

DRAFT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

DRAFT Findings of Fact and Statement of Overriding Considerations Wilmington Waterfront Development Project

Environmental Impact Report (EIR)

June 15, 2009

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FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Introduction

These Findings of Fact have been prepared by the Los Angeles Harbor Department (LAHD, or Port) as the Lead Agency pursuant to Section 21081 of the Public Resources Code (PRC) and Section 15091 of Title 14 of the California Code of Regulations (California Environmental Quality Act (CEQA) Guidelines) to support a decision on the Wilmington Waterfront Development Project (proposed Project). Section 21081 of the Public Resources Code and Section 15091 of the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are as follows:

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Additionally, 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 proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” When the lead agency approves a project which 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. (PRC § 21081(b); CEQA Guidelines § 15093). The Board of Harbor Commissioners (Board) adopts the Statement of Overriding Considerations set forth below, which identifies the specific overriding economic, legal, social, technological, or other benefits of the proposed Project that outweigh the significant environmental impacts identified in the Final EIR (EIR).

1 **Project Objectives**

2 The Los Angeles Harbor Department (LAHD) operates the Port under legal mandates of the Port of
3 Los Angeles Tidelands Trust (Los Angeles City Charter, Article VI, Sec. 601) and the Coastal Act
4 (PRC Div 20 Section 30700 et seq.), which identify the Port and its facilities as a primary
5 economic/coastal resource of the state and an essential element of the national maritime industry for
6 promotion of commerce, navigation, fisheries, and harbor operations. According to the Tidelands
7 Trust, Port-related activities should be water dependent and should give highest priority to navigation
8 and shipping, as well as provide necessary support and access facilities for accommodating the
9 demands of foreign and domestic waterborne commerce.

10 The overall purposes of the proposed Project are to increase public access to the waterfront; improve
11 pedestrian connectivity from Wilmington to the waterfront; allow additional visitor-serving
12 commercial and recreational development at the Waterfront District; improve the local economy and
13 economic sustainability of the community by improving the industrial corridor along Harry Bridges
14 and Avalon Boulevards; and finally to enhance automobile, truck, and rail transportation within and
15 around the immediate area of the Port. The proposed Project seeks to achieve these goals by
16 improving existing infrastructure and providing new infrastructure facilities, providing waterfront
17 linkages and pedestrian enhancements, developing neighborhood and regional recreational open
18 space, and providing increased development and redevelopment opportunities in the Avalon
19 Development District and Avalon Waterfront District.

20 CEQA Guidelines Section 15124(b) requires that the project description contain a statement of
21 objectives, including the underlying purpose of the proposed Project. The proposed Project is
22 intended to fulfill the overall project purpose of the LAHD. Its objectives were developed based on
23 the community planning process discussed in the Draft EIR Sections 2.3 and 2.4. These objectives
24 are to:

- 25 ■ create a project that will serve as a regional draw and attract visitors to the Wilmington
26 Waterfront;
- 27 ■ design and construct a waterfront park, promenade, and dock to enhance the connection of
28 the Wilmington community with the waterfront while integrating design elements related to
29 the Port’s and Wilmington’s past, present, and future;
- 30 ■ construct an independent project that integrates design elements consistent with other area
31 community development plans to create a unified Los Angeles waterfront through the
32 integration of publicly oriented improvements;
- 33 ■ enhance the livability and economic viability of the Los Angeles Harbor area, Wilmington
34 community, and surrounding region by promoting sustainable economic development and
35 technologies within the existing commercial Avalon Development District; and
- 36 ■ integrate environmental measures into design, construction, and operation to create an
37 environmentally responsible project.

1 **Project Description**

2 The proposed Project is composed of several actions or elements spread over approximately 94 acres
 3 (as shown in Figures 2-2 and 2-4 of the Draft EIR). Development under the proposed Project would
 4 occur in the following three areas:

- 5 ■ Avalon Development District (Areas A and B);
- 6 ■ Avalon Waterfront District; and
- 7 ■ Waterfront Red Car Line/Multi-Modal California Coastal Trail (CCT)

8 In each of these three areas sustainable design elements and features are proposed to help reduce
 9 energy and water requirements and to contribute to an improved project design (as discussed under
 10 Section 2.2 of the Draft EIR). Jurisdictional boundary adjustments are required for the Port Element
 11 of the City’s General Plan, Wilmington Harbor-City Community Plan, and Port Master Plan (shown
 12 in Figures 2-19, 2-20, and 2-22 of the Draft EIR). The re-designation of land uses and rezoning
 13 within the proposed project area would also occur under the proposed Project within the three areas
 14 identified above (as shown in Figures 2-21 and 2-23 of the Draft EIR).

15 The proposed Project would be constructed and implemented in two phases. The first—Phase I:
 16 Interim Plan—would occur between 2009 and 2015; the second—Phase II: Full Buildout Plan—
 17 would occur between 2015 and 2020. (see section 2.8, “Phasing and Demolition and Construction
 18 Plan,” of the Draft EIR for a full description of the proposed project phasing.

19 Table 1 provides a summary of the three major areas of development by each action or element, the
 20 existing uses, and the phase in which each action or element would occur. Figure 2-5 of the Draft
 21 EIR illustrates the completed proposed Project using a simulated view.

22 **Table 1.** Elements of the Proposed Project

<i>Elements</i>	<i>Existing Conditions (CEQA Baseline)</i>	<i>Proposed Project Phase I (2009–2015)</i>	<i>Proposed Project Phase II (2015–2020)</i>
AVALON DEVELOPMENT DISTRICT			
Light Industrial Development	Police trailer at southeast corner of C Street and Marine Avenue, vacant industrial lots owned by Port north of Harry Bridges Boulevard, Trade School located at corner of Lagoon and C Street; scattered private buildings	Construction and operation of a maximum of 75,000 square feet (sf) of light industrial development (oriented toward green technology businesses) around Avalon Boulevard, in the industrial area between Lagoon and Broad Avenues, north of Harry Bridges Boulevard and south of C Street; trade school and private buildings to remain unchanged	Potentially construct and operate an additional 75,000 sf of light industrial development (oriented toward green technology businesses)
Commercial Development	Dockside Ship & Machine Repair structures totaling approximately 10,000 sf and an underutilized 5,500 sf	Construction and operation of 58,000 sf of retail/commercial development south of Harry Bridges Boulevard along	N/A

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<i>Elements</i>	<i>Existing Conditions (CEQA Baseline)</i>	<i>Proposed Project Phase I (2009–2015)</i>	<i>Proposed Project Phase II (2015–2020)</i>
	structure south of Harry Bridges Boulevard between Avalon Boulevard and Marine Avenue and vacant industrial lots	Avalon Boulevard	
Waterfront Red Car Museum	Bekins Storage Property at 245 Fries Avenue/312–326 West C Street; the Bekins Storage Property is a collection of potentially historic buildings and warehouse structures built in 1916, including a 14,500 sf building	Adaptive reuse of the 14,500-sf building located on Bekins Storage Property as Waterfront Red Car Museum consistent with the Secretary of the Interior’s Guidelines for Rehabilitating Historic Buildings	N/A
Railroad Green	Vacant railroad right of way and lot	Construction and operation of approximately 1-acre passive recreation park crossing diagonally from Harry Bridges Boulevard (at Island Avenue) to C Street (east of Fries Avenue)	N/A
Vacate Avalon Boulevard	Avalon Boulevard and associated infrastructure (i.e., curbs, gutters, etc.), vacant industrial lots and industrial buildings listed under Commercial Development above	Vacation of Avalon Boulevard south of A Street	N/A
Realign Broad Avenue	Broad Avenue and associated infrastructure (i.e., curbs, gutters, etc.) and a corner of a lot used for material storage	Realignment of Broad Avenue to continue to the waterfront	N/A
Streetscape Improvements	Existing infrastructure and streets in the Avalon Development District, which include Harry Bridges and Avalon Boulevards, C Street, and Broad, Lagoon, Marine, Island, and Fries Avenues	Streetscape and pedestrian enhancements to improve aesthetics and connectivity throughout the Avalon Development District	Streetscape and pedestrian enhancements to improve aesthetics and connectivity throughout the Avalon Development District
<i>Demolition</i>			
Demolish Dockside Ship & Machine Repair Structures	Approximately 10,000 sf (also listed above in Commercial Development)	Demolish all structures	
Demolish Underutilized Structure at 115 N. Avalon Boulevard	Approximately 5,500 sf	Demolish structure	

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<i>Elements</i>	<i>Existing Conditions (CEQA Baseline)</i>	<i>Proposed Project Phase I (2009–2015)</i>	<i>Proposed Project Phase II (2015–2020)</i>
AVALON WATERFRONT DISTRICT			
Waterfront Promenade & Replacing Existing Bulkhead	Catalina Freight, existing bulkhead and pier	Construction and operation of waterfront promenade with landscaping, which includes 43,220 sf of new viewing piers (1,155 concrete pilings, 24 inches in diameter), replacement of approximately 17,880 sf of existing piers (478 concrete piles), and two floating docks measuring 5,870 sf for visiting vessels	N/A
Land Bridge with Elevated Park (total 10 acres)	City of Los Angeles Department of Water and Power (LADWP) Marine Tank Site	Construction and operation of large section (4 acres of recreational space) of the land bridge extending from the waterfront to the LADWP tanks over the existing rail lines and the realigned Water Street	Completion of remaining section of the remaining 6-acre land bridge to total 10 acres; sloped open lawn, ornamental gardens, and terraces with decomposed granite would landscape this portion of the land bridge
Pedestrian Water Bridge	LADWP Marine Tank Site	Construction and operation of the pedestrian “Water” Bridge from Entry Plaza to the waterfront promenade and Observation Tower.	N/A
Entry Plaza	Vacant industrial lot	Construction and operation of 1-acre Entry Plaza located at the southeast corner of Harry Bridges and Avalon Boulevards adjacent to Avalon Triangle Park	N/A
Observation Tower	Catalina Freight parking and Water Street	Construction and operation of 200-foot-tall Observation Tower with a 2,144-sf footprint and a pedestrian ramp.	N/A
Restaurant Development	Catalina Freight and existing bulkhead and pier	N/A	Construction and operation of 12,000 sf of restaurant development at the waterfront
Realignment of Water Street	Existing Water Street and infrastructure (i.e., curb, gutter, etc.)		
Landscaping Improvements	Existing College of Oceaneering parking lot	Landscaping improvements to the existing College of Oceaneering parking lot and area surroundings	N/A

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<i>Elements</i>	<i>Existing Conditions (CEQA Baseline)</i>	<i>Proposed Project Phase I (2009–2015)</i>	<i>Proposed Project Phase II (2015–2020)</i>
Passenger Drop	Existing Broad Street and infrastructure (i.e., curb, gutter, etc.)	Construction and operation of a passenger drop-off east of Banning’s Landing Community Center along Broad Avenue	
Demolition			
Demolish Catalina Freight	Existing 30,860 sf of Catalina Freight	Demolish entire building	N/A
Demolish National Polytechnic College of Science Hyperbaric Chamber Building	Existing 2,370 sf of National Polytechnic College of Science Hyperbaric Chamber Building	Demolish entire building	N/A
Demolish National Polytechnic College of Science Welding Pier	Existing 1,800 sf of National Polytechnic College of Science Welding Pier	Demolish entire building	N/A
LADWP Marine Tank Site	Three LADWP bulk storage tanks leased by Valero and associated infrastructure (i.e., 18,500 sf of building and subterranean pipelines)	Acquisition and demolition of all tanks and associated infrastructure	N/A
Relocation			
LADWP Bulk Storage Tank Capacity to Olympic Tank Site	LADWP Marine Tank Site	After the LADWP tanks are demolished a potential feasible relocation of the reduction of bulk storage capacity due to the demolition of the LADWP tanks is the Olympic Tank Site	N/A
Dockside Ship & Machine Repair to 141 and 211 N. Marine Avenue	Dockside Ship & Machine Repair and an unknown, underutilized structure	Prior to the realignment of Avalon Boulevard and construction of 58,000 sf of commercial, the Dockside Ship & Machine Repair and an unknown underutilized structure would be removed and possibly relocated to 141 and 211 N. Marine Avenue	N/A
Parking			
Fries Avenue	LADWP Marine Tank Farm	Construction and operation of 51 spaces off of Fries Avenue	N/A
North of Banning’s Landing	Existing Water Street and infrastructure (i.e., curb, gutter, etc.) and portions of a vacant LADWP-owned lot	Construction and operation of 71 spaces north of Banning’s Landing under the pedestrian water bridge	N/A

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<i>Elements</i>	<i>Existing Conditions (CEQA Baseline)</i>	<i>Proposed Project Phase I (2009–2015)</i>	<i>Proposed Project Phase II (2015–2020)</i>
West of Land Bridge, East of Peaker Plants	LADWP Marine Tank Site	N/A	Construction and operation of a landscaped 148-space surface parking area with landscaping accessible from A Street adjacent to the Land Bridge
WATERFRONT RED CAR LINE AND CALIFORNIA COASTAL TRAIL			
Extension of Waterfront Red Car Line	Existing streets and associated infrastructure (i.e., curb, gutter, etc.)	N/A	Construction and operation of the Waterfront Red Car Line, which would begin at the intersection of Swinford Street and Harbor Boulevard, proceed along Front Street onto John S. Gibson Boulevard, and then onto Harry Bridges Boulevard where it would terminate at the intersection with Avalon Boulevard (exact alignment is unknown at this time)
California Coastal Trail (CCT)	Existing sidewalks, streets, and associated infrastructure (i.e., curb, gutter, etc.)	N/A	The CCT would follow the existing public right-of-way from the intersection of Swinford Street and Harbor Boulevard, proceed along Front Street onto John S. Gibson Boulevard, and then onto Harry Bridges Boulevard where it would terminate at the intersection with Avalon Boulevard

1

I. CEQA Findings

The Findings of Fact are based on and supported by information contained in the Draft EIR and the Final EIR for the proposed Wilmington Waterfront Development Project, as well as information contained within the administrative record. The administrative record includes, but is not limited to, the project application, project staff reports, project public hearing records, public notices, the Draft and Final EIR and Appendices, written comments on the project and responses to those comments, proposed decisions and findings on the project, planning documents such as the Port Master Plan and the Port of Los Angeles Community Plan, matters of common knowledge to LAHD, including but not limited to federal, state, and local laws and regulations, and other documents relating to the agency decision on the project. When making CEQA findings required by PRC Section 21081(a), a public agency must specify the location and custodian of the documents or other material, which constitute the record of proceedings upon which its decision is based. These records are in the care of the:

Director of Environmental Management
Los Angeles Harbor Department
425 South Palos Verdes Street
San Pedro, California 90731

The Draft EIR addresses the project's potential effects on the environment, and was circulated for public review and comment pursuant to the State CEQA Guidelines for a period of 58 days. Comments were received from a variety of public agencies, organizations, and individuals. The Final EIR contains:

- copies of all comments and recommendations received on the Draft EIR;
- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- responses to comments received during the public review; and,
- changes to the Draft EIR.

This section summarizes the environmental effects of the proposed Project discussed in the Draft EIR and provides written findings for each of the significant effects, accompanied by a brief explanation of the rationale for each finding.

Environmental Impacts of the Proposed Project

Significant and Unavoidable Impacts

The EIR concludes that some, but not all, impacts of the proposed Project would remain significant and unavoidable despite imposition of all feasible mitigation for the following environmental resource areas:

- Air Quality
- Geology
- Noise

1 **Significant Impacts**

2 The EIR concludes that *some*, but not all, impacts of the proposed Project would be significant
3 prior to mitigation for the following environmental resource areas:

- 4 ■ Air Quality
- 5 ■ Biological Resources
- 6 ■ Cultural Resources
- 7 ■ Geology
- 8 ■ Groundwater and Soils
- 9 ■ Noise
- 10 ■ Transportation and Circulation (Ground)
- 11 ■ Utilities

12 In addition, the EIR concludes that *all* significant impacts of the proposed Project would be less
13 than significant after mitigation for the following environmental resource areas:

- 14 ■ Biological Resources
- 15 ■ Cultural Resources
- 16 ■ Groundwater and Soils
- 17 ■ Transportation and Circulation (Ground)
- 18 ■ Utilities

19 Many of the significant impacts in the above resources areas could be reduced to less-than-
20 significant levels with mitigation. However, as discussed below, the EIR determines that certain
21 significant impacts cannot feasibly be mitigated and therefore remain significant and unavoidable
22 under CEQA.

23 **Less-than-Significant Impacts**

24 The EIR concludes that *some*, but not all, impacts of the proposed Project would be less than
25 significant prior to mitigation for the following environmental resource areas:

- 26 ■ Air Quality
- 27 ■ Biological Resources
- 28 ■ Cultural Resources
- 29 ■ Geology
- 30 ■ Groundwater and Soils
- 31 ■ Noise
- 32 ■ Transportation and Circulation (Ground)

- 1 ■ Utilities
- 2 The EIR concludes that *all* impacts of the proposed Project would be less than significant
- 3 following mitigation for the following environmental resource areas:
- 4 ■ Aesthetics
- 5 ■ Hazards and Hazardous Materials
- 6 ■ Land Use and Planning
- 7 ■ Population and Housing
- 8 ■ Public Services
- 9 ■ Transportation and Circulation (Marine)
- 10 ■ Water Quality, Sediment, and Oceanography

11 Findings

12 Significant and unavoidable impacts, significant impacts that would be mitigated to a less-than-
 13 significant level, and less-than-significant impacts as identified above and in the EIR are presented in
 14 Tables 2, 3, and 4, respectively, in the sections that follow. The proposed mitigation measures therein
 15 are also included in a Mitigation Monitoring Reporting Plan (MMRP), which has been prepared
 16 separately from these Findings.

17 In addition to the mitigation measures required in, or incorporated into, the proposed Project, several
 18 alternatives were identified in the Draft EIR that could reduce the proposed Project’s significant
 19 environmental impacts. These alternatives and the Port’s associated findings are discussed in Section
 20 III, “Alternatives to the Proposed Project.”

21 Findings Regarding Environmental Impacts Found to Be 22 Significant and Unavoidable

23 The LAHD Board of Commissioners hereby finds that the following environmental impacts of the
 24 Wilmington Waterfront Development Project are significant and unavoidable.

25 **Table 2. Significant and Unavoidable Impacts**

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
3.2. Air Quality and Meteorology			
Construction			
AQ-1: The proposed Project would result in construction-related	Significant	MM AQ-1: Harbor Craft Engine Standards All harbor craft used during the construction phase of the proposed Project will, at a minimum, be	Significant and unavoidable

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
<p>emissions that exceed a South Coast Air Quality Management District (SCAQMD) threshold of significance.</p>		<p>repowered to meet the cleanest existing marine engine emission standards or EPA Tier 2. Additionally, where available, harbor craft will meet the proposed EPA Tier 3 (which are proposed to be phased-in beginning of 2009) or cleaner marine engine emission standards.</p> <p>MM AQ-2: Dredging Equipment Electrification</p> <p>All dredging equipment will be electric.</p> <p>MM AQ-3: Fleet Modernization for Onroad Trucks</p> <ol style="list-style-type: none"> 1. Trucks hauling materials such as debris or fill will be fully covered while operating off Port property. 2. Idling will be restricted to a maximum of 5 minutes when not in use. 3. EPA Standards: <ol style="list-style-type: none"> a. Prior to December 31, 2011: All onroad heavy-duty diesel trucks with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater used at the Port of Los Angeles will comply with EPA 2004 onroad emission standards for PM₁₀ (particulate matter smaller than or equal to 10 microns in diameter) and nitrogen oxide (NO_x) (0.10 gram/brake horsepower-hour [g/bhp-hr] and 2.0 g/bhp-hr, respectively). In addition, all onroad heavy heavy-duty trucks with a GVWR of 19,500 pounds or greater used at the Port of Los Angeles will be equipped with a California Air Resources Board (CARB)-verified Level 3 device. b. From January 1, 2012 on: All onroad heavy-duty diesel trucks with a GVWR of 19,500 pounds or greater used at the Port of Los Angeles will comply with EPA 2007 onroad emission standards for PM₁₀ and NO_x (0.01 g/bhp-hr and 0.20 g/bhp-hr, respectively). <p>A copy of each unit's certified, EPA rating and each unit's CARB or SCAQMD operating permit, shall be provided at the time of mobilization of</p>	

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p>each applicable unit of equipment.</p> <p>MM AQ-4: Fleet Modernization for Construction Equipment</p> <ol style="list-style-type: none"> 1. Construction equipment will incorporate, where feasible, emissions-savings technology such as hybrid drives and specific fuel economy standards. 2. Idling will be restricted to a maximum of 5 minutes when not in use. 3. Tier Specifications: <ul style="list-style-type: none"> ■ Prior to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 horsepower (hp) will meet Tier-2 offroad emission standards, at a minimum. In addition, all construction equipment greater than 50 hp will be retrofitted with a CARB-certified Level 3 diesel emissions control device. ■ From January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp, except ships and barges and marine vessels, will meet Tier-3 offroad emission standards, at a minimum. In addition, all construction equipment greater than 50 hp will be retrofitted with a CARB-certified Level 3 diesel emissions control device. ■ From January 1, 2015 on: All offroad diesel-powered construction equipment greater than 50 hp, except ships and barges and marine vessels, will meet Tier-4 offroad emission standards, at a minimum. In addition, all construction equipment greater than 50 hp will be retrofitted with a CARB-certified Level 3 diesel emissions control device. <p>MM AQ-5: Additional Fugitive Dust Controls</p> <p>The calculation of fugitive dust (PM₁₀) from proposed project earth-moving activities assumes a 61% reduction from uncontrolled levels to simulate rigorous watering of the site and use of other measures (listed below) to ensure compliance with SCAQMD Rule 403.</p>	

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p>The construction contractor will further reduce fugitive dust emissions to 90% from uncontrolled levels. The construction contractor will designate personnel to monitor the dust control program and to order increased watering, as necessary, to ensure a 90% control level. Their duties will include holiday and weekend periods when work may not be in progress.</p> <p>The following measures, at minimum, must be part of the contractor Rule 403 dust control plan:</p> <ul style="list-style-type: none"> ■ Active grading sites will be watered 1 additional time per day beyond that required by Rule 403. ■ Contractors will apply approved nontoxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas (previously graded areas inactive for ten days or more). ■ Construction contractors will provide temporary wind fencing around sites being graded or cleared. ■ Trucks hauling dirt, sand, or gravel will be covered or will maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code. ■ Construction contractors will install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site. Pave road and road shoulders. ■ The use of clean-fueled sweepers will be required pursuant to SCAQMD Rule 1186 and Rule 1186.1 certified street sweepers. Sweep streets at the end of each day if visible soil is carried onto paved roads on site or roads adjacent to the site to reduce fugitive dust emissions. ■ A construction relations officer will be appointed to act as a community liaison concerning onsite construction activity including resolution of issues related to PM₁₀ generation. 	

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<ul style="list-style-type: none"> ■ Traffic speeds on all unpaved roads will be reduced to 15 mph or less. ■ Temporary traffic controls such as a flag person will be provided during all phases of construction to maintain smooth traffic flow. ■ Construction activities that affect traffic flow on the arterial system will be conducted during off-peak hours to the extent practicable. ■ The use of electrified truck spaces for all truck parking or queuing areas will be required. <p>MM AQ-6: Best Management Practices</p> <p>The following types of measures are required on construction equipment (including onroad trucks):</p> <ol style="list-style-type: none"> 1. Use diesel oxidation catalysts and catalyzed diesel particulate traps 2. Maintain equipment according to manufacturers' specifications 3. Restrict idling of construction equipment and on-road heavy-duty trucks to a maximum of 5 minutes when not in use 4. Install high-pressure fuel injectors on construction equipment vehicles 5. Maintain a minimum buffer zone of 300 meters between truck traffic and sensitive receptors 6. Improve traffic flow by signal synchronization 7. Enforce truck parking restrictions 8. Provide on-site services to minimize truck traffic in or near residential areas, including, but not limited to, the following services: meal or cafeteria services, automated teller machines, etc. 9. Re-route construction trucks away from congested streets or sensitive receptor areas <p>LAHD will implement a process by which to select additional BMPs to further reduce air emissions during construction. The LAHD will determine the BMPs once the contractor identifies and secures a final equipment list and project scope. The LAHD will then meet with the contractor to identify potential BMPs and work with the contractor to</p>	

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p>include such measures in the contract. BMPs will be based on Best Available Control Technology (BACT) guidelines and may also include changes to construction practices and design to reduce or eliminate environmental impacts.</p> <p>MM AQ-7: General Mitigation Measure</p> <p>For any of the above mitigation measures, if a CARB-certified technology becomes available and is shown to be as good as or better in terms of emissions performance than the existing measure, the technology could replace the existing measure pending approval by the Port.</p> <p>MM AQ-8: Special Precautions near Sensitive Sites</p> <p>All construction activities located within 1,000 feet of sensitive receptors (defined as schools, playgrounds, daycares, and hospitals), will notify each of these sites in writing at least 30 days prior to construction activity.</p> <p>MM AQ-9: Construction Recycling</p> <p>Demolition and/or excess construction materials will be separated on-site for reuse/recycling or proper disposal. During grading and construction, separate bins for recycling of construction materials will be provided on site. Materials with recycled content will be used in project construction. Chippers on site during construction will be used to further reduce excess wood for landscaping cover.</p>	
AQ-2: The proposed Project would result in offsite ambient air pollutant concentrations during construction that exceed a SCAQMD threshold of significance.	Significant	Mitigation Measures MM AQ-1 through MM AQ-9	Significant and unavoidable
Operations			
AQ-3: The proposed Project would result in operational emissions that exceed a SCAQMD	Significant	Mitigation Measures MM AQ-1 through MM AQ-9	Significant and unavoidable

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
threshold of significance.			
AQ-7: The proposed Project would expose receptors to significant levels of toxic air contaminants (TACs).	Significant	No mitigation is available	Significant and unavoidable
AQ-9: The proposed Project would produce greenhouse gas (GHG) emissions that would exceed CEQA baseline levels.	Significant	<p>Mitigation Measures MM AQ-1 through MM AQ-9</p> <p>MM AQ-10: Energy Efficiency</p> <ul style="list-style-type: none"> ■ Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping, and sun screens to reduce energy use. ■ Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings. ■ Install light colored “cool” roofs, cool pavements, and strategically placed shade trees. ■ Provide information on energy management services for large energy users. ■ Install energy efficient heating and cooling systems, appliances and equipment, and control systems. ■ Install light emitting diodes (LEDs) for outdoor lighting. ■ Limit the hours of operation of outdoor lighting. ■ Provide education on energy efficiency. <p>MM AQ-11: Renewable Energy</p> <ul style="list-style-type: none"> ■ Require the installation of solar and/or wind power systems, solar and tankless hot water heaters, and energy efficient heating ventilation and air conditioning by Port tenants, where feasible. Educate Port tenants about existing incentives. ■ Use combined heat and power in appropriate applications. 	Significant and unavoidable

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p>MM AQ-12: Water Conservation and Efficiency</p> <ul style="list-style-type: none"> ■ Create water-efficient landscapes. ■ Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls. ■ Use reclaimed water for landscape irrigation in new developments and on public property. Install the infrastructure to deliver and use reclaimed water. ■ Design buildings to be water-efficient. Install water-efficient fixtures and appliances. ■ Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff. ■ Restrict the use of water for cleaning outdoor surfaces and vehicles. ■ Implement low-impact development practices that maintain the existing hydrologic character of the site to manage stormwater and protect the environment. (Retaining stormwater runoff on site can drastically reduce the need for energy-intensive imported water at the site.) ■ Devise a comprehensive water conservation strategy appropriate for the proposed Project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate. ■ Provide education about water conservation and available programs and incentives. <p>MM AQ-13: Solid Waste Measures</p> <ul style="list-style-type: none"> ■ Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard). ■ Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers in public areas. 	

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<ul style="list-style-type: none"> ■ Provide education and publicity about reducing waste and available recycling services. <p>MM AQ-14: Land Use Measures</p> <ul style="list-style-type: none"> ■ Incorporate public transit into project design. ■ Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio. ■ Include pedestrian and bicycle-only streets and plazas within developments. Create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling, or walking. <p>MM AQ-15: Transportation and Motor Vehicles</p> <ul style="list-style-type: none"> ■ Limit idling time for commercial vehicles, including delivery and construction vehicles. ■ Use low- or zero-emission vehicles, including construction vehicles. ■ Promote ride sharing programs (e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides). ■ Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations). ■ Increase the cost of driving and parking private vehicles by, for example, imposing tolls and parking fees. ■ Promote “least polluting” ways to connect people and goods to their destinations. ■ Incorporate bicycle lanes and routes into street systems. ■ Incorporate bicycle-friendly intersections into street design. ■ Provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. ■ Create bicycle lanes and walking paths. 	

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
3.5 Geology			
Construction			
GEO-1a: Construction of the proposed Project would result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure.	Significant	MM GEO-1: Seismic Design A site-specific geotechnical investigation will be completed by a California-licensed geotechnical engineer and/or engineering geologist. The design and construction recommendations will be incorporated into the structural design of proposed project components.	Significant and unavoidable
Operations			
GEO-1b: Operation of the proposed Project would result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure.	Significant and unavoidable	No mitigation measures are available to reduce below significance	Significant and unavoidable
3.9 Noise			
Construction			
NOI-1: The proposed Project would last more than 1 day and exceed existing ambient exterior noise levels by 10 dBA or more at a noise-sensitive use; construction activities lasting more than 10 days in a 3-month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise-sensitive use.	Significant	MM NOI-1: The following procedures will help reduce noise impacts from construction activities: a) Temporary Noise Barriers. When construction occurs within 500 feet of a residence or park, temporary noise barriers (solid fences or curtains) will be located between noise-generating construction activities and sensitive receptors. b) Construction Hours. Construction will be limited to between 7:00 a.m. and 6:00 p.m. on weekdays; between 8:00 a.m. and 6:00 p.m. on Saturdays; and there will be no construction equipment noise anytime on Sundays as prescribed by the City of Los Angeles Municipal Code. <u>If extended construction</u>	Significant and unavoidable

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p><u>hours are needed during weekdays under special circumstances. Port and contractor will provide at least 72 hours notice to Banning’s Landing Community Center. Under no circumstances will construction hours exceed the range prescribed by the City of Los Angeles Municipal Code.</u></p> <p>c) Construction Days. Noise generating construction activities will not occur on Sundays or holidays unless critical to a particular activity (e.g., concrete work).</p> <p>d) Construction Equipment. All construction equipment powered by internal combustion engines will be properly muffled and maintained.</p> <p>e) Idling Prohibitions. Unnecessary idling of internal combustion engines near noise-sensitive areas will be prohibited.</p> <p>f) Equipment Location. All stationary noise-generating construction equipment, such as air compressors and portable power generators, will be located as far as practical from existing noise sensitive land uses.</p> <p>g) Quiet Equipment Selection. Quiet construction equipment will be utilized. Noise limits established in the City of Los Angeles Noise Ordinance will be fully complied with.</p> <p>h) Notification. Sensitive receptors including residences within 2,000 feet of the proposed project site will be notified of the construction schedule in writing prior to the beginning of construction.</p> <p>i) Reporting. <u>The Port shall clearly post the telephone number where complaints regarding construction-related disturbance can be reported.</u></p>	

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2 **Findings Regarding Environmental Impacts Found to Be Less-**
 3 **than-Significant after Mitigation**

4 The LAHD Board of Commissioners hereby finds that the following environmental impacts of the
 5 Wilmington Waterfront Development Project are less than significant after implementation of
 6 mitigation measures.

1 **Table 3. Significant Impacts that can be Mitigated below Significance**

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
3.3 Biological Resources			
Construction			
BIO-2a: Construction activities would not result in a substantial reduction or alteration of a state-, federally, or locally designated natural habitat, special aquatic site, or plant community, including wetlands.	Significant	MM BIO 1. Debit Inner Harbor Mitigation Bank The loss of 2,200 square feet (0.05 acres) of Inner Harbor marine habitat will be mitigated by debiting the required credits from the Inner Harbor Mitigation Bank, per the terms and conditions established in the Memorandum of Understanding (MOU) between LAHD, California Department of Fish and Game (CDFG), National Marine Fisheries Service (NMFS), and U.S. Fish and Wildlife Service (USFWS). The MOU provides that for each acre of marine habitat impacted within the Inner Harbor the mitigation bank will be debited 0.5 credit. Thus the 0.05 acre of marine habitat impacted in the Inner Harbor will result in a debit from the mitigation bank of 0.025 credit.	Less than significant
BIO-5a: Construction of the proposed Project would not result in a permanent loss of marine habitat.	Significant	Mitigation Measure MM BIO-1	Less than significant
3.4 Cultural Resources			
Construction			
CR-1: Construction of the proposed Project would not disturb, damage, or degrade a known prehistoric and/or historical archaeological resource resulting in a reduction of its integrity or significance as an important resource.	Significant	MM CR-1: Conduct Future Cultural Resources Studies along the Waterfront Red Car Line Once Determined Archival research indicates that archaeological resources may be located within the Waterfront Red Car Line proposed project area. According to the records search, two prehistoric sites (CA-LAn-150 and CA-LAn -283) are located adjacent to the proposed Waterfront Red Car Line location and one archaeological site, CA-LAn-2135H, is located less than 1/8 th of a mile from the proposed approximate alignment. In addition, archival and historic map research has indicated the potential for subsurface archaeological deposits associated with the early development of Wilmington within the Avalon Development District and the Waterfront Red Car Line. The LAHD will ensure that, prior to final design approval for affected parcels, a qualified archaeologist will be retained to perform additional Phase I level archaeological surveys and research to determine the	Less than significant

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p>potential for prehistoric and historical archaeological deposits within these portions of the proposed project area in accordance with professional standards and guidelines.</p> <p>MM CR-2: Incorporate the Tracks into the Design Plan</p> <p>The proposed Project will incorporate the Pacific Electric Railway tracks into the project design in accordance with the Secretary of the Interior’s <i>Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings</i> or the Secretary of the Interior’s <i>Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings</i>.</p> <p>MM CR-3: Generate Monitoring/Treatment Plan Prior to Demolition and/or Ground Disturbing Activities</p> <p>A phased approach to mitigation would reduce any potential impacts to archaeological resources to less-than-significant. Prior to any ground-disturbing activities and/or demolition, a treatment/monitoring plan would be generated. This document would address areas where potentially significant historical archaeological deposits are likely to be located within the proposed commercial portion of the project area. The research design/treatment plan would also include methods for: (1) archaeological monitoring during demolition of existing buildings (2) subsurface testing after demolition and (3) data recovery of archaeological deposits. A detailed historic context that clearly demonstrates the themes under which any identified subsurface deposits would be determined significant would be included in the document as well as anticipated artifact types, artifact analysis, report writing, repatriation of human remains and associated grave goods, and curation.</p> <p>MM CR-4: Monitor in Vicinity of Government Depot Portion of the Wilmington Waterfront District</p> <p>Because the Phase I historical resources study has identified a low potential for historical archaeological deposits associated with a Civil War era Government Depot within a portion of the Wilmington Waterfront District and because ground-disturbing activities a could impact potentially California Register of Historical Resources (CRHR)- and/or National</p>	

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p>Register of Historic Places (NRHP)-eligible historical archaeological deposits , prior to any ground-disturbing activities:</p> <ul style="list-style-type: none"> ■ A monitoring plan be generated that would address areas where potentially significant archaeological deposits are likely to be located within this portion of the project area and clearly demonstrates the themes under which any deposits would be determined significant. ■ LAHD will require at least one pre-field meeting with environmental management staff, project engineers, construction contractors, and construction inspectors to discuss the monitoring protocols and issues related to treatment of identified archaeological resources. ■ A qualified archaeologist shall monitor all ground-disturbing activities in the vicinity of the Government Depot within the Wilmington Waterfront District portion of the project area. The qualified archaeological monitor will have demonstrated knowledge of, and experience with the treatment of historical archaeological resources. ■ Due to potentially hazardous soil conditions associated with the DWP facility (as included in the project description), a safety plan will be generated in conjunction with the LAHD that addresses all issues associated with contamination and remediation. It is further recommended that the qualified archaeological monitor also be 40-hour Hazwoper certified. ■ In the event that subsurface deposits are identified during monitoring, ground disturbing activities will halt within 100 feet of the find to allow the qualified archaeologist can assess the find(s) and determine if treatment of the resource(s) is required 	
<p>CR-2: Construction of the proposed Project would not disturb, damage, or degrade an unknown prehistoric and/or historical archaeological resource</p>	<p>Significant</p>	<p>MM CR-1 and</p> <p>MM CR-5: Stop Work if Previously Unidentified Resources Are Encountered during Ground Disturbing Activities</p> <p>In the event that any artifact or an unusual amount of</p>	<p>Less than significant</p>

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
resulting in a reduction of its integrity or significance as an important resource.		<p>bone, shell, or nonnative stone is encountered during construction, work will be immediately stopped and relocated to another area. The contractor will stop construction within 100 feet of the exposed resource until a qualified archaeologist can be retained by the Port to evaluate the find (see 36 CFR 800.11.1 and CCR, Title 14, Section 15064.5(f)). Examples of such cultural materials might include concentrations of ground stone tools such as mortars, bowls, pestles, and manos; chipped stone tools such as projectile points or choppers; flakes of stone not consistent with the immediate geology such as obsidian or fused shale; historic trash pits containing bottles and/or ceramics; or structural remains. If the resources are found to be significant, they will be avoided or will be mitigated consistent with SHPO Guidelines. All construction equipment operators will attend a preconstruction meeting presented by a professional archaeologist retained by the Port that will review types of cultural resources and artifacts that would be considered potentially significant, to ensure operator recognition of these materials during construction.</p> <p>Prior to beginning construction, the Port will meet with applicable Native American Groups, including the Gabrieliño/Tongva Tribal Council to identify areas of concern. In addition to monitoring, a treatment plan will be developed in conjunction with the Native American Groups to establish the proper way of extracting and handling all artifacts in the event of an archaeological discovery.</p>	
CR-3: Construction of the proposed Project would not disturb, damage, or degrade unknown human remains.	Significant	MM CR-1, MM CR-3, and MM CR-5	Less than significant
CR-4: The proposed Project would not result in the permanent loss of, or loss of access to, a paleontological resource of regional or statewide significance.	Significant	<p>MM CR-6: Develop a Program to Mitigate Impacts on Nonrenewable Paleontologic Resources Prior to Excavation or Construction of Any Proposed Project Components</p> <p>This mitigation program will be conducted by a qualified vertebrate paleontologist and will be consistent with the provisions of CEQA, as well as the proposed guidelines of the Society of Vertebrate Paleontology. This program will include, but not be limited to:</p>	Less than significant

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<ol style="list-style-type: none"> <li data-bbox="667 306 1219 422">1. Assessment of site-specific excavation plans to determine areas that will be designated for paleontological monitoring during initial ground disturbance. <li data-bbox="667 464 1252 947">2. Development of monitoring protocols for these designated areas. Areas consisting of artificial fill materials will not require monitoring. Paleontologic monitors qualified to Society of Vertebrate Paleontology standards will be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced if some of the potentially fossiliferous units described herein are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources. <li data-bbox="667 989 1252 1188">3. Preparation of all recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Preparation and stabilization of all recovered fossils are essential in order to fully mitigate adverse impacts on the resources. <li data-bbox="667 1230 1252 1587">4. Identification and curation of all specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. These procedures are also essential steps in effective paleontologic mitigation and CEQA compliance. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts on significant paleontologic resources is not considered complete until such curation into an established museum repository has been fully completed and documented. <li data-bbox="667 1629 1252 1871">5. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate lead agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts on paleontologic resources. 	

