

**Final Supplemental
Environmental Impact Report for the
West Channel/Cabrillo Marina Phase II
Development Project (Cabrillo Way Marina)**

**Volume 3: Final Supplemental
Environmental Impact Report Text**

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Resumen en idioma español.

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This document contains public comment letters, responses to public comments, and minor corrections to the Recirculated Draft Supplemental Environmental Impact Report (Recirculated Draft SEIR) for the West Channel/Cabrillo Marina Phase II Development Project (Cabrillo Way Marina), dated November 2002. When combined with the Recirculated Draft SEIR, this document comprises the Final Supplemental Environmental Impact Report (Final SEIR) for the proposed project.

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Acronyms

ACOE	U.S. Army Corps of Engineers
ADA	Americans with Disabilities Act
AQMP	Air Quality Management Plan
AMP	alternative maritime power
BAT	best available technology economically achievable
BCT	best conventional pollutant control technology
BMPs	best management practices
Cabrillo Way Marina	West Channel/Cabrillo Marina Phase II Development Project
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMP	Congestion Management Program
CO	carbon monoxide
Crescent	Crescent Warehouse Company, Ltd.
CTR	California Toxics Rule
CWA	Clean Water Act
DBW	Department of Boating and Waterways
DTSC	Department of Toxic Substances Control
EIR	environmental impact report
Final SEIR	final recirculated supplemental environmental impact report for the West Channel/Cabrillo Marina Phase II Development Project

GCASP	General Construction Activities Stormwater Permit
GIASP	General Industrial Activities Stormwater Permit
GMP	Growth Management Plan
GPM	gallons per minute
IES	Illuminating Engineering Society
LADOT	Los Angeles Department of Transportation
LAFD	Los Angeles Fire Department
LAHD	Los Angeles Harbor Department
LAPD	Los Angeles Police Department
LARWQCB	Los Angeles Regional Water Quality Control Board
LOS	level of service
MPO	Metropolitan Planning Organization
MLLW	mean lower low water
MSDs	marine sanitation devices
MTA	Los Angeles County Metropolitan Transportation Authority
NEPA	National Environmental Policy Act
NO _x	oxides of nitrogen
NPS	non-point source
NTR	1992 National Toxics Rule
OHDWC	Outer Harbor Dock & Wharf Company
PAHs	polyaromatic hydrocarbons
PCAC	Port Community Advisory Committee
PCAC Focus Group	Port Community Advisory Committee Cabrillo Marina Phase II Focus Group
Port	Port of Los Angeles

Recirculated Draft SEIR	recirculated draft supplemental environmental impact report for West Channel/Cabrillo Marina Phase II Development Project
RCPG	Regional Comprehensive Plan and Guide
RMP	Regional Mobility Program
ROG	reactive organic gases
RTP	Regional Transportation Plan
RTIP	Regional Transportation Improvement Plan
SBPW	San Pedro Boat Works
SCP	source control program
SLC	State Lands Commission
SSA	Stevedoring Services of America
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TBT	tributyltin
TDM	transportation demand management
TMDL	total maximum daily loads
TOC	total organic carbon
TSM	transportation system management
TSS	total suspended solids
USCG	U.S. Coast Guard
WATCH	Waterfront Access Task Force for the Community and Harbor

Chapter 1
Executive Summary

Chapter 1

Executive Summary

This Executive Summary addresses the environmental effects of the West Channel/Cabrillo Marina Phase II Development Project (Cabrillo Way Marina) in the Port of Los Angeles (Port). It summarizes the project background, project objectives, project description, and project alternatives. At the end of this chapter, Table 1-7 summarizes environmental impacts and mitigation measures and Table 1-8 summarizes just those environmental impacts that still have residual impacts after mitigation measures are implemented.

1.1 Intended Use of the Final Supplemental Environmental Impact Report Document

This Final Supplemental Environmental Impact Report for the West Cabrillo Way Marina (Final SEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. The Los Angeles Harbor Department (LAHD) is the local lead agency for the project, and has prepared this Final SEIR. This Final SEIR is an informational document that will inform public agency decision makers and the general public of the significant environmental effects of the project, recommend ways to minimize the significant effects, and describe reasonable alternatives to the project. This document assesses the potential impacts, including unavoidable adverse impacts and cumulative impacts, related to the proposed project. This Final SEIR will support the permitting process of all agencies whose discretionary approvals must be obtained for particular elements of this project. This Final SEIR will also support the Master Plan Amendment required for the cut-and-fill components of the project and for approval of any entitlements by the LAHD.

1.2 Final SEIR Contents

This Final SEIR has been prepared in accordance with the content requirements of Section 15132 of the State CEQA Guidelines. It contains a revised project description (Chapter 1); a compilation of other revisions to the Recirculated Draft Supplemental Environmental Impact Report for the Cabrillo Way Marina (Recirculated Draft SEIR), which was circulated on November 18, 2002

(Chapter 2); the public comments received during the public review period and responses to those comments (Chapter 3); references cited (Chapter 4); and several appendices (Volume 4, “Appendices”). Supporting technical appendices remain in Volume 2 of the Recirculated Draft SEIR, which was circulated for public review and dated November 2002. Those technical studies remain available for review at the LAHD offices and are not reproduced in this Final SEIR. This Final SEIR is intended to provide decision makers and the public with the most up-to-date information available regarding the project, required mitigation measures, and project alternatives.

This Final SEIR presents responses to comments submitted by government agencies, organizations, and the public for the Recirculated Draft SEIR. CEQA requires the lead agency to respond to comments received during the public comment period. This document has been prepared in accordance with these requirements.

The remainder of this volume is organized as follows:

- Chapter 2, “Changes and Corrections to the Recirculated Draft SEIR,”
- Chapter 3, “Recirculated Draft SEIR Comments and Responses to Comments,” and
- Chapter 4, “References Cited.”

In Chapter 2, Recirculated Draft SEIR text additions are indicated by underlined text (additions), and deletions are indicated by strikethrough text (~~deletions~~). Additionally, Table 2-1 is a compilation of substantive changes to the Recirculated Draft SEIR, although it does not include the modified project description, which is presented in its entirety below.

The LAHD received 38 letters commenting on the Recirculated Draft SEIR, as well as the transcripts of oral testimony provided at the January 14, 2003, public comment meeting. Table 3-1 lists each comment letter, its assigned identification number, the commentor’s name, the comment letter date, and the page in Chapter 3 on which the comment begins. All letters were reviewed and are reprinted in Chapter 3 of this document. All substantive comments (i.e., those that present new data, questions, or new issues bearing on the significant environmental effects of the proposed project and alternatives) are responded to in Chapter 3, immediately following the comment letter. Chapter 3 also presents responses to comments that were raised frequently or require a similar response, as well as responses to individual comments raised regarding the adequacy of the environmental analysis in the Recirculated Draft SEIR. The responses clarify information in the Recirculated Draft SEIR; however, they also occasionally present changes or additions to the text.

As described above, this Final SEIR contains only the information and analyses that have changed as a result of project modifications, new information or analysis, or the applicant or lead agency’s adoption of measures to further reduce project impacts. CEQA Guidelines Section 15088.5 provides that a lead agency is not required to recirculate an EIR unless the following conditions are met:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

As clarified in Section 15088.5 (b) of the CEQA Guidelines, "Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR." This Final SEIR provides the substantial evidence in the record to support the decision not to recirculate the Recirculated Draft SEIR.

While changes have occurred to the proposed project and mitigation measures presented in the Recirculated Draft SEIR, those changes are in response to public comments and are designed to improve the character of the project and reduce the environmental impacts of the project. In summary, the changes would not cause new significant impacts, would not result in a substantial increase in the severity of an environmental impact, and do not fail to adopt new feasible alternatives or mitigation measures. In addition, the changes do not cause the Recirculated Draft SEIR to be so fundamentally flawed that it precludes meaningful public review. Therefore, the revisions to the project and the Recirculated Draft SEIR do not meet the conditions that would require recirculation pursuant to Section 15088.5 of the CEQA Guidelines.

The revisions to the Recirculated Draft SEIR are minor text changes that do not constitute significant additional information that changes the outcome of the environmental analysis or requires recirculation of the document. The most substantial outcome of the Recirculated Draft SEIR review and comment process has been the range of project modifications brought about by community involvement with the applicant (Westrec Marinas) and LAHD staff, as summarized below.

1.3 Public Outreach and Coordination Efforts

The Recirculated Draft SEIR was released for public review in November 2002. To facilitate public involvement during the Recirculated Draft SEIR review period, the LAHD solicited input on the environmental analysis and the project in general. Beyond the minimum CEQA requirements, the LAHD's outreach included public outreach meetings, alternative forms of Recirculated Draft SEIR distribution, Spanish translation, and the provision of an interpreter at community meetings. On November 18, 2002, public notices of availability stating that the

Recirculated Draft SEIR was available for review were published in four newspapers: the *Los Angeles Times*, *Metropolitan News-Enterprise*, *Daily Breeze*, and *La Opinion*. In addition to its availability at four public libraries and LAHD offices, the Recirculated Draft SEIR was also available online at the Port Web site: <http://www.portoflosangeles.org/Environmental/publicnotice.htm>. A public meeting to take oral comments on the Recirculated Draft SEIR was held on January 14, 2003, in the Board Hearing Room, 425 S. Palos Verdes Street, San Pedro, CA.

In addition to the public outreach during the review period for the Recirculated Draft SEIR, the LAHD and the applicant have actively worked with the Port Community Advisory Committee (PCAC) Cabrillo Marina Phase II Focus Group (PCAC Focus Group). The agendas and notes from these PCAC meetings are included in Appendix A. The PCAC Focus Group consisted of a subset of PCAC members interested in the project (Coordinated Plan Subcommittee). The PCAC Focus Group began meeting in October 2002 as a public forum to discuss project elements and concerns regarding project impacts. LAHD staff, representatives of Westrec Marinas and its design consultant Bluewater Design Group, and Commissioners Tonsich and Kocol met with PCAC members, PCAC's design review firm SMWM, and members of the general public in a series of 11 focus group meetings through June 2003. The focus group meetings were also attended by representatives of the business community, marina tenants, and recreational boaters.

The meetings offered facilitation and ideas for compromise between the applicant's and the PCAC Focus Group's positions. Focus group meetings took place on the following dates: October 2, 2002; October 10, 2002; October 29, 2002; November 19, 2002; December 17, 2002; January 9, 2003; February 3, 2003; February 19, 2003; April 22, 2003; May 5, 2003; May 22, 2003; June 19, 2003 (Coordinated Plan); and June 25, 2003 (full PCAC). In addition, representatives from the focus group met with LAHD staff on October 2, 2003, and November 7, 2003. Copies of agendas, minutes, and other related documents are included in Appendix A of this Final SEIR.

The PCAC Focus Group presented detailed comments on project elements, as well as the impact analysis presented in the Recirculated Draft SEIR. The full PCAC adopted these comments and submitted them during the public comment period of the Recirculated Draft SEIR. The LAHD and the applicant agreed to modify the project based on the interaction with the PCAC Focus Group. The applicant presented these modifications (in the form of intermediate project versions) to the group and received feedback. The applicant revised the design of the dry stack storage building so that it was separated into three horizontally and vertically offset sections (February 2003 Option), as shown in Figures 1-14, 1-15, 1-16, 1-17, 1-18, and 1-19. Additionally, at the February meeting, the PCAC Focus Group requested that a design review consultant (SMWM) review the project design for consistency with other plans being developed for the integrated "Bridge-to-Breakwater" master plan concept. Westrec Marinas and Bluewater Design Group coordinated with SMWM and supplied additional project details, drawings, and visual simulations. After reviewing these materials, SMWM produced two letters giving its recommendations for guidelines for the marina

project (Appendix A). It presented its opinions at the April 2003 focus group meeting and answered questions for the group and public.

At the May meetings, the applicant presented a version of the project that substantially incorporated the guidelines and recommendations of SMWM. The PCAC Focus Group agreed to reconsider the project. Those representatives of other advisory bodies (i.e., neighborhood councils and homeowners' groups) discussed the modified project with those groups.

Subsequently, on July 23, 2003, a motion by the PCAC was presented to the Board of Harbor Commissioners and was forwarded to LAHD staff. The motion may be found in Appendix A of this Final SEIR.

On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, as follows:

1. Direct Port staff to initiate a Project Architectural/Site Plan Design Review team that includes representatives of the PCAC Coordinated Plan Subcommittee and the San Pedro Waterfront and Promenade implementation plan consultant to review and provide advice on various project design issues presented in Exhibit "B" of the PCAC motion; and
2. Direct Port staff to incorporate project modifications into the Final Supplemental Environmental Impact Report (FSEIR) and ensure that individual project and cumulative impact evaluations reflect the revised project and further ensure that the FSEIR is consistent with the lease; and
3. Direct Port staff to evaluate the feasibility of locating boat launch facilities on Port property. The assessment is to include integration of any potential facility into the San Pedro Waterfront planning process; and
4. Direct Port staff to include the "A. through O. conditions" dated June 4, 2003) in the FSEIR as well as a discussion of each item.

Figures 2-1, 2-2, and 2-3 show the evolution of the conceptual site plan design from 1998, 2002, and 2003. Figure 1-5 highlights the project changes from the Recirculated Draft SEIR to this Final SEIR. The PCAC project element concerns, along with the responses and resolutions to those concerns, are presented in Table 1-1.

1.4 Project Location and Setting

The Cabrillo Way Marina project site is located at the southern end of the City of Los Angeles (Figures 1-1 and 1-2). The project site is located in the southwestern portion of the Port in the San Pedro District (Port of Los Angeles Master Plan Planning Area 1 [Figure 1-3]).

The proposed Cabrillo Way Marina site is currently occupied by existing marina boat slips, parking areas, lifeguard and fire stations, and warehouses for storage, cargo handling, and transshipment activities, and is adjacent to San Pedro Boat Works, which is no longer in operation. Marina boat slips located at the Watchorn Basin area, in particular, do not have sufficient parking capacity available or parking facilities conveniently located for waterside dependent uses. About 530 boat slips presently exist on the east side of the West Channel within the project site. As of 1998, when the previous Draft SEIR was prepared, approximately 760 boat slips were in use. Many have since been removed due to their poor conditions, and the Recirculated Draft SEIR reflects the current baseline count of 530 slips in all relevant discussions.

There are a number of commercial and residential uses in the vicinity of the project area. Figure 1-4 shows the existing uses on the project site and surrounding areas. Commercial uses are at 22nd Street Landing Sportfishing and across the West Channel at Cabrillo Marina Phase I. The nearest residential uses are located along Crescent Avenue to the north and at Fort MacArthur to the west. It should be noted that there are also non-permanent residential uses by “liveaboards” (boat occupants) on the project site.

The area north of 22nd Street that was included as part of the proposed project in the Recirculated Draft SEIR has been removed from the proposed project in this Final SEIR. Westrec Marinas does have first right of refusal to lease this area. Any future development of this area is not covered under this Final SEIR and would require separate CEQA process.

1.5 Boat Launch Siting

Some members of the public have expressed concerns about the lack of a specific commitment to developing a new public boat launch facility as part of the proposed project and the continued operation of the existing Cabrillo Beach launch ramp. In response, Chapter 5 of the Recirculated Draft SEIR, “Boat Launch Analysis,” examined the feasibility of nine possible boat launch locations within the Port as a “standalone” project component.

Developments since the release of the Recirculated Draft SEIR have helped refine the selection process for potential public boat launch sites. The “Bridge-to-Breakwater” master plan concept, with the support of the Mayor of Los Angeles, has evolved into the San Pedro Waterfront and Promenade planning process. This planning process is now the mechanism for the site selection for a potential alternative boat launch facility.

The PCAC motion submitted to the Board of Harbor Commissioners in July 2003 requested a specific commitment to construct a new public boat launch ramp and close the Cabrillo Beach launch ramp. LAHD staff recommends that the Cabrillo Beach launch ramp remain open and that alternatives to the existing facilities be investigated further so that an appropriate decision can be made that takes into account the needs of the boating public, community concerns, and the ongoing

Table 1-1. Summary of PCAC Concerns and Project Revisions in Response

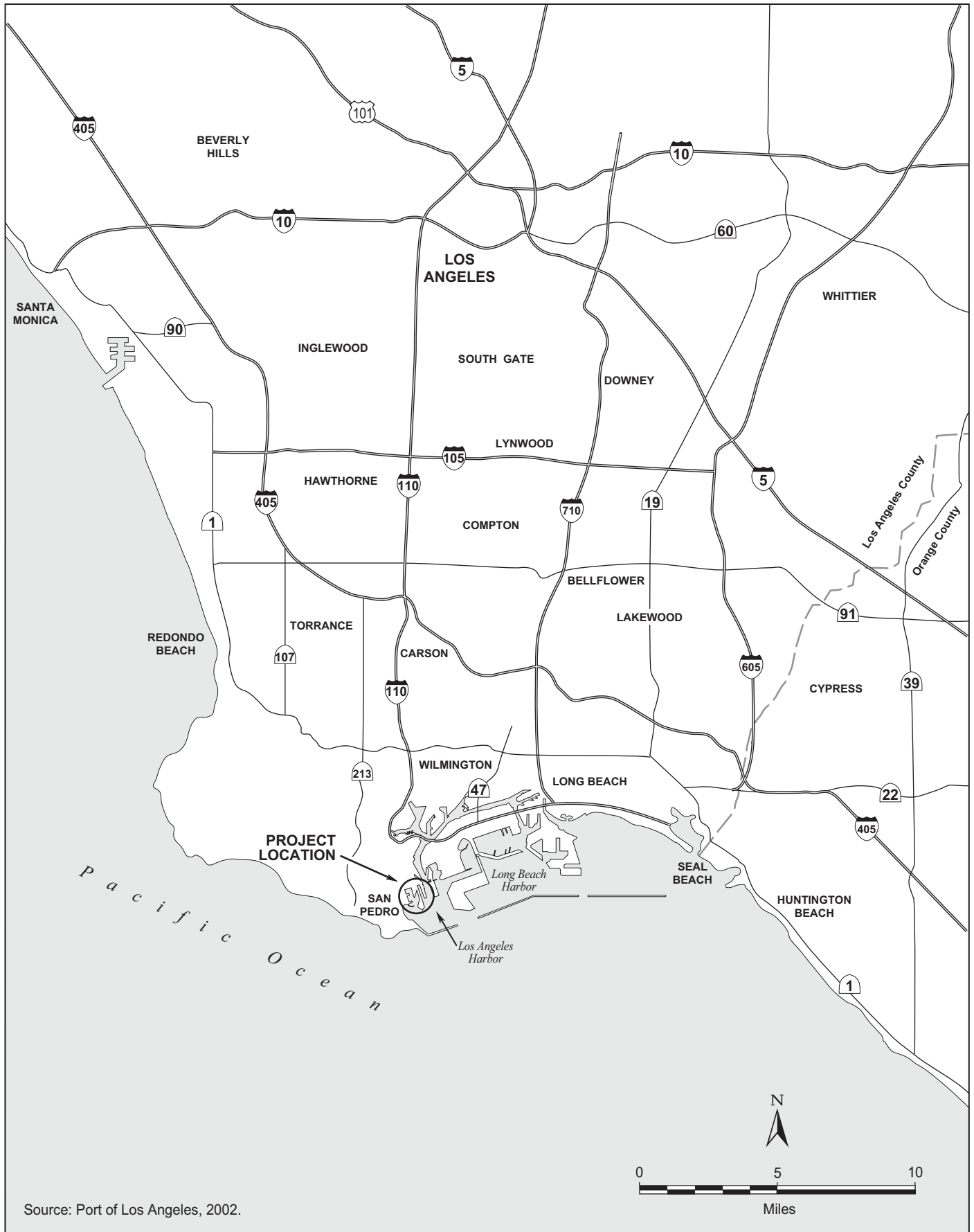
Original PCAC Focus Group Comment (February 2003)	Revised PCAC Focus Group Comment (May 2003)	Project Applicant or LAHD Response
A. <i>600 boat slips (maximum size at build out).</i>	<i>Maximize boat slips, subject to all other conditions.</i>	In concurrence with the PCAC Focus Group’s revised comment language, the project applicant will maximize boat slips, subject to all other project conditions.
B. <i>A public boat ramp should be included within the Project Area and be constructed at the same time as Project.</i>	<i>See Summary Agreement Narrative for main text of PCAC motion to Board of Harbor Commissioners.</i>	Developments since the release of the Recirculated Draft SEIR have helped refine the selection process for potential public boat launch sites. The San Pedro Waterfront and Promenade planning process has made marked progress, evolving, with the aid of community input, from the “Bridge-to-Breakwater” master plan concept, to the establishment of a mechanism to develop the implementation plan. With this waterfront planning process now in place, the site selection for a potential alternative boat launch facility can be integrated into the study.
C. <i>Project area boundaries should be reduced; remove area north of 22nd St. and area east of Miner Street.</i>	<i>South of 22nd St. only; realign Harbor & Miner. Lease language for north of 22nd St.</i>	The permit does not allow the tenant to immediately develop areas north of 22 nd Street. Instead, it allows the tenant to propose developments subject to further community and environmental review
D. <i>Harbor Boulevard and Miner Street should not be realigned to accommodate the Project; Miner Street should not be widened (maximum right of way: 60 feet).</i>	<i>Realign Harbor & Miner; evaluate impacts in EIR at ‘maximum’ build south of 22nd.</i>	Miner Street south of 22 nd Street is proposed to be a 60-foot wide pavement within a 110-foot right-of-way in order to satisfy the inevitable traffic demands created by future development south of and adjacent to the project site. The Board of Harbor Commissioners, in responding to a briefing from staff concerning the cruise industry in the Port, directed staff to discuss with potential customers the feasibility of a cruise terminal at Berths 45-47. Additionally, several public comments on the Recirculated Draft SEIR requested consideration of future development at this location. Therefore, this Final SEIR has incorporated trip generation and traffic distribution modeling for the parcel bordering the project on the south. The revised traffic modeling analyzes the highest projected use (i.e., a potential cruise ship terminal). In addition, the LAHD has extended the traffic analysis beyond those intersections identified by the Los Angeles Department of Transportation (LADOT) (as analyzed in the Recirculated Draft SEIR) to include two

Original PCAC Focus Group Comment (February 2003)	Revised PCAC Focus Group Comment (May 2003)	Project Applicant or LAHD Response
E. <i>A 40-foot height limit should be placed on the Project Area.</i>	<i>Determine during design review; for now 45' limit.</i>	<p>additional intersections identified by community concerns.</p> <p>The currently proposed modifications to Harbor/Miner south of 22nd Street will accommodate vehicles generated by either the highest trip generator (i.e., a cruise ship terminal) or by any number of potential lower intensity land uses.</p> <p>In response to community concerns, the project applicant has modified the design of the proposed dry stack storage facility. The maximum height has been reduced from 65 feet to 50 feet, and the visual character reflects the massing and architectural design enhancements recommended by SMWM. The structure is massed as three separate (but linear) building components, with a 50-foot-high center section and 40-foot-high northern and southern sections. With these design changes, the dry stack storage facility capacity would be reduced by approximately 30 percent.</p>
F. <i>Buildings should be limited to 50,000 square feet maximum size.</i>	<i>Determine during design review.</i>	No buildings other than the dry stack facility are proposed to be greater than 50,000 square feet.
G. <i>Surface parking lots larger than one acre should be prohibited; structured parking should be required.</i>	<i>Minimize with 15% of project footprint as guideline; determine during design review.</i>	<p>In response to the PCAC Focus Group comments during the Recirculated Draft SEIR review period, the project applicant has reevaluated the parking design and confirmed that parking needs must be met with surface parking. A parking structure would present several challenges: 1) the linear nature of the project site footprint would make design of a suitable parking structure difficult; 2) for many spaces, walking distance would be increased over surface parking; 3) the cost per space is projected to be 20–30 times greater for structured parking; 4) the inherent functional nature of a parking garage does not lend itself to an aesthetically pleasing design; and 5) a parking structure would obstruct the view corridor. In keeping with the PCAC Focus Group intent of minimizing hardscape, and consistent with SMWM’s recommended design modifications, the applicant has made substantial enhancements to walks, plazas, and landscaped public spaces. Among those recommended changes are the redesign of the parking lot edges with landscaped sidewalks</p>

Original PCAC Focus Group Comment (February 2003)	Revised PCAC Focus Group Comment (May 2003)	Project Applicant or LAHD Response
H. <i>A one-acre public sailing facility should be included within the project area, to be administered by the City of Los Angeles or its designee.</i>	<i>Managed by City or its designee.</i>	<p>similar to those along the public promenade; the removal of sign walls; and increased landscaping in the parking lots themselves.</p> <p>These changes will effectively accommodate vehicular access and pedestrian movements, while reducing the hardscape appearance in onsite parking areas.</p> <p>The project applicant has modified the proposed project to include a youth boating facility at the southern end of the project site. The size of the facility will be approximately 0.4 acre.</p>
I. <i>A Public Promenade should be included in the project area with the design consistent with the WATCH report</i>	<i>Determine during design review; Minimum of 20' included in lease language.</i>	<p>The pending permit with Westrec Marinas has been modified to include a minimum 20-foot width requirement for the pedestrian promenade, as distinguished from ancillary paths and walkways. The total area of the redesigned promenade in the revised project is approximately 1.7 acres. Permit conditions relevant to the promenade design have been developed based on the findings and recommendations of the SMWM letter. In general, those conditions require the design of all commercial areas within the premises to maximize public access to the waterfront and to create attractive public open spaces and plazas supportive of public waterfront access. The promenade portion of the project has been expanded to follow the guidelines of the Waterfront Access Task Force for the Community and Harbor (WATCH) report. Therefore, the proposed route of the promenade would be consistent with the character of this pedestrian linkage.</p>
J. <i>A public park should be included within the Project Area, in addition to the promenade.</i>	<i>Determine during design review; Do at 'South Restaurant Pad' as current position.</i>	<p>Landscaped public spaces will be provided as part of the project design. Sufficient space for a dedicated public park is not available in the project area, and a park alternative would not meet these basic project objectives for the proposed marina development of this site. However, as a result of public comment and input during the Recirculated Draft SEIR review period, substantial enhancements to walks, plazas, and landscaped public spaces have been provided as part of the project design. Most notably, design changes to the promenade have been accepted and the project proponent has committed to implement the Promenade/Public Space recommendations. In</p>

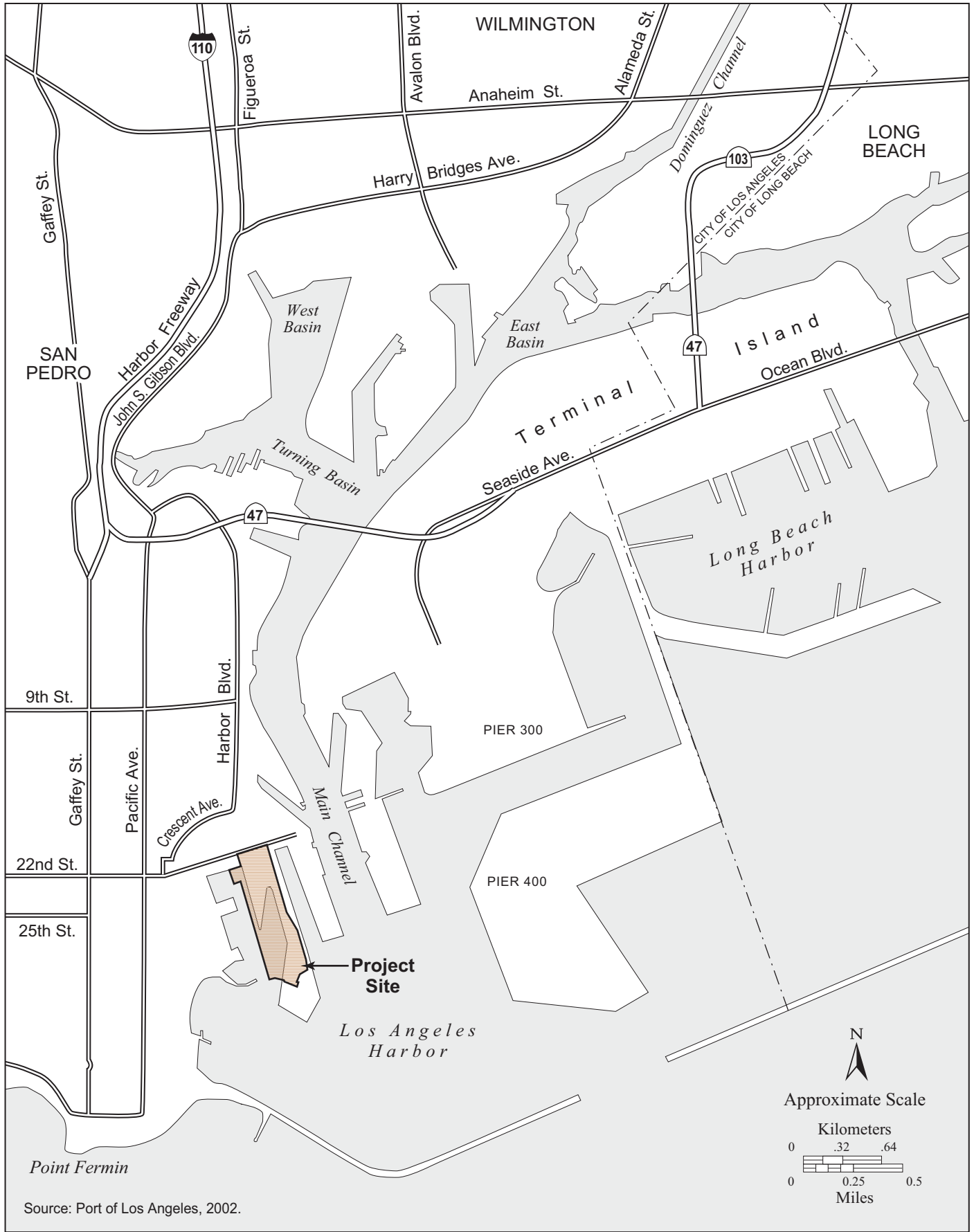
Original PCAC Focus Group Comment (February 2003)	Revised PCAC Focus Group Comment (May 2003)	Project Applicant or LAHD Response
K. <i>Two hundred and fifty linear feet of slips should be provided at no cost to public marine research vessels.</i>	<i>Final SEIR to provide detail of berths by size and use.</i>	In addition, two separate landscaped park areas totaling about 0.8-acre have been incorporated into the project. One will be located adjacent to the waterfront promenade and one will be located along the Miner Street portion of the promenade. This Final SEIR will include a breakdown of the number and size of berths designated for various marina uses.
L. <i>A boat mall should be prohibited; individual vessels may be sold at their slips or while stored in the dry stand boat storage area.</i>	<i>No boat mall north of 22nd St.; include as 15% parking footprint as in G. above.</i>	The permit does not allow the tenant to immediately develop areas north of 22 nd Street. Instead, it allows the tenant to propose developments subject to further community and environmental review. Those permit conditions, however, do not affect the other areas of the premises south of 22 nd Street. The project applicant is currently proposing development of boat sales, marine repair, or other related uses south of 22 nd Street, similar to those analyzed in the Recirculated Draft SEIR.
M. <i>All retail, commercial and restaurant buildings should be removed from Project and should be constructed and leased as part of a separate future waterfront development effort.</i>	<i>Determine during design review; must be marina-related.</i>	The pending permit with Westrec Marinas has been modified to address waterfront commercial development. Specifically, the conditions require the configuration of all commercial areas within the premises to maximize public access to the waterfront, create attractive public open spaces and plazas, and minimize adverse effects on traffic, vehicular and pedestrian circulation, and aesthetics on the premises. Furthermore, all uses must be reasonably and directly related to the operation of a public recreational vessel marina. To ensure market absorption for any proposed waterfront commercial uses, the permit conditions also state that no partial construction, empty building pads, or empty buildings shall be permitted on the premises.
N. <i>Final design of the Project should be postponed until the PCAC's Coordinated Waterfront Plan is completed and approved.</i>	<i>Applicant to adopt SMWM design guidelines; establish design review process as specified in Summary Agreement Narrative</i>	As previously committed by the project applicant, retail elements of the proposed project will be subject to additional PCAC input. A revised concept design of the proposed project, incorporating community concerns as discussed above, is included in Chapter 1 of this Final SEIR.

Original PCAC Focus Group Comment (February 2003)	Revised PCAC Focus Group Comment (May 2003)	Project Applicant or LAHD Response
O. <i>We oppose construction of the proposed dry stack storage facility.</i>	<i>Dry stack subject to Design Review.</i>	In response to community concerns, the project applicant has modified the design of the proposed dry stack storage facility. The maximum height has been reduced and the visual character enhanced by separating the building into three separate (but linear) building components, with a 50-foot high center section and 40-foot high northern and southern sections. With these design changes, the dry stack storage facility capacity would be reduced by approximately 30 percent. The State of California granted the tide and submerged lands within the Port for multiple uses including commerce and navigation. The city is obligated to consider the regional needs of citizens including those of San Pedro, Wilmington, and surrounding cities. Many boaters enjoy sailing within the harbor but either can not afford to place their boats in wet slips or do not wish to tow these boats home on surface streets or the freeways. Dry boat storage will benefit these boaters as well as remove a number of boat trailers from the highways and freeways, which benefits all citizens.



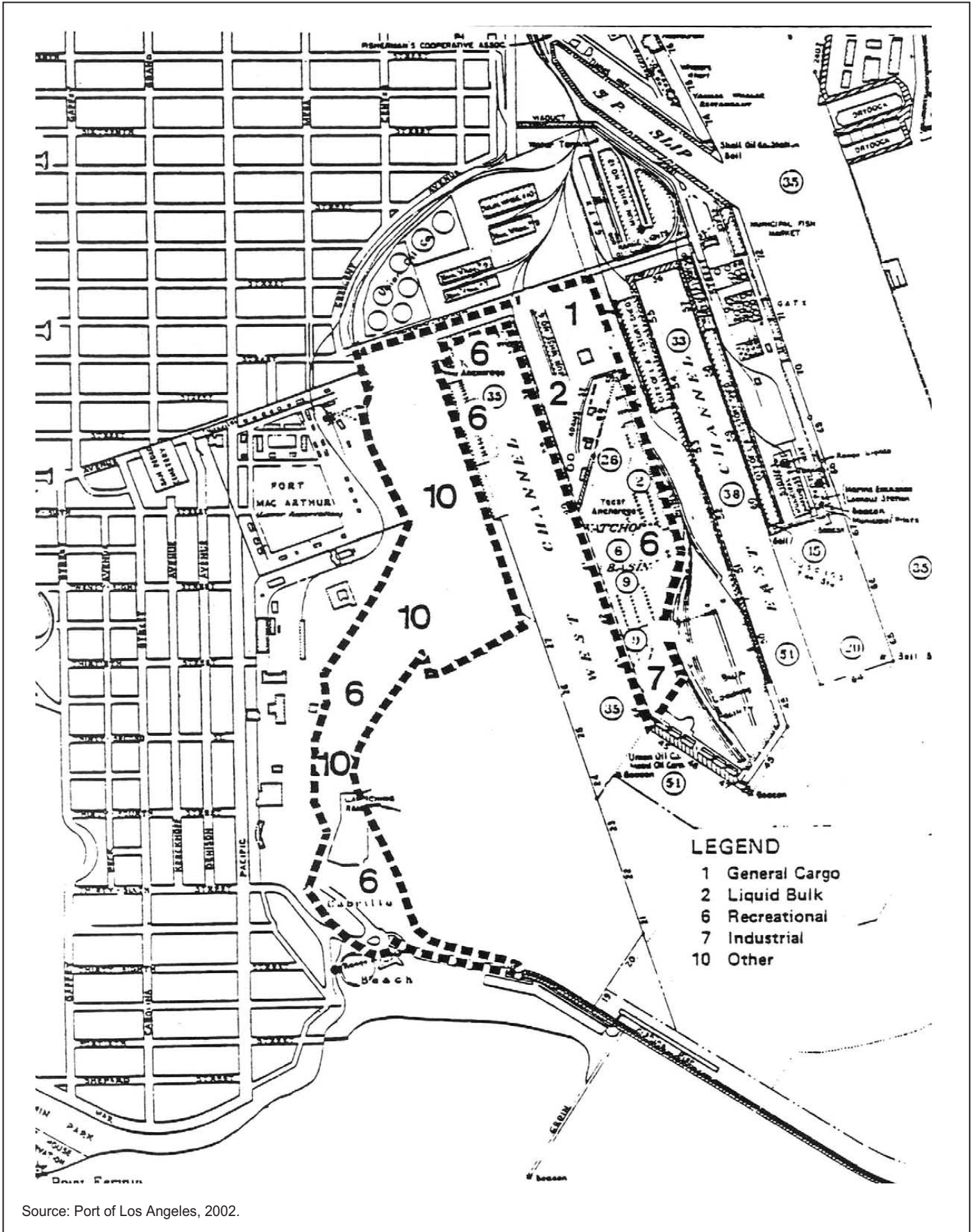
Source: Port of Los Angeles, 2002.

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Source: Port of Los Angeles, 2002.

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Figure 1-4
Existing and Surrounding Land Uses

waterfront planning process. The LAHD will work with the Los Angeles Department of Recreation and Parks to make changes to traffic access and to implement a boat launch reservation system to address some of the public's concerns with the existing Cabrillo Beach launch ramp.

