

# **STATEMENT OF OVERRIDING CONSIDERATIONS ROYAL VISTA RESIDENTIAL PROJECT ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NUMBER 2022100204)**

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**Lead Agency:**

**Los Angeles County Department of Regional Planning**

## **Introduction**

When a proposed project results in significant, unavoidable adverse impacts, the California Environmental Quality Act (CEQA) requires the decision-making body of the Lead Agency to weigh the benefit of the proposed project against such environmental impacts in determining whether or not to approve the proposed project (State CEQA Guidelines Section 15043). In making this determination the Lead Agency is guided by State CEQA Guidelines Section 15093, which states:

- CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- When the Lead Agency approves a project that will result in the occurrence of significant effects, which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The Statement of Overriding Considerations shall be supported by substantial evidence in the record.
- If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code Section 21081(b) requires that when a public agency finds that economic, legal, social, technological, or other reasons make infeasible the mitigation measures or alternatives identified in the Environmental Impact Report and the project thereby continues to have significant unavoidable adverse impacts, the public agency must also find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh those significant unavoidable impacts of the Project.

The Environmental Impact Report prepared by the Los Angeles County Department of Regional Planning (LA County Planning) for the Royal Vista Residential Project (Project), which consists of the Draft Environmental Impact Report and the Final Environmental Impact Report (collectively the “EIR”) analyzes the potential environmental effects associated with the redevelopment of six parcels of a former golf course facility into four residential planning areas (“Planning Areas”) (1, 2, 3, 5) and two open space Planning Areas 4 and 6, for a total of 360 dwelling units and a privately owned trail system open to the public. Planning

Areas 1, 2, and 5 would include 200 detached single-family residential (SFR) units on individual lots; 88 duplex or triplex units on 34 lots; and 13 open space lots. Planning Area 3 would include one open space lot and 72 condominium units within 14 townhome buildings on one lot. Seventy-two (72) townhouse units and 10 triplex units (6 units in Planning Area 1 and 4 units in Planning Area 5). The affordable units in Planning Areas 1 and 5 will be distributed within each of the triplex buildings (one unit in each of the 10 triplex buildings) (equaling 82 [22.7%] of the total units), will be dedicated for sale to moderate- or middle-income households, consistent with the County's Inclusionary Housing Ordinance ("IHO").

### **Significant and Unavoidable Impacts of the Proposed Project**

As explained and supported by substantial evidence set forth in the EIR, the studies and other documents referenced therein, and the Findings and Facts in Support of Findings (Findings of Fact Regarding the Environmental Impact Report for the Royal Vista Residential Project), despite implementation of all feasible mitigation: (1) temporary noise generation during construction would result in increases of ambient noise levels greater than the 10 dBA threshold of the Los Angeles County Code (LACC) resulting in a significant and unavoidable construction noise impact; (2) the proposed Project would generate greenhouse gas emissions that would exceed the County's net zero threshold and would be inconsistent with some vehicles miles traveled (VMT) related key project attributes under the 2022 Scoping Plan, resulting in the Project being inconsistent with certain applicable GHG reduction plans and policies, and resulting in significant and unavoidable project and cumulative GHG impacts; and (3) the Project's VMT/capita would exceed the South County threshold of 10.0 VMT/capita, resulting in a significant and unavoidable project and cumulative VMT impact. Construction noise, GHG, and transportation (VMT) are the only unavoidable significant environmental effects of the Project.

#### **1) Temporary Construction Noise Impacts**

The EIR concludes that the closest sensitive receptors to the Project Site's construction would be approximately 50 feet away. Highest on-site noise levels would be observed at receptor location R5 (Existing residences near the middle of the Project Site, along Walnut Leaf Drive and south of Colima Road), which could experience noise levels at 86.5 dBA during the overlapping construction phases prior to mitigation. During each of the construction phases, noise associated with on-site activity from any individual phase alone would be lower than the combined noise levels during the overlapping periods. Project construction would result in noise levels exceeding the County's 75 dBA noise standard for mobile source construction equipment noise at single-family residences.

