

3.0

MODIFICATIONS TO THE DRAFT EIR

This chapter addresses modifications to the Draft EIR for the Wilmington Waterfront Development project (proposed Project) at the Port of Los Angeles (Port). It presents all revisions related to public comments, as determined necessary by the lead agency, for the following sections of the Draft EIR. Revisions to supporting documentation are also presented:

- Table of Contents
- Executive Summary
- Chapter 1 Introduction
- Chapter 2 Project Description
- Section 3.1 Aesthetics
- Section 3.2 Air Quality
- Section 3.3 Biological Resources
- Section 3.7 Hazards and Hazardous Materials
- Section 3.8 Land Use and Planning
- Section 3.9 Noise
- Section 3.11 Transportation and Circulation—Ground and Marine
- Section 3.12 Utilities
- Chapter 4 Cumulative Effects
- Appendix G Risk Management Analysis
- Appendix L Caulerpa Control Protocol (Version 4.0, February 25, 2008)
- Appendix M Location of Fish Sampling Stations for Port-wide Biological Baseline Study (to be published)
- Appendix N Location of Abandoned and Plugged Wells
- Appendix O Project Water Supply Assessment

1 The numbering format from the Draft EIR is maintained in the sections presented
2 here, although only sections that had revisions based on the public comments are
3 included; sections that had no revisions are not included. Readers are referred to the
4 Draft EIR to view complete sections.

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1 **3.1** **Changes Made to the Table of Contents**

2 A new table was added to Section 3.12, “Utilities,” requiring the renumbering of one
3 table.

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1 **3.2 Changes Made to the Executive Summary**

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ES.1.2 Project Summary and Highlights

The proposed Project involves development of a variety of land uses within the three distinct areas of the proposed project site: (1) the Avalon Development District, [which includes Area A within the Wilmington–Harbor City Community Plan area north of Harry Bridges Boulevard and Area B within the proposed Port Plan and Port Master Plan areas south of Harry Bridges Boulevard](#), (2) the Avalon Waterfront District, and (3) the Waterfront Red Car Line Extension and multi-modal CCT linkage area. The draft EIR describes the environmental resources that would be affected by the proposed Project. The draft EIR will address elements of the proposed Project in these three areas on both the program and project level. A program-level analysis is prepared when the lead agency has a proposed program or series of actions that can be characterized as one large project, and some specific design information may be uncertain. A program-level analysis generally analyzes broad environmental effects of the program with the understanding that additional site-specific environmental review may be required for particular aspects of the program when those aspects are proposed for implementation and construction. Below highlights the major elements of each of the three areas, except where indicated all elements will be analyzed at a project-level analysis.

ES.1.2.5 Proposed Planning/Land Use Changes

The proposed Project would also include amendments to the City of Los Angeles General Plan, the Port of Los Angeles Plan (Port Plan), the Wilmington-Harbor City Community Plan (CP), and the Port Master Plan (PMP) as listed below:

- Extend the Port Plan jurisdictional boundary from Water Street north to Harry Bridges Boulevard and from Broad Avenue in the east to Marine Avenue in the west, to include the single block of the Avalon Development District south of Harry Bridges Boulevard, the Avalon Triangle Park development site, and the Avalon Waterfront District, resulting in a corresponding retraction of the Wilmington-Harbor City CP jurisdictional boundary;
- Extend the PMP jurisdictional boundary to match the Port Plan adjustment, which would include the single block of the Avalon Development District south of Harry Bridges Boulevard, the Avalon Triangle Park development site, and the Avalon Waterfront District to be consistent with the Port Plan jurisdictional boundary change;
- Amend the City of Los Angeles General Plan to downgrade existing streets including Avalon Boulevard. This would include the downgrade of Avalon Boulevard from a collector street to a local street from Harry Bridges Boulevard south to its terminus at Water Street. [It would also include the](#)

[vacation of Avalon Boulevard from Harry Bridges Boulevard to Water Street;](#)

- Amend Port Plan existing land use designation of General/Bulk Cargo & Commercial/Industrial Uses Non-hazardous in PA 5 to add Recreation (this would include the waterfront area and the area where Triangle Park would be located);
- Amend Port Master Plan's existing land use designations for PA 5 (General Cargo, Liquid Bulk, Dry Bulk, Commercial Fishing, Industrial, Institutional, Other) to add Recreation and Commercial (non-fishing related) land uses; and
- Amend the Los Angeles Municipal Zoning Code (including previous and expanded boundary) to add Recreation, consistent with the Tidelands Trust to accommodate proposed project components (e.g., waterfront promenade, Land Bridge, Observation Tower). The Triangle Park area would be rezoned to Open Space.

ES.3.4 Surrounding Uses

~~While the proposed project site lies partially within the Wilmington Harbor City Community Plan,~~ [Although most of the proposed Project is within the existing boundary of the Wilmington–Harbor City Community Plan,](#) the majority of the Wilmington community lies north of the proposed Project. Wilmington is approximately 11.40 square miles and is composed of varied land uses. However, the community land uses that surround the proposed project site are almost exclusively light industrial with a small pocket of heavy commercial. The nearest residential area is within ~~1.5~~ miles of the proposed project site.

ES.4.3 Proposed Project Elements

The proposed Project is composed of several actions and elements spread over approximately 94 acres. Development under the proposed Project would occur in the following three areas:

- the Avalon Development District (Areas A and B);
- the Avalon Waterfront District; and
- the Waterfront Red Car Line/Multi-Modal California Coastal Trail

In each of these three areas sustainable design elements and features are proposed to help reduce energy and water requirements and to contribute to an improved project

design. Jurisdictional boundary adjustments are ~~required~~ proposed for the Port Element of the City’s General Plan, Wilmington Harbor-City Community Plan (WHC CP), and the Port Master Plan. The re-designation of land uses and rezoning within the proposed project area would also occur under the proposed Project within the three areas identified above.

The proposed Project would be constructed and implemented in two phases. The first—Phase I: Interim Plan—would occur between 2009 and 2015; the second—Phase II: Full Buildout Plan—would occur between 2015 and 2020. Section ES.4.5, “Project Phasing and Demolition and Construction Plan,” provides additional details regarding the proposed project phasing.

The proposed project actions or elements within the three major areas of development are described in greater detail below. Figure ES-4 shows an overview of the elements included in the proposed Project. Table ES-1 provides a summary of the three major areas of development by each action or element, the existing uses, and the phase each action or element would occur. Figure ES-5 illustrates the completed proposed Project using a simulated view.

Table ES-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 LAHD north of Harry Bridges Boulevard, Trade School located at corner of Lagoon and C Street; scattered private buildings	<u>Could include the</u> C construction and operation of a maximum of 75,000 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 <u>as currently zoned in Area A</u> ; 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 structure south of Harry Bridges Boulevard between Avalon Boulevard and Marine Avenue and vacant industrial lots	Construction and operation of 58,000 sf of retail/commercial development south of Harry Bridges Boulevard along Avalon Boulevard	N/A

1 **ES.4.3.2.1 Waterfront Promenade and Visitor Serving Amenities**

2 **Waterfront Promenade and Commercial Development**

3 The waterfront promenade would be the central public amenity of the Avalon
4 Waterfront District, and would be anchored by visitor-serving development and
5 recreational attractions along the waterfront. A 7-acre outdoor plaza designed for
6 gatherings and events would be constructed at the location of the existing Banning's
7 Landing Community Center parking lot, which would be relocated north, under the
8 pedestrian water bridge. Restaurant/visitor-serving retail uses totaling 12,000 square
9 feet would be incorporated into the waterfront boardwalk in Phase II. Due to the
10 presence of train noise, all commercial structures located at the waterfront (e.g.,
11 12,000 square feet of restaurant/visitor-serving retail use) that would incorporate
12 exterior uses (e.g., outside seating for restaurants) would be located more than 100
13 feet from the heavily used San Pedro Branch Line and TraPac ICTF lead. The
14 Mormon Island Lead Track would be closer, but train traffic is light and primarily
15 restricted to late night hours. In addition, all commercial structures would be
16 designed to shield any exterior uses from the existing rail line by either locating the
17 building between the exterior use and the rail line or by using sound-attenuating
18 barriers (i.e., clear Plexiglas) at any locations that have direct line of sight to the
19 existing rail lines east of Fries Avenue and along Water Street. The
20 restaurant/visitor-serving retail uses would not require in-water construction.