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
3.6 Groundwater and Soils			
Construction			
<p>GW-1a: Proposed project construction activities may result in exposure of soils containing toxic substances and petroleum hydrocarbons associated with prior operations, which would be deleterious to humans based on regulatory standards established by the lead agency for the site.</p>	<p>Significant</p>	<p>MM GW-1. Preparation of a Soil Management Plan or Phase II Environmental Site Assessment LAHD will prepare a soil management plan prior to construction and will implement it during all phases of construction. Disturbed soils will be monitored for visual evidence of contamination (e.g., staining or discoloration). Soil will also be monitored for the presence of volatile organic compounds (VOCs) using appropriate field instruments such as organic vapor measurement with photoionization detectors or flame ionization detectors. If the monitoring procedures indicate the possible presence of contaminated soil, a contaminated soil contingency plan will be implemented and will include procedures for segregation, sampling, and chemical analysis of soil. Contaminated soil will be profiled for disposal and will be transported to an appropriate hazardous or non-hazardous waste or recycling facility licensed to accept and treat the type of waste indicated by the profiling process. The contaminated soil contingency plan will be developed and in place during all construction activities. If these processes generate any contaminated groundwater that must be disposed of outside of the dewatering/ National Pollutant Discharge Elimination System (NPDES) process, the groundwater will be profiled, manifested, hauled, and disposed of in the same manner. Alternatively, preparation of a Phase II Environmental Site Assessment will be prepared. In general, the Phase II Assessment will include the following:</p> <ul style="list-style-type: none"> ■ A work plan that includes the number and locations of proposed soil/monitoring wells, sampling intervals, drilling and sampling methods, analytical methods, sampling rationale, site geohydrology, field screening methods, quality control/quality assurance, and reporting methods. Where appropriate, the work plan is approved by a regulatory agency such as the City of Los Angeles Fire Department (LAFD) or the Regional Water Quality Control Board (RWQCB). ■ A site-specific health and safety plan signed by a Certified Industrial Hygienist. ■ Necessary permits for encroachment, boring completion, and well installation. ■ A traffic safety plan. 	<p>Less than significant</p>

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<ul style="list-style-type: none"> ■ Sampling program (fieldwork) in accordance with the work plan and health and safety plan. Fieldwork is completed under the supervision of a State of California registered geologist. ■ Hazardous materials testing through a state-certified laboratory. ■ Documentation including a description of filed procedures, boring logs/well construction diagrams, tabulations of analytical results, cross-sections, an evaluation of the levels and extent of contaminants found, and conclusions and recommendations regarding the environmental condition of the site and the need for further assessment. Recommendations may include additional assessment or handling of the contaminants found though the contaminated soil contingency plan. If the contaminated soil contingency plan is inadequate for the contamination found, a remedial action plan will be developed. Contaminated groundwater will generally be handled through the NPDES/dewatering process. ■ Disposal process including transport by a state-certified hazardous material hauler to a state-certified disposal or recycling facility licensed to accept and treat the identified type of waste. <p>MM GW-2: Site Remediation Unless otherwise authorized by the lead regulatory agency for any given site, LAHD will remediate all contaminated soils within proposed project boundaries prior to or during demolition and grading activities. Remediation will occur in compliance with local, state, and federal regulations as described in Section 3.6.3 and as directed by the Los Angeles County Fire Department (LACFD), Department of Toxic Substances Control (DTSC), and/or RWQCB.</p> <p>Soil remediation will be completed such that contamination levels are below health screening levels established by the Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency (CalEPA) and/or applicable action levels established by the lead regulatory agency with jurisdiction over the site. Soil contamination waivers may be acceptable as a result of encapsulation (i.e., paving) in upland areas and/or risk-based soil assessments, but would be subject to the discretion of the lead regulatory agency.</p> <p>Existing groundwater contamination throughout the proposed project boundary will continue to be monitored</p>	

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p>and remediated, simultaneous and/or subsequent to site redevelopment, in accordance with direction provided by the RWQCB.</p> <p>Unless otherwise authorized by the lead regulatory agency for any given site, areas of soil contamination that will be remediated prior to or in conjunction with proposed project demolition, grading, and construction will include, but not be limited to, the properties within and adjacent to the proposed Project as listed in the Hazardous Materials Assessment (HMA) and filed as Appendix F of the EIR.</p> <p>MM GW-2a: Remediate Former Oil Wells in the Industrial District (Area A), Waterfront District (Area B), and within the Immediate Vicinity of the Waterfront Red Car Line/CCT (Area C)</p> <p>Locate the well using geophysical or other methods. Contact the Division of Oil, Gas, and Geothermal Resources (DOGGR) to review abandonment records and inquire whether re-abandonment is necessary prior to any future construction related to the proposed project. Implement corrective measures as directed by DOGGR. Successful site remediation will require compliance with MM GW-2.</p> <p>MM GW-2b: Remediate Soil along Existing and Former Rail Lines</p> <p>Soil along and immediately adjacent to existing and former rail lines that will be disturbed during construction will be assessed for the presence of herbicides, petroleum hydrocarbons, and metals. Successful site remediation will require compliance with MM GW-2.</p> <p>MM GW-2c: Health Based Risk Assessment for the Marine Tank Farm</p> <p>LAHD will prepare a HBRA to determine whether remediation of soil and/or groundwater is needed at the Marine Tank Farm site and, if so, determine the appropriate work plan to ensure the site would comply with applicable local, state, and federal laws. Successful site remediation will require compliance with MM GW-2.</p> <p>MM GW-3: Contamination Contingency Plan for Non-Specific Facilities and Unidentified Sources of Hazardous Materials</p> <p>LAHD will prepare a hazardous materials contingency plan addressing the potential for discovery of unidentified underground storage tanks (USTs), hazardous materials, petroleum hydrocarbons, or hazardous or solid wastes encountered during construction. The following will be</p>	

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p>implemented to address previously unknown contamination during demolition, grading, and construction:</p> <ul style="list-style-type: none"> a) All trench excavation and filling operations will be observed for the presence of free petroleum products, chemicals, or contaminated soil. Deeply discolored soil or suspected contaminated soil will be segregated from light colored soil. In the event unexpected suspected chemically impacted material (soil or water) is encountered during construction, the contractor will notify LAHD’s Chief Harbor Engineer, the Director of Environmental Management, and Risk Management’s Industrial Hygienist. LAHD will confirm the presence of the suspect material; direct the contractor to remove, stockpile, or contain the material; and characterize the suspect material identified within the boundaries of the construction area. Continued work at a contaminated site will require the approval of the Chief Harbor Engineer. b) A photoionization detector (or other similar devices) will be present during grading and excavation of suspected chemically impacted soil. c) Excavation of VOC-impacted soil will require obtaining and complying with a SCAQMD Rule 1166 permit. d) The remedial option(s) selected will be dependent upon a number of criteria (including but not limited to types of chemical constituents, concentration of the chemicals, health and safety issues, time constraints, cost, etc.) and will be determined on a site-specific basis. Both off-site and onsite remedial options will be evaluated. e) The extent of removal actions will be determined on a site-specific basis. At a minimum, the chemically impacted area(s) within the boundaries of the construction area will be remediated to the satisfaction of the lead regulatory agency for the site. The LAHD Project Manager overseeing removal actions will inform the contractor when the removal action is complete. f) Copies of hazardous waste manifests or other documents indicating the amount, nature, and disposition of such materials will be submitted to the Chief Harbor Engineer within 30 days of project completion. g) In the event that contaminated soil is encountered, all onsite personnel handling or working in the vicinity of the contaminated material will be trained in accordance with Occupational Safety and Health and Administration (OSHA) regulations for 	

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p>hazardous waste operations. These regulations are based on CFR 1910.120 (e) and 8 CCR 5192, which states that “general site workers” will receive a minimum of 40 hours of classroom training and a minimum of 3 days of field training. This training provides precautions and protective measures to reduce or eliminate hazardous materials/waste hazards at the work place.</p> <p>h) In cases where potential chemically impacted soil is encountered, a real-time aerosol monitor will be placed on the prevailing downwind side of the impacted soil area to monitor for airborne particulate emissions during soil excavation and handling activities.</p> <p>i) All excavations will be filled with structurally suitable fill material that is free from contamination.</p> <p>j) Prior to dewatering activities, LAHD will obtain a NPDES permit. In areas of suspected contaminated groundwater, special conditions will apply with regard to acquisition of the NPDES permit, including testing and monitoring, as well as discharge limitations under the NPDES permits.</p> <p>k) Soil along and immediately adjacent to existing and former rail lines that will be disturbed during construction will be assessed for the presence of herbicides, petroleum hydrocarbons, and metals.</p> <p>l) Demolition of chemical/fuel storage facilities will include decommissioning and removal of USTs and aboveground storage tanks (ASTs) in accordance with local and state regulatory agencies. These agencies will likely require soil and groundwater sampling. This sampling will be conducted in accordance with local and state regulatory agency requirements.</p> <p>m) Prior to construction activities, LAHD, or its contractors, will conduct an evaluation of all buildings (built prior to 1980) to be demolished to evaluate the presence of asbestos-containing building materials and lead-based paint. Remediation will be implemented in accordance with the recommendations of these evaluations.</p> <p>n) Upon discovery of soil or groundwater contamination, the lead agency responsible for site remediation will determine if the identified contaminants pose a health risk to the general public, operation personnel, or other possible human receptors present at Phase I operational locations. If it is determined that an adverse risk to the general public, operation personnel, or other human receptors is present, Phase I Project elements in operation will be closed as a precaution to prevent</p>	

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		human exposure to toxic substances.	
GW-2a: Proposed project construction would not result in changes in the rate or direction of movement of existing contaminants, expansion of the area affected by contaminants, or increased level of groundwater contamination, which would increase risk of harm to humans.	Significant	Mitigation measures MM GW-1, MM GW-2, MM GW-2a, MM GW-2b, MM GW-2c, and MM GW-3	Less than significant
Operations			
GW-1b: Proposed project operations would not result in exposure of soils containing toxic substances and petroleum hydrocarbons associated with prior operations, which would be deleterious to humans based on regulatory standards established by the lead agency for the site.	Significant	Mitigation Measures MM GW-1, MM GW-2, MM GW-2a, MM GW-2b, MM GW-2c, and MM GW-3	Less than significant
GW-2b: Proposed project operations would not result changes in the rate or direction of movement of existing contaminants, expansion of the area affected by contaminants, or increased level of groundwater contamination which would increase risk of harm to humans.	Significant	Mitigation Measures MM GW-1, MM GW-2, MM GW-2a, MM GW-2b, MM GW-2c, and MM GW-3	Less than significant

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
3.11 Transportation and Circulation—Ground and Marine			
Ground Construction			
<p>TC-1a: Construction of the proposed Project would result in a short-term, temporary increase in construction-related truck and auto traffic, decreases in roadway capacity, and disruption of vehicular and nonmotorized travel</p>	<p>Significant</p>	<p>MM TC-1: Develop and implement a Traffic Control Plan throughout proposed project construction</p> <p>In accordance with the City’s policy on street closures and traffic diversion for arterial and collector roadways, the construction contractor will prepare a traffic control plan (to be approved by City and County engineers) before construction. The traffic control plan will include:</p> <ul style="list-style-type: none"> ■ a street layout showing the location of construction activity and surrounding streets to be used as detour routes, including special signage; ■ a tentative start date and construction duration period for each phase of construction; ■ the name, address, and emergency contact number for those responsible for maintaining the traffic control devices during the course of construction; and ■ written approval to implement traffic control from other agencies, as needed. <p>Additionally, the traffic control plan will include the following stipulations:</p> <ul style="list-style-type: none"> ■ provide access for emergency vehicles at all times; ■ avoid creating additional delay at intersections currently operating at congested conditions, either by choosing routes that avoid these locations, or constructing during nonpeak times of day; ■ maintain access for driveways and private roads, except for brief periods of construction, in which case property owners will be notified; ■ provide adequate off-street parking areas at designated staging areas for construction-related vehicles; ■ maintain pedestrian and bicycle access and circulation during proposed project construction where safe to do so; if construction encroaches on a sidewalk, a safe detour will be provided for pedestrians at the nearest crosswalk; if construction encroaches on a bike lane, warning signs will be posted that indicate bicycles and 	<p>Less than significant</p>

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p>vehicles are sharing the roadway;</p> <ul style="list-style-type: none"> ■ utilize flag persons wearing OSHA–approved vests and using a “Stop/Slow” paddle to warn motorists of construction activity; ■ maintain access to Los Angeles County Metropolitan Transportation Authority (Metro) and Los Angeles Department of Transportation (LADOT) transit services and ensure that public transit vehicles are detoured; ■ post standard construction warning signs in advance of the construction area and at any intersection that provides access to the construction area; ■ post construction warning signs in accordance with local standards or those set forth in the Federal Highway Administration’s <i>Manual on Uniform Traffic Control Devices</i> in advance of the construction area and at any intersection that provides access to the construction area; ■ during lane closures, have contractor and/or LAHD notify LAFD and Los Angeles Police Department (LAPD), as well as the Los Angeles County Sheriff’s and Fire Departments, of construction locations to ensure that alternative evacuation and emergency routes are designed to maintain response times during construction periods, if necessary; ■ provide written notification to contractors regarding appropriate routes to and from construction sites, and weight and speed limits for local roads used to access construction sites; submit a copy of all such written notifications to the City of Los Angeles Planning Department; and ■ repair or restore the road right-of-way to its original condition or better upon completion of the work. 	

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
Ground Operations			
TC-2a: Proposed project operations would increase traffic volumes and degrade level of service (LOS) at intersections within the proposed project vicinity.	Significant	MM TC-2: Reconfigure the southbound approach of Avalon Boulevard at the intersection of Avalon Boulevard and Anaheim Street Prior to the initiation of Phase II construction, LAHD will add a right-turn lane in the southbound direction. Currently the southbound approach consists of one through/left-turn lane and one through/right-turn lane. The mitigation will result in one right-turn lane, one through lane, and one through/left-turn lane. This proposed mitigation will require the removal of two metered parking spaces along Avalon Boulevard to allow for the right-turn lane and the restriping of the northbound approach to properly align with the reconfigured southbound approach. A conceptual drawing illustrating the feasibility of this mitigation is provided in Figure 12 of the traffic report prepared for this project (Appendix I).	Less than significant
3.12 Utilities			
UT-1: The proposed Project would not require or result in the construction or expansion of utility lines or facilities, the construction of which would cause significant environmental effects.	Significant	MM UT-1: Secondary Sewer Line Installation Once the design and utility connections are finalized, the LAHD will build a secondary sewer line of sufficient capacity to support the nearest, largest sewer line. The construction of the secondary sewer line would be carried out within public right-of-way or existing City streets. This line will comply with the City’s municipal code, and will be built under permit by the City Bureau of Engineering.	Less than significant

1

2 **Findings Regarding Environmental Impacts Found to Be Less-**
 3 **than-Significant**

4 The LAHD Board of Commissioners hereby finds that the following environmental impacts of the
 5 Wilmington Waterfront Development Project are less than significant. Under CEQA, no mitigation
 6 measures are required for impacts that are less than significant (14 Cal. Code Regs. § 15126.4(a)(3)).

1 **Table 4. Less-than-Significant Impacts**

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
3.1 Aesthetics			
AES-1: Construction and operation of the proposed Project would not result in an adverse effect on a scenic vista from a designated scenic resource due to obstruction of views.	No impact would occur	No mitigation is required	No impact would occur
AES-2: Construction and operation of the proposed Project would not substantially damage scenic resources (including, but not limited to, trees, rock outcroppings, and historic buildings) within a state scenic highway.	Less than significant	No mitigation is required	Less than significant
AES-3: Construction and operation of the proposed Project would not substantially degrade the existing visual character or quality of the site or its surroundings.	Less than significant	No mitigation is required	Less than significant
AES-4: Construction and operation of the proposed Project would not result in an adverse effect due to shading on the existing visual character or quality of the site or its surroundings.	No impact would occur	No mitigation is required	No impact would occur
AES-5: Construction and operation of the proposed Project would not create a new source of substantial light or glare that would adversely affect day or nighttime views of the area.	No impact would occur	No mitigation is required	No impact would occur

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
3.2 Air Quality			
AQ-4: The proposed Project would not result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance	Less than significant	No mitigation is required	Less than significant
AQ-5: The proposed Project would not generate onroad traffic that would contribute to an exceedance of the 1- or 8-hour carbon monoxide (CO) standards.	Less than significant	No mitigation is required	Less than significant
AQ-6: The proposed Project would not create an objectionable odor at the nearest sensitive receptor.	Less than significant	No mitigation is required	Less than significant
AQ-8: The proposed Project would not conflict with or obstruct implementation of an applicable Air Quality Management Plan (AQMP).	Less than significant	No mitigation is required	Less than significant
3.3 Biological Resources			
Construction			
BIO-1a: Construction activities would not cause a loss of individuals or habitat of a state- or federally listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern, or the loss of federally listed critical habitat.	Less than significant	No mitigation is required	Less than significant
BIO-3a: Construction activities would not result in the interference with wildlife movement/migration corridors that may diminish the chances for	No impact would occur	No mitigation is required	No impact would occur

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<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
long-term survival of a species.			
BIO-4a: Construction activities would not result in substantial disruption of local biological communities (e.g., from construction impacts or the introduction of noise, light, or invasive species).	Less than significant	No mitigation is required	Less than significant
Operations			
BIO-1b: Operational activities associated with the proposed Project would not cause a loss of individuals or habitat of a state- or federally listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern, or the loss of federally listed critical habitat.	Less than significant	No mitigation is required	Less than significant
BIO-2b: Operational activities associated with the proposed Project would not result in a substantial reduction or alteration of a state-, federally, or locally designated natural habitat, special aquatic site, or plant community, including wetlands.	No impact would occur	No mitigation is required	No impact would occur
BIO-3b: Operational activities associated with the proposed Project would not interfere with wildlife movement/migration corridors that may diminish the chances for long-term survival of a species.	No impact would occur	No mitigation is required	No impact would occur
BIO-4b: Operational activities associated with the proposed Project would not substantially	Less than significant	No mitigation is required	Less than significant

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
disrupt local biological communities (e.g, from construction impacts or the introduction of noise, light, or invasive species).			
BIO-5b: Operational activities associated with the proposed Project would not result in a permanent loss of marine habitat.	No impact would occur	No mitigation is required	No impact would occur
3.4 Cultural Resources			
CR-5: The proposed Project would not result in a substantial adverse change in the significance of an historical resource, involving demolition, relocation, conversion, rehabilitation, alteration, or other construction that reduces the integrity or significance of important resources on the site or in the vicinity.	Less than significant	No mitigation is required	Less than significant
3.5 Geology			
Construction			
GEO-2a: Construction of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from land subsidence/settlement.	Less than significant	No mitigation is required	Less than significant
GEO-3a: Construction of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from expansive soil.	Less than significant	No mitigation is required	Less than significant
GEO-4a: Construction of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of	No impact would occur	No mitigation is required	No impact would occur

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<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
injury from landslides or mudslides.			
GEO-5a: Construction of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from unstable soil conditions from excavation, grading, or fill.	Less than significant	No mitigation is required	Less than significant
GEO-6a: Construction of the proposed Project would not result in one or more distinct and prominent geologic or topographic features being destroyed, permanently covered, or materially and adversely modified.	No impact would occur	No mitigation is required	No impact would occur
Operations			
GEO-2b: Operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from land subsidence/settlement.	Less than significant	No mitigation is required	Less than significant
GEO-3b: Operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from expansive soils.	Less than significant	No mitigation is required	Less than significant
GEO-4b: Operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from landslides or mudslides.	No impact would occur	No mitigation is required	No impact would occur

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
GEO-5b: Operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from unstable soil conditions from excavation, grading, or fill.	No impact would occur	No mitigation is required	No impact would occur
GEO-6b: Operation of the proposed Project would not result in one or more distinct and prominent geologic or topographic features being destroyed, permanently covered, or materially and adversely modified.	No impact would occur	No mitigation is required	No impact would occur
3.6 Groundwater and Soils			
Construction			
GW-3a: Construction activities for the proposed Project would not result in a demonstrable and sustained reduction in potable groundwater recharge capacity nor would construction result in a change in potable water levels.	No impact would occur	Mitigation not required	No impact would occur
GW-4a: Construction activities for the proposed Project would not result in a violation of regulatory water quality standards at an existing production well, as defined in CCR, Title 22, Division 4, Chapter 15 and in the Safe Drinking Water Act.	No impact would occur	Mitigation not required	No impact would occur
Operations			
GW-3b: Proposed project operations would not result in a demonstrable and sustained reduction in	No impact would occur	Mitigation not required	No impact would occur

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
potable groundwater recharge capacity and would not result in a change to potable water levels.			
GW-4b: Proposed project operations would not result in a violation of regulatory water quality standards at an existing production well, as defined in CCR, Title 22, Division 4, Chapter 15 and in the Safe Drinking Water Act.	No impact would occur	Mitigation not required	No impact would occur
3.7 Hazards and Hazardous Material			
Construction			
RISK-1a: Construction of the proposed Project would comply with applicable federal, state, regional, and local security and safety regulations, and Port policies guiding Port development.	Less than significant	No mitigation is required	Less than significant
RISK-2a: Construction of the proposed Project would not substantially interfere with an existing emergency response or evacuation plan or require a new emergency or evacuation plan, thereby increasing the risk of injury or death.	Less than significant	No mitigation is required	Less than significant
RISK-3a: Construction of the proposed Project would not substantially increase the likelihood of a spill, release, or explosion of hazardous material(s) due to a terrorist action.	Less than significant	No mitigation is required	Less than significant
RISK-4a: Construction of the proposed Project would not substantially increase the likelihood of an accidental spill, release, or explosion of hazardous	Less than significant	No mitigation is required	Less than significant

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<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
material(s) as a result of proposed project-related modifications.			
Operations			
RISK-1b: Operation of the proposed Project would comply with applicable federal, state, regional, and local security and safety regulations, and Port policies guiding Port development.	No impact would occur	No mitigation is required	No impact would occur
RISK-2b: Operation of the proposed Project would not substantially interfere with an existing emergency response or evacuation plan or require a new emergency or evacuation plan, thereby increasing the risk of injury or death.	Less than significant	No mitigation is required	Less than significant
RISK-3b: Operation of the proposed Project would not substantially increase the likelihood of a spill, release, or explosion of hazardous material(s) due to a terrorist action.	Less than significant	No mitigation is required	Less than significant
RISK-4b: Operation of the proposed Project would not substantially increase the likelihood of an accidental spill, release, or explosion of hazardous material(s) as a result of proposed project-related modifications.	Less than significant	No mitigation is required	Less than significant
RISK-5: Operation of the proposed Project would not introduce the general public to hazard(s) defined by the EPA and Port RMP associated with offsite facilities.	Less than significant	No mitigation is required	Less than significant

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
3.8 Land Use and Planning			
LU-1: The proposed Project would be consistent with the adopted land use/density designation in the Community Plan, redevelopment plan, or specific plan for the site.	Less than significant	No mitigation is required	Less than significant
LU-2: The proposed Project would be consistent with the General Plan or adopted environmental goals or policies contained in other applicable plans.	Less than significant	No mitigation is required	Less than significant
3.9 Noise			
Construction			
NOI-2: Construction activities would not exceed the ambient noise level by 5 dBA at a noise sensitive use between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at any time on Sunday.	Less than significant	No mitigation is required	Less than significant
NOI-3: The proposed Project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels.	Less than significant	No mitigation is required	Less than significant
Operations			
NOI-4: Operations would not result in ambient noise level measured at the property line of affected uses increasing by 3 dBA in CNEL to or within the “normally unacceptable” or “clearly unacceptable category,” or increasing in any way by 5 dBA or more.	Less than significant	No mitigation is required	Less than significant
NOI-5: Existing land uses surrounding the proposed Project area would generate	Less than significant	No mitigation is required	Less than significant

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
noise levels in excess of a published standard, but would not substantially inhibit the usability of the proposed project site.			
3.10 Population and Housing			
POP-1. The proposed Project would not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).	Less than significant	No mitigation is required	Less than significant
POP-2. The proposed Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.	No impact would occur	No mitigation is required	No impact would occur
POP-3. The proposed Project would not displace substantial numbers of existing people, necessitating the construction of replacement housing elsewhere.	No impact would occur	No mitigation is required	No impact would occur
3.11 Transportation and Circulation—Ground and Marine			
Ground Operation			
TC-2b: Proposed project operations would not significantly increase traffic volumes or degrade operations on neighborhood streets within the proposed project vicinity beyond adopted thresholds.	Less than significant	No mitigation is required	Less than significant
TC-2c: Proposed project operations would not significantly increase traffic volumes or degrade operations	Less than significant	No mitigation is required	Less than significant

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<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
on CMP facilities within the proposed project vicinity beyond adopted thresholds.			
TC-3: Proposed project operations would not cause increases in demand for transit service beyond the supply of such services.	Less than significant	No mitigation is required	Less than significant
TC-4: Proposed project operations would not result in a violation of the City’s adopted parking policies and parking demand would not exceed supply.	Less than significant	No mitigation is required	Less than significant
TC-5: The proposed Project does not include design elements that would result in conditions that would increase the risk of accidents, either for vehicular or nonmotorized traffic.	Less than significant	No mitigation is required	Less than significant
Marine Construction			
VT-1a: Construction of the proposed Project would not interfere with operation of designated vessel traffic lanes and/or impair the level of safety for vessels navigating the Main Channel, West Basin area, East Basin area, or precautionary areas.	Less than significant	No mitigation is required	Less than significant
VT-1b: Operation of the proposed Project would not interfere with the operation of designated vessel traffic lanes and/or impair the level of safety for vessels navigating the Main Channel, West Basin area, or precautionary areas.	Less than significant	No mitigation is required	Less than significant

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
3.12 Utilities			
<p>UT-2: The proposed Project would not exceed existing water supply, wastewater treatment, or landfill capacities.</p>	<p>Less than significant</p>	<p>Mitigation is not required; however, MM UT-2: Water Conservation and Wastewater Reduction, MM UT-3: Recycling of Construction Materials, MM UT-4: Recycled Content Materials Use and MM UT-5: AB 939 Compliance would further reduce any potential for impact.</p> <p>The LAHD and Port tenants will implement the following water conservation and wastewater reduction measures to further reduce impacts on water demand and wastewater flows.</p> <ol style="list-style-type: none"> a. The landscape irrigation system will be designed, installed, and tested to provide uniform irrigation coverage for each zone. Sprinkler head patterns will be adjusted to minimize over spray onto walkways and streets. Each zone (sprinkler valve) will water plants having similar watering needs (do not mix shrubs, flowers and turf in the same watering zone). Automatic irrigation timers will be set to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Irrigation run times for all zones will be adjusted seasonally, reducing watering times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run time will be adjusted to avoid water runoff, especially when irrigating sloped property. Sprinkler times will be reduced once drought-tolerant plants have been established. b. Selection of drought-tolerant, low-water-consuming plant varieties will be used to reduce irrigation water consumption. For a list of these plant varieties, refer to <i>Sunset Magazine</i>, October 1988, “The Unthirsty 100,” pp. 74–83, or consult a landscape architect. c. The availability of recycled water will be investigated as a source to irrigate large landscaped areas. d. Ultra-low-flush water closets, ultra-low-flush urinals, and water-saving showerheads must be installed in both new construction and when remodeling. Low flow faucet aerators will be installed on all sink faucets. e. Significant opportunities for water savings exist in air conditioning systems that utilize evaporative cooling (i.e., employ cooling towers). LADWP will be contacted for specific 	<p>Less than significant</p>

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p>information of appropriate measures.</p> <p>f. Recirculating or point-of-use hot water systems will be installed to reduce water waste in long piping systems where water must be run for a considerable period before heated water reaches the outlet.</p> <p>MM UT-3: Recycling of Construction Materials. Demolition and/or excess construction materials will be separated on site for reuse/recycling or proper disposal. During grading and construction, separate bins for recycling of construction materials will be provided on site.</p> <p>MM UT-4: Recycled Content Materials Use. Materials with recycled content, such as recycled steel from framing and recycled concrete and asphalt from roadway construction, will be used in project construction. Wood chippers registered through the California Air Resources Board’s Portable Equipment Registration Program will be used on site during construction, using wood from tree removal, not from demolished structures, to further reduce excess wood for landscaping cover.</p> <p>MM UT-5: AB 939 Compliance. The LAHD and Port tenants will implement a Solid Waste Management Program including the following measures to achieve a 50% reduction of current waste generation percentages by the build out year of 2020 and ensure compliance with the California Solid Waste Management Act (AB 939).</p> <p>a. Provide space and/or bins for storage of recyclable materials within the proposed project site. All garbage and recycle bin storage space will be enclosed and plans will show equal area availability for both garbage and recycle bins within storage spaces.</p> <p>b. Establish a recyclable material pick-up area for commercial buildings.</p> <p>c. Participate in a curbside recycling program to serve the new development.</p> <p>d. Develop a plan for accessible collection of materials on a regular basis.</p> <p>e. Develop source reduction measures that indicate the method and amount of expected reduction.</p> <p>f. Implement a program to purchase materials that have recycled content for project construction and operation (i.e., lumber, plastic, office supplies).</p>	

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<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		g. Provide a resident-tenant/employee education pamphlet to be used in conjunction with available Los Angeles County and federal source reduction educational materials. The pamphlet will be provided to all commercial tenants by the leasing/property management agency. h. Include lease language requiring tenant participation in recycling/waste reduction programs, including specification that janitorial contracts support recycling.	
UT-3: The proposed Project would not require new, off-site energy supply and distribution infrastructure, or require additions to existing facilities that are not anticipated by adopted plans or programs.	Less than significant	No mitigation is required	Less than significant
3.13 Public Services			
PS-1: Construction of the proposed Project would not substantially reduce public services such as law enforcement, emergency services, and park services.	Less than significant	No mitigation is required	Less than significant
PS-2: The proposed Project would not burden existing LAPD or Port Police staff levels and facilities such that the LAPD or Port Police would not be able to maintain an adequate level of service without constructing additional facilities that could cause significant environmental effects.	Less than significant	No mitigation is required	Less than significant
PS-3: The proposed Project would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service.	Less than significant	No mitigation is required	Less than significant

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
PS-4: The proposed Project would not increase the demand for recreation and park services and facilities resulting in the physical deterioration of these facilities	Less than significant	No mitigation is required	Less than significant
3.14 Water Quality, Sediments, and Oceanography			
Construction			
WQ-1a: Construction of the proposed Project would not cause flooding during the projected 50-year developed storm event, which would have the potential to harm people or damage property or sensitive biological resources.	Less than significant	No mitigation is required	Less than significant
WQ-2a: Construction of the proposed Project would not substantially reduce or increase the amount of surface water in a water body.	Less than significant	No mitigation is required	Less than significant
WQ-3a: Construction of the proposed Project would not result in a permanent, adverse change to the movement of surface water sufficient to produce a substantial change in the velocity or direction of water flow.	Less than significant	No mitigation is required	Less than significant
WQ-4a-1: In-water and over-water construction for the proposed Project would not result in discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the California Water Code (CWC) or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the	Less than significant	No mitigation is required	Less than significant

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<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
receiving water body.			
WQ-4a-2: Stormwater discharged during construction of the proposed Project would not result in discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body.	Less than significant	No mitigation is required	Less than significant
WQ-4a-3: Construction and operation of the proposed Project would not result in accidental discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body.	Less than significant	No mitigation is required	Less than significant
Operations			
WQ-1b: Operation of the proposed Project would not cause flooding during the projected 50-year developed storm event, which would have the potential to harm people or damage property or sensitive biological resources.	Less than significant	No mitigation is required	Less than significant
WQ-2b: Operation of the proposed Project would not substantially reduce or increase the amount of surface water in a water body.	No impacts would occur.	No mitigation is required	No impacts would occur.

