board makes the following further findings and determinations with respect to the Project:

LADWP is the lead agency under the California Environmental Quality Act (CEQA) and has prepared an EIR in compliance with CEQA.

An Initial Study (IS) and a Notice of Preparation of an EIR were prepared and made available for public review from June 23, 2008, to July 22, 2008. The Notice of Preparation was filed with the Los Angeles City and County Clerks on June 23, 2008. Notices were also published in the legal section of the *Los Angeles Times* on June 23, 2008. Copies of the IS and Notice of Preparation

of an EIR were sent to the California State Clearinghouse as well as local agencies, organizations, and individuals believed to have an interest in the Proposed Project. Copies of the Notice of Preparation and IS are included in Appendix A of the Draft EIR, which is on file with the Secretary of the Board as Attachment 1 to the Board Letter. Copies of the mailing list and proof of publication are on file with the Secretary of the Board as Attachment 2 to the Board Letter.

A total of 11 comment letters were received in response to the Notice of Preparation. Comments received were considered in the preparation of the Draft EIR and have also been included in Appendix A of the Draft EIR Attachment 1 to the Board Letter.

A Draft EIR and Notice of Availability of a Draft EIR for the Project were prepared and made available for a 45-day public comment period from March 10, 2011, to April 25, 2011. The Notice of Availability of the Draft EIR was filed with the City Clerk and County Clerk on March 7, 2011, and March 10, 2011, respectively. Notice was published in the legal section of the Los Angeles Times on March 10, 2011. Copies of the Notice of Availability and Draft EIR were sent to the California State Clearinghouse as well as local agencies, organizations, and individuals commenting on the Notice of Preparation. Copies of the notice, mailing list for the Draft EIR and Proof of Publication of the notice in the Los Angeles Times are on file with the Secretary of the Board as Attachment 3 to the Board Letter.

Eleven comment letters were received on the Draft EIR. A public meeting, attended by approximately 20 individuals, was held on April 13, 2011, at the Solano Avenue Elementary School, 615 Solano Avenue, Los Angeles, CA 90012. Oral comments and written comments submitted on comment cards were received at the meeting.

The Final EIR, comprised of the Draft EIR, written comments received on the Draft EIR, a summary of oral comments received at the public meeting, responses to those comments, errata, and the Mitigation Monitoring and Reporting Program was prepared and made available on the LADWP website on September 9, 2011. Hard copies of the Final EIR were delivered to the libraries and sent to each agency that submitted comments on September 14, 2011. The Final EIR, on file with the Secretary of the Board, has been included as Attachment 4 to the Board Letter.

In response to the Final EIR, one additional comment letter was received. Responses to this comment letter were prepared by staff and provided to the commenter. The additional comment letter on the Final EIR and the responses thereto, on file with the Secretary of the Board, has been included as Attachment 6 to the Board Letter.

The Final EIR, now before this Board, identifies the following potentially significant impacts from implementation of the floating cover alternative and proposed the following mitigation measures:

Impact	Mitigation Measures
<p>AIR QUALITY</p> <p>AIR-1: During the construction phase, nitrogen oxides emissions would exceed the South Coast Air Quality Management District's (SCAQMD) significance threshold, and therefore, the Project would contribute to an existing or projected air quality violation.</p> <p>AIR-2: The Project would expose sensitive receptors to substantial pollutant concentrations of particulate matter less than ten microns in diameter (PM₁₀), particulate matter 2.5 microns in diameter (PM_{2.5}), and toxic air contaminants (TACs) during construction.</p>	<p>AIR-A Heavy-duty equipment operations shall be suspended during first and second stage smog alerts.</p> <p>AIR-B Equipment and vehicle engines shall be maintained in good condition and in proper tune per manufacturers' specifications.</p> <p>AIR-C Based on a 2014 start of construction, all diesel-powered construction equipment shall meet the EPA Tier 3 or higher emissions standards according to the following:</p> <ul style="list-style-type: none"> • <i>January 1, 2014 to December 31, 2014:</i> All off-road construction equipment greater than 50 horsepower (hp) shall meet Tier 3 off-road emissions standards. In addition, all construction equipment shall be outfitted with the best available control technology devices certified by the California Air Resources Board (CARB). Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a CARB-defined Level 3 diesel emissions control strategy for a similarly sized engine. • <i>Post-January 1, 2015:</i> All off-road construction diesel engines not registered under CARB's Statewide Portable Equipment Registration Program that have a rating of 50 hp or more shall meet, at a minimum, the Tier 4 California Emission Standards for Off-Road Compression-Ignition Engines as