21 The waterfront promenade would incorporate approximately 43,220 square feet of
22 new over-the-water viewing piers and two floating docks with a combined size of
23 5,870 square feet. These piers and floating docks would require approximately 750
24 concrete piles for support, while the replacement of approximately 17,880 square feet
25 of existing viewing piers would require approximately 478 concrete piles. [Part of the
26 waterfront promenade would be made of metal grating mesh to allow light to
27 infiltrate through the promenade into the water below. Approximately 33% of the
28 promenade would be metal grating mesh. This decreases the amount of new
29 overwater surface coverage from 43,220 square feet to a total of 28,958 square feet.](#)

31 **ES.6.3.4 Cumulative Impacts**

32 The proposed Project was analyzed in conjunction with other related projects in the
33 area for potential to contribute to significant cumulative impacts. The proposed
34 Project's incremental contribution would result in cumulatively considerable impacts
35 for the following resource areas:

- 36 ■ Air Quality
- 37 ■ Biological Resources
- 38 ■ Geology

1 ■ Noise

2 ■ ~~Water Quality, Sediment, and Oceanography~~

3 The proposed Project would either not result in cumulatively considerable impacts or
4 not result in cumulatively considerable impacts after applicable mitigation is applied
5 for the following resource areas:

6 ■ Aesthetics

7 ■ Cultural Resources

8 ■ Groundwater and Soils

9 ■ Hazards and Hazardous Materials

10 ■ Land Use

11 ■ Population and Housing

12 ■ Transportation

13 ■ Utilities

14 ■ Public Services

15 ■ [Water Quality, Sediment, and Oceanography](#)

16 Cumulative impact evaluations for each resource are included in Chapter 4,
17 “Cumulative Effects,” of this draft EIR.

18

19 **ES.7.3 Issues Raised**

20 A summary of the comments received on the NOP during the scoping period can be
21 found in Table ES-6. This list includes issues identified in comment letters and at the
22 public meeting, along with the relevant sections of this EIR where they are addressed.

1 **Table ES-5.** Summary of Impact Determinations

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
3.2. Air Quality and Meteorology			
Construction			
<p>AQ-1: The proposed Project would result in construction-related emissions that exceed a SCAQMD threshold of significance.</p>	<p>Significant</p>	<p>....</p> <p>MM AQ-6: Best Management Practices. The following types of measures are required on <u>for</u> construction equipment (including onroad trucks) <u>will be used where applicable and feasible:</u></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>Significant and unavoidable</p>

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p>10. Use electric power in favor of diesel power where available</p> <p>11. Provide temporary traffic controls such as a flag person during all phases of construction to maintain smooth traffic flow</p> <p>12. Schedule construction activities that affect traffic flow on the arterial system for off-peak hours, to the extent possible</p> <p>13. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off site</p> <p>14. Configure construction parking to minimize traffic interference</p> <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 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>....</p>	
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	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	Less than significant

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
natural habitat, special aquatic site, or plant community, including wetlands.		credits from the Inner Harbor Mitigation Bank, per the terms and conditions established in the MOU between LAHD, CDFG, NMFS, and USFWS (City of Los Angeles 1984). 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. <u>MM BIO-2. Pile Driving Monitoring.</u> <u>A qualified biologist hired by LAHD will be required to monitor the area in the vicinity of pile-driving activities for any fish kills during pile driving. If there are any reported fish kills, pile driving will be halted and NMFS will be notified via LAHD’s Environmental Management Division. The biological monitor will also note (surface scan only) whether marine mammals are present within 100 meters of the pile driving and, if any are observed, temporarily halt pile driving until the observed marine mammals move beyond this distance.</u> 	
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 9 :00 p.m. on	Significant and unavoidable

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p>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 hours are needed during weekdays under special circumstances, LAHD 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 weekends 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 selected whenever possible. Where feasible, 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</p>	

Environmental Impacts	Impact Determination	Mitigation Measures	Impacts after Mitigation
		<p>project site will be notified of the construction schedule in writing prior to the beginning of construction.</p> <p>i) <u>Reporting</u>: LAHD will clearly post the telephone number where complaints regarding construction-related disturbance can be reported.</p> <p>....</p>	
3.11 Transportation and Circulation—Ground and Marine			
....			
Ground Operations			
<p>TC-2a: Proposed project operations would increase traffic volumes and degrade LOS at intersections within the proposed project vicinity.</p>	<p>Significant</p>	<p>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 <u>consult with LADOT. The consultation will review the details of adding</u> a right-turn lane in the southbound direction <u>or an alternative measure that achieves the same results and would not create a new impact</u>. 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).</p>	<p>Less than significant</p>

1 **Table ES-6.** Summary of Public Comments and Section Where Addressed in the EIR

<i>Commenter Name and Title</i>	<i>Comment Summary</i>	<i>Where Addressed in the DEIR</i>
John G. Miller. Chairman PCAC EIR Subcommittee	Concern regarding the absence of involvement of ACOE for floating docks and promenades of the proposed project.	1.0 Introduction 2.0 Project Description ³ The USACOE is currently involved with the proposed Project and leading the NEPA review. This review is occurring separate from the CEQA review and separate from the analysis performed in the Draft EIR.

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1 **3.3 Changes Made to Chapter 1—**
2 **Introduction**

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1.2.2 Project Overview

The proposed Project involves development of a variety of land uses within the three distinct areas of the proposed project site: (1) the Avalon Development District, [which includes Area A within the Wilmington–Harbor City Community Plan area north of Harry Bridges Boulevard and Area B within the proposed Port Plan and Port Master Plan areas south of Harry Bridges Boulevard](#), (2) the Avalon Waterfront District, and (3) the Waterfront Red Car Line Extension and multi-modal CCT linkage area. The draft EIR describes the environmental resources that would be affected by the proposed Project. The draft EIR will address elements of the proposed Project in these three areas on both the program and project level. A program-level analysis is prepared when the lead agency has a proposed program or series of actions that can be characterized as one large project, and some specific design information may be uncertain. A program-level analysis generally analyzes broad environmental effects of the program with the understanding that additional site-specific environmental review may be required for particular aspects of the program when those aspects are proposed for implementation and construction. Below highlights the major elements of each of the three areas, except where indicated all elements will be analyzed at a project-level analysis.

1.2.2.5 Proposed Planning/Land Use Changes

The proposed Project would also include amendments to the City of Los Angeles General Plan, the Port of Los Angeles Plan (Port Plan), the Wilmington-Harbor City Community Plan (CP), and the Port Master Plan (PMP) as listed below:

- extend the Port Plan jurisdictional boundary from Water Street north to Harry Bridges Boulevard and from Broad Avenue in the east to Marine Avenue in the west, to include the single block of the Avalon Development District south of Harry Bridges Boulevard, the Avalon Triangle Park development site, and the Avalon Waterfront District, resulting in a corresponding retraction of the Wilmington-Harbor City CP jurisdictional boundary;
- extend the PMP jurisdictional boundary to match the Port Plan adjustment, which would include the single block of the Avalon Development District south of Harry Bridges Boulevard, the Avalon Triangle Park development site, and the Avalon Waterfront District to be consistent with the Port Plan jurisdictional boundary change;
- amend the City of Los Angeles General Plan to downgrade existing streets including Avalon Boulevard. This would include the downgrade of Avalon Boulevard from collector street to a local street from Harry Bridges Boulevard south to its terminus at Water Street. [It would also include the](#)

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[vacation of Avalon Boulevard from Harry Bridges Boulevard to Water Street;](#)

- amend existing land use designation of General/Bulk Cargo & Commercial/Industrial Uses non-hazardous in PA 5 to add Recreation (this would include the waterfront area and the area where Triangle Park would be located);
- amend Port Master Plan’s existing land use designations for PA 5 (General Cargo, Liquid Bulk, Dry Bulk, Commercial Fishing, Industrial, Institutional, Other) to add Recreation and Commercial (non-fishing related) land uses; and
- amend the Los Angeles Municipal Zoning Code (including previous and expanded boundary) to add Recreation and Commercial, consistent with the Tidelands Trust to accommodate proposed project components (e.g., waterfront promenade, Land Bridge, Observation Tower). The Triangle Park area would be rezoned to Open Space.

1 **3.4 Changes Made to Chapter 2—Project**
2 **Description**
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2.2.5 Proposed Planning/Land Use Changes

The proposed Project would also include amendments to the City of Los Angeles General Plan, the Port of Los Angeles Plan (Port Plan), the Wilmington-Harbor City Community Plan (CP), and the Port Master Plan (PMP) as listed below:

- Extend the Port Plan jurisdictional boundary from Water Street north to Harry Bridges Boulevard and from Broad Avenue in the east to Marine Avenue in the west, to include the single block of the Avalon Development District south of Harry Bridges Boulevard, the Avalon Triangle Park development site, and the Avalon Waterfront District, resulting in a corresponding retraction of the Wilmington-Harbor City CP jurisdictional boundary.
- Extend the PMP jurisdictional boundary to match the Port Plan adjustment, which would include the single block of the Avalon Development District south of Harry Bridges Boulevard, the Avalon Triangle Park development site, and the Avalon Waterfront District to be consistent with the Port Plan jurisdictional boundary change.
- Amend the City of Los Angeles General Plan to downgrade existing Avalon Boulevard. This would include the downgrade of Avalon Boulevard from collector street to a local street from Harry Bridges Boulevard south to its terminus at Water Street. [It would also include the vacation of Avalon Boulevard from Harry Bridges Boulevard to Water Street;](#)
- Amend Port Plan existing land use designation of General/Bulk Cargo & Commercial/Industrial Uses Non-hazardous in PA 5 to add Recreation (this would include the waterfront area and the area where Triangle Park would be located);
- Amend Port Master Plan's existing land use designations for PA 5 (General Cargo, Liquid Bulk, Dry Bulk, Commercial Fishing, Industrial, Institutional, Other) to add Recreation and Commercial (non-fishing related) land uses; and
- Amend the Los Angeles Municipal Zoning Code (including previous and expanded boundary) to add Recreation, consistent with the Tidelands Trust to accommodate proposed project components (e.g., waterfront promenade, Land Bridge, Observation Tower). The Triangle Park area would be rezoned to Open Space.