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
WQ-3b: Operation of the proposed Project would result in a permanent, adverse change to the movement of surface water sufficient to produce a substantial change in the velocity or direction of water flow.	Less than significant	No mitigation is required	Less than significant
Impact WQ-4b: Operation of the proposed Project would not result in discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body.	Less than significant	No mitigation is required	Less than significant

1

2 **Significant and Unavoidable Environmental Impacts that** 3 **Cannot Be Reduced to a Less-than-Significant Level**

4 The EIR concludes that significant and unavoidable impacts would occur for the following environmental
 5 resources if the proposed Project were implemented.

- 6 ■ Air Quality
- 7 ■ Geology
- 8 ■ Noise

9 The Board has determined that certain proposed mitigation measures and/or alternatives are infeasible in
 10 light of specific economic, legal, social, technological, and other considerations; and, therefore, they have
 11 not been required in, or incorporated into, the proposed Project. Attachment 1 contains a list of comments
 12 received on the Draft EIR that contain suggested mitigation measures and/or alternatives suggested to
 13 reduce or further reduce significant impacts. The discussion below refers to Attachment 1 and indicates
 14 whether the proposed mitigation measure and/or alternative has been added to the Final EIR and/or
 15 required in, or incorporated into, the Project. The Board has determined that certain proposed mitigation
 16 measures and/or alternatives are infeasible in light of specific economic, legal, social, technological, and
 17 other considerations and, therefore, have not been required in, or incorporated into, the Project. The
 18 evidence of such infeasibility is explained below within the discussions of the significant impacts for

1 which the measures and/or alternatives were suggested. The Board hereby finds that the significant
2 impacts of the proposed Project would be remain significant and unavoidable, as presented below.

3 **Air Quality**

4 As discussed in Section 3.2 of the Draft EIR, there would be five unavoidable significant impacts on
5 air quality and meteorology related to construction and operation as a result of the proposed Project.
6 The impacts and mitigation measures are discussed below.

7 **Impact AQ-1: The proposed Project would result in construction- 8 related emissions that exceed a SCAQMD threshold of significance.**

9 Without mitigation, the proposed Project would exceed the daily construction emission thresholds
10 for NO_x and PM₁₀ during construction as shown in Table 3.2.13 of the Draft EIR. Therefore,
11 significant impacts under CEQA would occur.

12 **Finding**

13 The EIR discusses impacts on regional air quality that would result during construction activities
14 associated with the proposed Project (Impact AQ-1). Implementation of certain measures would
15 substantially lessen emissions from criteria pollutants associated with construction of the
16 proposed Project, as listed in Table 3.2.13 of the Draft EIR. Therefore, the Board hereby finds
17 that changes or alterations have been required in, or incorporated into the proposed Project that
18 avoid or substantially lessen the significant environmental effect identified in the Final EIR.

19 During construction, Mitigation Measures MM AQ-1 through MM AQ-5 would lower the
20 maximum daily construction emissions of all criteria pollutants, whether the criteria pollutants
21 were determined to be significant or less than significant. PM₁₀ emissions would be reduced to
22 less-than-significant levels with the incorporation of this mitigation. However, even with
23 mitigation incorporated, NO_x emissions would remain above the threshold, and thus construction
24 of the proposed Project would result in a significant and unavoidable impact related to NO_x.
25 Therefore, the Board hereby finds that specific economic, legal, social, technological, or other
26 considerations make infeasible additional mitigation measures or project alternatives, as
27 explained below.

28 ***MM AQ-1: Harbor Craft Engine Standards.***

29 *All harbor craft used during the construction phase of the proposed Project will, at a
30 minimum, be repowered to meet the cleanest existing marine engine emission standards
31 or EPA Tier 2. Additionally, where available, harbor craft will meet the proposed EPA
32 Tier 3 (which are proposed to be phased-in beginning of 2009) or cleaner marine engine
33 emission standards.*

34 *This harbor craft measure will be met unless one of the following circumstances exists,
35 and the contractor is able to provide proof of its existence:*

- 36 *■ A piece of specialized equipment is unavailable in a controlled form within the
37 state of California, including through a leasing agreement.*

- 1 ■ *A contractor has applied for necessary incentive funds to put controls on a piece*
2 *of uncontrolled equipment planned for use on the proposed Project, but the*
3 *application process is not yet approved, or the application has been approved,*
4 *but funds are not yet available.*
- 5 ■ *A contractor has ordered a control device for a piece of equipment planned for*
6 *use on the proposed Project, or the contractor has ordered a new piece of*
7 *controlled equipment to replace the uncontrolled equipment, but that order has*
8 *not been completed by the manufacturer or dealer. In addition, for this*
9 *exemption to apply, the contractor must have attempted to lease controlled*
10 *equipment to avoid using uncontrolled equipment, but no dealer within 200 miles*
11 *of the proposed Project has the controlled equipment available for lease.*

12 ***MM AQ-2: Dredging Equipment Electrification.***

13 *All dredging equipment will be electric.*

14 ***MM AQ-3: Fleet Modernization for Onroad Trucks***

- 15 1. *Trucks hauling materials such as debris or fill will be fully covered while operating*
16 *off Port property*
- 17 2. *Idling will be restricted to a maximum of 5 minutes when not in use.*
- 18 3. *EPA Standards:*
 - 19 a. *Prior to December 31, 2011: All onroad heavy-duty diesel trucks with a gross*
20 *vehicle weight rating (GVWR) of 19,500 pounds or greater used at the Port of*
21 *Los Angeles will comply with EPA 2004 onroad emission standards for PM₁₀ and*
22 *NO_x (0.10 g/bhp-hr and 2.0 g/bhp-hr, respectively).*
23
24 *In addition, all onroad heavy heavy-duty trucks with a GVWR of 19,500 pounds*
25 *or greater used at the Port of Los Angeles will be equipped with a CARB-verified*
26 *Level 3 device.*
 - 27 b. *From January 1, 2012 on: All onroad heavy-duty diesel trucks with a GVWR of*
28 *19,500 pounds or greater used at the Port of Los Angeles will comply with EPA*
29 *2007 onroad emission standards for PM₁₀ and NO_x (0.01 g/bhp-hr and 0.20*
30 *g/bhp-hr, respectively).*

31 *A copy of each unit's certified EPA rating and each unit's CARB or SCAQMD operating*
32 *permit, will be provided at the time of mobilization of each applicable unit of equipment.*

33 *This onroad truck measure will be met unless one of the following circumstances exists,*
34 *and the contractor is able to provide proof of its existence:*

- 35 ■ *A piece of specialized equipment is unavailable in a controlled form within the*
36 *state of California, including through a leasing agreement.*
- 37 ■ *A contractor has applied for necessary incentive funds to put controls on a piece of*
38 *uncontrolled equipment planned for use on the proposed Project, but the*

1 *application process is not yet approved, or the application has been approved, but*
2 *funds are not yet available.*

- 3 ■ *A contractor has ordered a control device for a piece of equipment planned for use*
4 *on the proposed Project, or the contractor has ordered a new piece of controlled*
5 *equipment to replace the uncontrolled equipment, but that order has not been*
6 *completed by the manufacturer or dealer. In addition, for this exemption to apply,*
7 *the contractor must have attempted to lease controlled equipment to avoid using*
8 *uncontrolled equipment, but no dealer within 200 miles of the proposed Project has*
9 *the controlled equipment available for lease.*

10 ***MM AQ-4: Fleet Modernization for Construction Equipment***

- 11 1. *Construction equipment will incorporate, where feasible, emissions-savings*
12 *technology such as hybrid drives and specific fuel economy standards.*
13 2. *Idling will be restricted to a maximum of 5 minutes when not in use.*
14 3. *Tier Specifications:*

15 ■ *Prior to December 31, 2011: All offroad diesel-powered construction equipment*
16 *greater than 50 horsepower (hp) will meet Tier-2 offroad emission standards, at*
17 *a minimum. In addition, all construction equipment greater than 50 hp will be*
18 *retrofitted with a CARB-certified Level 3 diesel emissions control device.*

19 ■ *From January 1, 2012, to December 31, 2014: All offroad diesel-powered*
20 *construction equipment greater than 50 hp, except ships and barges and marine*
21 *vessels, will meet Tier-3 offroad emission standards, at a minimum. In addition,*
22 *all construction equipment greater than 50 hp will be retrofitted with a CARB-*
23 *certified Level 3 diesel emissions control device.*

24 ■ *From January 1, 2015, on: All offroad diesel-powered construction equipment*
25 *greater than 50 hp, except ships and barges and marine vessels, will meet Tier-4*
26 *offroad emission standards, at a minimum. In addition, all construction*
27 *equipment greater than 50 hp will be retrofitted with a CARB-certified Level 3*
28 *diesel emissions control device.*

29 *This above tier specifications will be met unless one of the following circumstances*
30 *exists, and the contractor is able to provide proof of its existence:*

- 31 ■ *A piece of specialized equipment is unavailable in a controlled form within the*
32 *state of California, including through a leasing agreement.*
33 ■ *A contractor has applied for necessary incentive funds to put controls on a piece of*
34 *uncontrolled equipment planned for use on the proposed Project, but the*
35 *application process is not yet approved, or the application has been approved, but*
36 *funds are not yet available.*
37 ■ *A contractor has ordered a control device for a piece of equipment planned for use*
38 *on the proposed Project, or the contractor has ordered a new piece of controlled*
39 *equipment to replace the uncontrolled equipment, but that order has not been*
40 *completed by the manufacturer or dealer. In addition, for this exemption to apply,*
41 *the contractor must have attempted to lease controlled equipment to avoid using*

- 1 ■ *The use of electrified truck spaces for all truck parking or queuing areas will be*
2 *required.*

3 *The grading contractor will suspend all soil disturbance activity when winds exceed 25*
4 *mph or when visible dust plumes emanate from a site; disturbed areas will be stabilized if*
5 *construction is delayed.*

6 ***MM AQ-6: Best Management Practices.***

7 *The following types of measures for construction equipment (including onroad trucks)*
8 *will be used where applicable and feasible:*

- 9 1. *Use diesel oxidation catalysts and catalyzed diesel particulate traps*
- 10 2. *Maintain equipment according to manufacturers' specifications*
- 11 3. *Restrict idling of construction equipment and on-road heavy-duty trucks to a*
12 *maximum of 5 minutes when not in use*
- 13 4. *Install high-pressure fuel injectors on construction equipment vehicles*
- 14 5. *Maintain a minimum buffer zone of 300 meters between truck traffic and sensitive*
15 *receptors*
- 16 6. *Improve traffic flow by signal synchronization*
- 17 7. *Enforce truck parking restrictions*
- 18 8. *Provide on-site services to minimize truck traffic in or near residential areas,*
19 *including, but not limited to, the following services: meal or cafeteria services,*
20 *automated teller machines, etc.*
- 21 9. *Re-route construction trucks away from congested streets or sensitive receptor areas*
- 22 10. *Use electric power in favor of diesel power where available*
- 23 11. *Provide temporary traffic controls such as flag person, during all phases of*
24 *construction to maintain smooth traffic flow*
- 25 12. *Schedule construction activities that affect traffic flow on the arterial system to off-*
26 *peak hours, to the extent possible*
- 27 13. *Provide dedicated turn lanes for movement of construction trucks and equipment on-*
28 *and off- site*
- 29 14. *Configure construction parking to minimize traffic interference.*

30 *LAHD will implement a process by which to select additional BMPs to further reduce air*
31 *emissions during construction. The LAHD will determine the BMPs once the contractor*

1 identifies and secures a final equipment list and project scope. The LAHD will then meet
 2 with the contractor to identify potential BMPs and work with the contractor to include
 3 such measures in the contract. BMPs will be based on Best Available Control
 4 Technology (BACT) guidelines and may also include changes to construction practices
 5 and design to reduce or eliminate environmental impacts.

6 **MM AQ-7: General Mitigation Measure.**

7 For any of the above mitigation measures, if a CARB-certified technology becomes
 8 available and is shown to be as good as or better in terms of emissions performance than
 9 the existing measure, the technology could replace the existing measure pending
 10 approval by the Port.

11 **MM AQ-8: Special Precautions near Sensitive Sites.**

12 All construction activities located within 1,000 feet of sensitive receptors (defined as
 13 schools, playgrounds, daycares, and hospitals), will notify each of these land uses in
 14 writing at least 30 days prior to construction activity.

15 **MM AQ-9: Construction Recycling.**

16 Demolition and/or excess construction materials will be separated on site for
 17 reuse/recycling or proper disposal. During grading and construction, separate bins for
 18 recycling of construction materials will be provided on site. Materials with recycled
 19 content will be used in project construction. Chippers on site during construction will be
 20 used to further reduce excess wood for landscaping cover.

21 Table 3.2-14 of the Draft EIR summarizes all construction mitigation measures and regulatory
 22 requirements assumed in the mitigated emission calculations.

23 **Rationale for Finding**

24 Changes or alterations have been incorporated into the project in the form of mitigation measures
 25 MM AQ-1 through MM AQ-9, which lessen significant construction emissions. Although NO_x
 26 emissions are reduced as a result of the mitigation measures, construction emissions do remain
 27 significant and unavoidable even after mitigation is incorporated. Tables 5 and 6 present the
 28 construction emissions and thresholds before and after mitigation.

29 **Table 5. Construction Emissions Prior to Mitigation**

Peak Daily Emissions (lbs/day)						
	VOC	CO	NO _x	SO _x	PM ₁₀	PM _{2.5}
Maximum Concurrent Daily Emissions	35	119	398	<1	172	47
Thresholds	75	550	100	150	150	55
Significant?	No	No	Yes	No	Yes	No
Notes: Bold numbers denote significant emissions.						

lbs = pounds
 PM₁₀ and PM_{2.5} emissions numbers assume that fugitive dust is controlled in accordance with SCAQMD Rule 403 by watering disturbed areas three times per day.
 Emissions might not add precisely due to rounding. For more explanation, refer to the discussion in Section 3.2.4.1 of the Draft EIR.
 The emission estimates presented in this table were calculated using the latest available data, assumptions, and emission factors at the time the Draft EIR document was prepared. Future studies might use updated data, assumptions, and emission factors that are not currently available.
 In a case where more than one possible combination of activities occurred during the course of a construction phase, total daily emissions were calculated for all possible combinations, and the combination producing the greatest emissions was reported.
 Source: Appendix C of the Draft EIR.

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Table 6. Mitigated Construction Emissions

<i>Peak Daily Emissions (lbs/day)</i>						
	<i>VOC</i>	<i>CO</i>	<i>NO_x</i>	<i>SO_x</i>	<i>PM₁₀</i>	<i>PM_{2.5}</i>
Maximum Concurrent Daily Emissions	14	135	250	<1	71	19
Thresholds	75	550	100	150	150	55
Significant?	No	No	Yes	No	No	No
Notes: Bold numbers denote significant emissions. lbs = pounds Emissions might not add precisely due to rounding. For more explanation, refer to the discussion in Section 3.2.4.1 of the Draft EIR. The emission estimates presented in this table were calculated using the latest available data, assumptions, and emission factors at the time this document was prepared. Future studies might use updated data, assumptions, and emission factors that are not currently available. Source: Appendix C of the Draft EIR						

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While the mitigation measures presented in the EIR reduce emissions, emissions would still exceed SCAQMD emissions for NO_x. Mitigation measures MM AQ-1 through MM AQ-9 represent feasible means to reduce air pollution impacts from proposed construction sources.

Emissions will largely come from diesel-powered construction equipment such as concrete mixers, trucks, bulldozers, and graders; as well as from pile drivers and tugboats during wharf development. As part of the Draft EIR, mitigation was developed to reduce these emissions through accelerating fleet turnover to newer, cleaner equipment, adding retrofit devices, and employing best management practices (BMPs). No additional mitigation beyond that identified in the EIR is feasible at this time, however, due to limitations on the availability of required technology in the existing construction fleet. Most construction contractors do not own their own equipment because of the costs associated with owning, maintaining, and storing large equipment, but instead rent equipment on an as-needed basis. The pool of rental construction equipment featuring the most stringent available emissions control technologies is limited, however, and construction contractors may not be able to rent such equipment. For example, new Tier 3 standard off-road engines first became commercially available in 2006/2007 for the prevalent horsepower categories proposed for Project construction. Since most of the construction would occur over the next few years, and construction equipment rental firms have not yet had time to entirely update their fleets, not all proposed project construction equipment is expected to comply with the most stringent emissions control standards. Hence, MM AQ-4 proposes a feasible goal that requires non-marine construction equipment on the average to

1 comply with Tier 2-equivalent standards until 2012. Also, MM AQ-4 requires that all equipment
2 comply with Tier 3 standards from 2012 to 2014 and with Tier 4 in 2015 and beyond, consistent
3 with the Port's Sustainable Construction Guidelines. The discussion below includes more details
4 regarding suggested changes to mitigation measures raised in specific comments on the Draft
5 EIR.

6 **Public Comment**

7 As identified in Attachment 1: Suggested Mitigation Measures and Alternatives, three comments
8 were received in regards to Impact AQ-1 from the South Coast Air Quality Management District
9 (SCAQMD-2 and SCAQMD-8) and the County of Los Angeles Public Health (LACOPH-10) .

10 Comment SCAQMD-2 stated that there should be continued implementation of the Ports' Clean
11 Air Action Plan (CAAP). While the proposed Project is not an industrial Port project and
12 therefore CAAP measures do not apply, LAHD remains committed to full implementation of the
13 CAAP on all industrial projects, as well as following State and Federal programs to reduce DPM
14 emissions and the resultant exposure to people that visit the proposed Project as well as the
15 surrounding community. Under the CAAP, LAHD is exceeding targeted reductions in DPM. The
16 2007 reduction goal for DPM was 4%; LAHD achieved 18%. With implementation of the Port's
17 Clean Truck Program (CTP) under the CAAP, LAHD expects this progress to continue. In the
18 first six months of the CTP, which started in October 2008, pollution at the San Pedro Bay Port
19 complex was reduced by 23%. When fully implemented in 2012, Port truck emission reductions
20 could exceed 80%.

21 Comments SCAQMD-8 and LACOPH-10 recommend additional BMP measures. MM AQ-6 has
22 been amended as suggested as shown below:

23 ***MM AQ-6: Best Management Practices.***

24 *The following types of measures ~~are required on~~ for construction equipment (including*
25 *on-road trucks) will be used where applicable and feasible:*

- 26 1. *Use diesel oxidation catalysts and catalyzed diesel particulate traps*
- 27 2. *Maintain equipment according to manufacturers' specifications*
- 28 3. *Restrict idling of construction equipment and on-road heavy-duty trucks to a*
29 *maximum of 5 minutes when not in use*
- 30 4. *Install high-pressure fuel injectors on construction equipment vehicles*
- 31 5. *Maintain a minimum buffer zone of 300 meters between truck traffic and*
32 *sensitive receptors*
- 33 6. *Improve traffic flow by signal synchronization*
- 34 7. *Enforce truck parking restrictions*

- 1 8. *Provide on-site services to minimize truck traffic in or near residential areas,*
2 *including, but not limited to, the following services: meal or cafeteria*
3 *services, automated teller machines, etc.*
- 4 9. *Re-route construction trucks away from congested streets or sensitive*
5 *receptor areas*
- 6 10. *Use electric power in favor of diesel power where available*
- 7 11. *Provide temporary traffic controls such as flag person, during all phases of*
8 *construction to maintain smooth traffic flow*
- 9 12. *Schedule construction activities that affect traffic flow on the arterial system*
10 *to off-peak hours, to the extent possible*
- 11 13. *Provide dedicated turn lanes for movement of construction trucks and*
12 *equipment on- and off- site*
- 13 14. *Configure construction parking to minimize traffic interference.*

14 *LAHD will implement a process by which to select additional BMPs to further reduce air*
15 *emissions during construction. The LAHD will determine the BMPs once the contractor*
16 *identifies and secures a final equipment list and project scope. The LAHD will then meet*
17 *with the contractor to identify potential BMPs and work with the contractor to include*
18 *such measures in the contract. BMPs will be based on Best Available Control Technology*
19 *(BACT) guidelines and may also include changes to construction practices and design to*
20 *reduce or eliminate environmental impacts.*

21 **Impact AQ-2: The proposed Project would result in offsite ambient**
22 **air pollutant concentrations during construction that exceed a**
23 **SCAQMD threshold of significance.**

24 Dispersion modeling of construction emissions was performed to assess the impact of the
25 proposed Project on local ambient air concentrations during Project construction. Peak offsite
26 concentrations of NO₂, CO, PM₁₀, and PM_{2.5} were modeled and compared to the SCAQMD
27 significance thresholds listed in Table 3.2-10 (see Draft EIR). The modeling analysis included
28 diesel exhaust emissions from construction equipment, onsite trucks, and tugboats assisting wharf
29 demolition and construction; and fugitive dust emissions from earth disturbance activities. The
30 combination of construction activities producing the highest daily onsite emissions was selected
31 for the modeling analysis for each pollutant. For NO₂ and CO, the modeled construction scenario
32 would occur during Phase I of construction. This worst-case combination of construction
33 activities would occur for about 1 month (in year 2011) during the approximately 8-year
34 construction schedule for Phases I and II. For PM₁₀ and PM_{2.5}, the modeled construction scenario
35 would occur during Phase I. This worst-case combination of construction activities would occur
36 for about 2 weeks (in year 2011) during the approximately 8-year construction schedule for
37 Phases I and II.

1 These two modeled construction scenarios are conservative because they assume each listed
 2 activity would occur at full strength simultaneous with every other listed activity. In practice,
 3 some of these activities may actually occur one after another by the same construction crew and
 4 equipment fleet.

5 Maximum offsite ambient pollutant concentrations associated with proposed project construction
 6 would be significant for NO₂ (1-hour average), PM₁₀ (24-hour average), and PM_{2.5} (24-hour
 7 average). The maximum offsite CO concentrations would not exceed SCAQMD thresholds.
 8 Without mitigation, landside construction equipment would be the primary contributor to the
 9 maximum NO₂ and CO concentrations. Fugitive dust would be the primary contributor to the
 10 maximum PM₁₀ and PM_{2.5} concentrations.

11 **Finding**

12 Implementation of Mitigation Measures MM AQ-1 through MM AQ-9 (as described above)
 13 would reduce ambient pollutant impacts from construction. Implementation of these measures
 14 would substantially lessen emissions from criteria pollutants associated with construction of the
 15 proposed Project, as listed in Table 7 below. Therefore, the Board hereby finds that changes or
 16 alterations have been required in, or incorporated into, the proposed Project that avoid or lessen
 17 the significant environmental effect identified in the Final EIR. However, impacts are still
 18 significant and unavoidable. Therefore, the Board hereby finds that specific economic, legal,
 19 social, technological, or other considerations make infeasible additional mitigation measures or
 20 project alternatives, as explained below.

21 **Rationale for Finding**

22 Changes or alterations in the form of mitigation measures have been incorporated into the
 23 proposed Project in the form of Mitigation Measures MM AQ-1 through MM AQ-9. However,
 24 the maximum offsite concentrations of NO₂, PM₁₀, and PM_{2.5} after mitigation would be reduced
 25 but would still exceed the SCAQMD significance thresholds, as shown in Table 8. Although
 26 reduced as a result of the mitigation measures, construction emissions remain significant and
 27 unavoidable. For the same reasons discussed under Impact AQ-1 additional mitigation measures
 28 would not be feasible.

29 **Table 7.** Maximum Offsite Ambient Concentrations—Proposed Project Construction without Mitigation

<i>Pollutant</i>	<i>Averaging Time</i>	<i>Background Concentration (µg/m³)</i>	<i>Maximum Concentration (without Background) (µg/m³)</i>	<i>Total Ground-Level Concentration (µg/m³)</i>	<i>SCAQMD Threshold (µg/m³)</i>
NO ₂	1 hour	260	1,466	1,726	338
CO	1 hour	4,892	1,277	6,169	23,000
	8 hours	4,077	150	4,227	10,000
PM ₁₀	24 hours	--	104	104	10.4
PM _{2.5}	24 hours	--	28.7	28.7	10.4

Notes:
 Exceedances of the thresholds are indicated in bold.
 The thresholds for PM₁₀ and PM_{2.5} are incremental thresholds; therefore, the concentrations without background are compared to the thresholds. The thresholds for NO₂ and CO are absolute thresholds; therefore, the total concentrations (with background) are compared to the thresholds.
 NO₂ concentrations were calculated by modeling NO_x emissions and using the ozone limiting method in AERMOD. A conservative ozone background concentration of 0.099 ppm was assumed. The conversion of NO_x to NO₂ is dependent on the hourly ozone concentration and hourly NO_x emission rates. NO_x to NO₂ conversion is increased with higher ozone concentrations.
 Particulate emissions associated with fugitive dust were modeled in AERMOD with the particle settling algorithm. The following weight fractions were used, which are consistent with the *Final Localized Significance Threshold Methodology* (SCAQMD 2003): 0.0787 less than one micron; 0.1292 from 1.0 to 2.5 microns; and 0.7922 from 2.5 to 10 microns. The particle density was assumed to be 2.3 g/cm.
 Source: Castle Environmental Consulting (2008).

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Table 8. Maximum Offsite Ambient Concentrations—Proposed Project Construction with Mitigation

<i>Pollutant</i>	<i>Averaging Time</i>	<i>Background Concentration (µg/m³)</i>	<i>Maximum Concentration (without background) (µg/m³)</i>	<i>Total Ground-Level Concentration (µg/m³)</i>	<i>SCAQMD Threshold (µg/m³)</i>
NO ₂	1 hour	260	1,220	1,480	338
CO	1 hour	4,892	1,409	6,301	23,000
	8 hours	4,077	158	4,235	10,000
PM ₁₀	24 hours	-	40.7	40.7	10.4
PM _{2.5}	24 hours	-	10.7	10.7	10.4

Notes:
 Exceedances of the thresholds are indicated in bold.
 The thresholds for PM₁₀ and PM_{2.5} are incremental thresholds; therefore, the concentrations without background are compared to the thresholds. The thresholds for NO₂ and CO are absolute thresholds; therefore, the total concentrations (with background) are compared to the thresholds.
 NO₂ concentrations were calculated by modeling NO_x emissions and using the ozone limiting method in AERMOD. A conservative ozone background concentration of 0.099 ppm was assumed. The conversion of NO_x to NO₂ is dependent on the hourly ozone concentration and hourly NO_x emission rates. NO_x to NO₂ conversion is increased with higher ozone concentrations.
 Particulate emissions associated with fugitive dust were modeled in AERMOD with the particle settling algorithm. The following weight fractions were used, which are consistent with the *Final Localized Significance Threshold Methodology* (SCAQMD 2003): 0.0787 less than one micron; 0.1292 from 1.0 to 2.5 microns; and 0.7922 from 2.5 to 10 microns. The particle density was assumed to be 2.3 g/cm.
 Source: Castle Environmental Consulting (2008).

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Public Comment

Three comments were received in regards to AQ-2 (SCAQMD-5, SCAQMD-6 and SCAQMD-7).

Comment SCAQMD-5 requests that all harbor craft be required to meet Tier 3 standards immediately and that Tier 4 standards be required as equipment becomes available. Comment

1 SCAQMD-5 also suggests that MM AQ-1 also provides for several “outs” in terms of
2 compliance.

3 As discussed in the Final EIR and in MM AQ-1, all harbor craft are required to meet the USEPA
4 Tier 2 engine emission standards. Tier 3 engines are proposed to be phased in through 2009 and
5 may not be readily available. The construction mitigation measures were based on the Port’s
6 recently approved Sustainable Construction Guidelines for Reducing Air Emissions (2008). The
7 Port conducted a survey in early 2008 of construction contractors and equipment providers,
8 including information on future equipment orders. The survey found there would be limited
9 availability of Tier 3 tugboats in 2009 with inventories increasing over the years. As discussed in
10 the mitigation measure, the Port will encourage use of Tier 3 tugs, but have assessed use of Tier 2
11 tugs in the EIR to be conservative.

12 In regards to the comment that suggested that MM AQ-1 provides for several “outs” which allow
13 using equipment that does not meet the emission standards, the listed exemptions are necessary
14 due to potential equipment unavailability. As provided in the measure, the contractor is only
15 allowed to not comply with the measure if they cannot secure a piece of equipment within
16 California and must provide proof of unavailability. Availability will be verified by the Port. As
17 discussed above, the Port conducted a number of surveys of construction equipment to help
18 develop the Sustainable Construction Guidelines and ensure requirements could be met.
19 However, there may be occasional cases where the contractor cannot comply due to construction
20 project overlaps. In such cases, as described below, the Port would work with contractor to secure
21 the next best piece of equipment in terms of emissions reductions.

22 Through the Environmental Compliance Plan, the Port will encourage use of cleaner construction
23 equipment, including the cleanest available harbor craft. Each contractor is required to submit an
24 Environmental Compliance Plan. The Environmental Compliance Plan will be developed by the
25 contractor and must:

- 26 ■ Identify the overall construction area
- 27 ■ Identify work hours and days
- 28 ■ Describe the overall construction scope of work
- 29 ■ Identify all construction equipment to be used to complete the project
- 30 ■ Identify all applicable mitigation measures depending on scope of work and construction
31 equipment list
- 32 ■ Develop a plan to adhere to all applicable mitigation measures
- 33 ■ Develop a record-keeping system to track mitigation and any pertinent permits and/or
34 verification documents, such as equipment specifications, equipment logs, and receipts
- 35 ■ Develop a tracking system to ensure mitigation is completed within the specified plan
- 36 ■ Identify one lead person, plus one backup person to be responsible for environmental
37 compliance
- 38 ■ Identify additional measures, practices or project elements to further reduce
39 environmental impacts

1 The Environmental Compliance Plan must be submitted to the Port of Los Angeles for review
2 prior to commencing construction. The Port of Los Angeles reserves the right to modify the Plan,
3 in conjunction with the contractor, to identify additional measures, practices or project elements
4 to further reduce environmental impacts. Through the Environmental Compliance Plan, the Port
5 will encourage the use of Tier 4 marine engines when available.

6 Comment SCAQMD-6 requests changes to MM AQ-3 to use the cleanest available on-road
7 trucks before 2011. MM AQ-3 requires that all on-road heavy-duty diesel trucks with a gross
8 vehicle weight rating (GVWR) of 19,500 pounds or greater shall comply with USEPA 2004 on-
9 road emission standards for PM₁₀ and NO_x prior to December 31, 2011. Beginning January 1,
10 2012, all on-road heavy-duty diesel trucks with a GVWR of 19,500 pounds or greater shall
11 comply with USEPA 2007 on-road emission standards for PM₁₀ and NO_x. In addition to the
12 response under Comment SCAQMD-5, which explains that the Port's Sustainable Construction
13 Guidelines and the requirement for an Environmental Compliance Plan, per the LAHD
14 Sustainable Construction Guidelines for Reducing Air Emissions, changes to MM AQ-3 may be
15 limited due to project phasing. According to the Project construction schedule, some construction
16 will be completed prior to 2011, but will continue through to 2020. As a result, construction
17 beginning January 1, 2012, will require the use of USEPA 2007 on-road trucks. The Guidelines
18 were developed based on equipment availability. The Port conducted a survey in early 2008 of
19 construction contractors and equipment providers, including information on future equipment
20 orders. As a result of this survey, it was found that 2007 compliant trucks would not be readily
21 available before the end of 2012 (construction is anticipated to be complete by the end of 2012).
22 However, as described in SCAQMD-5 the Port will encourage use of USEPA 2007 compliant
23 trucks through the Environmental Compliance Plan required of all contractors.

24 Comment SCAQMD- 7 requests changes to MM AQ-4 to use of the cleanest off-road engine
25 emission standard available before 2011. MM AQ-4 requires that all construction equipment meet
26 Tier 3 standards beginning in January 2012. As discussed above, the Port's Sustainable
27 Construction Guidelines were developed based on equipment availability. The Port conducted a
28 survey in early 2008 of construction contractors and equipment providers, including information
29 on future equipment orders. As a result of this survey, it was found that Tier 3 construction
30 equipment would not be readily available before 2012. However, as described in SCAQMD-5,
31 the Port will encourage use of the cleanest construction equipment through the Environmental
32 Compliance Plan required of all contractors.

33 **Impact AQ-3: The proposed Project would result in operational** 34 **emissions that exceed a SCAQMD threshold of significance.**

35 Emissions were estimated for three Project study years: 2011, 2015, and 2020. Interim year
36 2011 was chosen to represent a time when specific components of the proposed Project would be
37 operational while a bulk of the construction would occur at the same time. Year 2015 represents
38 the end of Phase I of the proposed Project. Year 2020 represents the completion of Phase II and
39 full project buildout.

40 The proposed Project's unmitigated peak daily operational emissions are not expected to exceed
41 SCAQMD Significance Thresholds for any criteria pollutants in all study years. The unmitigated
42 air quality impacts associated with the proposed Project are less than significant for all criteria
43 pollutants during all years. However, for 2011 the combined total of construction and operational

1 impacts is expected to be significant for NO_x and PM₁₀, while for 2015 the combined total is
 2 expected to be significant for NO_x.

3 **Finding**

4 Mitigation Measures MM AQ-1 through MM AQ-9, identified above, have been developed to
 5 reduce construction emissions. Implementation of these measures would substantially lessen
 6 emissions from criteria pollutants during construction years, operation years, and years where
 7 construction and operation overlap. Therefore, the Board hereby finds that changes or alterations
 8 have been required in, or incorporated into, the proposed Project that avoid or substantially lessen
 9 the significant environmental effect identified in the Final EIR. However, after mitigation, during
 10 2011 the combined total of construction and operational impacts is expected to be significant for
 11 NO_x and PM₁₀, while for 2015 the combined total is expected to be significant for NO_x. Specific
 12 economic, legal, social, technological, or other considerations make infeasible additional
 13 mitigation measures or project alternatives, however, as explained below.

14 **Rationale for Finding**

15 Changes or alterations in the form of mitigation measures have been identified in the Draft and
 16 Final EIR in the form of Mitigation Measures MM AQ-1 through MM AQ-9 that lessen the
 17 significant effects of proposed project construction and operation. The mitigation identified to
 18 reduce emissions comes primarily from the Port Sustainable Construction Guidelines.
 19 Nevertheless, although reduced as a result of the mitigation measures, emissions during 2011,
 20 where operation and construction overlap, remain significant and unavoidable as shown in Table
 21 9 below for peak daily emissions. Please also see the rationale for findings under Impact AQ-1
 22 and AQ-2.

23 **Table 9. Peak Daily Operational Emissions**

	<i>Peak Daily Emissions (lb/day)</i>					
	<i>VOC</i>	<i>CO</i>	<i>NO_x</i>	<i>SO_x</i>	<i>PM₁₀</i>	<i>PM_{2.5}</i>
Project Year 2011						
Maximum Daily Construction Emissions	35	119	398	<1	172	47
Maximum Daily Operational Emissions	3	31	5	<1	5	1
Total (Construction and Operation— Project Year 2011)	38	150	403	<1	177	48
Thresholds	55	550	55	150	150	55
Significant?	No	No	Yes	No	Yes	No
Project Year 2015						
Maximum Daily Construction Emissions	6	22	44	<1	77	17
Maximum Daily Operational Emissions	33	437	42	1	50	10
Total (Construction and Operation— Project Year 2015)	39	459	86	1	127	27
Regional Thresholds	55	550	55	150	150	55
Significant?	No	No	Yes	No	No	No

Notes:
 Bold numbers denote significant emissions.
 Emissions might not precisely add to the given total due to rounding. For further explanation, refer to the discussion in Section 3.2.4.1 of the Draft EIR.
 The emission estimates presented in this table were calculated using the latest available data, assumptions, and emission factors at the time this document was prepared. Future studies might use updated data, assumptions, and emission factors that are not currently available.
 Source: Appendix C of the Draft EIR.

