

CALIFORNIA CULTURAL AND HISTORICAL ENDOWMENT

**FINDINGS OF FACT
AND
STATEMENT OF OVERRIDING CONSIDERATIONS**

REGARDING

LA PLAZA DE CULTURA Y ARTES

The California Cultural and Historical Endowment (CCHE), as a responsible agency which will fund part of the La Plaza de Cultura y Artes Project, has independently considered the Environmental Impact Report (EIR) prepared for the project by the lead agency, the County of Los Angeles. The Final EIR was adopted by the County in 2004. As a responsible agency, CCHE makes its own Findings of Fact and Statement of Overriding Considerations pursuant to Sections 15091 and 15093 of the State CEQA Guidelines, as provided by Section 15095(h) of the Guidelines.

The Project—La Plaza de Cultura y Artes

The project approved by the County of Los Angeles was Alternative A.1.2 described in the Final EIR. The recommended project includes a combination of complete rehabilitation and adaptive reuse of two important historic buildings, the Plaza House and the Vickrey-Brunswick Building within the Antique Block of the El Pueblo de Los Angeles Historic District, new construction, and a plaza with a capacity to serve approximately 134,000 County residents and visitors annually. The recommended project consists of a turnaround at New High Street, paseos and pedestrian walkways, an outdoor classroom, the Campo Santo Memorial Garden, new buildings, and adaptively reused structures for a total interior square footage of 106,500 square feet. The adaptively reused structures shall be fully rehabilitated in accordance with the Secretary of the Interior's Standards for the Rehabilitation of Historic Structures by the Plaza de Cultura y Artes Foundation, pursuant to a Lease Agreement with the County. Interior space to support programming includes the adaptive reuse of 14,100 square feet within the rehabilitated historic Plaza House; adaptive reuse of approximately 28,200 square feet within the rehabilitated historic Vickrey-Brunswick Building with exhibition galleries, classroom space for the visual arts and music, offices, and storage; 39,200 square feet of new construction for community events and a variety of public-oriented uses; and 25,000 square feet of new construction for a 500-seat Theater Performing Arts Center. The project requires the demolition of the historic Brunswick Annex.

Portions of the Project to be Funded by CCHE

When considering mitigation measures, a responsible agency is more limited than a lead agency. A responsible agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance,

or approve. The portions of the La Plaza de Cultura y Artes project to be funded by CCHE relate to the rehabilitation of the Plaza House and the Vickrey-Brunswig Building.

Rehabilitation and Adaptive Reuse of the Plaza House

The recommended project would include rehabilitation and adaptive reuse of the Plaza House. The Plaza House occupies approximately 0.12 acres, through a combined program of restoration and rehabilitation. The approximately 14,100-gross-square-foot Plaza House structure would be rehabilitated in accordance with the Secretary of the Interior's Standards for Rehabilitation of Historic Structures and adaptively reused to house a variety of public-oriented uses, including a bookstore and café, offices, a discovery center, and a storage area. The Plaza House would be used in its entirety.

Rehabilitation and Adaptive Reuse of the Vickrey-Brunswig Building

The recommended project includes complete rehabilitation and adaptive reuse of the Vickrey-Brunswig Building, which occupies approximately 0.12 acres, through a combined program of restoration and rehabilitation. The approximately 28,200-gross-square-foot Vickrey-Brunswig Building structure shall be rehabilitated in accordance with the Secretary of the Interior's Standards for Rehabilitation of Historic Structures, adaptively reused to house public-oriented uses, including an exhibition gallery, classroom spaces, genealogical services, parenting center, offices for nonprofit organizations, cultural activities, and other public and private events. The Vickrey-Brunswig Building would be used in its entirety.

CCHE funding will be used for soft project costs including construction management and architectural/engineering work; site preparation costs including a new elevator and shaft, new interior walls, flooring and finishes; building system costs, including design, installation and inspection of the plumbing system, the electric power and communications/security system, heating ventilation and air conditioning system, and fire protection system. Where measures are identified for impacts associated with those portions of the project that CCHE is funding, CCHE will make implementation of the mitigation measure a condition of funding.

Findings on Significant and Potentially Significant Impacts Identified in the EIR.

The following findings relate to the impacts of Alternative A.1.2, which was selected by the County of Los Angeles as the preferred alternative.

Pursuant to and in accordance with Section 21081 of the Public Resources Code, the EIR examined the potential for adverse effects to result from project implementation. The EIR identified potentially significant impacts in the areas of air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, transportation and traffic, and utilities and service systems. Many of these impacts could be reduced to insignificance with the application of mitigation measures. Those impacts and mitigation measures are listed below.

A. Potential Environmental Effects that can be Mitigated to a Level of Insignificance

The analysis undertaken in support of the Environmental Impact Report (EIR) determined that five of the nine environmental issues expected to be subject to significant impacts as a result of the recommended project (Alternative A.1.2.) will be reduced to below the level of significance with the incorporation of the specified mitigation measures: Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation/Traffic, and Utilities and Service Systems.

1. HAZARDS AND HAZARDOUS MATERIALS

Significant Impact:

Implementation of the recommended project has the potential to result in significant impacts related to the accidental release of hazardous materials during construction, rehabilitation, demolition, and the related transportation of construction debris.

Mitigation Measures:

Measure Hazards-1

To avoid impacts related to the exposure of construction workers to asbestos-containing materials (ACMs), lead-based paints (LBPs), and polychlorinated biphenyls (PCBs) during demolition and construction activities, the County of Los Angeles (County) shall ensure that the plans and specifications for all work involving the Plaza House, the Vickrey-Brunswig Building, or the Brunswig Annex identify the presence of these materials and require preparation of an Operations and Maintenance Plan (Plan) that meets all applicable federal, state and local requirements. The Plan shall address methods for remediating ACMs and LBPs. The construction contractor shall submit the Plan to the County of Los Angeles Departments of Public Works for review and approval prior to the issuance of a building permit for the project. The County of Los Angeles Department of Public Works shall monitor conformance of the plan through demolition and construction activities including the Plaza House, Vickrey-Brunswig Building, and Brunswig Annex.