2.3.4 Surrounding Uses

~~While the proposed project site lies partially within the Wilmington Harbor City Community Plan,~~ [Although most of the proposed Project is within the existing](#)

1 [boundary of the Wilmington–Harbor City Community Plan](#), the majority of the
2 Wilmington community lies north of the proposed Project. Wilmington is
3 approximately 11.40 square miles and is composed of varied land uses. However,
4 the community land uses that surround the proposed project site are almost
5 exclusively light industrial with a small pocket of heavy commercial. The nearest
6 residential area is within ~~1.5~~ miles of the proposed project site.

8 **2.6 Proposed Project Elements**

9 The proposed Project is composed of several actions or elements spread over
10 approximately 94 acres. Development under the proposed Project would occur in the
11 following three areas:

- 12 ■ Avalon Development District (Areas A and B);
- 13 ■ Avalon Waterfront District; and
- 14 ■ Waterfront Red Car Line/Multi-Modal California Coastal Trail

15 In each of these three areas sustainable design elements and features are proposed to
16 help reduce energy and water requirements and to contribute to an improved project
17 design (as discussed above under Section 2.2). Jurisdictional boundary adjustments
18 are ~~required~~-proposed for the Port Element of the City’s General Plan, Wilmington
19 Harbor-City Community Plan ([WHC CP](#)) Port Master Plan. The re-designation of
20 land uses and rezoning within the proposed project area would also occur under the
21 proposed Project within the three areas identified above.

22 The proposed Project would be constructed and implemented in two phases. The
23 first—Phase I: Interim Plan—would occur between 2009 and 2015; the second—
24 Phase II: Full Buildout Plan—would occur between 2015 and 2020. Section 2.8,
25 “Phasing and Demolition and Construction Plan,” provides additional details
26 regarding the proposed project phasing.

27 The proposed project actions or elements within the three major areas of
28 development are described in greater detail below. Figure 2-4 shows an overview of
29 the elements included in the proposed Project. Table 2-1 provides a summary of the
30 three major areas of development by each action or element, the existing uses, and
31 the phase in which each action or element would occur. Figure 2-5 illustrates the
32 completed proposed Project using a simulated view.

1 **Table 2-1.** 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	<u>Could include the</u> C onstruction and operation of a maximum of 75,000 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 <u>as currently zoned in Area A</u> ; 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 structure south of Harry Bridges Boulevard between Avalon Boulevard and Marine Avenue and vacant industrial lots	Construction and operation of 58,000 sf of retail/commercial development south of Harry Bridges Boulevard along Avalon Boulevard	N/A

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4 **2.6.2.1 Waterfront Promenade and Visitor-Serving**
 5 **Amenities**

6 **2.6.2.1.1 Waterfront Promenade and Commercial Development**

7 The waterfront promenade would be the central public amenity of the Avalon
 8 Waterfront District, and would be anchored by visitor-serving development and
 9 recreational attractions along the waterfront. A 7-acre outdoor plaza designed for
 10 gatherings and events would be constructed at the location of the existing Banning’s
 11 Landing Community Center parking area, which would be relocated north, under the
 12 pedestrian water bridge. Restaurant and visitor-serving retail uses totaling 12,000
 13 square feet would be incorporated into the waterfront boardwalk in Phase II. Due to
 14 the presence of train noise, all commercial structures located at the waterfront (e.g.,
 15 the 12,000-square-foot restaurant and visitor-serving retail) that would incorporate

1 exterior uses (e.g., outside seating for restaurants) would be located more than 100
2 feet from the heavily used San Pedro Branch Line and TraPac ICTF lead. In
3 addition, all commercial structures would be designed to shield any exterior uses
4 from the existing rail line by either locating the building between the exterior use and
5 the rail line or by using sound-attenuating barriers (i.e., clear Plexiglas) at any
6 locations that have direct line of sight to the existing rail lines east of Fries Avenue
7 and along realigned Water Street.

8 The waterfront promenade would incorporate approximately 43,220 square feet of
9 new over-the-water viewing piers and two floating docks with a combined size of
10 5,870 square feet. These piers and floating docks would require approximately 750
11 concrete piles for support, while the replacement of approximately 17,880 square feet
12 of existing viewing piers would require approximately 478 concrete piles. [Part of the waterfront promenade would be made of metal grating mesh to allow light to infiltrate through the promenade into the water below. Approximately 33% of the promenade would be metal grating mesh. This decreases the amount of new overwater surface coverage from 43,220 square feet to a total of 28,958 square feet.](#)

17 The public floating docks would accommodate up to 9 vessels. Assuming boats
18 would dock for up to 3 hours and assuming slips would not remain vacant for more
19 than a brief period, it was conservatively estimated that the floating docks would
20 support up to 36 boat trips a day. At a future date, it is possible a water taxi program,
21 similar to the Long Beach program but smaller in scale, would be proposed to travel
22 between the proposed Project and San Pedro. Figure 2-9 provides a photosimulation
23 of the proposed waterfront and the Observation Tower in the background.

24 At the water's edge, the proposed Project would modify the existing bulkhead wall
25 through a combination of concrete soil mixing and steel sheet pilings, including
26 replacing a 550-foot length of the existing bulkhead at the head of Slip 5. The
27 existing concrete bulkhead wall would remain in place, and on the east and west sides
28 of the area designated for soil mixing, a new steel sheet pile wall would be installed
29 immediately waterward from the existing wall. This action would fill 2,200 square
30 feet of Slip 5. Figure 2-10a shows the top view of the area proposed for soil mixing
31 and for steel sheet pilings, while Figure 2-10b provides a cross-section.

32 Other waterfront promenade amenities could include a water feature, shade
33 structures, signage, landscaping, and public art.

34

3.5 Changes Made to Section 3.1—Aesthetics

The DEIR unintentionally included two figures labeled 3.1-1. The first figure, Figure 3.1, *Photograph Locations*, is a previous figure that represented photograph locations that were ultimately not carried forward in the analysis. The second Figure 3.1-1, *Existing Setting Photograph Locations*, is the correct figure and corresponds to the locations analyzed in the text of the chapter.

Figure 3.1-2, *Wilmington Viewshed – Viewer Groups*, was inadvertently omitted from the DEIR. It is included below and other changes to the DEIR Aesthetics section follow.

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1 INSERT Figure 3.1-2, *Wilmington Viewshed – Viewer Groups* HERE

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3.1.2.2.1 Existing Visual Conditions within the Proposed Project Vicinity

The following section provides an overview of visual elements in the proposed project vicinity including views to the proposed Project site and views from the proposed Project site. This inventory of existing conditions describes prominent components in the visual setting that combine to form the overall visual character of the area. Figure 3.1-1 provides the location of representative photo points utilized in the discussion of existing conditions described below.

Wilmington Community Residential Viewshed

The Wilmington residential district is located largely to the north of the proposed project area above C and D Streets. The main access route into the southern part of the Wilmington community is via Harry Bridges Boulevard. This residential development is comprised of single-family dwellings and multi-unit residential buildings, and includes a mix of early twentieth century post–World War II buildings, as well as more recent buildings configured on small lots in a densely urban pattern.

The residential area is both visually and physically separated from the Port by the approximately 500-foot-wide area which functions as a buffer from industrial uses located to the south (Figure 3.1-2). This area is located west of Lagoon Avenue and bordered by C Street (north) and Harry Bridges Boulevard (south) and ends at Figueroa Street (Figure 3.1-2). The area is composed of mostly vacant lots and low density buildings. This area, known as the Harry Bridges Boulevard buffer, is planned for a community park and recreational area as part of the Berths 136–147 [TraPac] Container Terminal Project.

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1 **3.6 Changes Made to Section 3.2, Air Quality**

2 LADWP provided an updated Harbor Generating Station Health Risk Assessment
3 (HRA) in January 2009. The conclusion has been added to the Final EIR under
4 Impact AQ-7.

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MM AQ-6: Best Management Practices.

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

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
10. Use electric power in favor of diesel power where available
11. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow
12. Schedule construction activities that affect traffic flow on the arterial system for off-peak hours, to the extent possible
13. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off site
14. Configure construction parking to minimize traffic interference

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 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.

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

The proposed Project is located in an industrial area and is adjacent to several sources of toxic air contaminant emissions—most notably, the Harbor Generating Station to the west, the Ports of Los Angeles and Long Beach to the south and southeast, and Port-related diesel trucks traveling along Harry Bridges Boulevard to the north. Although proposed Project operations are not expected to produce significant health risk impacts on the surrounding community, people visiting the proposed project site could be exposed to elevated levels of TACs from these adjacent emission sources. Of particular concern are sensitive receptors, including those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality).