Additionally, LAHD staff has begun feasibility studies regarding siting an alternate public boat launch facility at one of several potential locations on Port property. On October 22, 2003, the Board of Harbor Commissioners approved LAHD's staff recommendations that these feasibility studies continue, integrated with the public San Pedro Waterfront and Promenade planning process.

1.6 Project Objectives

A statement of the objectives sought by the proposed project is required by State CEQA Guidelines (Section 15124[b]). In general, an objective can be defined as something that is worked toward or striven for, or as some type of goal. The definition of the project objectives is important in that it aids in the lead agency formulation of a reasonable range of alternatives to the proposed project that can also meet, at least in part, project objectives.

The following are the objectives of the project at the Cabrillo Way Marina site:

- replace deteriorated marina facilities with higher-value marine and visitor-oriented uses;
- provide waterfront access and use for the public;
- provide a vibrant public/private marina land and water community;
- provide a village of recreational marine and boating activities that draws together the boater, tourist, local, and regional residents and the Port-oriented business community;
- improve the area's visual characteristics through the elimination of deteriorated facilities and the upgrading of existing marina facilities;
- create a new destination waterfront amenity;
- provide a vessel stack storage facility to accommodate increased public boat use and greater convenience and efficiency for boaters;
- provide restaurants, tour/charter/rental opportunities, and other uses to accommodate visitors and boaters;
- provide facilities that cater to larger recreational vessels;
- effectively compete with other waterfront facilities located in Long Beach and other nearby jurisdictions to retain businesses and expenditures that might otherwise be lost; and
- provide facilities that are consistent with and contribute to an integrated waterfront "Bridge-to-Breakwater" master plan concept, and are part of the San Pedro Waterfront and Promenade implementation plan.

The following is an objective of the project at the existing Cabrillo Beach boat launch site, which is outside of the Cabrillo Way Marina project area:

- reduce local traffic congestion at the entrance to Cabrillo Beach.

1.7 Project Description

The proposed project involves the second phase of improvements within the West Channel/Cabrillo Beach Recreational Complex to provide a unified continuous waterfront within the West Channel Development Area. Cabrillo Marina Phase I consists of 13 acres of land and 41 acres of water, opened in 1986, and is currently operated by California Yacht Marina and Holiday Harbor/Fleitz Brothers.

The proposed Phase II project, the Cabrillo Way Marina, has an approximate total of 40.9 acres of land and 38.9 acres of water located within Planning Area 1. The proposed project design is consistent with Cabrillo Marina Phase I (i.e., architecture and pedestrian promenade linkage). If approved, the proposed project will be developed and operated by Westrec Marinas. Westrec Marinas was selected by the LAHD from a Request for Proposals to enter into a Memorandum of Understanding for the exclusive rights to planned development of the project. The proposed elements are a result of that process.

As a result of the public outreach process described in Section 1.3, “Public Outreach and Coordination Efforts,” these project concepts have changed subsequent to the release of the Recirculated Draft SEIR. The proposed project is conceptualized to include a variety of commercial and recreational land uses. Figures 1-5, 1-6, and 1-7 show the conceptual site plan for the land and water improvements. Figure 1-8 shows conceptual architectural elevations of the dry stack boat storage building. The various components of the project are described below, summarized in Table 1-2, and illustrated on Figure 1-9. Figures 1-10, 1-11, and 1-12 show conceptual cross sections of Cabrillo Way Marina at several locations. Figure 1-13 depicts the photograph locations for the new visual simulations of the dry stack storage building, which are shown in Figures 1-14, 1-15, 1-16, 1-17, 1-18, and 1-19.

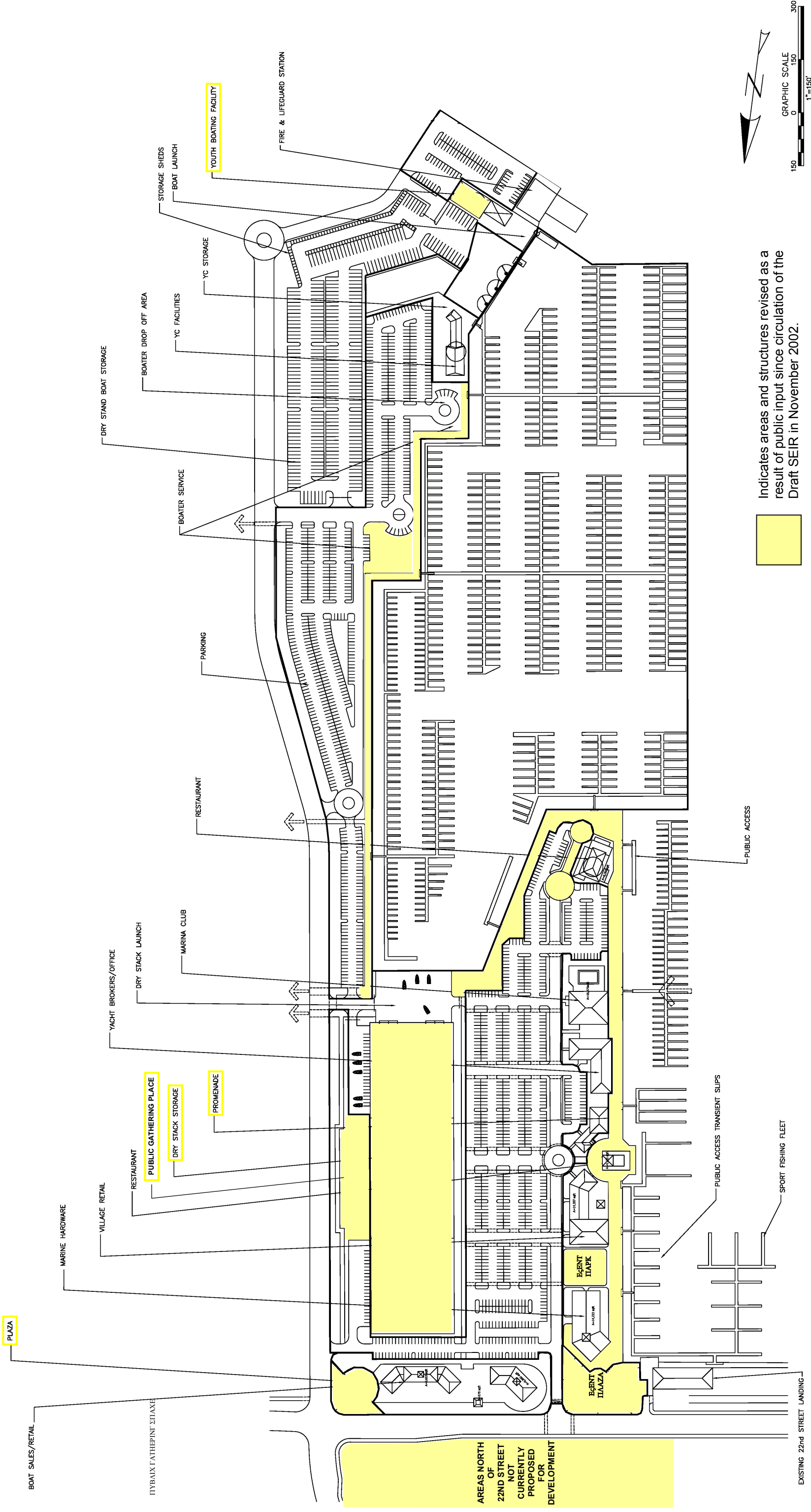
1.7.1 Demolition and Remediation

Existing buildings, paving, substructure, docks, berths, and piers will be partially or wholly demolished and removed to accommodate the construction of the new facilities. Major structural features affected by the various development components include the following.

- **Warehouse 6 (southeast of Miner and 22nd Street):** The warehouse will be demolished and replaced by parking and major landside development components (i.e., dry stack boat storage, retail, and a restaurant).

Table 1-2. Revised Conceptual Project Statistics

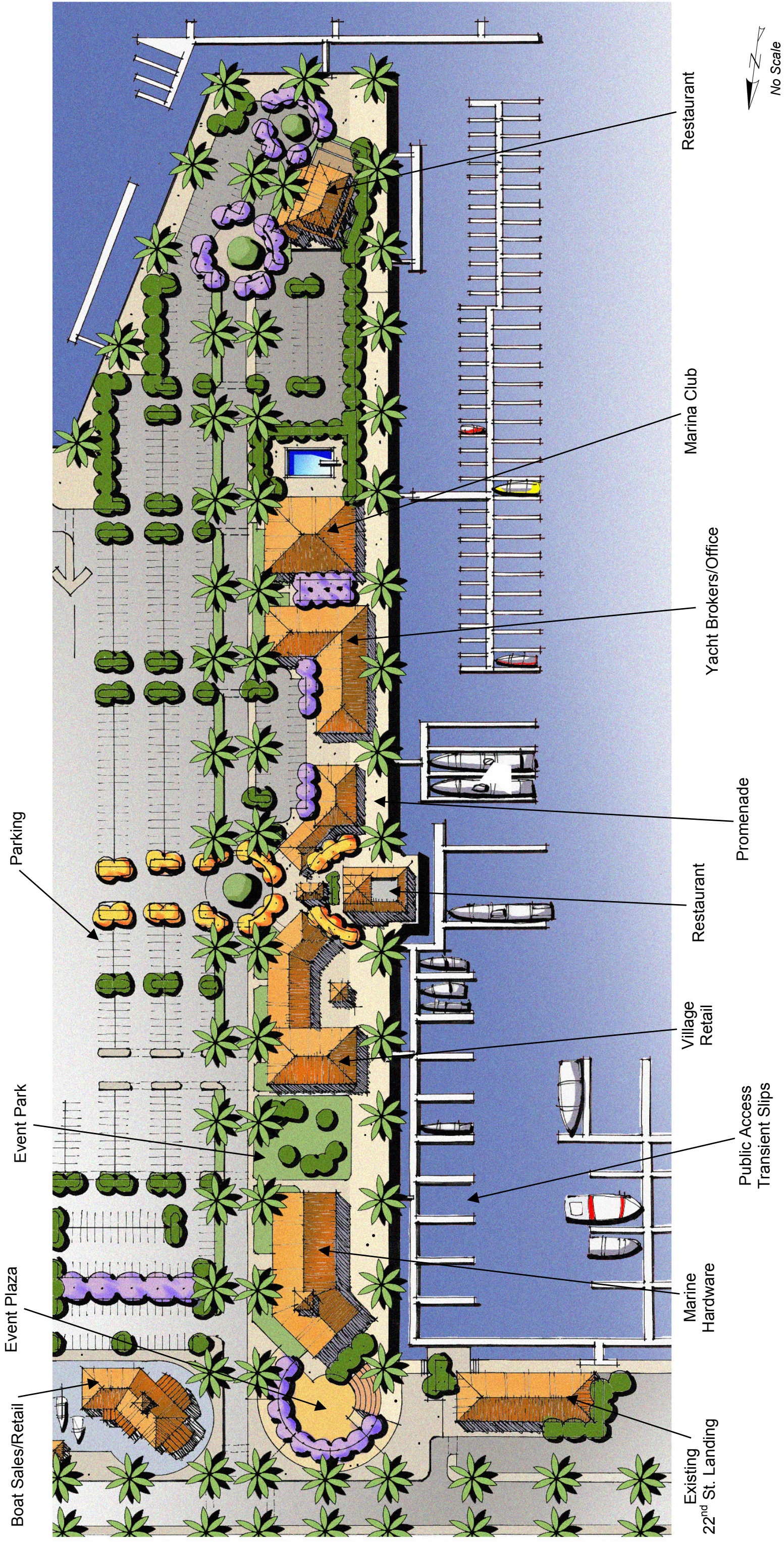
Area (acres)	Land Use	New Building Square Footage	Assumed Parking Ratio	New Parking Spaces Required	New Parking Spaces Provided	New Slips
30.35	Slips (Channel & Staging Area + Middle)	—	0.6/slip	152	—	254
8.55	Slips (South Side)	—	0.6/slip	85	—	141
n/a	Slips (Middle)	—	0.6/slip	168	—	280
6.54	Dry Stack Boat Storage (includes Restroom)	200,000	0.33/boat	263	22	—
1.65	Boat Sales/Retail (includes Parking & Trailer Storage)	10,000	5/1,000 sq. ft.	50	—	—
1.47	Village Retail – North	15,000	5/1,000 sq. ft.	75	—	—
	Marine Hardware	20,000	5/1,000 sq. ft.	100	—	—
	Event Park	—	—	—	—	—
1.35	Marina Village	—	—	—	—	—
	Office/Yacht Brokers	25,000	4/1,000 sq. ft.	100	—	—
	Marina Club/Activity Center	10,000	5/1,000 sq. ft.	50	—	—
	Village Retail – South	5,800	4/1,000 sq. ft.	23	—	—
0.31	Restaurant 1 – Central	5,000	10/1,000 sq. ft.	50	—	—
0.29	Restaurant – South (Point)	10,000	10/1,000 sq. ft.	100	—	—
1.67	Promenade – Main Channel - Point	—	—	—	—	—
0.62	Boat Hoist Area	—	—	—	—	—
0.40	Youth Boating Facility	8,800	4/1,000 sq. ft.	35	—	—
1.18	Yacht Club and Storage Area	7,500	4/1,000 sq. ft.	30	—	—
4.36	Dry Stand Boat Storage (South End)	293 spaces	0.25/boat	73	—	293
0.64	Storage Sheds	20,000	1/1,000 sq. ft.	20	—	—
0.25	New Entry Plaza	—	—	—	—	—
0.67	Event Plaza	—	—	—	—	—
<i>60.30</i>	<i>Subtotal</i>					
Common Areas		Area (acres)				
	Parking Lot 1 (Retail/Dry Stack)	10.23			814	
	Parking Area 3A/Promenade (Watchorn Basin)	8.08			706	
	Parking Area 3B (Watchorn Basin)	1.18			55	
	<i>Subtotal Common Areas</i>	<i>19.49</i>				
	Total Project Area	79.79		1,375	1,575	675 (waterside)



Source: Bluewater Design Group, 2003.



Source: Bluewater Design Group & Urban Design Camp, 2003.



Source: Bluewater Design Group & Urban Design Camp, 2003.

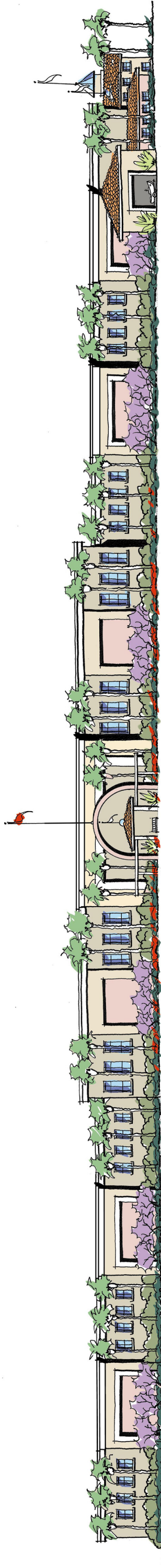
Figure 1-7
Illustrative Site Plan (Village Center)



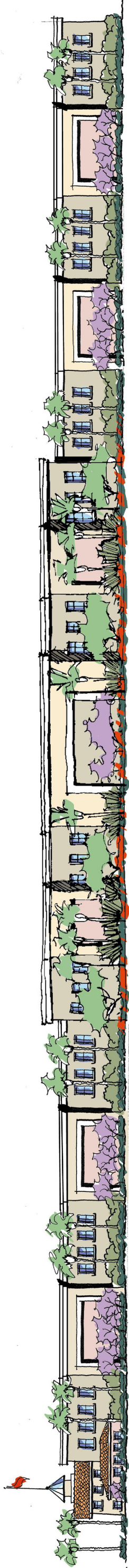
North elevation - 22nd st.



South elevation



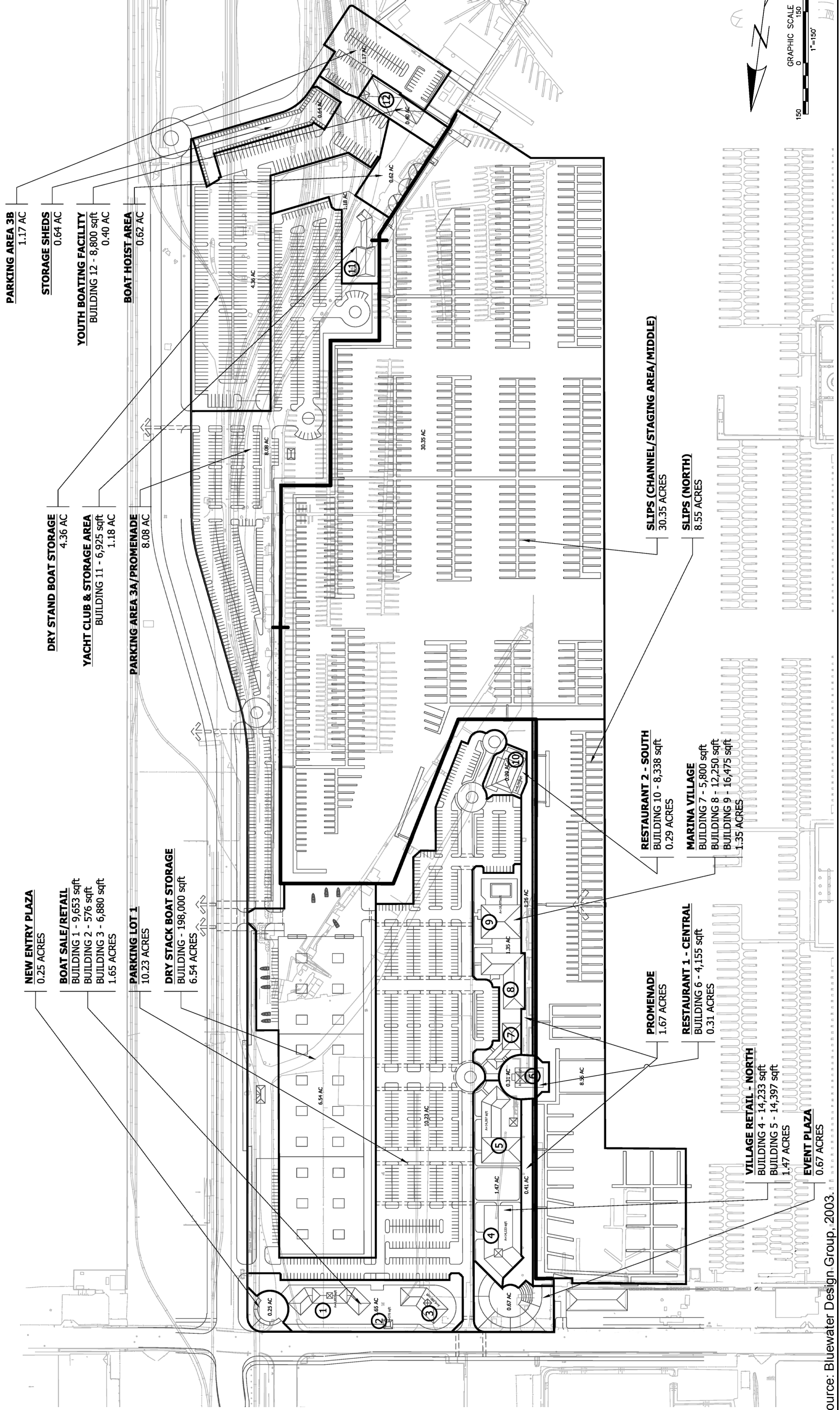
East elevation



West elevation

North
Date 1/21/03

Source: Bluewater Design Group & Urban Design Camp, 2003.



PARKING AREA 3B
1.17 AC

STORAGE SHEDS
0.64 AC

YOUTH BOATING FACILITY
BUILDING 12 - 8,800 sqft
0.40 AC

BOAT HOIST AREA
0.62 AC

DRY STAND BOAT STORAGE
4.36 AC

YACHT CLUB & STORAGE AREA
BUILDING 11 - 6,925 sqft
1.18 AC

PARKING AREA 3A/PROMENADE
8.08 AC

NEW ENTRY PLAZA
0.25 ACRES

BOAT SALE/RETAIL
BUILDING 1 - 9,653 sqft
BUILDING 2 - 576 sqft
BUILDING 3 - 6,880 sqft
1.65 ACRES

PARKING LOT 1
10.23 ACRES

DRY STACK BOAT STORAGE
BUILDING - 198,000 sqft
6.54 ACRES

SLIPS (CHANNEL/STAGING AREA/MIDDLE)
30.35 ACRES

SLIPS (NORTH)
8.55 ACRES

RESTAURANT 2 - SOUTH
BUILDING 10 - 8,338 sqft
0.29 ACRES

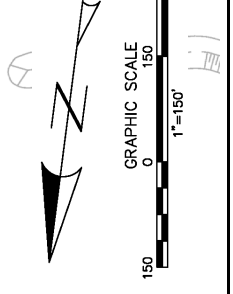
MARINA VILLAGE
BUILDING 7 - 5,800 sqft
BUILDING 8 - 12,250 sqft
BUILDING 9 - 16,475 sqft
1.35 ACRES

PROMENADE
1.67 ACRES

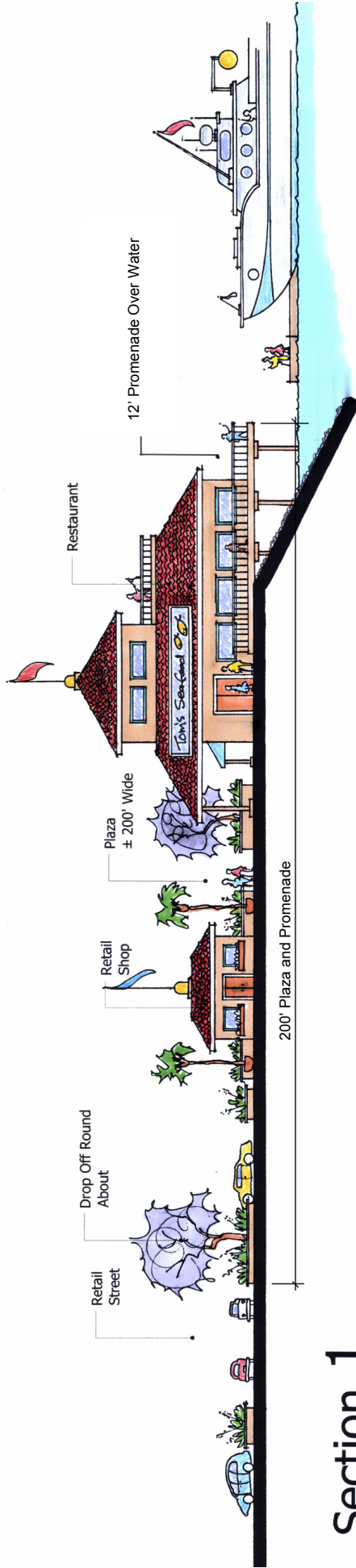
RESTAURANT 1 - CENTRAL
BUILDING 6 - 4,155 sqft
0.31 ACRES

VILLAGE RETAIL - NORTH
BUILDING 4 - 14,233 sqft
BUILDING 5 - 14,397 sqft
1.47 ACRES

EVENT PLAZA
0.67 ACRES

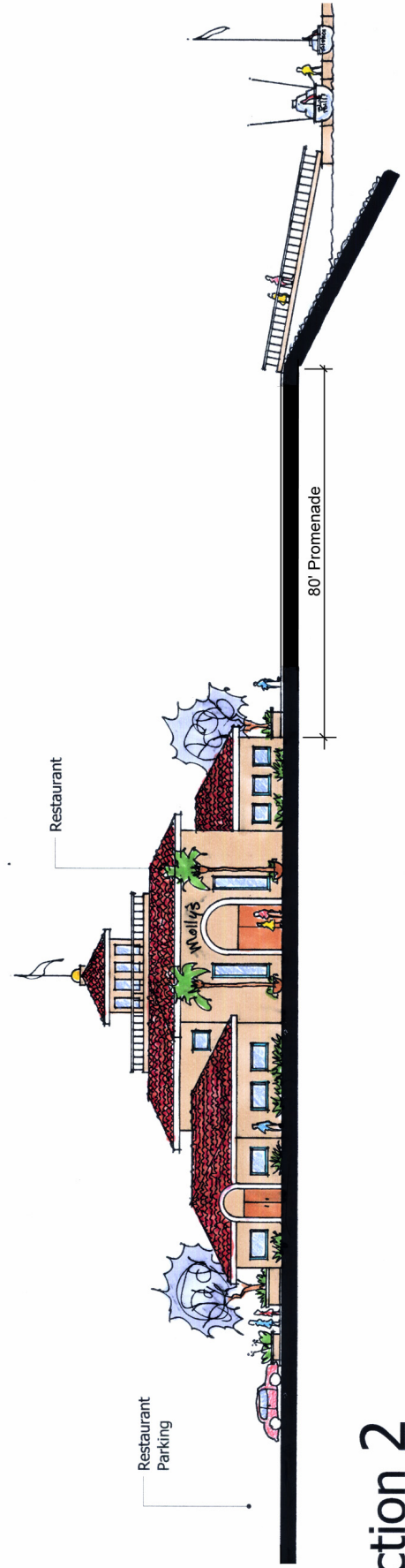


Source: Bluewater Design Group, 2003.



Section 1

URBAN DESIGN CAMP
 BLUEWATER design group
 URBAN DESIGN



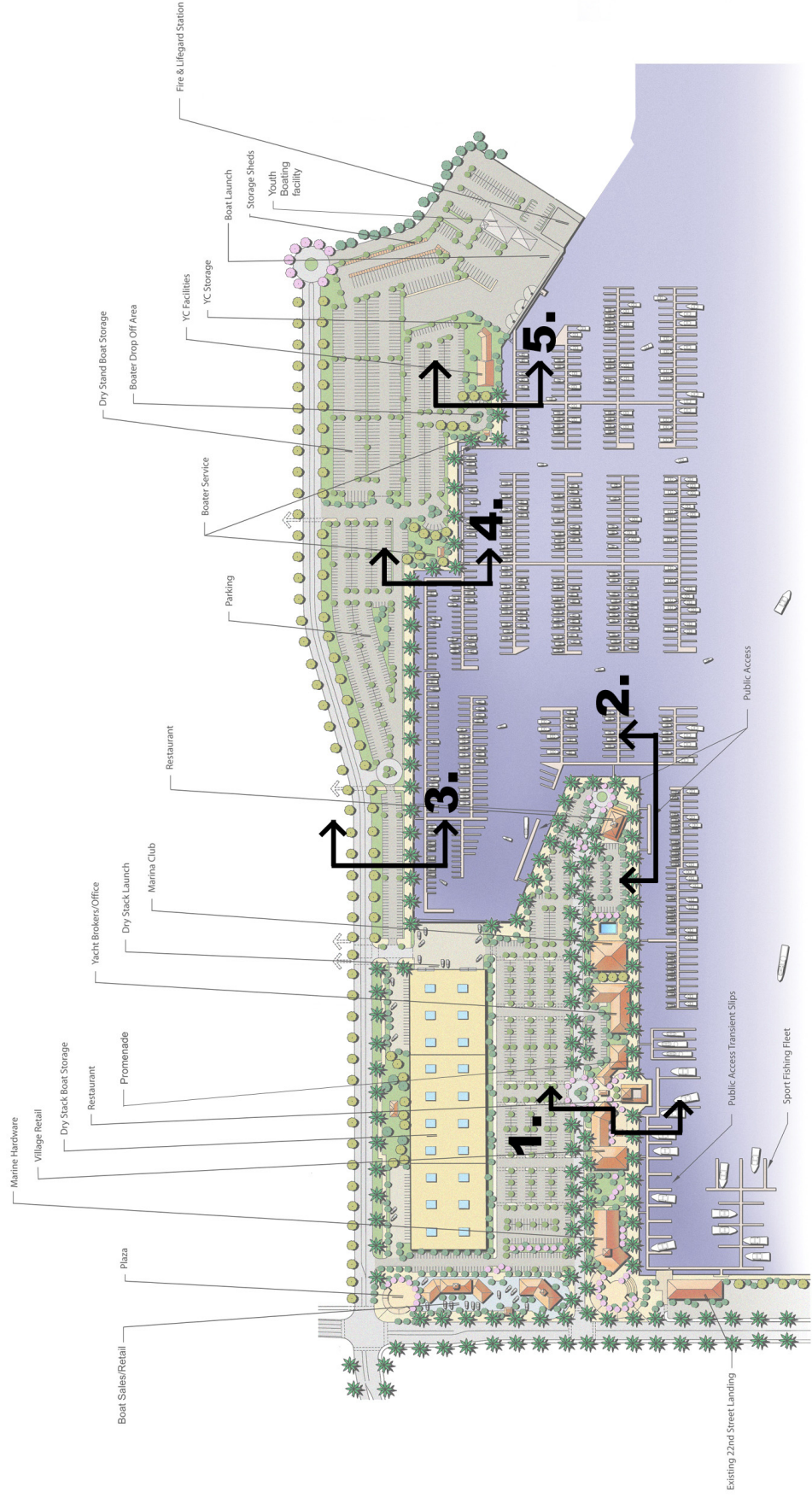
Section 2

Source: Bluewater Design Group, 2003

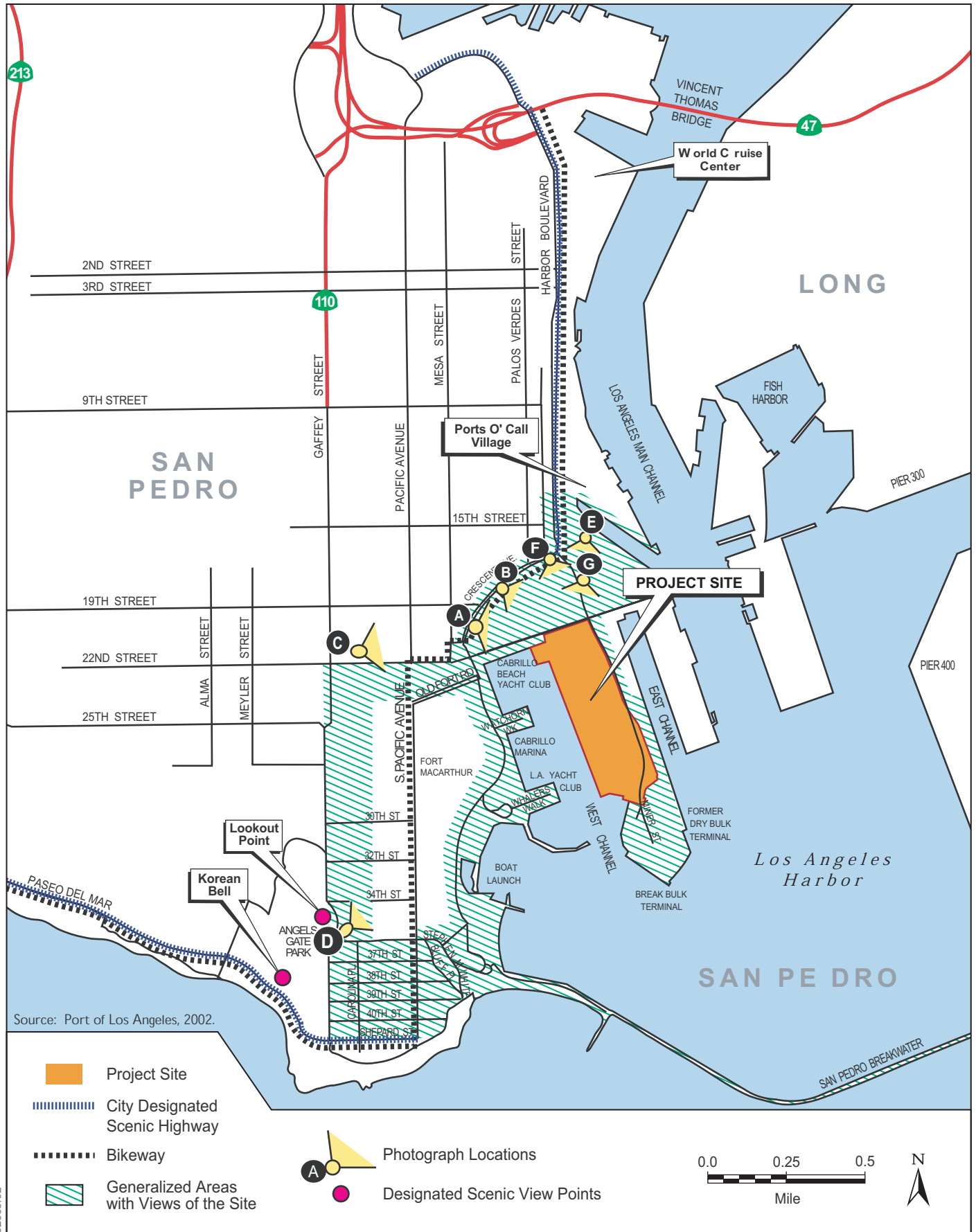


Jones & Stokes

Figure 1-10
 Cabrillo Way Marina Conceptual Cross Sections 1 and 2



Source: Bluewater Design Group, 2003



023588.02

Figure 1-13
Surrounding Areas with Views
of the Project Site



February 2003 Option



Proposed Project



Existing View

Source: Bluewater Design Group & Urban Design Camp, 2003.

023568.02



Source: Bluewater Design Group & Urban Design Camp, 2003.

023568.02

Visual Analysis for Photograph Location C



February 2003 Option



Proposed Project



Existing View

Visual Analysis for Photograph Location D



February 2003 Option



Proposed Project



Existing View

Source: Bluewater Design Group & Urban Design Camp, 2003.

023568.02



February 2003 Option



Proposed Project



Existing View

Source: Bluewater Design Group & Urban Design Camp, 2003.

023568.02



February 2003 Option



Proposed Project



Existing View

Source: Bluewater Design Group & Urban Design Camp, 2003.

023568.02



February 2003 Option



Proposed Project



Existing View

Source: Bluewater Design Group & Urban Design Camp, 2003.

023568.02

- **Warehouse at Berths 54–55:** Although not on the Cabrillo Way Marina site, the warehouse may be demolished or reused-in conjunction with the easterly realignment/widening of Miner Street, the easterly relocation of the Miner Street/22nd Street intersection, and the southeasterly relocation of the Red Car Line station (south of 22nd Street).
- **Former Shelter Point Yachting Service building:** This 1930s two-story wood-frame building at the corner inlet of the Berth 41A area would be demolished and replaced by proposed boat slips.
- **Various boat repair and service buildings along the Watchorn Basin waterfront:** These buildings will be demolished and replaced with parking areas serving the future boat slips, a youth boating facility, and yacht club facilities in the southern portion of the landside improvements.

Railroad Track Removal/Relocation

The realignment of Miner Street and the reconfiguration of the Miner/22nd Street intersection are described fully in Section 1.7.3, “Site Access and Circulation Elements.” The effects on existing railroad facilities (i.e., Red Car Line station and temporary maintenance facility, at-grade crossings, warning devices, and track) are described as follows.

- With the realignment of the Miner/22nd Street intersection, the Red Car Line track north of 22nd Street would be relocated east of the realigned segment of Miner Street, thereby precluding the need for an at-grade crossing at Miner Street. The relocation of the Red Car Line station to a site just southeast of the new intersection would require an at-grade crossing on 22nd Street. Though a precise location has not been identified, the station could be accessed by using existing rail crossings in 22nd Street, yet with new warning device upgrades, including installation of automatic flashing light signals and gates.
- The existing at-grade crossing at the Miner/22nd Street intersection would likewise remain unaffected by the project.

The existing yard tracks paralleling Miner Street south of 22nd Street will be removed as necessary to accommodate Miner Street improvements and parking. It is anticipated that up to 4,500 track feet of rail would be removed to accommodate the proposed project.

Contaminant Remediation

The existing and historical land uses have resulted in contamination of portions of the project site. As detailed in Chapter 3.8 of the Recirculated Draft SEIR, “Groundwater, Soils, and Sediments,” the necessary investigations have been completed, and known contaminants found have been removed or remediated, as necessary, to accommodate the proposed Cabrillo Way Marina development. This includes surface, below-grade, and groundwater investigations and

remediation. However, the Red Car Line track realignment eastward will require additional subsurface investigation and testing prior to construction. Unforeseen contamination encountered anywhere within the project site during construction would be conducted in accordance with applicable regulations.