Measure Hazards-2

To avoid impacts related to exposure of the public to hazards during transport of ACMs, LBPs, and PCBs, the County of Los Angeles shall ensure that plans and specifications for all work involving the Plaza House, Vickrey-Brunswig Building, or the Brunswig Annex require the construction contractor to transport, store, and handle construction-related hazardous materials in a manner consistent with relevant regulations and guidelines. Specifically, the transport, storage, and handling of construction-related hazardous materials shall conform to the guidelines

recommended by the California Department of Transportation (Caltrans, Regulations Regarding Transport of Hazardous Materials); the California Regional Water Quality Control Board, Los Angeles Region (National Pollution Discharge Elimination System Permit); and the City of Los Angeles Fire Department. These agencies shall regulate, through the permitting process, the monitoring and enforcement of this mitigation measure as required by law.

Measure Hazards-3:

To avoid impacts related to the exposure of existing or proposed schools to hazardous materials during demolition and construction activities, the County of Los Angeles shall ensure that the plans and specifications for all work shall specify that no hazardous materials will be transported along Cesar E. Chavez Avenue within 0.25 mile of existing or proposed schools. The construction contractor shall submit the Plan to the County of Los Angeles Department of Public Works for review and approval prior to the issuance of a building permit. The County of Los Angeles Department of Public Works shall monitor conformance of the Plan through demolition and construction activities.

Findings:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. Such changes are within the responsibility and jurisdiction of another public agency, the County of Los Angeles. Such changes have been adopted by the County.

Facts:

Incorporation of the mitigation measures, described in Section 3.5, Hazards and Hazardous Materials, of the EIR would eliminate or substantially lessen the significant impact to below the level of significance.

2. HYDROLOGY AND WATER QUALITY

Significant Impact:

Implementation of the recommended project has the potential to result in significant impacts to surface water quality from the transportation of silt and pollutants from the construction area during construction and operation of the project.

Mitigation Measures:

Measure Hydro-1

The County of Los Angeles Department of Public Works (LACDPW) shall require the construction contractor to avoid erosion, transport of pollutants, and siltation during construction of all elements of the Plaza de Cultura y Artes. Prior to final grading plans, the County of Los

Angeles Department of Public Works shall require that the construction contractor for all elements of the proposed project be required to comply with the revised General Construction Activity Storm Water Permit. Such compliance measures would, at a minimum, include the preparation of a Notice of Intent (NOI) and the implementation of a local Storm Water Pollution Prevention Plan (SWPPP) and a Wet Season Erosion Control Plan (for work between October 15 and April 15). These plans shall incorporate all applicable BMPs, as described in the *California Storm Water Best Management Practice Handbook, Construction Activity*, into the construction phase of the project. Prior to the issuance of a building permit for the project, temporary measures must be implemented to prevent transport of Pollutants of Concern from the construction site to the storm drainage system. The BMPs shall apply to both the actual work areas and contractor staging areas. Selection of construction-related BMPs would be in accordance with the requirements of the City of Los Angeles Storm Water Program, Development Best Management Practices Handbook, Part A, Construction Activities.

Measure Hydro-2

Prior to issuance of a building permit for project, the County of Los Angeles Department of Public Works, Building Safety Division, shall review the final grading plans for all elements to ensure that the plans and specifications require the construction contractor to prepare a Standard Urban Storm Water Management Plan (SUSMP) for construction activities and to implement BMPs for construction, materials, and waste-handling activities, which include the following:

- Schedule excavation, grading, and paving activities for dry weather periods
- Control the amount runoff crossing the construction site by means of berms and drainage ditches to divert water flow around the site.
- Identify potential pollution sources from materials and wastes that will be used, stored, or disposed of on the job site.
- Inform contractors about the clean storm water requirements and enforce their responsibilities in pollution prevention

The construction contractor shall incorporate SUSMP requirements and BMPs to mitigate storm water runoff, that include, but are not limited to, the following:

- The incorporation of bioretention facilities located within the project area
- The incorporation of catch basin filtration systems
- The use of porous pavements to reduce runoff volumes

Measure Hydro-3

The County of Los Angeles Department of Public Works and the City of Los Angeles Bureau of Engineering shall require the construction contractor to undertake daily street

sweeping and trash removal throughout the construction of all elements of the Plaza de Cultura y Artes to avoid degradation of water quality. Prior to issuance of a building permit for the project, the County of Los Angeles Department of Public Works shall review the plans and specifications for the roadway and ensure that the construction documents include a requirement that the contractor provide daily street sweeping and trash removal to prevent degradation of water quality.

Measure Hydro-4

Potential impacts to hydrology and water quality related to the degradation of water quality during construction of the proposed project shall be reduced to below the level of significance through the requirement to conduct a detailed hydrology study based on the final site plans and to implement the recommendations, or comparable measures, into the plans and specifications of the proposed project prior to issuance of a building permit for the project. The hydrology study shall be prepared by a certified civil engineer, and a draft report, including recommendation, shall be submitted to the County of Los Angeles Department of Public Works for review. The County of Los Angeles Department of Public Works shall provide comments, if any, within 14 days of receiving the draft hydrology study. Mitigation measure Hydro-4 shall be monitored and enforced by the County of Los Angeles.

Findings:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR. Such changes are within the responsibility and jurisdiction of another public agency, the County of Los Angeles. Such changes have been adopted by the County.

Facts:

Incorporation of the mitigation measures described in Section 3.6, Hydrology and Water Quality, of the EIR would eliminate or substantially lessen the significant impact to below the level of significance.