Impacts from the Harbor Generating Station

In 2004, LADWP conducted a health risk assessment of TAC emissions from the Harbor Generating Station (HGS), a power plant that operates adjacent to the proposed project site. The HRA was conducted in anticipation of the proposed Project to determine whether the HGS would expose park visitors to high health risks and therefore constrain the HGS from any future facility modifications (LADWP 2004). [In January 2009, LADWP revised the HGS HRA to incorporate various design features of the proposed Project that were not well defined in the 2004 study, including the proposed project site boundary and elevation of the pedestrian bridge. The 2009 revision also used an updated version of the California Air Resources Board \(CARB\) risk assessment tool, Hot Spots Analysis and Reporting Program \(HARP, Version 1.4a\). As shown below, the revised HRA's results are the same or less than the original HRA and therefore, the Draft EIR's findings do not change as a result of the new HRA.](#)

The emission sources assessed in the HRA included 7 combustion turbines, 5 cooling towers, a diesel emergency generator, a diesel power washer, and fugitive VOC emissions from an oil/water separator, storage tanks, and piping. The combustion turbines use natural gas as their primary fuel, although they are also permitted to burn diesel fuel (distillate oil No. 2) in the event of a natural gas curtailment and are regularly tested on diesel fuel.

The HRA evaluated individual lifetime cancer risk for proposed project site visitors from HGS emissions. Cancer risk is the probability or chance of contracting cancer over a human life span (assumed to be 70 years). For CEQA purposes, a project's incremental cancer risk is considered significant if it is equal to or greater than 10 chances per million. The HRA estimated the maximum cancer risk at the proposed project site to be ~~6.35.7~~ per million when evaluated with 70-year residential exposure assumptions (i.e., 24-hour-per-day exposure, 350 days per year, for 70 years). To estimate the cancer risk posed to children that may visit the proposed project site, the HRA also estimated the cancer risk posed to children over an exposure period of 9 years. The 9-year child cancer risk at the location of the proposed project site is 1.2 per million.

1 The HRA also evaluated non-cancer impacts, which include the chronic hazard index
2 and acute hazard index. Chronic toxicity is defined as adverse health effects from
3 long-term chemical exposure. Acute toxicity is defined as adverse health effects
4 caused by a short-term chemical exposure, typically 1 hour for most chemicals. A
5 chronic or acute hazard index equal to or greater than 1.0 indicates that adverse
6 health effects could occur. The maximum chronic and acute hazard indices
7 computed for emissions from the HGS are ~~0.30~~0.022 and ~~0.96~~0.89, respectively, on
8 the park site (LADWP ~~2004~~2009).

9 ~~In November 2008, LADWP elected to perform a subsequent HRA for the Harbor~~
10 ~~Generating Station to account for various design features of the proposed Project that~~
11 ~~were not well defined in the 2004 study. Results of the subsequent HRA are~~
12 ~~expected from LADWP in late 2008 or early 2009.~~

13 **Impacts from the Ports of Los Angeles and Long Beach**

14 As mentioned in Section 3.2.2.2.3, CARB published an exposure assessment in 2006
15 that evaluated the impacts from airborne particulate matter emissions from diesel-
16 fueled engines associated with port activities at the Ports of Los Angeles and Long
17 Beach (CARB 2006). The study focused on the on-Port property emissions from
18 locomotives, onroad heavy duty trucks, and cargo handling equipment used to move
19 containerized and bulk cargo such as yard tractors, top picks, side picks, rubber tired
20 gantry cranes, and forklifts. The study also evaluated the at-berth and over-water
21 emissions impacts from ocean-going vessel main and auxiliary engine emissions as
22 well as commercial harbor craft such as passenger ferries and tugboats.

23 The CARB study estimated that DPM emissions from the Ports result in potential
24 cancer risk levels exceeding 500 in a million near the Port boundaries, including the
25 proposed project site. Farther away from the Ports, the potential cancer risk levels
26 decrease but continue to exceed 50 in a million for more than 15 miles.

27 The CARB study also estimated potential non-cancer health impacts. Based on this
28 study, average numbers of cases per year that would be expected in a 20- by 20-mile
29 (400 square mile) study area are:

- 30 ■ 29 premature deaths¹ (for ages 30 and older)
- 31 ■ 750 asthma attacks
- 32 ■ 6,600 days of work loss
- 33 ■ 35,000 minor restricted activity days

34 Hotelling emissions from ocean-going vessel auxiliary engines and emissions from
35 cargo handling equipment are the primary contributors to the higher pollution-related
36 health risks near the ports.

¹ A death in which one dies before one's potential life expectancy [due to exposure to PM emissions from the source in question.](#)

Impacts from Harry Bridges Boulevard

Harry Bridges Boulevard is a major route for heavy duty diesel trucks traveling between the Port of Los Angeles and the Intermodal Container Transfer Facility (ICTF). In general, concentrations of airborne particles have been shown to be high near transportation corridors and decline as one moves further from the source. The distance from the roadway and truck traffic densities were key factors affecting the strength of the association with adverse health effects (CARB 2004a). The association of traffic-related emissions with adverse health effects was seen within 1,000 feet of transportation corridors and was strongest within 300 feet (Zhu 2002). There is growing evidence that close proximity to heavily traveled roadways increases the potential for adverse health effects such as child lung function, asthma, and increased medical visits (Brunekreef 1997; Lin 2000; Venn 2001; Kim 2004; and English 1999).

Existing Toxic Air Contaminant Levels in the Proposed Project Vicinity

As discussed in Section 3.2.2.2.3, SCAQMD published the draft MATES-III in January 2008. The objective of MATES-III was to characterize the ambient air toxic concentrations and potential human exposures in the South Coast Air Basin. The effort included two years of ambient monitoring for air toxics. MATES-III developed an updated toxics emissions inventory and conducted air dispersion modeling to estimate ambient levels and the potential health risks of air toxics.

A network of 10 fixed sites was used to monitor TACs once every 3 days for 2 years. One of these fixed monitoring sites was at 1903 Santa Fe Avenue in Long Beach (referred to as the “Wilmington site”), about 3 miles northeast of the proposed project site. The risk at the Wilmington site was estimated at approximately 1,270 per million based on the monitored data. This risk estimate represents the cumulative contribution from all TAC emission sources in the basin, including the specific sources adjacent to the proposed project site, as mentioned above. The risk of 1,270 per million at the Wilmington site is slightly higher than the basinwide average risk of 1,194 per million. The monitoring results indicate that diesel exhaust is the major contributor to air toxics risk throughout the air basin, accounting for about 84% of the total (SCAQMD 2008a).

MATES-III also conducted dispersion modeling to estimate cancer risk in 1.25 by 1.25 mile grid cells covering the entire air basin, including areas not covered by the fixed monitoring sites. The grid cells covering the two ports, including the proposed project site, were predicted to have risk values ranging from 1,100 to 2,900 in a million. The grid cell with the highest modeled risk in the air basin was at the Ports.

Summary of CARB Land Use Siting Guidance

In 2005, the California Air Resources Board published the *Air Quality and Land Use Handbook: A Community Health Perspective* (CARB 2005). This document considers the potential health impacts associated with proximity of sensitive receptors to various categories of air pollution sources so planners can explicitly

1 consider this issue in the land use planning processes. According to the Handbook,
2 sensitive land uses deserve special attention because children, pregnant women, the
3 elderly, and those with existing health problems are especially vulnerable to the non-
4 cancer effects of air pollution. Examples of non-cancer effects are asthma attacks,
5 heart attacks, and increases in daily mortality and hospitalization for heart and
6 respiratory diseases. There is also substantial evidence that children are more
7 sensitive than adults to cancer-causing chemicals (CARB 2005).

8 Because of the difficulty in quantifying non-cancer effects from air pollution, the
9 Handbook generally used estimates of cancer health impacts as an indicator of non-
10 cancer impacts to provide a picture of relative risk. The CARB study looked at 8
11 specific source categories:

- 12 ■ Freeways and high traffic roads
- 13 ■ Distribution centers
- 14 ■ Rail yards
- 15 ■ Ports
- 16 ■ Refineries
- 17 ■ Chrome plating facilities
- 18 ■ Dry cleaners
- 19 ■ Large gas dispensing facilities

20 CARB's recommendation for ports is to avoid siting new sensitive land uses
21 immediately downwind of ports in the most heavily affected zones. For freeways
22 and high traffic roads, CARB recommends that sensitive land uses should be at least
23 1,000 feet from freeways and high traffic roads.

24 **Impact Determination**

25 The proposed Project is located adjacent to substantial Port-related [and other](#)
26 [industrial](#) activities that generate emissions of DPM and other TACs. The northern
27 portion of the proposed project site is also located within 1,000 feet of Harry Bridges
28 Boulevard, a major route for Port-related diesel trucks. In addition, studies
29 conducted by CARB (2006) and SCAQMD (2008a) show that the area in the vicinity
30 of the Ports, including the proposed project site, exhibits levels of DPM and health
31 risks that are higher than most other areas within the air basin.