Changes or alterations have been required in the Project which mitigate this impact to the greatest extent feasible, as described in the EIR and in the Noise Impact section of the Findings, incorporated herein by reference. Implementation of **Mitigation Measures NOI-1 through NOI-3** would lessen the noise impacts of construction. Effective noise barriers, generator housings, and mufflers could reduce noise levels by up to a combined 15 dBA and reduce construction noise levels to 74.5 dBA at receptor location R5. Since on-site construction noise levels would result in increases of ambient noise levels greater than 10 dBA at sensitive receptor locations R1 through R5 after implementation of mitigation measures NOI-1 through NOI-3 and there is no other feasible mitigation, the impact would be considered significant and unavoidable. In addition, even with all feasible mitigation, off-site traffic signal construction impacts would result in increases in ambient noise levels greater than 10 dBA at sensitive receptor location R2, which is the closest sensitive receptor to the off-site construction work, and impacts would be significant and unavoidable.

## **2) Operational Greenhouse Gas Emission Impacts:**

Despite the implementation of all feasible mitigation, the Project would have a significant and unavoidable VMT Impact (see Operational Transportation Impacts, below) and would generate greenhouse gas emissions that would exceed the net zero threshold. The Project would be consistent with the goals and policies of SCAG 2020 Connect SoCal, the General Plan and the County's Sustainability Plan, but would be inconsistent with some VMT related key project attributes under the 2022 Scoping Plan and thus is concluded to be inconsistent with applicable GHG reduction plans and policies. The Project would include Project Design features, which include non-quantifiable GHG reduction measures in **PDF GHG 1**, and quantifiable GHG reduction measures in **PDF GHG-2**. The Project would also implement **Mitigation Measures TR-1, and TR-2**, which would reduce mobile emissions, but even with all feasible mitigation measures, GHG impacts would exceed the net zero threshold and would remain significant and unavoidable.

## **3) Operational Transportation Impacts (VMT)**

Despite the implementation of all feasible mitigation, the Project would have a significant and unavoidable impact on vehicle miles travelled (VMT). When addressing VMT impacts, the County has established baseline VMT metrics by region, which is divided into the "North County" and "South County" of which the Project site is located within the South County. The proposed Project was forecast to generate 16.3 VMT/capita for Planning Areas 1, 2, and 3 (Transportation Analysis Zone 1 ((TAZ-1)) and was forecast to generate 21.1 VMT/capita for Planning Area 5 (TAZ-2) with Project Design Features PDF T-1 and PDF T-2. The proposed Project was thus determined to exceed the County's threshold of 10.0 VMT/capita by 6.2 VMT/capita and 11.1 VMT/capita, respectively. With implementation of Mitigation Measures TR-1 and TR-2, VMT impacts would be reduced to generate 16.2 VMT/capita for Planning Areas 1, 2, and 3 (Transportation Analysis Zone 1 ((TAZ-1)) and 21.0 VMT/capita for Planning Area 5 (TAZ-2) but still exceed the County's threshold of 10.0 VMT/capita and thus despite all feasible mitigation would remain significant and unavoidable.

**Finding:** The Regional Planning Commission of the County of Los Angeles finds and determines in approving the Royal Vista Residential Project that the EIR has considered the identified means of lessening or avoiding the Project's significant effects and that to the extent any significant environmental effect remains unavoidable or not mitigated to below a level of significance after mitigation, such impact is acceptable in light of the social, legal, economic, environmental, technological and other Project benefits discussed below, and such benefits override, outweigh, and make "acceptable" any such remaining environmental impacts of the project (CEQA Guidelines Section 15092(b)).