1.7.2 Infrastructure Plan

Landside Infrastructure Improvements

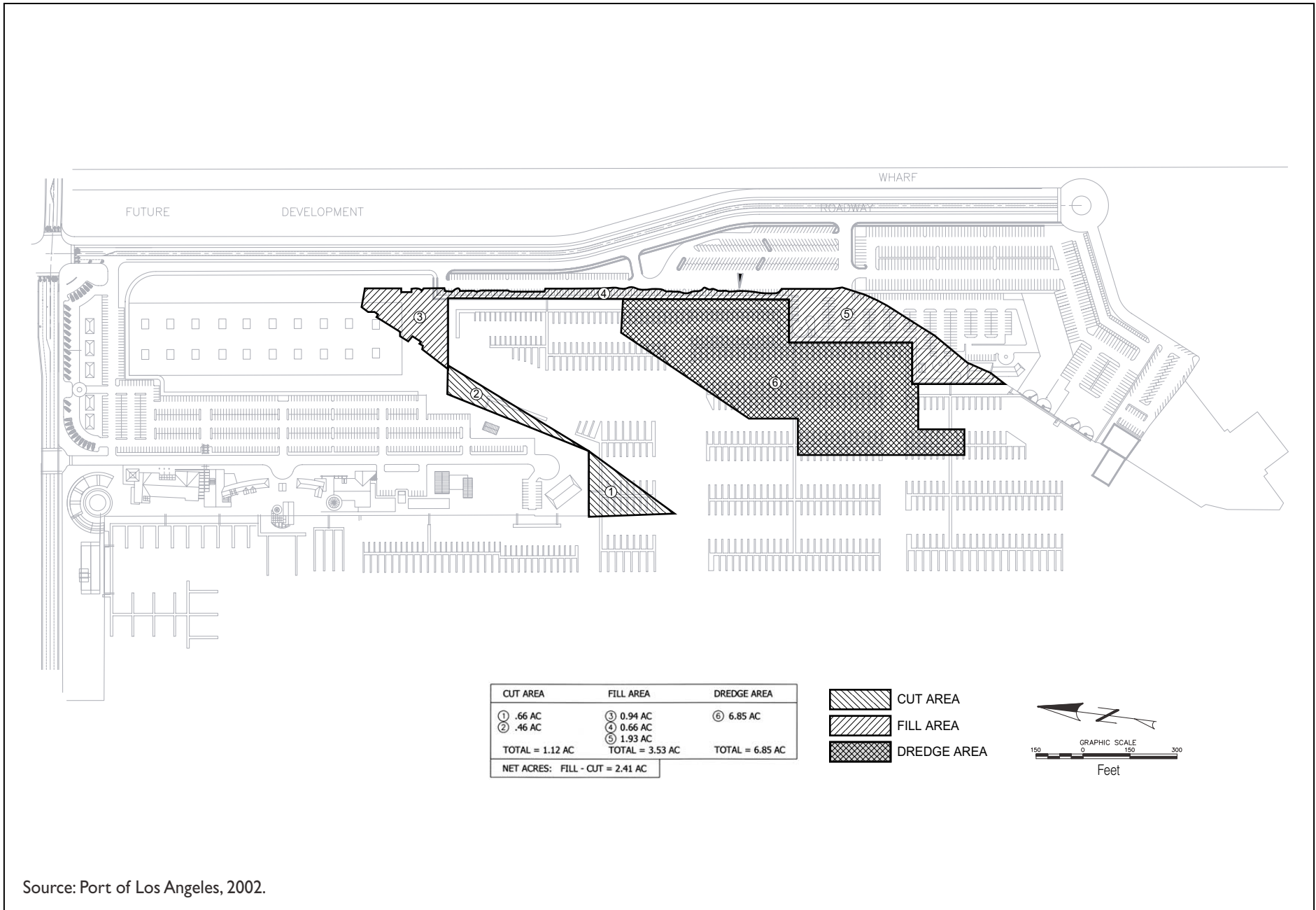
Landside infrastructure improvements generally include street and intersection improvements, landscaping, utilities, and signage improvements. The project-specific street improvements are an integral part of the proposed development and are described separately under Section 1.7.3, “Site Access and Circulation Elements.” The conceptual engineering aspects focused on the identification of the existing infrastructure and project requirements, and an assessment of the existing infrastructure to serve the project requirements. The civil engineering investigations included utility systems, railway impacts, roadway improvements, traffic impacts, grading, and various geotechnical issues.

The site will be improved as necessary to accommodate the proposed development. All improvements will be designed and constructed to all applicable local, state, and federal code requirements. The site improvements are envisioned to include, but are not limited to:

- grading,
- storm drains,
- utility systems,
- site landscaping and irrigation,
- fencing,
- retaining walls (if needed), and
- soil stabilization (if needed).

Waterside Infrastructure Improvements

Several waterside infrastructure improvements would be required to accommodate the proposed project. Waterside infrastructure will include dredging, excavation, and filling, as well as construction of bulkheads and revetted slopes along the West Channel and the perimeter of the revised Watchorn Basin. The proposed cut, fill, and dredge areas are illustrated on Figure 1-20. The major infrastructure and facility improvements for the project are described below.



Source: Port of Los Angeles, 2002.

02407.02-001

Figure 1-20
Proposed Cut, Fill and Dredge Areas

Dredging

Dredging activities are required to create the appropriate marina basin shape and depth to accommodate the proposed development. The general area of the Watchorn Basin is going to be dredged up to -15 feet mean lower low water (MLLW). In addition, the existing channel (approximately -20 to -25 feet MLLW) will remain to provide access for larger vessels at the fuel dock. The total area to be dredged is estimated at 6.9 acres, with an estimated total volume of 75,000 cubic yards of sediment material.

Excavation/Cuts

In order to obtain a more optimal waterside configuration, some land areas will be removed. Two land areas will be excavated (0.66 and 0.46 acres at or near Berths 40 and 41a, respectively) for a total of 1.12 acres. The total cut volume is estimated at 40,000 cubic yards of material.

Fills

To create an efficient basin perimeter and to create needed land areas adjacent to the marina basin, fills are proposed. There will be three fill areas for a total area of 3.53 acres (or a 2.41-acre net fill area) and a total estimated fill volume of 120,000 cubic yards of clean fill material. The 1998 Draft SEIR identified the use of the Inner Harbor Mitigation Bank as replacement for water area lost during project construction. As an alternative, during the permitting process, the LAHD may elect to utilize excess credits present in the Bolsa Chica Mitigation Bank in accordance with Master Plan Amendment 15. Factoring in the proposed 1.12 acres of excavation, the project will result in a 2.41-acre net fill area.

It should be noted that the materials from excavation and dredge areas are planned to be used in the fill portion of the site, as long as the materials meet engineering conditions and the respective regulatory disposal criteria. Based on the fill volume needed, more than 5,000 cubic yards of clean fill material will need to be imported; the excavation and dredge materials from the land areas will not be of sufficient quantity to construct the fill areas.

Revetments

Revetted slopes are required to protect the marina perimeter and the slope along the main channel and in the reconfigured marina basin. During the conceptual engineering work completed to date, it has been considered as the most cost-effective solution for perimeter protection/slope protection.

Vertical Bulkheads

Vertical bulkheads are required for the effective launch and retrieval of boats handled in the dry stack storage operation. Also, a vertical bulkhead wall is required in the south end of the marina basin to accommodate the launch and retrieval of boats for the storage activities in this area. The south end launch area will include four small boat lifts/hoists that will be mounted on the vertical bulkhead.

1.7.3 Site Access and Circulation Elements

The West Channel Development Area access and circulation structure consists of three interdependent systems composed of vehicular, pedestrian, and watercraft components. These circulation and access systems have been optimized to provide clear and efficient direction and flow. The circulation and site access components are described in detail below.

Vehicular Access/Circulation

A network of major surface streets provides access to the project site. In keeping with the overall Port Management Plan intent of developing the western areas of the Main Channel frontage to the Southern Pacific Slip and West Channel area for visitor/tourism-serving and recreational uses, Harbor Boulevard will be promoted as the primary entry corridor to the project site. The major vehicular circulation design themes intended to enhance access throughout the project include the following.

- Primary access to the site is proposed at the north end of the project via Miner Street, south of 22nd Street. The key arrival and access intersection occurs where the Cabrillo Way Marina meets 22nd Street. This intersection's design, signage, and landscape will serve as the project gateway.
- The widening and realignment of Miner Street is intended to enhance the functional and aesthetic access to the new marine uses and the entire Cabrillo Way Marina. Key functions include boat delivery and public access to the dry stack facility, marina parking, slip access, marina complex operator administration building, personal boat storage, launching, and yacht club facilities.
- 22nd Street will receive enhanced landscaping on both the sides and the shoulders.
- In addition to accommodating passenger vehicles, the circulation system is designed to allow functional access and circulation for commercial trucks, boat deliveries, and private boat trailers.
- Parking throughout the project is located for convenience in proportion to the specific and mixed uses being served. Parking aisle and search patterns are

easily understood and, in conjunction with the grove landscape, provide logical and safe access to each destination.

Detailed descriptions of the project's vehicular circulation and access components are provided below.

Roadway Improvements

To accommodate public and emergency access to the proposed project, various roadway improvements will be designed and constructed. From north to south through the project area, the key circulation improvements are described below, with the Miner Street/22nd Street intersection reconfiguration presented first:

- **Miner/22nd Intersection Realignment:**
 - **Realignment of Miner Street north of 22nd Street:** Beginning at approximately 630 feet south of Crescent Avenue, Miner Street would be realigned gradually eastward to create the new configuration of the Miner Street/22nd Street intersection. The realigned section will extend south approximately 650 feet, ultimately intersecting 22nd Street at a point approximately 160 feet east of the existing intersection. Consistent with the existing roadway section, the realigned section will accommodate two travel lanes in each direction within a 60-foot right-of-way. Miner Street will be vacated from the existing intersection to a point approximately 450 feet north. As proposed, the road alignment would require relocating the existing Red Car Line tracks about 120–190 feet eastward, and potentially moving the existing station southeast of the proposed new Miner Street/22nd Street intersection. A new at-grade crossing would be necessary to permit the continued operation of the Red Car Line across 22nd Street.
 - **Intersection reconfiguration at Miner Street and 22nd Street:** The proposed reconfiguration of the Miner Street/22nd Street intersection will require the removal and relocation of signalization; new directional and thematic signage; and appropriate roadway lighting, striping, and markings.
 - **Realignment and widening of Miner Street south of 22nd Street:** Miner Street south of 22nd Street would be aligned with the new intersection described above. Miner Street south of 22nd Street will undergo a realignment, widening, and southerly extension along the eastern limits of the project area. As with the northern section of Miner Street, the southern section will intersect 22nd Street at a point approximately 160 feet east of the existing intersection. Within a proposed 110-foot right-of-way, the 60-foot wide roadway will extend about 3,200 feet, generally between the proposed project site and the wharf along Berths 50–55. Three curb cuts along Miner Street will provide ingress/egress at the proposed Parking Areas 3A and 3B (Watchorn Basin) and the dry stand boat storage area.

For the first 1,500 feet south of 22nd Street, the alignment will generally follow the existing Miner Street road section and will require discontinuation of the operations at the warehouse at Berths 54–55. To accommodate this realignment, the warehouse will be demolished and approximately 5 acres of land east of Miner Street will be subject to future development, though not as part of this project. The southerly 1,700 feet of Miner Street will be gradually shifted east of its present alignment in order to accommodate proposed parking and boat storage areas. The roadway's location along the wharf would preclude future operations at Berths 50–53.

Parking and Access Improvements

Parking needs for existing and future commercial uses were calculated based on City of Los Angeles parking code requirements. The marina is designed consistent with the California Department of Boating and Waterways parking standards for boat slips. This is to optimize available parking spaces for the marina while maintaining a minimum walking distance between the parking lot and any given slip. The project proposes approximately 19.5 acres of parking among three primary parking lots. An estimated 1,375 parking spaces will be required based on relevant City of Los Angeles and California Department of Boating and Waterways standards. The project proposes 1,575 spaces distributed among the various lots. Parking and access improvements will be constructed as shown in the conceptual site plan (Figures 1-5 and 1-6), and as appropriate for the land uses developed.

Landside project circulation addresses the commercial and private truck or trailer needs to move pleasure watercraft of all types to and from the water launching, storage, and staging areas. This includes the dry stack use, boat maintenance buildings, and boat yard. The ability to launch and retrieve many boats from the dry stack storage facility during peak demand times has been carefully studied and addressed in the site planning process. Internal roadways will be included to accommodate internal circulation and emergency access.

Vessel Access/Circulation

Equal attention has been given to both the land and water components of the proposed marina operations. Building placement, land/water maneuvering areas, and access control for safe circulation of the vessels and boaters are designed to optimize operations.

Primary land and water considerations incorporated in the design of the vessel access and circulation system include:

- the location of large recreational/commercial boating activities with direct West Channel access;
- large “mega-yacht” slips fronting on the West Channel;

- direct fairway channel access from the sheltered dry stack launch/retrieval staging area to the West Channel;
- Cabrillo Way Marina fairways connecting slips to the West Channel; and
- strategically located dinghy docks proposed at locations such as the Village Retail and Marina Club to encourage and facilitate boater usage of the water as an alternative to vehicle access to the project's activities and services.

Pedestrian Access/Circulation

Pedestrian circulation will consist of the following three major elements.

- Perimeter pedestrian access and circulation will occur primarily along Miner and 22nd Streets. The established character of landscaped pedestrian pathways found in Cabrillo Marina Phase I will be continued with enhancements at key locations that afford opportunities for viewing the Cabrillo Way Marina.
- Major pedestrian gateways into the Cabrillo Way Marina and the waterfront promenade will occur at the crosswalk on 22nd Street, at the new event plaza area, and at the entry plaza at the southwest corner of 22nd and Miner Streets.
- The waterside pedestrian promenade system is proposed as the functional backbone to the project. As described below, the waterfront pedestrian promenade will include various passive and active uses along its path on both the water and land sides. Handicapped access will be provided in accordance with the Americans with Disabilities Act (ADA) and other access requirements.

Pedestrian Promenade

Approximately 6,500 linear feet of pedestrian promenade will be constructed to accommodate pedestrian access around the development. The promenade is envisioned to include special pavement treatments, handrails (where appropriate), and miscellaneous site furnishings, such as benches and landscaping, so as to complement the pedestrian promenade in the existing Cabrillo Marina Phase I.

Retail and visitor tourist-serving uses will be established around the promenade. The Cabrillo Way Village center, with its marine retail and restaurants, in addition to the existing 22nd Street Landing, will provide a gathering place for boaters, slip tenants, and visitors. The event plaza will be the hub connecting the existing Cabrillo Marina Phase I and future Cabrillo Way Marina waterfront promenades. The new promenade will connect to the existing 22nd Street Landing, continue along the westerly side of the project site to the village retail/waterfront restaurant and Marina Club site, and connect to the point restaurant. From there, the promenade will proceed through two open plazas along the waterfront, northerly along the west side of the dry stack building toward 22nd Street, and to the boat sales area and the entry plaza. Then it will

extend along the realigned Miner Street and the water's edge to its termination at the Yacht Club facilities. The promenade is envisioned as the central feature of the small retail plaza. Decorative paving, lighting, benches, trellises, and landscape features are proposed along the walkways, which will provide access and linkage to the project's amenities and services.

As a result of public comment and input during the Recirculated Draft SEIR review period, design changes to the promenade have been accepted and the project proponent has committed to implement the Promenade/Public Space recommendations:

- ensure that the promenade is on the water, generous (i.e., minimum 20-foot width), public in nature, and has multiple options for users;
- create a design distinction between the promenade and the sidewalks that are needed to serve the building and the parking areas;
- situate retail and public programs along the promenade to promote activity while ensuring that public access is maintained; and
- provide public restroom facilities along the 22nd Street portion of the promenade and at other locations, such as adjacent to the promenade at the dry stack boat storage and/or the pedestrian plazas near the southern terminus of the promenade.

In addition, two separate, landscaped park areas have been incorporated into the project. One will be located adjacent to the waterfront promenade and one will be located along the Miner Street portion of the promenade.

1.7.4 Cabrillo Way Marina Improvements

The Cabrillo Way Marina will be the primary focus for development. The existing marina facilities will be demolished and replaced with new, modern floating dock systems. The marina will be designed and constructed to conform to applicable local, state, federal, and acceptable industry standards. The proposed project will revitalize the historic Watchorn Basin into a state-of-the-art marina. Major components include:

- slips and shoreside support accessible from the south end of the peninsula point,
- dry stack staging and overnight slips,
- slips and shoreside support accessible from Miner Street, and
- pedestrian linkages and waterfront promenade.

Marina Slips

The marina is envisioned to accommodate approximately 675 boat slips, ranging in size from 28–130 feet. However, the goal is to focus approximately 60% of the boat slips in the 40–49 foot range, in accordance with project objectives. Table 1-3 includes an estimate of the proposed slip distribution by boat slip size, quantity, and percent distribution. The proposed slip distribution is in response to forecast market conditions. The exact slip distribution may be adjusted in the technical design phase to respond to updated market forecasts. Recreational boats are getting longer and wider. Therefore, the longer slip-size distribution will not only complement the dry stack storage for smaller boats in the modern marina but will also complement the existing slip mix at the developed Cabrillo Marina Phase I area.

Table 1-3. Existing and Proposed Boat Slip Distribution

Length (feet)	1998		Existing		Proposed	
	Quantity	Distribution	Qty.	Distribution	Qty.	Distribution
<30	105	14%	84	16%	59	8.7%
30–39	438	58%	368	69%	83	12.3%
40–49	162	21%	72	14%	432	64%
50–74	51	7%	6	1%	90	13.3%
75–99	0	0%	0	0%	6	<1%
100–125	0	0%	0	0%	2	<1%
>125	0	0%	0	0%	3	<1%
Total	756	100%	530	100%	675	100%

Dry Stack Boat Storage

A dry stack boat storage building will be situated on about 6.5 acres at the east side of the project, at the southwest corner of Miner and 22nd Streets. The enclosed 200,000-square foot dry stack structure will provide a compatible use of the water marina slips and a maintenance-free, full-service approach for the power boater. Related dry stack facilities will incorporate state-of-the-art amenities and services, including:

- ample and convenient parking,
- pre-arranged launch schedules,
- overnight in-the-water slips,
- fuel and provisions options,

- large in-the-water staging area, and
- storage for boat sales and dealer inventory.

The dry stack development will include a large storage building constructed in three distinct linear sections (i.e., a 50-foot high central section and 40-foot high northern and southern sections) and a staging area for stacked storage of approximately 700 boats in its ultimate configuration. The building will be completed in the early stages of construction, and the internal storage facilities will be placed in use as market demand dictates. The initial configuration will provide storage for approximately 300 boats, with expansion to full capacity to accommodate market demands.

The mass and scale of the structure are intended to blend with the size and character of the existing east and main channel warehouses. The “authentic waterfront architectural character” will be representative of modern materials and design elements of the area through the use of metal, glass, and wood. The design guidelines will use architectural components to minimize the building scale, and will encourage a “transparency” of the structure with bay windows and doors.

Fuel Dock and Sewage Pumpout Facilities

Fuel dock and sewage pumpout facilities and other boater service-related amenities will be located adjacent to the bulkhead wall at the dry stack area. The fuel dock will have related infrastructure, such as pipelines, pumps, and aboveground fuel (gasoline and diesel) storage tanks. The sewage pumpout facility will receive the contents of holding tanks onboard boats designed to hold sewage, and which must be emptied from time to time.

Additional pumpout facilities will be provided in accordance with the Clean Vessel Act Grant program, which establishes a recommended ratio of 1 pumpout per every 300 vessels with Type III marine sanitation devices (MSDs). At a minimum, the Cabrillo Way Marina Project will provide pumpout stations at or above the 1:300 ratio.

In support of the LAHD’s Clean Marinas Program, Westrec Marinas will install an oil/water separator at the fuel dock for the treatment of bilge water. Boaters will be able to pump their dirty bilge water out at the fuel dock. The oil fraction will be collected for hazardous waste disposal or recycling, in accordance with current regulatory programs. The water will go to the sewer system for treatment.

Marina Club/Activity Center

A Marina Club will be constructed along the waterfront adjacent to the village center for those slip tenants interested in a shoreside gathering place. Amenities

and activities will include a clubhouse with lockers, showers, restrooms, fitness facilities, and snack bar. Outdoor facilities will include a swimming pool, barbecue area, and garden patio for club members' festivities or private parties. With a dinghy dock at its front door overlooking the main channel, this facility is strategically located for access by boat, foot, and automobile.

Yacht Club and Other Boater Services

The southern portion of the site will be occupied by a yacht club, a youth boating facility, and various storage and boater service facilities. These uses will encompass approximately 7 acres adjacent to the existing San Pedro Boat Works. Inclusive on the site will be yacht club facilities, dry stack boat storage for year-round operation, a launch and retrieval area, and other boater-related services. A 20,000-square foot marine self-storage facility will provide boaters with secure and convenient storage for miscellaneous items.

1.7.5 Future Retail Components

Boat Sales Area

Located southwest of the project entrance from Miner and 22nd Streets, this component of the project includes:

- a 1.7-acre boat sales area for dealership pavilions and boat display,
- dry stack boat storage facilities utilized by boat dealers for additional boat inventory, and
- an area set aside to the south of the boat sales area for parking and trailer storage.

Marina Village Retail Center

Opposite the dry stack facilities and fronting on the west channel, the project proposes a mixture of interactive water and land uses. The new retail commercial complex will be anchored on the north by 35,000 square feet of retail space, including marine hardware and village retail uses. The southerly Marina Village component will also include small shops, a restaurant, and 25,000 square feet of office space, clustered around a pedestrian-oriented plaza. This plaza will also serve as a connection to the waterfront promenade and to a 10,000-square foot theme restaurant south of the Marina Club. The makeup of the office and retail facilities will be determined after consultation with community focus groups. Additional features include the following.

- Dinner cruise and excursion boat docks are proposed in a strategic location to attract visitors at a point midway between the 22nd Street retail and channel

retail/restaurants. Offices for the dinner cruise boats are anticipated to be located in the proposed retail area.

- Large “mega-yacht” slips extend in front of the office space. State-of-the-art dockside amenities such as individual transformers for shore power will be provided. The water depth and direct West Channel access is suited for large yachts, including the 100-foot plus class.
- The slip size transitions to the 30 to 55-foot range in front of the restaurant site.
- Short-term docking and a long dock are provided for the Marina Club.

1.7.6 Project Design Elements

Streetscape

The streets entering and connecting points with the marina will be lined with tall accent trees compatible with the seaside climate. The tree parkways along with the medians will be planted with long-lived shrubs to create garden boulevards. Sidewalks will provide pedestrian access along the boat sales area to the marine retail/restaurant areas and marina gangways along the water’s edge.

Architecture

The dry stack boat storage building, as well as the retail and office buildings, will draw on the architectural history of industrial warehouse buildings in immediately adjacent areas for design inspiration with regard to materials, color, articulation, and roof form. Design of the dry stack building will likely include an articulation that uses a typical pier shed door/bay modulation pattern, and will encourage building transparency to mitigate the scale by having garage doors, bay windows, etc. Likewise, other buildings will be designed with the intent of mitigating the scale of the buildings by introducing permanent canopy and lighting elements along adjacent sidewalks.

Overall, the mass and scale of the structures are intended to blend with the size and character of the existing east and main channel warehouses. The “authentic waterfront architectural character” will be representative of modern materials and design elements of the area through the use of metal, glass, and wood.

Parking Groves

All plantings and site elements will be selected for compatibility with the existing Cabrillo Marina Phase I, and with the climate and maintenance requirements of the ocean environment.

1.7.7 Construction Phasing

To describe the construction processes, the development of the project is divided into three basic phases. The construction sequencing has been developed with special attention to existing users and facilities. The construction sequencing is also intended to minimize construction duration to get the development online as soon as possible. With construction projects of this magnitude, the primary infrastructure must be placed early on and quickly, to provide access, services, and foundations for the new development areas.

It is important to note that with significant overlap between phases, the overall construction process can be further expedited. Due to the interrelationships of the construction elements, it is assumed that the overall construction process will be managed to optimize the construction contract controls.

Construction will be conducted in three phases. There will be three phases of infrastructure improvements, which will be followed by the corresponding facility improvements. The overall construction and phasing schedule is shown on Figure 1-21, and the slip phasing plan is illustrated on Figure 1-22.

Of all the existing landside operations at the project site, only Fire Station No. 110 will remain. A small portion of the former site of San Pedro Boat Works included in the project boundary remains unaffected. All other landside tenants and lessees will be vacated or relocated to prepare the site for development. Any relocation will be subject to subsequent CEQA analysis. A program will be developed for working with existing lessees to coordinate the continued operation, maintenance, security, and access of these uses during the transition of operations.

Construction Phase I

The first construction phase consists of infrastructure improvements to prepare the site for the proposed facility improvements. These infrastructure improvement elements consist of:

- removing railroad tracks,
- Miner Street and 22nd Street intersection improvements,
- 22nd Street improvements,
- West Channel slope protection,
- cut/fill and bulkhead wall at the dry stack area,
- basin perimeter adjacent to dry stack, and
- site preparation for boat sales area and dry stack storage.

The Construction Phase I facility improvements will follow the first construction phase infrastructure improvements. These facility improvement elements consist of:

- boat sales/retail buildings and Parking Lot 1,
- dry stack building,
- Main Channel slips,
- dry stack staging/launch area, and
- sportfishing fleet and excursion slips.

Construction Phase II

The Construction Phase II infrastructure improvements consist of the following elements:

- dredge/fill Watchorn Basin area (south), and
- Watchorn Basin perimeter improvements/bulkhead wall.

The Construction Phase II facility improvements will follow the second construction phase infrastructure improvements. These facility improvement elements consist of:

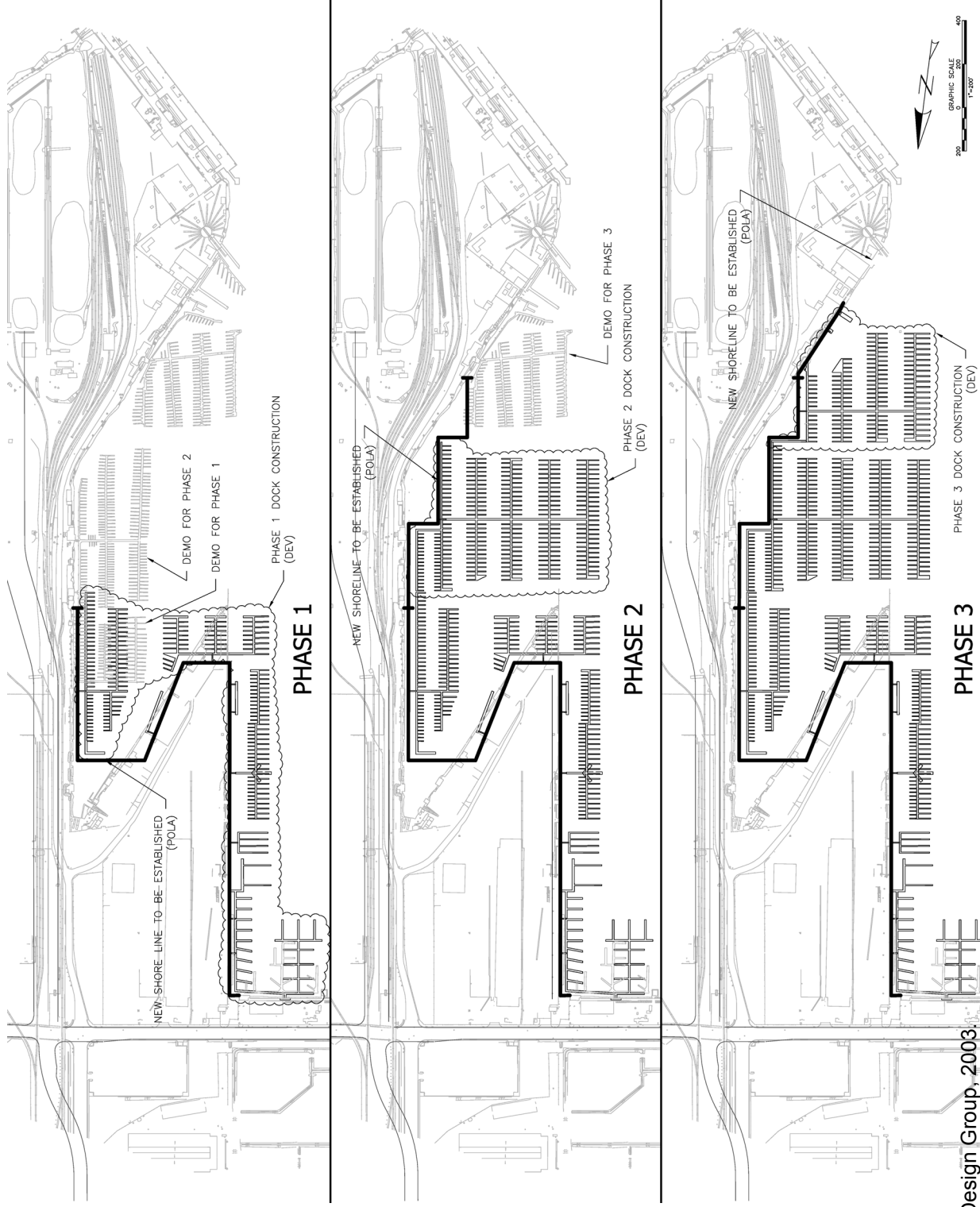
- marine hardware and village retail (north) buildings,
- fuel dock and pumpout station(s),
- South Basin slips (including long dock),
- outdoor pedestrian entry and event plazas, and
- promenade.

Construction Phase III

Construction Phase III infrastructure improvements consist of the following elements:

- Miner Street realignment and widening,
- dredge/fill Watchorn Basin area, and
- Watchorn Basin perimeter improvements.

Year->	2005				2006				2007				
	Quarter->	1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th
		Phase 1 Infrastructure ----->											
		<----- Phase 1 Facilities ----->											
		<----- Phase 2 Infrastructure ----->											
		<----- Phase 2 Facilities ----->											
		<----- Phase 3 Infrastructure ----->											
		<-----Phase 3 Facilities ----->											



Source: Bluewater Design Group, 2003.

Construction Phase III facility improvements will follow the third construction phase infrastructure improvements. These facility improvement elements include:

- Marina Club building,
- office and village retail (south) buildings (to be determined after consultation with community focus groups),
- boater storage building,
- youth boating facility,
- Parking Areas 3A and 3B,
- Watchorn Basin slips,
- promenade, and
- mast-up boat storage and other boater-related services.

1.7.8 Cabrillo Beach Boat Launch Operations

The July 2003 PCAC recommendation to the Board of Harbor Commissioners requested a specific commitment to close the existing Cabrillo Beach launch ramp. On October 22, 2003, the Board of Harbor Commissioners approved LAHD's staff recommendations that the Cabrillo Beach facility remain open and that alternatives to the existing facilities be investigated further so that an appropriate decision can be made that takes into account the needs of the boating public, community concerns, and the ongoing waterfront planning process. Changes to traffic access routes to the Cabrillo Beach launch ramp are being investigated in order to ease congestion on neighborhood streets.

To address the local traffic congestion issues voiced by the community, the LAHD will work with the Los Angeles Department of Recreation and Parks to modify the existing operations at the Cabrillo Beach launch site by opening Shoshonean Road (southbound only at the existing boat launch parking lot) to incoming boat trailers and/or by instituting a reservation system to manage vehicle arrivals throughout the peak usage hours.

Vehicular Access Modifications

The project segment of Shoshonean Road is a 24-foot-wide road that extends about 1,700 feet south from Via Cabrillo Marina to a locked gate at the northern edge of the existing Cabrillo Beach boat launch parking area. Shoshonean Drive has one 12-foot travel lane in each direction, but is currently closed to southbound through traffic. Shoshonean Road primarily provides vehicular access to the Cabrillo Beach Youth Facility, as well as pedestrian access from the existing Cabrillo Marina Phase I to Cabrillo Beach. Shoshonean Road was never opened as a public throughway, but does serve as a secondary emergency access

road to Cabrillo Beach. Preliminary discussions with the Los Angeles Fire Department (LAFD) indicate that the fire department favors unlocking the gates at the southern terminus, and that limited one-way boater traffic would not interfere with emergency access. With two 12-foot travel lanes, the road can accommodate most fire apparatus, even with a full queue of boater vehicles.

Boat Launch Reservation System

The LAHD will work with the Los Angeles Department of Recreation and Parks to institute a boat launch reservation system at the existing Cabrillo Beach Launch Ramp. The purpose of instituting a boat launch reservation system will be to reduce boat traffic congestion during the peak morning and weekend launch times.

1.8 Choice Among Alternatives

During the preparation of the Recirculated Draft SEIR, the LAHD developed several alternatives to the proposed project for consideration. These included the following:

- **Alternative 1. No-Project Alternative**
 - **Alternative 1A. No-Project/No-Build Alternative:** No construction would take place and the project site would remain in its current condition.
 - **Alternative 1B. No-Project/Reasonably Foreseeable Development Alternative:** The proposed project would not be constructed, and the project area would be developed with commercial, industrial, and recreational uses associated with the marina.
- **Alternative 2. Mirror Image Marina Development with Limited Retail:** The Phase II Precise Plan for the West Channel/Cabrillo Beach Recreational Complex originally proposed in 1987 would be implemented.
- **Alternative 3. 1998 Cabrillo Marina Phase II Proposal:** Development would proceed as envisioned and analyzed in the 1998 Draft SEIR, including commercial, retail, and waterside components.
- **Alternative 4. Modified 1998 Proposal:** This alternative is nearly the same as the Cabrillo Marina Phase II development proposed in 1998, and also very similar to the proposed project. However, this alternative retains the existing fruit warehouse east of the project site, along the East Channel, and includes minor reconfiguration of the site plan.
- **Alternative 5. Alternative Location:** This alternative would include development of the project facilities at an alternative location to the West Channel area, including other coastal sites throughout southern California.

1.8.1 Alternatives Eliminated from Further Consideration

In accordance with CEQA, an EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are feasible and therefore merit in-depth consideration, and which are infeasible. Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (CEQA Guidelines, Section 15126[f][2]). Alternatives may be eliminated from detailed consideration in an EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects (CEQA Guidelines, Section 15126.6[c]). The following alternatives were determined to be infeasible and were eliminated from further consideration in the Recirculated Draft SEIR (additional details regarding reasons for rejection are included in Chapter 6 of the Recirculated Draft SEIR, “Alternatives”):

- **Alternative 3. 1998 Cabrillo Marina Phase II Proposal:** Development would proceed as envisioned and analyzed in the 1998 Draft SEIR, including commercial, retail, and waterside components.
- **Alternative 5. Alternative Location:** This alternative would include development of the project facilities at an alternative location to the West Channel area, including other coastal sites throughout southern California.

1.8.2 Alternatives Analyzed in the Recirculated Draft SEIR

Chapter 6 of the Recirculated Draft SEIR, “Alternatives,” contains a detailed comparative analysis of the alternatives that were found to achieve the project objectives, are considered ostensibly feasible, and may reduce environmental impacts associated with the proposed project. Table 1-4 provides a summary of the impact analysis of the alternatives.

Table 1-4. Comparison of Alternatives* to the Proposed Project

Environmental Issue Area	Alt. 1A	Alt. 1B	Alt. 2	Alt. 4
Geology	-1	0	0	0
Groundwater, soils, and sediments	+1	0	+1	0
Air quality	-1	+1	-1	0
Water quality and oceanography	+1	+1	0	0
Biota and habitats	-1	0	-1	+1
Noise	-1	+1	-1	0
Land use	0	0	+1	0
Risk of upset	0	+1	0	0
Transportation and circulation	-1	+1	-1	0
Public services and utilities	-1	0	0	0
Light and glare	-1	+1	0	0
Visual resources and aesthetics	+1	+1	-1	0
Recreation	+1	+1	+1	0
Cultural resources	-1	0	0	0
Total	-4	+8	-2	+1

Notes:

* Alternatives that were eliminated from further consideration are not included.

(-1) = Impact considered to be less when compared with the proposed project.

(0) = Impact considered to be equal to the proposed project.

(+1) = Impact considered to be greater when compared with the proposed project.

1.8.3 Environmentally Superior Alternative

An EIR must identify the environmentally superior alternative to the proposed project. The No-Project Alternative would be environmentally superior to the proposed project on the basis of the minimization or avoidance of physical environmental impacts. The CEQA Guidelines require that, if the No-Project Alternative is found to be environmentally superior, “the EIR shall also identify an environmentally superior alternative among the other alternatives” (CEQA Guidelines, Section 15126.6[c]).

Based on the assessment included in Chapter 6 of the Recirculated Draft SEIR, “Alternatives,” Alternative 2 (Mirror Image Marina Development with Limited Retail) would be considered the Environmentally Superior Alternative. As shown in Table 1-4 above, this alternative would result in some impacts that are greater than and some impacts that are less than those of the proposed project.

This alternative represents an overall net decrease in impacts when compared to the proposed project. All other alternatives would result in a net increase in total environmental impacts when compared to the proposed project.

1.9 Summary of Impacts and Mitigation Measures

Table 1-7 at the end of this chapter summarizes the significant environmental impacts of the Cabrillo Way Marina Project, as modified. Proposed mitigation and monitoring measures are also summarized. Impacts in environmental areas not shown in the table were found to be less than significant, as discussed in Recirculated Draft SEIR.

1.10 Cumulative Impacts

The State CEQA Guidelines (Section 15130) require an analysis of the project's contribution to significant cumulative impacts. Cumulative include "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" (State CEQA Guidelines, Section 15355).

The discussion below identifies whether the proposed project would contribute to an existing cumulative impact or whether the proposed project's impacts would combine with the impacts of other projects to result in a significant impact.

Cumulative impacts were analyzed using one of two methodologies. Most of the resource areas were analyzed using a list of reasonably foreseeable projects that would be constructed in the project region. Traffic and circulation, air quality, and noise were also assessed using annual regional growth and development rates.

1.10.1 Land Use

The proposed project is consistent with the general land use trends toward recreational and visitor-serving uses west of the Main Channel. Therefore, the project would not contribute to any cumulative land use policy conflicts or locational inconsistencies. Rather, the project is fully supportive of the land use plans that guide Port development adjacent to the San Pedro community, and is responsive to the community concerns that continue to define the direction of local land use planning.