Impact	Mitigation Measures
	<p>specified in California Code of Regulations, Title 13, Section 2423(b)(1) unless such engine is not available for a particular item of equipment. In the event a Tier 4 engine is not available for any off-road equipment larger than 100 hp, that equipment shall be equipped with a Tier 3 engine. Equipment properly registered under and in compliance with CARB's Statewide Portable Equipment Registration Program shall be considered in compliance with this mitigation measure.</p> <p>AIR-D Electricity shall be utilized from power supply sources rather than temporary gasoline or diesel power generators, as feasible.</p> <p>AIR-E Heavy-duty trucks shall be prohibited from idling in excess of five minutes, both on and off site, except as follows:</p> <ul style="list-style-type: none"> • When verifying that the vehicle is in safe operating condition, or • When the vehicle is positioning or providing a power source for equipment or operations, or • While operating defrosters, heaters, air conditioning, or any other device to prevent a health or safety emergency.
BIOLOGICAL RESOURCES	
<p>BIO-1: The Project would have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.</p>	<p>BIO-A Project-related activities such as tree removal or vegetation clearance that would be likely to have the potential to disturb suitable bird nesting habitat shall be prohibited from February 15 through September 15 unless a qualified biologist surveys the project sites prior to disturbance to confirm the absence of active nests. Disturbance shall be defined as any activity that physically removes and/or damages vegetation or</p>

Impact	Mitigation Measures
	<p>habitat. Surveys shall be conducted weekly, beginning no earlier than 30 days and ending no later than three days prior to the commencement of disturbance. If an active nest is discovered, disturbance within a buffer area surrounding the nest site shall be prohibited until nesting is complete; the buffer distance shall be determined by the biological monitor in consideration of species sensitivity and existing nest site conditions. Limits of the buffer area shall be demarcated with flagging or fencing. Once a flagged nest is determined to be no longer active, the biological monitor shall remove all flagging and allow construction activities to proceed.</p>
<p>BIO-2: The Project would have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.</p>	<p>BIO-B Prior to the start of construction, to minimize incidental impacts to adjacent vegetation, the construction contractor shall place construction fencing (chain link, silt fencing, or other fencing as appropriate) along the construction limits of work. The LADWP shall be responsible for hiring a qualified biologist to inspect the fencing upon installation and monthly thereafter for the duration of the project. The construction contractor shall be responsible for any improvements or repairs deemed necessary by the biologist.</p>
<p>BIO-5: The Project would conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</p>	<p>BIO-C If it is determined that trimming of coast live oak trees along Grand View Drive is necessary, the LADWP shall follow the procedures and recommendations described in the LADRP Urban Forest Program <i>Tree Care Manual</i>. The LADWP shall apply for a permit from the Board of Public Works and obtain approval prior to pruning of trees. Any pruning shall be performed in compliance with the Oak Tree Pruning</p>