1 **Table 3.2-26.** Summary Matrix of Potential Impacts and Mitigation Measures for Air Quality and
 2 Meteorology Associated with the Proposed Project

<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 emissions that exceed a SCAQMD threshold of significance.	Significant	<p>....</p> <p>MM AQ-6: Best Management Practices. The following types of measures are required on for construction equipment (including onroad trucks) <u>will be used where applicable and feasible:</u></p> <ol style="list-style-type: none"> 15. Use diesel oxidation catalysts and catalyzed diesel particulate traps 16. Maintain equipment according to manufacturers' specifications 17. Restrict idling of construction equipment and on-road heavy-duty trucks to a maximum of 5 minutes when not in use 18. Install high-pressure fuel injectors on construction equipment vehicles 19. Maintain a minimum buffer zone of 300 meters between truck traffic and sensitive receptors 20. Improve traffic flow by signal synchronization 21. Enforce truck parking restrictions 22. 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. 23. Re-route construction trucks away from congested streets or sensitive receptor areas 24. <u>Use electric power in favor of diesel power where available.</u> 25. <u>Provide temporary traffic controls such as a flag person, during all</u> 	Significant and unavoidable

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p><u>phases of construction to maintain smooth traffic flow</u></p> <p>26. <u>Schedule construction activities that affect traffic flow on the arterial system for off-peak hours, to the extent possible</u></p> <p>27. <u>Provide dedicated turn lanes for movement of construction trucks and equipment on- and off site</u></p> <p>28. <u>Configure construction parking to minimize traffic interference</u></p> <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 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>	

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1 **3.7** **Changes Made to Section 3.3—Biological**
2 **Resources**
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3.3.4.3.1 Construction Impacts

Impact BIO-1a: Construction activities would not cause a loss of individuals, or the reduction of existing 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.

The proposed Project would include the construction of a waterfront promenade, public viewing piers, and 5,870-square-feet of floating docks for recreational boaters, which would include the construction of 43,220 square feet of new overwater surface area and approximately 17,880 square feet of replacement area. In total, 61,100 square feet of pile-supported waterfront promenade and piers would be constructed. ~~However, total new shaded area would be 41,325 square feet due to the design feature of adding 7,765 square feet of metal grating to permit solar light pass-through. Part of the waterfront promenade would be made of metal grating mesh to allow light to infiltrate through the promenade into the water below. Approximately 33% of the promenade would be metal grating mesh. This decreases the amount of new overwater surface coverage from 43,220 square feet to a total of 28,958 square feet.~~ Approximately 750 new and 478 replacement pilings would be required to support the promenade and piers.

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 MOU between LAHD, CDFG, NMFS, and USFWS (City of Los Angeles 1984). 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.

MM BIO-2. Pile Driving Monitoring.

A qualified biologist hired by LAHD will be required to monitor the area in the vicinity of pile-driving activities for any fish kills during pile driving. If there are any reported fish kills, pile driving will be halted and NMFS will be notified via LAHD's Environmental Management Division. The biological monitor will also note (surface scan only) whether marine mammals are present within 100 meters of the pile driving and, if any are observed, temporarily halt pile driving until the observed marine mammals move beyond this distance.

1 Residual Impacts

2 Impacts would be less than significant.

4 **Impact BIO-4a: Construction activities would not result in**
5 **substantial disruption of local biological communities (e.g.,**
6 **from construction impacts or the introduction of noise, light,**
7 **or invasive species).**

8 Construction of a new waterfront promenade and associated piers would add up to
9 43,220 square feet of new water surface area and remove and reconstruct up to
10 17,880 square feet of surface area within the proposed project area. The water
11 affected would be within the intertidal zone and shaded by the new overwater
12 structures. Approximately 1228 piles would be installed in the water for the new
13 structures (750 new piles and 478 replacement piles).

14 Reconstruction of the western portion of the bulkhead using sheet piles would result
15 in the loss of approximately 2,200 square feet (0.05 acres) of aquatic habitat below
16 the MHHW line. The deep soil–cement mixing system would not result in any loss
17 of aquatic habitat waterward of the existing bulkhead and thus not affect aquatic
18 biological communities.

19 Construction of the waterfront promenade and piers, as well as conversion of
20 currently developed areas, could affect biological resources through: (1) turbidity,
21 noise, and vibration generated by work in harbor waters; and (2) runoff of sediments
22 from terrestrial construction sites. Noise and vibration from pile driving will be in
23 the range of 192 dB_{peak}, or roughly 172 to 182dB_{RMS}. Proposed project construction
24 is expected to generate turbidity, but not to levels that could result in a substantial
25 disruption of biological communities. Turbidity, noise, and vibration (primarily from
26 pile driving) would likely cause most fish and birds to temporarily leave the
27 immediate project area during construction. Fish and bird populations would not be
28 adversely affected because the small number of individuals occurring in the affected
29 area would likely move temporarily into other adjacent areas, the disturbance would
30 be of short duration, and the relatively small area affected would not substantially
31 disrupt biological communities within Slip 5 or the Inner Harbor. Backland and road
32 improvement activities would have minimal effect on terrestrial biota because the
33 species present are nonnative and/or adapted to use of developed sites. Disturbances
34 to marine species would be temporary, and the animals present could move to other
35 nearby areas for the duration of the disturbance. Consequently, local biological
36 communities of this industrial area would not be substantially disrupted.

37 The loss of approximately 2,200 square-feet (0.05 acres) of aquatic marine habitat,
38 which extends only to 4.8 feet MLLW, would not substantially disrupt local
39 biological communities. This loss represents only 0.12 % of the marine habitat area

1 of Slip 5 (as measured at 4.8 MLLW). The loss of this area would be mitigated
2 through use of the Port's Inner Harbor Mitigation Bank.

3 Concrete pier decks constructed using cast in place techniques do pose a risk of
4 increased alkaline runoff. Runoff of sediments and pollutants from backland
5 construction activities would be minimized through the use of BMPs (see Section
6 3.14, "Water Quality, Sediments, and Oceanography" and Impact WQ-4a-1), and the
7 low concentrations that could enter harbor waters would meet all regulatory standards
8 and would not adversely affect marine organisms.

9 Moreover, LAHD routinely follows the *Caulerpa* control protocols for the detection
10 and eradication of this alga from California waters developed and maintained by the
11 National Marine Fisheries Service (NMFS) and the Department of Fish and Game
12 (DFG) (NMFS and CDFG 2007) prior to all in water construction activities. Bays,
13 inlets, and harbors between Morro Bay and the U.S./Mexico border are potential
14 habitat and need to be surveyed for *Caulerpa* presence prior to potentially disturbing
15 activities such as dredging, in order to ensure that no *Caulerpa* is present. No
16 *Caulerpa* has been observed in San Pedro Bay (Prickett pers. comm.) despite over 30
17 surveys conducted in LAHD since 2001 (SCCAT 2008). As standard operating
18 procedure, LAHD will conduct a pre-construction survey for *Caulerpa* in the project
19 area. The surveys will comply with methods and reporting (including project delay if
20 the algae is found until it has been eradicated), as outlined in the *Caulerpa Control*
21 *Protocol* (Version 4.0, adopted February 25, 2008) (NMFS and CDFG, 2003)
22 developed by the Southern California *Caulerpa* Action Team, which has been added
23 as Appendix L to the Final EIR.

24

25 **Impact BIO-4b: Operational activities associated with the**
26 **proposed Project would not result in a substantial disruption**
27 **of local biological communities (e.g., from construction**
28 **impacts or the introduction of noise, light, or invasive**
29 **species).**

30 Operational activities associated with the proposed Project would not substantially
31 disrupt local biological communities. Anticipated increases in boat traffic associated
32 with the proposed Project would include 36 boat trips per day, on average, to and
33 from the floating docks. A total of 9 boats averaging 30 feet in length would be able
34 to moor at the floating docks at one time. Increased boat traffic is not anticipated to
35 result in significant impacts on local biological communities. LAHD will work with
36 NMFS on adding design features to non-lethally deter pinnipeds from hauling out of
37 the water onto the docks. No expansion or increase in facilities would result from
38 operational activities.

1 **Impact Determination**

2 Operational activities in waters of the East Basin and on the backlands would not
3 result in any substantial disruption of local biological communities for the reasons
4 described above. Impacts would be less than significant.

5 Mitigation Measures

6 No mitigation is required.

7 Residual Impacts

8 Impacts would be less than significant.

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2 **Table 3.3-2:** Summary Matrix of Potential Impacts and Mitigation Measures for Biological Resources
 3 Associated with the Proposed Project

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
3.3 Biological Resources			
Construction			
....
<p>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.</p>	<p>Significant</p>	<p>MM BIO 1. Debit Inner Harbor Mitigation Bank.</p> <p>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 MOU between LAHD, CDFG, NMFS, and USFWS (City of Los Angeles 1984). 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.</p> <p><u>MM BIO-2. Pile Driving Monitoring.</u></p> <p><u>A qualified biologist hired by LAHD will be required to monitor the area in the vicinity of pile-driving activities for any fish kills during pile driving. If there are any reported fish kills, pile driving will be halted and the NMFS will be notified via LAHD's Environmental Management Division. The biological monitor will also note (surface scan only) whether marine mammals are present within 100 meters of the pile driving and, if any are observed, temporarily halt pile driving until the observed marine mammals move beyond this distance.</u></p>	<p>Less than significant</p>

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1 **3.8** **Changes Made to Section 3.7—Hazards**
2 **and Hazardous Materials**

3 All Appendix G-1 references in Section 3.7 on pages 3.7-23, 3.7-42, 3.7-43, 3.7-53,
4 and 3.7-54 have been revised to read Appendix G, as there is no Appendix G-1 in the
5 Draft EIR. The Appendix H reference on page 3.7-38, line 2 references the wrong
6 appendix and has been revised to reference Appendix F.

