



THE PORT  
OF LOS ANGELES  
Executive Director's  
Report to the

Board of Harbor Commissioners

**DATE: SEPTEMBER 29, 2009**

**FROM: ENVIRONMENTAL MANAGEMENT DIVISION**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) FOR THE SAN PEDRO WATERFRONT PROJECT (LAHD ADP NO. 041122-208; SCH NO. 2005061041)**

**SUMMARY:**

Staff recommends that the Board of Harbor Commissioners (Board) certify the Final Environmental Impact Report (EIR) for the San Pedro Waterfront Project (Project) in accordance with the California Environmental Quality Act (CEQA), and approve the proposed Project. The proposed Project would connect the community with the waterfront, create waterfront promenades and open space, expand cruise facilities, and develop visitor-serving commercial development. Prior to approving the proposed Project, the Board will need to certify the EIR, make specific Findings regarding the significant environmental impacts of the proposed Project and mitigation measures to reduce or avoid such impacts, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program to track mitigation. However, should the Board choose not to follow staff's recommendations, the analysis contained in the Draft and Final EIR would allow the Board to choose among six Project Alternatives, which have been co-equally analyzed.

If approved, the proposed Project with mitigation applied, would result in significant unavoidable impacts to: Aesthetics; Air Quality; Biological Resources; Geology; Noise; Recreation; Ground Transportation and Circulation; and Water Quality, Sediments and Oceanography. The proposed Project would also result in a cumulatively considerable contribution to significant cumulative impacts in Aesthetics; Air Quality; Biological Resources; Cultural Resources; Geology; Noise; Recreation; Ground Transportation and Circulation; and Water Quality, Sediments, and Oceanography. Alternatives to the proposed Project would either not significantly avoid or reduce project impacts or would not adequately meet project objectives.

If approved, the proposed Project would result in a number of overriding benefits. Project implementation would enhance Tideland Trust uses, including maritime commerce, including, but not limited to navigation, public recreational facilities, open space and public access to the waterfront. The proposed Project would increase non-vehicular access to the waterfront, promote Los Angeles Harbor Department and City of Los Angeles sustainability program elements, and create significant new areas of open space. Project implementation would also implement Clean Air Action Plan (CAAP)

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measures for the cruise facilities resulting in *reduced residential health risk* in the San Pedro area.

Public spending under the proposed project would also result in 14,301 new construction-related jobs including 7,416 direct construction jobs and 6,885 indirect construction jobs. Private spending under the proposed project would result in up to 4,899 construction-related jobs including 2,523 direct construction jobs and 2,376 indirect construction jobs. At full build-out and utilization, operation of the proposed Project would support 5,660 jobs including 3,060 direct jobs and 2,600 indirect jobs. The cruise industry would generate 4,100 of the jobs, of which 2,400 would be new jobs. Project construction is expected to generate local and regional tax revenues of \$95.4 million due to public spending and up to \$32.0 million due to private spending. At full build-out and utilization, cruise and commercial operations are expected to generate \$30.3 million each year in local and regional tax revenues.

**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners (Board):

1. Certify, pursuant to California Environmental Quality Act (CEQA) Guidelines §15090(a), that the Final Environmental Impact Report (EIR) for the San Pedro Waterfront Project (Project) (Transmittal 1) (a) has been completed in compliance with the CEQA, with the State CEQA Guidelines, and the Los Angeles City CEQA Guidelines; (b) was presented to the Board for review and the Board reviewed and considered the information contained in the Final EIR prior to approving the project; and (c) reflects the independent judgment and analysis of the Board, and that all required procedures have been completed;
2. Adopt and make the attached CEQA Findings of Fact pursuant to CEQA Guidelines §15091, and Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 (Transmittal 2);
3. Find that, in accordance with the information contained in the Final EIR for the San Pedro Waterfront Project, the proposed Project a) will have significant environmental effects on Aesthetics; Air Quality and Meteorology; Biological Resources; Cultural Resources, Geology; Groundwater and Soils; Hazards and Hazardous Materials; Land Use and Planning; Noise; Recreation; Ground Transportation and Circulation; Utilities and Public Services; Water Quality, Sediments and Oceanography; and Cumulative Impacts, as defined by Public Resources Code §§21068, 21080, 21082.2, and 21083 and the State CEQA Guidelines, §§15064, 15064.5, and 15382; b) will not have significant effects for Marine Transportation;

