

RESOLUTION R15-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES APPROVING AND AUTHORIZING SUBMITTAL OF THE DRAFT ENHANCED WATERSHED MANAGEMENT PROGRAM (EWMP) BY THE PALOS VERDES PENINSULA WATERSHED MANAGEMENT GROUP TO THE LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD AND ADOPTING THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT'S PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR) FOR EWMPs AND THE CORRESPONDING FINDINGS, MITIGATION MONITORING AND REPORTING PROGRAM, AND STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council of the City of Palos Verdes Estates hereby resolves as follows:

Section 1. Recitals.

1. In December 2012, the Los Angeles Regional Water Quality Control Board (LARWQCB) issued a Municipal Separate Storm Sewer System (MS4) Permit (Order No. R4-2012-0175; National Pollutant Discharge Elimination System [NPDES] Permit No. CAS004001) covering discharges within coastal watersheds from the collective storm sewer systems in Los Angeles County (except from the City of Long Beach) ("MS4 Permit" or "Permit"). The Permit regulates the discharge of stormwater runoff to waters of the United States from facilities owned and maintained by the Los Angeles County Flood Control District (LACFCD or District), the County of Los Angeles, and 84 incorporated cities within Los Angeles County (collectively referred to as Permittees). The purpose of the MS4 Permit is to achieve and maintain water quality objectives to protect beneficial uses of the receiving waters in the Los Angeles region. Each of the Permittees identified in the MS4 permit is responsible for meeting the conditions of the permit for MS4 discharges occurring within their jurisdiction.
2. The MS4 Permit gives Permittees the option of implementing an innovative approach to permit compliance through development of an Enhanced Watershed Management Program (EWMP). An EWMP is a Watershed Management Plan that comprehensively evaluates opportunities for collaboration on multi-benefit regional projects that retain all non-stormwater runoff and runoff from the 85th percentile, 24-hour storm event while also achieving benefits associated with issues such as flood control and water supply. Where such retention is not feasible, EWMPs must include other watershed control measures to ensure that the MS4 discharges achieve

compliance with water quality standards and do not cause or contribute to exceedances of receiving water limitations.

3. The LACFCD, along with the Cities of Palos Verdes Estates, Rancho Palos Verdes and Rolling Hills Estates and the County of Los Angeles for unincorporated areas (collectively known as the Palos Verdes Peninsula Watershed Management Group [Peninsula WMG]) have opted to exercise this EWMP compliance option for the Palos Verdes Peninsula Watersheds.
4. The City submitted its Notice of Intent to develop an EWMP on June 20, 2013 and the Peninsula WMG submitted its EWMP Work Plan to the LARWQCB on June 27, 2014.
5. The LACFCD and participating cities have been working collaboratively to create an EWMP for the Palos Verdes Peninsula Watersheds.
6. The Watershed Group conducted public outreach to engage the public and other interested parties to support the EWMP development. Comments received from the community have been incorporated as appropriate.
7. The MS4 Permit requires that Permittees submit the draft EWMP to the LARWQCB for review by June 28, 2015.

SECTION 2. CEQA

1. The LACFCD, as a regional agency, is a member of each of the 12 EWMP working groups in the region. Thus, the LACFCD prepared a Program Environmental Impact Report (PEIR) in compliance with the California Environmental Quality Act (CEQA) to provide the public and the responsible and trustee agencies with information about the potential effects on the local and regional environment associated with implementation of the EWMPs. The LACFCD is the Lead Agency for the PEIR.
2. A Notice of Preparation (NOP) was published by the LACFCD on August 29, 2014. The NOP was circulated to federal, state, and local agencies, as well as other interested parties, for a period of 30 days. The NOP was made available in print and electronic form, and the LACFCD accepted comments on the NOP for a 30-day period, closing on September 29, 2014. In addition, an email notification regarding the availability of the NOP was sent to over 700 interested EWMP stakeholders. The initial 30-day comment period was extended an additional 30 days to October 29, 2014, to provide greater opportunity for public comment on the NOP.