The following benefits and considerations, taken together or individually, outweigh such significant and unavoidable adverse environmental impacts. All of these benefits and considerations are based on the facts set forth in the Findings, the EIR (including, without limitation, the Draft EIR and the Final EIR including the response to comments and appendices and attachments thereto), all information and documentation presented to the Regional Planning Commission of the County of Los Angeles and the record of proceedings for the Project. This Regional Planning Commission of the County of Los Angeles finds that the evidence in the record constitutes substantial evidence to support the determinations made in this Statement of Overriding Considerations, that the facts stated in this document and in the Findings are true and accurate representation of the evidence in the record, including testimony received at the public hearing, the staff presentations, staff reports and all materials in the record of proceedings and the Project files. The Regional Planning Commission also finds that to the extent other evidence was presented that is contrary to the determinations

made herein or in the Findings, such evidence was nevertheless considered, weighed and determined to be either lacking in credibility or insufficient in weight to detract from the determinations made herein or in the Findings such that the Regional Planning Commission reached these findings after due consideration of all evidence presented to it. Each of these benefits and considerations is a separate and independent basis that justifies approval of the Project, so that if a court were to set aside the finding that any particular benefit or consideration will occur and justifies Project approval, this Regional Planning Commission finds that it would stand by its finding that the remaining benefit(s) or consideration(s) is or are sufficient to warrant Project approval.

**Facts in Support of Statement of Overriding Considerations:** Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, and the Regional Planning Commission finds that the adverse environmental impacts of the Project are "acceptable" if any one of these benefits will be realized. The Project will provide benefits to Los Angeles County and the region as follows:

**1. Provides Economic Benefits to Los Angeles County:**

At buildout, the Project is expected to result in the annual generation of revenue from property taxes, transfer taxes, sales and use taxes, utility user taxes, business license taxes, and other governmental revenues a portion of which is expected to be received by the County which would be offset against the annual cost of reoccurring public services to the Project, and could create an annual net benefit to the County. County revenues are used for a variety of services and activities and are subject to the appropriation discretion of the County Board of Supervisors. A portion of property taxes are also paid directly to local school districts, thereby increasing funding for local schools. Finally, the number of jobs generated by the construction of the project is significant and important to the County, but these jobs are temporary and will not result in a permanent expansion of the County's labor market.

**2. Provide Infill Housing, Help Meet LA County's RHNA Allocation and Help Address the State Housing Crisis:**

The Project would support the goals, objectives and policies in the General Plan's Land Use Element and Housing Element. Most notably, the Project would provide high-quality infill housing through the provision of 360 residential units with a diverse mix of for-sale dwelling types, containing both single-family and multi-family units of varying types and sizes, both market rate and below market / affordable. These characteristics of the Project would support Land Use and Housing objectives and policies for encouraging a mix of residential densities, providing resources for recreational open spaces trails and bikeways, and increasing the housing supply. The Project's new residential unit will not displace any existing units or residents, partially address the State's Housing Crisis and help meet Los Angeles County's Regional Housing Needs Allocation (RHNA) of +/- 90,000 units including +/- 14,100 moderate units and +/- 36,500 above moderate units.

**3. Provide Middle and Moderate-Income Housing Units:**

The Project will reserve a total of 82 units for sale to middle and moderate-income households, which could include but is not limited to individuals such as nurses, warehouse/factory workers, construction workers, school teachers, fire fighters, sheriff / police, and other first time home buyers. The 82 units are comprised of the 72 townhouse units and 10 triplex units and would equal 22.7 percent of the Project's 360 units, which would exceed the inclusionary requirement for the Project by one unit and would assist the County in meeting the goals provided in the Housing Element. According to the

Department of Regional Planning's Presentation to the Regional Planning Commission on November 13, 2023 regarding the generation of affordable housing since adopting the County's IHO in 2020, only 2 affordable housing units have been approved in the East Los Angeles / Gateway Submarket where the Project is located. The Project's 82 units will represent a 4100 percent increase in the number of affordable units approved in the East Los Angeles / Gateway Submarket.