1.10.2 Transportation

Cumulative traffic analyses show that, with implementation of the improvements at Harbor Boulevard and SR-47 ramps/Swinford Street (additional left-turn lane for northbound approach), the project would not result in a considerable contribution to cumulative traffic impacts. At other intersections, the project would not result in considerable contributions to cumulative traffic impacts, and no mitigation is necessary.

In addition, traffic counts were conducted at the intersections of 22nd Street/Mesa Street and 22nd Street/Pacific Avenue (February 2003), and potential cumulative impacts were considered at these locations (including a potential cruise terminal at Berths 45-47). This traffic was added to the cumulative base and cumulative base plus project conditions in the new analysis of the 22nd Street/Mesa Street and 22nd Street/Pacific Avenue intersections. While the projected volume-to-capacity ratios would be higher, the levels of service would be unchanged (LOS C or better) during all analyzed time periods (weekday AM and PM peak hours, weekend PM peak hour) and in all scenarios (existing, cumulative base, and cumulative base plus project). No project-related impact is projected to occur at either the 22nd Street/Mesa Street or 22nd Street/Pacific Avenue intersections, and the project would not result in a considerable contribution to a cumulative traffic impact at either of these intersections. An additional mitigation measure has been added to monitor traffic at 22nd Street/Mesa Street or 22nd Street/Pacific Avenue, and 22nd Street/Gaffey Street to assess the actual changes to intersection level of service and to take corrective action as necessary.

1.10.3 Air Quality

Both construction-related air quality impacts and operational (long-term) air quality impacts were analyzed in the Recirculated Draft SEIR, and mitigation was recommended. Additional analysis was completed for this Final SEIR to reflect the reduced project size and the revised construction schedule. Additional mitigation was identified.

With the additional mitigation, construction-related PM₁₀ impacts could be reduced to less than significant on the project level. The South Coast Air Quality Management District (SCAQMD) considers a significant cumulative air quality impact as occurring when a project is shown to exceed the SCAQMD's project-specific significance thresholds. The daily and quarterly emission limits set by SCAQMD already consider an individual project's contribution to regional cumulative air quality conditions. Since mitigation can reduce PM₁₀ impacts to less than the project-specific significant thresholds, this project's contribution to cumulative PM₁₀ construction impacts would not be considerable. Mitigation for construction-related ozone impacts would not be reduced to less-than-significant levels and would represent a considerable contribution to a significant cumulative impact.

With mitigation identified for this Final SEIR, operational impacts would be reduced, but impacts related to reactive organic gases (ROG), oxides of nitrogen (NO_x), and carbon monoxide (CO) emissions would remain at significant levels on a project basis. This would represent a considerable contribution to significant cumulative air quality impacts.

To further minimize impacts and to work toward the goal of “no net increase” in air emissions throughout the Port, the LAHD is undertaking a Port-wide air quality study to serve as a framework and a baseline to developing other programs and ways to offset air quality impacts within the Port. While the study has not yet been completed, the LAHD is committed to making efforts on a project-by-project basis to minimize air impacts. The LAHD has now identified a range of measures that are being considered to offset impacts by the proposed project, as discussed in Section 1.13, “Areas of Controversy and Issues to be Resolved,” below. These types of offsets would involve implementing other projects throughout the Port that would improve air quality. However, these would not constitute mitigation under CEQA because they cannot be directly tied to the proposed Cabrillo Way Marina Project at this time without a Port-wide program to account for mitigation offsets. The project would continue to represent a considerable contribution to significant cumulative air quality impacts. LAHD staff is recommending that the Board of Harbor Commissioners establish a Port-wide grant program that would provide incentives to replace old technology recreational marine engines with newer technology, lower emission engines.

1.10.4 Noise

Construction noise impacts from other projects in the vicinity of the Cabrillo Way Marina Project could occur over the same period of time as the proposed project. Although noise from construction activity from these multiple projects in the area would increase ambient community noise levels in the immediate vicinity of the proposed project, construction-related noise would be localized and short-term in nature. Through compliance with the City of Los Angeles Noise Ordinance Standards, construction noise impacts of the project would not represent a considerable contribution to cumulative noise impacts.

Operational noise impacts would be less than significant and no mitigation is required. The project would not represent a considerable contribution to cumulative noise impacts during operation.

1.10.5 Light and Glare

The proposed project would result in a relatively minor contribution to nighttime lighting and glare in the project area and would not represent a considerable contribution to cumulative light and glare impacts. Due to the visual sensitivity of surrounding land uses, the proposed project has incorporated a specific lighting strategy in order to further reduce potential visual impacts.

1.10.6 Aesthetics

Aesthetic impacts are typically site-specific and do not result in offsite effects that contribute to cumulative impacts. However, the proposed project location in a coastal environment magnifies the potential impacts of the project implementation with respect to the popular perception of the area's aesthetic appeal, as well as actual views encompassing the project site.

The analysis for the Recirculated Draft SEIR found that the project would neither obstruct or diminish protected scenic vistas nor contribute to the diminishment of scenic vistas. The proposed project would therefore not contribute to a cumulative impact on aesthetic resources. Since the release of the Recirculated Draft SEIR, the LAHD and the applicant have agreed to reduce the size of the largest component of the project—the dry stack building—, further reducing the potential for contributions to cumulative aesthetic impacts. An additional mitigation measure has been added to construct landscape improvements and beautification to reduce visual impacts.

1.10.7 Geology

Cumulative earth/geology impacts may result if projects in the vicinity were implemented concurrently. Projects in the area are particularly vulnerable to primary and secondary seismic hazards during construction. If a major or great earthquake occurred concurrently with construction of any of these projects, loss and/or damage might be substantial. However, such a scenario is unlikely to occur because the construction period is relatively short and major/great earthquakes occur very rarely. In addition, impacts related to earthquakes are generally site-specific, and would not combine with impacts on neighboring construction sites to result in cumulative impacts. Therefore, the proposed project would not represent a considerable contribution to significant impacts.

1.10.8 Groundwater, Soils, and Sediments

The primary groundwater, soils, and sediments impacts that would result from the project would be 1) disruption of any unforeseen hazardous waste/materials contained within the site's soil, groundwater, or sediments, and 2) potential worker exposure to environmental contamination. These are relatively site-specific impacts and would not represent a considerable contribution to a cumulative impact. Compliance with applicable federal, state, and local regulations would generally prevent significant impacts.

1.10.9 Water Quality and Oceanography

Adherence to regulatory standards and implementation of mitigation would avoid considerable contributions by the proposed project to significant cumulative

impacts to water quality and oceanography. It is expected that other projects in the area would also adhere to these regulatory standards and implement similar mitigation measures. See Section 1.13.1, “Water Quality,” for a thorough discussion of this issue.

1.10.10 Biota and Habitats

The project includes mitigation to reduce the impacts to biological resources to a less-than-significant level. This mitigation utilizes mitigation banks and other methods approved by resource agencies to provide mitigation for the cumulative impacts of multiple projects. Therefore, the project would not represent a considerable contribution to cumulative biological impacts. Other projects in the area would also be required to participate in this type of mitigation, preventing significant cumulative impacts.

1.10.11 Cultural Resources

The proposed project would not result in impacts to known cultural resources. Mitigation is included in the project to prevent impacts to unknown cultural resources if they are discovered during construction. Therefore, the project would not contribute to cumulative impacts to cultural resources.

1.10.12 Public Services and Utilities

The proposed project would not create a demand for additional police or fire facilities or additional police or fire personnel. Through consultation with the affected agencies, it has been determined that the combined impact of other projects in the area would not negatively impact the ability of the Port Police, Los Angeles Police Department (LAPD), LAFD, or the U.S. Coast Guard (USCG) to adequately serve the project area. Therefore, there would not be cumulative impacts on these services, and the project would not contribute to a cumulative impact on these services.

The project would create an increased demand for water and would generate additional wastewater and solid waste. The Cabrillo Way Marina, in conjunction with future projects proposed in the area, would not be expected to exceed the capacity of the providers of these services. In addition, the project would incorporate measures to reduce potential impacts on these services. Therefore, there would not be cumulative impacts on water, wastewater, or solid waste services, and the project would not contribute to a cumulative impact on these services.

The existing infrastructure is sufficient to serve the project site with natural gas, electricity, and other fuels, as well as other projects in the area. Therefore, there

would not be a cumulative impact on these utilities, and the project would not contribute to a cumulative impact on these utilities.

1.10.13 Recreation

The proposed project would neither affect existing recreational facilities nor produce demand for recreational facilities. The majority of the projects considered in the cumulative analysis are associated with new or redeveloped cargo marine terminals or other projects of an industrial nature within the Port. These types of projects would not generally affect existing recreational opportunities within or around the Port, as they are primarily located within existing industrial areas. Some of the projects, however, have recreational components. These include projects associated with the Queen Mary Seaport and Queensway Bay in the City of Long Beach/Port of Long Beach, expansion of the Cabrillo Marine Aquarium, and improvements along the Main Channel Promenade and Ports O' Call. These cumulative projects all contribute to additional recreational opportunities within the Port area for the surrounding communities as well as regional patrons. These projects represent an increase in recreation and would not adversely affect recreational demand in the surrounding area. Therefore, there are no cumulative impacts to recreation in the project area and the project would not make a considerable contribution to cumulative impacts to recreation.

See Section 1.13.4, "Boat Launch," for a discussion of potential boat launch locations.

1.10.14 Risk of Upset

The project would not result in impacts related to public health and safety, and would not contribute to a cumulative risk of upset impact.

1.11 Environmental Justice

The U.S. Environmental Protection Agency (EPA) defines environmental justice as the "fair treatment for people of all races, cultures, and incomes, regarding the development of environmental laws, regulations, and policies" (EPA 1998). Executive Order 12898, titled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, (signed by President Clinton in 1994) requires analysis of disproportionately high and adverse human health or environmental effects to low-income or minority populations during the federal environmental process. There is no requirement under CEQA to address environmental justice; however, an environmental justice analysis was conducted for the Recirculated Draft SEIR consistent with the environmental justice guidelines for the National Environmental Policy Act (NEPA) in the federal

document *Environmental Justice: Guidance Under the National Environmental Policy Act* (Council on Environmental Quality 1997).

The following significant environmental impacts would result from the proposed project:

- short-term adverse construction impacts on regional air quality (generation of CO, PM₁₀, ROCs, and NO_x);
- long-term adverse operational impacts on regional air quality (weekend and weekday emission levels exceeding the SCAQMD's significance thresholds for CO, ROCs, and NO_x); and
- exposure of people and structures on the project site to adverse geologic impacts, including liquefaction, groundshaking, and ground acceleration during major earthquakes.

Both the short-term and long-term air quality impacts associated with the proposed project are regional impacts, incrementally affecting the entire South Coast Air Basin (SCAB). These impacts would not disproportionately affect the low-income and minority populations within 1 mile of the project site.

The significant adverse geologic impacts relate to exposing structures and people on the project site to geologic hazards during earthquakes. The project would not increase these same hazards off site; therefore, it would not disproportionately affect the low-income and minority populations within 1 mile of the project site.

Although the project would not disproportionately impact low-income or minority populations, LAHD acknowledges that this project, both individually and cumulatively, would impact low-income and minority populations.

1.12 Residual Impacts

Even after implementation of mitigation measures detailed in Table 1-7 (located at the end of this chapter), the proposed project will result in residual environmental impacts for air quality (Impacts AQ-1 and AQ-2) and geology (Impact GEO-2) that are significant and unavoidable, as shown in Table 1-8 (also at the end of this chapter). In addition to mitigation measures, both Westrec Marinas and the LAHD have made additional efforts to further reduce impacts, as described below.

1.12.1 Air Quality

Construction Air Quality Impacts

The Recirculated Draft SEIR discussed impacts to regional air quality that would result during construction activities associated with the proposed project

(Impact AQ-1). As a result of changes in the project, and other changes the LAHD has committed to, the analysis has been revised. Tables 3.3-6 and 3.3-7 of the Recirculated Draft SEIR have been revised and are included in Appendix C of this Final SEIR. The numbers in these tables differ slightly from the previous versions of the tables for the following reasons:

- These tables are based on the latest version of URBEMIS2002 (an emissions calculations program used to forecast air emissions from construction activities), which is slightly different than the version used in the previous estimates.
- Construction and operation of the dry stack boat storage building has been delayed and would not overlap construction of the other Cabrillo Marina facilities.
- Additional mitigation measures for construction have been considered.

In the Recirculated Draft SEIR, a mitigation measure was included requiring the use of aqueous diesel fuel as follows:

***MM AQ-1.1:** CARB-approved emulsified diesel fuels shall be used in lieu of diesel in all diesel-powered construction equipment where it is deemed feasible by the LAHD.*

In addition, the LAHD is now considering requiring its contractors to install diesel oxidation catalysts in their equipment and to apply measures to minimize fugitive dust and particulate matter. Consequently, two additional mitigation measures have been added as follows:

***MM AQ-1.2:** CARB-approved diesel oxidation catalysts shall be installed in all four-stroke, turbo-charged diesel engines for which this technology is feasible.*

This mitigation measure, in combination with the requirement to use emulsified diesel fuel, will reduce PM₁₀ by 50 percent and NO_x by 20 percent from uncontrolled levels. This is a significant reduction in total diesel particulate exhaust that will be emitted by construction of the project.

***MM AQ-1.3:** To reduce fugitive dust emissions of PM₁₀, and in addition to full compliance with the SCAQMD's Rule 403, the LAHD shall ensure implementation of the following construction activity mitigation measures. The measures shall be conditions of grading and/or building permit issuance and submitted as notes on said plans or in a form acceptable to the LAHD.*

- *The simultaneous disturbance area shall be limited to 5 acres per day on the project property.*
- *Active grading sites shall be watered one additional time per day beyond that required by Rule 403.*

- *Contractors shall apply approved non-toxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas.*
- *Construction contractors shall provide temporary wind fencing around sites being graded or cleared.*
- *Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code.*
- *Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site.*
- *The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed.*

The revised emission estimates combined with the revised mitigation measure make one major change to the air quality analysis. Whereas previously PM₁₀ emissions were significant and unavoidable, they can now be mitigated to a less-than-significant level. Ozone precursor emissions and CO still exceed the standards, though, even with additional the mitigation measures.

Operational Air Quality Impacts

The Recirculated Draft SEIR discusses operational air quality impacts that were determined to exceed SCAQMD thresholds for ROG, NO_x, and CO (Impact AQ-2). No mitigation was included and impacts were found to be significant and unavoidable. In response to several comments on the Recirculated Draft SEIR, the LAHD has considered the following mitigation measures to reduce operational emissions impacts:

MM AQ-2.1: *Westrec Marinas shall complete a mandatory slip and dry storage annual inventory of engine type and age, and shall report to LAHD Environmental Management Division. Immediately upon completion of the first phase of slip replacements, LAHD will establish a Port-wide grant program to provide incentives to boat owners to replace older, high emission, 2-stroke engines with new technology, lower emission engines. Purchasers will have to document that their boat is kept at a marina located in the Port of Los Angeles. In addition, engines replaced as part of the program will need to be retired from service and recycled.*

MM AQ-2.2: *Sales of separate engines on site shall be limited to CARB-approved modern technology—two stroke, four-stroke, or modern diesel engines. A report of sales inventory shall be submitted annually to LAHD to ensure compliance.*

MMAQ-2.3: *The marina operator shall limit diesel fuel availability at the marina to a single grade of low sulfur diesel combined with biodiesel at a ratio of 20% biodiesel to 80% diesel to reduce operational air quality impacts from boating activities. LAHD shall provide funding to allow sale of this alternative fuel at competitive prices.*

Additionally, to further minimize impacts and to work toward the goal of “no net increase” in air emissions throughout the Port, the LAHD is undertaking a Port-wide air quality study to serve as a framework and a baseline to developing other programs and ways to offset air quality impacts within the Port. These types of offsets would involve LAHD implementing programs throughout the Port, potentially independent from any specific development project that would improve air quality. However, such programs would not constitute mitigation under CEQA for the proposed Cabrillo Way Marina project impacts because they have yet to be fully established and therefore cannot be directly tied to the proposed project at this time. They would however contribute to improvement of the cumulative condition. Such programs include, but would not be limited to, the following:

- Port of Los Angeles Clean Air Program:
 - vessel speed reduction,
 - terminal yard equipment emulsified fuels and diesel oxidation catalysts, and
 - vessel retrofits demonstration;
- Board Policy on Alternative Fuel Yard Tractors;
- Alternative Maritime Power (AMP) Program to provide shore-side power to vessels at berth;
- Low Sulfur Fuel Initiative for Hotelling Vessels to use the cleanest fuels available for electrical generators (maximum sulfur content to be no greater than 0.2 percent by weight);
- Carl Moyer Program and other incentive funding programs;
- regulatory requirements (although not a mitigation, this must be part of the “no net increase” strategy); and
- Clean Marinas Program.

These types of offsets would involve implementing other projects throughout the Port that would improve air quality. However, these would not constitute mitigation under CEQA because they cannot be directly tied to the proposed Cabrillo Way Marina Project at this time without a Port-wide program to account for mitigation offsets. Therefore, while emissions would be reduced with the incorporation of mitigation measures (MM AQ-2.1, AQ-2.2, and AQ-2.3), project-related ROG, NO_x, and CO emissions would remain at significant levels because the range of feasible mitigation measures has been exhausted.

1.12.2 Geology

The Recirculated Draft SEIR discussed the geologic hazards and related issues such as seismicity, tsunamis, expansive soils, and subsidence (Impact GEO-2).

Seismicity

The project site lies in the vicinity of the Palos Verdes Fault Zone. An earthquake within this fault zone could cause strong-to-intense ground shaking, surface rupture, and liquefaction of water-saturated hydraulic fill. With the exception of ground rupture, similar seismic impacts could occur due to earthquakes on other regional faults.

Seismic shaking that could result in liquefaction, settlement, or surface cracks at the project site has a relatively high probability of occurrence, while potential ground rupture effects are limited to movement on the Palos Verdes Fault. As described above, this possibility is still a subject of differing professional judgments among experts. Based on currently available information regarding the location of the Palos Verdes Fault Zone, there is a low probability for surface fault rupture at the project site due to movement on this fault (see Figure 3.7-1 in the Recirculated Draft SEIR).

As discovered during the 1971 San Fernando Earthquake and the 1994 Northridge Earthquake, existing building codes are often inadequate to protect engineered structures from hazards associated with liquefaction, ground rupture, and large ground accelerations. Consequently, designing new facilities based on existing building codes may not prevent significant damage to structures from a major or great earthquake on a nearby fault. Therefore, seismic hazards related to future major or great earthquakes are significant, unavoidable impacts.

Based on the analysis above, the existing geologic conditions could potentially expose people or structures to significant risk or injury. No mitigation is feasible to reduce impacts to less-than-significant levels. Therefore, impacts are considered significant and unavoidable.

1.13 Areas of Controversy and Issues to be Resolved

Although public outreach and coordination efforts with the PCAC Focus Group (Section 1.3, “Public Outreach and Coordination Efforts”) resulted in mitigation measures and project modifications that have reduced impacts to less than significant, some of these issues remain areas of controversy with the public. These areas of controversy include:

- water quality,
- transportation/circulation,
- aesthetics,
- boat launch, and
- “no net increase” policy.

1.13.1 Water Quality

Construction Water Quality Impacts

Will dredging activities associated with construction of the project result in significant water quality effects?

The Recirculated Draft SEIR discussed impacts to water quality that would result during construction activities associated with the proposed project (Impacts WQ-1, WQ-2, and WQ-4). The Recirculated Draft SEIR concluded that impacts would be less than significant and mitigation measures would not be required. Contaminated sediments and concentrations in the project area have been identified in Sections 3.8.2.1 and 3.9.2.2 of the Recirculated Draft SEIR. All activities that could disturb sediments, as well as removal and disposal methods, are discussed under Impacts WQ-1 and WQ-4 in Section 3.9.4.3 of the Recirculated Draft SEIR. However, in response to public agency comments on the Recirculated Draft SEIR, additional analyses of the sediment contamination, and the potential effects on water quality, has been added as part of this Final SEIR. The following additional text has been added to Impact WQ-4:

Contaminants

Long-term positive impacts are associated with dredging in the Watchorn Basin for the project. As with past dredging projects, potentially contaminated sediments would be removed, resulting in an improved subsea environment. Based on chemical and biological testing of the sediments to be dredged, these sediments could meet requirements for use as in-harbor fill in the fill areas on the project site or meet disposal requirements of the LA-2 offshore dredged material disposal site.

An alternative disposal location could be the LAHD’s Upland Disposal Site at Anchorage Road or another approved upland location. Coordination with the Advisory Committee of the Los Angeles Region Contaminated Sediment Task Force would likely be required for ocean or in-harbor disposal options. Dredge material disposal would be conducted in accordance with all applicable laws and regulations. Impacts related to dredging and disposal activities would be less than significant.

In order to document LAHD commitments, water quality guidelines and standard practices have been incorporated as mitigation measures for monitoring and compliance purposes. The new measures, which are cited below, formalize LAHD's obligation to protect water and biotic resources during all project-related dredging and construction activities from potential release of sediment contaminants. MM WQ-1.1 has been added to address this issue and will read as follows:

***MM WQ-1.1:** During dredge and fill operations, an integrated multi-parameter monitoring program shall be implemented by the LAHD Environmental Management Division in conjunction with both ACOE and LARWQCB permit requirements, wherein dredging performance is measured in situ. The objective of the monitoring program shall be adaptive management of the dredging operation, whereby potential exceedances of water quality objectives can be measured or predicted and dredging operations subsequently modified. If exceedances are observed, the LAHD's Environmental Management Division shall immediately meet with the construction manager to discuss modifications of dredging operations to reduce turbidity to acceptable levels. This could include alteration of dredging methods, and/or implementation of additional BMPs such as a silt curtain.*

Any remaining impacts will be below significance thresholds as a result of implementation of applicable permit conditions and mitigation measures in conformance with the identified performance standards.

Operational Water Quality Impacts

Will the operation of the redeveloped marina result in water quality effects?

A number of commentors indicated concern over potential discharge of boat wastes as well as stormwater discharges from the marina. Operational water quality impacts associated with the proposed project were also addressed in the Recirculated Draft SEIR (Impacts WQ-1 through WQ-6). Some of the mitigation measures associated with operation of the project have been expanded in scope to provide maximum mitigation effectiveness, consistent with responsible agency recommendations. The modified measures, which are cited below, formalize LAHD's obligation to protect water and biotic resources during future marina operations.

Mitigation measures that have been added since the release of the Recirculated Draft SEIR are related to minimizing discharges that could contribute to pollution and contamination. As discussed in Chapter 3.9 of the Recirculated Draft SEIR, "Water Quality and Oceanography," the LAHD recognizes the issue of potential impacts from boat wastes. Therefore, the LAHD will implement a Clean Marinas Program and will work with the Coastal Commission in its efforts to develop statewide clean marina guidelines for marina operators. The program will include outreach to marina operators and boaters regarding sewage discharge

requirements. By providing sufficient facilities and educating marina tenants, the Clean Marinas Program will minimize direct sewage discharges and reduce the impacts to a less-than-significant level. At a minimum, the Phase II Cabrillo Marina Project will provide pumpout stations at or above a ratio of 1 pumpout per every 300 vessels with Type III MSDs. Although marinas still have other options within this program, the LAHD has opted to adopt the project standard reflected in the following measures:

MM WQ-1.2: Coliform testing in the marina area shall be added to the ongoing Port-wide Monthly Harbor Water Quality Survey program. Monitoring will provide an additional mechanism for tracking water quality changes over time and will provide evidence of localized problems to indicate a need for corrective actions.

MM WQ-1.3: Sewage pumpout installation and maintenance shall be performed in accordance with the guidelines and requirements of the Department of Boating and Waterways (DBW) and the State Water Resources Control Board (SWRCB). The project applicant shall design sewage pumpout facilities in accordance with the requirements of the state's Non-point Source Pollution Control Program administered by the SWRCB. The project applicant shall also use guidelines, developed by the DBW, that state all vessel terminals with a capacity for vessels 26 feet or longer should have one pumpout for every 300 slips 26 feet or longer. The sewage pumpout facility maintenance shall be in accordance with the state's Non-point Source Pollution Control Program.

MM WQ-1.4: Westrec Marinas shall install an oil/water separator at the fuel dock for the treatment of bilge water. The oil fraction shall be collected for hazardous waste disposal or recycling, in accordance with current regulatory programs. The water shall be directed to the sewer system for treatment.

MM WQ-1.5: Compliance with inventory and reporting program within the LAHD's Clean Marinas Program. Westrec Marinas shall complete a mandatory slip and dry storage annual inventory of marine sanitation devices by type, and shall report to LAHD Environmental Management Division.

The pumpout facilities described above in MM WQ-1.1 will provide sufficient capacity to minimize the potential for sewage discharges into the West Channel.

Further, the LAHD is currently conducting the Cabrillo Beach Water Quality Improvement Project, which includes water quality analyses and circulation modeling to identify both short- and long-term solutions to the water quality concerns at Cabrillo Beach, which is nearby and outside the project area.

Additional comments received on the Recirculated Draft SEIR related to impacts on water quality have resulted in modifications to mitigation measures as part of this Final SIER. As stated in the Recirculated Draft SEIR, Mitigation

Measure WQ-3.1, in conjunction with other mitigation measures and standard permitting conditions as detailed in Chapter 3.9 of the Recirculated Draft SEIR, “Water Quality and Oceanography,” would be adequate to reduce impacts to water quality to less than significant levels.

Mitigation Measures MM WQ-3.1 and MM WQ-3.2 have been revised to provide additional protections on water quality within the harbor:

MM WQ-3.1: *The project applicant shall conform with applicable requirements of the Non-Point Source (NPS) Pollution Control Program. The project applicant shall design all marina and recreational boating facilities whose operations could result in the accidental release of toxic or hazardous substances (including boat maintenance facilities, fueling facilities, sewage and liquid waste facilities, solid and hazardous waste disposal facilities) in accordance with the Marina and Recreational Boating Management Measures defined under the state Non-Point Source Pollution Control Program administered by the State Water Resources Control Board (SWRCB). As a performance standard, the measures shall be selected and implemented using the Best Available Technology that is economically achievable such that, at a minimum, relevant water quality criteria as outlined by the California Toxics Rule and the Basin Plan are maintained, or in cases where ambient water quality exceeds these criteria, maintained at or below ambient levels. The applicable measures are as follows:*

- *Solid Waste Control — Properly dispose of solid wastes produced by the operation, cleaning, maintenance, and repair of boats to limit entry of these wastes to surface waters.*
- *Fish Waste Control — Promote sound fish waste management, where fish waste is an NPS problem, through a combination of fish cleaning restrictions, education, and proper disposal.*
- *Liquid Material Control — Provide and maintain the appropriate storage, transfer, containment, and disposal facilities for liquid materials commonly used in boat maintenance, and encourage recycling of these materials.*
- *Petroleum Control — Reduce the amount of fuel and oil that leaks from fuel tanks and tank air vents during the refueling and operation of boats.*
- *Boat Cleaning and Maintenance — Minimize the use of potentially harmful hull cleaners and bottom paints, and prohibit discharges of these substances to state waters.*
- *Maintenance of Sewage Facilities — Maintain pumpout facilities in operational condition, and encourage their use so as to prevent and control untreated sewage discharges to surface waters.*

The education/outreach measure for marinas and recreational boating is summarized as follows:

- *Public Education — Institute public education, outreach, and training programs to prevent and control improper disposal of pollutants into state waters. LAHD is developing a Clean Marinas Program that will include outreach to marina operators and boaters regarding sewage discharge requirements. By providing sufficient facilities and educating marina tenants, the Clean Marinas Program will minimize direct sewage discharges and reduce the impacts to a less-than-significant level. At a minimum, the Phase II Cabrillo Marina project will provide pumpout stations at or above the 1:300 ratio. The program will include practices consistent with the guidelines currently being developed by the California Coastal Commission and which will be contained in a marina operator's guide to clean marina practices.*

MM WQ-3.2: *The project applicant shall develop an approved Source Control Program with the intent of preventing and remediating accidental fuel releases. Prior to their construction, Westrec Marinas shall develop an approved Source Control Program (SCP) for the fueling facilities and aboveground fuel tanks in accordance with LAHD guidelines established in the General Marine Oil Terminal Lease Renewal Program (Appendix J of the Recirculated Draft SEIR). The SCP shall address immediate leak detection, tank inspection, and tank repair.*

Additionally, the overall reduction and eventual elimination of 2-stroke engines will reduce much of the associated water quality impacts that are discussed in the Recirculated Draft SEIR.

Impacts WQ-1 through WQ-6 will remain less than significant before and after mitigation.

1.13.2 Transportation/Circulation

Will the facility result in significant transportation effects on local streets, especially as it relates to cumulative impacts?

The Recirculated Draft SEIR included a comprehensive traffic study to address impacts on roadways in the vicinity of the project area. Chapter 3.2 of the Recirculated Draft SEIR, "Transportation/Circulation," detailed the impacts (TRANS-1 through TRANS-7) and mitigation measure (MM TRANS-1) that were identified for the project.

The revised project description elements do not change the Recirculated Draft SEIR conclusions regarding transportation and circulation impacts. The reduction in retail and visitor-serving commercial development, along with the reduction in dry stack storage capacity, will decrease the number of vehicle trips and parking requirements estimated in the Recirculated Draft SEIR.

The traffic analysis in the Recirculated Draft SEIR indicates that the project would result in an exacerbation of the intersection deficiency at Harbor Boulevard and the SR-47 ramps/Swinford Street intersection, which will operate at level of service (LOS) F in 2008. Mitigation Measure MM TRANS-1 was identified to reduce impacts to less-than-significant levels, which would include implementation of eastbound intersection improvement measures for Harbor Boulevard and SR-47 ramps/Swinford Street. To improve the intersection operation and to reduce the left-turn congestion on the northbound approach, a second left-turn lane shall be added to the northbound approach. The resulting lane configuration shall be two left-turn lanes, two through lanes, and one shared through/right-turn lane. This change shall include removing the raised median and re-striping the intersection. During the 1998 review of the previously proposed project on the site, LADOT staff prepared a preliminary design plan that demonstrated the feasibility of the Mitigation Measure MM TRANS-1 improvements.

The effectiveness of the mitigation improvements was analyzed by re-evaluating the significantly impacted intersection. This analysis was based on the same methodologies and techniques as in the project analyses, with the exception that the mitigation measures were assumed to be “in place” at the affected intersection. The results indicate that the intersection of Harbor Boulevard and SR-47 ramps/Swinford Street is projected to operate at LOS B during the AM peak hour and at LOS E during the PM peak hour and weekend midday peak hour, effectively mitigating the project-related impacts. Therefore, with implementation of Mitigation Measure TRANS-1, this impact would be reduced to a level that is less than significant.

In response to comments on the Recirculated Draft SEIR, additional analyses have been conducted and are incorporated into this Final SEIR. New traffic counts were conducted in February 2003 for the intersections of 22nd Street/Mesa Street and 22nd Street/Pacific Avenue, and the impacts to these intersections have been fully analyzed using the same techniques described in the Recirculated Draft SEIR. Additionally, one additional cumulative project (potential cruise terminal at Berths 45-47) was added to the analysis and addressed in this Final SEIR.

Vehicle trips from the potential cruise terminal at Berths 45–47 was added to the cumulative base and cumulative base plus project conditions described in the Recirculated Draft SEIR and is included in the new analysis of the 22nd Street/Mesa Street and 22nd Street/Pacific Avenue intersections. The resulting levels of service are presented in Table 1-5 below and in the table in Appendix B of this Final SEIR.

Table 1-5. Intersection Levels of Service Analysis, Future Conditions (Year 2008)

Inter-section	Peak Hour	Existing		Cumulative Base		Cumulative Base Plus Project			
		V/C*	LOS	V/C*	LOS	V/C*	LOS	Increase in V/C*	Sig. Impact
22nd St. and Mesa St.	AM	0.335	A	0.371	A	0.381	A	0.010	NO
	PM	0.288	A	0.318	A	0.331	A	0.013	NO
	Week-end	0.244	A	0.280	A	0.320	A	0.040	NO
22nd St. and Pacific Ave.	AM	0.459	A	0.519	A	0.524	A	0.005	NO
	PM	0.655	B	0.729	C	0.752	C	0.023	NO
	Week-end	0.483	A	0.557	B	0.613	B	0.056	NO

*V/C = Volume-to-capacity ratio

While the table shows that the projected volume-to-capacity ratios are higher, the levels of service are unchanged and are LOS C or better during all analyzed time periods (weekday AM and PM peak hours, weekend PM peak hour) and in all scenarios (existing, cumulative base and cumulative base plus project). Applying the thresholds of significance used by the City of Los Angeles, no project-related impact is projected to occur at either 22nd Street/Mesa Street or 22nd Street/Pacific Avenue; therefore, no mitigation is necessary.

Comments were also received in the Recirculated Draft SEIR related to traffic impacts at the intersection of 22nd Street and Gaffey Street, questioning why the traffic study did not evaluate this intersection for potential project-related impacts. This intersection was omitted because of the relative distance from the project site and project-related trip distribution characteristics. It was determined that the intersection would receive fewer project trips than the 22nd Street/Mesa Street or 22nd Street/Pacific Avenue intersections, both of which are shown to operate at satisfactory levels of service during all peak hours and under both project and cumulative-with-project scenarios.

Recent traffic counts taken during the AM and PM peak periods (August 2002) and new traffic counts taken during the weekend midday peak period (June 2003) were used to fully analyze this intersection using the same techniques described in the Recirculated Draft SEIR and including the additional cumulative project as described in the response to Comment 34-11. Site visits were conducted to ascertain the existing lane configuration and signal phasing and to observe traffic conditions.

The results of this analysis are presented in Table 1-6 below, which shows that this intersection is operating at LOS A during all analyzed time periods (weekday AM and PM peak hours, weekend PM peak hour) and in all scenarios (existing, cumulative base, and cumulative base plus project). Applying the thresholds of significance utilized by the City of Los Angeles, no project-related impacts are projected to occur at the intersection of 22nd Street and Gaffey Street; therefore, no mitigation is necessary.

Table 1-6. Intersection Levels of Service Analysis, Future Conditions (Year 2008)

Intersection	Peak Hour	Existing		Cumulative Base		Cumulative Base Plus Project		Increase in V/C	Significant Impact
		V/C*	LOS	V/C*	LOS	V/C*	LOS		
22nd St. & Gaffey St.	AM	0.391	A	0.437	A	0.444	A	0.007	No
	PM	0.475	A	0.511	A	0.523	A	0.012	No
	Weekend	0.410	A	0.504	A	0.537	A	0.033	No

*V/C = Volume-to-capacity ratio

Impacts to traffic resulting from the proposed project either were determined to be less than significant, or would be reduced to less-than-significant levels through the implementation of mitigation measures. Additionally, mitigation measure MM TRANS-1.2 has been added in an effort to continue monitoring the traffic conditions following construction of the slips at the marina. The new mitigation measure would read as follows:

MM TRANS-1.2: Undertake new traffic counts at 22nd/Mesa, 22nd/Pacific, and 22nd/Gaffey 1 year after new slip construction is completed. Follow up monitoring of these intersections will provide a mechanism to monitor actual changes to intersection level of service and to take corrective action as necessary.

1.13.3 Aesthetics

Should the dry stack storage facility be considered a significant visual resource effect?

The Recirculated Draft SEIR described the proposed dry stack building as 200,000 square feet, with a uniform 65-foot height in a simple rectangular shape. Chapter 3.6 of the Recirculated Draft SEIR, "Aesthetics," discusses the visual impacts of this building and concludes that the project impacts to aesthetics would be less than significant. The aesthetic impacts of the dry stack boat storage building remains a controversial issue, however, because some members of the community disagree with the conclusion of less-than-significant impact, primarily due to concerns about the visual character and size of this building and particularly as it affects views from the adjacent community.

Both the LAHD and the project applicant, Westrec Marinas, agreed to work with the community to come up with a building design that, while still meeting basic needs of the project, addressed the continuing concerns regarding aesthetics. Westrec Marinas began preparing new concept drawings of a redesigned dry stack building that reduced the height of the building and also divided the building into thirds by using vertical and horizontal offsets.

LAHD staff, representatives of Westrec Marinas and their design consultant Bluewater Design Group, as well as Commissioners Tonsich and Kocol, met with PCAC members, PCAC's design review firm SMWM, and members of the general public in a series of 11 focus group meetings through June 2003 that included discussions about the design of the dry stack building. The focus group meetings also drew representatives of the business community, marina tenants, and recreational boaters. The meetings offered facilitation and ideas for compromise between the applicant's proposed design and the PCAC Focus Group's positions.

As a result of this public participation process, Westrec Marinas has adopted the SMWM memorandum dated April 30, 2003, as project development guidelines and made modifications to the proposed dry stack storage building. These modifications included further reducing the height and capacity of the dry stack storage facility, keeping the vertical offsets but removing the horizontal offsets. The revised building is conceptually presented in Figure 1-8. Visual simulations that compare the February 2003 Option, Option A (proposed project) and the existing views are shown in Figures 1-14 through 1-19.

Project plans are at a level of detail typical to this point in the process; they do not include all specifications necessary for construction. PCAC will have further opportunity to participate in a Project Architectural/Site Plan Design Review team using the services of San Pedro Waterfront and Promenade implementation plan consultant EE&K/GAFCON Joint Venture and SMWM.