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1 **3.9 Changes Made to Section 3.8—Land Use**
2 **and Planning**
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1 **Table 3.8-4.** Proposed Project Land Use Actions

<i>Land Use Plan</i>	<i>Action to Land Use Plan</i>	<i>Proposed Project Action</i>
City of Los Angeles General Plan	Amendment	Downgrade Avalon Boulevard from a collector street to a local street from Harry Bridges Boulevard south to its terminus at Water Street. It would also include the vacation of Avalon Boulevard from Harry Bridges Boulevard to Water Street.
Port Plan	Amendment	Extend the jurisdictional boundary from its current boundary at Water Street north to Harry Bridges Boulevard, between Broad Avenue in the east and Marine Avenue in the west (effectively adding all area between Broad Avenue and Marine Avenue and south of Harry Bridges Boulevard to the Port Plan).
Port Plan	Amendment	Amend existing land use designation of General/Bulk Cargo & Commercial/Industrial Uses non-hazardous in PA 5 to add Recreation to include waterfront elements of the proposed Project and to include the Triangle Park site, whose land use designation would be Recreation. .
Wilmington-Harbor City CP	Amendment	Realign the jurisdictional boundary from its current boundary to the north side of Harry Bridges Boulevard, east of Broad Avenue, and west of Marine Avenue (effectively removing all area between Broad Avenue and Marine Avenue and south of Harry Bridges Boulevard from the Wilmington-Harbor City CP). Land use designations of Light Industrial, Community Commercial, and Limited Industrial north of Harry Bridges Boulevard and west of Marine Avenue would remain unchanged and would stay within the Wilmington-Harbor City Community Plan jurisdiction.
Port Master Plan	Amendment	Extend the jurisdictional boundary from its current location along Water Street north to Harry Bridges Boulevard, between Broad Avenue to the east and Marine Avenue to the West, to be consistent with Port Plan (effectively adding all area between Broad Avenue and Marine Avenue and south of Harry Bridges Boulevard).
Port Master Plan	Amendment	Amend Port Master Plan’s existing land use designations for PA 5 (General Cargo, Liquid Bulk, Dry Bulk, Commercial Fishing, Industrial, Institutional, Other) to add Recreation and Commercial (non-fishing related) land uses.
Los Angeles Municipal Zoning Code	Zone Change	Amend the Los Angeles Municipal Zoning Code within the previous Port Master Plan boundary to add Recreation, consistent with the Tidelands Trust to accommodate proposed project components (e.g., waterfront promenade, Observation Tower,). The Triangle Park area would be rezoned to Open Space.

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1 **3.10 Changes Made to Section 3.9—Noise**

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Mitigation Measures

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~~9:00 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.~~ If extended construction hours are needed during weekdays under special circumstances, LAHD 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.
- c) **Construction Days.** Noise-generating construction activities will not occur on Sundays or holidays unless critical to a particular activity (e.g., concrete work).
- d) **Construction Equipment.** All construction equipment powered by internal combustion engines will be properly muffled and maintained.
- e) **Idling Prohibitions.** Unnecessary idling of internal combustion engines near noise-sensitive areas will be prohibited.
- 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.
- 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.
- 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.
- i) **Reporting.** LAHD will clearly post the telephone number where complaints regarding construction-related disturbance can be reported.

Residual Impacts

Impacts would be significant and unavoidable.

1 **Table 3.9-10.** Summary Matrix of Potential Impacts and Mitigation Measures for Noise Associated with
 2 the Proposed Project

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
3.9 Noise			
Construction			
<p>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.</p>	<p>Significant</p>	<p>MM NOI-1: The following procedures will help reduce noise impacts from construction activities:</p> <ul style="list-style-type: none"> 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 69:00 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 hours are needed during weekdays under special circumstances, LAHD 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> c) Construction Days. Noise-generating construction activities will not occur on Sundays or holidays unless critical to a particular activity (e.g., concrete work). d) Construction Equipment. All construction equipment powered by internal combustion engines will be properly muffled and maintained. e) Idling Prohibitions. Unnecessary idling of internal combustion engines near noise-sensitive areas 	<p>Significant and unavoidable</p>

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
		<p>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: LAHD will clearly post the telephone number where complaints regarding construction-related disturbance can be reported.</p>	

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1 **3.11** **Changes Made to Section 3.11—**
2 **Transportation and Circulation—Ground**
3 **and Marine**

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

5 Demolition and landside construction associated with various elements of the
6 proposed Project would generate truck and other vehicular traffic associated with
7 construction worker commutes, transport and staging of construction equipment,
8 transport of construction materials to the construction site, and hauling excavated and
9 demolished materials away from the site. Most proposed project construction is
10 expected to occur between 2009 and 2020. During the construction period, Port
11 operations would continue at usual levels. The exact locations and extents of
12 construction impacts will not be known until detailed construction timing and
13 phasing plans are developed. However, potential construction effects on roadway
14 operations include the following:

- 15 ■ A temporary increase in traffic associated with construction worker
16 commutes, delivery of construction materials, hauling of demolished and/or
17 excavated materials, and general deliveries would increase travel demand on
18 roadways.
- 19 ■ Temporary roadway lane closures or narrowings in areas directly abutting
20 construction activities would reduce capacity of roadways.
- 21 ■ Temporary roadway closures associated with the construction of
22 transportation infrastructure would reduce the capacity of the roadway
23 system and/or require detours that increase travel times.
- 24 ■ Temporary lane or road closures would require route detours or reduced
25 service for transit routes that run adjacent to proposed project elements that
26 are under construction—namely, Metro lines 202 and 446/447.
- 27 ■ During proposed project construction, parking demand would increase from
28 construction workers and construction equipment that is not in use. In
29 addition, parking spaces located adjacent to construction activities would be
30 temporarily closed.
- 31 ■ Temporary sidewalk, lane, or road closures would occur adjacent to proposed
32 project elements that are under construction, which would interfere with
33 bicycle or pedestrian circulation within the proposed project vicinity.
- 34 ■ Travel disruptions would occur along the Class II bicycle lane along Avalon
35 Boulevard.
- 36 ■ Heavy and slow-moving construction vehicles would mix with general-
37 purpose vehicular and nonmotorized traffic in the area.
- 38 ■ [LAHD will submit driveway and circulation scheme plans for LADOT's](#)
39 [approval and coordinate with LADOT's Citywide Planning Coordination](#)
40 [Section](#)

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2 **MM TC-2: Reconfigure the southbound approach of Avalon Boulevard at the**
3 **intersection of Avalon Boulevard and Anaheim Street.** Prior to the initiation of
4 Phase II construction, LAHD will ~~add~~[consult with LADOT. The consultation will](#)
5 [review the details of adding](#) a right-turn lane in the southbound direction [or an](#)
6 [alternative measure that achieves the same results and would not create a new impact.](#)
7 Currently the southbound approach consists of one through/left-turn lane and one
8 through/right-turn lane. The mitigation will result in one right-turn lane, one through
9 lane, and one through/left-turn lane. This proposed mitigation will require the
10 removal of two metered parking spaces along Avalon Boulevard to allow for the
11 right-turn lane and the restriping of the northbound approach to properly align with
12 the reconfigured southbound approach. A conceptual drawing illustrating the
13 feasibility of this mitigation is provided in Figure 12 of the traffic report prepared for
14 this project (Appendix I).

15 Table 3.11-14 shows the projected LOS at this location with the proposed mitigation
16 in place. The table shows that this improvement would fully mitigate the identified
17 impact at Avalon Boulevard and Anaheim Street, reducing the projected LOS to less
18 than Without Project levels. With mitigation in place, the intersection is projected to
19 operate at LOS B ($V/C = 0.656$) during the AM peak hour, and at LOS D ($V/C =$
20 0.880) during the PM peak hour.

21 Residual Impacts

22 The reconfiguration of the southbound approach of Avalon Boulevard and Anaheim
23 Street under MM TC-2 would remove a maximum of two metered parking spaces.
24 As part of the traffic study, parking utilization counts were collected one block in
25 each direction from this intersection on a weekday and Saturday during the period of
26 11am and 1pm. Additionally, a survey of the existing land-use types around the
27 intersection that generated parking utilization within the immediate vicinity of the
28 intersection was performed. The results of the count and survey indicated there is a
29 surplus of metered parking spaces and the removal of a maximum of two metered
30 parking spaces would not significantly impact the parking supply in this location.
31 Therefore, the residual impacts of MM TC-2 would be less than significant. After
32 implementation of MM TC-2, the significant impact at the intersection of Avalon
33 Boulevard and Anaheim Street would be reduced to less than significant.