**4. Provide publicly accessible open space and trail system:**

The Project includes approximately 28 acres of open space which would be landscaped and would include public-use trails, over two miles in length. The trail system will be shaded by trees planted along the path with the intent of encouraging pedestrian and bicycle circulation, promote physical activity, and lessen the heat island effect. The Project's approximately 28 acres of open space includes two open space areas, totaling more than 7 acres, connected by the trail system that would include picnic tables and exercise equipment which can be used by Project residents and the public, providing an amenity for the community. The Project's approximately 28 acres of open space comprises approximately 37 percent of the Project site, exceeding the County's 30 percent open space requirement.

**5. Sustainability and Efficiency:**

The Project will not include natural gas infrastructure and will provide residents with access to the Clean Power Alliance, reducing GHG emissions from energy usage. The Project would also comply with the County's General Plan to reduce energy and water consumption (e.g., by complying with CALGreen and Title 24 requirements) as well as encourage renewable energy use and production by pre-wiring homes for electric vehicle charging and constructing solar-ready rooftops. The Project will also use reclaimed water use for common area landscape irrigation. The existing golf course does not use any reclaimed water. The Project will be designed with energy saving features that allow the Project to comply with the Title 24 standards and achieve energy savings required by state regulations. Per compliance with the CALGreen Code, new construction is required to have, among other things, energy and water efficient fixtures and fittings, energy efficient mechanical systems, light pollution reduction, site development best practices, sub metering, water efficient landscapes, recycling, and superior weather resistance and moisture management for buildings.

**6. Home Office Amenities:**

The Project's residential units are planned and sized appropriately to provide dedicated home office spaces (e.g., through the inclusion of home office rooms, home office lofts, and home office nooks), and the development would provide high-speed fiber internet connections to each residential unit as well as high speed internet and wi-fi network infrastructure within each unit. The residential units will also include additional data connections, power outlets, and USB charging outlets which will facilitate the use of teleworking equipment, along with smart home technology such as smart thermostats, locks, and video doorbells. In addition, the subdivider will provide modern internet routers with the initial purchase of each home in order to facilitate and enhance future residents' ability to telework. The residential units will also promote healthy indoor environments for teleworking residents by providing all electric appliances, advanced technology HVAC air filters, and low VOC interior finishes. The units will also include energy efficient features such as roofs that are solar panel ready, low E glass, smart thermostats, Energy-Star appliances, LED lighting, and tankless water heaters, which will reduce future residents' energy demands.

**7. Roadway Improvements:**

The Project would provide improvements to the surrounding roadway circulation by restriping turn lanes and adding additional vehicle capacity reducing the queuing time in turn lanes. In addition, the Project would replace the existing golf path pedestrian crossing with a new traffic signal. The Project will also widen East Walnut Drive South to its full design width (additional 12') and will include the addition of curb, gutter and sidewalk which does not exist today, connecting existing improvements to the east and west.

**8. Active Recreation:**

The Project includes a publicly accessible recreational trail system of over two miles in length with exercise equipment, activity areas and seating.

**9. Tree Planting:**

The Project has been designed to avoid impact to the five off-site but adjacent oak trees. The Project will include the planting of approximately 1,453 new trees throughout the Planning Areas and trail system. The Project will increase the number of trees on the Project Site from 411 trees to 1,820 trees.

**10. Transit Subsidies and Electric Bicycles for High Quality Transit Access:**

The Project will include an HOA funded subsidy program for reimbursement of up to 50 percent of the cost of one monthly pass for Metrolink or Foothill Transit for five years or no more than 10 years with the initial purchase of a dwelling. The Project will also provide an electric bicycle with every initial home purchase to encourage the use of nearby high-quality transit, within two miles of the Project Site.

**Conclusion:** CEQA requires a public agency to balance the benefits of a proposed project against its significant and unavoidable adverse impacts in determining whether to approve the project. As discussed more fully above, the Project would result in a significant and unavoidable impacts for construction noise, greenhouse gas (GHG) and transportation (VMT), each of which, although mitigated to the extent feasible by the implementation of mitigation measures required for the Project, will remain an unavoidable significant adverse impact. This Regional Planning Commission finds that such impacts are at an acceptable level in light of each of the Project benefits described above and make "acceptable" any such remaining significant environmental impacts of the Project.