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4. Find that, in accordance with the provisions of the State CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project, which substantially lessen or avoid the significant adverse environmental impacts identified in the Final EIR;
5. Find that, in accordance with the provisions of the State CEQA Guidelines §15091(a)(3), specific economic, legal, social, technological, or other considerations, make infeasible certain mitigation measures and Project Alternatives identified in the Final EIR. Impacts to Aesthetics; Air Quality; Biological Resources; Geology; Noise; Recreation; Ground Transportation and Circulation; Water Quality, Sediments and Oceanography; and Cumulative Impacts remain significant and unavoidable even after all feasible mitigation is adopted;
6. Find that all information added to the Final EIR after public notice of the Draft EIR availability for public review, but before certification, merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR, and recirculation is not necessary;
7. Find that, in accordance with Public Resources Code §21081(b) and State CEQA Guidelines §15093, the benefits of the project outweigh the significant and unavoidable environmental impacts of the project, and adopt the Findings of Fact and Statement of Overriding Considerations (Transmittal 2);
8. Adopt the Mitigation, Monitoring and Reporting Program (MMRP) transmitted herewith (Transmittal 3) as required by Public Resources Code, §21081.6 and CEQA Guidelines §15097. The MMRP is designed to ensure compliance with the mitigation measures adopted to mitigate or avoid significant effects on the environment, and identifies the responsibilities of Los Angeles Harbor Department (LAHD) as lead agency and other applicable entities, to monitor and verify project compliance with those mitigation measures and conditions of project approval;
9. Approve the proposed Project identified in the Final EIR, including all feasible mitigation measures set forth in the EIR with consideration of the Findings of Fact and Statement of Overriding Considerations, and the MMRP;
10. Authorize the Engineering Division to proceed with final design and direct them to incorporate the mitigation measures, conditions, Environmental Compliance Plan requirements, MMRP, and project environmental commitments into all Engineering Plans and Specifications and/or Engineering Permits for the proposed Project;
11. Direct the Real Estate Division to incorporate the EIR, mitigation measures and the MMRP into any and all lease agreements or assignments encompassed in the approved Project;

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12. Authorize the Environmental Management Division to file the Notice of Determination for the subject project with the Los Angeles City Clerk; and
13. Adopt the proposed Recommendations and this Resolution No. \_\_\_\_\_.

DISCUSSION:

1. Proposed Action - In the proposed action, the Los Angeles Harbor Department (LAHD) staff is requesting that the Board of Harbor Commissioners (Board) consider certification of the Final Environmental Impact Report (EIR)<sup>1</sup> for the San Pedro Waterfront Project (Project) (Transmittal 1) and consider approval of the proposed San Pedro Waterfront Project. As provided in detail in the Recommendations above, staff recommends that the Board:
  - a. Certify that the Final EIR for the San Pedro Waterfront Project (1) has been completed in compliance with the California Environmental Quality Act (CEQA); (2) was presented to the Board for its review and consideration of the information contained in the Final EIR prior to approving the project; and (3) reflects the independent judgment and analysis of the LAHD;
  - b. Adopt the Findings of Fact, the Statement of Overriding Considerations, and the Mitigation, Monitoring and Reporting Program (MMRP) (Transmittal 3); and
  - c. Approve the proposed Project.