3. NOISE

Significant Impact:

Implementation of the proposed project has the potential to result in significant impacts related to exposure of persons to, or generation of, excessive noise during construction activities.

Mitigation Measures:

Measure Noise-1

The County of Los Angeles Department of Public Works shall minimize the potential for construction noise levels to exceed County noise standards by requiring the construction

contractor to properly maintain all heavy equipment. Prior to the completion of final plans and specifications, the County of Los Angeles Department of Public Works shall ensure that the plans and specifications include a requirement that all construction equipment shall be properly maintained. All vehicles and compressors shall utilize exhaust mufflers. Engine enclosure covers as designed by the manufacturer shall be in place at all times. The County of Los Angeles Department of Public Works shall monitor the use of heavy equipment during construction of the realignment of the roadway and sidewalks to ensure conformance with the requirements of properly maintained heavy equipment.

Measure Noise-2

Prior to the completion of final plans and specifications, the County of Los Angeles Department of Public Works shall ensure that the plans and specifications include a provision that restricts grading and construction activities to daily operation from 7:00 a.m. to 7:00 p.m., Monday through Friday, and from 8:00 a.m. to 5:00 p.m. on Saturdays. There should be no work on Sundays or federal holidays.

Measure Noise-3

Prior to the completion of final plans and specifications, the County of Los Angeles Department of Public Works shall ensure that the plans and specifications include a schedule of weekend services and events at the Plaza Church. The plans and specifications shall notify the contractor that the use of heavy equipment within 500 feet of the Plaza Church shall be prohibited during these times.

Findings:

Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect of noise as identified in the final EIR. Such changes are within the responsibility and jurisdiction of another public agency, the County of Los Angeles. Such changes have been adopted by the County.

Facts:

Incorporation of the mitigation measures described in Section 3.8, Noise, of the EIR would eliminate or substantially lessen the significant impact to below the level of significance.

4. TRANSPORTATION/TRAFFIC

Significant Impact:

Operation of the recommended project has the potential to result in significant impacts to weekday afternoon peak-hour operations at the North Broadway and Cesar E. Chavez Avenue intersection (Intersection), traffic, circulation, and parking in the vicinity of the El Pueblo de Los Angeles Historic District.

Mitigation Measures:

Measure TRA-1

Traffic improvements are required to avoid significant impacts to weekday afternoon peak-hour circulation at the North Broadway and Cesar E. Chavez Avenue intersection (Intersection 1). Prior to the operation of programming elements of the project, the County of Los Angeles Department of Public Works shall ensure the widening of the east side of North Broadway by roughly 10 feet for a distance of approximately 160 feet south of Cesar E. Chavez Avenue to provide an exclusive left-turn lane, two through lanes, and one right-turn only lane at the northbound approach to the intersection. Traffic signals shall be modified as necessary. A detailed striping plan shall be prepared and submitted to the City of Los Angeles for review and approval. A copy of the approved striping plan shall also be submitted to the LACDPW for review.

Measure TRA-2

The County of Los Angeles shall require the development of a wayfinding program (i.e., directional signage program) by the project architect and construction contractor, respectively, as part of the proposed project. A critical element to the success of the Plaza de Cultura y Artes project shall be the implementation of a wayfinding program. Appropriate signage provided on the sidewalk, street, and freeway network will not only enhance the guest experience but also reduce congestion created by pedestrians and motorists traveling in circuitous routes seeking the Plaza de Cultura y Artes site and/or parking facilities. A wayfinding program shall be developed in partnership with the City of Los Angeles (police and transportation departments), the State of California, and other appropriate agencies. Such a program shall begin near the downtown area with directional and/or reinforcement signage provided in advance of key freeway junctions. Finally, with regard to the freeways serving the site (i.e., the U.S. 101 Freeway, I-10 Freeway, I-5 Freeway, and I-110 Freeway) specific exit information shall be provided.

With regard to the local street and sidewalk systems, specific signs shall be developed for the Plaza de Cultura y Artes project so that pedestrians and motorists shall associate a specific design element with the proposed project. On-site signage shall direct pedestrians and motorists to public surface entrance locations. For exiting motorists, the project proponent shall work with the City and State to ensure the proper placement of directional signage to guide pedestrians back to parking facilities and motorists back to the freeway system (i.e., the U.S. 101 Freeway, I-10 Freeway, I-5 Freeway, and the I-110 Freeway).

Measure TRA-3

The County of Los Angeles shall require that the project alleviate significant parking impacts and allow for satisfactory parking operations within the El Pueblo de Los Angeles Historic District generated by the proposed project. This shall entail provision of additional parking spaces in existing unused parking structures or lots to meet the anticipated needs of the proposed project or other comparable measures to accommodate the anticipated project parking demand.

It has been determined that it is feasible to mitigate impacts to parking to below the level of significance:

The capacity of County Parking Lot 15 should be expanded through the incorporation of the existing vacant parking area of the Far East Bank site. Weekday parking that is currently accommodated by County Parking Lot 15 shall be accommodated in the Alameda Parking Garage (County Parking Lot 58). The combination of the existing in County Parking Lot 15, the additional 30 spaces from the adjacent Far East Bank parking area, and restriping would provide sufficient capacity to absorb the parking demand generated by the proposed project on weekdays.

The ability to accommodate anticipated weekend demand would require utilization of County Parking Lot 21 on weekends. The feasibility of County Parking Lot 21 to serve the proposed project would require the installation of a wayfinding signage program for project patrons to be able to utilize these spaces. Adequate pedestrian connections and amenities would be provided by the County of Los Angeles in conjunction with the wayfinding program.