The project's impacts on aesthetics remain less than significant. The public participation process resulted in major changes to the design of the dry stack boat

storage building to address community concerns about the project's effect on aesthetics and views.

LAHD staff recognizes the aesthetic impacts are a subjective issue and that some members of the community will view impacts as significant. Due to continuing controversy concerning the aesthetic impact from the project, LAHD staff is recommending that the Board of Harbor Commissioners apply additional mitigation measures to reduce the visual impacts as follows:

***MM AES-1: Landscape Improvement and Beautification.** LAHD shall construct landscape improvements in areas neighboring the project in order to improve the visual appearance and aesthetics of the area. The area to be included in this mitigation measure includes the hillsides and areas adjacent to Harbor Boulevard, the bicycle path roughly parallel to Crescent Avenue, 22nd Street, and along Via Cabrillo Way and Shoshonean Road to the Cabrillo Marine Aquarium. The measure will include removal of non-native landscaping and vegetation and replacement with native plantings. Trails or walking paths with interpretive signs will be added where appropriate to further enhance the area.*

1.13.4 Boat Launch

Should the existing Cabrillo Boat Launch ramp be closed and a new facility construction in association with the Cabrillo Way Marina Development?

Some members of the public have expressed the desire to include a new public boat launch facility as part of the proposed project and discontinue operation of the existing Cabrillo Beach launch ramp. In response, Chapter 5 of the Recirculated Draft SEIR, "Boat Launch Analysis," examined the feasibility of nine possible boat launch locations within the Port as a "standalone" project component.

Developments since the release of the Recirculated Draft SEIR have helped refine the selection process for potential public boat launch sites. The San Pedro Waterfront and Promenade planning process is now the mechanism for the site selection for a potential alternative boat launch facility.

The July 2003 PCAC recommendation to the Board of Harbor Commissioners requested a specific commitment to close the existing Cabrillo Beach launch ramp. On October 22, 2003, the Board of Harbor Commissioners approved LAHD's staff recommendations that the Cabrillo Beach facility remain open and that alternatives to the existing facilities be investigated further so that an appropriate decision can be made that takes into account the needs of the boating public, community concerns, and the ongoing waterfront planning process. LAHD will work with the Los Angeles Department of Recreation and Parks to make changes to traffic access and to implement a boat launch reservation system

to address some of the public's concerns with the existing Cabrillo Beach launch ramp.

Although there are no significant environmental impacts regarding boat launches in the proposed project, some members of the community may still be concerned about specific commitment to developing a new public boat launch facility in the Port and continued operation of the Cabrillo Beach launch ramp.

1.13.5 'No Net Increase' Policy

Should the "no net increase" goal of the mayor be applied on a project-by-project basis?

Acting on the request of Mayor James Hahn, the Board of Harbor Commissioners adopted a "no net increase" policy as a goal to address air emissions and traffic impacts for future Port operations. At the PCAC meeting of March 21, 2002, Board President Commissioner Tonsich established that the "no net increase" baseline date would be October 10, 2001. The LAHD is currently conducting Port-wide air quality and traffic studies to inventory existing conditions, which would establish the baseline in accordance with the set date of October 10, 2001. The studies would serve as a framework for developing Port-wide programs to achieve "no net increase" in air emissions and traffic impacts within the Port as future projects come online. The results of those studies are not yet available.

In regards to air emissions, the LAHD is attempting to minimize air emissions on a project-by-project basis. However, the LAHD recognizes that many projects would not be able to individually provide adequate mitigation to offset potential impacts to "no net increase." One of the factors contributing to this dilemma is that while the focus of minimizing air impacts in the Port is to reduce diesel particulates from Port operations, mitigation measures that would reduce diesel particulates could increase other criteria source emissions (i.e., NO_x, ROG, or ozone [O₃]). It is practically impossible to find enough measures to zero-sum the all emission categories on a project-by-project basis. Therefore, accounting for the "no net increase" goal must be established on a Port-wide basis. For example, unless a new project with lower projected air emissions replaces an existing operation, any new operations would constitute an increase in air emissions.

Whereas the Recirculated Draft SEIR did not include any proposed air quality mitigation measures for operations of the proposed project, LAHD has now identified a range of mitigation measures that would be considered to reduce impacts. Even with these mitigation measures, however, impacts would remain significant and unavoidable for this specific project because the currently available range of feasible mitigation measures to reduce emissions from the project has been exhausted.

LAHD acknowledges that air emissions from this and many other individual projects—and the cumulative effects of those projects—will contribute to air quality impacts that cannot be mitigated in the near-term. To address these concerns, the LAHD is considering implementing a number of Port-wide programs as a feasible way to offset impacts from individual projects, improve overall air quality within the Port, and achieve the goal of “no net increase.” These types of offsets would involve LAHD implementing programs throughout the Port, potentially independent from any specific development project that would improve air quality. However, such programs would not constitute mitigation under CEQA for the proposed Cabrillo Marinas project impacts because they have yet to be fully established and therefore cannot be directly tied to the proposed project at this time. However, they would contribute to improvement of the cumulative condition. Such programs include, but would not be limited to, the following:

- Port of Los Angeles Clean Air Program:
 - vessel speed reduction,
 - terminal yard equipment emulsified fuels and diesel oxidation catalysts, and
 - vessel retrofits demonstration;
- Board Policy on Alternative Fuel Yard Tractors;
- Alternative Maritime Power (AMP) Program to provide shore-side power to vessels at berth;
- Low Sulfur Fuel Initiative for Hotelling Vessels to use the cleanest fuels available for electrical generators (maximum sulfur content to be no greater than 0.2 percent by weight);
- Carl Moyer Program and other incentive funding programs;
- regulatory requirements (although not a mitigation, this must be part of the “no net increase” strategy); and
- Clean Marinas Program.

These measures are all aimed at reducing emissions Port-wide in support of the “no net increase” policy.

The Mayor’s direction on “no net increase” also applies to traffic impacts. LAHD staff believes that reasoning similar to that used for air emissions would also apply to traffic impacts. However, in the case of traffic impacts from the proposed project, there are mitigations available that result in “no net increase” in traffic impacts.

CEQA requires that all feasible mitigation measures be identified, and if determined not to be feasible, a justification for the reasoning of why a particular mitigation measure cannot be implemented shall be included within the findings at the time of project approval. This Final SEIR includes a list of all feasible mitigation measures, including new mitigation that will be implemented, along

with some other mitigation measures that may or may not be feasible to implement in response to the proposed project. The Board of Harbor Commissioners would have the ultimate authority on approval of the project and the determination of the feasibility of the mitigation measures that would be included as part of the project. However, if the Board of Harbor Commissioners elects to approve the project, a Statement of Overriding Considerations must be adopted because air quality impacts for the proposed project would be significant and unavoidable, and the Board must find that the benefits of the project outweigh the environmental consequences.

Table 1-7. Summary of Impacts and Mitigation for the Cabrillo Way Marina Project

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Land Use					
Revised Project Effects:					
<i>The revised project description elements do not change the Recirculated Draft SEIR conclusions regarding land use impacts. Although the elimination of development areas north of 22nd Street may remove the project area from the Port of Los Angeles Master Plan Planning Area 2, no land use or policy inconsistencies were found under the originally proposed project. Removal of those areas from development consideration may, however, lead to the resolution of community land use planning concerns regarding the future status of those parcels north of 22nd Street and west of Miner Street, particularly with regard to their place in the WATCH report for the Promenade and Downtown San Pedro Interface Project, as well as the Urban Land Institute report recommendations for San Pedro redevelopment and revitalization. Under the revised project, impacts LU-1 through LU-4 will remain less than significant and no mitigation is required.</i>					
LU-1: Project is Consistent with General Plan Land Use and Zoning Regulations	Less Than Significant	No mitigation is required	N/A	N/A	Less Than Significant
LU-2: Project is Consistent with General Plan Goals and Policies, and the Broader Context of the General Plan and its Elements	Less Than Significant	No mitigation is required	N/A	N/A	Less Than Significant
LU-3: Project Would Not Divide, Disrupt, or Isolate an Established Community, Neighborhood, or Land Uses	Less Than Significant	No mitigation is required	N/A	N/A	Less Than Significant
LU-4: Project Would Not Result in Substantial Secondary Impacts Resulting in Land Use Incompatibility	Less Than Significant	No mitigation is required	N/A	N/A	Less Than Significant

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Transportation and Circulation					
Revised Project Effects:					
<p><i>TRANS-1: The Project Will Cause a Significant Increase in the V/C Ratio on Intersection Operating Conditions After the Addition of Project Traffic</i></p>	<p>Significant</p>	<p>MM TRANS-1.1: Implement Eastbound Intersection Improvement Measures for Harbor Boulevard and SR-47 ramps/Swinford Street</p> <p>To improve the intersection operation and to reduce the left-turn congestion on the northbound approach, a second left-turn lane shall be added to the northbound approach. The resulting lane configuration shall be two left-turn lanes, two through lanes, and one shared through/right-turn lane. This change shall include removing the raised median and re-striping the intersection.</p>	<p>Timing: Prior to or concurrent with the third phase of project construction.</p> <p>Methods: These measures shall be implemented by the LAHD in consultation with LADOT and Caltrans.</p> <p>Assurance of implementation shall be provided to LADOT prior to commencement of the third phase of project construction, and shall consist of improvement plans and a</p>	<p>LAHD Staff, LADOT, Caltrans</p>	<p>Less Than Significant</p>
<p><i>The revised project description elements do not change the Recirculated Draft SEIR conclusions regarding transportation and circulation impacts. The reduction in retail and visitor-serving commercial development, along with the reduction in dry stack storage capacity, will decrease the number of vehicle trips and parking requirements estimated in the Recirculated Draft SEIR. Additionally, in response to public comments on the Recirculated Draft SEIR, one additional cumulative project (a cruise ship terminal south of the project site) was considered and modeled at three additional intersections for project and cumulative-with-project traffic conditions. Although trip generation for those analyses was based on the Recirculated Draft SEIR development levels rather than the revised project development, no additional impacts were identified and the mitigation cited below will remain in this Final SEIR. Furthermore, two new mitigation measures have been added in response to public comment that are not required to reduce significant impacts, but are voluntarily being proposed to further minimize transportation impacts. Impacts TRANS-1 through TRANS-7 will remain less than significant, as indicated below.</i></p>					

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Impacts					
TRANS-3: The Project Would Not Have a Significant Project Access Impact at the Intersections Nearest the Primary Site Access, Nor Would It Cause an Increase in the V/C Ratio On Intersection Operating Conditions After the Addition of Project Traffic, As Determined by Bicycle, Pedestrian, and Vehicular Safety Factors	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
TRANS-4: The Project Would Not Result in a Significant Transit Impact Since It Will Not Exceed Projected Available Transit Capacity	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
TRANS-5: The Project Would Not Result in a Significant Parking Impact Since the Project Provides More Parking than Needed, as Determined Through a Parking Demand Analysis	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
TRANS-6: The Project Would Not Result in Significant In-Street Construction Impacts Since it Would Not Cause Substantial Temporary Traffic Impacts,	Less Than Significant	MM TRANS-6.1: The contractor shall develop a construction traffic control plan to minimize temporary traffic impacts during construction activities. The traffic control plan shall include provisions that would limit construction-related truck trips on roadways and state highways to off-	Timing: Prior to initiating construction. Methods: The contractor shall prepare a	LAHD Staff, Contractor	Less Than Significant

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Temporary Loss of Access, or Temporary Loss of Bus Stops or Rerouting of Bus Lines	Less Than Significant	<p>peak commute periods. The plan would also include:</p> <ul style="list-style-type: none"> ■ the location(s) of any roadway or sidewalk closures, ■ traffic detours, ■ haul routes, ■ hours of operation, ■ protective devices, ■ warning signs, ■ access to abutting properties, and ■ construction-related traffic scheduling. 	<p>construction traffic control plan and have approved by the LAHD Engineering Staff. Contractor shall adhere to the terms of the plan throughout construction activities. To be monitored by LAHD staff.</p>	N/A	Less Than Significant
TRANS-7: The Project Would Not Result in Significant Maritime Traffic Impacts Since it Would Not Reduce Current Safety Levels for Vessels Navigating the Main Channel Area and/or the Project Vicinity	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Meteorology and Air Quality					
Revised Project Effects:					
<p><i>The revised project description elements do not change the Recirculated Draft SEIR conclusions regarding meteorology and air quality impacts. The reduction in retail and visitor-serving commercial development, along with the reduction in dry stack storage capacity, will decrease the duration and extent of grading and construction activities, as well as the number of vehicle trips and associated emissions estimated in the Recirculated Draft SEIR. Additionally, in response to public comments on the Recirculated Draft SEIR, construction-related mitigation has been modified to improve emissions reductions, and a program of reductions for operational boating emissions will be implemented. Additionally, operational mitigation measures have been introduced to attempt to minimize air quality impacts, but impacts would still not be reduced to less than significant levels for operation. No additional impacts were identified and the mitigation cited below will become part of this Final SEIR. Although minimized to the extent feasible by new or revised mitigation, the residual impacts for Impacts AQ-1 through AQ-5 will remain as described in the Recirculated Draft SEIR and below.</i></p>	<p>Significant</p>	<p>MM AQ-1.1: CARB-approved emulsified diesel fuels shall be used in lieu of diesel in all diesel-powered construction equipment where it is deemed feasible by the LAHD. MM AQ-1.2: CARB-approved diesel oxidation catalysts shall be installed in all four-stroke, turbo-charged diesel engines for which this technology is feasible. MM AQ-1.3: To reduce fugitive dust emissions of PM₁₀, and in addition to full compliance with the SCAQMD's Rule 403, the LAHD shall ensure implementation of the following construction activity mitigation measures. The measures shall be conditions of grading and/or building permit issuance and submitted as notes on said plans or in a form acceptable to the LAHD.</p> <ul style="list-style-type: none"> ■ The simultaneous disturbance area shall be limited to 5 acres per day on the project property. ■ Active grading sites shall be watered one additional time per day beyond that required by Rule 403. 	<p>Timing: Throughout construction phases. Methods: These measures shall be incorporated into contract specifications for all construction work to reduce the impact of construction diesel emissions. The contractor shall adhere to these specifications throughout construction phases. Enforcement shall include oversight</p>	<p>LAHD Staff, Contractor, Westrec</p>	<p>Implementation of the mitigation measures would reduce impacts of CO, PM₁₀, and NOx, but impacts from emissions of ROG are not able to be reduced. Even with these mitigation measures, NOx emissions, along with ROG and CO are</p>

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
		<p>Rule 403.</p> <ul style="list-style-type: none"> ▪ Contractors shall apply approved non-toxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas. ▪ Construction contractors shall provide temporary wind fencing around sites being graded or cleared. ▪ Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code. ▪ Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site. ▪ The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed. 	<p>by the LAHD project manager or designated building inspectors to ensure compliance with contract specifications. Any contractor on this project, whether employed by LAHD or the applicant, is required to submit an Environmental Compliance Plan for review by the Environmental Management Division prior to Notice to Proceed.</p>	Westrec, LAHD	considered significant and unavoidable.
AQ-2: Operational Emissions Would Exceed the SCAQMD Thresholds	Significant	<p>MM AQ-2.1: Westrec Marinas shall complete a mandatory slip and dry storage annual inventory of engine type and age, and shall report to LAHD Environmental Management Division. Immediately upon completion of the first phase of slip replacements, LAHD will establish a Port-wide grant program to provide incentives to boat owners to replace older, high emission, 2-stroke engines with new technology, lower emission engines. Purchasers will have to document that their boat is kept at a marina located in the Port of Los Angeles.</p>	<p>Timing: During new and renewed slip and dry stack sign-up, and ongoing during full operation. Method: LAHD Property Management to monitor</p>	Westrec, LAHD	Significant and unavoidable

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
		In addition, engines replaced as part of the program will need to be retired from service and recycled.	compliance and submit reports to Environmental Management Division.	Westrec, LAHD	ROG, NOx, and CO emissions would be reduced by the use of newer engines, but emissions would remain at significant levels.
		MM AQ-2.2: Sales of separate engines on site shall be limited to CARB-approved modern technology—two stroke, four-stroke, or modern diesel engines. A report of sales inventory shall be submitted annually to LAHD to ensure compliance.	Timing: Ongoing Method: LAHD Property Management to monitor compliance and submit report to Environmental Management Division.	Westrec, LAHD	ROG, NOx, and CO emissions would be reduced by the use of newer engines, but emissions would remain at significant levels.
		MMAQ-2.3: The marina operator shall limit diesel fuel availability at the marina to a single grade of low sulfur diesel combined with biodiesel at a ratio of 20% biodiesel to 80% diesel to reduce operational air quality impacts from boating activities. LAHD shall provide funding to allow sale of this alternative fuel at competitive prices.	Timing: Ongoing Method: LAHD Property Management to monitor compliance and submit report to Environmental Management Division.	Westrec, LAHD	ROG, NOx, and CO emissions would be reduced by the use of low-sulfur and biodiesel fuel, but emissions would remain at significant levels.

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
AQ-3: The Project Would Not Result in an Exceedance or Incremental Increase of CO Standards	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
AQ-4: The Project Would Not Create an Objectionable Odor at the Nearest Sensitive Receptor	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
AQ-5: The Project Would Not Expose Receptors to Significant Levels of Toxic Air Contaminants	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant

Noise

Revised Project Effects:

The revised project description elements do not change the Recirculated Draft SEIR conclusions regarding Noise impacts. The reduction in retail and visitor-serving commercial development, along with the reduction in dry stack storage capacity, will decrease the number of vehicle trips and corresponding vehicular and operational noise effects described in the Recirculated Draft SEIR. Impacts NOI-1 through NOI-5 will remain less than significant after mitigation, as indicated below.

NOI-1: Construction Activities Lasting More Than One Day Would Exceed Existing Ambient Exterior Noise Levels by 10 dBA or More at Noise-Sensitive Land Uses	Significant	<p>MM NOI-1: Employ Noise-Reducing Construction Practices. The following measures shall be incorporated into contract specifications for all construction work to reduce the impact of construction noise.</p> <ul style="list-style-type: none"> Noise-generating construction equipment operated at the project site should be equipped with effective noise control devices, i.e., mufflers, lagging, and/or motor enclosures. All equipment should be properly maintained to assure that no additional noise (due to worn or improperly maintained parts) would be generated. 	<p>Timing: Throughout construction phases.</p> <p>Methods: These measures shall be incorporated into contract specifications for all construction work to reduce the impact of construction</p>	LAHD Staff, Contractor	Less Than Significant
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Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
		<ul style="list-style-type: none"> ▪ Effective temporary noise barriers should be used and relocated, as needed and whenever possible, to block line-of-sight between the construction equipment and the noise-sensitive receptors. Acoustic barriers will be installed around stationary construction noise sources. ▪ Truck deliveries and haul-offs should only be permitted between the hours of 7 a.m. and 7 p.m., and should use approved haul routes that are away from noise-sensitive locations. ▪ Noisier construction activities should be scheduled during midday so that quiet periods can be provided. ▪ As directed by the City, the contractor shall implement appropriate additional noise mitigation measures including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, and temporarily relocating liveaboards. ▪ A construction relations officer should be appointed by the applicant to act as a liaison with neighbors and residents concerning construction activity. The construction relations officer should notify the surrounding communities in advance of any and all construction activities. The liaison's telephone number should also be provided with the notification so that community concerns can be communicated. 	<p>noise. The contractor shall adhere to these specifications throughout construction phases. Enforcement shall include oversight by the LAHD project manager or designated building inspectors to ensure compliance with contract specifications. Any contractor on this project, whether employed by LAHD or the applicant, is required to submit an Environmental Compliance Plan for review by the Environmental Management Division prior to Notice to Proceed.</p>		

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
NOI-2: 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 Noise-Sensitive Uses	Significant	Implement Mitigation Measure MM NOI-1.	See above.	See above.	Less Than Significant
NOI-3: Construction Activities Would Not Exceed the Ambient Noise Level by 5 dBA at Noise-Sensitive Uses between the Hours of 9 p.m. and 7 a.m., Monday Through Friday, before 8 a.m. or after 6 p.m. on Saturday, or Any Time on Sunday	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
NOI-4: The Project Would Not Cause the Ambient Noise Level Measured at the Property Line of Affected Uses to Increase by 3 dBA in CNEL to a Level at or Above 70 dBA-CNEL at Single Family Residences	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
NOI-5: The Project Would Not Cause the Ambient Noise Level in CNEL Measured at the Property Line of Affected Uses to Increase by 5 dBA or More	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Light and Glare					
<i>Revised Project Effects:</i>					
<i>The revised project description proposes changes to both the thematic and structural architectural elements of onsite structures, most notably the dry stack boat storage building. The thematic changes are benign in terms of light and glare. However, structural changes such as proposed glass and steel building materials could introduce new sources of light (from internal and external illumination and light diffusion) and glare (from solar reflection caused by reflective surfaces). Light and glare issues would require future analysis beyond that contained in the Recirculated Draft SEIR including, but not limited to, a photometric analysis of any proposed internal illumination elements and a glare reduction analysis of the introduction of previously unanticipated reflective materials, particularly with respect to the effects on residences, businesses, and other land uses directly west of the dry stack building. Impact L&G-1 could require mitigation of light and glare if transparent and/or reflective building materials are used for the dry stack building. Impacts L&G-2 and L&G-3 would remain less than significant, as indicated below.</i>					
L&G-1: The Project Would Not Result in a Substantial Perceptible Change in Ambient Illumination Levels at Adjacent and Nearby Receptors	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
L&G-2: The Project Would Not Result in Substantial Spill Lighting to Adjacent or Nearby Properties	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
L&G-3: The Project Would Not Cause Shade-or Shadow-Sensitive Uses to be Shaded by Project-Related Structures for More Than Three Hours Between the Hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (between Late October And Early April), or for More Than Four Hours Between the Hours Of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time (between	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Early April And Late October)					
Aesthetics					
Revised Project Effects:					
<p><i>Based on public comment and interaction with the PCAC FocusGgroup, project plans have been revised to reduce the scale, height, bulk, and setbacks of the dry stack building, and to improve its appearance. The project applicant and LAHD, in consultation with the PCAC Focus Group, have redesigned the dry stack building so that its scale and massing are less visually prominent in the context of other Port development. As compared to the originally proposed 65-foot high dry stack building, the revised building heights would be similar to the 40-foot-high fruit warehouse located directly adjacent to the site, east of Miner Street; the 30-foot-high warehouses #9 and #10 north of 22nd Street; the 40-foot-high 22nd Street Landing building west of the site, east of the 55- to 60-foot-high buildings located in Cabrillo Marina Phase I development. Additionally, because the revised dry stack building would be constructed in three distinct linear sections (i.e., a 50-foot-high northern and southern sections), the apparent bulk would be substantially reduced.</i></p> <p><i>Additional visual enhancements have been incorporated into the project design, including increased parking lot and promenade landscaping; the expansion of public gathering spaces and waterfront access, including plazas and park areas; and the adoption of revised architectural themes and guidelines that are more consistent with the Port's waterfront architectural history and character.</i></p> <p><i>From a CEQA visual impact perspective, the originally proposed project was found to be less than significant. The proposed structural and architectural modifications further reduce perceived impacts, consistent with community recommendations. Additionally, even though impacts would be less than significant, the LAHD is undertaking a voluntary mitigation plan that would involve landscape improvement and beautification in neighboring hillsides and areas adjacent to Harbor Boulevard, the bicycle path roughly parallel to Crescent Avenue, 22nd Street, and along Via Cabrillo Way and Shoshonean Road to the Cabrillo Marine Aquarium to improve the visual appearance and aesthetics of the area. Impacts AES-1 through AES-11 would remain less than significant, as indicated below.</i></p>					
AES-1: The Project would not Remove, Alter, or Demolish a Significant Proportion of Existing Features or Elements That Substantially Contribute to the Valued Visual or Image of a Neighborhood, Community, or Localized Area	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
AES-2: The Project Would Not Grade or Develop a	No Impact	No mitigation is required.	N/A	N/A	No Impact

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Substantial Amount of Natural Open Space	No Impact	No mitigation is required.	N/A	N/A	No Impact
AES-3: The Project Does Not Involve the Integration of Structures in Natural Open Space Areas	No Impact	No mitigation is required.	N/A	N/A	No Impact
AES-4: The Project Would Not Substantially Contrast with Existing Features That Represent the Area's Valued Aesthetic Image	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
AES-5: The Project Would Not Result in Buildings That Would Detract from the Existing Style or Image of the Area Due to Density, Height, Bulk, Setbacks, Signage, or Other Physical Elements	Less Than Significant	**MM AES-1: Landscape Improvement and Beautification. LAHD shall construct landscape improvements in areas neighboring the project in order to improve the visual appearance and aesthetics of the area. The area to be included in this mitigation measure includes the hillsides and areas adjacent to Harbor Boulevard, the bicycle path roughly parallel to Crescent Avenue, 22nd Street, and along Via Cabrillo Way and Shoshonean Road to the Cabrillo Marine Aquarium. The measure will include removal of non-native landscaping and vegetation and replacement with native plantings. Trails or walking paths with interpretive signs will be added where appropriate to further enhance the area.	Timing: During construction of the proposed project. Methods: The LAHD will work with the community to develop landscape and beautification plans for the area and implement the plans during construction of the proposed project. The costs for the project will be paid by the LAHD.	LAHD Staff	Less Than Significant
AES-6: The Project Would Not Substantially Degrade the Area's Aesthetic Value	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
AES-7: The Project Would Be Consistent with Applicable Guidelines and Regulations	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
AES-8: The Project Would Not Degrade or Interfere with Recognized or Valued Views	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
AES-9: The Project Would Not Adversely Affect Views from a Designated Scenic Highway, Corridor, or Parkway	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
AES-10: The Project Would Not Block, Interrupt, or Substantially Diminish Important Views That Are Available to the Community	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
AES-11: The Project Would Not Adversely Affect Recognized Views Available from a Length of Public Roadways, Bike Paths, or Trails	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
Geology					
Revised Project Effects:					
<i>The revised project description elements do not change the Recirculated Draft SEIR conclusions regarding geology impacts. The reduction in retail and visitor-serving commercial development could proportionally decrease the exposure of people to substantial risk or injury from seismic ground shaking, as cited in impact GEO-2. Impacts GEO-1, GEO-3, and GEO-4 will remain less than significant, as indicated below.</i>					
GEO-1: The Project Would Not Cause or Accelerate Geologic Hazards Which	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Would Result in Substantial Damage to Structures or Infrastructure					
GEO-2: The Project Could Expose People to Substantial Risk or Injury	Significant	No mitigation is available.	N/A	N/A	Significant and unavoidable
GEO-3: The Project Would Not Constitute a Geologic Hazard to Properties by Causing or Accelerating Instability from Erosion	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
GEO-4: The Project Would Not Result in the Destruction, Permanent Covering, or Material and Adverse Modification of One or More Distinct and Prominent Geologic or Topographic Features	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
Groundwater, Soils, and Sediments					
Revised Project Effects:					
<i>The removal of development areas north of 22nd Street is related to the soil and groundwater sampling locations identified throughout Chapter 3.8 of the Recirculated Draft SEIR, "Groundwater, Soils, and Sediments." Site investigation Parcels 1A and 2A north of 22nd Street are cited throughout the chapter, but those parcels are no longer a part of the Cabrillo Way Marina project. Since subsurface contaminants on adjacent properties are relevant to the evaluation of environmental conditions at the project site, all such references to site investigation Parcels 1A and 2A remain in the Recirculated Draft SEIR.</i>					
<i>The Recirculated Draft SEIR concludes that no significant impacts associated with groundwater, soils, or sediments have been identified. The revised project description elements do not change the Recirculated Draft SEIR conclusions regarding Impacts SOIL-1 through SOIL-5.</i>					
SOIL-1: The Project Would Not Change Potable Groundwater Levels Sufficiently to Reduce the	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Ability of a Water Utility to Use the Groundwater Basin for Public Water Supplies, Conjunctive Use Purposes, Storage of Imported Water, Summer/Winter Peaking, or to Respond to Emergencies and Drought; Reduce Yields of Adjacent Wells or Well Fields (Public or Private); or Adversely Change the Rate or Direction of Flow of Groundwater	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
SOIL-2: The Project Would Not Result in Demonstrable and Sustained Reduction of Groundwater Recharge Capacity	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
SOIL-3: The Project Would Not Affect the Rate or Change the Direction of Movement of Existing Contaminants; Expand the Area Affected by Contaminants; Result in an Increased Level of Groundwater Contamination (Including that from Direct Percolation, Injection, or Saltwater Intrusion); or Cause Regulatory Water Quality Standards at an Existing Production Well to be Violated, as Defined in the	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
CCR, Title 22, Division 4, Chapter 15 and in the Safe Drinking Water Act					
SOIL-4: The Project Would Not Increase the Frequency or Severity of an Accidental Release of Hazardous Materials	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
SOIL-5: The Project Would Not Accelerate Natural Processes of Wind and Water Erosion and Sedimentation, Resulting in Sediment Runoff or Deposition Which Would Not be Contained or Controlled On site	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
Water Quality and Oceanography					
Revised Project Effects:					
<i>Although the elimination of development areas north of 22nd Street will reduce project-related impervious surfaces, storm runoff quantities, and related pollutant loading, the revised project description elements do not change the Recirculated Draft SEIR conclusions regarding Impacts WQ-1 through WQ-6. However, in response to public agency comments on the Recirculated Draft SEIR, water quality guidelines and standard practices have been incorporated as mitigation measures for monitoring and compliance purposes. Other mitigation measures have been expanded in scope to provide maximum mitigation effectiveness, consistent with responsible agency recommendations. The new and modified measures, which are cited below, formalize the LAHD's obligation to protect water and biotic resources during all project-related dredging and construction, as well as during future marina operations. In addition to the mitigation measures, the LAHD will implement a Clean Marinas Program that will include outreach to marina operators and boaters regarding sewage discharge requirements. Impacts WQ-1 through WQ-6 will remain less than significant before and after mitigation, as indicated below.</i>					
WQ-1: The Project Would Not Cause Discharges That Create a Pollution, Contamination, or Nuisance as Defined in Section 13050 of the California Water Code	Less Than Significant	**MM WQ-1.1: During dredge and fill operations, an integrated multi-parameter monitoring program shall be implemented by the LAHD Environmental Management Division in conjunction with both ACOE and LARWQCB permit requirements, wherein dredging performance is measured in situ.	Timing: During project construction and throughout the duration of the project.	Westrec, LAHD	Less Than Significant

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
<p>Although the impact is less than significant, the following measures are included in the project as conditions of approval, and are subject to monitoring provisions for enforcement and compliance purposes.</p>	<p>The objective of the monitoring program shall be adaptive management of the dredging operation, whereby potential exceedances of water quality objectives can be measured or predicted and dredging operations subsequently modified. If exceedances are observed, the LAHD's Environmental Management Division shall immediately meet with the construction manager to discuss modifications of dredging operations to reduce turbidity to acceptable levels. This could include alteration of dredging methods, and/or implementation of additional BMPs such as a silt curtain.</p> <p>**MM WQ-1.2: Coliform testing in the marina area shall be added to the on-going Port-wide Monthly Harbor Water Quality Survey program. Monitoring will provide an additional mechanism for tracking water quality changes over time and will provide evidence of localized problems to indicate a need for corrective actions.</p> <p>**MM WQ-1.3: Sewage pumpout installation and maintenance shall be performed in accordance with the guidelines and requirements of the Department of Boating and Waterways (DBW) and the State Water Resources Control Board (SWRCB). The project applicant shall design sewage pumpout facilities in accordance with the requirements of the state's Non-point Source Pollution Control Program administered by the SWRCB. The project applicant shall also use guidelines, developed by the DBW, that state all vessel terminals with a capacity for vessels 26 feet or longer should have one pumpout for every 300 slips 26 feet or longer. The sewage pumpout facility maintenance shall be in accordance with the state's Non-point Source</p>	<p>Method: LAHD Engineering to monitor compliance and submit report to Environmental Management Division. Any contractor on this project, whether employed by LAHD or the applicant, is required to submit an Environmental Compliance Plan for review by the Environmental Management Division prior to Notice to Proceed.</p>			

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
WQ-2: The Project Would not Result in Discharges That Violate Standards Defined in the Applicable NPDES Permit or Water Quality Control Plan for the Receiving Water Body	Less Than Significant	<p>Pollution Control Program.</p> <p>**MM WQ-1.4: Westrec Marinas shall install an oil/water separator at the fuel dock for the treatment of bilge water. The oil fraction shall be collected for hazardous waste disposal or recycling, in accordance with current regulatory programs. The water shall be directed to the sewer system for treatment.</p> <p>**MM WQ-1.5: Compliance with inventory and reporting program within LAHD's Clean Marinas Program. Westrec Marinas shall complete a mandatory slip and dry storage annual inventory of marine sanitation devices by type, and shall report to LAHD Environmental Management Division.</p> <p>No mitigation is required.</p>	N/A	N/A	Less Than Significant
WQ-3: The Project Could Potentially Release Toxic Substances That Would Be Deleterious to Human, Fish, Bird, or Plant Life	Significant	<p>MM WQ-3.1: The project applicant shall conform with applicable requirements of the Non-Point Source (NPS) Pollution Control Program. The project applicant shall design all marina and recreational boating facilities whose operations could result in the accidental release of toxic or hazardous substances (including boat maintenance facilities, fueling facilities, sewage and liquid waste facilities, solid and hazardous waste disposal facilities) in accordance with the Marina and Recreational Boating Management Measures defined under the state Non-Point Source Pollution</p>	<p>Timing: Prior to construction.</p> <p>Methods: The project applicant shall design all marina and recreational boating facilities in accordance with the Marina and Recreational Boating</p>	LAHD, SWRCB	Less Than Significant

Continued on next page

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
		<p>Control Program administered by the SWRCB. As a performance standard, the measures shall be selected and implemented using the Best Available Technology that is economically achievable such that, at a minimum, relevant water quality criteria as outlined by the California Toxics Rule and the Basin Plan are maintained, or in cases where ambient water quality exceeds these criteria, maintained at or below ambient levels. The applicable measures are as follows:</p> <ul style="list-style-type: none"> <li data-bbox="662 827 781 1350">■ Solid Waste Control — Properly dispose of solid wastes produced by the operation, cleaning, maintenance, and repair of boats to limit entry of these wastes to surface waters. <li data-bbox="805 806 948 1350">■ Fish Waste Control — Promote sound fish waste management, where fish waste is a NPS problem, through a combination of fish cleaning restrictions, education, and proper disposal. <li data-bbox="972 800 1115 1350">■ Liquid Material Control — Provide and maintain the appropriate storage, transfer, containment, and disposal facilities for liquid materials commonly used in boat maintenance, and encourage recycling of these materials. <li data-bbox="1140 806 1252 1350">■ Petroleum Control — Reduce the amount of fuel and oil that leaks from fuel tanks and tank air vents during the refueling and operation of boats. <li data-bbox="1276 800 1390 1350">■ Boat Cleaning and Maintenance — Minimize the use of potentially harmful hull cleaners and bottom paints, and prohibit discharges of these substances to state waters. 	<p>Management Measures defined under the state's Non-point Source Pollution Control Program administered by the SWRCB. LAHD Engineering to monitor compliance and submit report to Environmental Management Division.</p>		

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
		<ul style="list-style-type: none"> ■ Maintenance of Sewage Facilities — Maintain pumpout facilities in operational condition, and encourage their use so as to prevent and control untreated sewage discharges to surface waters. The education/outreach measure for marinas and recreational boating is summarized as follows: ■ Public Education — Institute public education, outreach, and training programs to prevent and control improper disposal of pollutants into state waters. LAHD is developing a Clean Marinas Program that will include outreach to marina operators and boaters regarding sewage discharge requirements. By providing sufficient facilities and educating marina tenants, the Clean Marinas Program will minimize direct sewage discharges and reduce the impacts to a less-than-significant level. At a minimum, the Phase II Cabrillo Marina project will provide pumpout stations at or above the 1:300 ratio. The program will include practices consistent with the guidelines currently being developed by the California Coastal Commission and which will be contained in a marina operator’s guide to clean marina practices. 			
		<p>MM WQ-3-2: The project applicant shall develop an approved Source Control Program (SCP) with the intent of preventing and remediating accidental fuel releases. Prior to their construction, Westrec Marinas shall develop an approved SCP for the fueling facilities and aboveground fuel tanks in accordance with LAHD guidelines established in the General Marine Oil Terminal Lease Renewal Program (Appendix J of the Recirculated Draft</p>	<p>Timing: SCP review and approval prior to installation of the fuel tanks. Inspection frequencies as specified in Appendix J of the</p>	<p>LAHD, Westrec Marinas</p>	<p>Less Than Significant</p>

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
		SEIR). The SCP shall address immediate leak detection, tank inspection, and tank repair.	Recirculated Draft SEIR		
			Methods: Westrec Marinas shall submit for review and approval a Source Control Program (SCP) for fueling facilities and aboveground fuel tanks in accordance with LAHD guidelines established in the General Marine Oil Terminal Lease Renewal Program (Appendix J of the Recirculated Draft SEIR). At specified intervals, qualified and certified inspectors shall evaluate the condition and efficacy of leak detection equipment and tank installation and repair. Any contractor on this		

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
WQ-4: The Project Would not Cause Creation of Site Conditions Which May Result in Soil Erosion and Sediment Runoff During Construction or Following Project Completion	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
WQ-5: The Project Would not Result in Permanent Adverse Impacts to Water Circulation as a Result of the Project	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
WQ-6: The Project Would not Substantially Reduce or Increase the Amount of Surface Water in Los Angeles Harbor	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
Biota and Habitats					

project, whether employed by LAHD or the applicant, is required to submit an Environmental Compliance Plan for review by the Environmental Management Division prior to Notice to Proceed.