The Final EIR consists of the Draft EIR and Final EIR, which includes all comments and recommendations received on the Draft EIR and a list of persons, organizations, and public agencies commenting on the EIR; identifies changes to the Draft EIR; and, responds to comments received during the public review. In certifying the EIR and approving the project, the Board will need to make certain Findings of Fact regarding environmental impacts, proposed mitigation, and choice among alternatives; adopt a Statement of Overriding Considerations for any CEQA impacts that cannot be mitigated to below the level of significance; and adopt an MMRP.

2. Project Background - In 2003, LAHD hired EE&K/Gafcon to develop the San Pedro Waterfront and Promenade from Bridge to Breakwater Master Development Plan

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<sup>1</sup> The proposed Project includes Project elements that will require federal permits from the U.S. Army Corps of Engineers (USACE). As such, an Environmental Impact Statement (EIS) was also prepared for the proposed Project. The USACE and LAHD prepared a *joint* EIS/EIR in the interest of efficiency and to avoid duplication of effort. The USACE will consider the EIS separate from the Board of Harbor Commissioner's consideration of the EIR in their Record of Decision on issuance of their permits for the proposed Project.

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(Master Plan). The vision of this Master Plan was to transform the San Pedro Waterfront in the Port of Los Angeles (Port) into a cultural and recreational venue for the community and a unique regional destination featuring the working port. It was designed to create a mix of uses at the waterfront to be integrated with the authentic small-town scale of San Pedro and create opportunities for distinctive pedestrian-oriented districts, with physical and visual access to the water throughout.

LAHD started the public planning process on October 25, 2003, hosting more than nine public planning workshops and open houses throughout San Pedro. Each workshop attracted over 150 participants and several attracted over 300 participants. Each workshop included public participation and solicited input that was used to develop the future plan.

LAHD staff previewed the content of each planning workshop with the Waterfront Steering Committee, a group of citizens selected to help shepherd the development of the waterfront plan. The Waterfront Steering Committee included representatives from the following: the Mayor's Office, the District 15 Council Office, the Community Redevelopment Agency's Community Advisory Committee, the Port Community Advisory Committee's (PCAC) San Pedro Coordinated Plan Subcommittee, Harbor-Watts Economic Development Corporation, and the Downtown Waterfront Task Force.

On September 29, 2004, a concept plan was presented to the Board, who directed staff to move forward with the environmental review process. Throughout the following year, LAHD staff attended meetings of the PCAC's San Pedro Coordinated Plan Subcommittee, the San Pedro neighborhood councils, and a working group containing members of those organizations to create a project description for the proposed Project and Project Alternatives. On June 4, 2005, LAHD, the San Pedro neighborhood councils, and PCAC sponsored a community workshop at the Sheraton Hotel in San Pedro to provide an opportunity for public comment on the Project Alternatives crafted by the working group. Approximately 100 community members attended.

In September of 2005, LAHD in conjunction with the U.S. Army Corps of Engineers (USACE) initiated the Environmental Impact Statement/EIR (EIS/EIR) for the "From Bridge to Breakwater: Master Development Plan for the San Pedro Waterfront and Promenade Project" by releasing a Notice of Intent/Notice of Preparation (NOI/NOP). Subsequently, three scoping meetings were held in September and October 2005 to further define and accept input on the scope of the EIS/EIR. Approximately 500 people attended the meetings. Following the scoping meetings for this project, LAHD staff reviewed the 125 written scoping comments and revised their design for the waterfront. Because there was

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significant public interest in advancing the public improvements as soon as possible, and there were numerous alternatives that had individual elements supported by a wide majority of the community, the LAHD developed a new proposed Project that emphasized public enhancements, incorporated common elements from various alternatives, removed the hotels, and reduced the level of development.