1

2 **Table 10. Peak Daily Mitigated Operational Emissions**

	<i>Peak Daily Emissions (lb/day)</i>					
	<i>VOC</i>	<i>CO</i>	<i>NO_x</i>	<i>SO_x</i>	<i>PM₁₀</i>	<i>PM_{2.5}</i>
Project Year 2011						
Maximum Daily Construction Emissions	14	135	250	<1	71	19
Maximum Daily Operational Emissions	3	31	5	<1	5	1
Total (Construction and Operation—Project Year 2011)	17	166	255	<1	76	20
Thresholds	55	550	55	150	150	55
Significant?	No	No	Yes	No	No	No
Project Year 2015						
Maximum Daily Construction Emissions	1	21	10	<1	30	6
Maximum Daily Operational Emissions	33	437	42	1	50	10
Total (Construction and Operation—Project Year 2015)	34	458	52	1	80	16
Thresholds	55	550	55	150	150	55
Significant?	No	No	No	No	No	No
Notes: Bold numbers denote significant emissions. Emissions might not precisely add to the given total due to rounding. For further explanation, refer to the discussion in Section 3.2.4.1 of the Draft EIR. The emission estimates presented in this table were calculated using the latest available data, assumptions, and emission factors at the time this document was prepared. Future studies might use updated data, assumptions, and emission factors that are not currently available. Source: Appendix C of the Draft EIR.						

3

4 **Public Comment**

5 No comments were received specifically in regards to AQ-3. However, comments regarding AQ-
 6 1 and AQ-2 would also apply to AQ-3. Please see the discussions under AQ-1 and AQ-2.

1 **Impact AQ-7: The proposed Project would expose receptors to**
2 **significant levels of TACs.**

3 The proposed Project is located adjacent to substantial Port-related and other industrial activities
4 that generate emissions of diesel particulate matter (DPM) and other TACs. The northern portion
5 of the proposed project site is also located within 1,000 feet of Harry Bridges Boulevard, a major
6 route for Port-related diesel trucks. In addition, studies conducted by CARB (2006) and
7 SCAQMD (2008a) show that the area in the vicinity of the Ports, including the proposed project
8 site, exhibits levels of DPM and health risks that are higher than most other areas within the air
9 basin.

10 Because the proposed Project would attract sensitive individuals to a location that most likely has
11 a higher risk than their place of residence, a recreational health risk impact would result. The
12 magnitude of the impact would depend on a variety of factors, including the frequency and
13 duration of a person's visit, the person's exertion level (i.e., breathing rate) during the visit, the
14 amount of Port and industrial activity occurring during the visit, and the prevailing
15 meteorological conditions (wind speed, wind direction, and atmospheric stability level).
16 Therefore, the proposed Project would expose visitors to significant health risk impacts
17 associated with air pollutants from other sources.

18 **Finding**

19 Because the significant impact is an indirect impact associated with emissions from emission
20 sources outside the control of the proposed Project, no additional mitigation measures are
21 proposed. Therefore, the Board hereby finds that specific economic, legal, social, technological,
22 or other considerations make infeasible additional mitigation measures or project alternatives, as
23 explained below.

24 **Rationale for Finding**

25 In the short term, the recreational health risk impact on project visitors would remain significant.
26 In the long term, levels of pollution from both Port facilities and all Port-related trucks traveling
27 along Harry Bridges Boulevard will substantially diminish in accordance with the recently
28 approved Clean Air Action Plan (LAHD et al. 2006). Specifically, DPM from trucks is
29 anticipated to diminish by 80% over the next 5 years under the Port's proposed Clean Trucks
30 Program. The Ports of Los Angeles and Long Beach have also instituted voluntary programs to
31 reduce DPM emissions from Port operations including installation of diesel oxidation catalysts on
32 yard equipment, funding the incremental costs of cleaner fuels, cold-ironing of ocean-going ships,
33 and providing monetary support to the Gateway Cities truck fleet modernization program. In
34 addition, efforts at the state and local level to implement the Diesel Risk Reduction Plan and to
35 fulfill commitments in the state implementation plan (SIP) will also reduce emissions. However,
36 since short-term recreational health risks remain significant, the impact on the health of
37 recreationists is significant and unavoidable.

38 **Public Comment**

39 Four comments were received in regards to AQ-7. Comment SCAQMD-1, SCAQMD-4,
40 LACOPH-9 and LACOPH-10 specifically remarked on the concern about locating recreational

1 development in an area with an elevated exposure to particulate emissions and in effect suggested
2 an alternative that would not allow public parks near industrial areas.

3 The objectives of the proposed Project are to:

- 4 ■ Create a project that will serve as a regional draw and attract visitors to the Wilmington
5 Waterfront
- 6 ■ Design and construct a waterfront park, promenade, and dock to enhance the connection
7 of the Wilmington community with the waterfront while integrating design elements
8 related to the Port's and Wilmington's past, present and future
- 9 ■ Construct an independent project that integrates design elements consistent with other
10 area community development plans to create a unified Los Angeles waterfront through
11 the integration of publicly oriented improvements;
- 12 ■ Enhance livability and economic viability of the Los Angeles Harbor area, Wilmington
13 community, and surrounding region by promoting sustainable economic development and
14 technologies within the existing commercial Avalon Development District; and
- 15 ■ Integrate environmental measures into design, construction, and operations to create and
16 environmentally responsible project.

17 The siting of new and sensitive land uses immediately downwind of Port operations is required to
18 meet these important objectives. A qualitative assessment of how toxic air contaminant (TAC)
19 emissions would result in a significant health risk to sensitive receptors was conducted for the
20 proposed Project and presented in Section 3.2 of the Draft EIR and included consideration of
21 CARB's Air Quality and Land Use Handbook: A Community Health Perspective. The health
22 risks associated with the proposed Project and Project alternatives have been adequately analyzed
23 and fully disclosed within the DEIR, allowing the reader, and subsequently the Board (the
24 decision-maker) to compare and contrast the benefits and costs among all proposals.

25 Please also refer to the Final EIR Chapter 3, which includes information on the Los Angeles
26 Department of Water and Power's updated Health Risk Assessment (HRA) of the adjacent power
27 plant. As discussed in the Final EIR, the new HRA shows that impacts would remain below
28 significance levels and be slightly less than what was reported in the Draft EIR. Furthermore it
29 would not be feasible to locate a project outside the Port of Los Angeles for the reasons discussed
30 in Draft EIR Section 5.5.4 and because this would not accomplish the project objectives of (1)
31 Create a project that will serve as a regional draw and attract visitors to the Wilmington
32 Waterfront, or (2) Design and construct a waterfront park, promenade, and dock to enhance the
33 connection of the Wilmington community with the waterfront while integrating design elements
34 related to the Port's and Wilmington's past, present and future.

35 **Impact AQ-9: The proposed Project would produce GHG emissions**
36 **that exceed CEQA thresholds.**

37 Annual construction and operational greenhouse gas (GHG) emissions would increase relative to
38 GHG emissions in the CEQA baseline year (2008). For the purposes of the EIR, any emissions
39 above the CEQA baseline were considered significant under CEQA. Gases that trap heat in the
40 atmosphere are called GHGs. GHGs are emitted by natural processes and human activities.
41 Examples of GHGs that are produced both by natural processes and industry include carbon

1 dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). Examples of GHGs created and emitted
2 primarily through human activities include fluorinated gases (hydrofluorocarbons and
3 perfluorocarbons) and sulfur hexafluoride. The accumulation of GHGs in the atmosphere
4 regulates the Earth's temperature. Without these natural GHGs, the planet's surface would be
5 about 61°F cooler (Association of Environmental Professionals (AEP) 2007). However,
6 emissions from fossil fuel combustion for activities such as electricity production and vehicular
7 transportation have elevated the concentration of GHGs in the atmosphere above natural levels.
8 According to the Intergovernmental Panel on Climate Change (Intergovernmental Panel on
9 Climate Change (IPCC) 2007), the atmospheric concentration of CO₂ in 2005 was 379 parts per
10 million (ppm) compared to the pre-industrial levels of 280 ppm. In addition, The Fourth U.S.
11 Climate Action Report concluded, in assessing current trends, that CO₂ emissions increased by
12 20% from 1990 to 2004, while CH₄ and N₂O emissions decreased by 10 and 2%, respectively.
13 There appears to be a close relationship between the increased concentration of GHGs in the
14 atmosphere and global temperatures. For example, the California Climate Change Center reports
15 that by the end of this century, temperatures are expected to rise by 4.7 to 10.5°F due to increased
16 GHG emissions. Scientific evidence indicates a trend of increasing global temperatures near the
17 Earth's surface over the past century due to increased human-induced levels of GHGs.

18 GHGs differ from criteria pollutants in that GHG emissions do not cause direct adverse human
19 health effects. Rather, the direct environmental effect of GHG emissions is the increase in global
20 temperatures, which in turn has numerous indirect effects on the environment and humans. For
21 example, some observed changes include shrinking glaciers, thawing permafrost, later freezing
22 and earlier break-up of ice on rivers and lakes, a lengthened growing season, shifts in plant and
23 animal ranges, and earlier flowering of trees (IPCC 2001). Other, longer term environmental
24 impacts of global warming may include sea level rise, changing weather patterns with increases
25 in the severity of storms and droughts, changes to local and regional ecosystems including the
26 potential loss of species, and a significant reduction in winter snow pack (for example, estimates
27 include a 30–90% reduction in snowpack in the Sierra Mountains). Current data suggests that in
28 the next 25 years, in every season of the year, California will experience unprecedented heat,
29 longer and more extreme heat waves, greater intensity and frequency of heat waves, and longer
30 dry periods.

31 The main contributors to GHG construction emissions include: (1) stationary construction
32 equipment; (2) mobile construction equipment; and (3) automobiles using the proposed project.

33 In addition to GHG, the proposed Project could also potentially contribute black carbon. Black
34 carbon is a form of carbon produced by incomplete combustion of fossil fuel and wood that may
35 also contribute to climate change. Black carbon aerosols absorb, rather than reflect, solar
36 radiation, which shades the Earth's surface, but warms the atmosphere. In the proposed Project,
37 black carbon would be formed as part of diesel combustion and is a part of DPM.

38 **Finding**

39 As shown in Table 11 GHG emissions would exceed the CEQA baseline in all Project years, and
40 therefore would be a significant impact under CEQA. Mitigation Measures MM AQ-1 through
41 MM AQ-9 developed for criteria pollutant emissions as part of Impact AQ-1 would help to
42 reduce construction-related GHG emissions; however, they would remain significant. Additional
43 Mitigation Measures MM AQ-10 to MM AQ-15 were developed to specifically target the
44 proposed project GHG emissions. They were developed through an applicability and feasibility
45 review of possible measures identified in the *Climate Action Team Report to Governor*

1 *Schwarzenegger and the California Legislature (State of California 2006) and CARB's Proposed*
2 *Early Actions to Mitigate Climate Change in California (CARB 2007).*

3 Therefore, the Board hereby finds that changes or alterations have been required in, or
4 incorporated into, the proposed Project that avoid or substantially lessen the significant
5 environmental effect identified in the Final EIR. However, as further shown in Table 12,
6 incorporation of these mitigation measures would not reduce GHG emissions below significance.
7 Specific economic, legal, social, technological, or other considerations make infeasible additional
8 mitigation measures or project alternatives, however, as explained below.

9 ***MM AQ-10: Energy Efficiency***

- 10 ■ *Design buildings to be energy efficient. Site buildings to take advantage of shade,*
11 *prevailing winds, landscaping, and sun screens to reduce energy use.*
- 12 ■ *Install efficient lighting and lighting control systems. Use daylight as an integral*
13 *part of lighting systems in buildings.*
- 14 ■ *Install light colored "cool" roofs, cool pavements, and strategically placed shade*
15 *trees.*
- 16 ■ *Provide information on energy management services for large energy users.*
- 17 ■ *Install energy efficient heating and cooling systems, appliances and equipment, and*
18 *control systems.*
- 19 ■ *Install light emitting diodes (LEDs) for outdoor lighting as feasible.*
- 20 ■ *Limit the hours of operation of outdoor lighting.*
- 21 ■ *Provide education on energy efficiency.*

22 ***MM AQ-11: Renewable Energy***

- 23 ■ *Require the installation of solar and/or wind power systems, solar and tankless hot*
24 *water heaters, and energy efficient heating ventilation and air conditioning by Port*
25 *tenants, where feasible. Educate Port tenants about existing incentives.*
- 26 ■ *Use combined heat and power in appropriate applications.*

27 ***MM AQ-12: Water Conservation and Efficiency***

- 28 ■ *Create water-efficient landscapes.*
- 29 ■ *Install water-efficient irrigation systems and devices, such as soil moisture-based*
30 *irrigation controls.*
- 31 ■ *Use reclaimed water for landscape irrigation in new developments and on public*
32 *property. Install the infrastructure to deliver and use reclaimed water.*
- 33 ■ *Design buildings to be water-efficient. Install water-efficient fixtures and appliances.*
- 34 ■ *Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated*
35 *surfaces) and control runoff.*
- 36 ■ *Restrict the use of water for cleaning outdoor surfaces and vehicles.*

- 1 ■ *Implement low-impact development practices that maintain the existing hydrologic*
2 *character of the site to manage stormwater and protect the environment. (Retaining*
3 *stormwater runoff on site can drastically reduce the need for energy-intensive*
4 *imported water at the site.)*
- 5 ■ *Devise a comprehensive water conservation strategy appropriate for the proposed*
6 *Project and location. The strategy may include many of the specific items listed*
7 *above, plus other innovative measures that are appropriate.*
- 8 ■ *Provide education to Port tenants about water conservation and available programs*
9 *and incentives.*

10 ***MM AQ-13: Solid Waste Measures***

- 11 ■ *Reuse and recycle construction and demolition waste (including, but not limited to,*
12 *soil, vegetation, concrete, lumber, metal, and cardboard).*
- 13 ■ *Provide interior and exterior storage areas for recyclables and green waste and*
14 *adequate recycling containers in public areas.*
- 15 ■ *Provide education and publicity about reducing waste and available recycling*
16 *services.*

17 ***MM AQ-14: Land Use Measures***

- 18 ■ *Incorporate public transit into project design.*
- 19 ■ *Preserve and create open space and parks. Preserve existing trees, and plant*
20 *replacement trees at a set ratio.*
- 21 ■ *Include pedestrian and bicycle-only streets and plazas within developments. Create*
22 *travel routes that ensure that destinations may be reached conveniently by public*
23 *transportation, bicycling, or walking.*

24 ***MM AQ-15: Transportation and Motor Vehicles***

- 25 ■ *Limit idling time for commercial vehicles, including delivery and construction*
26 *vehicles.*
- 27 ■ *Use low- or zero-emission vehicles, including construction vehicles.*
- 28 ■ *Promote ride sharing programs (e.g., by designating a certain percentage of parking*
29 *spaces for ride sharing vehicles, designating adequate passenger loading and*
30 *unloading and waiting areas for ride sharing vehicles, and providing a web site or*
31 *message board for coordinating rides).*
- 32 ■ *Provide the necessary facilities and infrastructure to encourage the use of low or*
33 *zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently*
34 *located alternative fueling stations).*
- 35 ■ *Increase the cost of driving and parking private vehicles by, for example, imposing*
36 *tolls and parking fees.*
- 37 ■ *Promote “least polluting” ways to connect people and goods to their destinations.*

- 1 ■ *Incorporate bicycle lanes and routes into street systems.*
- 2 ■ *Incorporate bicycle-friendly intersections into street design.*
- 3 ■ *Provide adequate bicycle parking near building entrances to promote cyclist safety,*
 4 *security, and convenience.*
- 5 ■ *Create bicycle lanes and walking paths.*

6 **Rationale for Finding**

7 Climate change, as it relates to manmade GHG emissions, is by nature a global impact. An
 8 individual project does not generate enough GHG emissions to significantly influence global
 9 climate change by itself (AEP 2007). The issue of global climate change is, therefore, a
 10 cumulative impact. Nevertheless, for the purposes of the EIR, the Port has opted to address GHG
 11 emissions as a project-level impact, as well as a cumulative impact. As shown below in Table 12,
 12 GHG emissions are significant and unavoidable for all Project years.

13 **Table 11. Annual Operational GHG Emissions—Unmitigated Proposed Project**

<i>Source</i>	<i>CO₂e (lbs/day)</i>
Project Emissions	
Maximum Construction-period Emissions (January 2011)	37,786
2011 Operations-period Emissions	
Mobile Source	3,143
Stationary Source	892
Area Source	972
Total 2011 Operations-period Emissions	5,007
2015 Operations-period Emissions	
Mobile Source	30,897
Stationary Source	3,829
Area Source	1,647
Total 2015 Operations-period Emissions	36,373
2020 Operations-period Emissions	
Mobile Source	52,235
Stationary Source	7,055
Area Source	1,789
Total 2020 Operations-period Emissions	61,089
CEQA Baseline Emissions	10,979
URBEMIS 2007 output and energy emissions calculation worksheets are provided in Appendix C of the Draft EIR.	
Source: Appendix C of the Draft EIR	

14

1

Table 12. Annual Operation GHG Emissions—Mitigated Proposed Project

<i>Source</i>	<i>CO₂e (lbs/day)</i>
Project Emissions	
Maximum Construction-period Emissions (January 2011)	37,800
2011 Operations-period Emissions	
Mobile Source	3,143
Stationary Source	892
Area Source	972
Total 2011 Operations-period Emissions	5,007
2015 Operations-period Emissions	
Mobile Source	30,897
Stationary Source	3,829
Area Source	1,647
Total 2015 Operations-period Emissions	36,373
2020 Operations-period Emissions	
Mobile Source	52,235
Stationary Source	7,055
Area Source	1,789
Total 2020 Operations-period Emissions	61,089
2011 Operations-period Emissions	
Mobile Source	94,972
Stationary Source	765
Area Source	972
Total 2011 Operations-period Emissions	96,710
2015 Operations-period Emissions	
Mobile Source	759,560
Stationary Source	3,396
Area Source	1,647
Total 2015 Operations-period Emissions	764,604
2020 Operations-period Emissions	
Mobile Source	1,111,643
Stationary Source	6,244
Area Source	1,789
Total 2020 Operations-period Emissions	1,119,676

<i>Source</i>	<i>CO₂e (lbs/day)</i>
CEQA Baseline Emissions	10,979
URBEMIS 2007 output and energy emissions calculation worksheets are provided in Appendix C of the Draft EIR Source: Appendix C of the Draft EIR	

1
 2 The construction sources for which GHG emissions were calculated include off-road diesel
 3 equipment, on-road trucks, marine cargo vessels used to deliver equipment to the site, and worker
 4 commute vehicles. The operational emission sources for which GHG emission were calculated
 5 include worker commute vehicles and recreational commuter vehicles. Changes or alterations in
 6 the form of mitigation measures have been incorporated into the proposed Project in the form of
 7 Mitigation Measures MM AQ-10 to MM AQ-15, which lessen significant GHG emissions.
 8 However, as shown above, while the mitigation measures presented in the Final EIR reduce
 9 emissions, GHG emissions remain significant and unavoidable.

10 **Public Comment**

11 No public comments were received on the Draft EIR regarding Impact AQ-9.

12 **Geology**

13 As discussed in Section 3.5 of the EIR, there would be two significant impacts for geology as a result
 14 of the construction and operation of the proposed Project relating to ground shaking, liquefaction, and
 15 other geologic hazards known to exist in the area. As there is no known measure to eliminate the
 16 potential effects of ground shaking in an earthquake-prone area, these impacts remain significant and
 17 unavoidable.

18 **Impact GEO-1a: Construction of the proposed Project would result in**
 19 **substantial damage to structures or infrastructure, or expose people**
 20 **to substantial risk of injury from fault rupture, seismic ground**
 21 **shaking, liquefaction, or other seismically induced ground failure.**

22 The proposed project area is potentially underlain by strands of the active Palos Verdes Fault and
 23 liquefaction-prone soil; there is a substantial risk of seismic impacts such as fault rupture, seismic
 24 ground shaking, liquefaction, or other seismically induced ground failure. Impacts due to
 25 seismically induced ground failure would be significant and unavoidable.

26 **Finding**

27 Design and construction in accordance with applicable laws and regulations pertaining to
 28 seismically induced ground movement would minimize structural damage in the event of an
 29 earthquake. However, increased exposure of people and property during construction to seismic
 30 hazards from a major or great earthquake cannot be precluded even with incorporation of modern
 31 construction engineering and safety standards per Mitigation Measure MM GEO-1 below.
 32 Therefore, the Board hereby finds that changes or alterations have been required in, or

1 incorporated into the proposed Project that avoid or substantially lessen the significant
2 environmental effect identified in the Final EIR. However, impacts due to seismically induced
3 ground failure would remain significant and unavoidable. The Board hereby finds that specific
4 economic, legal, social, technological, or other considerations make infeasible additional
5 mitigation measures or project alternatives that would reduce these impacts to less-than-
6 significant levels, as explained below.

7 ***MM GEO-1: Seismic Design***

8 *A site-specific geotechnical investigation will be completed by a California-licensed*
9 *geotechnical engineer and/or engineering geologist. The design and construction*
10 *recommendations will be incorporated into the structural design of proposed project*
11 *components.*

12 **Rationale for Finding**

13 Seismic activity along the Palos Verdes Fault zone, or other regional faults, could produce fault
14 rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure.
15 Seismic hazards are common to the Los Angeles region and are not increased by the proposed
16 Project. However, because the proposed Project area is potentially underlain by strands of the
17 active Palos Verdes Fault and liquefaction-prone hydraulic fill, there is a substantial risk of
18 seismic impacts.

19 LAHD standards and specifications would be applied to the seismic design of the proposed
20 Project. Design objectives require all components of the proposed Project to be able to maintain
21 operation following an Operational Level Earthquake (OLE) and to survive without collapse and
22 provide public safety following an OLE. At the lower-level OLE, structures are expected to
23 suffer minor, nonstructural damage and resume operations immediately after an earthquake. At
24 the higher Contingency Level Earthquake (CLE), structural damage is permissible as long as
25 public safety is not jeopardized. However, as discovered during the 1971 San Fernando
26 earthquake and the 1994 Northridge earthquake, existing building codes are often inadequate to
27 completely protect engineered structures from hazards associated with liquefaction, ground
28 rupture, and large ground accelerations. Consequently, designing new facilities based on existing
29 building codes may not prevent significant damage to structures from a major or great earthquake
30 on the underlying Palos Verdes Fault or any other regional fault. In addition, projects in
31 construction phases are especially susceptible to earthquake damage due to temporary conditions,
32 such as temporary slopes and unfinished structures, which are typically not in a condition to
33 withstand intense ground shaking.

34 Future construction of new wharves, buildings, bridges, and related infrastructure would occur
35 over multiple years, thus increasing exposure of people and property during construction to
36 seismic hazards from a major or great earthquake. Such exposure cannot be precluded, even with
37 incorporation of modern construction engineering and safety standards. Therefore, impacts due
38 to seismically induced ground failure are significant and unavoidable.

39 **Public Comment**

40 No public comments were received on the Draft EIR regarding Impact GEO-1a.

1 **Impact GEO-1b: Operation of the proposed Project would result in**
2 **substantial damage to structures or infrastructure, or expose people**
3 **to substantial risk of injury from fault rupture, seismic ground**
4 **shaking, liquefaction, or other seismically induced ground failure.**

5 There would be a minor increase in the exposure of people and property to seismic hazards
6 relative to current and future baseline conditions. Earthquake-related hazards, such as
7 liquefaction, ground rupture, ground acceleration, and ground shaking cannot be avoided in the
8 Los Angeles region and in particular in the harbor area where the Palos Verdes Fault is present
9 and hydraulic and alluvial fill is pervasive.

10 **Finding**

11 Design and construction in accordance with applicable laws and regulations pertaining to
12 seismically induced ground movement would minimize structural damage in the event of an
13 earthquake.

14 However, increased exposure of people and property during construction to seismic hazards from
15 a major or great earthquake cannot be precluded even with incorporation of modern construction
16 engineering and safety standards. Therefore, impacts due to seismically induced ground failure
17 would remain significant and unavoidable. The Board hereby finds that specific economic, legal,
18 social, technological, or other considerations make infeasible additional mitigation measures or
19 project alternatives that would reduce these impacts to less-than-significant levels, as explained
20 below.

21 **Rationale for Finding**

22 Seismic activity along the Palos Verdes Fault zone, or other regional faults, could produce fault
23 rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure.
24 Seismic hazards are common to the Los Angeles region and are not increased by the proposed
25 Project. However, because the proposed Project area is potentially underlain by strands of the
26 active Palos Verdes Fault and liquefaction-prone hydraulic fill, there is a substantial risk of
27 seismic impacts. As discovered during the 1971 San Fernando earthquake and the 1994
28 Northridge earthquake, existing building codes are often inadequate to completely protect
29 engineered structures from hazards associated with liquefaction, ground rupture, and large ground
30 accelerations. Consequently, designing new facilities based on existing building codes may not
31 prevent significant damage to structures from a major or great earthquake on the underlying Palos
32 Verdes Fault or any other regional fault.

33 Future construction of new wharves, buildings, and related infrastructure would occur over
34 multiple years, thus increasing exposure of people and property during construction to seismic
35 hazards from a major or great earthquake. Such exposure cannot be precluded, even with
36 incorporation of modern construction engineering and safety standards. Therefore, impacts due
37 to seismically induced ground failure are significant.

38 **Public Comment**

39 No public comments were received on the Draft EIR regarding Impact GEO-1b.

1 **Noise**

2 As discussed in Section 3.9 of the EIR, there would be one significant impact in regards to Noise as a
3 result of the proposed Project during construction and operation. This impact will be significant and
4 unavoidable.

5 **Impact NOI-1: The proposed Project construction would last more**
6 **than 1 day and exceed existing ambient exterior noise levels by 10**
7 **dBa or more at a noise-sensitive use; construction activities lasting**
8 **more than 10 days in a 3-month period would exceed existing**
9 **ambient exterior noise levels by 5 dBA or more at a noise-sensitive**
10 **use.**

11 Construction activities would typically last more than 10 days in any 3-month period.
12 Construction between Harry Bridges Boulevard and C Street bound by Broad Street to the east
13 and Lagoon Avenue to the west would raise the noise level approximately 6 dBA above the
14 existing noise environment. Pile driving from the proposed park area would raise the noise levels
15 approximately 15 dBA at the closest sensitive receptor in the Wilmington Community—the
16 Wilmington Recreation Center Park. The construction of the Waterfront Red Car Line would
17 raise noise levels at the closest sensitive receptors in the San Pedro Community along Shields
18 Drive (overlooking Pacific Avenue) by approximately 20 dBA.

19 Furthermore, the overlap of the Phase I operational stage with the Phase II construction stage
20 would mean recreational users would be exposed to construction-related noise. Proposed project
21 elements such as the waterfront promenade and the first portion of the land bridge would be
22 operational by 2012. Recreational users would be exposed to noise generated from the
23 proposed Project construction. Operational locations located adjacent to Phase II
24 construction sites would be exposed to intermittent noise levels that would prevent
25 recreational and leisurely activities within these areas.

26 **Finding**

27 The Board hereby finds that changes or alterations have been required in, or incorporated into, the
28 proposed Project that avoid or substantially lessen the significant environmental effect identified
29 in the Final EIR. Incorporation of Mitigation Measure MM NOI-1, however, would not reduce
30 noise impacts during construction impacts below the level of significance. Therefore, the Board
31 hereby finds that specific economic, legal, social, technological, or other considerations make
32 infeasible additional mitigation measures or project alternatives, as explained below.

33 ***MM NOI-1: The following procedures will help reduce noise impacts from construction***
34 ***activities:***

- 35 a) ***Temporary Noise Barriers.*** *When construction occurs within 500 feet of a residence*
36 *or park, temporary noise barriers (solid fences or curtains) will be located between*
37 *noise-generating construction activities and sensitive receptors.*

- 1 b) **Construction Hours.** *Construction will be limited to between 7:00 a.m. and 96:00*
2 *p.m. on weekdays; between 8:00 a.m. and 6:00 p.m. on Saturdays; and there will be*
3 *no construction equipment noise anytime on Sundays as prescribed by the City of Los*
4 *Angeles Municipal Code. If extended construction hours are needed during*
5 *weekdays under special circumstances, Port and contractor will provide at least 72*
6 *hours notice to Banning’s Landing Community Center. Under no circumstances will*
7 *construction hours exceed the range prescribed by the City of Los Angeles Municipal*
8 *Code.*
- 9 c) **Construction Days.** *Noise generating construction activities will not occur on*
10 *Sundays or holidays unless critical to a particular activity (e.g., concrete work).*
- 11 d) **Construction Equipment.** *All construction equipment powered by internal*
12 *combustion engines will be properly muffled and maintained.*
- 13 e) **Idling Prohibitions.** *Unnecessary idling of internal combustion engines near noise-*
14 *sensitive areas will be prohibited.*
- 15 f) **Equipment Location.** *All stationary noise-generating construction equipment, such*
16 *as air compressors and portable power generators, will be located as far as practical*
17 *from existing noise sensitive land uses.*
- 18 g) **Quiet Equipment Selection.** *Quiet construction equipment will be utilized. Noise*
19 *limits established in the City of Los Angeles Noise Ordinance will be fully complied*
20 *with.*
- 21 h) **Notification.** *Sensitive receptors including residences within 2,000 feet of the*
22 *proposed project site will be notified of the construction schedule in writing prior to*
23 *the beginning of construction.*
- 24 i) **Reporting.** *The Port shall clearly post the telephone number where*
25 *complaints regarding construction-related disturbance can be reported.*

26 **Rationale for Finding**

27 Noise levels generated by construction equipment (or by any point source) decrease at a rate of
28 approximately 6 dBA per doubling of distance from the source (Harris 1979). Therefore, if a
29 particular construction activity generated average noise levels of 89 dBA at 50 feet, the
30 Equivalent Noise Level (L_{eq}) would be 83 dBA at 100 feet, 77 dBA at 200 feet, 71 dBA at 400
31 feet, and so on.

32 The closest existing noise-sensitive receptors to the portion of the proposed Project bounded
33 by the waterfront to the south and C Street to the north are recreational land uses and existing
34 residential land uses to the west across C Street. Construction would take place as near as
35 600 feet and as far as 2,500 feet or more from the existing Wilmington Recreation Center
36 Park. The closest residences would be approximately 1,200 feet from the construction
37 activity. A construction noise level of 89 dBA L_{eq} at 50 feet would attenuate to
38 approximately 61 dBA L_{eq} 1,200 feet from the source. This noise level would be near or
39 approximately equivalent to the typical ambient daytime noise levels measured in the area,

1 and higher than the ambient daytime noise level measured at the Wilmington Recreation
2 Center. Noise levels from construction would be readily audible and could at times dominate
3 the noise environment at the existing Wilmington Recreation Center Park and surrounding
4 areas.

5 Waterfront development would include a 6 month time frame in 2011 and 2012 during which pile
6 driving construction associated with the proposed Project would occur. Pile driving construction
7 projects can be expected to generate an L_{eq} of 101 dBA at 50 feet from construction. Assuming
8 that the piles are to be driven north of Water Street, during development of the interim land
9 bridge, the closest sensitive receptor would be the Wilmington Recreation Center, approximately
10 1,900 feet to the north of the construction area. A construction noise level of 101 dBA L_{eq} at 50
11 feet would attenuate to approximately 69 dBA L_{eq} 1,900 feet from the source. This noise
12 level would be substantially higher than the existing measured noise level of 54 dBA L_{eq} at
13 the Wilmington Recreation Center.

14 Along the proposed project Red Car Line alignment, the nearest noise-sensitive receptors are
15 located approximately 140 feet from the nearest possible alignment along Pacific Avenue. A
16 noise level of 89 dBA L_{eq} at 50 feet from conventional construction activity would attenuate to
17 approximately 80 dBA L_{eq} at 140 feet from the source, using the drop off with distance relation
18 for construction noise. This noise level is substantially higher than the threshold. Noise level
19 increases of this magnitude would be readily audible and would dominate the noise environment
20 in the area during construction operations.

21 In sum, construction noise levels for the proposed Project would cause more than 5-dBA
22 increases over the estimated 2008 ambient noise levels at sensitive receivers in the Wilmington
23 Community and San Pedro Community neighborhoods. Although these would be temporary and
24 periodic noise level increases above the ambient noise level, they are considered a significant
25 impact. Although the City's noise ordinance exempts construction activities from the noise
26 standard (providing that such activities take place between the hours of 7:00 a.m. and 9:00 p.m.
27 Monday through Friday, 8:00 a.m. and 6:00 p.m. on Saturdays, and at no time on Sundays),
28 control measures proposed in Mitigation Measure MM NOI-1 will reduce the noise levels to the
29 extent practicable. However, considering the distances between the construction noise sources
30 and receivers, standard controls and temporary noise barriers may not be sufficient to reduce the
31 projected increases in the ambient noise level to the point where they would no longer cause
32 substantial impacts. Therefore, construction equipment noise levels generated at the construction
33 sites would still substantially exceed existing ambient noise levels. Thus, impacts on sensitive
34 receptors will remain significant even after mitigation.

35 **Public Comment**

36 Los Angeles County Public Health had seven comments pertaining to construction noise. The
37 comment letter and the Lead Agency responses are included in Chapter 2 of the Final EIR. As
38 identified in Attachment 1, MM NOI-1 was revised and revisions are presented with
39 ~~strikeout~~/underline in Chapter 2 and Chapter 3 of the Final EIR.

1 **Significant Environmental Impacts that Are Reduced to** 2 **Less-than-Significant Levels by Mitigation Measures**

3 The EIR determines that significant impacts in the following resource areas could be reduced to less-than-
4 significant levels through the implementation of appropriate mitigation measures:

- 5 ■ Biological Resources
- 6 ■ Cultural Resources
- 7 ■ Groundwater and Soils
- 8 ■ Transportation and Circulation (Ground)
- 9 ■ Utilities

10 In addition, all or some of the potential impacts of the proposed Project in the following resource area
11 were found to be less-than-significant prior to mitigation. However, mitigation was identified for all or
12 some of the resource area's less-than-significant impacts to further ensure impacts remain less than
13 significant:

- 14 ■ Utilities

15 The Board hereby finds that mitigation measures have been identified in the EIR that will avoid or
16 substantially lessen the significant environmental impacts discussed in this section to a less-than-
17 significant level.

18 The significant impacts and the mitigation measures that will reduce them to a less-than-significant level
19 are discussed for each resource below.

20 No comments regarding less than significant impacts to Cultural Resources, Groundwater and Soils, and
21 Utilities were received during the 58-day public review period of the Draft EIR.

22 **Biological Resources**

23 As discussed in Section 3.3 of the EIR, there would be two significant impacts for biological
24 resources that would be mitigated to less-than-significant levels as a result of mitigation measures
25 incorporated into the Project. The impacts and mitigation measures are discussed below.

26 **Impact BIO-2a: Construction activities would not result in a**
27 **substantial reduction or alteration of a state-, federally, or locally**
28 **designated natural habitat, special aquatic site, or plant community,**
29 **including wetlands.**

30 The proposed Project would result in the loss of 0.05 acres of aquatic marine habitat within the
31 Inner Harbor. The loss of this habitat would be considered a significant effect upon aquatic

1 marine resources including EFH for Pacific groundfish and coastal pelagic species that occur in
2 the harbor.