Impact	Mitigation Measures
	<p data-bbox="873 331 1372 426">Standards set forth by the Western Chapter of the International Society of Arboriculture.</p> <p data-bbox="751 464 1372 800">BIO-D All coast live oak, western sycamore, and southern California black walnut trees that are removed shall be replaced at a minimum 2:1 ratio of the same species with a minimum 15-gallon specimen measuring one inch or more in diameter at a point one foot above the base, and not less than seven feet in height, measured from the base.</p> <p data-bbox="743 835 1356 1241">BIO-E Prior to removal of any toyon and holly-leaf cherry plants, the LADWP shall obtain a recommendation for action from the LADRP arborist that has been approved by the LADRP General Manager. Upon completion of construction activities, any removed toyon and holly-leaf cherry shall be replaced in accordance with Los Angeles City Landscape Policy (Urban Forest Program <i>Tree Care Manual</i>, Appendix M).</p>
CULTURAL RESOURCES	
<p data-bbox="180 1308 625 1430">CR-2: The Project would cause a substantial adverse change in the significance of an archaeological resource.</p>	<p data-bbox="727 1308 1356 1843">CR-A Because the potential to encounter archaeological resources exists within the Elysian Reservoir property, qualified archaeological and Native American monitors shall perform monitoring during all ground disturbing activities, including but not limited to, excavation, trenching, boring, and grading at the Elysian Reservoir site. In the event that potential archaeological materials are encountered during construction, all construction activity in the area of the find shall cease until the discovery can be evaluated by a qualified archaeologist in accordance with the provisions of CEQA Guidelines</p>

Impact	Mitigation Measures
	<p>Section 15064.5. The archaeological monitor shall have the authority, in coordination with the construction manager, to temporarily re-direct construction equipment in the event potential archaeological resources are encountered until appropriate action to protect the resource has occurred.</p>
<p>CR-3: The Project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</p>	<p>CR-B Because the Elysian Reservoir site has high paleontological sensitivity, a qualified paleontological monitor shall perform monitoring during the grading and excavation phases of construction. Monitoring shall include inspection of exposed surfaces and microscopic examination of matrix. In the event that potential significant fossil localities are encountered during construction, all construction activity in the area of the find shall cease until the discovery can be evaluated by a qualified paleontologist. The paleontological monitor shall have authority, in coordination with the construction manager, to temporarily divert grading away from exposed resources until action to protect the resource has occurred. Fossils recovered shall be prepared, identified, and catalogued before donation to the federally accredited repository designated by the lead agency.</p>
<p>NOISE</p>	
<p>NOISE-1: Construction of the Project would result in a substantial temporary increase in ambient noise levels in the vicinity of the Project site.</p>	<p>NOISE-A All mobile construction equipment shall be equipped with properly operating mufflers or other noise reduction devices.</p> <p>NOISE-B Grading and construction contractors shall use quieter equipment as opposed to noisier equipment (such as</p>

Impact	Mitigation Measures
	<p>rubber-tired equipment rather than metal-tracked equipment), to the extent possible.</p> <p>NOISE-C The construction contractor shall use on-site electrical sources to power equipment rather than diesel generators where feasible.</p> <p>NOISE-D The construction contractor shall implement sound barriers or blankets on the Riverside Drive perimeter of the Caltrans island. The sound barriers or blankets shall be capable of blocking at least 15 dB of construction noise. The barriers or blankets shall be placed to the extent possible such that the line-of-sight between ground-level construction activity and sensitive land uses is blocked.</p>
TRANSPORTATION/TRAFFIC	
<p>TRANS-1: The Project would conflict with an applicable plan, ordinance, or policy for establishing measures of effectiveness for the performance of the circulation system on study street segments during construction.</p>	<p>TRANS-A During construction when games or other events are scheduled at Dodger Stadium, the LADWP shall coordinate with the Los Angeles Department of Transportation (LADOT) to establish manual traffic control at established major intersections along the Stadium Way-Academy Road route to and from the stadium. If manual control cannot be provided, construction traffic shall not be allowed on the haul route from the hour before, through the hour after a major event at Dodger Stadium.</p> <p>TRANS-B Traffic on non-park roads shall be controlled during construction by adhering to the guidelines contained in Standard Specifications for Public Works Construction and Caltrans' Traffic Manual, Chapter 5, "Manual of</p>