In December 2006, LAHD in conjunction with the USACE initiated a new EIS/EIR for the modified San Pedro Waterfront Project by releasing a supplemental NOI/NOP. This project redefined the proposed Project described in the September 2005 NOI/NOP to respond to community scoping comments. The start of this document implemented the collaborative approach to the preparation of EIRs that was requested by the Board. The scoping meeting was held on January 23, 2007, to further define and accept input on the scope of the EIS/EIR. This meeting was followed by nearly 40 meetings with stakeholders to better define their concerns. Based on the public comments received and stakeholder outreach conducted June 2007 through August 2007, LAHD has further refined the proposed Project and has developed several alternatives including an additional alternative that had no cruise terminal in the Outer Harbor. As a result of this scoping in 2007, the project and alternatives were changed with a combination of elements carried forward from previous alternatives and addition of new elements.

3. Project Purpose/Objectives - The basic purpose of the proposed Project is to improve waterfront accessibility and use. Specifically, the Project would:
  - a. Implement modifications to the existing San Pedro Waterfront along the west side of the Los Angeles Harbor Main Channel to improve its accessibility and use without impeding the public's right to free navigation; these modifications would include increasing the open water area approximately seven acres to provide a variety of waterfront uses such as berthing for visiting tall ships and other vessels such as tugboats and other recreational, commercial, and port-related uses.
  - b. Use and increase the value of deep water berths to accommodate existing and projected growth in the cruise ship industry in the Port of Los Angeles.

The project objectives identified to meet the Project purpose are described below.

- 1) Enhance and revitalize the existing San Pedro Waterfront area, improve existing pedestrian corridors along the waterfront, increase waterfront access from upland areas, and create more open space through:

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- a) Providing public access to the San Pedro Waterfront and new open spaces, including parks and other landscape amenities linked to the promenade;
  - b) Creating a continuous waterfront promenade throughout the project area allowing the public access to the water's edge;
  - c) Enhancing key linkages between downtown San Pedro and the waterfront, including the creation of a downtown harbor and promenade that will become the focal point for vessel activity and draw visitors to downtown San Pedro;
  - d) Creating and expanding the waterfront promenade as part of the California Coastal Trail to connect the community and region to the waterfront;
  - e) Providing for a variety of waterfront uses, including berthing for visiting vessels, harbor service craft and tugboats, as well as other recreational, commercial, and port-related waterfront uses;
  - f) Providing for enhanced visitor-serving commercial opportunities within Ports O' Call, complementary to those found in downtown San Pedro, as well as a potential conference center; and
  - g) Creating a permanent berth for existing Port customers' helicopters.
- 2) Expand cruise ship facilities and related parking to capture a significant share of anticipated West Coast growth in the cruise demand through:
    - a) Creating space for berthing up to four cruise vessels;
    - b) Creating space for berthing of two Freedom class or equivalent vessels simultaneously; and
    - c) Enhancing cruise ship navigation down the Main Channel.
  - 3) Improve vehicular access to and within the waterfront area.
  - 4) Demonstrate LAHD's commitment to sustainability by reflecting the Port's Sustainability Program policies and goals in the project design, construction, and implementation.
4. Project Description - The project area comprises approximately 400 acres along the western boundary of the Port, adjacent to the community of San Pedro. The proposed Project boundaries generally encompass the land and water areas

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between Los Angeles Harbor's Main Channel to the east and Harbor Boulevard to the west, and from Vincent Thomas Bridge southward toward Inner Cabrillo Beach.

The proposed Project elements align along three distinct categories; Promenade, Harbors, and Open Space; Modifications to Existing Tenants, including development of the new cruise terminals, Redevelopment, New Development, and Cultural Attractions; and Transportation Improvements. It is estimated that Project construction cost will be approximately \$1.2 Billion (Transmittal 6).