3 **Finding**

4 Changes or alterations have been required in, or incorporated into, the proposed Project that avoid
5 or substantially lessen the significant environmental effect of dike, fill, and pile placement
6 identified in the Final EIR. These changes are set forth in Mitigation Measure BIO-1 below.
7 With implementation of this mitigation measure Impact BIO-2a would be reduced to less than
8 significant

9 ***MM BIO 1. Debit Inner Harbor Mitigation Bank***

10 *The loss of 2,200 square feet (0.05 acres) of Inner Harbor marine habitat will be*
11 *mitigated by debiting the required credits from the Inner Harbor Mitigation Bank, per the*
12 *terms and conditions established in the MOU between LAHD, CDFG, NMFS, and*
13 *USFWS (City of Los Angeles 1984). The MOU provides that for each acre of marine*
14 *habitat impacted within the Inner Harbor the mitigation bank will be debited 0.5 credit.*
15 *Thus the 0.05 acre of marine habitat impacted in the Inner Harbor will result in a debit*
16 *from the mitigation bank of 0.025 credit.*

17 **Rationale for Finding**

18 As discussed in the Draft EIR Section 3.3 and Final EIR Chapter 3 (Modifications to the Draft
19 EIR), the loss of 0.05 acres of aquatic marine habitat within the Inner Harbor is offset by debiting
20 habitat credits from the Inner Harbor Mitigation Bank, as outlined in Mitigation Measure MM
21 BIO-1. Because habitat is preserved to offset the loss of 0.05 acres of habitat, impacts on the
22 aquatic marine habitat within the Inner Harbor would be reduced to a level less than significant.

23 **Public Comment**

24 The National Marine Fisheries Service (NMFS) had ten comments related to biological impacts
25 and suggested the Port consider a project alternative that minimized the amount of coverage from
26 structures built over the water. The comment letter and the Lead Agency responses are included
27 in Chapter 2 of the Final EIR. To address concerns related to shading, the project design was
28 modified to increase the amount of metal grating within overwater structures to 33% of the
29 covered area. This would equate to approximately 14,262 square feet of additional mesh, which
30 would result in only 28,958 square feet of new overwater surface area as a result of construction
31 of the waterfront promenade and piers. MM BIO-2 Pile Driving Monitoring was added to respond
32 to concerns related to the impacts of pile driving during construction on fish and marine
33 mammals. LAHD will also work with NMFS on adding design features to non-lethally deter
34 pinnipeds from hauling out of the water onto the new floating docks. Port procedures requiring
35 pre-construction surveys for Caulerpa, an invasive species, were also confirmed. Revisions are
36 presented with strikeout/underline in Chapter 2 and Chapter 3 of the Final EIR.

1 **Impact BIO-5a: Construction of the proposed Project would not**
2 **result in a permanent loss of marine habitat.**

3 The proposed Project would result in the permanent loss of 2,200 square feet (0.05 acres) of
4 marine habitat. The loss of 0.05-acres of Inner Harbor marine habitat is considered a significant
5 impact under CEQA. Additionally, the proposed Project incorporates overwater structures (e.g.,
6 the waterfront promenade and piers). While the area affected by the overwater structures would
7 be within the intertidal zone and shaded by the wharf, little change to Essential Fish Habitat
8 (EFH) would occur from the new overwater surface area. This impact is considered less than
9 significant.

10 **Finding**

11 Changes or alterations have been required in, or incorporated into, the proposed Project that avoid
12 or substantially lessen the significant environmental effect as identified in the Final EIR related to
13 loss of habitat. These changes are set forth in Mitigation Measure BIO-1 below. With the
14 implementation of this mitigation measure Impact BIO-5a would be reduced to less than
15 significant.

16 ***MM BIO 1. Debit Inner Harbor Mitigation Bank.***

17 *The loss of 2,200 square feet (0.05 acres) of Inner Harbor marine habitat will be*
18 *mitigated by debiting the required credits from the Inner Harbor Mitigation Bank, per the*
19 *terms and conditions established in the MOU between LAHD, CDFG, NMFS, and*
20 *USFWS (City of Los Angeles 1984). The MOU provides that for each acre of marine*
21 *habitat impacted within the Inner Harbor the mitigation bank will be debited 0.5 credit.*
22 *Thus the 0.05 acre of marine habitat impacted in the Inner Harbor will result in a debit*
23 *from the mitigation bank of 0.025 credit.*

24 **Rationale for Finding**

25 As discussed in the Draft EIR Section 3.3 and Final EIR Chapter 3 (Modifications to the Draft
26 EIR), the loss of 0.05 acres of aquatic marine habitat within the Inner Harbor is offset by debiting
27 habitat credits from the Inner Harbor Mitigation Bank, as outlined in MM BIO-1. Because
28 habitat is preserved to offset the loss of 0.05 acres of habitat, impacts on the aquatic marine
29 habitat within the Inner Harbor would be reduced to a level less than significant.

30 **Cultural Resources**

31 As discussed in Section 3.4 of the EIR, there would be three significant impacts on Cultural
32 Resources that would be mitigated to less than significant levels as a result of mitigation measures
33 required in, or incorporated into, the proposed Project. The impacts and mitigation measures are
34 discussed below.

1 **Impact CR-1: Construction of the proposed Project would not**
2 **disturb, damage, or degrade a known prehistoric and/or historical**
3 **archaeological resource resulting in a reduction of its integrity or**
4 **significance as an important resource.**

5 Excavation and trenching, as well as other ground-disturbing actions, have the potential to
6 damage or destroy significant archeological resources within the proposed project area.

7 **Finding**

8 Changes or alterations have been required in, or incorporated into, the proposed Project that avoid
9 or substantially lessen the significant environmental effects associated with disturbing, damaging,
10 or degrading known prehistoric and/or historical archaeological resources, as identified in the
11 Final EIR. These changes are set forth in Mitigation Measures MM CR-1, MM CR-2, MM CR-3,
12 and MM CR-4 below. With the implementation of these mitigation measures Impact CR-1 would
13 be reduced to less than significant.

14 ***MM CR-1: Conduct Future Cultural Resources Studies along the Waterfront Red Car***
15 ***Line Once Determined***

16 *Archival research indicates that archaeological resources may be located within the*
17 *Waterfront Red Car Line proposed project area. According to the records search, two*
18 *prehistoric sites (CA-LAn-150 and CA-LAn -283) are located adjacent to the proposed*
19 *Waterfront Red Car Line location and one archaeological site, CA-LAn-2135H, is*
20 *located less than 1/8th of a mile from the proposed approximate alignment. In addition,*
21 *archival and historic map research has indicated the potential for subsurface*
22 *archaeological deposits associated with the early development of Wilmington within the*
23 *Avalon Development District and the Waterfront Red Car Line.*

24 *The LAHD will ensure that, prior to final design approval for affected parcels, a*
25 *qualified archaeologist will be retained to perform additional Phase I level*
26 *archaeological surveys and research to determine the potential for prehistoric and*
27 *historical archaeological deposits within these portions of the proposed project area in*
28 *accordance with professional standards and guidelines.*

29 ***MM CR-2: Incorporate the Tracks into the Design Plan***

30 *The proposed Project will incorporate the Pacific Electric Railway tracks into the project*
31 *design in accordance with the Secretary of the Interior's Standards for the Treatment of*
32 *Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and*
33 *Reconstructing Historic Buildings or the Secretary of the Interior's Standards for*
34 *Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer*
35 *1995).*

36 *A substantial portion of the track will be preserved in place, which may include*
37 *compatible alterations consistent with original PERY practice and intent. Examples of*
38 *such alternations include raising or lowering track elevation to maintain its relationship*
39 *to adjacent grade or removing or relocating sections to make repairs, fill in gaps, or to*
40 *realign the public right-of-way. Where it is determined that portions of the track will be*

1 *reconnected, rail bonding will be repaired, and track work will be executed by an*
2 *experienced railway construction contractor. Portions of the track where in-place*
3 *preservation is not feasible, such as the track within the Waterfront Red Car Line and*
4 *California Coastal Trail alignment, will be statically incorporated into the Railroad*
5 *Green Park landscape and hardscape design by a qualified landscape architect so as to*
6 *memorialize the historical significance of the PERy. Any portion of the track not*
7 *incorporated into the park design will be preserved for reuse in a storage facility*
8 *determined suitable for long-term preservation.*

9 ***MM CR-3: Generate Monitoring/Treatment Plan Prior to Demolition and/or Ground***
10 ***Disturbing Activities***

11 *A phased approach to mitigation would reduce any potential impacts to archaeological*
12 *resources to less-than-significant. Prior to any ground-disturbing activities and/or*
13 *demolition, a treatment/monitoring plan would be generated. This document would*
14 *address areas where potentially significant historical archaeological deposits are likely*
15 *to be located within the proposed commercial portion of the project area. The research*
16 *design/treatment plan would also include methods for: (1) archaeological monitoring*
17 *during demolition of existing buildings (2) subsurface testing after demolition and (3)*
18 *data recovery of archaeological deposits. A detailed historic context that clearly*
19 *demonstrates the themes under which any identified subsurface deposits would be*
20 *determined significant would be included in the document as well as anticipated artifact*
21 *types, artifact analysis, report writing, repatriation of human remains and associated*
22 *grave goods, and curation.*

23 ***MM CR-4: Monitor in Vicinity of Government Depot Portion of the Wilmington***
24 ***Waterfront District***

25 *Because the Phase I historical resources study (ICF Jones & Stokes 2008) has identified*
26 *a low potential for historical archaeological deposits associated with a Civil War era*
27 *Government Depot within a portion of the Wilmington Waterfront District and because*
28 *ground-disturbing activities a could impact potentially CRHR and/or NRHP-eligible*
29 *historical archaeological deposits , prior to any ground-disturbing activities:*

- 30 ■ *A monitoring plan be generated that would address areas where potentially*
31 *significant archaeological deposits are likely to be located within this portion of the*
32 *project area and clearly demonstrates the themes under which any deposits would be*
33 *determined significant.*
- 34 ■ *LAHD will require at least one pre-field meeting with environmental management*
35 *staff, project engineers, construction contractors, and construction inspectors to*
36 *discuss the monitoring protocols and issues related to treatment of identified*
37 *archaeological resources.*
- 38 ■ *A qualified archaeologist shall monitor all ground-disturbing activities in the vicinity*
39 *of the Government Depot within the Wilmington Waterfront District portion of the*
40 *project area. The qualified archaeological monitor will have demonstrated*
41 *knowledge of, and experience with the treatment of historical archaeological*
42 *resources.*
- 43 ■ *Due to potentially hazardous soil conditions associated with the DWP facility (as*
44 *included in the project description), a safety plan will be generated in conjunction*

1 *with the LAHD that addresses all issues associated with contamination and*
2 *remediation. It is further recommended that the qualified archaeological monitor*
3 *also be 40-hour Hazwoper certified.*

- 4 ■ *In the event that subsurface deposits are identified during monitoring, ground*
5 *disturbing activities will halt within 100 feet of the find to allow the qualified*
6 *archaeologist can assess the find(s) and determine if treatment of the resource(s) is*
7 *required.*

8 **Rationale for Finding**

9 As discussed in the Draft EIR Section 3.4, archival research has indicated that the Avalon
10 Development District area is located within the center of the historic community of Wilmington.
11 The delineation of businesses on historic maps indicates the area has a very high potential for
12 extant subsurface archaeological deposits. Proposed project-related demolition of existing
13 structures, utilities, and landscape features in the area has the potential to encounter and disturb
14 these deposits. Disturbance of any deposits that have the potential to provide data important in
15 history regarding consumerism, class and ethnicity, urban geography, and labor relations would
16 be considered significant under CEQA. Furthermore, three segments of the Pacific Electric
17 Railway would be eligible for inclusion in the California Register of Historical Resources. Since
18 this resource is eligible for listing in the CRHR, removal of the tracks would constitute a
19 significant impact for this historical resource.

20 Archival research of the Avalon Waterfront District has indicated the potential for subsurface
21 historical archaeological deposits associated with a Civil War Government Depot at Banning's
22 Landing within this portion of the proposed project area. Excavation and trenching, as well as
23 other ground-disturbing actions, have the potential to damage or destroy significant historical
24 archeological resources associated with (1) Phineas Banning and the early development of the
25 Port; and (2) a portion of Banning's Landing utilized by Northern forces during the Civil War for
26 a depot to supply forces at the Drum Barracks. Because of the potential of encountering
27 associated subsurface deposits, impacts would be considered significant for the purposes of
28 CEQA.

29 According to the records search, the Waterfront Red Car Line/California Coastal Trail portions of
30 the proposed project area are sensitive for both prehistoric and historical archaeological
31 resources. Any excavation operations for the Waterfront Red Car Line/California Coastal Trail
32 have the potential to temporarily unearth and permanently destroy sensitive archaeological
33 resources. Impacts on archaeological resources in this area would be significant.

34 With the implementation of Mitigation Measure MM CR-1, the future alignment of the Red Car
35 Line Extension would be required to conduct Phase I intensive pedestrian surveys.
36 Implementation of MM CR-2 would help ensure the historical Pacific Electric Railway (PERy)
37 tracks will be memorialized for generations to come. Implementation of MM CR-3 and MM CR-
38 4 would ensure that appropriate data recovery steps are taken to preserve any artifacts in the event
39 one or more are uncovered. Thus, with implementation of MM CR-1 through MM CR-4 impacts
40 on known or suspected archaeological resources would be less than significant.

1 **Impact CR-2: Construction of the proposed Project would not**
2 **disturb, damage, or degrade an unknown prehistoric and/or historical**
3 **archaeological resource resulting in a reduction of its integrity or**
4 **significance as an important resource.**

5 It is likely unknown prehistoric and/or historical archaeological resources are contained with the
6 ground. Since not all archaeological resources in the area are known, as construction activities
7 commence, unknown unidentified resources would have the potential to be destroyed. Impacts
8 on the unknown unidentified archaeological resources would be significant.

9 **Finding**

10 Changes or alterations have been required in, or incorporated into, the proposed Project that avoid
11 or substantially lessen the significant environmental effects associated with disturbing, damaging,
12 or degrading an unknown prehistoric and/or historical archaeological resource, as identified in the
13 Final EIR. These changes are set forth in Mitigation Measure CR-5 below. With the
14 implementation of this mitigation measure Impact CR-2 would be reduced to less than significant.

15 ***MM CR-5: Stop Work if Previously Unidentified Resources Are Encountered during***
16 ***Ground Disturbing Activities***

17 *In the event that any artifact or an unusual amount of bone, shell, or nonnative stone is*
18 *encountered during construction, work will be immediately stopped and relocated to*
19 *another area. The contractor will stop construction within 100 feet of the exposed*
20 *resource until a qualified archaeologist can be retained by the Port to evaluate the find*
21 *(see 36 CFR 800.11.1 and CCR, Title 14, Section 15064.5(f)). Examples of such cultural*
22 *materials might include concentrations of ground stone tools such as mortars, bowls,*
23 *pestles, and manos; chipped stone tools such as projectile points or choppers; flakes of*
24 *stone not consistent with the immediate geology such as obsidian or fused shale; historic*
25 *trash pits containing bottles and/or ceramics; or structural remains. If the resources are*
26 *found to be significant, they will be avoided or will be mitigated consistent with SHPO*
27 *Guidelines. All construction equipment operators will attend a preconstruction meeting*
28 *presented by a professional archaeologist retained by the Port that will review types of*
29 *cultural resources and artifacts that would be considered potentially significant, to*
30 *ensure operator recognition of these materials during construction.*

31 *Prior to beginning construction, the Port will meet with applicable Native American*
32 *Groups, including the Gabrieliño/Tongva Tribal Council to identify areas of concern. In*
33 *addition to monitoring, a treatment plan will be developed in conjunction with the Native*
34 *American Groups to establish the proper way of extracting and handling all artifacts in*
35 *the event of an archaeological discovery.*

36 **Rationale for Finding**

37 As discussed in the Draft EIR Section 3.4, since portions of the proposed Project site, including
38 the Avalon Development and Waterfront Districts, are covered by existing pavement, structures,
39 or buildings that may be demolished at a future time, a field survey and/or soil testing at these
40 locations was not feasible. However, based upon archival research and known archaeological
41 resources in the area, it is likely unknown prehistoric and/or historical archaeological resources

1 are contained with the ground. Implementation of Mitigation Measure MM CR-5 would help
2 ensure unknown prehistoric and historical artifacts are not damaged or destroyed and would be
3 recovered in accordance with an approved treatment plan. Thus, impacts on unknown and
4 unrecorded archaeological resources would be less than significant.

5 **Impact CR-3: Construction of the proposed Project would not**
6 **disturb, damage, or degrade unknown human remains.**

7 While the possibility of encountering unidentified buried human remains is low, it cannot be
8 ruled out. Impacts associated with the construction of the proposed Project related to the possible
9 disturbance, damage, or degradation of unknown human remains would be significant.

10 **Finding**

11 Changes or alterations have been required in, or incorporated into, the proposed Project that avoid
12 or substantially lessen the significant environmental effect on unknown human remains as
13 identified in the Final EIR. These changes are set forth in Mitigation Measures MM CR-1, MM
14 CR-3, MM CR-4, and MM CR-5 above. With the implementation of these mitigation measures
15 Impact CR-3 would be reduced to less than significant.

16 **Rationale for Finding**

17 As discussed in the Draft EIR Section 3.4, in the unlikely event that intact human remains are
18 found during construction, implementation of Mitigation Measures MM CR-1, MM CR-3, MM
19 CR-4, and MM CR-5 would ensure steps are taken to monitor, recover, and curate prehistoric
20 human remains. Impacts on unknown, unidentified buried human remains would be reduced to a
21 level less than significant.

22 **Impact CR-4: The proposed Project would not result in the**
23 **permanent loss of, or loss of access to, a paleontological resource of**
24 **regional or statewide significance.**

25 The geologic assessment and literature review demonstrate that excavation in association with
26 construction of the proposed Project has the potential to impact unknown significant
27 nonrenewable fossil resources. Excavation into undisturbed geologic deposits underlying the
28 proposed project area, which include Quaternary alluvium, Pleistocene-age marine deposits of
29 Palos Verdes Sand, and Pleistocene-age offshore marine deposits of San Pedro Sand, would
30 potentially impact fossil resources.

31 **Finding**

32 Changes or alterations have been required in, or incorporated into, the proposed Project that avoid
33 or substantially lessen the significant environmental effect related to the permanent loss of, or
34 loss of access to, a paleontological resource of regional or statewide significance, as identified in
35 the Final EIR. These changes are set forth in Mitigation Measure MM CR-6 below. With the
36 implementation of this mitigation measure, Impact CR-4 would be reduced to less than
37 significant.

1 ***MM CR-6: Develop a Program to Mitigate Impacts on Nonrenewable Paleontologic***
2 ***Resources prior to Excavation or Construction of any Proposed Project Components***

3 *This mitigation program will be conducted by a qualified vertebrate paleontologist and*
4 *will be consistent with the provisions of CEQA, as well as the proposed guidelines of the*
5 *Society of Vertebrate Paleontology. This program will include, but not be limited to:*

- 6 1. *Assessment of site-specific excavation plans to determine areas that will be*
7 *designated for paleontological monitoring during initial ground disturbance.*
- 8 2. *Development of monitoring protocols for these designated areas. Areas consisting of*
9 *artificial fill materials will not require monitoring. Paleontologic monitors qualified*
10 *to Society of Vertebrate Paleontology standards will be equipped to salvage fossils as*
11 *they are unearthed to avoid construction delays and to remove samples of sediments*
12 *that are likely to contain the remains of small fossil invertebrates and vertebrates.*
13 *Monitors must be empowered to temporarily halt or divert equipment to allow*
14 *removal of abundant or large specimens. Monitoring may be reduced if some of the*
15 *potentially fossiliferous units described herein are determined upon exposure and*
16 *examination by qualified paleontologic personnel to have low potential to contain*
17 *fossil resources.*
- 18 3. *Preparation of all recovered specimens to a point of identification and permanent*
19 *preservation, including washing of sediments to recover small invertebrates and*
20 *vertebrates. Preparation and stabilization of all recovered fossils are essential in*
21 *order to fully mitigate adverse impacts on the resources.*
- 22 4. *Identification and curation of all specimens into an established, accredited museum*
23 *repository with permanent retrievable paleontologic storage. These procedures are*
24 *also essential steps in effective paleontologic mitigation and CEQA compliance*
25 *(Scott and Springer 2003). The paleontologist must have a written repository*
26 *agreement in hand prior to the initiation of mitigation activities. Mitigation of*
27 *adverse impacts on significant paleontologic resources is not considered complete*
28 *until such curation into an established museum repository has been fully completed*
29 *and documented.*
- 30 5. *Preparation of a report of findings with an appended itemized inventory of*
31 *specimens. The report and inventory, when submitted to the appropriate lead agency*
32 *along with confirmation of the curation of recovered specimens into an established,*
33 *accredited museum repository, will signify completion of the program to mitigate*
34 *impacts on paleontologic resources to a level less than significant.*

35 **Rationale for Finding**

36 As discussed in the Draft EIR Section 3.4, in the unlikely event that intact paleontological
37 resources are identified during construction, implementation of Mitigation Measure MM CR-6,
38 which includes monitoring and data recovery, would ensure fossil resources are not damaged or
39 destroyed during construction activities. With implementation of MM CR-6, impacts on
40 paleontological resources would be less than significant.

1 **Groundwater and Soils**

2 As discussed in Section 3.6 of the EIR, there would be four significant impacts on Groundwater and
3 Soils that would be mitigated to less-than-significant levels as a result of mitigation measures
4 incorporated into the proposed Project. The impacts and mitigation measures are discussed below.

5 **Impact GW-1a: Proposed project construction activities would not** 6 **result in exposure of soils containing toxic substances and** 7 **petroleum hydrocarbons associated with prior operations, which** 8 **would be deleterious to humans based on regulatory standards** 9 **established by the lead agency for the site.**

10 The proposed Project would result in exposure of soils containing toxic substances and petroleum
11 hydrocarbons associated with prior operations, which would be deleterious to humans based on
12 regulatory standards established by the lead agency for the site. This exposure would result in
13 significant impacts.

14 **Finding**

15 Changes or alterations have been required in, or incorporated into, the proposed Project that avoid
16 or substantially lessen the significant environmental effect related to exposure of soils containing
17 toxic substances and petroleum hydrocarbons associated with prior operations, which would be
18 deleterious to humans, as identified in the Final EIR. These changes are set forth in Mitigation
19 Measure MM GW-1, MM GW-2a, -2b, -2c, and MM GW-3 below. With the implementation of
20 these mitigation measures Impact GW-1a would be reduced to less than significant.

21 ***MM GW-1. Preparation of a Soil Management Plan or Phase II Environmental Site*** 22 ***Assessment***

23 *LAHD will prepare a soil management plan prior to construction and will implement it*
24 *during all phases of construction. Disturbed soils will be monitored for visual evidence*
25 *of contamination (e.g., staining or discoloration). Soil will also be monitored for the*
26 *presence of VOCs using appropriate field instruments such as organic vapor*
27 *measurement with photoionization detectors or flame ionization detectors. If the*
28 *monitoring procedures indicate the possible presence of contaminated soil, a*
29 *contaminated soil contingency plan will be implemented and will include procedures for*
30 *segregation, sampling, and chemical analysis of soil. Contaminated soil will be profiled*
31 *for disposal and will be transported to an appropriate hazardous or non-hazardous*
32 *waste or recycling facility licensed to accept and treat the type of waste indicated by the*
33 *profiling process. The contaminated soil contingency plan will be developed and in place*
34 *during all construction activities. If these processes generate any contaminated*
35 *groundwater that must be disposed of outside of the dewatering/NPDES process, the*
36 *groundwater will be profiled, manifested, hauled, and disposed of in the same manner.*

37 *Alternatively, preparation of a Phase II ESA will be prepared. In general, the Phase II*
38 *ESA will include the following:*

- 1 ■ *A work plan that includes the number and locations of proposed soil/monitoring*
2 *wells, sampling intervals, drilling and sampling methods, analytical methods,*
3 *sampling rationale, site geohydrology, field screening methods, quality*
4 *control/quality assurance, and reporting methods. Where appropriate, the work plan*
5 *is approved by a regulatory agency such as the LACFD or the RWQCB.*
- 6 ■ *A site-specific health and safety plan signed by a Certified Industrial Hygienist.*
- 7 ■ *Necessary permits for encroachment, boring completion, and well installation.*
- 8 ■ *A traffic safety plan.*
- 9 ■ *Sampling program (fieldwork) in accordance with the work plan and health and*
10 *safety plan. Fieldwork is completed under the supervision of a State of California*
11 *registered geologist.*
- 12 ■ *Hazardous materials testing through a state-certified laboratory.*
- 13 ■ *Documentation including a description of filed procedures, boring logs/well*
14 *construction diagrams, tabulations of analytical results, cross-sections, an evaluation*
15 *of the levels and extent of contaminants found, and conclusions and*
16 *recommendations regarding the environmental condition of the site and the need for*
17 *further assessment. Recommendations may include additional assessment or*
18 *handling of the contaminants found through the contaminated soil contingency plan.*
19 *If the contaminated soil contingency plan is inadequate for the contamination found,*
20 *a remedial action plan will be developed. Contaminated groundwater will generally*
21 *be handled through the NPDES/dewatering process.*
- 22 ■ *Disposal process including transport by a state-certified hazardous material hauler*
23 *to a state-certified disposal or recycling facility licensed to accept and treat the*
24 *identified type of waste.*

25 **MM GW-2: Site Remediation**

26 *Unless otherwise authorized by the lead regulatory agency for any given site, LAHD will*
27 *remediate all contaminated soils within proposed project boundaries prior to or during*
28 *demolition and grading activities. Remediation will occur in compliance with local,*
29 *state, and federal regulations as described in Section 3.6.3 and as directed by the*
30 *LACFD, DTSC, and/or RWQCB.*

31 *Soil remediation will be completed such that contamination levels are below health*
32 *screening levels established by OEHHA of CalEPA and/or applicable action levels*
33 *established by the lead regulatory agency with jurisdiction over the site. Soil*
34 *contamination waivers may be acceptable as a result of encapsulation (i.e., paving) in*
35 *upland areas and/or risk-based soil assessments, but would be subject to the discretion of*
36 *the lead regulatory agency.*

37 *Existing groundwater contamination throughout the proposed project boundary will*
38 *continue to be monitored and remediated, simultaneous and/or subsequent to site*
39 *redevelopment, in accordance with direction provided by the RWQCB.*

40 *Unless otherwise authorized by the lead regulatory agency for any given site, areas of*
41 *soil contamination that will be remediated prior to or in conjunction with proposed*

1 *project demolition, grading, and construction will include, but not be limited to, the*
2 *properties within and adjacent to the proposed Project as listed in the HMA and filed as*
3 *Appendix F of this EIR.*

4 ***MM GW-2a: Remediate Former Oil Wells in the Avalon Development District (Area***
5 ***A), Avalon Waterfront District (Area B), and within the Immediate Vicinity of the***
6 ***Waterfront Red Car Line/CCT (Area C)***

7 *Locate the well using geophysical or other methods. Contact the Division of Oil, Gas,*
8 *and Geothermal Resources (DOGGR) to review abandonment records and inquire*
9 *whether re-abandonment is necessary prior to any future construction related to the*
10 *proposed Project (re-abandonment is required if previously abandoned wells were*
11 *abandoned in accordance with the standards of the time and those standards are now*
12 *considered too low). Implement corrective measures as directed by DOGGR. Successful*
13 *site remediation will require compliance with MM GW-2.*

14 ***MM GW-2b: Remediate Soil along Existing and Former Rail Lines***

15 *Soil along and immediately adjacent to existing and former rail lines that will be*
16 *disturbed during construction will be assessed for the presence of herbicides, petroleum*
17 *hydrocarbons, and metals. Successful site remediation will require compliance with MM*
18 *GW-2.*

19 ***MM GW-2c: Health Based Risk Assessment for the Marine Tank Farm***

20 *LAHD will prepare a HBRA to determine whether remediation of soil and/or*
21 *groundwater is needed at the Marine Tank Farm site and, if so, determine the*
22 *appropriate work plan to ensure the site would comply with applicable local, state, and*
23 *federal laws. Successful site remediation will require compliance with MM GW-2.*

24 ***MM GW-3: Contamination Contingency Plan for Non-Specific Facilities and***
25 ***Unidentified Sources of Hazardous Materials***

26 *LAHD will prepare a hazardous materials contingency plan addressing the potential for*
27 *discovery of unidentified USTs, hazardous materials, petroleum hydrocarbons, or*
28 *hazardous or solid wastes encountered during construction. The following will be*
29 *implemented to address previously unknown contamination during demolition, grading,*
30 *and construction:*

- 31 a) *All trench excavation and filling operations will be observed for the presence of free*
32 *petroleum products, chemicals, or contaminated soil. Deeply discolored soil or*
33 *suspected contaminated soil will be segregated from light colored soil. In the event*
34 *unexpected suspected chemically impacted material (soil or water) is encountered*
35 *during construction, the contractor will notify LAHD's Chief Harbor Engineer, the*
36 *Director of Environmental Management, and Risk Management's Industrial*
37 *Hygienist. LAHD will confirm the presence of the suspect material; direct the*
38 *contractor to remove, stockpile, or contain the material; and characterize the suspect*
39 *material identified within the boundaries of the construction area. Continued work*
40 *at a contaminated site will require the approval of the Chief Harbor Engineer.*

- 1 b) *A photoionization detector (or other similar devices) will be present during grading*
2 *and excavation of suspected chemically impacted soil.*
- 3 c) *Excavation of VOC-impacted soil will require obtaining and complying with a*
4 *SCAQMD Rule 1166 permit.*
- 5 d) *The remedial option(s) selected will be dependent upon a number of criteria*
6 *(including but not limited to types of chemical constituents, concentration of the*
7 *chemicals, health and safety issues, time constraints, cost, etc.) and will be*
8 *determined on a site-specific basis. Both off-site and onsite remedial options will be*
9 *evaluated.*
- 10 e) *The extent of removal actions will be determined on a site-specific basis. At a*
11 *minimum, the chemically impacted area(s) within the boundaries of the construction*
12 *area will be remediated to the satisfaction of the lead regulatory agency for the site.*
13 *The LAHD Project Manager overseeing removal actions will inform the contractor*
14 *when the removal action is complete.*
- 15 f) *Copies of hazardous waste manifests or other documents indicating the amount,*
16 *nature, and disposition of such materials will be submitted to the Chief Harbor*
17 *Engineer within 30 days of project completion.*
- 18 g) *In the event that contaminated soil is encountered, all onsite personnel handling or*
19 *working in the vicinity of the contaminated material will be trained in accordance*
20 *with Occupational Safety and Health and Administration (OSHA) regulations for*
21 *hazardous waste operations. These regulations are based on CFR 1910.120 (e) and*
22 *8 CCR 5192, which states that “general site workers” will receive a minimum of 40*
23 *hours of classroom training and a minimum of 3 days of field training. This training*
24 *provides precautions and protective measures to reduce or eliminate hazardous*
25 *materials/waste hazards at the work place.*
- 26 h) *In cases where potential chemically impacted soil is encountered, a real-time aerosol*
27 *monitor will be placed on the prevailing downwind side of the impacted soil area to*
28 *monitor for airborne particulate emissions during soil excavation and handling*
29 *activities.*
- 30 i) *All excavations will be filled with structurally suitable fill material that is free from*
31 *contamination.*
- 32 j) *Prior to dewatering activities, LAHD will obtain a NPDES permit. In areas of*
33 *suspected contaminated groundwater, special conditions will apply with regard to*
34 *acquisition of the NPDES permit, including testing and monitoring, as well as*
35 *discharge limitations under the NPDES permits.*
- 36 k) *Soil along and immediately adjacent to existing and former rail lines that will be*
37 *disturbed during construction will be assessed for the presence of herbicides,*
38 *petroleum hydrocarbons, and metals.*
- 39 l) *Demolition of chemical/fuel storage facilities will include decommissioning and*
40 *removal of USTs and ASTs in accordance with local and state regulatory agencies.*
41 *These agencies will likely require soil and groundwater sampling. This sampling will*
42 *be conducted in accordance with local and state regulatory agency requirements.*
- 43 m) *Prior to construction activities, LAHD, or its contractors, will conduct an evaluation*
44 *of all buildings (built prior to 1980) to be demolished to evaluate the presence of*

1 *asbestos-containing building materials and lead-based paint. Remediation will be*
2 *implemented in accordance with the recommendations of these evaluations.*

3 *n) Upon discovery of soil or groundwater contamination, the lead agency responsible*
4 *for site remediation will determine if the identified contaminants pose a health risk to*
5 *the general public, operation personnel, or other possible human receptors present at*
6 *Phase I operational locations. If it is determined that an adverse risk to the general*
7 *public, operation personnel, or other human receptors is present, Phase I Project*
8 *elements in operation will be closed as a precaution to prevent human exposure to*
9 *toxic substances.*

10 **Rationale for Finding**

11 As discussed in the Draft EIR Section 3.6, grading and construction would potentially expose
12 construction personnel, existing operations personnel, and Phase I recreational users to
13 contaminated soil, toxic plumes, or contaminated water. Grading and construction activities may
14 also encounter previously unidentified underground storage tanks, hazardous materials, petroleum
15 hydrocarbons, or hazardous or solid wastes.

16 To prevent exposure to contaminated soils during construction, excavated soils would be
17 managed in accordance with Mitigation Measure MM GW-1, thus minimizing the possibility of
18 contact by construction crews or Phase I recreational users. Soil and groundwater remediation of
19 known contaminated areas would occur as outlined in Mitigation Measures MM GW-2a, -b, and -
20 c. The potential of encountering unknown soil contamination and remediation requirements are
21 outlined in MM GW-3. Prior to any visitor activity associated with the proposed project
22 operation, all soils and potentially hazardous materials will be remediated to satisfy the
23 appropriate regulatory standards. Examples of areas that will be remediated to satisfactory levels
24 prior to occupation include the former oil wells in the Avalon Development District (Area A), in
25 the Avalon Waterfront District (Area B), and within the immediate vicinity of the Waterfront Red
26 Car Line/CCT (Area C). Implementation of Mitigation Measures MM GW-1, MM GW-2a, -b, -
27 c, and MM GW-3 would reduce health and safety impacts on construction personnel and
28 recreational users to less-than-significant levels.

29 **Impact GW-2a: Proposed project construction would not result in**
30 **changes in the rate or direction of movement of existing**
31 **contaminants, expansion of the area affected by contaminants, or**
32 **increased level of groundwater contamination, which would increase**
33 **risk of harm to humans.**

34 Grading and construction in upland areas would potentially change the rate or direction of
35 movement of existing contaminants; expand the area affected by contaminants; or increase the
36 level of groundwater contamination, which would increase risk of harm to humans. Human
37 health and safety impacts would be significant pursuant to exposure levels established by
38 OEHHA.

39 **Finding**

40 Changes or alterations have been required in, or incorporated into, the proposed Project that avoid
41 or substantially lessen the significant environmental effect related to exposure of soils containing

1 toxic substances and petroleum hydrocarbons associated with prior operations, as identified in the
2 Final EIR. These changes are set forth in Mitigation Measures MM GW-1, MM GW-2a, -b, -c,
3 and MM GW-3. With the implementation of these mitigation measures Impact GW-2a would be
4 reduced to less than significant.

5 **Rationale for Finding**

6 As discussed in the Draft EIR Section 3.6, excavated soil would be managed in accordance with
7 MM GW-1. Soil and groundwater remediation of known contaminated areas would occur as
8 outlined in Mitigation Measure MM GW-2a, -b, -c. The potential of encountering unknown soil
9 contamination and the remediation requirements are outlined in Mitigation Measure MM GW-3.
10 Implementation of these mitigation measures would substantially reduce the possibility of
11 expanding the area affected by contaminants, and agency oversight and regulatory requirements
12 would significantly reduce the consequences of movement, expansion, or an increase in
13 groundwater contamination. Impacts after mitigation would be less than significant.

14 **Impact GW-1b: Proposed project operations would not result in** 15 **exposure of soils containing toxic substances and petroleum** 16 **hydrocarbons associated with prior operations, which would be** 17 **deleterious to humans based on regulatory standards established by** 18 **the lead agency for the site.**

19 Soil and groundwater in limited portions of the proposed project site have been affected by
20 hazardous substances and petroleum products as a result of spills during historic industrial land
21 uses. These areas are in various stages of contaminant site characterization and remediation. The
22 current onsite contamination levels are not acceptable by the applicable lead regulatory agency
23 and would be considered significant.