3. The LACFCD held three public Scoping Meetings on September 9, 10, and 15 of 2014 to receive comments on the NOP.
4. The Draft PEIR for the proposed project was initially circulated for a 45-day public review period beginning on January 21, 2015 and ending on March 9, 2015. Per an announcement via e-mail on March 6, the comment period was extended through March 16, 2015. The Final PEIR includes written responses to the 46 comment letters received.
5. LACFCD held six community meetings throughout the region on January 29 and February 3, 5, 10, 11 and 17, 2015 to discuss the Draft PEIR analysis and alternatives.
6. On May 26, 2015, the County of Los Angeles Board of Supervisors certified the Program Environmental Impact Report for the EWMPs, made findings of fact, adopted a Mitigation Monitoring and Reporting Program (MMRP), and adopted a Statement of Overriding Considerations (SOC). The LACFCD PEIR studied the environmental impacts of adoption of all 12 EWMPs throughout the region.
7. The City is a Responsible Agency that will be implementing one of the twelve EWMPs analyzed in the PEIR. The City intends to rely on the environmental analysis contained therein to understand the environmental impacts that could be associated with the EWMP at a program level before submittal of the EWMP to the LARWQCB for review, comment and approval.
8. The PEIR evaluates the major environmental effects of implementing proposed EWMP projects from a broad perspective; this evaluation is a program-level analysis. At this stage, the Permittees are developing the conceptual plans certain EWMP projects and other activities that would provide reasonable assurances of meeting the permit requirements. Comprehensive project design, construction and operation details (and in some cases even project location) are not the focus of the EWMPs or the PEIR. Instead, the PEIR frames the nature and magnitude of the expected environmental impacts associated with these proposed EWMP projects and identifies program mitigation measures to reduce the impacts of the projects as proposed. More detailed project-level analyses of individual EWMP projects may be conducted separately as required by CEQA. The PEIR can be used by the LACFCD or other permittees to streamline environmental review of individual EWMP projects. The implementing agency may determine that a more detailed, project-level analysis is required, or may determine some projects to be exempt from CEQA. For non-exempt projects, project-level CEQA review will be conducted.

The separate environmental review of individual projects will evaluate site-specific impacts as required under CEQA.

9. The findings made in this resolution are based upon the information and evidence set forth in the PEIR and the administrative record of the PEIR proceedings, and upon other substantial evidence that has been presented at all public meetings regarding the City's draft EWMP and in the record of the EWMP proceedings.
10. The City Council, as a Responsible Agency under CEQA, has independently reviewed and considered the contents of the PEIR and its record of proceedings prior to deciding whether to adopt the facts and analysis in the PEIR.
11. The PEIR, SCH #2014081106, is available at www.LACoH2Osheds.com and in the Palos Verdes Estates City Clerk's Office and is incorporated herein by reference. The record of proceedings of the City's use of the PEIR is available in the City Clerk's Office at the City of Palos Verdes Estates, 340 Palos Verdes Drive West, Palos Verdes Estates, CA 90274. The record of proceedings regarding LACFCD's certification of the PEIR is available at the Los Angeles County Department of Public Works, 900 south Fremont Avenue, 11th Floor, Alhambra, CA 91803, during normal business hours.
12. The PEIR determined that the EWMP could result in some environmental impacts that, although mitigated to the extent feasible, would remain significant and unavoidable adverse impacts. A full discussion of the impacts is contained in the Findings of Fact in Support of Findings Related to Significant Environmental Impacts for Enhanced Watershed Management Programs, attached hereto as Exhibit A and incorporated herein by reference. The City Council understands that the PEIR analysis is conservative in nature by having to assess such a wide range of geographic areas and conceptual EWMP projects. Nevertheless, the PEIR found that EWMP could potentially result in significant and unavoidable impacts to Air Quality (Impact 3.2-2 air quality violations from construction and 3.2-3 cumulatively considerable increase when projects combined with other foreseeable projects), Cultural Resources (3.4-1 potential adverse change to historic or archaeological resources from projects and cumulative impact when projects combined with other foreseeable projects) and Noise (3.10.1 and 3.10-4 construction noise and cumulative construction noise). At this program-level stage, the City has not found any additional feasible alternative or feasible mitigation measure within its powers that would substantially lessen or avoid these significant impacts the EWMP may have on the environment.