- a. Promenade, Harbors and Open Space. The proposed Project would include a continuous 8-mile long and up to 30-foot wide promenade extending throughout the entire proposed Project area. Three new harbors are proposed: the North Harbor, Downtown Harbor, and 7th Street Harbor. The North Harbor would include a 5.0-acre water cut located at Berths 87–90; the Downtown Harbor would include a 1.5-acre water cut; and the 7th Street Harbor would include a 0.32-acre water cut for visiting public vessels near the Los Angeles Maritime Museum. The 7th Street Harbor would also feature the 7th Street Pier, a public dock for short-term berthing of visiting vessels. The Town Square would be developed as a public plaza located in front of the Los Angeles Maritime Museum at the foot of 6th Street, and would accommodate approximately 170 people for formal seating arrangements. The Town Square would include the Downtown Civic Fountain, a water feature designed to complement the civic setting of the nearby San Pedro City Hall Building. Approximately 30 acres of new parks and plazas would also be integrated throughout the project including the Town Square (2.8 acres), approximately 3-acre Fishermen's Park in Ports O' Call, San Pedro Park (18 acres), and Outer Harbor Park (6 acres). San Pedro Park would become San Pedro's "central park," designed to include an informal amphitheatre for harbor viewing, waterfront events, and concerts with lawn seating for approximately 3,000 people. The Outer Harbor Park, near berths 45-50, would be designed to maximize harbor views (such as of Angel's Gate Lighthouse), facilitate public access to the water's edge, and encourage special events. The project would add to existing open spaces, such as the 16.6-acre 22<sup>nd</sup> Street Park currently under construction, providing a total of 46.4 acres of open space and plazas within the project area.
- b. Modifications to Existing Tenants, Redevelopment and New Development. The proposed Project will redevelop the west side of the Main Channel through new development, redevelopment of existing sites, tenant relocation in certain instances, and adaptive reuse of some existing tenant facilities. The proposed changes will remove/relocate cargo-handling facilities and activities along the west side of the Main Channel to help revitalize and promote community access to the waterfront area. Details of the changes to existing development and new development are included below.



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- 1) *Ralph J. Scott Fireboat Museum:* A new 10,000 square foot multilevel display structure will be built to house the Ralph J. Scott Fireboat near the entrance to the Downtown Harbor.
- 2) *Los Angeles Maritime Institute (LAMI):* LAMI will be relocated to the Crowley building in the Downtown Harbor area.
- 3) *Crowley and Millennium Tugboat Services:* Two new 10,000 square foot office buildings located at the proposed North Harbor will be constructed for Crowley and Millennium tug companies.
- 4) *S.S. Lane Victory:* The S.S. Lane Victory will be relocated from Berth 94 to the North Harbor water cut and an up to 10,000 square foot visitor center will be built.
- 5) *Catalina Express:* The Catalina Express Terminal berthing facilities will be relocated from Berths 95-96 to the existing location of the S.S. Lane Victory at Berth 95.
- 6) *Waterfront Red Car Maintenance Facility:* A 17,600 square foot Waterfront Red Car Maintenance Facility with 20,000 square foot exterior Red Car service yard will be built at the existing Southern Pacific Railyard south of 7<sup>th</sup> Street near the proposed 13th Street pedestrian bridge and the proposed bluff parking structures. Upon completion of the new facility, the existing temporary facility at 22<sup>nd</sup> Street and Minor Streets would be removed.
- 7) *Jankovich & Son Fueling Station:* The Jankovich & Son fueling station currently located at Berth 74 near Ports O' Call will be removed, decommissioned, and remediated. A new fueling station would be developed at Berth 240 on Terminal Island.
- 8) *Southern Pacific Railyard:* The 7 acre Southern Pacific Railyard between 7th Street and the S.P. Slip, at the bluff site, will be removed to provide opportunities for the proposed bluff site parking structures.
- 9) *Westway Terminal Facilities:* The Westway Terminal located at Berth 70–71 will be demolished. Potential future use of the site include institutional/research and development uses.
- 10) *Mike's Fueling Station:* All hazardous materials with flashpoints below 140 degrees [F] would be removed prior to operation of the proposed waterfront promenade.

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- 11) *Warehouses 9 & 10:* Warehouses 9 & 10 and associated backland areas will be adapted for low-intensity community-serving commercial or educational reuse to complement the proposed San Pedro Park. Recent studies indicate significant dry rot damage to these buildings, which could affect their reuse.