24 **Finding**

25 Changes or alterations have been required in, or incorporated into, the proposed Project that avoid
26 or substantially lessen the significant environmental effect related to exposure of soils containing
27 toxic substances and petroleum hydrocarbons associated with prior operations, which would be
28 deleterious to humans based on regulatory standards, as identified in the Final EIR. These
29 changes are set forth in Mitigation Measures MM GW-1, MM GW-2a, -b, -c, and MM GW-3.
30 With the implementation of these mitigation measures Impact GW-1b would be reduced to less
31 than significant.

32 **Rationale for Finding**

33 As discussed in the Draft EIR Section 3.6, implementation of Mitigation Measures MM GW-1,
34 MM GW-2a, -b, -c, and MM GW-3 prior to or during proposed project demolition, grading, and
35 construction would reduce onsite contamination to levels acceptable by the applicable lead
36 regulatory agency prior to proposed project operations. Impacts after mitigation would be less
37 than significant.

1 **Impact GW-2b: Proposed project operations would not result**
2 **changes in the rate or direction of movement of existing**
3 **contaminants, expansion of the area affected by contaminants, or**
4 **increased level of groundwater contamination which would increase**
5 **risk of harm to humans.**

6 Soil and groundwater in limited portions of the proposed project site have been affected by
7 hazardous substances and petroleum products as a result of spills during historic industrial land
8 uses. These areas are in various stages of contaminant site characterization and remediation.
9 Human health and safety impacts would be significant pursuant to exposure levels established by
10 OEHHA.

11 **Finding**

12 Changes or alterations have been required in, or incorporated into, the proposed Project that avoid
13 or substantially lessen the significant environmental effect related to exposure of soils containing
14 toxic substances and petroleum hydrocarbons associated with prior operations, which would be
15 deleterious to humans based on regulatory standards, as identified in the Final EIR. These
16 changes are set forth in Mitigation Measures MM GW-1, MM GW-2a, -b, -c, and MM GW-3 as
17 identified above. With the implementation of these mitigation measures Impact GW-2b would be
18 reduced to less than significant.

19 **Rationale for Finding**

20 As discussed in the Draft EIR Section 3.6, implementation of Mitigation Measures MM GW-1,
21 MM GW-2a, -b, -c, and MM GW-3 prior to or during proposed project demolition, grading, and
22 construction would reduce onsite contamination to levels acceptable by the applicable lead
23 regulatory agency prior to project operations. In addition, excavations that might encounter
24 contaminated soil, which could be inadvertently spread to non-contaminated areas, would be
25 mitigated under MM GW-1 and MM GW-3. Therefore, impacts after mitigation would be less
26 than significant.

27 **Ground Transportation**

28 As discussed in Section 3.11 of the EIR, there would be two significant impacts on Ground
29 Transportation and Circulation that would be mitigated to less-than-significant levels as a result of
30 mitigation measures incorporated into the proposed Project. The impacts and mitigation measures are
31 discussed below.

1 **Impact TC-1a: Construction of the proposed Project would result in a**
2 **short-term, temporary increase in construction-related truck and auto**
3 **traffic, decreases in roadway capacity, and disruption of vehicular**
4 **and nonmotorized travel.**

5 Proposed Project construction would result in a temporary increase in traffic volumes and a
6 decrease in roadway capacity due to temporary lane closures. The following impacts would
7 result from the proposed Project.

- 8 ■ Reduced roadway capacity and an increase in construction-related congestion would
9 result in temporary localized increases in traffic congestion that exceed applicable LOS
10 standards.
- 11 ■ Construction activities would disrupt existing transit service in the proposed project
12 vicinity. Impacts may include temporary route detours, reduced or no service to certain
13 destinations, or service delays.
- 14 ■ Construction activities would increase parking demand in the proposed project vicinity
15 and may result in parking demand exceeding the available supply.
- 16 ■ Construction activities would disrupt pedestrian and bicycle travel. Impacts include
17 temporary sidewalk or roadway closures that would create gaps in pedestrian or bicycle
18 routes and interfere with safe travel.
- 19 ■ Construction activities would increase the mix of heavy construction vehicles with
20 general purpose traffic. Impacts include an increase in safety hazards due to a higher
21 proportion of heavy trucks.

22 Therefore, the impact of construction-generated traffic on transportation operations is considered
23 significant.

24 **Finding**

25 Changes or alterations have been required in, or incorporated into the proposed Project that avoid
26 or substantially lessen the significant environmental effect identified in the Final EIR. These
27 changes are set forth in Mitigation Measure MM TC-1 below. With the implementation of this
28 mitigation measure Impact TC-1a would be reduced to less than significant.

29 ***MM TC-1: Develop and implement a Traffic Control Plan throughout proposed project***
30 ***construction***

31 *In accordance with the City's policy on street closures and traffic diversion for arterial*
32 *and collector roadways, the construction contractor will prepare a traffic control plan*
33 *(to be approved by City and County engineers) before construction. The traffic control*
34 *plan will include:*

- 35 ■ *a street layout showing the location of construction activity and surrounding streets*
36 *to be used as detour routes, including special signage;*
- 37 ■ *a tentative start date and construction duration period for each phase of*
38 *construction;*

- 1 ■ *the name, address, and emergency contact number for those responsible for*
2 *maintaining the traffic control devices during the course of construction; and*
- 3 ■ *written approval to implement traffic control from other agencies, as needed.*

4 *Additionally, the traffic control plan will include the following stipulations:*

- 5 ■ *provide access for emergency vehicles at all times;*
- 6 ■ *avoid creating additional delay at intersections currently operating at congested*
7 *conditions, either by choosing routes that avoid these locations, or constructing*
8 *during nonpeak times of day;*
- 9 ■ *maintain access for driveways and private roads, except for brief periods of*
10 *construction, in which case property owners will be notified;*
- 11 ■ *provide adequate off-street parking areas at designated staging areas for*
12 *construction-related vehicles;*
- 13 ■ *maintain pedestrian and bicycle access and circulation during proposed project*
14 *construction where safe to do so; if construction encroaches on a sidewalk, a safe*
15 *detour will be provided for pedestrians at the nearest crosswalk; if construction*
16 *encroaches on a bike lane, warning signs will be posted that indicate bicycles and*
17 *vehicles are sharing the roadway;*
- 18 ■ *utilize flag persons wearing OSHA–approved vests and using a “Stop/Slow” paddle*
19 *to warn motorists of construction activity;*
- 20 ■ *maintain access to Metro and LADOT transit services and ensure that public transit*
21 *vehicles are detoured;*
- 22 ■ *post standard construction warning signs in advance of the construction area and at*
23 *any intersection that provides access to the construction area;*
- 24 ■ *post construction warning signs in accordance with local standards or those set forth*
25 *in the Manual on Uniform Traffic Control Devices (Federal Highway Administration*
26 *2001) in advance of the construction area and at any intersection that provides*
27 *access to the construction area;*
- 28 ■ *during lane closures, have contractor and/or LAHD notify LAFD and LAPD, as well*
29 *as the Los Angeles County Sheriff’s and Fire Departments, of construction locations*
30 *to ensure that alternative evacuation and emergency routes are designed to maintain*
31 *response times during construction periods, if necessary;*
- 32 ■ *provide written notification to contractors regarding appropriate routes to and from*
33 *construction sites, and weight and speed limits for local roads used to access*
34 *construction sites; submit a copy of all such written notifications to the City of Los*
35 *Angeles Planning Department; and*
- 36 ■ *repair or restore the road right-of-way to its original condition or better upon*
37 *completion of the work.*

1 **Rationale for Finding**

2 As discussed in the Draft EIR Section 3.11 and Final EIR Chapter 3 (Modifications to the Draft
3 EIR), Mitigation Measure MM TC-1 would completely mitigate the significant traffic impacts by
4 coordinating construction-related traffic with existing traffic and ensuring alternate routes are
5 available to minimize interference. With implementation of MM TC-1 residual impacts as a
6 result of proposed project construction activities would be less than significant.

7 **Impact TC-2a: Proposed project operations would increase traffic
8 volumes and degrade LOS at intersections within the proposed
9 project vicinity.**

10 Based on the traffic study as summarized in Table 3.11-13 of the Draft EIR and more fully set
11 forth in Appendix F of the EIR, the projected increases in intersection vehicle-to-capacity ratios
12 (V/Cs) resulting from proposed project-generated traffic are expected to exceed the adopted
13 threshold at one intersection. At the intersection of Avalon Boulevard and Anaheim Street, the
14 projected V/C increase due to the proposed Project is 0.024 in the PM peak hour. This exceeds
15 the threshold of 0.01 that is defined when an intersection is operating at LOS E or worse. This
16 impact is identified as significant.

17 **Finding**

18 Changes or alterations have been required in, or incorporated into the proposed Project that avoid
19 or substantially lessen the significant environmental effect identified in the Final EIR. These
20 changes are set forth in Mitigation Measure MM TC-2 below. With the implementation of this
21 mitigation measure Impact TC-2a would be reduced to less than significant.

22 ***MM TC-2: Reconfigure the southbound approach of Avalon Boulevard at the
23 intersection of Avalon Boulevard and Anaheim Street***

24 *Prior to the initiation of Phase II construction, LAHD will consult with LADOT. The
25 consultation will review the details of adding a right-turn lane in the southbound
26 direction or an alternative measure that achieves the same results and would not create a
27 new impact. Currently the southbound approach consists of one through/left-turn lane
28 and one through/right-turn lane. The mitigation will result in one right-turn lane, one
29 through lane, and one through/left-turn lane. This proposed mitigation will require the
30 removal of two metered parking spaces along Avalon Boulevard to allow for the right-
31 turn lane and the restriping of the northbound approach to properly align with the
32 reconfigured southbound approach. A conceptual drawing illustrating the feasibility of
33 this mitigation is provided in Figure 12 of the traffic report prepared for this project
34 (Appendix I).*

35 **Rationale for Finding**

36 Table 3.11-14 of the Draft EIR shows the projected LOS at this location with the proposed
37 mitigation in place. The table shows that this improvement would fully mitigate the identified
38 impact at Avalon Boulevard and Anaheim Street, lowering the projected LOS to an acceptable

1 level. With mitigation in place, the intersection is projected to operate at LOS B (V/C = 0.656)
2 during the AM peak hour and at LOS D (V/C = 0.880) during the PM peak hour.

3 **Public Comment**

4 As the City of Los Angeles Department of Transportation (LADOT) has recommended, MM T-2
5 was modified to allow for consultation before implementation in the event that a comparable
6 mitigation measure could be found that would not result in the loss of two metered parking spaces
7 on Avalon Boulevard. LAHD also committed to submit driveway and circulation scheme plans
8 for LADOT's approval and coordinate with LADOT's Citywide Planning Coordination Section.
9 The comment letter and the Lead Agency responses are included in Chapter 2 of the Final EIR.
10 Revisions are presented with strikeout/underline in Chapter 2 and Chapter 3 of the Final EIR.

11 **Utilities**

12 As discussed in Section 3.12 of the EIR, there would be one significant impact on utilities that would
13 be reduced to a less-than-significant level as a result of mitigation incorporated into the proposed
14 Project. The impact and mitigation measure is discussed below. In addition, as discussed previously,
15 one of the potential impacts of the proposed Project (UT-2) was found to be less-than-significant prior
16 to mitigation. However, mitigation was identified to further ensure impacts remain less than
17 significant.

18 **Impact UT-1: The proposed Project would not require or result in the** 19 **construction or expansion of utility lines or facilities, the construction** 20 **of which would cause significant environmental effects.**

21 The existing sewer line located in Harry Bridges Boulevard would not be able to accommodate
22 the projected flow from the proposed Project. The proposed Project is expected to have
23 wastewater flows of approximately 23,400 gallons per day in 2015 and approximately 33,000
24 gallons per day in 2020. Individual proposed project components such as future industrial
25 development projects, restaurant uses, and the restroom facility associated with the Observation
26 Tower would be connected to the existing mains, as part of the proposed Project. The lack of
27 available wastewater line capacity for the proposed Project would be a significant impact on the
28 existing conveyance system.

29 **Finding**

30 Changes or alterations have been required in, or incorporated into, the proposed Project that avoid
31 or substantially lessen the significant environmental effect identified in the Final EIR. These
32 changes are set forth in Mitigation Measure MM UT-1 below. With the implementation of this
33 mitigation measure Impact UT-1 would be reduced to less than significant

34 ***MM UT-1: Secondary Sewer Line Installation***

35 *Once the design and utility connections are finalized, LAHD will build a secondary sewer*
36 *line of sufficient capacity to support the nearest, largest sewer line. The construction of*
37 *the secondary sewer line would be carried out within public right-of-way or existing City*

1 *streets. This line will comply with the City's municipal code, and will be built under*
2 *permit by the City Bureau of Engineering.*

3 **Rationale for Finding**

4 As discussed in the Draft EIR Section 3.12 and Final EIR Chapter 3 (Revisions to the Draft EIR),
5 the addition of the secondary sewer line in Harry Bridges Boulevard would relieve any future
6 wastewater capacity shortages. The impacts related to the construction of the secondary sewer
7 line would be within the public right-of-way and with the analyzed proposed Project area of
8 effect (APE). Impacts from the construction of the secondary sewer line are analyzed in the
9 affected resource sections. For instance, impacts related to temporary traffic disturbances are
10 addressed in Mitigation Measure MM TC-1, while impacts related to unknown buried cultural
11 resources that may be encountered during trenching are addressed in Mitigation Measure MM
12 CUL-5. After mitigation, impacts related to both inadequate sewer line capacity and the impacts
13 associated with its installation would be less than significant. Impact UT-2 and Impact UT-3
14 were found to be less than significant prior to mitigation. However, mitigation was identified for
15 some or all less-than-significant impacts in these areas.

16 As discussed in Section 3.12 of the EIR, there would be two less than significant impacts on
17 utilities that would remain at less-than-significant levels as a result of mitigation measures
18 incorporated into the proposed Project. The impacts and mitigation measures are discussed
19 below.

20 **Impact UT-2: The proposed project would not exceed existing water** 21 **supply, wastewater treatment, or landfill capacities.**

22 As discussed in the Draft EIR Section 3.12 and Final EIR Chapter 3 (Modifications to the Draft
23 EIR), the proposed Project would use water during construction for various purposes, such as dust
24 suppression, mixing and pouring concrete, and other construction-related activities. Typically,
25 the majority of water use during construction is associated with dust suppression during grading
26 or trenching, which is generally performed by water trucks that use non-potable water from
27 offsite sources. The additional water use would not be substantial and no impact on water supply
28 would occur. Operation of the proposed Project would demand about 44,180 gpd or 50 acre-feet
29 per year (afy) of water in 2015 and about 86,242 gpd or 96.61 afy in 2020. The projected year
30 2015 and 2020 water demand represents an increase of approximately 435 and 645% over the
31 existing conditions, respectively. The projected year 2015 and 2020 water demands represent an
32 increase of 45.07 afy and 91.68 afy from the baseline water demand (4.93 afy), respectively. In
33 accordance with LAHD's commitment to reduce and conserve the amount of water used in the
34 proposed project area, infrastructure would be incorporated to support the use of reclaimed water
35 for landscaping purposes, fountains, (parks, road medians) and for flushing toilets and urinals in
36 new buildings. The proposed Project would utilize 20.7 afy and 61.72 afy of recycled water in
37 2015 and 2020, respectively, from the Terminal Island Reverse Osmosis facility. Currently, there
38 is a 24-inch recycled water mainline that runs from Terminal Island to Harry Bridges Boulevard
39 and along Broad Avenue. The proposed Project would include constructing several mainlines off
40 of this existing line so that all landscaping and water features would be supplied with recycled
41 water (per Table 3.12-7 a total of 49,950 gpd). The 2015 water demand of the proposed Project
42 after use of recycled water would represent approximately 0.004% of the estimated water demand
43 of 705,000 afy for the LADWP service area in 2015. The 2020 water demand of the proposed

1 Project after use of recycled water would represent approximately 0.005% of the estimated water
2 demand of 731,000 afy for the LADWP service area in 2020.

3 Pursuant to State CEQA guidelines Section 15155(a)(1)(G), the proposed Project would consume
4 an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling
5 unit project. For this reason, LAHD would need to comply with the water supply assessment
6 (WSA) requirements of the State Water Code (Section 10910-10915).

7 LADWP prepared the WSA on April 23, 2009 and it was approved by the Board of Water and
8 Power Commissioners on May 4, 2009. The WSA used an estimate of 16 afy of potable water.
9 The 16 afy was estimated by subtracting the total water need of 91.68 afy from the planned use of
10 61.72 afy of recycled water and then by incorporating conservation measures into the design of
11 the proposed Project to further reduce consumption by 14.16 afy (Table 14). The WSA
12 concluded that the 16 afy increase falls within the available and projected water supplies for
13 normal, single-dry, and multiple-dry years through the year 2030 as described in LADWP's year
14 2005 UWMP. LADWP determined that it will be able to meet the water demand of the proposed
15 Project as well as existing and planned future water demands of its service area.

16 **Table 13. Projected Potable Water Use of the Proposed Project**

Total Water Use	96.61 afy
Less Existing Water Use	-4.93 afy
Less Design Conservation Measures	-14.16 afy
Less Recycled Water Use	-61.72 afy
Total Potable Water Use	15.80 afy

17 Source: LADWP WSA 2009

18 Proposed project activities would generate about 24,400 gpd of wastewater in 2015 and about
19 34,000 gpd in 2020. The projected year 2015 and 2020 wastewater flows represent an increase of
20 435 and 645% over the existing conditions, respectively. However, the projected flow represents
21 0.14 and 0.19%, respectively, of the existing daily flow of 17.5 million gallons per day (mgd) at
22 the Terminal Island Treatment Plant (TITP). As the TITP currently operates at 58% capacity,
23 these increases would be considered negligible. The proposed Project would not exceed the
24 capacity of the TITP (Lorscheider pers. comm. 2008).

25 The proposed Project would generate 2,420,000 cubic feet (cf) of construction debris between
26 2009 and 2020.² All recyclable waste would be accounted for, documented, and removed from

²The construction would include 130,000 square feet of demolition of regular buildings. Buildings to be demolished are assumed to be 10-feet high (1-storey) with 50% void space. Hence, construction debris amounts to 650,000 cf due to demolition of regular buildings. The proposed project construction activities also include demolition of the marine oil tanks. The tanks cover an area of 118,000 square feet and are assumed to be 30 feet

1 the proposed project site by a qualified recycling provider. The construction waste sent to the
2 landfill would be 0.031% of the estimated remaining capacity of 111,200,000 cubic yards of the
3 Sunshine Canyon Sanitary Landfill. Thus, after recycling, the amount of construction waste that
4 would reach the landfill would not be substantial and impacts would be less than significant. The
5 proposed project operations would generate approximately 1.25 tons (2,508.52 lbs/day) of solid
6 waste per day in 2015 and 1.81 tons per day (3,613.2 lbs/day) in 2020. The projected volumes
7 represent an increase of 110.7 and 203.5% over the existing conditions, respectively.

8 **Finding**

9 While not significant, changes or alterations have been incorporated into the proposed Project to
10 further lessen the less-than-significant environmental effect identified in the Final EIR. These
11 changes are set forth in Mitigation Measures MM UT-2 through MM UT-5 below. Impacts would
12 remain less than significant before and after implementation of these mitigation measures.

13 ***MM UT-2: Water Conservation and Wastewater Reduction***

14 *The LAHD and Port tenants will implement the following water conservation and*
15 *wastewater reduction measures to further reduce impacts on water demand and*
16 *wastewater flows.*

- 17 a. *The landscape irrigation system will be designed, installed, and tested to provide*
18 *uniform irrigation coverage for each zone. Sprinkler head patterns will be adjusted*
19 *to minimize over spray onto walkways and streets. Each zone (sprinkler valve) will*
20 *water plants having similar watering needs (do not mix shrubs, flowers and turf in*
21 *the same watering zone). Automatic irrigation timers will be set to water*
22 *landscaping during early morning or late evening hours to reduce water losses from*
23 *evaporation. Irrigation run times for all zones will be adjusted seasonally, reducing*
24 *watering times and frequency in the cooler months (fall, winter, spring). Sprinkler*
25 *timer run time will be adjusted to avoid water runoff, especially when irrigating*
26 *sloped property. Sprinkler times will be reduced once drought-tolerant plants have*
27 *been established.*
- 28 b. *Selection of drought-tolerant, low-water-consuming plant varieties will be used to*
29 *reduce irrigation water consumption. For a list of these plant varieties, refer to*
30 *Sunset Magazine, October 1988, "The Unthirsty 100," pp. 74–83, or consult a*
31 *landscape architect.*
- 32 c. *Once a connection point with the Department of Water and Power is identified,*
33 *recycled water will be used to irrigate landscaped areas.*
- 34 d. *Ultra-low-flush water closets, ultra-low-flush urinals, and water-saving showerheads*
35 *must be installed in both new construction and when remodeling. Low-flow faucet*
36 *aerators will be installed on all sink faucets.*
- 37 e. *Significant opportunities for water savings exist in air conditioning systems that*
38 *utilize evaporative cooling (i.e., employ cooling towers). LADWP will be contacted*
39 *for specific information of appropriate measures.*

high. Assuming 50% of the building to be void space, Phase II would generate 1,770,000 cf of construction debris. Thus, total construction debris is assumed to be 2,420,000 cf.

1 f. *Recirculating or point-of-use hot water systems will be installed to reduce water*
2 *waste in long piping systems where water must be run for a considerable period*
3 *before heated water reaches the outlet.*

4 ***MM UT-3: Recycling of Construction Materials***

5 *Demolition and/or excess construction materials will be separated on site for*
6 *reuse/recycling or proper disposal. During grading and construction, separate bins for*
7 *recycling of construction materials will be provided on site.*

8 ***MM UT-4: Recycled Content Materials Use***

9 *Materials with recycled content, such as recycled steel from framing and recycled*
10 *concrete and asphalt from roadway construction, will be used in project construction.*
11 *Wood chippers registered through the California Air Resources Board's Portable*
12 *Equipment Registration Program will be used on site during construction, using wood*
13 *from tree removal, not from demolished structures, to further reduce excess wood for*
14 *landscaping cover.*

15 ***MM UT-5: AB 939 Compliance***

16 *The LAHD and Port tenants will implement a Solid Waste Management Program*
17 *including the following measures to achieve a 50% reduction of current waste generation*
18 *percentages by the buildout year of 2020 and ensure compliance with the California*
19 *Solid Waste Management Act (AB 939).*

- 20 a. *Provide space and/or bins for storage of recyclable materials within the proposed*
21 *project site. All garbage and recycle bin storage space will be enclosed, and plans*
22 *will show equal area availability for both garbage and recycle bins within storage*
23 *spaces.*
- 24 b. *Establish a recyclable material pick-up area for commercial buildings.*
- 25 c. *Participate in a curbside recycling program to serve the new development.*
- 26 d. *Develop a plan for accessible collection of materials on a regular basis.*
- 27 e. *Develop source reduction measures that indicate the method and amount of expected*
28 *reduction.*
- 29 f. *Implement a program to purchase materials that have recycled content for project*
30 *construction and operation (i.e., lumber, plastic, office supplies).*
- 31 g. *Provide a resident-tenant/employee education pamphlet to be used in conjunction*
32 *with available Los Angeles County and federal source reduction educational*
33 *materials. The pamphlet will be provided to all commercial tenants by the*
34 *leasing/property management agency.*
- 35 h. *Include lease language requiring tenant participation in recycling/waste reduction*
36 *programs, including specification that janitorial contracts support recycling.*

1 **Rationale for Finding**

2 The proposed project operations would result in less-than-significant impacts on existing water
3 supply, wastewater, or landfill capacities before mitigation. However, implementation of MM
4 UT-2 would further reduce the impacts from water demand and wastewater generation.
5 Implementation of Mitigation Measures MM UT-3, MM UT-4, and MM UT-5 would further
6 reduce the impacts of solid waste generated as a result of construction and demolition as well as
7 proposed project operation.

8 **Cumulatively Considerable Impacts**

9 The State CEQA Guidelines (Section 15130) require an analysis of the project’s contribution to
10 significant and unavoidable cumulative impacts. Cumulative impacts include “two or more
11 individual effects which, when considered together, are considerable or which compound or increase
12 other environmental impacts” (State CEQA Guidelines, Section 15355). A total of 90 present or
13 reasonably foreseeable future projects (approved or proposed) were identified within the general
14 vicinity of the proposed Project that could contribute to cumulative impacts. The 90 projects include
15 projects in the Ports of Los Angeles and Long Beach, the City of Long Beach, and the communities
16 of San Pedro, Wilmington, and Carson.

17 The discussion below identifies cumulatively significant and unavoidable impacts. Cumulatively
18 significant and unavoidable impacts will occur as a result of the proposed Project in the following
19 resource areas: Air Quality, Biological Resources, Geological Resources and Noise. All feasible
20 mitigation measures to reduce or avoid the cumulatively considerable contribution of the proposed
21 Project to these impacts have been required in, or incorporated into, the proposed Project that avoid or
22 substantially lessen the significant environmental effect identified in the Final EIR. The Board has
23 determined that specific economic, legal, social, technological, or other considerations make
24 infeasible additional mitigation measures or project alternatives. The evidence of such infeasibility is
25 explained below.

26 No comments regarding Cumulative Impacts were received during the 58-day public review period of
27 the Draft EIR.

28 **Air Quality**

29 **Cumulative Impact AQ-1: Construction-Related Increase of a Criteria**
30 **Pollutant for which the Proposed Project Region is in Nonattainment**
31 **under a National or State Ambient Air Quality Standard—**
32 **Cumulatively Considerable and Unavoidable**

33 **Cumulative Impact AQ-1** assesses the potential for proposed project construction when
34 combined with past, present, and reasonably foreseeable future projects to produce a cumulatively
35 considerable increase in criteria pollutant emissions for which the proposed project region is in
36 nonattainment under a national or state ambient air quality standard, or for which the SCAQMD
37 has set a daily emission threshold.

1 **Finding**

2 Construction of the proposed Project would contribute emissions of VOCs, CO, NO_x SO_x, PM₁₀,
3 and PM_{2.5}. These emissions would combine with construction emissions from other projects that
4 would already be cumulatively significant. As a result, without mitigation, emissions from
5 proposed project construction would make a cumulatively considerable contribution to a
6 cumulatively significant impact for VOCs, CO, NO_x SO_x, PM₁₀, and PM_{2.5} emissions under
7 CEQA.

8 After implementation of mitigation measures MM AQ-1 through MM AQ-9 (included above
9 under Impact AQ-1), emissions from construction of the proposed Project would be reduced.
10 Therefore, the Board hereby finds that changes or alterations have been required in, or
11 incorporated into the proposed Project that avoid or substantially lessen the significant
12 environmental effect identified in the EIR. However, these mitigation measures would not reduce
13 Cumulative Impact AQ-1 to less than significant/cumulatively considerable. Therefore, during
14 construction, the proposed Project would make a cumulatively considerable and unavoidable
15 contribution to significant cumulative impacts for VOCs, CO, NO_x SO_x, PM₁₀, and PM_{2.5}
16 emissions under CEQA. Therefore, the Board hereby finds that specific economic, legal, social,
17 technological, or other considerations make infeasible additional mitigation measures or project
18 alternatives, as explained below and under the rationale for the Impact AQ-1 Finding.

19 **Rationale for Finding**

20 As discussed in the Draft EIR Sections 3.2 and 4.0 and Final EIR Chapter 3, due to the substantial
21 number of emission sources and topographical/meteorological conditions that inhibit atmospheric
22 dispersion, the South Coast Air Basin (SCAB) is a “severe-17” nonattainment area for 8-hour O₃,
23 a “serious” nonattainment area for PM₁₀, a nonattainment area for PM_{2.5}, and a maintenance area
24 for CO in regard to National Ambient Air Quality Standards (NAAQS). SCAB is in attainment
25 of the NAAQS for SO₂, NO₂, and lead. In regard to California Ambient Air Quality Standards
26 (CAAQS), SCAB is presently in nonattainment for O₃, PM₁₀, and PM_{2.5}. SCAB is in attainment
27 of the CAAQS for SO₂, NO₂, CO, sulfates, and lead, and is unclassified for hydrogen sulfide and
28 visibility-reducing particles. These pollutant nonattainment conditions within the proposed
29 project region are therefore cumulatively significant. Between 2008 and 2020, a number of large
30 construction projects will occur at the two ports and surrounding areas that will overlap and
31 contribute to significant cumulative construction impacts.

32 The construction impacts of the related projects would be cumulatively significant if their
33 combined construction emissions would exceed the South Coast Air Quality Management District
34 (SCAQMD) daily emission thresholds for construction. Mitigation Measures MM AQ-1 through
35 MM AQ-9 would help reduce construction emissions of the proposed Project; however, they
36 would not reduce impacts below a level of significance. Because this almost certainly would be
37 the case for all analyzed criteria pollutants and precursors (VOCs, CO, NO_x, SO_x, PM₁₀, and
38 PM_{2.5}), the related projects would result in a significant cumulative air quality criteria pollutant
39 impact.

1 **Cumulative Impact AQ-2: Construction-Related Emissions that**
2 **Exceed an Ambient Air Quality Standard or Substantially Contribute**
3 **to an Existing or Projected Air Quality Standard Violation—**
4 **Cumulatively Considerable and Unavoidable**

5 **Cumulative Impact AQ-2** assesses the potential for proposed project construction when
6 combined with past, present, and reasonably foreseeable future projects to produce ambient
7 pollutant concentrations that exceed an ambient air quality standard or substantially contribute to
8 an existing or projected air quality standard violation.

9 **Finding**

10 SCAQMD develops ambient pollutant thresholds that signify cumulatively considerable increases
11 in criteria pollutant concentrations. Project construction emissions would produce offsite impacts
12 that would exceed SCAMQD ambient thresholds for NO_x, PM₁₀, and PM_{2.5}. Any concurrent
13 emission-generating activity that occurs near the proposed project site would add additional air
14 emission burdens to these already significant levels. As a result, without mitigation, emissions
15 from proposed project construction would make cumulatively considerable contributions to
16 significant cumulative ambient NO_x, PM₁₀, and PM_{2.5} levels.

17 After implementation of Mitigation Measures MM AQ-1 through MM AQ-9, impacts from
18 construction would be reduced. Therefore, the Board hereby finds that changes or alterations
19 have been required in, or incorporated into the proposed Project that avoid or substantially lessen
20 the significant environmental effect identified in the EIR. However, even with these mitigation
21 measures impacts would still exceed SCAQMD NO_x, PM₁₀, and PM_{2.5} ambient thresholds. As
22 such, construction emissions would still make cumulatively considerable and unavoidable
23 contributions to significant cumulative ambient NO_x, PM₁₀, and PM_{2.5} levels from concurrent
24 related project construction. Therefore, the Board hereby finds that specific economic, legal,
25 social, technological, or other considerations make infeasible additional mitigation measures or
26 project alternatives, as explained below and under the rationale for the Impact AQ-2 Finding.

27 **Rationale for Finding**

28 The past, present, and reasonably foreseeable future projects for Cumulative Impact AQ-2 would
29 result in significant cumulative impacts if their combined ambient pollutant concentrations,
30 during construction, would exceed SCAQMD ambient concentration thresholds for pollutants
31 from construction. Although there is no way to be certain if a cumulative exceedance of the
32 thresholds would happen for any pollutant without performing dispersion modeling of the other
33 projects, cumulative air quality impacts are likely to exceed the thresholds for NO_x, could exceed
34 the thresholds for PM₁₀ and PM_{2.5}, and are unlikely to exceed for CO. Consequently, construction
35 of the related projects would result in a significant cumulative air quality impact related to
36 exceedances of the significance thresholds for NO_x, PM₁₀, and PM_{2.5}.

1 **Cumulative Impact AQ-3: Operations-Related Increase of a Criteria**
2 **Pollutant for which the Project Region is in Nonattainment under a**
3 **National or State Ambient Air Quality Standard—Cumulatively**
4 **Considerable and Unavoidable**

5 **Cumulative Impact AQ-3** assesses the potential for proposed project operation when combined
6 with past, present, and reasonably foreseeable future projects to produce a cumulatively
7 considerable increase in criteria pollutant emissions for which the proposed project region is in
8 nonattainment under a national or state ambient air quality standard or for which SCAQMD has
9 set a daily emission threshold.

10 **Finding**

11 Peak daily emissions from proposed project operations would increase relative to CEQA baseline
12 emissions for VOCs, CO, NO_x, SO_x, PM₁₀, and PM_{2.5} during one or more project analysis years.
13 These emission increases would combine with operation emissions from other projects near the
14 proposed project site, which would already be cumulatively significant. As a result, without
15 mitigation, emissions from proposed project operations would make a cumulatively considerable
16 contribution to significant cumulative impacts for VOCs, CO, NO_x, SO_x, PM₁₀, and PM_{2.5}
17 emissions under CEQA.

18 After implementation of Mitigation Measures MM AQ-1 through MM AQ-9, impacts from
19 operations would be reduced. Therefore, the Board hereby finds that changes or alterations have
20 been required in, or incorporated into the proposed Project that avoid or substantially lessen the
21 significant environmental effect identified in the EIR. However, after mitigation, peak daily
22 emissions from the proposed Project would increase relative to CEQA baseline emissions for
23 VOCs, CO, NO_x, SO_x, PM₁₀, and PM_{2.5}. As a result, after mitigation, emissions from the
24 proposed Project would make a cumulatively considerable and unavoidable contribution to a
25 significant cumulative impact for VOCs, CO, NO_x, SO_x, PM₁₀, and PM_{2.5} emissions under
26 CEQA. Therefore, the Board hereby finds that specific economic, legal, social, technological, or
27 other considerations make infeasible additional mitigation measures or project alternatives, as
28 explained below and under the rationale for the Impact AQ-3 Finding.

29 **Rationale for Finding**

30 Other projects would be cumulatively significant if their combined operational emissions would
31 exceed SCAQMD daily emission thresholds for operations. Because this would reasonably be
32 the case for all analyzed criteria pollutants, the related projects would result in a significant
33 cumulative air quality criteria pollutant impact.

34 **Cumulative Impact AQ-4: Operations-Related Emissions that Exceed**
35 **an Ambient Air Quality Standard or Substantially Contribute to an**
36 **Existing or Projected Air Quality Standard Violation—Cumulatively**
37 **Considerable and Unavoidable**

38 **Cumulative Impact AQ-4** assesses the potential for proposed project operations when combined
39 with past, present, and reasonably foreseeable future projects to produce ambient concentrations

1 that exceed an ambient air quality standard or substantially contribute to an existing or projected
2 air quality standard violation.

3 **Finding**

4 SCAQMD develops ambient pollutant thresholds that signify cumulatively considerable increases
5 in concentrations of these pollutants. Proposed project operations emissions would have
6 concentrations below SCAQMD concentration thresholds for all pollutants. Nonetheless,
7 operations emissions could still make cumulatively considerable and unavoidable contributions to
8 significant cumulative ambient NO_x, PM₁₀, and PM_{2.5} levels from concurrent related project
9 operations under CEQA.

10 Proposed project operations emissions would already be below SCAQMD concentration
11 thresholds for all pollutants. As such, mitigation measures are not required at the project level.
12 However, as described above, operations emissions could still make a cumulatively considerable
13 and unavoidable contribution to significant cumulative ambient pollutant levels from concurrent
14 related project operations under CEQA. Mitigation Measures MM AQ-1 through MM AQ-9,
15 would act to reduce impacts from Project construction and operation, which would reduce but not
16 eliminate the significant cumulative impacts. Therefore, the Board hereby finds that changes or
17 alterations have been required in, or incorporated into the proposed Project that avoid or
18 substantially lessen the significant environmental effect identified in the EIR

19 **Rationale for Finding**

20 Related projects would result in significant cumulative impacts if their combined ambient
21 concentration levels during operations would exceed SCAQMD ambient concentration thresholds
22 for operations. Although there is no way to be certain if a cumulative exceedance of the
23 thresholds would happen for any pollutant without performing dispersion modeling of the other
24 projects, cumulative air quality impacts are likely to exceed the thresholds for NO_x, could exceed
25 the thresholds for PM₁₀ and PM_{2.5}, and are unlikely to exceed for CO. Consequently, operation of
26 related projects would result in a significant cumulative air quality impact related to exceedances
27 of significance thresholds for NO_x, PM₁₀, and PM_{2.5}.