Impact	Mitigation Measures
	<p>Traffic Controls for Construction and Maintenance Work Zones" and applicable City requirements. These guidelines provide methods to minimize construction effects on traffic flow.</p>
<p>TRANS-3: The Project would create a safety hazard during construction at Elysian Reservoir associated with incompatible uses.</p>	<p>TRANS-D</p> <p>Prior to construction, a construction traffic control plan shall be prepared by the LADWP for review and approval by the LADOT and the LADRP. The plan shall include, at a minimum, advanced signing on Stadium Way and Riverside Drive alerting motorists to construction and an increase in construction vehicle movements; signage to alert motorists to temporary or limited access points to adjacent properties; appropriate barricades for road closures; construction speed limit signage along the haul route; other appropriate signage along the haul route to warn park users of construction equipment and vehicles; flag persons at road closure locations, blind spots, other sharp turns to direct construction and other vehicle traffic; temporary crosswalks for park users; and parking restrictions during construction.</p> <p>TRANS-E</p> <p>Prior to the start of construction, and periodically during construction, as necessary, the construction contractor shall provide all construction drivers with safety training to minimize conflicts between construction activities and park users. Training shall include adherence to posted speed limits, discussion of haul routes, and explanation of the construction traffic control plan.</p>

Impact	Mitigation Measures
	<p>TRANS-F</p> <p>The LADWP shall coordinate with the LADRP and the LADOT to prohibit on-street parking during peak phases of construction on the following street segments: Academy Road (minor), Solano Canyon Drive, and Park Row Drive/Street. Parking would still be maintained for residents on the west side of Park Row Street at the Grand View Drive entrance to the reservoir Project site.</p>

BE IT FURTHER RESOLVED that this Board finds that implementation of these mitigation measures would lessen the environmental effects of the floating cover alternative to a level of less than significant with the exception of temporary construction impacts to air quality, which would remain significant.

BE IT FURTHER RESOLVED that this Board acknowledges that pursuant to CEQA and the Guidelines adopted pursuant thereto, that before it may approve a project, which has potentially significant effects on the environment, it must first make certain findings and determinations. Accordingly, the Board determines that it first find whether there are specific economic, legal, social, technological, or other considerations which make infeasible further mitigation measures or project alternatives as identified in the Final EIR and further determine whether the benefits of the project outweigh such unavoidable temporary significant effects. Accordingly, the Board herewith makes the following findings in support of a decision to approve the floating cover alternative with temporary significant effects:

There are no additional feasible mitigation measures that would reduce air emissions to a level of less than significant. Daily NOx emissions would exceed the SCAQMD regional significance thresholds during certain periods of intensive construction activities. In addition, localized construction emissions of PM2.5 and PM10 would exceed the significance thresholds at residences on Riverside Drive and Park Row Street and at Solano Avenue Elementary School and toxic air contaminants would exceed the significance thresholds at residences on Riverside Drive. Localized concentrations are directly related to the distance between the source and the sensitive receptors.

This Board further finds that the Proposed Project analyzed in the EIR, which would construct a buried reservoir, would result in greater impacts to air quality/greenhouse gas emissions, biological resources, cultural resources, noise, and transportation/traffic than the floating cover alternative. These impacts would be greater because the Proposed Project would involve substantially more ground disturbance, truck traffic and construction time. This Proposed Project

would, however, meet the secondary objective of providing publicly-accessible open space at the Elysian Reservoir property.

This Board further finds that the aluminum cover alternative, both with and without solar panels on top, would also result in somewhat greater impacts to air quality/greenhouse gas emissions, noise, and transportation/traffic than the floating cover alternative due to the larger scope of construction required.

This Board further finds that all other considered alternatives discussed in the EIR were dismissed because they did not meet the basic Project objectives, were deemed to be infeasible, or would result in similar or greater environmental impacts. These included other storage alternatives at the Elysian Reservoir site, functional relocation alternatives, treatment and filtration, distribution system upgrades and increased Metropolitan Water District Supplies, and the Proposed Project without replacement of the inlet line.