The proposed Project would include expansion of the cruise ship facilities and new development and/or redevelopment opportunities for commercial- and maritime-related uses, relocation and/or renewal of existing tenant leases, and provision of associated parking facilities. These development opportunities would be entitled at levels identified in the San Pedro Waterfront Project EIR, but would be constructed consistent with the conditions outlined on page 11 of this Board Report.

The proposed Project includes up to 375,000 square feet of development opportunities for upgrading the existing Ports O' Call. This would include redevelopment of the existing 150,000 square feet of commercial development, adding up to 150,000 square feet of new commercial development, with an additional up to 75,000 square foot conference center.

The proposed Project includes two new two-story Outer Harbor Cruise Terminals totaling up to 200,000 square feet. The construction of these would be phased based on market conditions. The first Outer Harbor Cruise terminal and berth is proposed to be built at Berth 45-47 using the existing supertanker berth. The second terminal and berth at Berth 49-50 would be built when market conditions dictate the need.

Under the proposed Project, parking structures in the Inner Harbor will be needed to serve the Inner and Outer Harbor cruise facilities at full build-out. The construction of Inner Harbor parking structures would be delayed until needed. The LAHD could meet parking needs for the two berths in the Inner Harbor and one berth in the Outer Harbor by delaying the North Harbor Cut and constructing landscaped surface parking at Berth 87. Any parking structure eventually constructed in the Inner Harbor would be designed to be consistent with the Harbor Seamless Study recommendations. Low Emission Vehicle (LEV) shuttle buses (electric, CNG, etc.) would transport passengers from the parking structures at the Inner Harbor to the Outer Harbor.

- c. Transportation Improvements. Sampson Way would be expanded to two lanes in each direction and would curve near the Municipal Fish Market to meet with 22nd Street in its westward alignment east of Minor Street. Sampson Way would be accessed by an enhanced four-way intersection at 7th Street. Access to Sampson Way from Harbor Boulevard via 6th Street would be eliminated to

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accommodate the proposed Town Square. As part of the proposed Project, Harbor Boulevard would remain in place at its current capacity with two lanes in each direction. Proposed enhancements would be consistent with design standards for the Community Redevelopment Agency (CRA) Pacific Corridor and the City of Los Angeles Planning Department Community Design Overlay. The Waterfront Red Car line would be extended along the waterfront with stops at the Inner Harbor Cruise Terminal, Downtown Waterfront, Ports O' Call, San Pedro Park, City Dock No. 1, the Outer Harbor Park and Cruise Facilities, 22<sup>nd</sup> Street Park, and Cabrillo Beach.

5. Modifications to the proposed Project - Through the public process associated with this environmental review of the Project, the following proposed Project modifications are included in the Final EIR and project approval recommendations.
  - a. Cruise Terminals. Staff is recommending that the currently programmed downtown Inner Harbor cruise terminal investment should occur before Outer Harbor terminal construction. Staff is also recommending that the initial construction of an Outer Harbor Cruise Terminal should include only one berth at Berth 45-47 because it has an existing wharf, which would save the initial capital cost of a wharf at Berths 49-50 (Transmittal 6). A second berth would be built only when market conditions warrant it.
  - b. Cruise Terminal Parking. Because only one Outer Harbor Cruise berth would initially be built, staff is recommending that construction of the cruise terminal Parking Structure in the Inner Harbor and the North Harbor Cut, which is adjacent to the Inner Harbor Cruise Terminal, be deferred until needed. The LAHD can meet parking needs for the two berths in the Inner Harbor and one berth in the Outer Harbor by constructing landscaped surface parking at Berth 87. A parking structure would be built when the market dictates the second Outer Harbor cruise berth or the LAHD initiates the North Harbor Cut. Until such time, Berth 87 could be used for surface parking in addition to the existing parking facilities at the Inner Harbor Terminal.
  - c. North Harbor Cut. Staff recommends deferring constructing the North Harbor Cut for economic reasons and staging construction of this element at the end of the overall project construction period (see Transmittal 6 for a comparison of the costs of the proposed Project elements). In the interim, LAHD would use the area at Berth 87 for landscaped cruise passenger parking. This will provide an opportunity for the LAHD to defer construction of parking structures at the Inner Harbor cruise terminal until absolutely necessary. Staff will examine how to design parking structures that can also remedy some of the issues with the Berths 91-92 terminal building and replace the functional, but aesthetically unappealing temporary baggage handling structure. However, this delay does