28 **Cumulative Impact AQ-7: Exposure of Receptors to Significant**
29 **Levels of Toxic Air Contaminants—Cumulatively Significant and**
30 **Unavoidable**

31 **Cumulative Impact AQ-7** assesses the potential of the proposed Project's construction and
32 operations when combined with past, present, and reasonably foreseeable future projects to
33 produce TACs that exceed acceptable public health criteria.

34 **Finding**

35 SCAQMD recommends that health risk assessments be conducted for substantial sources of
36 diesel particulate emissions (e.g., truck stops and warehouse distribution facilities) and has
37 provided guidance for analyzing mobile source diesel emissions. In addition, typical sources of
38 acutely and chronically hazardous TACs include industrial manufacturing processes, automotive
39 repair facilities, and dry cleaning facilities. Since the proposed Project would not contain such

1 uses, it does not warrant a health risk assessment. Potential proposed project-generated air toxic
2 impacts on surrounding land uses would be less than significant. Nonetheless, proposed project
3 emissions could still make cumulatively considerable (and unavoidable) contributions to
4 significant cumulative TAC emissions from concurrent related proposed project construction and
5 operations under CEQA.

6 Mitigation measures are not required at the project level because proposed project TAC emissions
7 would be negligible. However, as described above, TAC emissions could still make a
8 cumulatively considerable and unavoidable contribution to significant cumulative TAC levels
9 from concurrent related project construction and operations under CEQA. Mitigation Measures
10 MM AQ-1 through MM AQ-9, would act to reduce impacts from Project construction and
11 operation, which would reduce but not eliminate the significant cumulative impacts. Therefore,
12 the Board hereby finds that changes or alterations have been required in, or incorporated into the
13 proposed Project that avoid or substantially lessen the significant environmental effect identified
14 in the EIR.

15 **Rationale for Finding**

16 MATES-II, conducted by the SCAQMD in 2000, estimated the existing cancer risk from TACs in
17 SCAB to be 1,400 in 1,000,000 (SCAQMD 2000). In MATES-III, completed by SCAQMD in
18 2008, the existing cancer risk from TACs was estimated at 1,000 to 2,000 in 1,000,000 in the San
19 Pedro and Wilmington areas. In the *Diesel Particulate Matter Exposure Assessment Study for the*
20 *Ports of Los Angeles and Long Beach*, CARB estimates that elevated levels of cancer risks due to
21 operational emissions from the Ports of Los Angeles and Long Beach occur within and in
22 proximity to the two Ports (CARB 2006). Based on this information, airborne cancer and
23 noncancer levels within the proposed project region are cumulatively significant.

24 The Port has approved Port-wide air pollution control measures through their San Pedro Bay
25 Ports CAAP (LAHD et al. 2006). Implementation of these measures will reduce the health risk
26 impacts from the proposed Project and future projects at the Port. Currently adopted regulations
27 and future rules proposed by CARB and EPA will further reduce air emissions and associated
28 cumulative health impacts from Port operations. However, because future proposed measures
29 (other than CAAP measures) and rules have not been adopted, it is unknown at this time how
30 these measures would reduce cumulative health risk impacts within the proposed project area,
31 and, therefore, airborne cancer and non-cancer impacts within the proposed project region would
32 be cumulatively significant.

33 **Cumulative Impact AQ-9: Contribution to Global Climate Change—** 34 **Cumulatively Considerable and Unavoidable**

35 **Cumulative Impact AQ-9** represents the potential of the proposed Project when combined with
36 past, present, and reasonably foreseeable future projects to contribute to global climate change.

37 **Finding**

38 The challenge in assessing the significance of an individual project's contribution to global GHG
39 emissions and associated global climate change impacts is determining whether a project's GHG
40 emissions, which are at a micro-scale relative to global emissions, result in a cumulatively
41 considerable incremental contribution to a significant cumulative macro-scale impact. CO₂

1 emissions in California totaled approximately 477.77 million metric tons in 2003 (CEC 2006).
2 As shown in Table 3.2-22 of the Draft EIR, the proposed Project would produce higher GHG
3 emissions when compared to CEQA baseline levels. Any concurrent emissions-generating
4 activity that occurs global-wide would add additional GHG emission burdens to these already
5 significant levels, which could further exacerbate environmental effects (as discussed in Chapter
6 3.2, “Air Quality and Meteorology,” of the Draft EIR).

7 As shown in Table 3.2-23 of the Draft EIR, with Mitigation Measures MM AQ-1 through MM
8 AQ-15 implemented. Therefore, the Board hereby finds that changes or alterations have been
9 required in, or incorporated into the proposed Project that avoid or substantially lessen the
10 significant environmental effect identified in the Final EIR. The proposed Project would produce
11 higher GHG emissions when compared to CEQA baseline levels. The way in which CO₂
12 emissions associated with the proposed Project might or might not influence actual physical
13 effects of global climate change cannot be determined. As discussed in Section 3.2 of the Draft
14 EIR, existing GHG levels are projected to result in changes to the climate of the world, with
15 significant warming seen in some areas, which, in turn, will have numerous indirect effects on the
16 environment and humans.

17 Project GHG emissions would contribute to existing levels and, therefore, would contribute to the
18 causes of global climate change. Considering Impact AQ-9, which states that any increase in
19 GHG emissions over the CEQA baseline is significant, emissions from construction and
20 operation of the proposed Project and proposed project alternatives would produce cumulatively
21 considerable and unavoidable contributions to global climate change under CEQA. The Board
22 hereby, finds that specific economic, legal, social, technological, or other considerations make
23 infeasible additional mitigation measures or project alternatives, as explained below.

24 **Rationale for Finding**

25 Scientific evidence indicates a trend of warming global surface temperatures over the past century
26 due at least partly to the generation of greenhouse gas emissions from human activities, as
27 discussed in Section 3.2, “Air Quality and Meteorology,” in the Draft EIR. Some observed
28 changes include shrinking glaciers, thawing permafrost, and shifts in plant and animal ranges.
29 Credible predictions of long-term impacts from increasing GHG levels in the atmosphere include
30 sea level rise, changes to weather patterns, changes to local and regional ecosystems including the
31 potential loss of species, and significant reductions in winter snow packs. These and other effects
32 would have environmental, economic, and social consequences on a global scale. Emissions of
33 GHGs contributing to global climate change are attributable in large part to human activities
34 associated with the industrial/manufacturing, utility, transportation, residential, and agricultural
35 sectors (CEC 2006a). Therefore, the cumulative global emissions of GHGs contributing to global
36 climate change can be attributed to every nation, region, and city, and virtually every individual
37 on Earth. In California alone, CO₂ emissions totaled approximately 477.77 million metric tons in
38 2003 (CEC 2006), which was an estimated 6.4% of global CO₂ emissions from fossil fuels.
39 Based on this information, past, current, and future global GHG emissions, including emissions
40 from projects in the Ports of Los Angeles and Long Beach and elsewhere in California, are
41 cumulatively significant.

1 **Biological Impacts**

2 **Cumulative Impact BIO-1: Adverse Impact on Sensitive Species—** 3 **Cumulatively Considerable and Unavoidable**

4 **Cumulative Impact BIO-1** represents the potential for the proposed Project when combined with
5 past, present, and reasonably foreseeable future projects to cause a loss of individuals, or the
6 reduction of existing habitat, of a state- or federally listed endangered, threatened, rare, protected,
7 or candidate species, or a Species of Special Concern; or the loss of federally designated critical
8 habitat. No critical habitat for any federally listed species is present in the harbor, and thus, no
9 cumulative impacts on critical habitat would occur.

10 **Finding**

11 As discussed in Section 3.3.4.3.1 (Impact BIO-1) of the Draft EIR, construction of the proposed
12 Project would have a less-than-significant impact on special status species, because the proposed
13 Project would not cause injury to these animals. In addition, no injuries to whales associated with
14 vessel strikes would occur since the proposed Project would only slightly increase recreational
15 vessel traffic (and not commercial vessel traffic, which would be more likely to cause injury due
16 to a vessel strike) within the inner harbor via the small public dock and potential operation of a
17 water taxi, and whales are not typically found within the breakwaters of the harbor. The proposed
18 Project would have no impact on critical habitat as a result of construction and operations because
19 no critical habitat is present. Construction activities would result in no loss of individuals or
20 habitat for special status species.

21 The slight increase in vessel traffic associated with the proposed Project would increase the risk
22 for an accidental oil spill, which, if a small (e.g. up to 238 bbl) oil spill were to occur, when it is
23 combined with other past, present, and reasonably foreseeable future oil spills, would be
24 considered a cumulatively considerable impact on sensitive water bird species (i.e., California
25 least tern and California brown pelican).

26 No mitigation measures are available to reduce the potential for an accidental oil spill; therefore,
27 the contribution of the proposed project would be cumulatively considerable. Therefore, the
28 Board hereby finds that specific economic, legal, social, technological, or other considerations
29 make infeasible additional mitigation measures or project alternatives, as explained below.

30 **Rationale for Finding**

31 A small (e.g., up to 238 bbl) oil spill within the harbor, even though associated with a low
32 probability of occurrence and minimal impact individually, could result in significant and
33 unavoidable cumulative impacts on Special Status water birds when past, present, and reasonably
34 foreseeable spills are considered. The proposed Project would increase recreational boat traffic.
35 Thus, the proposed project would increase the potential for an accidental oil spill, and, when
36 combined with past, present, and reasonably foreseeable project oil spills, would make a
37 cumulatively considerable contribution to the significant and unavoidable cumulative impacts of
38 oil spills on Special Status water birds.

1 **Cumulative Impact BIO-2: Alteration or Reduction of Natural**
2 **Habitats, Special Aquatic Sites, or Plant Communities—Cumulatively**
3 **Considerable and Unavoidable**

4 **Cumulative Impact BIO-2** represents the potential of the proposed Project when combined with
5 past, present, and reasonably foreseeable future projects to substantially reduce or alter state-,
6 federally, or locally designated natural habitats, special aquatic sites, or plant communities,
7 including wetlands.

8 **Finding**

9 The proposed Project would result in the reduction of 2,200 square feet (0.05 acres) of marine
10 habitat. While the habitat in the Inner Harbor is generally considered of relatively low quality
11 due to its location and the level of shoreline development, the loss of this habitat would be
12 considered significant.

13 The marine habitat that would be lost is considered Essential Fish Habitat and would be mitigated
14 at the Inner Harbor Mitigation Bank at a ratio of 1.5 acres for each 1 acre impacted. The loss of
15 2,200 square feet (0.05 acres) of marine habitat within the Inner Harbor will be offset by
16 allocating 3,300 square feet (0.08 acres) of marine habitat in the Inner Harbor Mitigation Bank,
17 thus reducing the loss of this habitat to less than significant and less than cumulatively
18 considerable, with mitigation.

19 There is a remote possibility of an accidental oil spill from vessels during the operation of the
20 proposed Project, and while individually such a spill might not be substantial, it would represent a
21 cumulatively considerable contribution to a potentially significant cumulative impact on natural
22 habitats. Therefore, the contribution of the proposed Project on natural habitats would be
23 cumulatively considerable.

24 No mitigation measures are available to reduce the potential for an accidental oil spill; therefore,
25 the contribution of the proposed Project would be cumulatively considerable. Therefore, the
26 Board hereby finds that specific economic, legal, social, technological, or other considerations
27 make infeasible additional mitigation measures or project alternatives, as explained below.

28 **Rationale for Finding**

29 As discussed in the Draft EIR Sections 3.3 and 4, and Final EIR Chapter 3, essential Fish Habitat
30 (EFH) has been and will be lost due to past, present, and future landfill projects in the harbor.
31 EFH protection requirements began in 1996, and thus only apply to projects since that time. The
32 projects that could result in a loss of EFH are Pier 400, Berths 136–147 Marine Terminal,
33 Channel Deepening, Berths 97–109, Middle Harbor Terminal redevelopment, Piers G & J, and
34 Pier T. The Pier S Marine Terminal project could alter EFH through Back Channel safety
35 improvements, and the West Basin Installation Restoration Site 7 Dredging Project could alter
36 EFH through dredging. The losses since 1996 include fill for the Pier 400 project and part of the
37 Channel Deepening project. These impacts were significant but mitigable under CEQA, and the
38 use of mitigation bank credits for the marine habitat loss impacts also offset the losses of EFH.
39 Impacts of fill for the future projects would also be offset by use of mitigation bank credits.

1 Natural habitats, special aquatic sites (e.g., eelgrass beds, mudflats), and plant communities
2 (wetlands) have a limited distribution and abundance in the harbor. The 40-acre Pier 300
3 expansion project caused a loss of eelgrass beds that was mitigated as part of the Pier 300 Project.
4 The Southwest Slip fill in the West Basin completed as part of the Channel Deepening Project
5 resulted in a small loss of saltmarsh that was also mitigated. Prior to agreements to preserve
6 natural habitats such as mitigation credit systems, losses of eelgrass, mudflats, and saltmarsh from
7 early landfill projects were not documented but were likely to have occurred due to the physical
8 changes to the Port. Therefore, cumulative impacts of construction activities are considered
9 significant.

10 Oil spills from tankers in the harbor would have the potential to affect eelgrass beds at Cabrillo
11 Beach and the Pier 300 Shallow Water Habitat, mudflats, and the Cabrillo saltmarsh under a
12 worst-case scenario. Cumulative oil spill impacts would be significant, and unavoidable for
13 eelgrass beds and other natural habitats. Therefore, the Board hereby finds that specific
14 economic, legal, social, technological, or other considerations make infeasible additional
15 mitigation measures or project alternatives, as explained below.

16 **Cumulative Impact BIO-4: Disruption of Local Biological** 17 **Communities—Cumulatively Considerable and Unavoidable**

18 **Cumulative Impact BIO-4** represents the potential of the proposed Project when combined with
19 past, present, and future projects to cause a cumulatively substantial disruption of local biological
20 communities (e.g., from the introduction of noise, light, or invasive species).

21 **Finding**

22 Due to the developed existing condition of the terrestrial portion of the site, the proposed Project
23 would not result in any significant alteration of terrestrial biological communities. For marine
24 biological communities, potential alterations of biological communities would include an increase
25 of shade on intertidal and harbor edges from construction of new overwater structures and the
26 potential for an accidental oil spill. Changes associated with shading would not alter the general
27 character of Inner Harbor intertidal or harbor edge habitat and associated communities from their
28 existing conditions. There is a remote possibility of an accidental oil/gas spill/leak from
29 recreational vessels using the proposed Project area during the operation of the proposed Project,
30 and if an accidental oil spill occurred, it would represent a cumulatively considerable contribution
31 to a potentially significant cumulative impact on marine biological communities. Therefore, the
32 incremental contribution of the proposed Project on Impact BIO-4 would be cumulatively
33 considerable.

34 No mitigation measures are available to reduce the potential for an accidental oil spill; therefore,
35 the contribution of the proposed Project would be cumulatively considerable. Therefore, the
36 Board hereby finds that specific economic, legal, social, technological, or other considerations
37 make infeasible additional mitigation measures or project alternatives, as explained below.

38 **Rationale for Finding**

39 As discussed in the Draft EIR Sections 3.3 and 4, and Final EIR Chapter 3, cumulative marine
40 terminal projects (e.g., Berths 136-147 Marine Terminal, San Pedro Waterfront Project, Channel

1 Deepening, Evergreen Improvements, Pier 400 Oil Marine Terminal, Ultramar, China Shipping,
2 LAXT Crude Oil, YTI, Yang Ming, Middle Harbor, Piers G & J, Pier T TTI, and Pier S) that
3 involve vessel transport of cargo and recreational boat traffic into and out of the harbor have
4 increased vessel traffic in the past and would continue to do so in the future. Commercial and
5 recreational vessels have introduced invasive exotic species into the harbor through ballast water
6 discharges and via their hulls. Ballast water discharges are now regulated so that the potential for
7 introduction of invasive exotic species by this route has been greatly reduced. The potential for
8 introduction of exotic species via vessel hulls has remained about the same, but use of antifouling
9 paints and periodic cleaning of hulls to minimize frictional drag from growth of organisms keeps
10 this source low. While exotic species are present in the harbor, there is no evidence that these
11 species have disrupted its biological communities. Biological baseline studies conducted in the
12 harbor continue to show the existence of diverse and abundant biological communities.
13 However, absent the ability to eliminate the introduction of new species through ballast water or
14 on commercial and recreational vessel hulls, it is possible that additional invasive exotic species
15 could become established in the harbor over time, even with these control measures. As a
16 consequence, past, present, and reasonably foreseeable future projects would result in significant
17 cumulative local biological community impacts related to the introduction of invasive species.

18 **Geological Impacts**

19 **Cumulative Impact GEO-1: Damage or Risk due to Fault Rupture,** 20 **Seismic Ground Shaking, Liquefaction, or other Seismically Induced** 21 **Ground Failure—Cumulatively Considerable and Unavoidable**

22 **Cumulative Impact GEO-1** addresses the degree to which the proposed Project when combined
23 with past, present, and reasonably foreseeable future projects would place structures and/or
24 infrastructure in danger of substantial damage or expose people to substantial risk following a
25 seismic event.

26 **Finding**

27 As discussed in Section 3.5.4.3.1 of the Draft EIR the proposed Project would result in significant
28 impacts from both construction and operation of the proposed Project relative to Impact GEO-1,
29 even with incorporation of modern construction engineering and safety standards. Segments of
30 the active Palos Verdes Fault zone cross the Los Angeles Harbor in the vicinity of the westerly
31 portion of the proposed project site. Current data suggest that segments of the fault may cross
32 beneath the proposed multi-use CCT expansion along John S. Gibson Boulevard. Because the
33 proposed project area is potentially underlain by strands of the active Palos Verdes Fault and
34 liquefaction-prone soils, there is a substantial risk of seismic impacts. For example, part of the
35 proposed Project includes the adaptive reuse of the Bekins Storage Property for a Waterfront Red
36 Car Museum. Increased exposure of people and property during operations to seismic hazards
37 from a major or great earthquake cannot be precluded even with the incorporation of modern
38 construction engineering and safety standards. Therefore, potential impacts due to seismically
39 induced ground failure would remain.

40 The proposed Project would not increase the risk of seismic ground shaking, but it would
41 contribute to the potential for ground shaking to result in ground failure (e.g., liquefaction,

1 differential settlement). It would also contribute to the potential for seismically induced ground
2 shaking to result in damage to people and structures because it would increase the amount of
3 structures and people working in the area. The incremental contribution of the proposed Project
4 would be cumulatively considerable.

5 Project engineers use a combination of probabilistic and deterministic seismic hazard assessment
6 for seismic design prior to any construction projects. Structures and infrastructure planned for
7 areas with high liquefaction potential must have installation or improvements comply with
8 regulations to ensure proper construction and consideration for associated hazards.

9 However, even with incorporation of modern construction engineering and safety standards, no
10 mitigation is available that would reduce impacts to less than cumulatively considerable in the
11 event of a major earthquake. Therefore, the proposed Project would result in a cumulatively
12 considerable and unavoidable impact when combined with past, present, and reasonably
13 foreseeable projects. Therefore, the Board hereby finds that specific economic, legal, social,
14 technological, or other considerations make infeasible additional mitigation measures or project
15 alternatives, as explained below.

16 **Rationale for Finding**

17 Southern California is recognized as one of the most seismically active areas in the United States.
18 The region has been subjected to at least 52 major earthquakes (i.e., of Magnitude (M) 6 or
19 greater) since 1796. Earthquakes of M7.8 or greater occur at the rate of about two or three per
20 1,000 years, corresponding to a 6 to 9% probability in 30 years. Therefore, it is reasonable to
21 expect a strong ground motion seismic event during the lifetime of any project proposed in the
22 region.

23 Past, present, and reasonably foreseeable future projects would not change the risk of seismic
24 ground shaking. However, past projects have resulted in the backfilling of natural drainages at
25 Port of Los Angeles berths with various undocumented fill materials. In addition, dredged
26 materials from the harbor area were spread across lower Wilmington from 1905 until 1910 or
27 1911 (Ludwig 1927). In combination with natural soil and groundwater conditions in the area
28 (i.e., unconsolidated, soft, and saturated natural alluvial deposits and naturally occurring shallow
29 groundwater), backfilling of natural drainages and spreading of dredged materials associated with
30 past development at the Port has resulted in conditions with increased potential for liquefaction
31 following seismic ground shaking.

32 In addition, past development has increased the amount of infrastructure, structural
33 improvements, and the number of people working on site in the communities of Wilmington and
34 San Pedro, as well as at the Port of Los Angeles (i.e., the cumulative geographic scope). This
35 past development has placed commercial, industrial, and residential structures and their occupants
36 in areas that are susceptible to seismic ground shaking. Thus, these developments have had the
37 effect of increasing the potential for seismic ground shaking to result in damage to people and
38 property. The proposed Project and many of the related projects share interconnected
39 infrastructure (e.g., roads, utilities, pipelines, wharves, etc.) that would be impacted by
40 seismically induced ground failure. The amount of overlapping infrastructure that is susceptible
41 to failure is increased by the addition of each cumulative project. Infrastructure failure at
42 multiple facilities is cumulatively greater than failure at individual facilities, as regional
43 infrastructure becomes increasingly unusable with combined failure.

1 All of the present and reasonably foreseeable future projects, with the exception of the Channel
2 Deepening Project and the Artificial Reef Project, as these do not involve existing or proposed
3 structural engineering or onsite personnel, would also result in increased infrastructure, structure,
4 and numbers of people working on site in the cumulative geographic scope. Therefore, the
5 proposed Project when combined with the effects of past, present, and reasonably foreseeable
6 future projects would result in significant cumulative impacts.

7 **Noise**

8 **Cumulative Impact NOI-1: Increase in Ambient Noise Levels due to** 9 **Construction—Cumulatively Considerable and Unavoidable**

10 **Cumulative Impact NOI-1** represents the potential of proposed project construction activities
11 when combined with past, present, and reasonably foreseeable future projects to cause a
12 substantial increase in ambient noise levels at sensitive receptors within the cumulative
13 geographic scope.

14 Cumulative noise impacts would potentially occur from the construction of other projects within
15 the area. Noise from the construction of these projects would tend to be localized, thus
16 potentially affecting the areas immediately surrounding each prospective project site. Of these
17 projects, those within 0.25 mile could result in construction noise that exceeds significance
18 thresholds depending upon the timing of construction. A substantial increase would occur if
19 existing ambient exterior noise levels increased by 5 dBA (L_{eq}) or more at a noise sensitive use.
20 Community noise levels are measured in decibels. For a project to make a cumulatively
21 considerable contribution to the cumulative effect, noise from the project's construction activities
22 must increase the cumulative level by at least 5 dBA L_{eq} .

23 **Finding**

24 In the construction phase of the proposed Project, construction of the various elements would
25 cause a significant noise impact on sensitive receptors in the vicinity. This would affect two
26 residential neighborhoods: the residential area north of Harry Bridges Boulevard to C Street,
27 bounded on the east by Broad Avenue and on the west by Lagoon Avenue; and the pocket
28 residential neighborhood east of I-110, bounded on the north and east by Pacific Avenue. There
29 would be a substantial increase in noise, as identified in Section 3.9.4.3.1 of the Draft EIR.

30 A variety of development projects are planned (as discussed above) that would potentially be
31 under construction concurrently. There would be significant construction noise impacts in the
32 residential neighborhoods identified above due to the combination and concurrent construction of
33 the development of present and reasonably foreseeable future projects and elements of the
34 proposed Project. Therefore, the contribution of the proposed Project would be cumulatively
35 considerable under Impact NOI-1 when combined with past, present, and reasonably foreseeable
36 future projects.

37 Implementation of Mitigation Measures **MM NOI-1a** (Temporary Noise Barriers), **MM NOI-1b**
38 (Construction Hours), **MM NOI-1c** (Construction Days), **MM NOI-1d** (Construction
39 Equipment), **MM NOI-1e** (Idling Prohibitions), **MM NOI-1f** (Equipment Location), **MM NOI-**

1 **1g** (Quiet Equipment Selection), **MM NOI-1h** (Notification) and **MM NOI-1i** (Reporting) would
2 reduce impacts during construction (see Draft EIR, Section 3.9, “Noise”). Therefore, the Board
3 hereby finds that changes or alterations have been required in, or incorporated into the proposed
4 Project that avoid or substantially lessen the significant environmental effect identified in the
5 Final EIR. However, the standard controls and temporary noise barriers would not be sufficient
6 to reduce the projected increase in the ambient noise level to the point where it would no longer
7 cause a cumulatively significant impact during construction. The impacts on the residential
8 neighborhoods during construction of the proposed Project will remain cumulatively considerable
9 with mitigation. Therefore, the Board hereby finds that specific economic, legal, social,
10 technological, or other considerations make infeasible additional mitigation measures or project
11 alternatives, as explained below.

12 **Rationale for Findings**

13 As discussed in the Draft EIR Sections 3.9 and 4 and Final EIR Chapter 3, the list of related and
14 cumulative projects was reviewed to determine if construction activities associated with any of
15 these projects could, in combination with the proposed Project, cause a cumulative construction
16 noise impact.

17 The Berths 136–147 Marine Terminal would be located south of Harry Bridges Boulevard, and
18 involves expansion and redevelopment of the TraPac Terminal, as well as the reconfiguration of
19 wharves and backlands, and would likely overlap with the beginning stages of Phase I of the
20 proposed Project. Where construction schedules overlap, periodically elevated noise levels due to
21 construction activity would be extended. The Channel Deepening Project would be located
22 throughout the channel immediately south of the proposed Project. It is likely that dredging
23 operations associated with the Channel Deepening Project would either be concurrent with
24 construction activities necessary for some elements of the proposed Project, or would occur in about
25 the same timeframe (either shortly before or after), extending the period of elevated noise levels.
26 While detailed assessments of construction noise levels that could result from related projects have
27 not been completed, it is likely that construction activities and associated noise levels would be
28 similar to those expected from the equipment necessary to construct the proposed project elements.

29 There are other projects in the related and cumulative projects list that could also affect sensitive
30 receptors within the cumulative geographic scope. The San Pedro Waterfront Project is scheduled
31 for construction from 2010 to 2015 and is located along the Vincent Thomas Bridge down to Berths
32 49 and 50. The China Shipping Development Project is scheduled for construction from 2009 to
33 2015 and is located east of the I-110 and north of the Vincent Thomas Bridge, adjacent to sensitive
34 receptors. Other development projects near residential areas that have the potential to create a
35 cumulative impact include the South Wilmington Grade Separation, “C” Street/Figueroa Street
36 Interchange, Port Transportation Master Plan, I-110/SR47 Connector Improvement Program, Single
37 Family Homes on Gaffey Street, Target on Gaffey Street, and the Dana Strand Public Housing
38 Redevelopment Project. Therefore, the construction of the proposed Project in combination with
39 the construction of present and reasonably foreseeable future projects would have significant
40 cumulative noise impacts on sensitive receptors.

1 **Environmental Justice**

2 While not a required CEQA analysis topic, the EIR includes an analysis of environmental justice.
3 The environmental justice analysis complies with Executive Order 12898, Federal Actions to Address
4 Environmental Justice in Minority Populations and Low-Income Populations, which requires federal
5 agencies to assess the potential for their actions to have disproportionately high and adverse
6 environmental and health impacts on minority and low-income populations, and with the Council on
7 Environmental Quality (CEQ) Guidance for Environmental Justice Under NEPA (CEQ 1997). This
8 assessment is also consistent with California state law regarding environmental justice.

9 After implementation of mitigation measures, the proposed Project would result in disproportionate
10 effects on minority and low-income populations as a result of significant project and cumulative
11 impacts related to air quality, geology, and construction noise. All other resource impacts would
12 either be less than significant or, if significant, would be limited to the proposed project site, would
13 not affect the public, would be mitigated to less-than-significant levels, or would otherwise not be
14 disproportionately high and adverse effects on minority and low-income populations.

15 Under Executive Order 12898, offsetting benefits should also be considered by decision-makers when
16 a project would result in disproportionately high and adverse effects. The intent of the proposed
17 Project is to improve the livability of the area by providing new open spaces, enhancing
18 commercial/retail areas in Wilmington and along the waterfront, and improving the connectivity of
19 the Wilmington community with the waterfront.

20 The proposed Project would create economic benefits in the form of jobs and revenue (see Draft EIR,
21 Chapter 7, “Socioeconomics and Environmental Quality”). In addition, the proposed Project would
22 improve existing views and create opportunities for new views within the landscape by constructing
23 new attractive features such as the elevated park and land bridge, and enhancements along the
24 waterfront and along the industrial/commercial corridor in the southern portion of the Wilmington
25 community, which includes the proposed Railroad Green Park (see Draft EIR, Section 3.1,
26 “Aesthetics and Visual Resources”). Also, if contaminated soils are encountered during construction,
27 site remediation would result in beneficial impacts (see Draft EIR, Section 3.6, “Groundwater and
28 Soils”).

29 **Finding Regarding Responses to Comments on the Draft** 30 **EIR**

31 The Board of Harbor Commissioners finds that all information added to the EIR after public notice of the
32 availability of the Draft EIR for public review but before certification merely clarifies or amplifies or
33 makes insignificant modifications to the Draft EIR and does not require recirculation.

34 After careful consideration of all comments, the Board recognizes that disagreements among experts may
35 remain with respect to environmental impacts identified in the Final EIR. The main point of
36 disagreement included assessment of environmental impacts related to Air Quality. This disagreement is
37 addressed in detail in the responses to comments (see Chapter 2 of the Final EIR). The Board finds that
38 substantial evidence supports the conclusions in the Final EIR.

II. Alternatives to the Proposed Project

Alternatives Considered

The EIR presents a reasonable range of alternatives pursuant to CEQA. LAHD must define alternatives in light of the requirements of the Los Angeles City Charter, the Los Angeles Tidelands Trust Grant, the Public Trust Doctrine, and the California Coastal Act. These legal mandates demand that LAHD use the Port for the purposes of promoting and accommodating waterborne commerce, navigation, fishery, and related purposes.

Eight alternatives, not including the proposed Project, were considered and evaluated in regards to how well each met the objectives for the proposed Project. Five of these alternatives were eliminated from detailed consideration for various reasons, as discussed in Section ES.5.4 and Section 2.9.3 of the Draft EIR. Chapter 5 of the Draft EIR compares the proposed Project and the alternatives and identifies the environmentally superior alternative.

The following alternatives were considered in detail:

- Proposed Project
- Alternative 1—Alternative Development Scenario 1 (Reduced Development)
- Alternative 2—Alternative Development Scenario 2 (Reduced Construction and Demolition)
- Alternative 3—No Project Alternative

Alternatives Eliminated from Further Consideration

Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (CEQA Guidelines, Section 15126[f][2]). Alternatives may be eliminated from detailed consideration in an EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects (CEQA Guidelines, Section 15126.6[c]). The Board hereby finds, for the reasons discussed in the Draft EIR in Section 5.5, the following alternatives to be infeasible.

- Alternative Project Designs—Avalon Pier Project Design
- Connected Bands
- No In-Water Construction
- No Street Vacation of Avalon Boulevard or Realignment of Broad Avenue
- Other Sites within the Port Boundaries and LAHD Jurisdiction

1 **Alternatives Analyzed in the EIR**

2 Chapter 5 of the Draft EIR contains a detailed comparative analysis of the alternatives that were
 3 found to achieve the project objectives, are considered ostensibly feasible, and may reduce
 4 environmental impacts associated with the proposed Project. Table 15 presents a summary of the
 5 impact analysis for the proposed Project and the Alternatives. Table 16 presents a comparison of the
 6 Alternatives to the proposed Project.

7 **Table 14. Summary of CEQA Significance Analysis by Alternative**

<i>Environmental Resource Area*</i>	<i>Proposed Project</i>	<i>Alternative 1</i>	<i>Alternative 2</i>	<i>No Project Alternative 3</i>
Air Quality	S	S	S	L
Biological Resources	M	M	M	N
Geology	S	S	S	S
Noise	S	S	S	N
Cultural Resources	M	S	M	S
Groundwater and Soils	M	M	S	S
Transportation	M	L	M	L
Utilities	M	M	M	L
Notes: *Only environmental resources with unavoidable significant impacts or significant but mitigable impacts are included in the table and the analysis used to rank alternatives; the analysis includes project-level impacts, not cumulative effects. S = Significant Unavoidable M = Significant but Mitigable L = Less than Significant N = No Impact				

8

9 **Table 15. Comparison of Alternatives to the Proposed Project**

<i>Environmental Resource Area*</i>	<i>Alternative 1</i>	<i>Alternative 2</i>	<i>No Project Alternative 3</i>
Air Quality	-1	-1	-2
Biological Resources	0	0	-1
Geology	-1	1	1
Noise	-1	-1	-2
Cultural Resources	1	-1	1
Groundwater and Soils	0	1	1
Transportation	-1	0	-1
Utilities	-1	-1	-2

<i>Environmental Resource Area*</i>	<i>Alternative 1</i>	<i>Alternative 2</i>	<i>No Project Alternative 3</i>
Total	-4	-2	-5
<p>Notes: *Only environmental resources with unavoidable significant impacts or significant but mitigable impacts are included in the table and the analysis used to rank alternatives; the analysis includes project-level impacts, not cumulative effects.</p> <p>-2 = Impact considered to be substantially less when compared with the proposed Project.</p> <p>-1 = Impact considered to be somewhat less when compared with the proposed Project.</p> <p>0 = Impact considered to be equal to the proposed Project.</p> <p>1 = Impact considered to be somewhat greater when compared with the proposed Project.</p> <p>2 = Impact considered to be substantially greater when compared with the proposed Project.</p> <p>Where significant unavoidable impacts would occur across different alternatives but there are impact intensity differences between those alternatives, numeric differences are used to differentiate alternatives (i.e., in some cases, there are differences at the individual impact level, such as differences in number of impacts or relative intensity).</p>			

1

2 **Environmentally Superior Alternative**

3 Based on the above analysis, the No Project Alternative is the environmentally superior alternative
 4 because it would create fewer adverse impacts, including those which would be significant and
 5 unavoidable. However, CEQA Guidelines Section 15126.6(e)(2) requires that in cases where the No
 6 Project Alternative is determined to be the environmentally superior alternative, another must also be
 7 identified as environmentally superior. Consequently, both the No Project Alternative (3) and the
 8 Reduced Development: No Avalon Development District Alternative (1) would be the
 9 environmentally superior alternatives. However, neither the No Project Alternative or Alternative 1
 10 would meet the Project objectives.

11 Under the No Project Alternative, impacts on air quality, biological resources, noise, and utilities
 12 would be reduced in comparison to the proposed Project. Impacts on geology, groundwater and soils,
 13 and cultural resources would be greater than the proposed Project. However, development that
 14 deviates from the existing plans would not be allowed under the No Project Alternative. Minor
 15 expansions and building modifications would be allowed per the zoning and land use designations,
 16 but substantial redevelopment or coordinated planning efforts would not. No proposed project
 17 objectives would be met (as discussed in Section 5.2.3.3.1 of the Draft EIR).

18 Under Alternative 1, Reduced Development: No Avalon Development District Alternative, the
 19 Avalon Waterfront District would be developed in the same manner as the proposed Project, but no
 20 effort would be made to improve the Avalon Development District. Consequently, development in
 21 this district would not be in coordination with the rest of the Wilmington Waterfront Development
 22 Program. Impacts on air quality, geology, noise, transportation, and utilities would be slightly

1 reduced, while impacts on cultural resources due to the indefinite neglect of the historic Bekins
2 Building would be significant and unavoidable.