This Board further finds that the No Project Alternative is infeasible to approve for the following specific reasons: While it would eliminate the significant short-term construction-related impacts resulting from the floating cover alternative, it would not achieve any of the Project objectives. Under the No Project Alternative, Elysian Reservoir would remain an uncovered treated water reservoir. However, because this would not meet the water quality mandates, the reservoir would ultimately need to be removed from service. This would not preserve local water storage capability to maintain reliability and flexibility to meet demand for drinking water in the Elysian Reservoir service area.

BE IT FURTHER RESOLVED that this Board finds, pursuant to the requirement that it adopt a Statement of Overriding Considerations to support approval of a project with significant effects on the environment, that there are specific economic, legal, social, technological or other benefits of the floating cover alternative which outweigh the temporary significant construction effects on air quality and therefore determines to approve the floating cover alternative project for the following reasons:

The floating cover alternative would achieve compliance with updated water quality standards enacted by the EPA and, by extension, the California Department of Public Health, including the Stage 2 Disinfectants and Disinfection Byproducts Rule, which establishes new regulations related to the formation of potentially carcinogenic disinfection byproducts that may result from certain drinking water chemical disinfection processes, and the Long Term 2 Enhanced Surface Water Treatment Rule, which establishes new regulations related to the presence of microbial pathogens in drinking water supplies.

The floating cover alternative would preserve local water storage capability to maintain reliability and flexibility to meet the Elysian Reservoir service area demand for drinking water at required distribution system pressures, including during emergency or planned outages of upstream supplies.

The floating cover alternative would maintain and improve the quality, reliability, and stability of the Elysian Reservoir service area drinking water supply in order to continue to meet customer demand and fulfill the primary Project objectives in a cost effective, environmentally responsible manner.

BE IT FURTHER RESOLVED that this Board certifies that the Final EIR has been prepared in compliance with CEQA, that it has reviewed and considered the information contained in the EIR, and that the EIR reflects the independent judgment and analysis of this Board.

BE IT FURTHER RESOLVED that this Board certifies the Final EIR, requires implementation of the mitigation measures, and adopts the Mitigation Monitoring and Reporting Plan.

BE IT FURTHER RESOLVED that, based on the balance of economic, legal, social, and technological benefits against unavoidable environmental impacts, this Board approves the floating cover alternative for the Project with additional enhancements to the reservoir area and park (not to exceed \$3,160,000), authorizes its construction, and approves the payment for permit and mitigation costs associated with this Project.

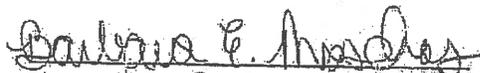
BE IT FURTHER RESOLVED, that the Board hereby approves the establishment of a \$12.5 million Community Parks Fund (the Fund). The Fund will be used for public purposes related to community parks, though no specific purposes are established at this time. Best efforts shall be used to locate enhancements in the Elysian Park area. However, if no suitable enhancements can be located in the Elysian Park area, best efforts shall be used to locate enhancements in a comparable urban area or areas. Future proposed appropriations from the Fund will be fully evaluated under CEQA before any projects funded by such appropriations are approved. The Board hereby finds that the establishment of the Fund will not create any different or substantially more severe environmental impacts from those examined in the EIR, does not constitute "significant new information" as that term is defined under CEQA Guidelines Section 15088.5 and would not otherwise require recirculation of the EIR.

BE IT FURTHER RESOLVED that LADWP shall file a Notice of Determination with the Los Angeles County Clerk and the Los Angeles City Clerk within five working days after deciding to approve the project.

BE IT FURTHER RESOLVED that the Environmental Affairs Section will be the custodian of the record of proceedings for this project.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a Resolution adopted by the Board at its meeting held APR 17 2012

APPROVED AS TO FORM AND LEGALITY:
CARMEN A. TRUTANICH, CITY ATTORNEY


Secretary

APR 17 2012
BY 
JANINA SIDLEY
DEPUTY CITY ATTORNEY