1 **Table 3.11-1.** Summary Matrix of Potential Impacts and Mitigation Measures for Transportation and
 2 Circulation (Ground and Marine) Associated with the Proposed Project

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
3.11 Transportation and Circulation—Ground and Marine			
....			
Ground Operations			
TC-2a: Proposed project operations would increase traffic volumes and degrade LOS at intersections within the proposed project vicinity.	Significant	<p>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 consult with LADOT. The consultation will review the details of adding a right-turn lane in the southbound direction or an alternative measure that achieves the same results and would not create a new impact. 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).</p> <p>Table 3.11-14 shows the projected LOS at this location with the proposed mitigation in place. The table shows that this improvement would fully mitigate the identified impact at Avalon Boulevard and Anaheim Street, reducing the projected LOS to less than Without Project levels. With mitigation in place, the intersection is projected to operate at LOS B (V/C = 0.656) during the AM peak hour, and at LOS D (V/C = 0.880) during the PM peak hour.</p>	Less than significant

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1 **3.12 Changes Made to Section 3.12, Utilities**

2 Changes to this section include the addition of a table (Table 3.12-13; see below).
3 Consequently, the existing Table 3.12-13 has been renumbered as Table 3.12-14.

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Table 3.12-3. Secondary Landfills for the Proposed Project

Landfill	Maximum Permitted Throughput, Tons/Day	Remaining Capacity, Cubic Yards	Remaining Capacity Date	Operation Cease Date
Azusa Land Reclamation Co. Landfill	6,500	34,100,000	March 31, 1996	January 1, 2025
Burbank Landfill Site No. 3	240	5,107,465	May 31, 2006	January 1, 2053
Calabasas Sanitary Landfill	3,500	16,900,400	October 14, 2004	January 1, 2028
Savage Canyon Landfill	350	7,419,580	July 15, 2006	January 1, 2025

Source: CIWMB (2008a).

Additionally, the County Sanitation Districts of Los Angeles County is developing a waste-by-rail system. An EIR for the Puente Hills Intermodal Facility was approved June 2008. ~~Additionally, the City of Industry is developing an EIR for a Puente Hills Intermodal Facility, which is expected to be approved by the summer of 2008.~~ This is a waste-by-rail project, intended to accommodate the solid waste removal needs for Los Angeles County. The proposed facility would eventually have the capacity to handle up to two trains per day, transporting a total of 8,000 tons of municipal solid waste per day. ~~If approved, it is anticipated to be in operation by 2011~~ (Puente Hills Intermodal Facility DEIR 2007).

Sanitation Districts Ordinance No. 4 ~~Los Angeles County Ordinance 7A~~ prohibits solid waste generated in the City of Los Angeles from being handled by or disposed of in facilities and landfills operated by the Los Angeles County Sanitation District. There are two transfer stations that serves the proposed project area: the Falcon Refuse Center in the Wilmington Community and the Southeast Resource Recovery Facility in the City of Long Beach.

Impact UT-2: The proposed project construction and operation would not exceed existing water supply, wastewater treatment, or landfill capacities.

Water Supply

The proposed Project would use water during construction for various purposes, such as dust suppression, mixing and pouring concrete, and other construction-related activities. Typically, the majority of water use during construction is associated with

1 dust suppression during grading or trenching, which is generally performed by water
2 trucks that use non-potable water from off-site sources. The additional water use
3 would not be substantial and no impact on water supply would occur.

4 Operation of the proposed Project would demand about 44,180 gpd or 50 acre-feet
5 per year (afy) of water in 2015 and about ~~85,312.586,242~~ gpd or ~~96.596.61~~ afy in
6 2020. The projected year 2015 and 2020 water demand represents an increase of
7 approximately 435 and 645% over the existing conditions, respectively. The
8 projected year 2015 and 2020 water demands represent an increase of ~~44.545.07~~ afy
9 and ~~91.191.68~~ afy from the baseline water demand (~~4.54.93~~ afy), respectively. In
10 accordance with LAHD's commitment to reduce and conserve the amount of water
11 used in the proposed project area, infrastructure would be incorporated to support the
12 use of reclaimed water for landscaping purposes (parks, road medians). The
13 proposed Project would utilize 20.7 afy and ~~56.561.72~~ afy of recycled water in 2015
14 and 2020, respectively, from the Terminal Island Reverse Osmosis facility.
15 Currently, there is a 24-inch recycled water mainline that runs from Terminal Island
16 to Harry Bridges Boulevard and along Broad Avenue. The proposed Project would
17 include constructing several mainlines off of this existing line so that all landscaping
18 and water features would be supplied with recycled water (per Table 3.12-7 a total of
19 49,950 gpd). The 2015 water demand of the proposed Project after use of recycled
20 water would represent approximately 0.004% of the estimated water demand of
21 705,000 afy for the LADWP service area in 2015. The 2020 water demand of the
22 proposed Project after use of recycled water would represent approximately 0.005%
23 of the estimated water demand of 731,000 afy for the LADWP service area in 2020.

24 Pursuant to State CEQA guidelines Section 15155(a)(1)(G), the proposed Project
25 would consume an amount of water equivalent to, or greater than, the amount of
26 water required by a 500 dwelling unit project. For this reason, LAHD would need to
27 comply with the water supply assessment (WSA) requirements of the State Water
28 Code (Section 10910-10915). ~~The WSA is being prepared by LADWP and will not
29 be available until early 2009. The results of the WSA will be included in the Final
30 EIR and the report will be appended to the EIR. However, given the relatively small
31 increase placed on the current water demand, it is anticipated that water will be
32 available for the proposed Project.~~

33 LADWP prepared the WSA on April 23, 2009, and it was approved by the Board of
34 Water and Power Commissioners on May 4, 2009. (The WSA is attached as
35 Appendix O of the Final EIR.) The WSA used an estimate of 16 afy of potable
36 water. The 16 afy was estimated by subtracting the total water need of 91.68 afy
37 from the planned use of 61.72 afy of recycled water and then by incorporating
38 conservation measures into the design of the proposed Project to further reduce
39 consumption by 14.16 afy (Table 3.12-13). The WSA concluded that the 16 afy
40 increase falls within the available and projected water supplies for normal, single-dry,
41 and multiple-dry years through the year 2030 as described in LADWP's year 2005
42 UWMP. LADWP determined that it will be able to meet the water demand of the
43 proposed Project as well as existing and planned future water demands of its service
44 area.

1

Table 3.12-13. Projected Water Use of the Proposed Project

<u>Total Water Use</u>	<u>96.61 afy</u>
<u>Minus Existing Water Use</u>	<u>-4.93 afy</u>
<u>Minus Design Conservation Measures</u>	<u>-14.16 afy</u>
<u>Minus Recycled Water Use</u>	<u>-61.72 afy</u>
<u>Total Potable Water Use</u>	<u>15.80 afy</u>
<u>Source: LADWP WSA 2009</u>	

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1 **3.13** **Changes Made to Chapter 4, Cumulative**
2 **Effects**

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4.2.3.6 Cumulative Impact BIO-5: Loss of Marine Habitat— Less than Cumulatively Considerable

Cumulative Impact BIO-5 represents the potential of the proposed Project when combined with past, present, and reasonably foreseeable future projects to result in a permanent loss of marine habitat.

4.2.3.6.2 Contribution of the Proposed Project

Construction of the proposed Project would result in permanent changes to the proposed project area that would increase shading through the addition of 43,220 square feet of overwater structures. The change in ambient light associated with the addition of 43,220 square feet of overwater structures would not affect eelgrass, kelp, or other aquatic vegetation or macroalgae, as these currently do not exist in Slip 5, or exist in very small quantities. Moreover, part of the waterfront promenade would be made of metal grating mesh to allow light to infiltrate through the promenade into the water below. Approximately 33% of the promenade would be metal grating mesh. This decreases the amount of new overwater surface coverage from 43,220 square feet to a total of 28,958 square feet.

The proposed Project would result in the loss of 2,200 square feet (0.05-acres) of Inner Harbor marine habitat. This habitat is of generally low quality, when compared to the habitat provided in other areas of the harbor; however, the loss of these 2,200 square feet (0.05-acres) of marine habitat would be a significant impact prior to the implementation of mitigation measure MM BIO-1, and thus the proposed Project's contribution is cumulatively considerable prior to mitigation.

As required by mitigation measure MM BIO-1, the loss of 2,200 square feet of marine habitat as a result of the proposed Project will be mitigated at a ratio of 1.5 to 1. Thus 3,300 square feet (0.08 acres) of marine habitat at the Inner Harbor Mitigation Bank will be dedicated to the proposed Project. This will ensure that the proposed Project will have a less-than-significant impact after mitigation and there would be no net loss of habitat.