As noted above, more detailed project-level analyses of individual EWMP projects may be conducted separately as required by CEQA.

13. The PEIR also found that if Responsible Agencies did not implement recommended mitigation measures to reduce certain impacts to less-than-significant levels, the EWMPs could result in significant and unavoidable impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geologic and Mineral Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services and Recreation, Transportation and Circulation, and Utilities and Service Systems. Since the City will implement the recommended Mitigation Measures proposed to reduce impacts to less than significant levels, as set forth in the MMRP attached hereto as Exhibit C and incorporated herein by reference, the City like LACFCD finds that these impacts will be mitigated to a less-than-significant level. Thus, feasible changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental impacts.
14. Pursuant to State CEQA Guidelines Section 15093, the City Council declares that the City of Palos Verdes Estates has balanced the economic, legal, social, technological, and other benefits of the City's proposed EWMP against its unavoidable environmental risks, as set forth in the Findings of Fact (Exhibit A) and Statement of Overriding Considerations (Exhibit B) attached hereto and incorporate herein by reference. If these benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." The EWMP for the Palos Verdes Peninsula Watersheds may potentially result in significant and unavoidable impacts associated with Air Quality, Cultural Resources and Noise. The City Council finds that the EWMP's benefits outweigh its unavoidable adverse environmental effects, and finds that the Findings of Fact and Statement of Overriding Considerations (SOC) are supported by substantial evidence in the administrative record.
15. Based on the foregoing, the City Council hereby adopts the facts and analysis in the PEIR, and adopts the Findings of Fact (Exhibit A), Statement of Overriding Considerations (Exhibit B) and MMRP (Exhibit C) with the following additional findings:
 - a. All mitigation measures included in the PEIR and MMRP are feasible.
 - b. While the Environmentally Superior Alternative is the proposed program itself, the City Council finds that to the extent that the other proposed alternatives do not meet project objectives, those alternatives are infeasible.


- c. By implementing the MMRP, there will be no additional significant and unavoidable impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geologic and Mineral Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Public Services and Recreation, Transportation and Circulation, and Utilities and Service Systems. Thus, the SOC only applies to the significant and unavoidable impacts to Air Quality, Cultural Resources and Noise.
- d. In addition to the benefits listed in the SOC, the City Council also finds that EWMP will prevent polluted stormwater runoff from reaching the Santa Monica Bay and other local receiving waters including Machado Lake and Wilmington Drain. California beaches are a precious natural and economic resource. Poor water quality not only threatens the health of aquatic life, swimmers, and beachgoers but also hurts California's ocean-dependent economy valued at \$43 billion. Each year between 150 million and nearly 400 million visits are made to California beaches. The primary goal of the EWMP is to improve beach water quality and improve the environment generally, which protects against health and economic harms and that is a primary benefit of the EWMP.

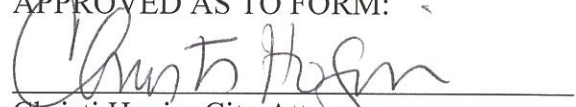
SECTION 3. The City Council hereby approves the EWMP and directs the City Manager, or designee, to submit the EWMP to the LARWQB for review and approval, and to submit revisions to the plan as necessary following review by the LARWQCB.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution R15-26.

PASSED, APPROVED AND ADOPTED on this 23rd day of June, 2015.


James F. Goodhart, Mayor

ATTEST:

Vickie Kroneberger, City Clerk

APPROVED AS TO FORM:

Christi Hogin, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Vickie Kroneberger, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R15-26** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 23rd day of June, 2015, by the following vote:

AYES: COUNCILMEMBERS: Goodhart, King, Rea, Peterson,
and Vandever

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

RECUSED: COUNCILMEMBER: None



Vickie Kroneberger, City Clerk