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not mean that the North Harbor Cut is being eliminated. Staff believes that the North Harbor Cut is an important element of the waterfront and should be constructed at some time. The existing promenade was constructed along Harbor Boulevard with the intention that it would one day run along the edge of a new harbor. However, deferring the construction of a North Harbor and keeping the surface parking for a longer period of time spreads out the financial burden of the project (Transmittal 6) and enables LAHD to study ways to make the Inner Harbor parking structures less obtrusive from the community vantage point.

- d. Pedestrian Access. Staff is recommending another pedestrian connection (either signalized crossing or pedestrian bridge) from the San Pedro bluff to the Ports O' Call area over the bluff parking structures at 9<sup>th</sup> Street, in addition to the one proposed at 13<sup>th</sup> Street. The proposed Project also now includes a signalized pedestrian crossing or pedestrian bridge across Harbor Boulevard at 9<sup>th</sup> Street.
  - e. Ports O' Call Parking Structure. Staff is recommending a prohibition of roof parking and the inclusion of "green roofs" that include landscaping and solar panels, along with inviting access ways leading to grand stairways to move pedestrians over the bluff and down into the Project area. The rooftops of the Ports O' Call parking structures (under the bluff directly west of Sampson Way) would be developed with green landscaping and solar panels to accommodate pedestrian access and minimize visual disruption toward the waterfront from Harbor Boulevard.
6. Board CEQA Responsibilities - The LAHD is the CEQA Lead Agency for the Project. As such, the Board is responsible for reviewing and considering the EIR. At its discretion, the Board shall certify that the Final EIR (1) has been completed in accordance with CEQA, the State CEQA Guidelines, and the Los Angeles City CEQA Guidelines; (2) was presented to the Board for review and the Board considered the information contained in the Final EIR prior to approving the project; and, (3) reflects the independent judgment and analysis of the LAHD. Certification of the EIR for the San Pedro Waterfront Development Project must precede project approval. Project approval requires that the Board review and consider the EIR; adopt Findings of Fact on the significant environmental effects of the Project and the feasibility of mitigation measures and project Alternatives; adopt a Statement of Overriding Considerations and adopt an MMRP.
  7. Scope and Content of Environmental Document - The Draft EIR, dated September 2008, incorporates, as appropriate, information received on the Notice of Preparation (NOP) for the project, assesses environmental impacts of the project, and co-equally examines six Project Alternatives and mitigation measures. The

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Final EIR clarifies and amplifies the Draft EIR, incorporates insignificant modifications and corrections, contains a list of persons, organizations, and public agencies commenting on the Draft EIR, contains public comments and responses to all public comments made on the Draft EIR, including concerns raised by the TraPac Appellant Group, and contains records of the public process including coordination with the PCAC and San Pedro Neighborhood Councils.

8. Intended Uses of the EIR - The EIR informs public agency decision-makers and the general public of the significant environmental effects of the project, recommends mitigation measures to minimize the significant effects, and describes reasonable alternatives to the proposed Project. This document assesses the direct and indirect impacts, including unavoidable adverse impacts, growth inducing impacts, and cumulative impacts, related to the proposed Project. This EIR is also intended to support future discretionary actions of the Board with regard to the proposed Project and the permitting/approval process of all agencies whose discretionary approvals must be obtained for particular elements of this project. For the LAHD, these actions include, but are not limited to issuing of coastal permits, engineering permits, approval of construction contracts, and approval of property use/lease agreements.
  