3 As discussed in Section 5.2.3.1.1 of the Draft EIR, Alternative 1 would meet project objectives except
4 for #4, which aims to enhance the livability and the economic viability of the Los Angeles Harbor
5 area, Wilmington community, and surrounding region by promoting sustainable economic
6 development and technologies within the existing commercial Avalon Development District.
7 Because Alternative 1 would not develop the Avalon Development District, sustainable economic
8 development and technologies would not be promoted in this area.

9 Alternative 2 would not meet project objective #2, which aims to design and construct a waterfront
10 park and promenade to enhance the connection of the Wilmington community with the waterfront.
11 While the pedestrian “water” bridge would still be constructed allowing safe pedestrian access to the
12 waterfront from the intersection of Avalon and Harry Bridges Boulevards, the LADWP Marine Tank
13 Farm storage tanks would remain in place and would continue to disrupt views and access to the
14 waterfront. The result would be a continuation of a physical and visual disconnect between the
15 Wilmington community and the waterfront.

16 However, as noted in Table 5-2 of the Draft EIR, Alternatives 1 and 2 would result in additional
17 significant and unavoidable impacts (cultural resources and groundwater and soils, respectively). In
18 addition, while the alternatives have slightly reduced impacts in more environmental resource areas,
19 the proposed Project would have less than significant or less than significant after mitigation impacts
20 in all but three resource areas.

21 **CEQA Findings for Alternatives Analyzed**

22 **Project Purpose**

23 The Port of Los Angeles is specifically recognized in the California Coastal Act of 1976 (PRC §§
24 30000 et seq.) as a primary economic and coastal resource, essential to the national maritime industry
25 (PRC § 30701(a)). The State of California granted the tidelands comprising the Port in trust to the
26 City of Los Angeles in 1929 by statute commonly referred to as the “Los Angeles Tidelands Trust
27 Grant” (Chapter 651, Statutes of 1929, as amended). As trustee of the Port, the LAHD operates it in
28 accordance with the Los Angeles City Charter, the Los Angeles Tidelands Trust Grant, the Public
29 Trust Doctrine, and the California Coastal Act. These legal mandates require that LAHD use the Port
30 for the purposes of promoting and accommodating waterborne commerce, navigation, fishery, and
31 related purposes.

32 The overall purposes of the proposed Project are to increase public access to the waterfront; improve
33 pedestrian connectivity from Wilmington to the waterfront; allow additional visitor-serving
34 commercial and recreational development at the Waterfront District; improve the local economy and
35 economic sustainability of the community by improving the industrial corridor along Harry Bridges
36 and Avalon Boulevards; and finally to enhance automobile, truck, and rail transportation within and
37 around the immediate area of the Port. The proposed Project seeks to achieve these goals by
38 improving existing infrastructure and providing new infrastructure facilities, providing waterfront
39 linkages and pedestrian enhancements, developing neighborhood and regional recreational open
40 space, and providing increased development and redevelopment opportunities in the Avalon
41 Development District and Avalon Waterfront District.

Project Objectives

The proposed project objectives were developed based on the community planning process that was described in the Draft EIR. These objectives are to:

1. Create a project that will serve as a regional draw and attract visitors to the Wilmington Waterfront;
2. Design and construct a waterfront park, promenade, and dock to enhance the connection of the Wilmington community with the waterfront while integrating design elements related to the Port's and Wilmington's past, present, and future;
3. Construct an independent project that integrates design elements consistent with other area community development plans to create a unified Los Angeles waterfront through the integration of publicly oriented improvements;
4. Enhance the livability and economic viability of the Los Angeles Harbor area, Wilmington community, and surrounding region by promoting sustainable economic development and technologies within the existing commercial Avalon Development District; and
5. Integrate environmental measures into design, construction, and operation to create an environmentally responsible project.

Alternative 1—Reduced Development: No Avalon Development District

As compared to the proposed Project, Alternative 1 would reduce the development footprint by not improving the Avalon Development District (Areas A and B) generally north of Harry Bridges Boulevard and in a portion north of A Street between Marine Avenue and Avalon Boulevard. Instead, this alternative would only develop the Avalon Waterfront District, CCT, and provide program-level planning for the Waterfront Red Car Line (discussed in greater detail in Section 2.6.3 of the Draft EIR).

The Avalon Waterfront District is generally bounded by A Street and a portion of Harry Bridges Boulevard to the north, Broad Avenue to the east, Fries Avenue to the west, and the waterfront to the south. The Waterfront Red Car Line/CCT would begin at Swinford Street, run along Front Street, connect with John S. Gibson Boulevard, and then continue onto Harry Bridges Boulevard until terminating at Avalon Boulevard. This alternative would reduce the amount of construction materials, construction vehicle emissions, earthwork, grading, and construction noise; shorten construction time; and reduce operational impacts in comparison to the proposed Project.

Alternative 1 would not include streetscape and pedestrian enhancements along portions of Harry Bridges Boulevard, C Street, portions of Avalon Boulevard, Lagoon Avenue, Island Avenue, portions of Fries Avenue, Marine Avenue, and portions of Broad Avenue. Nor would it develop the infrastructure to support approximately 150,000 square feet of development for light industrial uses (for green technology businesses) or the 58,000 square feet of retail/commercial uses. In addition, Alternative 1 would not include implementation of the Waterfront Red Car Museum, rehabilitation of the 14,500-square-foot Bekins Property, or development and landscaping of the 1-acre Railroad Green. Extension of the Waterfront Red Car Line and

1 California Coastal Trail to the San Pedro Community, beginning at Swinford Street and ending at
2 Avalon Boulevard, however, would remain as a development component of Alternative 1 as
3 planned under the proposed Project.

4 The Avalon Development District would remain underdeveloped in its existing condition. This
5 area would have the potential to undergo redevelopment in the future, but it would not be in
6 combination or coordination with the Wilmington Waterfront Development Program. Under this
7 alternative, development of the infrastructure within the Avalon Development District would not
8 be assured and the land would potentially remain vacant indefinitely.

9 As with the proposed Project, however, the boundary extensions would include the entire Avalon
10 Waterfront District and Avalon Triangle Park, but would not include Avalon Development
11 District Area B. No physical changes would occur at the Avalon Triangle Park site.

12 Alternative 1 would develop the Avalon Waterfront District in the same manner as the proposed
13 Project, as discussed in greater detail in Section 2.6.2 of the Draft EIR. Briefly, elements that
14 would occur include:

- 15 ■ **Waterfront Promenade**—adding pedestrian-oriented features and improvements such as
16 a waterfront promenade with viewing piers and 12,000 square feet of restaurant/retail
17 development, a 200-foot Observation Tower with a pedestrian ramp, removing the Los
18 Angeles Department of Water and Power (LADWP) Marine Tank site and associated
19 pipe conveyance infrastructure, and remediating the site; this area is generally defined by
20 the current Water Street alignment and the National Polytechnic University (College of
21 Oceanengineering) to the north, Fries Avenue to the west, and the current Avalon Boulevard
22 alignment to the east. The Port harbor and views of the water at Slip 5 are along its
23 southern border.
- 24 ■ **Land Bridge and Elevated Park**—a 10-acre Land Bridge with an elevated park and a
25 pedestrian “water” bridge enhanced by an integrated water feature that will provide the
26 surrounding community with open space and improved pedestrian access to the
27 waterfront; this area is generally bounded by A Street to the north, Avalon Boulevard to
28 the east, the Harbor Generating Station and its associated peaker unit to the west, with the
29 Harbor Rail Line and Slip No. 5 to the south.
- 30 ■ **Avalon Triangle Park**—located south of Harry Bridges Boulevard, between Broad
31 Avenue and Avalon Boulevard. Avalon Triangle Park is not part of the proposed Project,
32 but it would be included within the area that would be encompassed by the proposed Port
33 Plan and PMP boundary expansion.
- 34 ■ **Avalon Boulevard, Broad Avenue, and Water Street Realignment**—downgrade and
35 vacate Avalon Boulevard south of A Street, realign Broad Avenue to the waterfront, and
36 realign Water Street to run adjacent to the Pacific Harbor Rail Line, which is proposed to
37 travel under the proposed Land Bridge to improve pedestrian circulation and provide
38 space for the waterfront promenade.

39 The elements or actions associated with the Avalon Waterfront District primarily include the
40 development of a waterfront promenade, including visitor-serving amenities such as commercial
41 development and an observation tower; the development of a Land Bridge with open space and
42 an elevated park, and an Entry Plaza and a pedestrian water bridge connecting Harry Bridges

1 Boulevard to the waterfront promenade. The existing LADWP Marine Tank site in the area
2 would be demolished, and surface parking and traffic improvements are proposed.

3 **Finding**

4 The Board hereby finds that specific economic, legal, social, technological, or other
5 considerations make this alternative infeasible. More specifically for the reasons discussed below
6 and in Draft EIR Chapter 5, the Reduced Development Alternative would not meet all of the
7 Project Objectives, specifically Objective #4, and on that basis, rejects the Reduced Development
8 Alternative.

9 **Facts in Support of Finding**

10 When compared against the CEQA baseline, the Reduced Development Alternative would result
11 in fewer environmental impacts than the proposed Project because its operational capacity and
12 level of capital development would be reduced overall.

13 The reduced environmental impacts include: reduced air quality impacts (reduced construction
14 and operational emissions), reduced geologic impacts (fewer buildings to be damaged as a result
15 of earthquakes), reduced noise impacts (less construction), and reduced impacts from ground
16 traffic (fewer trips) and lessened utilities impacts (lack of development within the Avalon
17 Development District would reduce the need for new or expanded utilities).

18 Although impacts on the resources identified above would be less than the proposed Project, the
19 following resources would still result in significant and unavoidable impacts under the Reduced
20 Development Alternative: air quality, geology, and noise. Therefore, the Reduced Development
21 Alternative would not result in fewer significant and unavoidable impacts when compared to the
22 proposed Project.

23 Although Alternative 1 construction emissions would be reduced, it would likely not be enough
24 to reduce impacts from construction emissions and the combination of construction and operation
25 emissions during 2011 through 2015. Impacts would be reduced in comparison to the proposed
26 Project, but would still remain significant even after the implementation of Mitigation Measures
27 MM AQ-1 through MM AQ-9. Moreover, because the Avalon Waterfront District would still be
28 developed under this scenario, impacts on visitors to the proposed project site would still occur.
29 These visitors could be exposed to elevated levels of TACs from these adjacent emission sources.

30 As with the proposed Project, because the proposed project area is potentially underlain by
31 strands of the active Palos Verdes Fault and liquefaction-prone soil, there is a substantial risk of
32 seismic impacts such as fault rupture, seismic ground shaking, liquefaction, or other seismically
33 induced ground failure. When compared with the proposed Project, Alternative 1 would bring
34 fewer people to the proposed project site and no buildings would be constructed in the Avalon
35 Development District, but impacts due to seismically induced ground failure at the Avalon
36 Waterfront District would remain significant and unavoidable.

37 As with the proposed Project, because construction would occur over an extended period of time
38 close to existing sensitive receptors, construction noise impacts would remain significant and

1 unavoidable. Implementation of Mitigation Measure MM NOI-1 would reduce impacts resulting
2 from construction noise; however, it would not be sufficient to reduce the projected increase in
3 the ambient noise level to a level below significance. Thus, impacts on sensitive receptors
4 resulting from construction would remain significant even after mitigation.

5 Under the Reduced Development Alternative the Avalon Waterfront District would be developed
6 in the same manner as the proposed Project, but no effort would be made to improve the Avalon
7 Development District. Consequently, development in this district would not be in coordination
8 with the rest of the Wilmington Waterfront Development Program. Furthermore, impacts on
9 cultural resources due to the indefinite neglect of the historic Bekins Building would be
10 significant and unavoidable.

11 Alternative 1 would meet nearly all of the proposed project objectives except for Project
12 Objective #4, which aims to enhance the livability and the economic viability of the Los Angeles
13 Harbor area, Wilmington community, and surrounding region by promoting sustainable economic
14 development and technologies within the existing commercial Avalon Development District.
15 Because Alternative 1 would not develop the Avalon Development District, sustainable economic
16 development and technologies would not be promoted in this area.

17 Thus, based on the analyses in Chapter 5 of the Draft EIR, the Reduced Development Alternative
18 would result in fewer environmental impacts than the proposed Project, but impacts on Air
19 Quality, Geology, and Noise would remain significant and unavoidable, and impacts on Cultural
20 Resources would be greater than the proposed Project; moreover, the Reduced Development
21 Alternative would not meet the overall project purpose or objectives under CEQA.

22 **Alternative 2—Reduced Construction and Demolition:** 23 **LADWP Marine Tank Farm to Remain**

24 Alternative 2 is an alternative development scenario that would reduce the amount of construction
25 and demolition activities by leaving the LADWP Marine Tank Farm in place and reducing the
26 size of the land bridge by only building the Phase I portion. Alternative 2 would also develop the
27 Avalon Development District (Areas A and B), discussed in greater detail in Section 2.6.1 of the
28 Draft EIR. This alternative would reduce the amount of construction materials, resources,
29 construction vehicle emissions and noise, earthwork and grading, and demolition work when
30 compared with the proposed Project. However, because the LADWP Marine Tank Farm would
31 remain in place, no site remediation would occur and the land bridge would not connect to the
32 Avalon Development District. Access to the waterfront would still be provided by the proposed
33 pedestrian “water” bridge, but the land bridge would terminate at the LADWP Marine Tank Farm
34 site boundary. This would result in an approximately 4-acre Phase I land bridge park, roughly 6
35 fewer acres than under the proposed Project.

36 Other than not including the Phase II portion of the land bridge and not removing the LADWP
37 Marine Tank Farm, Alternative 2 would propose the same elements as the proposed Project,
38 including realigning Water Street. As with the proposed Project, development and infrastructure
39 improvements would occur at the Avalon Development District including the CCT, program-
40 level planning would occur for the Waterfront Red Car Line, and the Port Plan and PMP
41 boundary extensions would include all of the area identified with the proposed project boundary.

1 **Finding**

2 The Board hereby finds that specific economic, legal, social, technological, or other
3 considerations make this alternative infeasible. More specifically, for the reasons discussed below
4 and in Chapter 5, the Reduced Construction and Demolition Alternative would not meet all of the
5 Project Objectives, specifically, Objective #2, and on that basis rejects the Reduced Construction
6 and Demolition Alternative.

7 **Facts in Support of the Finding**

8 When compared against the CEQA baseline, the Reduced Construction and Demolition
9 Alternative would result in fewer environmental impacts than the proposed Project because its
10 construction and demolition activities would be lower. These reduced environmental impacts
11 under Alternative 2 include fewer air quality impacts (less construction/demolition, and shorter
12 duration of construction/ demolition), less noise impacts (less construction and shorter duration of
13 construction), fewer cultural impacts (development and improvement of the soils underneath the
14 LADWP Marine Tank Farm would not occur), and fewer utility impacts (reduced water demand).

15 Although impacts on these resources would be less than under the proposed Project, the following
16 resources would still result in significant and unavoidable impacts under the Reduced
17 Construction and Demolition Alternative: air quality, geology, and noise. The impacts would
18 remain significant and unavoidable, similar to the Reduced Development Alternative and
19 proposed Project. Therefore, the Reduced Construction and Demolition Alternative would not
20 result in fewer significant and unavoidable impacts in comparison to the proposed Project.

21 Under the Reduced Construction and Demolition Alternative the Avalon Development District
22 would be developed in a similar manner as the proposed Project, but the Avalon Waterfront
23 District would only be developed through Phase I and the LADWP tanks would remain in their
24 existing location and conditions. Impacts from seismically induced events from this alternative
25 would be slightly greater than those from the proposed Project because the existing liquid bulk
26 storage tanks would remain adjacent to the proposed park indefinitely. Furthermore,
27 contamination at the LADWP site would not be remediated as part of this Alternative and would
28 potentially worsen over time; impacts related to groundwater and soils would be worse under this
29 alternative when compared with the proposed Project and would be significant and unavoidable.

30 The Reduced Construction and Demolition Alternative would meet Project objectives except for
31 Objective #2, which aims to design and construct a waterfront park and promenade to enhance the
32 connection of the Wilmington community with the waterfront. While the pedestrian “water”
33 bridge would still be constructed allowing safe pedestrian access to the waterfront from the
34 intersection of Avalon and Harry Bridges Boulevards, the LADWP Marine Tank Farm storage
35 tanks would remain in place and would continue to disrupt views and access to the waterfront.
36 The result would be a continuation of a physical and visual disconnect between the Wilmington
37 community and the waterfront.

38 Thus, based on the analyses in Chapter 5 of the Draft EIR, the Reduced Construction and
39 Demolition Alternative would result in fewer environmental impacts than the proposed Project,
40 but impacts on air quality, geology, and noise would remain significant and unavoidable, and
41 impacts on Groundwater And Soils would be greater than under the proposed Project; moreover,

1 the Reduced Construction and Demolition Alternative would not meet the overall project purpose
2 or objectives under CEQA.

3 **Alternative 3—No Project**

4 Alternative 3 considers what would reasonably be expected to occur on the site if no future
5 discretionary actions occurred that were not already allowed under the existing plans. LAHD
6 would not issue any discretionary permits or discretionary approvals, and would take no further
7 action to construct or permit the construction of any portion of the proposed Project unless
8 explicitly allowed for under existing plans. This alternative would not allow implementation of
9 the proposed Project or other physical improvements associated with the proposed Project. Under
10 this alternative, no construction impacts associated with development not explicitly permitted
11 under existing plans would occur.

12 The following existing conditions, onsite tenants, resident companies, and public facilities along
13 with associated foreseeable actions, would occur, or continue to operate, if the No Project
14 Alternative was selected:

- 15 ■ LADWP would continue to maintain the oil storage tanks (3) and accessory structures,
16 and may renew the lease prior to its expiration set for 2012; remediation of the LADWP
17 site would not occur.
- 18 ■ Light industrial and heavy commercial uses, such as the Marine Technical Services
19 Dockside Machine & Ship Repair, would continue to exist and operate north of A Street
20 and north of Harry Bridges Boulevard, along the Avalon Development District; though
21 no area-wide redevelopment plan would be implemented and many buildings would
22 remain in a blighted or underused condition and many sites would remain vacant.
- 23 ■ The historic Bekins Property buildings would not undergo adaptive reuse or
24 reconditioning, but instead would remain on site in their existing condition.
- 25 ■ Banning’s Landing Community Center would continue to operate and its associated
26 parking lot would remain in place.
- 27 ■ The waterfront and existing bulkhead would remain in their existing, deteriorated
28 condition.
- 29 ■ Relocation of Catalina Freight and demolition of the onsite building located at the
30 waterfront could still occur as the tenant is being relocated independently of the proposed
31 Project.
- 32 ■ The National Polytechnic University (f. College of Oceaneering) would continue to
33 operate as with the proposed Project, but no improvements would be made to the surface
34 parking lot and landscaping.
- 35 ■ Avalon Boulevard would continue through to the waterfront; Broad Avenue would
36 terminate at Avalon Boulevard; Water Street would not be realigned.
- 37 ■ Movement of goods would continue by rail transport and through heavy truck operations
38 using the exiting transportation corridors and street network.
- 39 ■ The Port of Los Angeles Plan, Wilmington–Harbor City Community Plan, and the Port
40 Master Plan would remain unchanged.

- 1 ■ Development of Avalon Triangle Park would still proceed independently.

2 **Finding**

3 The Board hereby finds that specific economic, legal, social, technological, or other
4 considerations make this alternative infeasible. More specifically, for the reasons discussed
5 below and in Chapter 5, the No Project Alternative would not support goals and objectives of the
6 proposed Project, and on that basis rejects the No Project Alternative.

7 **Facts in Support of the Finding**

8 When compared with the CEQA baseline, the No Project Alternative would result in fewer
9 environmental impacts than the proposed Project because its operational capacity would be lower,
10 as would its level of capital development. These reduced environmental impacts include fewer
11 air quality impacts (less construction and operational emissions), fewer biological resource
12 impacts (no cut or fill), fewer noise impacts (no construction), fewer transportation impacts (no
13 additional trips generated), and fewer utility impacts (no increase in utility demands).
14 Furthermore, the No Project Alternative would not result in significant and unavoidable impacts
15 on air quality, noise, or geology.

16 The No Project Alternative would include the operation of the proposed project area under
17 current conditions. There would be no Waterfront Red Car Line, no removal of the LADWP
18 tanks, no development of the Avalon Development District, and no visitor-serving amenities
19 associated with the Avalon Waterfront District. The No Project Alternative would result in
20 mixed impacts or impacts worse than the proposed Project for the following resources: geology,
21 historical resources, and groundwater and soils.

22 Since the existing facilities would not use modern engineering standards, existing structures are at
23 a greater risk of seismically induced damage due to their age and construction techniques and
24 materials. The result is that the historic Bekins Building would be exposed to greater risk of loss
25 or damage, and the early 1900s waterfront bulkhead, which is beginning to show signs of distress,
26 would be more likely to suffer damage leading to exposure of people and property to harm.
27 However, the No Project Alternative would expose fewer people to potential fault rupture,
28 seismic ground shaking, liquefaction, or other seismically induced ground failure within the
29 proposed project area.

30 Furthermore, the No Project Alternative would not have any construction-related impacts on
31 unknown archaeological or paleontological resources. However, because the Bekins Building
32 would not be rehabilitated it would continue to deteriorate. Therefore, impacts on cultural
33 resources under the No Project Alternative would be mixed when compared with the proposed
34 Project. Impacts on archaeological and paleontological resources would be reduced. However,
35 impacts on historic structures would be significant and unavoidable.

36 Finally, contamination at the LADWP site would not be remediated as part of this Alternative and
37 would potentially worsen over time; impacts related to groundwater and soils would be worse
38 under this alternative when compared with the proposed Project and would be significant and
39 unavoidable.

1 This alternative would not allow any discretionary approvals on the proposed project site beyond
2 what is currently permitted in the existing plans. Because the site would remain in its existing
3 condition and under existing plans, none of the proposed project objectives would be met.

4 **Summary**

5 Based on the alternatives discussion provided in the EIR and the information above, the Board determines
6 that the proposed Project is the only feasible alternative that meets the project objectives listed in Draft
7 EIR Section 2.4.1 (include above). The proposed Project will create a project that will serve as a regional
8 draw, attract visitors to the Wilmington Waterfront, and enhance the livability and economic viability of
9 the Los Angeles Harbor area by promoting sustainable economic development and technologies, taking
10 into account environmental and economic factors.

III. Statement of Overriding Considerations

Pursuant to Section 15093 of the CEQA Guidelines, the Board must balance the benefits of the proposed Project against unavoidable environmental risks in determining whether to approve the project. The proposed Project would result in significant unavoidable impacts on Air Quality, Geology, and Noise. The proposed project would also result in a cumulatively considerable contribution to significant cumulative impacts on Air Quality, Biology, Geology, and Noise.

Air Quality

The proposed project would result in significant unavoidable impacts on air quality during construction and operation even with the adoption and implementation of mitigation measures.

Specifically, construction emissions would exceed SCAQMD thresholds both with and without mitigation for NO_x (Impact AQ-1). In addition, construction emissions would exceed maximum offsite ambient pollutant concentration thresholds associated for NO₂ (1-hour average), PM₁₀ (24-hour average), and PM_{2.5} (24-hour average) (Impact AQ-2). Operation emissions would exceed daily SCAQMD thresholds with and without mitigation during 2011 for NO_x and PM₁₀, and with and without mitigation during 2015 for NO_x (Impact AQ-3). The proposed Project would also expose sensitive receptors to TACs resulting in a significant impact (Impact AQ-7). Due to lack of clear regulatory guidance, the Port adopted for this project a no net increase significance criteria for GHG emissions. Impacts from GHG emissions would be significant for both construction and all years of operation (Impact AQ-9). The Port will implement mitigation measures for direct impacts that will substantially reduce impacts, however, the impacts would still remain significant and unavoidable (Impacts AQ-1, AQ-2, AQ-3, AQ-7, and AQ-9).

As provided in the Findings above, there will also be cumulative air quality construction and operational impacts (see Cumulative Impact AQ-1 through AQ-4, AQ-7, and AQ-9) that would remain significant and unavoidable.

Biological Resources

The construction and operation of the proposed Project would result in biological resource impacts that are less than significant or less than significant with mitigation. However, the past, present, and foreseeable future projects result in cumulatively significant and unavoidable impacts.

The slight increase in vessel traffic associated with the proposed Project would increase the risk for an accidental oil/gas spill/leak from recreational vessels using the proposed Project area, which, as mentioned above, would be a cumulatively considerable impact on sensitive species (i.e., California least tern and California brown pelican), when other past, present, and reasonably foreseeable future projects are taken into account. There is potential for an accidental oil spill to have a cumulatively considerable contribution to a significant cumulative impact on special status species associated with vessels using proposed project amenities during operation. No mitigation measures are available to reduce the potential for an accidental oil spill; therefore, the

1 contribution of the proposed project would be cumulatively considerable (see Cumulative
2 Impacts BIO-1, BIO-2, BIO-4). The proposed Project would increase recreational boat traffic.
3 Thus, the proposed Project would slightly increase the potential for an accidental oil spill, and if
4 an oil spill were to occur, the impact would make a cumulatively considerable contribution to the
5 significant and unavoidable cumulative impact of oil spills on biological habitat and special status
6 birds. Effects of oil spills on other special status species would be less than significant and would
7 not result in a considerable contribution to cumulative impacts.

8 As provided in the Findings above, there will be cumulative biology impacts (see Cumulative
9 Impacts BIO-1, BIO-2, and BIO-4) that would remain significant and unavoidable.

10 **Geology**

11 In regards to geology, the project site lies in the vicinity of the Palos Verdes Fault Zone. Strong-
12 to-intense ground shaking, surface rupture, and liquefaction could occur in this area due to the
13 location of the fault beneath the proposed project area and the presence of water-saturated
14 hydraulic fill. An earthquake within this fault zone could cause strong-to-intense ground shaking
15 and surface rupture. As discovered during the 1971 San Fernando Earthquake and the 1994
16 Northridge Earthquake, existing building codes are often inadequate to protect engineered
17 structures from hazards associated with liquefaction, ground rupture, and large ground
18 accelerations. Consequently, designing new facilities based on existing building codes may not
19 prevent significant damage to structures from a major or great earthquake on a nearby fault.
20 Therefore, as provided in the Findings above for Impact GEO-1a/1b, seismic hazards related to
21 future major or great earthquakes are significant, unavoidable impacts.

22 As provided in the Findings above, there will be cumulative geology impacts (see Cumulative
23 Impact GEO-1a/1b) that would remain significant and unavoidable.

24 **Noise**

25 The proposed Project would result in significant noise impacts during construction (NOI-1).
26 Construction noise levels for the Avalon Development District, Avalon Waterfront District, and
27 Red Car Line would cause more than 5-dBA increases over the estimated 2001 ambient noise
28 levels at sensitive receivers in the Wilmington Community neighborhood and San Pedro
29 Community neighborhoods. This would be a significant impact (Impact NOI-1). The
30 construction activities involved in the development of the proposed Project would cause
31 significant temporary and periodic noise level increases above existing ambient noise levels.
32 Considering the distances between the construction noise sources and receivers, standard controls
33 and temporary noise barriers may not be sufficient to reduce the projected increase in the ambient
34 noise level to the point where it would no longer cause a substantial impact.

35 The Port will implement mitigation measures for direct impacts that will substantially reduce
36 effects; however, the impacts would still remain significant and unavoidable (Impact NOI-1).
37 Therefore, as provided in the Findings above for Impact NOI-1, noise from construction is a
38 significant, unavoidable impact.

1 As provided in the Findings above, there will be cumulative noise impacts (see Cumulative
2 Impact NOI-1) that would remain significant and unavoidable.

3 **Project Benefits**

4 The proposed Project offers several benefits that outweigh its unavoidable adverse environmental
5 effects. The Board of Harbor Commissioners adopts the following Statement of Overriding
6 Considerations.

7 The Board recognizes that significant and unavoidable impacts will result from implementation of the
8 Project, as discussed above. Having (i) adopted all feasible mitigation measures, (ii) rejected as
9 infeasible alternatives to the Project discussed above, (iii) recognized all significant, unavoidable
10 impacts, and (iv) balanced the benefits of the proposed Project against its significant and unavoidable
11 impacts, the Board hereby finds that the benefits outweigh and override the significant unavoidable
12 impacts for the reasons stated below.

13 The below stated reasons summarize the benefits, goals, and objectives of the proposed Project and
14 provide the rationale for the benefits of the Project. These overriding considerations justify adoption
15 of the Project and certification of the completed Final EIR. Many of these overriding considerations
16 individually would be sufficient to outweigh the adverse environmental impacts of the Project. These
17 benefits include the following:

- 18 ■ **Community Access.** Provides community and regional access to the Wilmington
19 waterfront area of the Port including continuity with the downtown Wilmington Business
20 District and open space for access and enjoyment of the waterfront.
- 21 ■ **Waterfront Connectivity.** Provides connectivity to the Wilmington Buffer Project and in
22 the long term to the proposed San Pedro Waterfront developments.
- 23 ■ **Showcases Port Sustainability Project Design Features and Policies.** The proposed
24 Project requires LEED™ certification for all new buildings as feasible by implementing
25 and ensuring consistency with the LAHD's Green Building Policy. Leadership in Energy
26 and Environmental Design (LEED) Certification (minimum Silver) is required for all
27 new development over 7,500 square feet within the Avalon Development District. The
28 proposed Project uses other efficiency measures including the installation of 20,000
29 square feet of solar panels on the shade pavilions on the Land Bridge and waterfront
30 piers, with a goal of achieving up to 12.5% of the proposed Project's energy needs;
31 implementing recycling during construction and operation; planting drought tolerant,
32 native plants and trees; using recycled water for water features, landscaping maintenance,
33 and flushing toilets in new buildings; implementing stormwater management design
34 features, such as a French drain system, bioswales, and permeable pavement within
35 surface parking areas; and improving pedestrian and bike connectivity. The project also
36 implements the Port of Los Angeles Sustainable Construction Guidelines and Sustainable
37 Engineering Guidelines. Additional water efficiency and conservation measures will be
38 implemented throughout the project area, consistent with the Port's Water Conservation
39 Commitment Letter to the Los Angeles Department of Water and Power dated March 6,
40 2009.

- 1 ■ ***Provides new jobs during the life of the project.*** Implementation of the proposed Project
2 would result in 336 direct jobs in its final buildout phase in 2020. Annual pay for direct,
3 indirect, and induced jobs is estimated to be approximately \$60,000 per job.
- 4 ■ ***Provides new construction jobs.*** Construction would result in 1,186 one-year equivalent
5 direct jobs and 1,661 one-year equivalent indirect jobs through the construction period.
6 These workers would receive an annual pay for direct, indirect, and induced jobs
7 estimated at approximately \$50,500 per job.
- 8 ■ ***Provides tax revenues.*** The proposed Project would lead to increased tax revenues for
9 the Port and the City of Los Angeles by expanding the tax base of the area through the
10 introduction of the Mercado, new restaurants, and new industrial development.
11 Incremental revenue inflows resulting from the construction and completion of the
12 proposed Project is unknown at this time but will be estimated when brought before the
13 Board at a future date. Full buildout of the proposed Project could be expected to
14 generate annual revenue of \$1.2 million from ground leases. Furthermore, the
15 construction of new public open spaces that consist of plazas, parks, and landscape and
16 hardscape areas would make the Wilmington community more attractive to visitors.
17 Hence, there would be an overall indirect beneficial impact on local tax revenue.
- 18 ■ ***Remediate any Contamination at the Marine Tank Farm.*** Without the project, as
19 discussed in Draft EIR Section 5.3.3.2.4 (page 5-24), impacts on groundwater and soils
20 from existing operations would continue to occur and overtime may increase when
21 compared with existing conditions. Moreover, site remediation would not necessarily
22 occur at the LADWP Marine Tank Farm or other locations within the proposed project
23 site at some future time; therefore, groundwater and soil contamination would continue to
24 be present, potentially exposing operational personnel and site occupants to health risks.
25 The proposed Project would remove the LADWP Marine Tank Farm and remediate the
26 site.
- 27 ■ ***Rehabilitate Historic Bekins Building.*** Without the project, as discussed in Draft EIR
28 Section 5.3.3.2.4 (page 5-22), the Bekins Building would not be rehabilitated in
29 accordance with the Secretary of the Interior’s Guidelines to Rehabilitating Historic
30 Buildings, over time the Bekins Building would continue to deteriorate. Impacts on this
31 historic structure would be greater under the No Project Alternative. The proposed
32 Project would allow for adaptive reuse of the historic 14,500-square-foot Bekins Storage
33 property for a Waterfront Red Car Museum. As shown in Draft EIR Table 5-2, this
34 would improve this historic resource in comparison to the No Project Alternative.

35 In summary, the proposed Project will allow the Port to meet its legal mandates to accommodate
36 water-related activities, while reducing Port air emissions, and provide jobs to the local economy.
37 The Board hereby finds that the benefits of the proposed project described above outweigh the
38 significant and unavoidable environmental effects of the proposed Project, which are therefore
39 considered acceptable.

Attachment 1
Findings of Fact and Statement of Overriding Considerations

Suggested Mitigation Measures (MMs) and Alternatives

The following is a list of comments that contain suggested mitigation measures (MMs) and alternatives. These MMs and alternatives were suggested to reduce impacts on Aesthetics, Air Quality, Biological Resources, Noise, and Ground Transportation, some of which would be significant and unavoidable. In some cases, the project design was modified to respond to the request, as opposed to adding additional mitigation measures. For all suggested mitigation measures and/or alternatives found infeasible, the Findings of Fact includes an infeasibility determination.

Mitigation Measures and/or Alternatives modified in or added to the Final EIR

Air Quality

Construction (Impact AQ-1):

Comment SCAQMD-8 and LACOPH-10: Modified **MM AQ-6 Best Management Practices**

Biological Resources:

Construction (Impact BIO-1a)

Comment NMFS-6: Project redesigned to increase metal mesh grating to 33 percent of overwater covered area.

Construction (Impact BIO-4a)

Comment NMFS-6: Pre-construction survey for Caulerpa will be conducted per the Caulerpa Control Protocol as part of the Port's standard operating procedures.

Construction (Impact BIO-1a and -4a)

Comment NMFS-8: Added **MM BIO-2 Pile Driving Monitoring**

Noise:

Construction (Impact NOI-1)

Comment LACOPH-2: Modified **MM NOI-1(b) Construction Hours**

Comment LACOPH-4: Added **MM NOI-1(i) Reporting**

Attachment 1
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Transportation/Traffic:

Construction (Impact TC-2a)

Comment LADOT-3: Modified MM TC-2 Reconfigure the southbound approach of Avalon Boulevard at the intersection of Avalon Boulevard and Anaheim Street

Mitigation Measures and/or Alternatives found to be Infeasible

Aesthetics

Operation (Impact AES-3):

Comment CRA-3: Improve North Side of C Street

Air Quality

Construction (Impact AQ-1):

Comment SCAQMD-5: Increase Harbor Craft Engine Standards

Comment SCAQMD-6: Increase Fleet Modernization for Onroad Trucks

Comment SCAQMD-7: Increase Fleet Modernization for Construction Equipment

Noise

Operation (Impact NOI-1 and NOI-4)

Comment PHL-2: Eliminate Broad Avenue and Fries Avenue Rail Crossing to Reduce Horn Noise

Ground Transportation

Operation (Impact TC-2a)

Comment PHL-1: Eliminate Broad Avenue Rail Crossing

Alternatives

Comment NMFS-6: Minimize Overwater Coverage Alternative

Comment PHL-4: Expand Proposed Land Bridge to Accommodate 2 Lanes of Automobile Traffic Alternative