The County of Los Angeles shall work with the City to keep City Parking Lot 5 open on weekend days as well, and make available for project patrons the additional 44 spaces at this lot. The 284 spaces at County Parking Lot 45 shall also be available for the use for the proposed project. All of these spaces shall serve the proposed project patrons during peak times of weekend days in an adequate manner.

Impacts to parking would be mitigated through the specified scenario or other comparable scenario that adheres to the same performance standards.

Findings:

Changes or alterations have been required in, or incorporated into, the recommended project that mitigate or avoid the significant effects on the environment related to transportation/traffic. Such changes are within the responsibility and jurisdiction of another public agency, the County of Los Angeles. Such changes have been adopted by the County.

Facts:

Incorporation of the mitigation measures described in Section 3.11, Transportation/Traffic, of the EIR would eliminate or substantially lessen the significant impact to below the level of significance.

5. UTILITIES AND SERVICE SYSTEMS

Significant Impact:

Circulation and operation of the recommended project has the potential to result in significant impacts through generation of solid waste. The disposition of solid waste from construction sites must conform with the Solid Waste Management Act of 1989. Solid waste

resulting from the operation of the recommended project must be managed in conformance with the California Solid Waste Reuse and Recycling Access Act of 1991.

Mitigation Measures:

Measure Utilities-1

Diversion of at least 50 percent of the construction solid waste shall be undertaken to ensure compliance with applicable federal, state, and local statutes related to solid waste and reduce direct and cumulative impacts from construction to below the level of significance. Prior to issuance of a building permit for the project, the County shall ensure that the plans and specifications include the requirement for the construction contractor to comply with the Solid Waste Management Act of 1989.

To ensure conformance with the Solid Waste Management Act of 1989, the County of Los Angeles shall require the construction contractor to manage the solid waste generated during construction of the project on site by diverting at least 50 percent of it from disposal in landfills, particularly Class III landfills, through source reduction, reuse, and recycling of construction and demolition debris. The construction contractor shall submit a construction solid waste management plan to the County for approval prior to issuance of a building permit for the project. The construction contractor shall demonstrate compliance with the solid waste management plan through the submission of weekly reports during demolition activities that estimate total solid waste generated and diversion of 50 percent of the solid waste.

Measure Utilities-2

Trash and recycling receptacles shall be incorporated into the proposed project to ensure compliance with applicable federal, state, and local statutes related to solid waste and reduce direct and cumulative impacts from project operation and maintenance to below the level of significance. Prior to issuance of a building permit for the project, the County shall ensure that the plans and specifications designate locations for trash receptacles and recycling receptacles in conformance with California Solid Waste Reuse and Recycling Access Act of 1991. Wherever trash receptacles are provided throughout the proposed project site, a recycling receptacle for plastic, aluminum, and metal shall also be provided. Signs encouraging patrons to recycle shall be posted near each recycling receptacle.

Findings:

Changes or alterations have been required in, or incorporated into, the recommended project that mitigate or avoid the significant effects on the environment related to utilities and service systems. Such changes are within the responsibility and jurisdiction of another public agency, the County of Los Angeles. Such changes have been adopted by the County.

Facts:

Incorporation of the mitigation measures described in Section 3.12, Utilities and Service Systems, of the EIR would eliminate or substantially lessen the significant impact to below the level of significance.

B. Significant Unavoidable Adverse Impacts that Cannot be Mitigated to below the Level of Significance.

Although the mitigation measures recommended in the Final Environmental Impact Report (EIR) would substantially reduce the level of impacts to air quality, cultural resources, geology and soils, and land use and planning resulting from the recommended project (Alternative A.1.2), these impacts would not be reduced to below the level of significance. Consequently, in accordance with Section 15093 of the State of California Environmental Quality Act, (CEQA) Guidelines, a Statement of Overriding Considerations has been prepared to substantiate CCE's decision to accept the unavoidable effects on the grounds that they are outweighed by the benefits afforded by the recommended project.

1. AIR QUALITY

Significant Impact:

Construction of the recommended project would result in significant unavoidable peak-daily and peak-quarterly emissions of nitrogen oxides (NO_x). Construction would also result in significant impacts related to fugitive dust emissions, remaining air quality standards and PM₁₀ emissions. There are no sources of odors on the site that would be released during construction.

Mitigation Measures:

Measure Air-1

The County of Los Angeles shall ensure that the plans and specifications identify the requirement to comply with SCAQMD regulations, including Rule 402 and Rule 403. The specifications shall require the construction contractor to present a Rule 402/403 compliance plan at the construction start-up meeting, prior to demolition, construction staging, or grading. The Rule 402/403 compliance plan and would likely include measure Air-2 through Air 12 or comparable measures to prevent nuisance dust and visible emissions. The County of Los Angeles shall ensure that the construction activities related to the project shall comply with SCAQMD regulations, including Rule 402 and Rule 403. Rule 402 specifies that there shall be no dust impacts off site that would be sufficient to cause a nuisance. Rule specifies that construction activities shall restrict visible emissions from occurring. The contractor's Rule 402/Rule 403 compliance plan will be subject to approval by the County. Weekly inspections shall be undertaken by the County to ensure conformance with the approved Rule 402/Rule 403 compliance plan.

Measure Air-2

Soil moistening shall be required to treat exposed soil during construction to avoid fugitive dust emissions, ensure compliance with current air quality standards, and avoid contributions to cumulative increases in criteria pollutants. The County of Los Angeles shall ensure that the plan and specifications include the requirement for the construction contractor to ensure that the plans and specifications include the requirement for the construction contractor to ensure that soil is moistened prior to grading and that soil moisture content is maintained at a minimum of 12 percent for all grading activities. The construction contractor shall demonstrate compliance with this measure through the submission of weekly monitoring reports to the County of Los Angeles. At a minimum, persons conducting active operations within the boundaries of the South Coast Air Basin shall utilize one or more of the applicable best available control measures to minimize fugitive dust emissions from each fugitive dust source type that is part of the active operation.