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Revised Project Effects:					
<i>The revised project description elements do not change the Recirculated Draft SEIR conclusions regarding biota and habitats impacts. Although there will be a reduction in retail and visitor-serving commercial development, along with a reduction in dry stack storage capacity, the loss of habitat and its required mitigation (Impact BIO-6) will not change. Impacts BIO-1 through BIO-6 will remain less than significant before and after mitigation, as indicated below.</i>					
BIO-1: The Project Would Not Result in the Loss of Individuals, or the Reduction of Existing Habitat, of a State or Federal Listed Endangered, Threatened, Rare, Protected, Candidate, or Sensitive Species or a Species of Special Concern	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
BIO-2: The Project Would Not Result in the Loss of Individuals or the Reduction of Existing Habitat of a Locally Designated Species or a Reduction in a Locally Designated Natural Habitat or Plant Community	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
BIO-3: The Project Would Not Interfere with Wildlife Movement/Migration Corridors That May Diminish the Chances for Long-Term Survival of a Sensitive Species	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
BIO-4: The Project Would Not Alter an Existing Wetland Habitat	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
BIO-5: The Project Would	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
<p>Not Interfere with Habitat Such That Normal Species Behaviors are Disturbed (e.g., from the Introduction of Noise or Light) to a Degree That May Diminish the Chances for Long-Term Survival of a Sensitive Species</p>	<p>Significant</p>				<p>Significant</p>
<p>BIO-6: The Project Would Not Result in Permanent Deterioration or Contamination of the Aquatic Habitat Such That the Aquatic Ecosystem of the Harbor is Substantially Disrupted</p>	<p>Significant</p>	<p>MM BIO-6: Offset Habitat Loss with the LAHD Inner Harbor Mitigation Bank. The LAHD shall replace the loss of 2.4 acres of habitat by deducting 2.4 acres from the Inner Harbor Mitigation Bank or the Bolsa Chica mitigation Bank.</p>	<p>Timing: Prior to construction. Methods: Deduction of habitat from the Inner Harbor Mitigation Bank or Bolsa Chica Mitigation Bank would constitute replacement of habitat. The LAHD Environmental Management Division shall provide the administrative functions to accomplish this mitigation. LAHD Engineering to monitor compliance and</p>	<p>LAHD</p>	<p>Less Than Significant</p>

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
			submit as-built calculations and drawings showing the size of the fill to the Environmental Management Division within one month of completion of dike construction.		

Cultural Resources

Revised Project Effects:

The revised project description elements do not change the Recirculated Draft SEIR conclusions regarding Cultural Resources impacts. The elimination of development areas north of 22nd Street would preclude project-related impacts to structures and subsurface cultural resources in those areas. Under the revised project, the potential impact to historic resources and its required mitigation will not change. Impact CULT-1 will remain less than significant after mitigation, as indicated below.

CULT-1: The Project Would Not Involve the Physical Demolition, Destruction, Relocation, or Alteration of a Significant Historic Resource or Its Immediate Surroundings Such That the Significance of an Historical Resource Would be Materially Impaired	Significant	MM CULT-1: Stop Work if Cultural Resources are Encountered as a Result of Project Construction If any artifact or an unusual amount of bone, shell, or nonnative stone is uncovered during project activities, work should be halted in that area so that a professionally qualified archaeologist can determine the significance of the find. If human bone is uncovered, the Los Angeles County Coroner and the Native American Heritage Commission (NAHC) in Sacramento should be contacted immediately. If human remains are discovered in any location other than a designated cemetery, there should be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human	Timing: During project construction Methodology: The project contractor shall stop work if any potential archaeological resources are encountered. The LAHD shall retain a qualified archaeologist to determine the nature and	LAHD Staff, Project Contractor	Less Than Significant
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Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
		<p>remains until:</p> <ul style="list-style-type: none"> ■ the county coroner has been informed and has determined that no investigation of the cause of death is required; and ■ if the remains are of Native American origin, <ul style="list-style-type: none"> □ the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work regarding the means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98, or □ the NAHC was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the NAHC. 	<p>sensitivity of the find. Work shall not resume until the find is properly evaluated, and if necessary, recorded and property archived. In the event that human remains are discovered, the contractor shall immediately contact the County Coroner and LAHD Inspector to determine the proper course of action. Work shall not resume until the site receives proper clearance from the County Coroner. Any contractor on this project, whether employed by LAHD or the applicant, is required to submit an Environmental Compliance Plan for review by the Environmental</p>		

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
			Management Division prior to Notice to Proceed.		
Public Services and Utilities					
<i>Revised Project Effects:</i>					
<i>The revised project description elements do not change the Recirculated Draft SEIR conclusions regarding public services and utilities impacts. The reduction in retail and visitor-serving commercial development, along with the reduction in dry stack storage capacity, could proportionally decrease demands for public services and utilities. Impacts PS-1 through PS-10 will remain less than significant, as indicated below.</i>					
PS-1: The Project Would Not Result in a Land Use That Would Exceed the Service Capacity and Require the Construction of New Facilities or Hiring of New Personnel Within the LAPD or Port Police	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
PS-2: The Project Would Not Result in a Land Use That Would Exceed the Service Capacity and Require the Construction of New Facilities or Hiring of New Personnel Within the LAFD	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
PS-3: The Project Would Not Result in a Land Use That Would Exceed the Service Capacity and Require the Construction of New Facilities or Hiring of New Personnel Within the USCG	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
PS-4: The Project Would Not Create a Demand for Water	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Resources that Would Exceed the Existing Capacity of the LADWP to Serve the Proposed Project	Significant				Significant
PS-5: The Project Would Not Require the Construction and Installation of New Water Infrastructure Such as Water Purification Plants or Large Pump Stations Needed to Serve the Project	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
PS-6: The Project Would Not Result in the Production of Waste Water Flows That Would Exceed the Capacity of Any Wastewater Treatment Plant That Would Serve the Proposed Project	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
PS-7: The Project Would not Result in the Production of Solid Waste in Volumes That Would Exceed the Protected Capacity of Any Landfills, Dump Truck Route, or Recycling Facility That Would Serve the Proposed Project	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
PS-8: The Project Would Comply With All Applicable Policies or Regulations Pertaining to Solid Waste Set Forth in Any Pertinent Document	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
PS-9: The Project Would Not Result in a Demand for Natural Gas, Electrical Services, or Fossil Fuels That is Greater Than Existing Supply, or Require the Construction of New Off site Facilities	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
PS-10: The Project Would Not Result in the Construction of Needed Infrastructure Not Anticipated By Adopted Plan	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
PS-11: The Project Will Result in a Project Design That Incorporates Energy Conservation Measures That Meet or Exceed City Requirements	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
Recreation					
<i>Revised Project Effects:</i>					
<i>Additional recreation enhancements have been incorporated into the project design, including increased promenade width and accessibility and the expansion of public gathering spaces and waterfront access, including the event and entry plazas and two new park areas. Recreation impacts from the originally proposed project were found to be less than significant and beneficial to the surrounding community. The proposed project modifications further increase recreational opportunities, consistent with community recommendations. Impacts REC-1 and REC-2 would remain less than significant, as indicated below.</i>					
REC-1: The Project Would Not Increase the Use of Existing Neighborhood and Regional Parks or Other Recreational Facilities Such That Substantial Physical	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Deterioration of the Facility Would Occur or Be Accelerated	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
REC-2: The Project Would Not Include Recreational Facilities or Require the Construction or Expansion of Recreational Facilities That Might Have an Adverse Physical Effect on the Environment	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
Risk of Upset					
Revised Project Effects:					
<i>The revised project description elements do not change the Recirculated Draft SEIR conclusions regarding risk of upset impacts. Impacts UPSET-1 through UPSET-4 will remain less than significant, as indicated below.</i>					
UPSET-1: The Proposed Project Would Comply with Applicable Regulations and Policies Guiding Development Within the Port	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
UPSET-2: The Proposed Project Would Not Increase the Probable Frequency and Severity of Consequences to People or Property from Exposure to Health Hazards as a Result of a Potential Accidental Release or Explosion of a Hazardous Substance	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant
UPSET-3: Construction or Operation Activities Would	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Not Substantially Interfere with Emergency Response Plans or Emergency Evacuation Plans, Thereby Increasing Risk of Injury or Death	Significant				Significant
UPSET-4: The Project Would Not Increase the Frequency or Severity of an Accidental Release or Explosion of Hazardous Materials, Thereby Increasing Risk of Injury or Death	Less Than Significant	No mitigation is required.	N/A	N/A	Less Than Significant

Notes:

** Mitigation measures are not required, but have been added by the LAHD to further minimize impacts that are already less than significant.

Table 1-8. Residual Impacts and Mitigation for the Cabrillo Way Marina Project

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Meteorology and Air Quality					
<i>Revised Project Effects:</i>					
<i>The revised project description elements do not change the Recirculated Draft SEIR conclusions regarding meteorology and air quality impacts. The reduction in retail and visitor-serving commercial development, along with the reduction in dry stack storage capacity, will decrease the duration and extent of grading and construction activities, as well as the number of vehicle trips and associated emissions estimated in the Recirculated Draft SEIR. Additionally, in response to public comments on the Recirculated Draft SEIR, construction-related mitigation has been modified to improve emissions reductions, and a program of reductions for operational boating emissions will be implemented. No additional impacts were identified and the mitigation cited below will become part of the Final SEIR. Although minimized to the extent feasible by new or revised mitigation, the residual impacts for Impacts AQ-1 through AQ-5 will remain as described in the Recirculated Draft SEIR.</i>					
AQ-1: The Project Would Result in Construction-Related Emissions that Exceed SCAQMD Thresholds	Significant	<p>MM AQ-1.1: CARB-approved emulsified diesel fuels shall be used in lieu of diesel in all diesel-powered construction equipment where it is deemed feasible by the LAHD.</p> <p>MM AQ-1.2: CARB-approved diesel oxidation catalysts shall be installed in all four-stroke, turbo-charged diesel engines for which this technology is feasible.</p> <p>MM AQ-1.3: To reduce fugitive dust emissions of PM₁₀, and in addition to full compliance with the SCAQMD’s Rule 403, the LAHD shall ensure implementation of the following construction activity mitigation measures. The measures shall be conditions of grading and/or building permit issuance and submitted as notes on said plans or in a form acceptable to the LAHD.</p> <ul style="list-style-type: none"> ■ The simultaneous disturbance area shall be limited to 5 acres per day on the project property. ■ Active grading sites shall be watered one additional time per day beyond that required by Rule 403. 	<p>Timing: Throughout construction phases.</p> <p>Methods: These measures shall be incorporated into contract specifications for all construction work to reduce the impact of construction diesel emissions. The contractor shall adhere to these specifications throughout construction phases. Enforcement shall include oversight by the LAHD</p>	LAHD Staff, Contractor	Implementation of the mitigation measures would reduce impacts of CO, PM ₁₀ , and NOx, but impacts from emissions of ROG are not able to be reduced. Even with these mitigation measures, NOx emissions, along with ROG and CO are considered

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
AQ-2: Operational Emissions Would Exceed the SCAQMD Thresholds	Significant	<ul style="list-style-type: none"> ■ Contractors shall apply approved non-toxic chemical soil stabilizers to all inactive construction areas or replace ground cover in disturbed areas. ■ Construction contractors shall provide temporary wind fencing around sites being graded or cleared. ■ Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least two feet of freeboard in accordance with Section 23114 of the California Vehicle Code. ■ Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site. ■ The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed. 	<p>project manager or designated building inspectors to ensure compliance with contract specifications. Any contractor on this project, whether employed by LAHD or the applicant, is required to submit an Environmental Compliance Plan for review by the Environmental Management Division prior to Notice to Proceed.</p>	Westrec, LAHD	significant and unavoidable.
		<p>MM AQ-2.1: Westrec Marinas shall complete a mandatory slip and dry storage annual inventory of engine type and age, and shall report to LAHD Environmental Management Division. Immediately upon completion of the first phase of slip replacements, LAHD will establish a Port-wide grant program to provide incentives to boat owners to replace older, high emission, 2-stroke engines with new technology, lower emission engines. Purchasers will have to document that their boat is kept at a marina located in the Port. In addition, engines replaced as part of the program will need to</p>	<p>Timing: During new and renewed slip and dry stack sign-up, and ongoing during full operation.</p> <p>Method: LAHD Property Management to monitor compliance and submit reports to</p>		Significant and Unavoidable

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
		be retired from service and recycled.	submit reports to Environmental Management Division.		
		MM AQ-2.2: Sales of separate engines on site shall be limited to CARB-approved, modern technology, two stroke, four-stroke or modern diesel engines. A report of sales inventory shall be submitted annually to LAHD to ensure compliance.	Timing: Ongoing Method: LAHD Property Management to monitor compliance and submit report to Environmental Management Division.	Westrec, LAHD	ROG, NO _x , and CO emissions would be reduced by the use of newer engines, but emissions would remain at significant levels.
		MM AQ-2.3: The marina operator shall limit diesel fuel availability at the marina to a single grade of low sulfur diesel combined with biodiesel at a ratio of 20% biodiesel to 80% diesel to reduce operational air quality impacts from boating activities. LAHD shall provide funding to allow sale of this alternative fuel at competitive prices.	Timing: Ongoing Method: LAHD Property Management to monitor compliance and submit report to Environmental Management Division.	Westrec, LAHD	ROG, NO _x , and CO emissions would be reduced by the use of newer engines, but emissions would remain at significant levels.

Impact	Level of Significance Before Mitigation	Mitigation Measure	Timing and Method of Mitigation	Responsible Parties	Residual Impacts
Geology					
<i>Revised Project Effects:</i>					
<i>The revised project description elements do not change the Recirculated Draft SEIR conclusions regarding Geology impacts. The reduction in retail and visitor-serving commercial development could proportionally decrease the exposure of people to substantial risk or injury from seismic ground shaking, as cited in impact GEO-2.</i>					
GEO-2: The Project Could Expose People to Substantial Risk or Injury	Significant	No mitigation is available.	N/A	N/A	Significant and unavoidable

Chapter 2
**Revisions to the
Recirculated Draft SEIR**

Chapter 2

Revisions to the Recirculated Draft SEIR

This chapter of the Final SEIR presents a summary table of all the changes and modifications that have been made to the Recirculated Draft SEIR. These changes have been made for the purpose of correcting and clarifying information contained within the Recirculated Draft SEIR.

All changes noted in Table 2-1 are referenced to the Recirculated Draft SEIR by various means, including page number, numeric section heading, complete paragraph number, table, and/or figure number. Items in the column headed “Recirculated Draft SEIR Additions and Deletions” present material that has been changed, added, or deleted in the Recirculated Draft SEIR. Minor text, table, and figure changes (as well as errata) have also been included on Table 2-1, which is referenced in Chapter 3 of this Final SEIR, “Responses to Recirculated Draft SEIR Comments,” where applicable.

Although changes noted in Table 2-1 are primarily editorial in nature, various project description changes that have occurred since circulation of the Recirculated Draft SEIR are also reflected in the table. The site plans from the 1998 Draft SEIR (Figure 2-1) and the Recirculated Draft SEIR (Figures 2-2 and 2-3) are provided to show the progression of project design over the past five years. The current conceptual site plan with project revisions that occurred between circulation of the Recirculated Draft SEIR and this Final SEIR is presented in Figure 2-4. The revised project description, including additional current site plan illustrations, is presented in its entirety in Chapter 1, “Executive Summary.” Since elements of the project description are referenced throughout each chapter of the Recirculated Draft SEIR, only those project description revisions that substantively affect the environmental analyses, mitigation measures, or other essential text are detailed in this chapter. For example, the revised maximum building height of the dry stack structure is 50 feet, as compared to the 65-foot structure analyzed in the Recirculated Draft SEIR. The textual and graphic representations of modification are provided in the detailed project description in Chapter 1. The visual effects of the decreased building height (i.e., reduced viewshed blockage and improved overall visibility from surrounding areas) are described in the relevant responses to comments in Chapter 3. However, each Recirculated Draft SEIR reference to “65 feet” is not specifically noted and corrected in Table 2-1, unless warranted by the relative significance of its context. This approach minimizes redundancy while fulfilling the CEQA requirements for Final EIR contents (Guidelines Section 15132).

The CEQA Guidelines and Statutes were reviewed to determine whether or not the project changes warranted re-circulation of the Draft SEIR prior to certification of the EIR. The changes in the project will not result in any new significant environmental impacts or substantial increase in the severity of an existing environmental effect. This is consistent with the findings contained in the environmental impact categories in Chapter 3 of the Recirculated Draft SEIR, "Environmental Analysis," as amended, and summarized in Table 1-1 of this Final SEIR. There will be no significant effects on the environment due to said project changes. In addition, this result supports the position that consideration of project alternatives is not applicable and that the EIR prepared is adequate. Therefore, scheduling of the EIR for certification without additional public review is consistent with Public Resource Code Section 21092.1 and CEQA Guidelines Section 15088.5.

Table 2-1. Revisions to the Recirculated Draft SEIR

Response No.	Recirculated Draft SEIR Page No.	Location on Page	Recirculated Draft SEIR Additions (underline) and Deletions (strikethrough)
--	ES-2	¶1, fifth sentence	Consequently, a Draft SEIR was prepared and circulated for public review in November <u>December</u> 1998 (LAHD 1998).
--	ES-3	¶3, last sentence	About 550 <u>530</u> boat slips presently exist on the east side of the West Channel within the project site.
20-1	ES-4	¶3, "Demolition"	The major structural features affected by the various development components include Warehouse 6 (southwest of Miner and 22 nd Street), Crescent <u>the</u> warehouse at Berths 54-55, the former Shelter Point Yachting Service building, and various boat repair and service buildings along the Watchorn Basin waterfront.
--	ES-7	"Cabrillo Way Marina Improvements," ¶3 and ¶4,	To facilitate the marine repair activities, a marine travel lift facility will be installed to haul and launch boats for repair activities. The travel lift will require two reinforced concrete piers for access to the boats being repaired. The travel lift access will work in conjunction with the dry stack storage operation. Fuel dock and sewage pumpout facilities and other boater service-related amenities will be located adjacent to the bulkhead wall at the dry stack area and the travel lift pier . The fuel dock will have related infrastructure, such as pipelines, pumps, and fuel (gasoline and diesel) storage tanks. The sewage pumpout facility will receive the contents of holding tanks (from on-board boats); these tanks are designed to hold sewage, which must be emptied from time to time.
--	ES-7	"Future Retail Components," ¶1	Future retail uses are proposed at the project entrance from Harbor Boulevard and 22 nd Street, which and may include a market/delicatessen or other boater retail on about 0.5-acre, and a 2-4 1.7-acre boat-mat sales area, which would accommodate approximately eight dealership pavilions and boat display. Parking and trailer storage would be provided, as well as parking for 22nd Street Landing.
--	ES-11	¶1, "Cumulative Impacts"	The proposed project was analyzed in conjunction with other projects in the area. The proposed project was found to result in cumulatively considerable impacts to air quality and traffic .
7-5	1-5	Section 1.2.2, "State Agencies, State Lands Commission"	The SLC has oversight responsibility for tidal and submerged lands legislatively granted in trust to local jurisdictions. The SLC has adopted regulations for the inspection and monitoring of marine terminals. The SLC inspects and monitors all marine facilities for effects on public health, safety, and the environment. The SLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable rivers, sloughs, lakes, etc. The SLC has certain residual and review authority for tide and submerged lands legislatively granted in trust to local jurisdictions (Public Resources Code Sections 6301 and 6306). All tide and submerged lands, granted or ungranted, as well as navigable rivers, sloughs, etc. are impressed with the Common Law Public Trust. Further, as a result of the Ballast

Response No.	Recirculated Draft SEIR Page No.	Location on Page	Recirculated Draft SEIR Additions (<u>underline</u>) and Deletions (strike through)
--	After p. ES-10	Table ES-1	<p><u>Water Management Act of 1999, the SLC, as of January 1, 2000, has statutory authority to prevent the introduction and spread of non-indigenous species through the inspection and monitoring of vessels entering state waters, carrying ballast water from outside the exclusive economic zone (PRC Sections 71203 through 71216).</u></p>
20-1	2-7	Second bullet item	<p>Greenest Warehouse at Berths 54-55...</p>
--	2-1 to 2-21	Sections 2.1 through 2.5	<p>[Modified project description in Section 1.7 of Chapter 1, “Executive Summary,” of this Final SEIR supersedes the project description in the Recirculated Draft SEIR.]</p>
--	2-16	“Travel-Lift Pier”	<p>Travel-Lift Pier</p> <p>To facilitate the marine repair activities, a marine travel lift facility may be installed to haul and launch boats for repair activities. The travel lift will require two reinforced concrete piers for access to the boats being repaired. The travel lift access will work in conjunction with the dry stack storage operation.</p>
--	2-16	“Fuel Dock and Sewage Pumpout Facility”	<p><u>Fuel Dock and Sewage Pumpout Facility</u></p> <p>Fuel dock and sewage pumpout facilities and other boater service-related amenities will be located adjacent to the bulkhead wall at the dry stack area and the travel lift pier. The fuel dock will have related infrastructure, such as pipelines, pumps, and aboveground fuel (gasoline and diesel) storage tanks. The sewage pumpout facility will receive the contents of holding tanks on-board boats designed to hold sewage, and which must be emptied from time to time.</p>
--	2-20	7 th bullet item under “Construction Phase II”	<p><u>Additional pumpout facilities will be provided in accordance with the Clean Vessel Act Grant program which establishes a recommended ratio of 1 pumpout per every 300 vessels with Type III MSDs. At a minimum, the Cabrillo Way Marina project will provide pumpout stations at or above the 1:300 ratio.</u></p>
--	2-20	7 th bullet item under “Construction Phase II”	<p>■ travel lift/fuel dock and pumpout station(s)</p>

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7-6	2-25	Section 2.6.12, "Tidelands Trust"	The Tidelands Trust granted submerged tidelands within the Port; these are impressed with the Common Law Public Trust to the City of Los Angeles. The Port jurisdictional properties are held in trust by the City, and administered by the LAHD to promote and develop maritime-related commerce, navigation, and fisheries. The project area involves sovereign lands that were initially legislatively granted to the City of Los Angeles pursuant to Chapter 656, Statutes of 1911. The grant has been amended a number of times, most recently by Chapter 2769, Statutes of 2002. The LAHD, as a Trustee of these sovereign lands, must ensure that the specific uses proposed in the plan are consistent with the provisions of the relevant granting statutes and the Public Trust.
34-11	after p. 3.2-14	Table 3.2-6	[Table 3.2-6 in Appendix B supercedes Table 3.2-6 of the Recirculated Draft SEIR.]
34-11	after p. 3.2-14	Table 3.2-7	[Table A in Appendix B supercedes Table 3.2-7 of the Recirculated Draft SEIR.]
--	3.2-15	Mitigation Measure MM TRANS-1	MM TRANS-1.J: Implement Eastbound Intersection Improvement Measures for Harbor Boulevard and SR-47 ramps/Swinford Street. To improve the intersection operation and to reduce the left-turn congestion on the northbound approach, a second left-turn lane shall be added to the northbound approach. The resulting lane configuration shall be two left-turn lanes, two through lanes, and one shared through/right-turn lane. This change shall include removing the raised median and re-striping the intersection.
--	3.2-15	After Mitigation Measure MM TRANS-1	MM TRANS-1.2: Undertake new traffic counts at 22nd/Mesa, 22nd/Pacific, and 22nd/Gaffey 1 year after new slip construction is completed. Follow-up monitoring of these intersections will provide a mechanism to monitor actual changes to intersection level of service and to take corrective action as necessary.
34-11	After p. 3.2-16	Table 3.2-8	[Table A in Appendix B supercedes Table 3.2-8 of the Recirculated Draft SEIR.]
34-11	After p. 3.2-16	Table 3.2-9	[Table B in Appendix B supercedes Table 3.2-9 of the Recirculated Draft SEIR.]
9-4	3.2-21	"Mitigation Measures"	No mitigation is required. MM TRANS-6.1: The contractor shall develop a construction traffic control plan to minimize temporary traffic impacts during construction activities. The traffic control plan shall include provisions that would limit construction-related truck trips on roadways and state highways to off-peak commute periods. The plan would also include: <ul style="list-style-type: none"> ■ <u>the location(s) of any roadway or sidewalk closures,</u> ■ <u>traffic detours.</u>

Response No.	Recirculated Draft SEIR Page No.	Location on Page	Recirculated Draft SEIR Additions (<u>underline</u>) and Deletions (strike through)
6-1	3.3-11	Table 3.3-3	[See revised table in Appendix C of this Final SEIR.]
6-1	3.3-12	Table 3.3-4	[See revised table in Appendix C of this Final SEIR.]
6-3	3.3-13	Section 3.3.1, "Methodology," ¶2	<ul style="list-style-type: none"> ■ <u>haul routes.</u> ■ <u>hours of operation.</u> ■ <u>protective devices.</u> ■ <u>warning signs.</u> ■ <u>access to abutting properties, and</u> ■ <u>construction-related traffic scheduling.</u> <p>The Cabrillo Way Marina construction emission estimates were based on the proposed construction phasing illustrated in Figure 3.3-1. Emissions were estimated using the approach proposed for the URBEMIS2002 (currently undergoing development) included in the URBEMIS model, which involves automating embedded with emission factors developed by the CARB and the SCAQMD. Appendix C describes the detailed construction estimation methodology. The URBEMIS model is used to calculate construction and operational emissions associated with land development projects and includes EPA, SCAQMD, and CARB emission factors embedded within it. URBEMIS was developed under the guidance of several California air districts and is available from the SCAQMD's website.</p>
6-1	3.3-18	Section 3.3.3.4, "Project Impacts," ¶1 and ¶2, first sentence	<p>The URBEMIS model was used to develop construction-related emission estimates. Where available, project-specific information was input into URBEMIS to generate emissions. When project specific information was unavailable, the URBEMIS defaults were used.</p> <p>Table 3.3-6 summarizes emission estimates for each phase of construction subdivided into demolition, infrastructure, and facility construction.</p>
--	3.3-18	¶3, first sentence	<p>The maximum daily emissions associated with construction occur during the 4th quarter of 2004 and the 1st and 2nd quarters of 2005 when portions of Phases 1, 2, and 3 overlap.</p>
6-1	3.3-18	¶4, first sentence	<p>Table 3.3-7 summarizes air emissions after all feasible the above-listed mitigation measures have been implemented.</p>

Response No.	Recirculated Draft SEIR Page No.	Location on Page	Recirculated Draft SEIR Additions (<u>underline</u>) and Deletions (strike through)
6-1	After p. 3.3-18	Table 3.3-6	[See revised table in Appendix C of the Final SEIR.]
6-1	After p. 3.3-18	Table 3.3-7	[See revised table in Appendix C of this Final SEIR.]
6-2, 8-1	3.3-19	¶1 (continuing from Page 3.3-19) and ¶2	<p>Two such One of these technologies – emulsified diesel fuel and diesel oxidation catalysts – have have been included as a mitigation measure for this project. That Those measures will combine to make significant reductions (60-70%) of diesel PM₁₀ exhaust (along with a 42% reduction in NOx emissions). Consequently, with implementation of these these mitigation measures, the diesel PM₁₀ exhaust generated by construction activities would result in a less than significant air quality impact.</p> <p>CARB has also identified particulate filters as a PM₁₀ control measure to reduce particulate matter emissions from diesel combustion sources. However, the LAHD has concluded that diesel particulate filters are not suitable for the type of construction equipment that will be used during project construction.</p>
6-2, 8-1	3.3-19	“Mitigation Measures”	<p>MM AQ-1.1: CARB-approved emulsified diesel fuels shall be used in lieu of diesel in all diesel-powered construction equipment where it is deemed feasible by the LAHD.</p> <p>MM AQ-1.2: <u>CARB-approved diesel oxidation catalysts shall be installed in all four-stroke, turbo-charged diesel engines for which this technology is feasible.</u></p> <p>MM AQ-1.3: <u>To reduce fugitive dust emissions of PM₁₀, and in addition to full compliance with the SCAQMD’s Rule 403, the LAHD shall ensure implementation of the following construction activity mitigation measures. The measures shall be conditions of grading and/or building permit issuance and submitted as notes on said plans or in a form acceptable to the LAHD.</u></p>
			<ul style="list-style-type: none"> ■ <u>The simultaneous disturbance area shall be limited to 5 acres per day on the project property.</u> ■ <u>Active grading sites shall be watered one additional time per day beyond that required by Rule 403.</u> ■ <u>Contractors shall apply approved non-toxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas.</u> ■ <u>Construction contractors shall provide temporary wind fencing around sites being graded or cleared.</u> ■ <u>Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code.</u> ■ <u>Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto</u>

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			<p>paved roads, or wash off tires of vehicles and any equipment leaving the construction site.</p>
6-3	3.3-20	Table 3.3-8	<ul style="list-style-type: none"> ■ The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed.
6-3	3.3-21	Table 3.3-9	<p>[See revised table in Appendix C of this Final SEIR.]</p>
6-4	3.3-22	“Mitigation Measures”	<p>[See revised table in Appendix C of this Final SEIR.]</p> <p><u>MM AQ-2.1: Westrec Marinas shall complete a mandatory slip and dry storage annual inventory of engine type and age, and shall report to LAHD Environmental Management Division. Immediately upon completion of the first phase of slip replacements, LAHD will establish a Port-wide grant program to provide incentives to boat owners to replace older, high emission, 2-stroke engines with new technology, lower emission engines. Purchasers will have to document that their boat is kept at a marina located in the Port. In addition, engines replaced as part of the program will need to be retired from service and recycled.</u></p> <p><u>MM AQ-2.2: Sales of separate engines on site shall be limited to CARB-approved modern technology—two stroke, four-stroke, or modern diesel engines. A report of sales inventory shall be submitted annually to LAHD to ensure compliance.</u></p> <p><u>MMAQ-2.3: The marina operator shall limit diesel fuel availability at the marina to a single grade of low sulfur diesel combined with biodiesel at a ratio of 20% biodiesel to 80% diesel to reduce operational air quality impacts from boating activities. LAHD shall provide funding to allow sale of this alternative fuel at competitive prices.</u></p>
			<p>Residual Impacts</p> <p><u>Impacts would be significant and unavoidable. Even with the proposed mitigation, project-related ROG, NOx, and CO emissions would be reduced by the use of cleaner burning engines, but emissions would remain at significant levels.</u></p>
--	3.3-24	“Cumulative Impacts,” ¶1, last sentence	<p>However, because the emission levels associated with the proposed project already are projected to have a significant impact, cumulative impacts with respect to construction emissions would be cumulatively considerable for ozone.</p>
--	3.3-24	“Cumulative Impacts,” ¶2	<p>Operational emissions associated with build-out of the proposed project would occur along with emissions from other development projects in the vicinity. All projects projected to be built and</p>

Response No.	Recirculated Draft SEIR Page No.	Location on Page	Recirculated Draft SEIR Additions (<u>underline</u>) and Deletions (strike through)
--	3.6-18	Before "Mitigation Measures" under Impact AES-6	operational within the time frame would likely exceed SCAQMD thresholds for CO, ROC, and NO_x and PM₁₀ . Air quality impacts would therefore be cumulatively considerable.
--	3.6-18	"Mitigation Measures" under Impact AES-6	No mitigation is required. MM AES-1. Landscape Improvement and Beautification. LAHD shall construct landscape improvements in areas neighboring the project in order to improve the visual appearance and aesthetics of the area. The area to be included in this mitigation measure includes the hillside and areas adjacent to Harbor Boulevard, the bicycle path roughly parallel to Crescent Avenue, 22nd Street, and along Via Cabrillo Way and Shoshonean Road to the Cabrillo Marine Aquarium. The measure will include removal of non-native landscaping and vegetation and replacement with native plantings. Trails or walking paths with interpretive signs will be added where appropriate to further enhance the area.
--	All text, tables, and figures in Chapter 3.8, "Groundwater, Soils, and Sediments"	--	The removal of development areas north of 22 nd Street is related to the soil and groundwater sampling locations identified throughout Chapter 3.8, "Groundwater, Soils, and Sediments." Site investigation parcels 1A and 2A north of 22 nd Street are cited throughout the chapter, but those parcels are no longer a part of the Cabrillo Way Marina project. Since subsurface contaminants on adjacent properties are relevant to the evaluation of environmental conditions at the project site, all such references to site investigation parcels 1A and 2A remain in the Recirculated Draft SEIR. No changes have been made in Chapter 3.8, "Groundwater, Soils, and Sediments."
37-3	3.9-2	Section 3.9.2.2, "Water Quality, General Conditions," ¶2	The sampling locations, LA1, LA3, LA5, and LA6, are located just outside the breakwater (near Angels Gate), halfway on the western perimeter of the Glenn Anderson Ship Channel (adjacent to a channel buoy/bell beacon), about 200 feet from Cabrillo Beach, and at Berth 38 at the West Channel area (see Figure 3.9-1). The Harbor is also listed on the California 303(d) list of impaired waterbodies.
37-1	3.9-4	"Contaminants," ¶1	Potential water column contaminants include heavy metals (particularly cadmium, chromium, copper, lead, mercury, nickel, silver, and zinc), oil and grease, chlorinated hydrocarbons (i.e., DDT and DDE), and PCBs (LAHD 1980c). Sources of these pollutants could include runoff from disturbance of contaminated soils on the site, surface runoff and storm drainages from throughout the Dominguez Watershed, and/or products spilled or illegally dumped in the harbor area. These contaminants were found in harbor sediments prior to the Los Angeles Harbor Deepening Project (ACOE and LAHD 1984). Data from the LAR WOCB indicate that in the Dominguez Watershed there are 10 major NPDES dischargers that consist

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			<p>of POTWs, generating plants, and refineries; 58 minor discharges; and 62 discharges covered by general permits (LARWQCB 2002). Additional stormwater runoff enters the harbors through the Dominguez Channel and several other major storm drains, as well as numerous small drains. Copper is known to be present at high levels in the Dominguez Watershed and is monitored as part of the Los Angeles County Public Works 2001-2002 Stormwater Monitoring (LADPW 2002). The above contaminants have been found in harbor sediments, as documented in numerous sediment characterization studies performed in conjunction with maintenance and capital improvement dredging projects throughout the harbor. In conjunction with channel deepening and maintenance dredging activities, some contaminated sediments have been removed. However, some localized contaminated sediments remain. Long-term effluent limitations imposed by the LARWQCB, as well as sediment removal operations from channel deepening and maintenance dredging, appear to be responsible for decreased chemical contamination in harbor waters and sediments.</p> <p>Data for trace metals in harbor waters are very limited. Sampling for the Pier J project in Long Beach Harbor found some concentrations in excess of the Standards set by the California Toxics Rule (CTR) as follows:</p> <ul style="list-style-type: none"> ■ Chromium found at 1.9–16 micrograms per liter (µg/l) with a CTR criterion maximum concentration (CMC) of 1100 µg/l and a CTR criterion continuous concentration (CCC) of 50 µg/l in saltwater. ■ Copper at 8.7–14 µg/l in excess of the CTR CMC of 4.8 µg/l and the CTR CCC of 3.1 µg/l in saltwater. ■ Lead at 0.21–0.26 µg/l with a CTR CMC of 210 µg/l and a CTR CCC of 8.1 µg/l in saltwater. ■ Nickel at 0.0–0.4 µg/l with a CTR CMC of 74 µg/l and a CTR CCC of 8.2 µg/l in saltwater. ■ Silver at 0.0–0.07 µg/l with a CTR CMC of 1.9 µg/l in saltwater; and ■ Zinc at 6.2–9.6 µg/l with a CTR CMC of 90 µg/l in saltwater and a CTR CCC of 81 µg/l in saltwater.
37-1	3.9-4	“Contaminants,” ¶2	<p>Tributyltin (TBT), an active biocide in marine anti-fouling paints, has also been found in harbor waters, particularly in areas of commercial and private vessel moorage and repair facilities (ACOE and LAHD 1992).</p> <p>A portion of the former Kaiser bulk-loading terminal site at Berths 48-53 will be incorporated into the proposed project. This facility handled primarily coal, petroleum coke, and copper ore and had a history of releases to harbor waters. The facility has been decommissioned and for several years has been used as a</p>