9. Environmental Documentation Process and Public Involvement - The proposed Project was subject to the required environmental documentation process that included public disclosure as required by regulation. In this case, however, public notification exceeded statutory requirements. The procedural steps of the process are described below:
  - a. Notice of Preparation. In accordance with the Los Angeles City CEQA Guidelines, Article VI, Section 1.5 and the State CEQA Guidelines, § 15082 the responsible agencies, participating city agencies, and other concerned parties were consulted through a NOP<sup>2</sup> that was released December 22, 2006, for a 45-day review period. This was a supplemental NOP and redefined the proposed Project described in the September 2005 NOP to respond to community scoping comments<sup>3</sup>. The 2006 NOP, including a Spanish translation of the Executive Summary, was distributed to 1,800 agencies, organizations, and individuals. Copies of the NOP were also made available to review online at Port of Los Angeles web site ([www.portoflosangeles.org](http://www.portoflosangeles.org)) and at the LAHD's Environmental Management Division office, and at the following

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<sup>2</sup> The NOP was part of a joint Notice of Intent (NOI) (an NOI/NOP) issued by the USACE in their process to prepare an EIS in accordance with the National Environmental Policy Act (NEPA).

<sup>3</sup> The initial NOP that was released on September 2, 2005 was also the subject of a significant public outreach, including direct distribution (with Spanish translation) to 575 stakeholders, local and regional newspapers, no fewer than ten presentations to local organizations and three public scoping meetings held September 15, September 29 and October 11 of 2005. Over 180 parties attended the scoping meetings. A detailed description of the public involvement involved with the scoping process can be found in Section ES.7 of the Draft EIS/EIR.

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libraries: Main Branch, San Pedro Branch, and Wilmington Branch of the Los Angeles Public Library, and the Main Branch of the Long Beach Public Library. Availability of the NOP and notification of the public scoping meeting were also publicized with over 70,000 postcards, and ads in seven local and regional newspapers. Approximately 130 people attended the public scoping meeting which was held January 23, 2007, at the Crowne Plaza Hotel in San Pedro.

As part of the public review, staff met with a number of stakeholders, including the PCAC San Pedro Coordinated Plan Subcommittee, Coastal San Pedro Neighborhood Council, Central San Pedro Neighborhood Council, Northwest San Pedro Neighborhood Council, and the San Pedro Chamber of Commerce.

- b. Draft Environmental Impact Report. The Draft EIR was released on September 22, 2008, for a 77-day review period. Approximately 2,000 hard copies and CDs of the Draft EIR were distributed to various government agencies, organizations, all PCAC members, individuals and Port tenants. Public notices of completion stating that the Draft EIR was available for review were published in five newspapers: Los Angeles Times, Daily Breeze, Long Beach Press Telegram, Los Angeles Sentinel and La Opinión. Over 70,000 postcards in English and Spanish noticing the document and the public meeting were sent to all San Pedro and Wilmington addresses. Electronic notices of the comment period and public meeting were also sent to all known e-mail addresses on the project mailing list.

Copies of the Draft EIR were available for review at the LAHD's Environmental Management Division office, and at the following libraries: the Main Branch, San Pedro Branch, and Wilmington Branch of the Los Angeles Public Library. The document was also available online at the Port of Los Angeles web site. Meeting notifications and the Executive Summary of the Draft EIR were also translated to Spanish and provided in mailings and at the public meeting.

A public meeting to take oral comments on the Draft EIR was held on October 27, 2009, at the Crowne Plaza Hotel in San Pedro, California. The LAHD also provided a Spanish/English interpreter at the public meeting. There were 45 speakers making public comments during the Draft EIR public meeting. The public meeting transcript was posted on the Port's website and is included in the Final EIR.

LAHD received 383 comment letters and comments through the public meeting transcript on the Draft EIR during the public review process.

- c. Responses to Comments. As required by Public Resources Code § 21092.5, all agencies, organizations, and individuals who commented on environmental