Measure Air-3

Soil moistening shall be required to treat grading areas during construction to avoid fugitive dust emissions, ensure compliance with current air quality standards, and avoid contributions to cumulative increases in criteria pollutants. The County of Los Angeles shall ensure that the plans and specifications include the requirement for the construction contractor to ensure that soil shall be moistened not more than 15 minutes prior to moving soil and three times a day, or four times a day under windy conditions, in order to maintain a soil moisture content of 12 percent.

Measure Air-4

Application of water or a chemical stabilizer shall be required to treat grading areas during construction to avoid fugitive dust emissions, ensure compliance with current air quality standards, and avoid contributions to cumulative increases in criteria pollutants. The County of Los Angeles shall ensure that the plans and specifications include the requirement for the construction contractor to apply water or a chemical stabilizer to maintain a stabilized surface on the last day of active operations prior to a weekend or holiday.

Measure Air-5

Moistening or covering of excavated soil piles shall be required to treat grading areas during construction to avoid fugitive dust emissions, ensure compliance with current air quality standards, and avoid contributions to cumulative increases in critical pollutants. The County of Los Angeles shall ensure that the plans and specifications include the requirement for the construction contractor to ensure that excavated soil piles are watered hourly for the duration of the construction or covered with temporary coverings.

Measure Air-6

Discontinuing grading activities during windy conditions shall be required to treat grading areas during construction to avoid fugitive dust emissions, ensure compliance with current air quality standards, and avoid contributions to cumulative increases in critical pollutants. The County of Los Angeles shall ensure that the plans and specifications include the requirement for the construction contractor to cease grading during period when winds exceed 25 miles per hour.

Measure Air-7

Moistening excavated soil prior to loading on trucks shall be required at all grading areas during construction to avoid fugitive dust emissions, ensure compliance with current air quality standards, and avoid contributions to cumulative increases in critical pollutants. The County of Los Angeles shall ensure that the plans and specifications include the requirement for the construction contractor to moisten excavated soil prior to loading on trucks.

Measure Air-8

Transport of soils to and from the project site shall be conducted in a manner that avoids fugitive dust emissions, ensures compliance with current air quality standards, and avoids contributions to cumulative increases in criteria pollutants. The County of Los Angeles shall ensure that the plans and specification include the requirement for the construction contractor to cover all loads of dirt leaving the site or to leave sufficient freeboard capacity in the truck to prevent fugitive dust emissions en route to the disposal site.

Measure Air-9

Washing of wheels leaving the construction site shall be required to avoid fugitive dust emissions, ensure compliance with current air quality standards, and avoid contributions to cumulative increases in criteria pollutants. The County of Los Angeles shall ensure that the plans and specifications include the requirement for the construction contractor to clean adjacent streets of tracked dirt at the end of each workday or install on-site wheel washing facilities.

Measure Air-10

Turning off engines and equipment when not in use shall be required to reduce vehicular emissions. The County of Los Angeles shall ensure that the plans and specifications include the requirement for the construction contractor to reduce idling emissions by turning off equipment and truck engines when not in use for five minutes or more.

Measure Air-11

Concurrent use of multiple pieces of heavy equipment shall be prohibited to the maximum extent feasible to reduce vehicular emissions. The County of Los Angeles shall ensure that the plans and specifications include the requirement reducing concurrent use of

multiple pieces of heavy equipment to the maximum extent feasible during construction activities.

Measure Air-12

Carpooling and use of public transportation shall be encouraged to reduce vehicular emissions. The county of Los Angeles shall ensure that the plans and specifications include the requirement for the construction contractor to encourage workers to use public transit carpools.

Findings:

Changes or alterations have been required in, or incorporated into, the recommended project that mitigate or avoid the significant effects on the environment related to short-term air quality impacts related to fugitive dust, remaining air quality standards, and PM₁₀ emissions to the maximum extent practicable. Such changes are within the responsibility and jurisdiction of another public agency, the County of Los Angeles. Such changes have been adopted by the County.

Specific economic, legal, technological, or other considerations make infeasible any additional mitigation measures to reduce the short-term air quality impacts related to peak-daily and peak-quarterly emissions of NO_x to a less than significant level.

Facts:

As identified in Section 3.2, Air Quality, of the EIR, the County identified 12 mitigation measures, Air-1 through Air 12, that would reduce significant impacts related to fugitive dust emissions, and conformance to the current air quality standards to below the level of significance, with the exception of peak-daily and peak-quarterly emissions of NO_x during construction. Peak-day and peak-quarters emissions of PM₁₀ during construction would not be reduced to below the level of significance.

2. CULTURAL RESOURCES

Significant Impact:

Implementation of the recommended project would retain the two most important structures on the project site (the Vickrey-Brunswick Building and the Plaza House) and would result in significant unavoidable impact related to the demolition of the Brunswick Annex, one of the three historic buildings, due to its location within the El Pueblo de Los Angeles Historic District. The recommended project would also result in significant impacts related to the potential disruption of previously unrecorded archeological resources during ground-disturbing activities; and the unanticipated discovery of human remains, including those interred outside of formal cemeteries.

Mitigation Measures:

Measure CUL-1

The County shall ensure that impacts to cultural resources as a result of the potential for earthmoving activity to uncover previously unrecorded archaeological resources is below the level of significance through monitoring by a qualified archaeologist of all subsurface operations, including but not limited to grading, excavation, trenching, and recording of any previously unrecorded archaeological resources encountered during construction. The plans and specifications for all ground-disturbing activities shall identify the need for archaeological monitoring and data recovery. The archaeologist shall be on site during any activity when soil is to be removed or exported. The archaeologist shall be authorized to halt earth-disturbing activities in the area of a finding, and mark, collect, and evaluate any archaeological materials discovered during construction. In addition, an exploratory archaeological excavation shall be made (i.e., a sample test pit) to assess the presence of cultural resources.