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37-1	3, 9-4	"Contaminants," ¶3	<p><u>slab steel import facility. The landside decommissioning of the former Kaiser facility included substantial contaminated soil removal and paving of the site. To investigate offshore contamination caused by the former Kaiser operation, the Port initiated characterization of the sediments in the vicinity of the former Kaiser terminal in the fall of 2000. The goal of the investigation was to define the limits of product release. Potential mechanisms of release included inadvertent spillage in the crane/ship transfer area and wind-borne dust, which would be expected to carry products to the east and southeast of the facility under prevailing wind conditions. The three products were measured using total organic carbon (TOC) and total copper analyses. TOC is an appropriate surrogate measure for coal and coke, both of which are composed primarily of carbon. Results of multiple sampling and analysis from the period of 2000 to 2003 indicated elevated levels of both TOC and copper in the sediments. The LAHD developed a product removal strategy, negotiated with the Los Angeles Region Contaminated Sediments Task Force for approval of the cleanup goal (254 mg/kg copper), and undertook dredging of the sediments in summer 2003, in conjunction with the LAHD's Channel Deepening Project. The Kaiser sediments were placed in a confined disposal facility in the Southwest Slip.</u></p> <p>Sources of contaminants include municipal and industrial wastewaters, and stormwater runoff. Data from the LARWQCB indicated that there are 10 major NPDES dischargers that consist of POTWs, generating plants, and refineries; 58 minor discharges; and 62 discharges covered by general permits (LARWQCB 2002). Additional stormwater runoff enters the harbors through the Dominguez Channel and several other major storm drains. Copper is known to be present at high levels in the Dominguez Watershed and is monitored as part of the Los Angeles County Public Works 2001-2002 Stormwater Monitoring (LADPW 2002). Maintenance dredging and long-term effluent limitations imposed by the LARWQCB appear to be responsible for decreased chemical contamination in harbor waters and sediments.</p>
37-1	3, 9-8	3.9.3, "Regulatory Setting," ¶1, ¶2	<p>In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with an NPDES permit. The 1987 amendments to the CWA added Section 402(p), which establishes a framework for regulating municipal and industrial stormwater discharges under the NPDES Program. On November 16, 1990, the EPA published final regulations that establish stormwater permit application requirements for specified categories of industries. The 1990 regulations and subsequent amendments provide that discharges of stormwater to waters of the United States from industrial activities and from construction projects that encompass one or more acres of soil disturbance are effectively prohibited unless the discharge is in compliance with an NPDES permit. Federal regulations allow two permitting options for stormwater discharges, individual permits and general permits. The SWRCB has elected to adopt one statewide general permit for construction activity, and one statewide general permit for industrial activity, at this time. The General Construction Activities Storm</p>

Response No.	Recirculated Draft SEIR Page No.	Location on Page	Recirculated Draft SEIR Page No.
37-1	3.9-9	<p data-bbox="267 184 300 1925">Recirculated Draft SEIR Additions (<u>underline</u>) and Deletions (strikethrough)</p> <p data-bbox="316 184 381 1925"><u>Water Permit (GCASP) applies to all stormwater discharges associated with construction activity, except for those on tribal lands, those in the Lake Tahoe Hydrologic Unit, and those performed by Caltrans.</u></p> <p data-bbox="397 184 430 1925"><u>Construction Activities</u></p> <p data-bbox="446 184 544 1925">The General Construction Activities Storm Water Permit (GCASP) applies to all stormwater discharges associated with construction activity in the harbor area. Currently, the GCASP requires all dischargers where construction activity disturbs 5 1 acres or more to:</p> <ul data-bbox="560 184 820 1925" style="list-style-type: none"> <li data-bbox="560 184 820 1925">■ develop and implement a Stormwater Pollution Prevention Plan (SWPPP) which specifies BMPs that will prevent all construction pollutants from contacting stormwater and with the intent of by keeping all products of erosion from moving offsite into receiving waters <u>(while the selection of specific BMPs is at the discretion of the permittee, the selected BMPs must be adequate to meet all applicable provisions of Sections 301 and 402 of the CWA; these provisions require controls of pollutant discharges that utilize best available technology economically achievable (BAT), best conventional pollutant control technology (BCT) to reduce pollutants, and any more stringent controls necessary to meet water quality standards).</u> 	3.9-9
--	3.9-9	<p data-bbox="836 184 901 1925">Sentence following bullet list</p>	3.9-9
37-1	3.9-9	<p data-bbox="950 184 982 1925"><u>Industrial Activities</u></p> <p data-bbox="998 184 1161 1925">The General Industrial Activities Storm Water Permit (GIASP) was originally issued by the SWRCB on November 19, 1991 (Water Quality Order 02-01-DWQ) and applies to all stormwater discharges requiring a permit except construction activities or other discharges covered by an individual NPDES permit. Modifications and updates to the GIASP have occurred since that time. Similar to the GCASP, the GIASP requires industrial stormwater dischargers to:</p> <ul data-bbox="1177 184 1339 1925" style="list-style-type: none"> <li data-bbox="1177 184 1339 1925">■ develop <u>develop</u> and implement and SWPPP to reduce or prevent industrial pollutants in stormwater discharges. <u>While the selection of specific BMPs is at the discretion of the permittee, the selected BMPs must be adequate to meet all applicable provisions of Sections 301 and 402 of the Clean Water Act. These provisions require controls of pollutant discharges that utilize BAT and BCT to reduce pollutants, and any more stringent controls necessary to meet water quality standards;</u> 	3.9-9

Response No.	Recirculated Draft SEIR Page No.	Location on Page	Recirculated Draft SEIR Additions (<u>underline</u>) and Deletions (strike through)
37-1	3.9-10	After last bullet item on Page 3.9-10 and before first full ¶	<p>Within the GIASP, EPA regulations (40 CFR Subchapter N) establish effluent limitation guidelines for stormwater discharges from facilities in 10 industrial categories; however, the proposed project does not fall in one of these categories. For stormwater discharges from facilities not among the 10 industrial categories listed in 40 CFR Subchapter N, the GIASP states, “it is not feasible at this time to establish numeric effluent limitations.” In this case, the GIASP allows the facility operator to implement BMPs to comply with the requirements of the permit. As discussed above, all facility operators must prepare, retain on site, and implement a SWPPP whose objective is to identify potential sources of pollution affecting water quality, and direct the implementation of BMPs to reduce or prevent pollutants in industrial stormwater discharges.</p> <p>The GIASP also requires the development and implementation of a monitoring program to measure the effectiveness of BMPs in reducing or preventing pollutants in stormwater discharges. All facility operators are required to analyze pH, total suspended solids (TSS), total organic carbon (TOC), and specific conductance, as well as toxic chemicals and other pollutants that are likely to be present in stormwater discharges in significant quantities. With regard to toxic chemicals and other pollutants, the GIASP states, “if these pollutants are not detected in significant quantities after two consecutive sampling events, the facility operator may eliminate the pollutant from future sample analysis until the pollutant is likely to be present again.” The GIASP identifies potential contaminants likely to be present based on a facility’s SIC code. In the case of the proposed project, additional constituents to be analyzed include aluminum, iron, lead, and zinc.</p> <p>The GIASP goes on the state that “stormwater discharges shall not cause or contribute to a violation of an applicable water quality standard.” If receiving water quality standards are exceeded, facility operators are required to submit a written report providing additional BMPs that will be implemented to achieve water quality standards. Following approval of the report by the RWQCB, the facility’s SWPPP and monitoring program must be revised to incorporate the additional BMPs to be implemented, as well as an implementation schedule.</p> <p>Federal water quality criteria and state water quality objectives for priority pollutants have been established for non-ocean surface waters of California by the EPA and the RWQCB, respectively. Federal priority pollutant criteria have been promulgated by the EPA in the 1992 National Toxics Rule (NTR), amended in 1995, and in the 2000 California Toxics Rule (CTR). For California, the criteria in the CTR supplement the criteria in the NTR (i.e., the CTR does not change or supersede any criteria in the NTR). The SWRCB incorporated the CTR criteria into their statewide Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries (adopted March 2000). The Water Quality Control Plan for the Los Angeles Region (referred to as the Basin Plan) also contains narrative and/or numerical water</p>

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37-1	3.9-10	Last ¶ before Section 3.9.4, "Impacts and Mitigation"	<p>quality objectives for several parameters. Although the CTR water quality criteria contained within the SWRCB Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California do not apply to regulation of stormwater discharges, these criteria have been applied to receiving waters. The project applicant would follow the procedures outlined in the GIASP (and discussed above) if an exceedance of receiving water standards is identified through the required monitoring program.</p> <p><u>Urban Stormwater Mitigation</u></p> <p>On January 26, 2000, the LARWQCB adopted and approved Board Resolution No. R-00-02, which requires new development and significant redevelopment projects in Los Angeles County to control the discharge of stormwater pollutants in post-construction stormwater.</p> <p><u>Clean Water Act Section 303(d) List</u></p> <p><u>Under Section 303(d) of the Clean Water Act, states are required to develop a list of water quality limited segments. This 303(d) list identifies those waters that do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. The CWA requires that states establish priority rankings for waters on the list and develop action plans, called Total Maximum Daily Loads (TMDL) to improve water quality. Table 3.9-1 presents the impaired water bodies and corresponding constituents of concern for the Los Angeles Harbor area, which is part of the Dominguez Channel and Los Angeles/Long Beach Harbors Water Management Area.</u></p> <p>[Revised Table 3.9-1 is provided in Appendix D of this Final SEIR.]</p>
7-9	3.9-13	"Boat Wastes," ¶3	<p>Under Section 780(a) of the Harbors and Navigation Act "No person shall disconnect, bypass, or operate a marine sanitation device so as to discharge sewage into the waters of this state, unless the particular discharge is expressly authorized or permitted pursuant to state or federal law or regulations." The Enforcement Unit of the California Department of Boating and Waterways enforces this law throughout the state, and a violation of this subdivision is a misdemeanor that carries a fine of at least \$100. In order to keep untreated sewage out of the water, federal regulations require the installation of a Marine Sanitation Device (MSD) on boats. Every boat with an installed marine toilet must have it connected to an</p>

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		<p>Recirculated Draft SEIR Additions (<u>underline</u>) and Deletions (strickethrough)</p>	
		<p>operable Coast Guard-approved MSD. It is illegal to discharge untreated sewage anywhere within the 3-mile territorial limit—a region that includes the entire southern California coastline. It is illegal to discharge even treated waste in harbor waters.</p>	
		<p>Toilets and shower facilities will be provided for the convenience of marina tenants. The marina is envisioned to accommodate approximately 675 boat slips, ranging in size from 28–130 feet. Accordingly, a minimum of three pump-out stations for sewage contained in on-boat holding tanks will also be provided as part of the project. Signs containing information on environmental rules, regulations, and good housekeeping practices will be posted in the marina. The LAHD, in cooperation with the marina operator, will conduct an educational outreach regarding minimization of boat-related waste. Water quality impacts from boat waste are expected to be less than significant.</p>	
		<p>As discussed above, impacts resulting from the proposed project would be negligible and would be considered less than significant. No mitigation is required.</p>	
		<p>Furthermore, the Port—Tariff No. 4, Item No. 1870, prohibits dumping into navigable waters and states, in part, that “It shall be unlawful to throw, discharge, or deposit... from or out of any vessel... any refuse matter or other substance of any kind or description whatever into the navigable waters of Los Angeles Harbor...” Item No. 1880 of the Tariff imposes further prohibitions on the pumping and discharge of ballast, foul bilge water, slops, or refuse.</p>	
		<p>The issue of illicit vessel sewage discharges is particularly important given the proximity of the proposed project to Inner Cabrillo Beach, a popular swimming beach due to its protected nature. Inner Cabrillo Beach has a long history of frequent violations of bacterial water quality standards, which occur during both the winter (wet season) and the summer (dry season). Considerable data has been accumulated with respect to the beach water quality from the City of Los Angeles daily beach and harbor monitoring efforts. Most violations are caused by high levels of fecal coliform and enterococcus. The percent of violations at Inner Cabrillo Beach is far higher than the relatively few violations in the harbor waters offshore of the beach. Comparisons of data from the inner beach with offshore water sites suggest that the contamination observed at the inner beach is from a local source, like bird wastes at the high tide line. The wave environment in this area does not appear to be strong enough to move bird wastes off the shoreline. The LAHD is currently conducting the Cabrillo Beach Water Quality Improvement Project, which includes water quality analyses and circulation modeling to identify both short- and long-term solutions to the water quality concerns at Cabrillo Beach. In addition the LARWQCB has recently begun work on the coliform TMDL for the Cabrillo Beach impairment. Scheduled to be completed in 2004, the coliform TMDL for Inner Cabrillo Beach will set limits for discharges contributing to the bacteria problem.</p>	

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	<p>While the issues with coliform at Inner Cabrillo Beach are not believed to be primarily a result of marina operations, illicit sewage discharges from recreational boating operations could contribute to the poor beach conditions. With respect to the potential for impacts to water quality as a result of illicit discharges from boats, MM WQ1.2, coliform testing in the marina area, would monitor coliform levels in the marina area and provide a mechanism for tracking elevated coliform levels to ensure that impacts to Inner Cabrillo Beach are not exacerbated.</p>	
	<p>The LAHD recognizes that controlling discharges from individual pleasure craft is challenging, given individual human behavior and the usual lack of facilities provided in marinas, incentives for their proper use, boater education, and enforcement. The proposed project provides a number of facilities that will help limit the illicit discharge of sewage wastes from boats. Toilets and shower facilities will be provided for the convenience of marina tenants. Pumpout stations for sewage contained in on-boat holding tanks will be provided at or above the DBW recommended ratio of 1 pumpout station per 300 slips as part of the project. Liveaboards will be limited to 5% of slips. The project applicant will also provide a facility for disposal of bilge water. The facility will be provided at the fuel dock and will enable pumping of bilge water into an oil/water separator. The oil fraction will be collected for proper disposal or recycling and the water fraction will go to the sanitary sewer system. Signs containing information on environmental rules, regulations, and good housekeeping practices will be posted in the marina. The LAHD, in cooperation with the marina operator, will conduct an educational outreach regarding minimization of boat-related waste. To ensure compliance with the above, several new mitigation measures are proposed. MM WO-1.3 ensures that pumpout stations will be installed at the 1:300 ratio. MM WO-1.4 ensures that oil/water separator shall be installed and maintained as specified.</p>	
	<p>In addition to improper sewage releases, marina activities can contribute other discharges that impact water quality. Improper hull cleaning and painting procedures can contribute metals. Polyaromatic Hydrocarbons (PAHs) from oil and fuel may be released into the water during oil changes and bilge water releases. Trash can enter the ocean from illegal dumping of solid waste from marina docks and boat decks.</p>	
	<p>To address all the marina-related environmental issues, LAHD staff is in the process of developing a Clean Marinas Program as one of several new environmental initiatives. The main objective of the new Clean Marinas Program is to encourage marina managers and boat owners within the Los Angeles Harbor to voluntarily use BMPs that will help improve harbor air and water quality. Major components of the program will include boater education, development/redevelopment guidelines, incentives, and enforcement. The LAHD will provide incentives to the marina operators or individual boaters for alternative fuel use and for turning over older engines for new clean engines. Additional incentives will also be considered. An Environmental Compliance Coordinator will be hired to provide oversight and</p>	

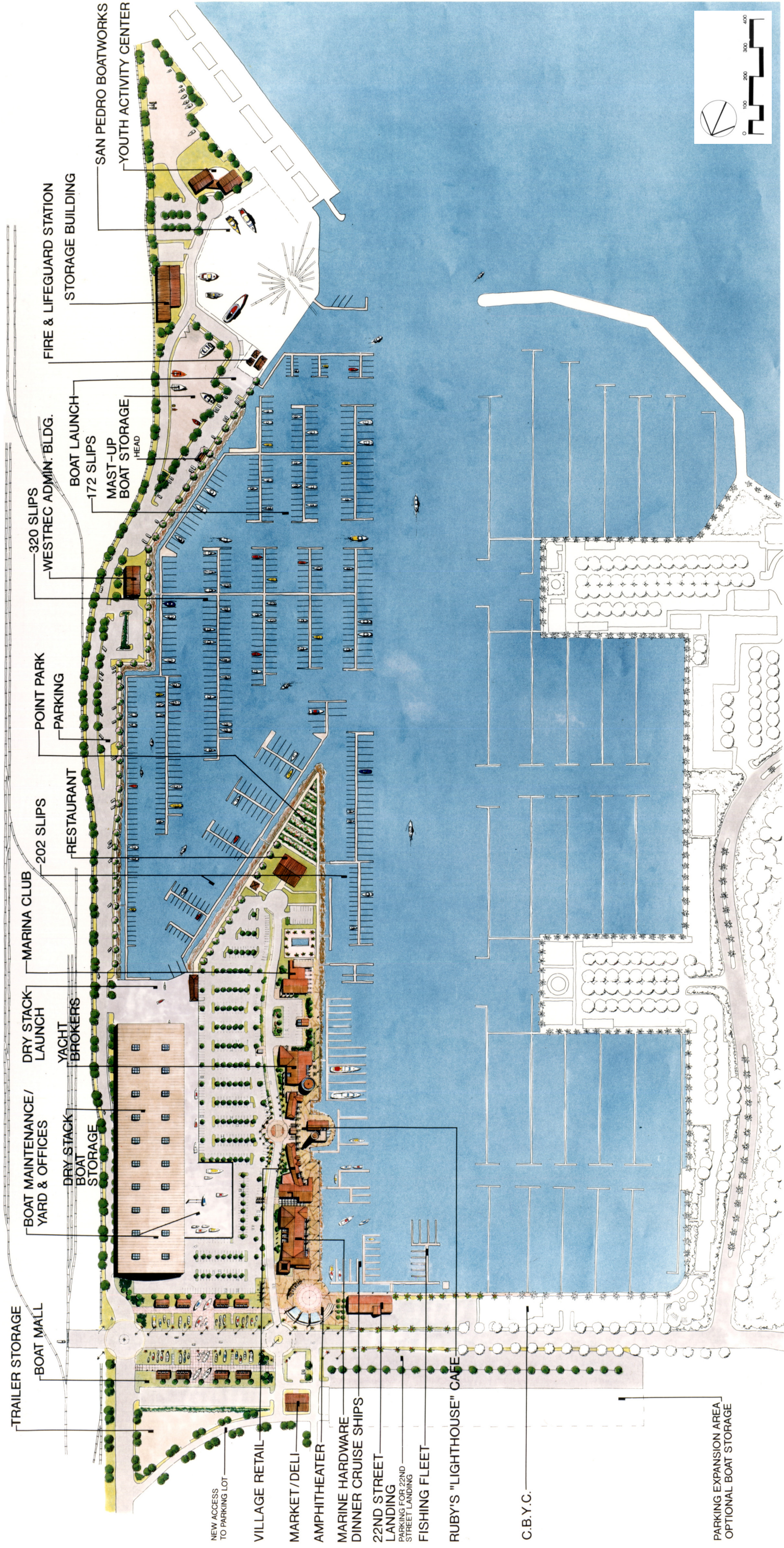
Response No.	Recirculated Draft SEIR Page No.	Location on Page	Recirculated Draft SEIR Additions (<u>underline</u>) and Deletions (strike through)
37-6	3.9-13	Before “Mitigation Measures”	<p><u>ensure compliance. The Clean Marinas Program will be carried out Port-wide, including for the proposed project. To ensure implementation of the program elements in the Cabrillo Way Marina, several mitigation measures are proposed. The air quality mitigation measures MM AQ-2.1, MM AQ-2.2, and MM AQ-2.3 address the air quality elements of the Clean Marinas Program. The water quality mitigation measures MM WQ-1.3 and MM WQ1.4 (mentioned above) and MM WQ-1.5, mandating a boater inventory and reporting program, address the water quality elements of the Clean Marinas Program.</u></p> <p><u>With the implementation of measures to limit the illicit discharge of boat wastes, and with implementation of a Clean Marinas Program at the Cabrillo Way Marina, impacts to water quality resulting from the proposed project would be negligible and would be considered less than significant.</u></p> <p><u>Contaminants</u></p> <p><u>Long-term positive impacts are associated with dredging in the Watchorn Basin for the project. As with past dredging projects, potentially contaminated sediments would be removed, resulting in an improved subsea environment. Based on chemical and biological testing of the sediments to be dredged, these sediments could meet requirements for use as in-harbor fill in the fill areas on the project site or meet disposal requirements of the LA-2 offshore dredged material disposal site.</u></p> <p><u>An alternative disposal location could be the LAHD’s Upland Disposal Site at Anchorage Road or another approved upland location. Coordination with the Advisory Committee of the Los Angeles Region Contaminated Sediment Task Force would likely be required for ocean or in-harbor disposal options. Dredge material disposal would be conducted in accordance with all applicable laws and regulations. Impacts related to dredging and disposal activities would be less than significant.</u></p>
7-9, 37-1	3.9-13	“Mitigation Measures”	<p>No mitigation is required. <u>MM WQ-1.1: During dredge and fill operations, an integrated multi-parameter monitoring program shall be implemented by the LAHD Environmental Management Division in conjunction with both ACOE and LARWQCB permit requirements, wherein dredging performance is measured in situ. The objective of the monitoring program shall be adaptive management of the dredging operation, whereby potential exceedances of water quality objectives can be measured or predicted and dredging operations subsequently modified.</u></p> <p><u>If exceedances are observed, the LAHD’s Environmental Management Division shall immediately meet with the construction manager to discuss modifications of dredging operations to reduce turbidity to acceptable levels. This could include alteration of dredging methods, and/or implementation of additional BMPs such as a silt curtain.</u></p>

Response No.	Recirculated Draft SEIR Page No.	Location on Page	Recirculated Draft SEIR Additions (<u>underline</u>) and Deletions (strickethrough)
			<p>MM WQ-1.2: Coliform testing in the marina area shall be added to the ongoing Port-wide Monthly Harbor Water Quality Survey program. <u>Monitoring will provide an additional mechanism for tracking water quality changes over time and will provide evidence of localized problems to indicate a need for corrective actions.</u></p>
			<p>MM WQ-1.3: <u>Sewage pumpout installation and maintenance shall be performed in accordance with the guidelines and requirements of the Department of Boating and Waterways (DBW) and the State Water Resources Control Board (SWRCB). The project applicant shall design sewage pumpout facilities in accordance with the requirements of the state's Non-point Source Pollution Control Program administered by the SWRCB. The project applicant shall also use guidelines, developed by the DBW, that state all vessel terminals with a capacity for vessels 26 feet or longer should have one pumpout for every 300 slips 26 feet or longer. The sewage pumpout facility maintenance shall be in accordance with the State's Non-point Source Pollution Control Program.</u></p>
			<p>MM WQ-1.4: <u>Westrec Marinas shall install an oil/water separator at the fuel dock for the treatment of bilge water. The oil fraction shall be collected for hazardous waste disposal or recycling, in accordance with current regulatory programs. The water shall be directed to the sewer system for treatment.</u></p>
			<p>MM WQ-1.5: <u>Compliance with inventory and reporting program within the LAHD's Clean Marinas Program. Westrec Marinas shall complete a mandatory slip and dry storage annual inventory of marine sanitation devices by type, and shall report to LAHD's Environmental Management Division.</u></p>
37-2	3.9-14	After "Nutrients"	<p><u>Groundwater</u></p> <p><u>The groundwater in the harbor area is non-potable due to saltwater intrusion. If deep excavation is required, construction could result in dewatering in the local site vicinity, which could reverse the hydraulic gradient, causing saltwater intrusion or contamination to migrate to previously uncontaminated areas. Groundwater monitoring and containment during construction, as required by the NPDES General Construction Permit, will reduce potential impacts to non-contaminated soil and groundwater below significance thresholds. NPDES regulations, as discussed above, contain performance standards that are considered adequate to protect water quality. Compliance with these regulations will therefore reduce construction-related impacts to surface and groundwater quality to less-than-significant level. Additional information can be found in Recirculated Draft SEIR Chapter 3.8, "Groundwater, Soils, and Sediments."</u></p>
37-1	3.9-15	Last ¶ before "Mitigation Measures"	<p><u>The following tables list typical BMPs for dealing with potential construction-related water quality impacts (Table 3.9-2) and facility operational impacts (Table 3.9-3). Those BMPs applicable to the proposed project are identified and methods of implementation are briefly described. Additional detail regarding</u></p>

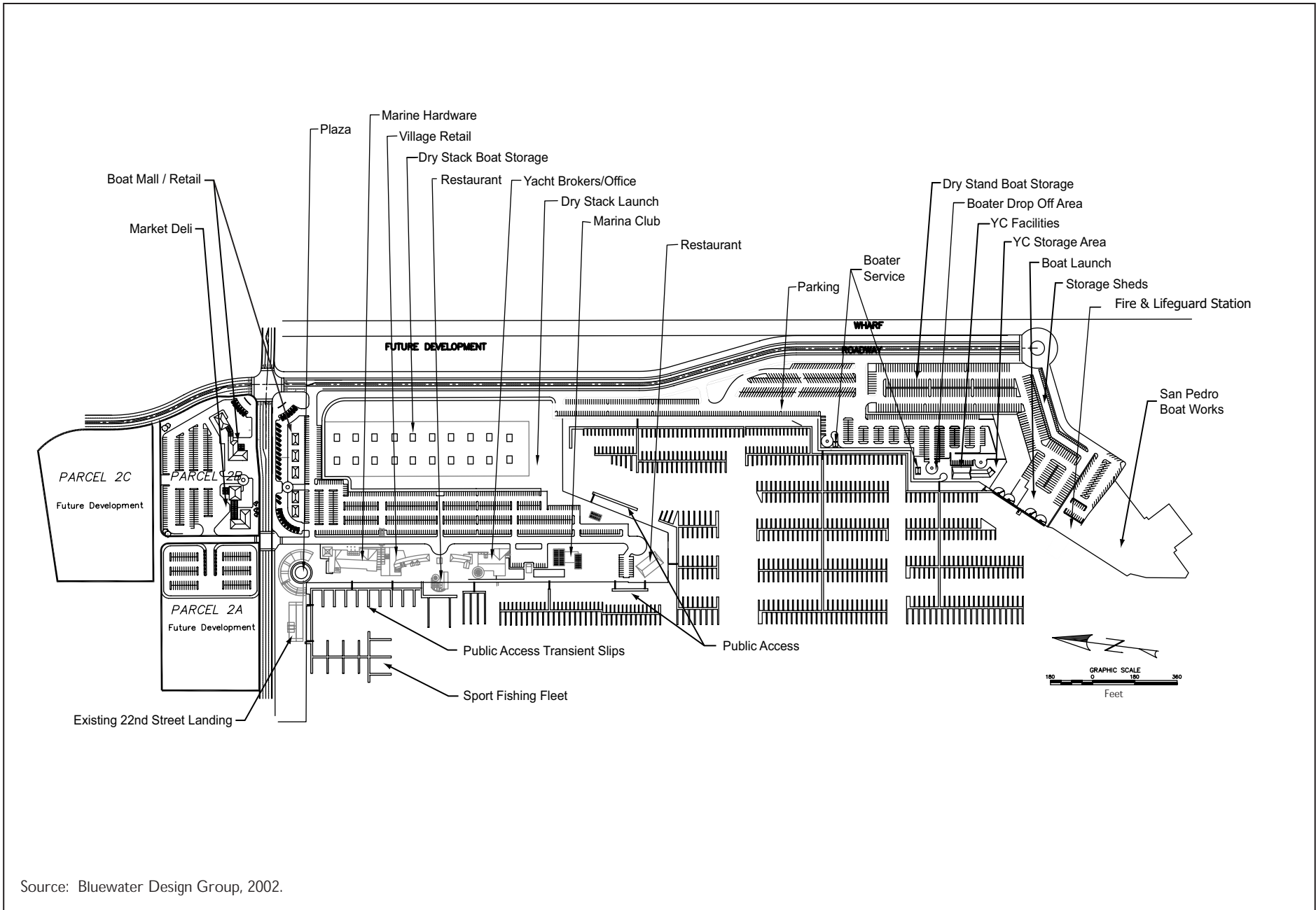
Response No.	Recirculated Draft SEIR Page No.	Location on Page	Measures?
37-1	3.9-15	<p>Recirculated Draft SEIR Additions (<u>underline</u>) and Deletions (strike through)</p> <p>BMP implementation will be required in the SWPPP documents for facility construction and operation.</p>	[Revised Tables 3.9-2 and 3.9-3 are provided in Appendix D of this Final SEIR]
7-8	3.9-16	MM WQ-3.1	<p>No mitigation is required. The SWPPP will implement <u>Compliance with both the GCASP and the GIASP NPDES permits, including implementation of SWPPP documents and associated BMPs, will provide protective measures to minimize impacts associated with increased stormwater runoff.</u></p> <p>MM WQ-3.1: The project applicant shall obtain certification <u>conform with applicable requirements of the Non-Point Source (NPS) Pollution Control Program. The project applicant shall design above ground fuel tanks all marina and recreational boating facilities whose operations could result in the accidental release of toxic or hazardous substances (including boat maintenance facilities, fueling facilities, sewage and liquid waste facilities, solid and hazardous waste disposal facilities) in accordance with the Marina and Recreational Boating Management Measures defined under the state's Non-Point Source Pollution Control Program administered by the State Water Resources Control Board (SWRCB). <u>As a performance standard, the measures shall be selected and implemented using the Best Available Technology that is economically achievable such that, at a minimum, relevant water quality criteria as outlined by the California Toxics Rule and the Basin Plan are maintained, or in cases where ambient water quality exceeds these criteria, maintained at or below ambient levels. The applicable measures are as follows:</u></u></p> <ul style="list-style-type: none"> ■ <u>Solid Waste Control — Properly dispose of solid wastes produced by the operation, cleaning, maintenance, and repair of boats to limit entry of these wastes to surface waters.</u> ■ <u>Fish Waste Control — Promote sound fish waste management, where fish waste is an NPS problem, through a combination of fish cleaning restrictions, education, and proper disposal.</u> ■ <u>Liquid Material Control — Provide and maintain the appropriate storage, transfer, containment, and disposal facilities for liquid materials commonly used in boat maintenance, and encourage recycling of these materials.</u> ■ <u>Petroleum Control — Reduce the amount of fuel and oil that leaks from fuel tanks and tank air vents during the refueling and operation of boats.</u> ■ <u>Boat Cleaning and Maintenance — Minimize the use of potentially harmful hull cleaners and bottom paints, and prohibit discharges of these substances to state waters.</u> ■ <u>Maintenance of Sewage Facilities — Maintain pumpout facilities in operational condition, and</u>

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			encourage their use so as to prevent and control untreated sewage discharges to surface waters.
			The education/outreach measure for marinas and recreational boating is summarized as follows:
■			Public Education — Institute public education, outreach, and training programs to prevent and control improper disposal of pollutants into state waters. LAHD is developing a Clean Marinas Program that will include outreach to marina operators and boaters regarding sewage discharge requirements. By providing sufficient facilities and educating marina tenants, the Clean Marinas Program will minimize direct sewage discharges and reduce the impacts to a less-than-significant level. At a minimum, the Phase II Cabrillo Marina project will provide pumpout stations at or above the 1:300 ratio. The program will include practices consistent with the guidelines currently being developed by the California Coastal Commission and which will be contained in a marina operator’s guide to clean marina practices.
7-8	3.9-16	MM WQ-3.2	The project applicant shall develop an approved Source Control Program for the above ground fuel tanks (SCP) with the intent of preventing and remediating accidental fuel releases. Prior to their construction, Westrec Marinas will develop an approved Source Control Program (SCP) for the fueling facilities and aboveground fuel tanks in accordance with LAHD guidelines established in the General Marine Oil Terminal Lease Renewal Program (Appendix J of the Recirculated Draft SEIR). The SCP will address immediate leak detection, tank inspection, and tank repair.
--	3.9-17	Impact WQ-4	Contaminants Long-term positive impacts are associated with dredging in the Watchorn Basin for the project. As with past dredging projects, potentially contaminated sediments would be removed, resulting in an improved subsea environment. Based on chemical and biological testing of the sediments to be dredged, these sediments could meet requirements for use as in-harbor fill in the fill areas on the project site or meet disposal requirements of the LA-2 offshore dredged material disposal site.
			An alternative disposal location could be the LAHD’s Upland Disposal Site at Anchorage Road or another approved upland location. Coordination with the Advisory Committee of the Los Angeles Region Contaminated Sediment Task Force would likely be required for ocean or in-harbor disposal options. Dredge material disposal would be conducted in accordance with all applicable laws and regulations. Impacts related to dredging and disposal activities would be less than significant.
--	3.11-6	Second bullet list, first item	■ Warehouses 6, 9, and 10 , constructed between 1911 and 1912 by the Outer Harbor Dock & Wharf Company (OHDWC) and the City of San Pedro; Warehouse 6 is a one-story wood-frame building with

Response No.	Recirculated Draft SEIR Page No.	Location on Page	Recirculated Draft SEIR Additions (<u>underline</u>) and Deletions (strike through)
5-29	End of ¶2		a low-pitch roof and wood drop siding. Warehouse 9 is a one-story wood-frame structure with a flat roof (with monitor) and wooden drop and board and batten siding. Warehouse 10 is a one-story wood-frame structure with a flat roof (with monitor) and wooden drop siding; a one-story, metal clad guard station and a wood framed storage shed are associated with Warehouse 6.
10-1	Appendix G, “Tenant and Development History”	Tables G-1 & G-2	Signage would also convey the legal prohibitions (and penalties for willful violation) against disposing of sewage, hazardous substances, and solid wastes in any waters. <u>All signage markers to be placed as part of the proposed project will be done in accordance with Title 14 of the California Code of Regulations, Article 6, 7000, et seq.</u> The Buccanneer Yacht Club has been added to the tenant history in Tables G-1 and G-2.

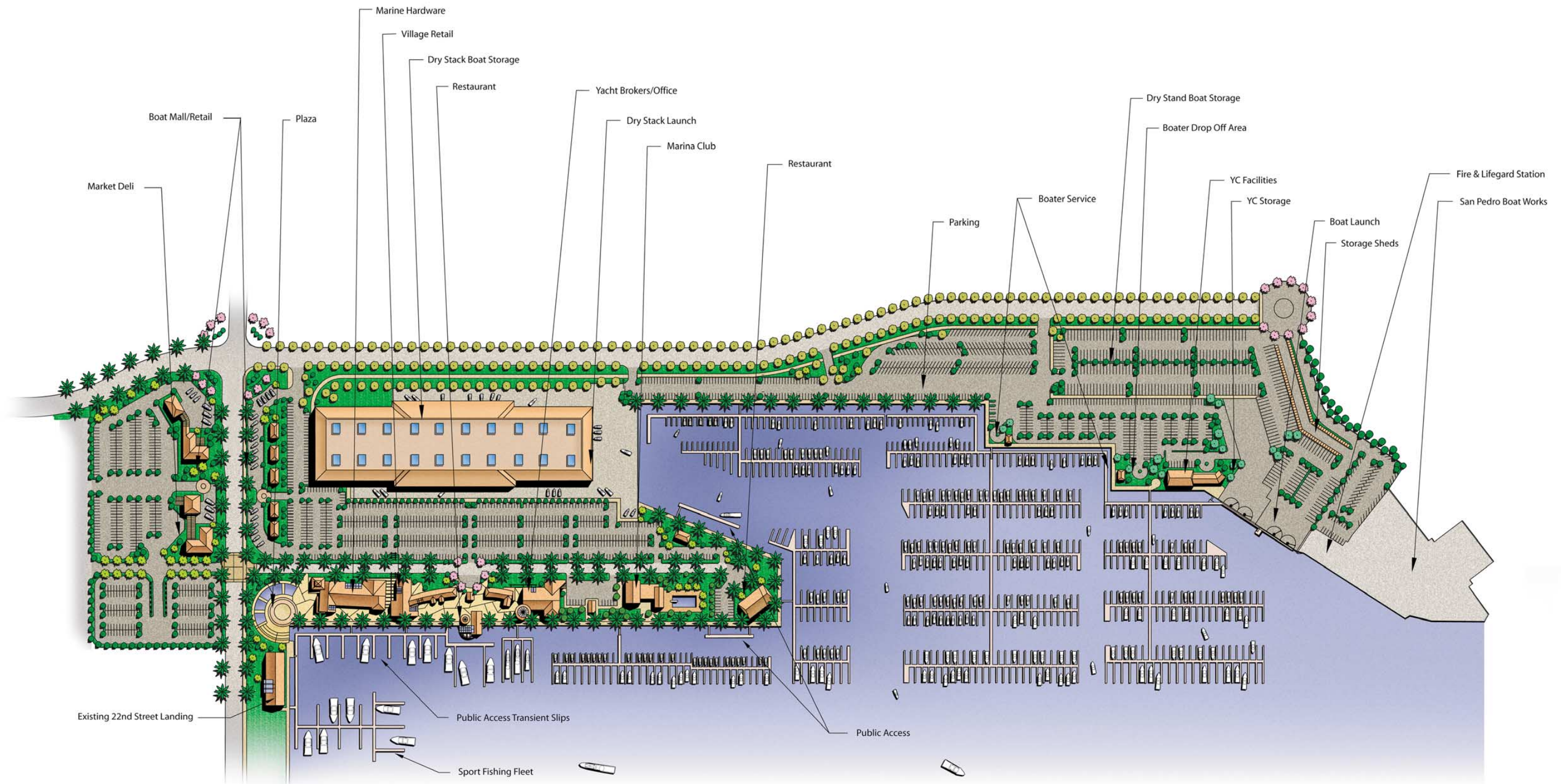


Source: Koll/Westrec Marinas, 1998.