4.2.3.6.3 Mitigation Measures and Residual Cumulative Impacts

The loss of habitat impacts for present and reasonably foreseeable future projects have been or would be mitigated by offsets of mitigation bank credits. As a result, present and reasonably foreseeable future projects would not result in additional significant cumulative impacts related to the loss of marine habitat. The loss of 2,200 square feet of marine habitat as a result of the proposed Project will be mitigated at a ratio of 1.5 to 1 through the implementation of mitigation measure MM BIO-1. Thus

1 3,300 square feet (0.08 acres) of marine habitat at the Inner Harbor Mitigation Bank
2 will be dedicated to the proposed Project.

3 Therefore, because the proposed Project would offset its impact on marine habitat by
4 mitigating at a ratio of 1.5 to 1, resulting in less-than-significant direct and indirect
5 impacts on marine habitat, the proposed Project's incremental contribution, when
6 combined with past, present, and reasonably foreseeable future projects, would be
7 less than cumulatively considerable.

8 ~~Although this will ensure that the proposed Project will have a less than significant~~
9 ~~impact after mitigation, it would still be considered a significant cumulative impact,~~
10 ~~and the proposed Project's contribution would be cumulatively considerable.~~

11

12 **4.2.14.5 Cumulative Impact WQ-4: Discharge Effects to**
13 **Water and Sediment Quality—~~Cumulatively~~**
14 **~~Significant and Unavoidable; Project Contribution~~**
15 **Less Than Cumulatively Considerable**

16 **Cumulative Impact WQ-4** represents the potential of the proposed Project when
17 combined with past, present, and reasonably foreseeable future projects to create
18 pollution, cause nuisances, or violate applicable standards as defined in Section
19 13050 of the California Water Code (see definitions below) or that cause regulatory
20 standards to be violated, as defined in the applicable NPDES stormwater permit or
21 Water Quality Control Plan for the receiving water body.

22

23 **4.2.14.5.2 Contribution of the Proposed Project**

24 In-water construction activities, primarily piling placement, would disturb bottom
25 sediments. Disturbances of bottom sediments would alter some water quality
26 parameters such as DO, nutrients, and turbidity. These changes would be of short
27 duration and localized to the mixing zone associated with the construction activity.
28 As discussed in Section 3.14, changes to water quality from in-water construction are
29 not expected to exceed applicable standards outside of any approved mixing zone.
30 Because the effects are not expected to overlap in time and space with those from
31 other projects, the impacts of such disturbances would not be cumulatively
32 considerable relative to the CEQA baseline. Once the construction phase of the
33 proposed Project was completed, operations would not be expected to cause further
34 disturbances to bottom sediments or contribute to cumulative impacts.

35 The proposed Project would not result in any direct discharge of wastewater to the
36 harbor. However, stormwater runoff from the onshore portions of the proposed

1 project area would flow into the harbor, along with runoff from adjacent areas of the
2 large, primarily urbanized, watershed. Stormwater runoff from backland areas within
3 the proposed project site would be governed by a stormwater permit, similar to those
4 required for the other cumulative projects, that specifies constituent limits and/or
5 mass emission rates that are intended to protect water quality and beneficial uses of
6 receiving waters. Relative to the CEQA baseline, the proposed project operations
7 would contribute similar or lower volumes of runoff (due to the decreased surface
8 area associated with reduced impervious area due to park development) and no
9 substantial differences in the chemical composition of the runoff because the land
10 uses would be similar or less industrial. While the inputs from the proposed Project
11 would be negligible compared with those from the entire watershed, the runoff could
12 contain contaminants (e.g., metals) that have been identified as stressors for portions
13 of the Los Angeles and Long Beach Harbors.

14 Best management practices to prevent or minimize contaminant loadings to the
15 harbor from stormwater runoff from past, present, and future projects, including the
16 proposed Project, are required by the SUSMP, which is incorporated into the Los
17 Angeles County Urban Runoff and Stormwater NPDES Permit issued by the
18 RWQCB. SUSMP requirements must be incorporated into proposed project plans
19 (including reasonably foreseeable future projects) and approved prior to issuance of
20 building and grading permits. Specifically, the SUSMP requires that each project
21 incorporate BMPs specifically designed to minimize stormwater pollutant discharges.
22 While adopted BMPs will vary by project, all BMPs must meet specific design
23 standards to mitigate stormwater runoff and control peak flow discharges. The
24 SUSMP also requires implementation of a monitoring and reporting program to
25 ensure compliance with the constituent limitations in the permit. These BMPs and
26 compliance monitoring would reduce the residual cumulative impacts from runoff to
27 less than cumulatively considerable. Thus, the proposed Project's contribution would
28 be cumulatively considerable without mitigation.

29 The proposed Project would not alter the levels of vessel traffic visiting the Ports of
30 Los Angeles and Long Beach, and thus would not contribute to higher mass loadings
31 of contaminants such as copper that are released from vessel hull anti-fouling paints,
32 and would not contribute to accidental spills and illegal vessel discharges within the
33 harbor. Thus the proposed Project's contribution to contaminant loading due to anti-
34 fouling paints, accidental spills, and illegal vessel discharges would be less than
35 cumulatively considerable.

36

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1 **Table 4-2.** Summary Matrix of Potential Cumulative Impacts and Mitigation Measures Associated with
 2 the Proposed Project

<i>Cumulative Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
....			
Biological Resources			
BIO-1: Adverse Impact on Sensitive Species	Cumulatively Considerable	Mitigation not available	Cumulatively Considerable
BIO-2: Alteration or Reduction of Natural Habitats, Special Aquatic Sites, or Plant Communities	Cumulatively Considerable	Mitigation not available	Cumulatively Considerable
BIO-3: Interference with Migration or Movement Corridors	No Cumulative Impact	Mitigation not required	No Cumulative Impact
BIO-4: Disruption of Local Biological Communities	Cumulatively Considerable	Mitigation not available	Cumulatively Considerable
BIO-5: Loss of Marine Habitat	Cumulatively Considerable	Implement Mitigation Measure MM BIO-1. The loss of 2,200 square feet of marine habitat as a result of the proposed Project will be mitigated at a ratio of 1.5 to 1. Thus 3,300 square feet (0.08 acres) of marine habitat at the Inner Harbor Mitigation Bank will be dedicated to the proposed Project. This will ensure that the proposed Project will have a less than significant impact after mitigation and would offset its cumulative impact. T, and the proposed Project's contribution would be cumulatively considerable.	Less than Cumulatively Considerable
....			
Water Quality, Sediments, and Oceanography			
WQ-1: Increased Risk of Flooding	Less than Cumulatively Considerable	Mitigation not required	Less than Cumulatively Considerable
WQ-2: Change in the Amount of Surface Water in a Water Body	Less than Cumulatively Considerable	Mitigation not required	Less than Cumulatively Considerable
WQ-3: Adverse Changes in Surface Water Movement	Less than Cumulatively Considerable	Mitigation not required	Less than Cumulatively Considerable
WQ-4: Discharge Effects to	Less than Cumulatively	Mitigation not required	Less than Cumulatively

<i>Cumulative Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impacts after Mitigation</i>
Water and Sediment Quality	Considerable Significant and Unavoidable; Project Contribution Cumulatively Considerable	Best management practices to prevent or minimize contaminant loadings to the harbor from stormwater runoff from past, present, and future projects, including the proposed Project, are required by the SUSMP, which is incorporated into the Los Angeles County Urban Runoff and Stormwater NPDES Permit issued by the RWQCB. SUSMP requirements must be incorporated into the proposed project plan and approved prior to issuance of building and grading permits. Specifically, the SUSMP requires that each project incorporate BMPs specifically designed to minimize stormwater pollutant discharges. While adopted BMPs will vary by project, all BMPs must meet specific design standards to mitigate stormwater runoff and control peak flow discharges. The SUSMP also requires implementation of a monitoring and reporting program to ensure compliance with the constituent limitations in the permit. These BMPs and compliance monitoring would reduce the residual cumulative impacts from runoff to less than cumulatively considerable.	Considerable Significant and Unavoidable; Project Contribution Cumulatively Considerable

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1 **3.14** **Changes Made to Appendix G— Risk**
2 **Management Analysis**

3 Appendix G— Risk Management Analysis of LADWP Marine Tank Farm was
4 inadvertently included in the Draft EIR. This analysis was conducted in May 2008
5 using various assumptions to present possible scenarios under four different
6 excursion cases. It was considered a preliminary analysis and was prepared prior to
7 obtaining actual information on the Marine Tank Farm’s bulk liquid storage tanks.
8 This analysis is not relevant to the current Hazards and Hazardous Materials analysis
9 because the assumptions used were later discredited by the actual information
10 received. Therefore, the Risk Analysis of the LADWP Marine Tank Farm has been
11 removed from the DEIR and a confidential Appendix G Risk Management Analysis
12 has replaced it. The Risk Management Analysis is confidential because it contains
13 the specifications of the LADWP Harbor Generating Station and the LADWP Marine
14 Tank Farm, and this information is considered sensitive for public safety and security
15 reasons. Information contained in this confidential Risk Management Analysis does
16 not change the significance conclusions in the Draft EIR. Impacts in Section 3.7
17 would remain less than significant.

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