Copies of any archaeological surveys, studies, or reports of field observation during grading and land modifications shall be prepared and certified by the attendant archaeologist and submitted to the South Central Coastal Information Center and California State University, Fullerton. Any artifacts recovered during mitigation shall be deposited in an accredited and permanent scientific or educational institution for the benefit of current and future generations.

Measure CUL-2

Although the impact of demolition of historic buildings cannot be mitigated to below the level of significance, the County shall require and be responsible for ensuring that data recording and documentation of the historic buildings scheduled for demolition are completed prior to the authorization of demolition of any historic structure. Rehabilitation of historic structures shall be completed by the Plaza de Cultura y Artes Foundation pursuant to a Lease Agreement with the County. Prior to the initiation of any project-related demolition or construction work on an historic building, the County shall ensure the preparation of a Historic American Buildings Survey (HABS) documentation for all the historic structures within the project site. The documentation for the demolished and rehabilitated structures shall include a California Department of Parks and Recreation Primary Record, Building, Structure or Object Record, District Record, and a Location Map. Documentation shall be in accordance with the applicable standards described in the Secretary of Interior's Standards for Architectural and Engineering Documentation. The original historic report shall be deposited at the archives at the new Plaza de Cultura y Artes. A copy of this HABS documentation shall also be provided to the City of Los Angeles Public Library; the main branch of the County of Los Angeles Public Library; the University of California at Los Angeles, Department of Architecture and Urban Planning Library; California State University Fullerton, South Central Coastal Information Center; and the National Park Service for transmittal to the Library of Congress. Completion of this measure shall be monitored and enforced by the County of Los Angeles. Feasible salvage of historic elements of the demolished structures shall be undertaken in order to preserve those elements that contributed to the historic nature of the structure. To the extent that they are not incorporated in the rehabilitation of the other historic buildings, these features shall be made

available to architectural historians for the study, preservation, and education of future generations.

Measure CUL-3

Significant impacts to adaptively reused historic structures shall be avoided through conformance with the Secretary of the Interior's Standards for Rehabilitation as described in Section 3.3.4 of the EIR. The adaptive reuse and rehabilitation of a historic structure shall include an historic resource evaluation update and HABS documentation, which shall include California Department of Parks and Recreation Primary Record, Building, Structure or Object Record, District Record, and a Location Map, including prerehabilitation and postrehabilitation photos to be submitted to the City of Los Angeles Public Library; the main branch of the County of Los Angeles Public Library; the University of California at Los Angeles, Department of Architecture and Urban Planning Library; California State University Fullerton, South Central Coastal Information Center; and the National Park Service for transmittal to the Library of Congress.

Measure CUL-4

The County shall ensure that impacts to cultural resources related to the unanticipated discovery of human remains are reduced to below the level of significance by ensuring that, in the event human remains are encountered, construction in the area of finding shall cease and the remains shall stay in-situ pending definition of an appropriate plan. The County of Los Angeles Coroner shall be contacted to determine whether investigation of the cause of death is required. In the event that the remains are of Native American origin, the Native American Heritage Commission shall be contacted to determine necessary procedures for protection and preservation of remains, including reburial, as provided in the State CEQA Guidelines, Section 15064.5(e), "CEQA and Archaeological Resources," CEQA Technical Advisory Series.

Findings:

Changes or alterations have been required in, or incorporated into, the recommended project that mitigate or avoid the significant effects on the environment related to archaeological resources, adaptively reused historic structures, and the unanticipated discovery of human remains. Such changes are within the responsibility and jurisdiction of another public agency, the County of Los Angeles. Such changes have been adopted by the County.

The County of Los Angeles has determined that specific economic, legal, technological, or other considerations make infeasible any additional mitigation measures to reduce unavoidable impacts to cultural resources related to the demolition of the Brunswig Annex, one of the three historic period buildings, to a less than significant level. CCHE Funding will not be used for the demolition of the Brunswig Annex, and thus CCHE does not have responsibility for mitigating or avoiding that part of the La Plaza de Cultura y Artes project. (CEQA Guidelines §15096(g)(1).)

Facts:

As identified in Section 3.3, Cultural Resources, of the EIR, the County identified four mitigation measures to reduce significant impacts to cultural resources. Implementation of measure CUL-2 would reduce significant impacts from demolition of the Brunswick Annex to the maximum extent practicable. However, the demolition of the Brunswick Annex remains an unavoidable significant impact of the recommended project, since the Brunswick Annex is located within the El Pueblo de Los Angeles Historic District and is listed as a contributing element to the District, which is listed on the National Register of Historic Places. Implementation of measures CUL-1, CUL-3, and CUL-4 would reduce significant impacts to cultural resources related to archaeological resources, adaptively reused historic structures, and the unanticipated discovery of human remains, respectively, to below the level of significance.

3. GEOLOGY AND SOILS

Significant Impact:

Implementation of the recommended project has the potential to result in significant unavoidable impacts related to the exposure of people to injury and property to damage through the adaptive reuse of historic structures. To accommodate adaptive reuse of the historic structures, the buildings shall be seismically upgraded and retrofitted to meet the seismic requirements listed in Chapter 96 of the County of Los Angeles Building Code. Implementation of the recommended project also has the potential to result in significant unavoidable impacts related to the release of hazardous subsurface gases (methane and hydrogen sulfide), which would be reduced through implementation of mitigation measures Geology-2. The recommended project also has the potential to result in significant impacts related to the presence of an undocumented abandoned well or dry hole.

Seismic retrofit and upgrade of the adaptively reused Plaza House and Vickrey-Brunswick Building would reduce the exposure of people to injury and property to damage from severe seismic ground shaking. The County of Los Angeles General Plan includes a seismic hazard goal to minimize injury and loss of life, property damage and social, cultural, and economic impacts caused by earthquake hazards. The County's General Plan encourages the preservation and strengthening of historic building to protect them from seismic hazards in a manner that does not endanger public safety. The County of Los Angeles has established the High-Risk Standard of County of Los Angeles Building Code, Chapter 96, as the appropriate level of design to protect public safety for the programming and capacity under evaluation for the recommended project. This Standard would bring the building up to a collapse prevention level of performance. The High-Risk Standard is consistent with building standards for the renovation of historic buildings or structures in the State Historic Building Code. The High Risk Standard is a "collapse prevention" standard. Although this standard is sufficient to protect public safety, it does not achieve the level of public safety specified for new construction pursuant to the California Building Code. The difference between the standard for new construction and the rehabilitation of historic buildings contributes to an **unmitigated significant impact** related to geology and soils.

Mitigation Measures:

Measure Geology-1

Potential impacts to people and property through exposure to risks from geology and soils related to the release of subsurface gases, methane and hydrogen sulfide, during construction and operation of the project shall be reduced to below the level of significance through the requirement to conduct comprehensive subsurface investigations for adaptive reuse of historic building or the construction of new structures and implement the recommendations, or comparable measures, into the plans and specifications for the project by the project applicant prior to final approval by the County of Los Angeles Department of Public Works. This survey shall include the installation of at least one subsurface probe for gas collection and monitoring. For subsurface structures, such as the existing basement structures, installation of multiple monitoring wells and probes will be necessary. The depth of these probes shall be dependent on the anticipated excavation depth for each structure. Each monitoring well or probe shall reach a minimum depth of at least 5 feet below the anticipated bottom of the subterranean structure. Any subsurface gas investigation and remediation program shall be designed and evaluated by a California-registered geologist with an appropriate background in evaluating subsurface gas hazards associated with oil fields.

In areas where subsurface gas is detected, a gas mitigation system will be required to ensure that methane or hydrogen sulfide does not encroach into buildings. Such systems may include the use of gas-impermeable membranes, monitoring and collection systems, or blowers and active extraction equipment. All gas monitoring, collection, extraction, and venting system shall be designed and evaluated by a California-licensed professional engineer with an appropriate background in addressing subsurface gas hazards associated with oil fields. In the unanticipated event that the results of the comprehensive subsurface investigations indicate that methane and hydrogen sulfide levels would not be expected to reduced to below explosive levels, the County would not allow the construction of subterranean structures, such as basements. Measure Geology-1 shall be monitored and enforced by the County of Los Angeles Department of Public Works, Building and Safety Division.

Measure Geology-2

Potential impacts to people and property through the exposure of people and property to risks from geology and soils related to undocumented abandoned wells and dry holes during construction and operation within the proposed project site would be reduced to below the level of significance through remediation of abandoned wells and dry holes to the current standards of the Department of Oil, Gas and Geothermal Resources (DOGGR). The project applicant shall demonstrate to the satisfaction of the County of Los Angeles Department of Public Works that the appropriate coordination into the plans and specifications for construction, prior to approval of final plans and specifications for construction. DOGGR maps and files contain information on location, plugging procedures, and testing. These records shall be reviewed to identify any potential problem wells. Depending on structure type, size, and location, specific design measures would be required if gases from these wells could impact the proposed project site. If it were discovered that abandoned wells or dry holes that could impact the proposed project site

are leaking, remedial action would be required to seal these leaks, or venting systems would be required to transmit collected gas safely away from the proposed project site. Any undocumented plugged wells or dry holes discovered within the proposed project site boundaries during excavation or grading would require abandonment to meet current DOGGR regulations. Any subsurface well investigation and remediation program shall be designed and evaluated by a California Registered Geologist with an appropriate background in evaluating well hazards associated with oil fields. Measure Geology-2 shall be monitored and enforced by the County of Los Angeles Department of Public Works, Building and Public Safety Division.

Findings:

Changes or alterations have been required in, or incorporated into, the recommended project that mitigate or avoid the significant effects on the environment related to the presence of an undocumented abandoned well or dry hole. Such measures are within the responsibility and jurisdiction of another public agency, the County of Los Angeles. Such changes have been adopted by the County.

Specific economic, legal, technological, or other considerations make infeasible any additional mitigation measures to reduce unavoidable impacts related to severe seismic ground shaking of an adaptively reused historic building and the release of hazardous subsurface gases.

Facts:

Incorporation of the mitigation measures described in Section 3.4 Geology and Soils, would reduce impacts to the maximum extent practicable; however, geologic hazards would not be completely remediated to below the level of significance.

Implementation of measure Geology-1 would reduce significant impacts to the release of low to moderate concentrations of hazardous subsurface gas (methane and hydrogen sulfide) to below the level of significance. For high concentrations of these gases, implementations of the standard mitigation measure would not fully address potential safety issues. Therefore, high gas concentrations (i.e., those concentrations that cannot be removed from the specific subterranean structures with the technologies available at the time of final plans and specifications) would remain a potentially significant impact for subterranean structures. Implementation of measure Geology-2 would reduce significant impacts related to the discovery of undocumented abandoned wells and dry holes to below the level of significance.

Potential impacts from strong seismic ground shaking, liquefaction, soil erosion, and potentiality unstable surface units would be reduced to below the level of significance through conformance with applicable standards of the County of Los Angeles Building Code and other standard design measures required for permit approval, as specified by the County of Los Angeles, Department of Public Works. Therefore, no additional mitigation measures are required for these potential impacts.

Seismic retrofit and upgrade of the adaptively reused Plaza House and Vickrey-Brunswick Building would reduce the exposure of people to injury and property to damage from severe

seismic ground shaking. The County of Los Angeles has established the High-Risk Standard of County of Los Angeles Building Code, Chapter 96, as the appropriate level of design to protect public safety for the programming and capacity under evaluation for the recommended project. The High-Risk Standard is consistent with building standards for the renovation of historic buildings or structures in the State Historic Building Code. Although this standard is sufficient to protect public safety, it does not achieve the level of public safety specified for new construction pursuant to the California Building Code. The difference between the standard for new construction and the rehabilitation of historic buildings remains an **unmitigated significant impact** related to geology and soils.

4. LAND USE AND PLANNING

Significant Impact:

Implementation of the recommended project has the potential to result in significant unavoidable impacts related to conflicts with adopted relevant plans and policies in the project area, specifically the National Historic Preservation Act of 1966.

Mitigation Measures or Alternatives to Reduce or Avoid the Impact.

There are no feasible mitigation measures for the impact to land use and planning due to the potential loss of the Brunswig Annex, one of the three historic buildings. The Brunswig Annex is proposed for removal due to the extent of deterioration and the lack of historic character-defining ornamentation, typical of the High Victorian Italianate style. The County identified three alternatives to avoid significant, unavoidable, adverse impact to land use and planning that would result from the recommended project: the No Project Alternative, Alternative B, and Alternative C. In response to comments, four additional action alternatives were identified, three of which were evaluated in detail, Alternative A.1.2, Alternative B.1.1 and Alternative B.1.2. The alternatives that are capable of rehabilitating and adaptively reusing the Brunswig Annex, Alternatives B, B.1.1. and B.1.2 would raise the overall project cost by 8 to 21 percent while providing the same capacity and programming as the previously proposed project and the Alternative A scenarios (A, A.1.1 and A.1.2.). Therefore, the County determined that conservation of the Brunswig Annex is socially and economically infeasible.

Finding:

The lead agency, the County of Los Angeles, determined that specific economic, legal, social, technological, or other considerations make infeasible any mitigation measures or alternatives to reduce or avoid the impact of the demolition of the Brunswig Annex.

CCHE, as a responsible agency, has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. (CEQA Guidelines, § 15096(g)(1).) CCHE is not funding the demotion of the Brunswig Annex. Therefore, it is the responsibility of the lead agency, the County of Los Angeles, to mitigate or avoid this impact, or to determine that it is not feasible to do so.

Mitigation Made a Condition of Funding

All of the mitigation measures set forth in the findings above have been adopted by the lead Agency, the County of Los Angeles. As a responsible agency, CCHE makes those mitigation measures a condition of funding.

Modifications to the mitigation measures may be made by the County in the following circumstances:

- a. The mitigation measure included in the Final EIR and the Mitigation Monitoring and Reporting Program is no longer required because the significant environmental impact identified in the Final EIR has been found not to exist, or to occur at a level which makes the impact less than significant as a result of changes in the project, changes in conditions of the environment, or other factors.

Or

- b. The modified or substitute mitigation measure provides a level of environmental protection equal to or greater than that afforded by the mitigation measure included in the Final EIR and these Findings, and the modified or substitute mitigation measures do not have significant adverse effects on the environment in addition to or greater than those which were considered in the final EIR.

The Grantee shall inform the Executive Director of CCHE of any change in mitigation measures and the facts supporting one of the circumstances above.

Mitigation Reporting

The County of Los Angeles has adopted a Mitigation Monitoring Program. CCHE will require the Grantee to provide copies of the County's mitigation reporting to the Executive Director of CCHE on a quarterly basis, until the completion of construction.

Statement of Overriding Considerations

As described above, the project would have significant unavoidable environmental impacts in the areas of air quality, geology and soils, cultural resources, and land use and planning. Using its independent judgment, CCHE concludes that the benefits of the project, when balanced against all adverse effects, cause those effects remaining after the mitigation to be acceptable due to the following considerations.

The project provides a multipurpose facility for out-of-state and regional visitors, as well as local residents. The recommended project creates a pedestrian-friendly facility that celebrates, promotes, and preserves an understanding and appreciation of Mexican American historical contributions to Los Angeles through a full range of integrated cultural, educational, and arts

programming. The project will accomplish all 15 of the basic objectives jointly defined by the Plaza de Cultura y Artes Foundation and the County of Los Angeles.

Air Quality

Improvements achieved through development of the recommended project associated with an improved cultural experience for up to 134,000 County residents and visitors override the short-term construction impacts to air quality.

Cultural Resources

The benefits of the project include rehabilitating and adaptively reusing the Plaza House and Vickrey-Brunswick Building in a manner that achieves all the objectives of the proposed project. CCHE funding will not be used for the demolition of the Brunswick Annex, the cause of this impact.

Geology and Soils

The benefits to preservation and strengthening of historic buildings as a means of protecting the integrity of the El Pueblo de Los Angeles Historic District override the difference in level of protection provided by the standards for new construction and those specified for historic buildings. The recommended project has been designed to conform to the applicable standards for rehabilitation and adaptive reuse of historic buildings, thus providing for a level of public safety that conforms to established standards.

Land Use and Planning

The project provides the benefits of revitalizing the Antique Block of the El Pueblo de Los Angeles Historic District through rehabilitation of the Plaza House and Vickrey-Brunswick Building. The recommended project stops the degradation of two of the three historic buildings and provides a multipurpose center for community events, a theater, and related facilities. CCHE funding will not be used for the demolition of the Brunswick Annex, the cause of this impact.

CCHE has independently considered the significant and unavoidable environmental impacts of the proposed projects. For the reasons given above, CCHE finds that economic, legal, social, technological, or other benefits of the proposed project outweigh the unavoidable adverse environmental effects of the project, and the adverse environmental effects are considered acceptable when these benefits of the project are considered.