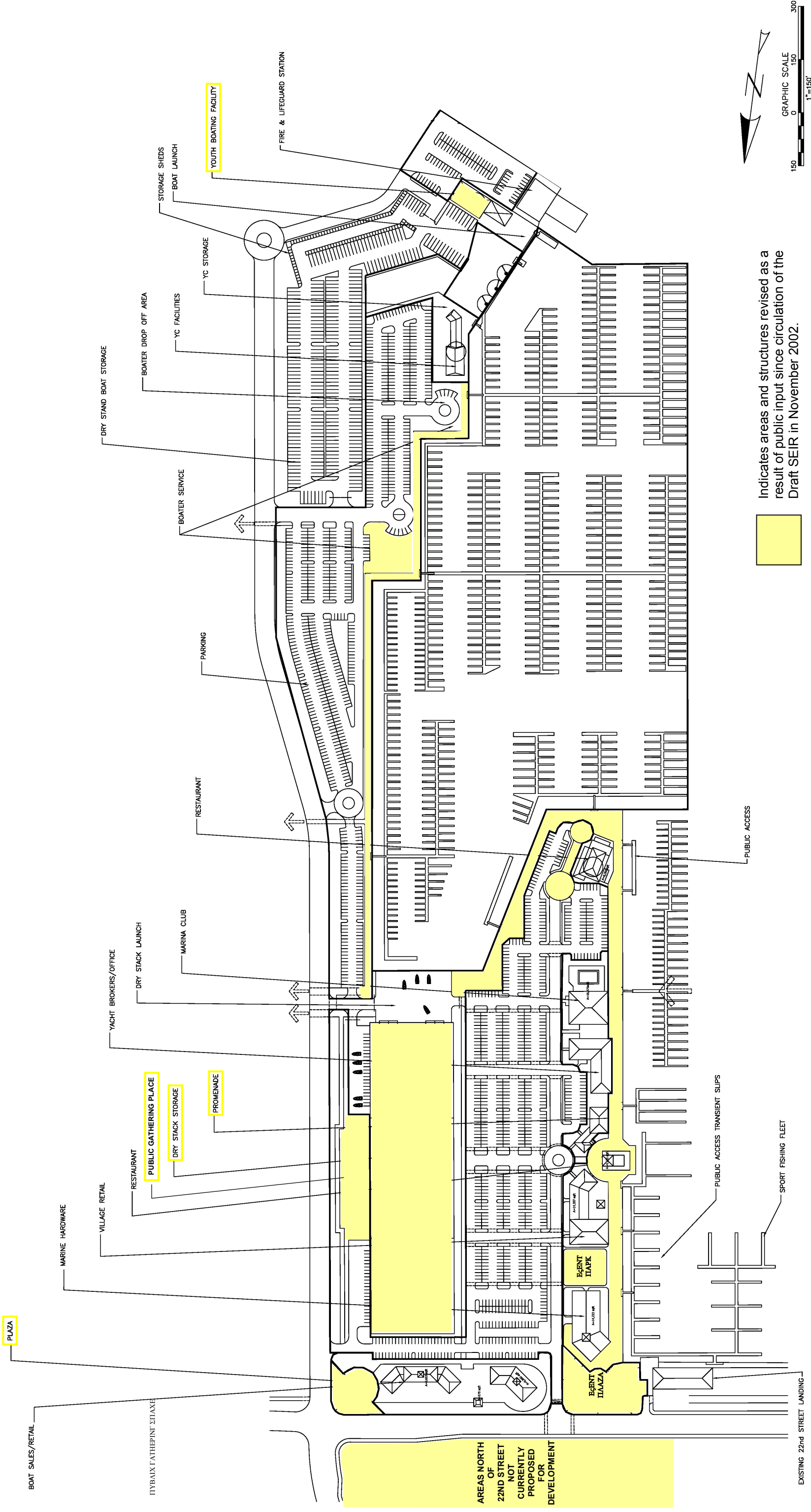


Source: Bluewater Design Group, 2002.

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 Source: DesignDriven & Bluewater Design Group, 2002.



Source: Bluewater Design Group, 2003.

Chapter 3

**Responses to Recirculated
Draft SEIR Comments**

Chapter 3

Responses to Recirculated Draft SEIR Comments

3.1 Distribution of the Recirculated Draft SEIR

The Recirculated Draft SEIR prepared for the LAHD was distributed to the public and regulatory agencies on November 18, 2002. Approximately 160 copies of the Recirculated Draft SEIR were distributed to various government agencies, organizations, individuals, and Port tenants. The comment period officially closed on January 31, 2003; however, comments received through February 6, 2003 are also addressed in the responses to comments.

The Recirculated Draft SEIR was made available for review at the following locations:

- L.A. Public Library, San Pedro Branch, 921 South Gaffey Street, San Pedro, California;
- L.A. Public Library, Central Branch, 630 West 5th Street, Los Angeles, California;
- L.A. Public Library, Wilmington Branch, 1300 North Avalon, Wilmington, California;
- Long Beach Public Library, Main Branch, 101 Pacific Avenue, Long Beach, California; and
- Los Angeles Harbor Department, Environmental Management Division, 425 South Palos Verdes Street, San Pedro, California.

The document was also available online at the Port of Los Angeles web site: <http://www.portoflosangeles.org/Environmental/publicnotice.htm>. A public meeting to take oral comments on the Recirculated Draft SEIR was held on January 14, 2003, in the Board Hearing Room, 425 S. Palos Verdes Street, San Pedro, California.

3.2 Comments on the Recirculated Draft SEIR

The LAHD received 38 letters commenting on the Recirculated Draft SEIR, as well as oral testimony provided at the January 14, 2003, public comment meeting. Table 3-1 lists each comment letter with an assigned identification number, the comment letter date, the commentor's name(s), and the page number on which the letter begins. All letters were reviewed, and they are reprinted in this chapter. All substantive comments (i.e., those that present new data, questions, or new issues bearing on the significant environmental effects of the proposed project and alternatives) are responded to in this chapter, immediately following the comment letter. Changes and corrections to the Recirculated Draft SEIR are enumerated in Chapters 1 and 2 of this Final SEIR.

Table 3-1. List of Commentors for the Recirculated Draft SIER

Letter No.	Comment Date	Commentor	Begins on Page
Public Agencies			
1	December 2, 2002	State Department of Transportation, District 7	3-26
2	December 9, 2002	Southern California Association of Governments	3-28
3	December 12, 2002	California Department of Boating and Waterways	3-30
4	January 7, 2003	City of Los Angeles Fire Department	3-32
5	January 17, 2003	California Department of Fish and Game	3-39
6	January 30, 2003	South Coast Air Quality Management District	3-42
7	January 30, 2003	California State Lands Commission	3-48
8	January 31, 2003	California Air Resources Board	3-58
9	January 31, 2003	City of Los Angeles Department of Transportation	3-93
Businesses and Individuals			
10	January 6, 2003	John McNaughton, Commodore, Buccaneer Yacht Club	3-100
11	January 15, 2003	Charles and Rebecca Rannells	3-102
12	January 17, 2003	Sean Conlon	3-104
13	January 23, 2003	S. Holwerda	3-109
14	January 25, 2003	Pat Trutanich	3-111
15	January 27, 2003	Antoni Trutanich	3-113
16	January 28, 2003	Andrew Silber, Owner, The Whale & Ale	3-115

Letter No.	Comment Date	Commentor	Begins on Page
17	January 28, 2003	Donald E. Hiniker, Vice President, Crescent Warehouse Company, Ltd.	3-117
18	January 28, 2003	Nick and Neil Guglielmo	3-119
19	January 28, 2003	Mona and Robert Reddick	3-121
20	January 29, 2003	Donald Kee, Stevedoring Services of America	3-123
21	January 30, 2003	Grieg Asher, AICP	3-125
22	January 30, 2003	Joel Malik, Owner, San Pedro Corporate Awards	3-134
23	January 31, 2003	James Brown	3-136
24	January 31, 2003	Douglas Epperhart	3-139
25	January 31, 2003	Cathy Beauregard-Covit	3-141
26	No Date	Danna McDonough	3-144
27	No Date	Linda L. Grimes, Eighteenth Street Marketing and Management Services	3-146
28	No Date	Fred Allen & Assoc.	3-148
29	No Date	Dr. James Holwerda	3-150
30	No Date	Cathy Ragland	3-152
Organizations			
31	December 10, 2002	Point Fermin Residents Association; June Burlingame Smith, President	3-155
32	January 14, 2003	Port of Los Angeles Community Advisory Committee, Cabrillo Marina Phase II Focus Group; Richard Havenick	3-158
33	January 26, 2003	Wilmington Waterfront Development Subcommittee; Donna Ethington, Chair	3-167
34	January 28, 2003	San Pedro and Peninsula Homeowners' Coalition; Noel Park, President	3-172
35	January 30, 2003	San Pedro Peninsula Chamber of Commerce; Leslie A. Smith, Executive Director	3-247
36	January 31, 2003	Palisades Residents Association of San Pedro; Bruce Biesman-Simons, President, AIA	3-250
37	January 31, 2003	Lawyers for Clean Water, Environment Now, Baykeeper, NRDC, CBE, Coalition for Clean Air; Daniel Cooper	3-254
38	January 31, 2003	Los Angeles Harbor-Watts Economic Development Corporation; Dennis Lord, Co-Chairman	3-277

Letter No.	Comment Date	Commentor	Begins on Page
Public Comment Meeting			
39	January 14, 2003	Transcript of public meeting to receive comments on the Recirculated Draft SEIR	3-280

3.3 Comments on the 1998 Draft SEIR

On December 7, 1998, the Draft SEIR for the West Channel/Cabrillo Marina Phase II Development Project was filed for a 45-day public review period that ended on January 31, 1999. Copies of the 1998 Draft SEIR were sent to all known interested parties and adjacent property owners, including those who requested the document either verbally or in writing. Copies of the document were available for review during the period at the Environmental Management Division Office, the San Pedro Branch Library, and the Wilmington Branch Library. Public notices of completion stating that the 1998 Draft SEIR was available for review were published in three newspapers: the Metropolitan News-Enterprise, Daily Breeze, and La Opinion on November 24, 1998. Twenty-four comment letters were received on the 1998 Draft SEIR, as listed in Table 3-2.

Table 3-2. List of Commentors for the 1998 Draft SIER

Letter No.	Comment Date	Commentor	Begins on Page
98/1	January 9, 1999	Noel Park	3-371
98/2	January 11, 1999	City of Los Angeles, Con Howe, Director of Planning/Jack Sedwick, Principal City Planner	3-373
98/3	January 11, 1999	Southern California Association of Governments, Arnold I. Sherwood, Director, Performance Assessment and Implementation	3-375
98/4	January 12, 1999	San Pedro Peninsula Chamber of Commerce, Joel Malik, 1998-9 President	3-391
98/5	January 12, 1999	City of Los Angeles, Bureau of Fire Prevention and Public Safety, Michael S. Fulmis, Assistant Fire Marshal	3-393
98/6	January 19, 1999	Noel Park	3-400
98/7	January 20, 1999	Linda Howat	3-405
98/8	January 21, 1999	Linda Howat	3-408
98/9	January 20, 1999	Laura Martin	3-410
98/10	January 21, 1999	Carlos Banuelos	3-412

Letter No.	Comment Date	Commentor	Begins on Page
98/11	January 21, 1999	City of Los Angeles, Department of Transportation, Robert Takasaki, Senior Transportation Engineer	3-414
98/12	January 15, 1999	Palisades Residents Association of San Pedro, Danna McDonough, President	3-418
98/13	January 20, 1999	San Pedro & Peninsula YMCA, Steve Thomas, Executive Director	3-420
98/14	January 20, 1999	John and Judy Scoble	3-422
98/15	January 21, 1999	Bernice Jessop	3-424
98/16	January 19, 1999	Nuts & Bolts Computer Consulting, Stephen Bradford	3-426
98/17	No Date	Cabrillo Beach Yacht Club, Gordon Whitney, Commodore	3-428
98/18	January 11, 1999	Cabrillo Beach Yacht Club, Eli Reuben, Staff Commodore	3-430
98/19	January 20, 1999	Noel Park	3-432
98/20	January 20, 1999	Point Fermin Residents Association, Carey Leviss, Co-President	3-435
98/21	January 21 1999	Linda and Jim Howat	3-440
98/22	January 22 1999	Department of Transportation, Transportation Planning Office, Stephen Buswell, IGR/CEQA Program Manager	3-443
98/23	January 25 1999	State of California, Governor's Office of Planning and Research, Antero A. Rivasplata, Chief, State Clearinghouse	3-450
98/24	February 4, 1999	Renee Simon Gormley	3-453

A number of issues were raised by agencies and the public during the public comment period for the original 1998 Draft SEIR. Draft responses to comments were prepared; however, for various reasons, the project was placed on hold and the Final SEIR was not completed, including the responses to public comments.

In 2002, the LAHD decided to revise and recirculate the Draft SEIR because the updated Cabrillo Way Marina Project scenario met the EIR recirculation criteria set forth in CEQA Guidelines Section 15088.5. The Recirculated Draft SEIR was distributed for public review on November 18, 2002.

The master responses and individual responses presented in Sections 3.6.1 through 3.6.5 of this chapter refer to the project description modifications that have transpired since the Recirculated Draft SEIR comment period in 2002. The details of the current project description are included in Chapter 1, "Executive Summary," of this Final SEIR.

As required by CEQA, the LAHD has reiterated and, where appropriate, expanded upon the responses to the 1998 Draft SEIR. Both the comments and responses are included below in Section 3.6.6, “1998 Draft SEIR Comments and Responses.”

3.4 Comment Review and Public Involvement

The CEQA process of commenting on the Recirculated Draft SEIR provided valuable community input into subsequent project planning efforts. Following review of the Recirculated Draft SEIR comment letters, numerous aspects of the project were reconsidered and modified as shown in Chapters 1 and 2.

In addition to the Recirculated Draft SEIR comments, the PCAC Cabrillo Marina Phase II Focus Group (PCAC Focus Group) held meetings with interested individuals, the project applicant (Westrec Marinas), and LAHD staff in order to more thoroughly convey and discuss aspects of the proposed project and to arrive at mutually acceptable means of resolving issues. A first step in that resolution was the PCAC Focus Group’s submittal of 15 recommendations for various project design elements. After Westrec Marinas and LAHD’s review of those recommendations and with the PCAC’s concurrence, the Board of Harbor Commissioners approved a contract with SMWM, a San Francisco architecture, planning, and design firm, as a community planning liaison. SMWM reviewed the project as proposed in November 2002, considered the PCAC subcommittee recommendations, and met with Westrec Marinas in March and April 2003. Subsequently, SMWM provided a summary and recommendations regarding the site planning and architectural aspects of the Cabrillo Way Marina Project (see Appendix A). Those efforts culminated in modifications to Westrec Marinas’ project design plans, as well as additional stipulations in the proposed lease.

3.5 Purpose of the Responses to Comments

In accordance with CEQA (Guidelines Sec. 15088), the LAHD has evaluated the comments on environmental issues received from agencies and other interested parties and has prepared written responses to each pertinent comment relating to the adequacy of the environmental analysis contained in the Recirculated Draft SEIR. In specific compliance with Section 15088(b) of the CEQA Guidelines, the written responses describe the disposition of the significant environmental issues raised. In particular, the major environmental issues raised when the lead agency’s position was at variance with recommendations and objections in the comments have been addressed in detail. In addition, where appropriate, reasons why specific comments and suggestions were not accepted have been provided. There has been good faith, reasoned analysis in response to comments, rather than conclusory statements unsupported by factual information.

The public comment and response aspect of the CEQA process serves an essential role. It allows the lead agency to assess the impacts of a project based

on the analysis of other responsible, concerned, or adjacent agencies and interested parties, and it provides the opportunity to amplify and explain better the analysis that the lead agency has undertaken to determine the potential environmental impacts of a project. To that extent, these responses to comments are intended to provide complete and thorough explanations to commenting agencies and individuals and to improve the overall understanding of the project for the decision-making body.

3.6 Responses to Comments

3.6.1 Master Responses

Some comments on the Recirculated Draft SEIR were raised frequently or were closely related to other comments. To avoid redundancy in responding to individual comments, master responses were prepared for similar comments. The master responses typically are more expansive than responses to individual comments, reflecting a response to concerns or issues raised by several commentors. Where appropriate, responses to individual comments refer to a master response.

Table 3-3 lists the master responses to comments received on the Recirculated Draft SEIR.

Table 3-3. List of Master Responses

Master Response Letter	Subject of Master Response	Begins on Page
A	Master response regarding the dry stack storage building and associated visual impacts	3-8
B	Master response regarding the light and glare impacts	3-9
C	Master response regarding the inclusion of a park	3-10
D	Master response regarding the application of thresholds in impact assessments	3-12
E	Master response regarding the “Bridge-to-Breakwater” master plan concept and promenade design	3-14
F	Master response regarding the mitigation of construction and operational air emissions	3-15
G	Master response regarding the “no net increase” policy	3-17
H	Master response regarding new or substantially modified mitigation measures	3-19

Master Response A: Master Response Regarding the Dry Stack Storage Building and Associated Visual Impacts

Recirculated Draft SEIR Chapter 3.6, “Aesthetics,” includes a complete discussion of the dry stack building as well as the aesthetics and views of the project site. Existing views are shown in Figures 3.6-5, 3.6-6, and 3.6-7 of the Recirculated Draft SEIR. The existing project site consists of parking, boat slips, vacant parcels, storage yards, and various buildings. Most boat docks and buildings are deteriorating and in need of repair or improvement. Neither the project site nor the buildings on site have any features that contribute to or enhance the aesthetic value of the site or the surrounding community. There is little structural coherence, no notable aesthetic landmarks, and no well-defined direction. Preservation of existing views of the site is not expected to enhance or provide a foundation for community identity. Additionally, existing unobstructed panoramic views of the ocean beyond the project site can only be found from a limited number of locations, and consist of a small horizontal strip above the built urban environment.

It is recognized that opinions regarding visual impacts from the dry stack building are relatively subjective and differ based on personal preference. However, based on public comment and interaction with the PCAC Focus Group, project plans have been revised to reduce the scale, height, bulk, and setbacks and improve the appearance of the dry stack building (see description in Section 1.7 of this Final SEIR, “Project Description”). The project applicant and LAHD, in consultation with the PCAC Focus Group, have redesigned the dry stack building so that its scale and massing are less visually prominent in the context of other Port developments. The revised building heights would be similar to the 40-foot-high fruit warehouse located directly adjacent to the site, east of Miner Street; the 30-foot-high Warehouses #9 and #10 north of 22nd Street; the 40-foot-high 22nd Street Landing building west of the site; and the 55- to 60-foot-high buildings located in the Cabrillo Marina Phase I development. Additionally, because the revised dry stack building would be constructed in three distinct linear sections (i.e., a 50-foot-high central section and 40-foot high northern and southern sections), the apparent bulk would be substantially reduced.

SMWM made specific architectural recommendations with the intent of the minimizing the scale of the building, including:

- drawing on the rich history of industrial warehouse buildings in immediately adjacent areas for design inspiration with regard to materials, color, articulation, and roof form;
- using an articulation that uses a typical pier shed door/bay modulation pattern;

- encouraging building transparency to mitigate the scale by having garage doors, windows, etc.; and
- mitigating the scale of the buildings by introducing permanent canopy and lighting elements along adjacent sidewalks.

In evaluating the modified dry stack building, the SMWM letter states, “[t]here is some loss of open water view, but within the context of the other development in the area, these impacts are not overwhelming.” The SMWM letter further indicates that the modifications “might reduce the visual impact of the building from a number of vantage points. Based on the simulations, this massing change might reduce the impact and preserve some views to the water.” Therefore, project implementation would not substantially block or diminish views of the ocean or valued aesthetic character of the site.

From a CEQA visual impact perspective, the originally proposed project was found to be less than significant. The proposed structural and architectural modifications further reduce perceived impacts, consistent with community recommendations.

LAHD staff recognizes the aesthetic impacts are a subjective issue and that some members of the community will view impacts as significant. Due to continuing controversy concerning the aesthetic impact from the project, LAHD staff is recommending that the Board of Harbor Commissioners apply an additional mitigation measure to reduce the visual impacts as follows:

***MM AES-1: Landscape Improvement and Beautification.** LAHD shall construct landscape improvements in areas neighboring the project in order to improve the visual appearance and aesthetics of the area. The area to be included in this mitigation measure includes the hillsides and areas adjacent to Harbor Boulevard, the bicycle path roughly parallel to Crescent Avenue, 22nd Street, and along Via Cabrillo Way and Shoshonean Road to the Cabrillo Marine Aquarium. The measure will include removal of non-native landscaping and vegetation and replacement with native plantings. Trails or walking paths with interpretive signs will be added where appropriate to further enhance the area.*

Master Response B: Master Response Regarding the Light and Glare Impacts

As stated in Recirculated Draft SEIR Chapter 3.5, “Light and Glare,” Port operations and adjacent areas are well lit during the night, which makes clear viewing of dark night skies rarely possible. This issue is compounded by the ambient lighting conditions within the project area that currently expose surrounding land uses to a high degree of exposure to light intensities. The artificial lighting in these areas is generated from point sources of unshielded light and indirectly from reflected light. To adequately light various areas of the

proposed project, this existing lighting environment would be expanded on or changed when required and would be considered an extension of the existing lighting in the Cabrillo Marina Phase I development. Although this new lighting source would result in increased ambient nighttime light levels as discussed in the Recirculated Draft SEIR, the increase would be considered less than significant.

As stated above, because of the visual sensitivity of surrounding land uses, the proposed project has incorporated a specific lighting strategy in order to further reduce potential visual impacts. As standard operating procedure within the Port, the proposed project design shall include the following components contained within the lighting strategy:

- The amount of lighting must be determined by the type of operation at a site, or a location, and should consider an acceptable minimum lighting level required for the safety of personnel and users of the facilities.
- The overall lighting plan would be designed in accordance with design guidelines and recommendations established by the Illuminating Engineering Society (IES), for intended area category.
- Professionals in the lighting industry would perform lighting design and produce an overall “point-by-point” light output study, which would be analyzed to address lighting issues during the design stage.
- Wherever applicable, specific light fixtures would be equipped with maximum light control optical characteristics, able to direct produced light to areas intended to be illuminated, and cutting light and glare from areas to remain not illuminated. For example, street light fixtures will be out of the maximum cutoff type and area lighting fixtures would be down lights.
- Use of floodlights shall absolutely be held to a minimum. In the event of utilizing floodlights, a lighting designer shall incorporate the floodlight output in the “Point-by-Point” study analysis. Based upon the lighting system analysis, the designer then shall develop an aiming diagram for the installation of floodlights.
- All lights shall be aimed away from off-site locations and shall include glare shields and hoods. The lamp enclosures and poles shall also be painted to reduce reflection.
- Luminaires shall be provided with filtering louvers and hoods.
- During installation, the luminaires shall be aimed and corrected by a field crew to aim the lights away from areas where spill light is a problem.
- Project lighting shall not include high intensity flood or spotlights.

Master Response C: Master Response Regarding the Inclusion of a Park

Some commentors have requested the LAHD examine a park as an alternative to the proposed project. The LAHD did not evaluate such an alternative in the EIR because a park does not meet the basic project objectives. The following are project objectives for the Cabrillo Way Marina site:

- replace deteriorated marina facilities with higher-value marine and visitor-oriented uses;
- provide waterfront access and use for the public;
- provide a vibrant public/private marina land and water community;
- provide a village of recreational marine and boating activities that draws together the boater, tourist, local, and regional residents and the Port-oriented business community;
- improve the area's visual characteristics through the elimination of deteriorated facilities and the upgrading of existing marina facilities;
- create a new destination waterfront amenity;
- provide a vessel stack storage facility to accommodate increased public boat use and greater convenience and efficiency for boaters;
- provide restaurants, tour/charter/rental opportunities, and other uses to accommodate visitors and boaters;
- provide facilities that cater to larger recreational vessels; and
- effectively compete with other waterfront facilities located in Long Beach and other nearby jurisdictions to retain businesses and expenditures that might otherwise be lost.

A park alternative would not meet these basic project objectives for the proposed marina development of this site and need not be evaluated in the EIR. The State CEQA Guidelines (Section 15126.6) include the following discussion regarding the consideration and discussion of alternatives:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.... An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. ... The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

The range of alternatives evaluated in the Recirculated Draft SEIR satisfies these requirements. Specifically, the Recirculated Draft SEIR examines a range of seven alternatives, including:

- Alternative 1, No-Project Alternative;
- Alternative 1A, No-Project/No-Build Alternative;
- Alternative 1B, No-Project/Reasonably Foreseeable Development Alternative;
- Alternative 2, Mirror Image Marina Development with Limited Retail;
- Alternative 3, 1998 Cabrillo Marina Phase II Proposal;
- Alternative 4, Modified 1998 Proposal; and
- Alternative 5, Alternative Location.

Sufficient space for a dedicated public park is not available in the project area under any feasible alternative that meets the current project objectives. However, as a result of public comment and input during the Recirculated Draft SEIR review period, substantial enhancements to walks, plazas, and landscaped public spaces will be provided as part of the project design. Most notably, design changes to the promenade have been accepted and the project proponent has committed to implement the Promenade/Public Space recommendations in the SMWM memorandum dated April 30, 2003:

- ensure that the promenade is on the water, generous (i.e., minimum 20-foot width), public in nature, and has multiple options for users;
- create a design distinction between the promenade and the sidewalks that are needed to serve the building and the parking areas;
- situate retail and public programs along the promenade to promote activity while ensuring that public access is maintained; and
- redesign the parking lot edges so they do not feel like the edge of a suburban office park—e.g., landscape the sidewalk like the public promenade, remove the signwalls, and landscape the parking lots.

In addition, two separate landscaped park areas have been incorporated into the project. One will be located adjacent to the waterfront promenade, and one will be located along the Miner Street portion of the promenade.

Master Response D: Application of Thresholds in Impact Assessments

In accordance with Section 15151 of the State CEQA Guidelines, the Recirculated Draft SEIR presents a good faith effort at full disclosure of the impacts on the residents of San Pedro and sensitive surrounding land uses. Further, the Recirculated Draft SEIR has a degree of analysis sufficient to

provide decision-makers and the public with information that enables them to make a decision that takes into account the project's environmental impacts. The methods of data gathering and the analysis are reasonable and well established. Further, the evidence presented supports the conclusions regarding the significance of the impacts. No additional data gathering and analysis are necessary for the Recirculated Draft SEIR to be considered adequate under CEQA.

The LAHD and its consultants have made their best efforts to predict and evaluate the reasonable, foreseeable, direct and indirect, and cumulative environmental impacts of the proposed project's impacts related to aesthetics, recreation, and light and glare. CEQA does not require the LAHD to engage in speculation about impacts that are not reasonably foreseeable.

Additionally, in accordance with the provisions of the CEQA Guidelines, where evidence and opinions of experts conflict on an issue concerning the environmental impacts of the proposed project, and the LAHD knows of these controversies in advance, the Recirculated Draft SEIR has identified the controversies, summarized the conflicting opinions, and included sufficient information to allow the public and decision-makers to take intelligent account of the environmental consequences of their actions.

In rendering a decision on a project where there is a disagreement among experts, the decision-makers are not obligated to select the most conservative, environmentally protective, or liberal viewpoint. They may give more weight to the views of one expert than to those of another, and need not resolve a dispute among experts. In their proceedings, they must consider the comments received and address objections, but need not follow said comments or objections so long as they state the basis for their decision and that decision is supported by substantial evidence.

While assessing impacts, it is common practice under CEQA for a lead agency to identify the quantitative or qualitative factors used to determine an impact's level of significance. Such factors are often referred to as thresholds. The word *threshold* in this context is simply a synonym for *criterion* or *factor* and is distinguishable from the formally *adopted* type of thresholds referred to in the State CEQA Guidelines (Section 15064.7). The lead agency has the discretion to determine the significance of impacts using any reasonable methodology and criteria it chooses. For this project, the LAHD has used thresholds found in the *City of Los Angeles Draft Thresholds Guide*. Since the LAHD is a department of the City of Los Angeles, the use of the city's thresholds guide is very appropriate.

Mitigation measures are not required for effects that are not found to be significant (State CEQA Guidelines, Section 15126.4[a][3]). As the lead agency responsible for preparing the EIR, the LAHD is required to identify whether each environmental impact of the proposed project is significant (State CEQA Guidelines, Section 15126.2). In determining the significance of an impact, the LAHD has broad discretion in deciding how to evaluate impacts and how to determine their significance. The determination of whether an impact is

significant requires a careful and detailed evaluation of the impact based on a variety of factors, including the sensitivity of the setting in which it will occur and the totality of facts and circumstances surrounding each particular issue.

However, as evidenced during the public review of the Recirculated Draft SEIR, further disagreements were raised regarding the subjective nature of the some impact assessments. The LAHD and Westrec Marinas considered those issues, and a process by which to resolve those issues was undertaken. With the involvement of the PCAC Focus Group, the resolution of community issues has taken the form of substantial modifications to the project. Any further disagreements will be noted and will be considered by the Board of Harbor Commissioners during the public hearing process. However, to be adequate under CEQA, the Final SEIR need not resolve all such disagreements.

Master Response E: Master Response Regarding the “Bridge-to-Breakwater” Master Plan Concept and Promenade Design

Since the issuance of the Recirculated Draft SEIR, the project has been reduced in scale and the project description has been revised accordingly. Please refer to Chapter 1, “Executive Summary,” for a complete discussion of these changes.

Based on meetings held during the Recirculated Draft SEIR review period, design review is to be completed by a panel of PCAC members designated by the PCAC Coordinated Plan Subcommittee using the services of an appropriate consultant. A consultant will perform independent design review of the Cabrillo Phase II project as part of its overall work to prepare the “Bridge-to-Breakwater” implementation plan. A project design and review schedule will be developed and approved prior to a design notice to proceed.

Section 15125(d) of the State CEQA Guidelines requires an EIR to discuss any inconsistency between the proposed project and applicable general plans and regional plans. This section does not, however, require the EIR to evaluate the project’s consistency with unofficial or informal plans developed by interest groups. The LAHD has, nevertheless, considered the WATCH report and the Urban Land Institute report in revising the proposed project. The project is consistent with the Promenade Guidelines that list principles regarding an overall project design as listed in the WATCH report. The project would provide a distinctive, original, creative design that has been created by professional designers. In addition, the project would be consistent with other area plans for downtown, San Pedro, and future water front development, and the project would be consistent with the State Tidelands Grant and is expected to stimulate the local economy and result in new business development. Most notably, the project would begin the process of creating a decorative, pedestrian-friendly promenade that would extend from bridge to breakwater and would include design themes consistent with existing waterfront areas.

Master Response C previously outlined the applicant and LAHD's commitment to implementing a series of changes to the promenade dimension, location, and fronting program. These changes are based upon community input, and will be consistent with the WATCH report and future design review recommendations.

Master Response F: Master Response Regarding the Mitigation of Construction and Operational Air Emissions

Several comments reiterate the Recirculated Draft SEIR (p. 3.3-7) in stating that PM_{10} and $PM_{2.5}$ pose a serious health hazard. The most serious risk is from exposure to small particles that result from diesel combustion. Although mitigated to a less-than-significant level by mitigation measure MM AQ-1 (Recirculated Draft SEIR p. 3.3-19), which requires the use of CARB-approved emulsified diesel fuels in lieu of diesel in all diesel powered construction equipment, an additional mitigation measure has been added to this Final SEIR, as follows:

***MM AQ-1.2:** CARB-approved diesel oxidation catalysts shall be installed in all four-stroke, turbo-charged diesel engines for which this technology is feasible.*

This mitigation measure, in combination with the requirement to use emulsified diesel fuel, will reduce PM_{10} by 50 percent and NO_x by 20 percent from uncontrolled levels. This is a significant reduction in total diesel particulate exhaust that will be emitted by construction of the project.

In addition, all of the fugitive dust mitigation measures listed by the SCAQMD in its comment (which go above and beyond the controls required by Rule 403) have been added to this Final SEIR to reduce fugitive dust that would be generated by project construction. A mitigation measure has been added to this Final SEIR, as follows:

***MM AQ-1.3:** To reduce fugitive dust emissions of PM_{10} , and in addition to full compliance with the SCAQMD's Rule 403, the LAHD shall ensure implementation of the following construction activity mitigation measures. The measures shall be conditions of grading and/or building permit issuance and submitted as notes on said plans or in a form acceptable to the LAHD.*

- *The simultaneous disturbance area shall be limited to 5 acres per day on the project property.*
- *Active grading sites shall be watered one additional time per day beyond that required by Rule 403.*

- *Contractors shall apply approved non-toxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas.*
- *Construction contractors shall provide temporary wind fencing around sites being graded or cleared.*
- *Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code.*
- *Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site.*
- *The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed.*

As stated in Recirculated Draft SEIR Chapter 3.3, “Meteorology and Air Quality,” the LAHD’s “no net increase” policy is not meant to be included as a mitigation measure for each Port project. LAHD staff does not believe it is the intention of the Board of Harbor Commissioners to hold individual projects immediately accountable for achieving “no net increase.” Even though the “no net increase” policy is not being applied to individual projects, the project’s proposed mitigation will substantially reduce diesel particulate emissions from construction activities.

Several comments also correctly state that for most pollutants a higher risk is faced by those living closer to a source of pollution as compared to those living farther away. However, several factors may alter this relationship, especially the topography and meteorology in the vicinity of an emissions source. Also, for some reactive pollutants, such as ozone, peak concentrations may occur up to 20 miles downwind from the emissions source.

The primary source of diesel exhaust from the proposed project would result from proposed construction activities. As described previously, mitigation measures have been included that would reduce the particulate component of diesel exhaust by 50 percent from uncontrolled levels.

Finally, the Recirculated Draft SEIR identified operational emissions from mobile sources as significant contributors that would exceed SCAQMD thresholds. The Recirculated Draft SEIR indicated that ROG, NO_x, and CO emissions would be significant and unavoidable. In response to several comments on the Recirculated Draft SEIR, the LAHD has included the following mitigation measures to reduce operational emissions impacts:

MM AQ-2.1: *Westrec Marinas shall complete a mandatory slip and dry storage annual inventory of engine type and age, and shall report to LAHD Environmental Management Division. Immediately upon*

completion of the first phase of slip replacements, LAHD will establish a Port-wide grant program to provide incentives to boat owners to replace older, high emission, 2-stroke engines with new technology, lower emission engines. Purchasers will have to document that their boat is kept at a marina located in the Port of Los Angeles. In addition, engines replaced as part of the program will need to be retired from service and recycled.

MM AQ-2.2: *Sales of separate engines on site shall be limited to CARB-approved modern technology—two stroke, four-stroke, or modern diesel engines. A report of sales inventory shall be submitted annually to LAHD to ensure compliance.*

MMAQ-2.3: *The marina operator shall limit diesel fuel availability at the marina to a single grade of low sulfur diesel combined with biodiesel at a ratio of 20% biodiesel to 80% diesel to reduce operational air quality impacts from boating activities. LAHD shall provide funding to allow sale of this alternative fuel at competitive prices.*

Even with the proposed mitigation, project-related ROG, NO_x, and CO emissions would be reduced by the use of cleaner burning engines, but emissions would remain at significant levels.

Master Response G: Master Response Regarding the “No Net Increase” Policy

Acting on the request of Mayor James Hahn, the Board of Harbor Commissioners adopted a “no net increase” policy as a goal to address air emissions and traffic impacts for future Port operations. At the PCAC meeting of March 21, 2002, Board President Commissioner Tonsich established that the “no net increase” baseline date would be October 10, 2001. The LAHD is currently conducting Port-wide air quality and traffic studies to inventory existing conditions, which would establish the baseline in accordance with the set date of October 10, 2001. The studies would serve as a framework for developing Port-wide programs to achieve “no net increase” in air emissions and traffic impacts within the Port as future projects come online. The results of those studies are not yet available.

In regards to air emissions, the LAHD is attempting to minimize air emissions on a project-by-project basis. However, the LAHD recognizes that many projects would not be able to individually provide adequate mitigation to offset potential impacts to “no net increase.” One of the factors contributing to this dilemma is that while the focus of minimizing air impacts in the Port is to reduce diesel particulates from Port operations, mitigation measures that would reduce diesel particulates could increase other criteria source emissions (i.e., NO_x, ROG, or ozone [O₃]). It is practically impossible to find enough measures to zero-sum the all emission categories on a project-by-project basis. Therefore, accounting for

the “no net increase” goal must be established on a Port-wide basis. For example, unless a new project with lower projected air emissions replaces an existing operation, any new operations would constitute an increase in air emissions.

Whereas the Recirculated Draft SEIR did not include any proposed air quality mitigation measures for operations of the proposed project, LAHD has now identified a range of mitigation measures that would be considered to reduce impacts. Even with these mitigation measures, however, impacts would remain significant and unavoidable for this specific project because the currently available range of feasible mitigation measures to reduce emissions from the project has been exhausted.

LAHD acknowledges that air emissions from this and many other individual projects—and the cumulative effects of those projects—will contribute to air quality impacts that cannot be mitigated in the near-term. To address these concerns, the LAHD is considering implementing a number of Port-wide programs as a feasible way to offset impacts from individual projects, improve overall air quality within the Port, and achieve the goal of “no net increase.” These types of offsets would involve LAHD implementing programs throughout the Port, potentially independent from any specific development project that would improve air quality. However, such programs would not constitute mitigation under CEQA for the proposed Cabrillo Marina project impacts because they have yet to be fully established and therefore cannot be directly tied to the proposed project at this time. They would however contribute to improvement of the cumulative condition. Such programs include, but would not be limited to, the following:

- Port of Los Angeles Clean Air Program:
 - vessel speed reduction,
 - terminal yard equipment emulsified fuels and diesel oxidation catalysts, and
 - vessel retrofits demonstration;
- Board Policy on Alternative Fuel Yard Tractors;
- Alternative Maritime Power (AMP) Program to provide shore-side power to vessels at berth;
- Low Sulfur Fuel Initiative for Hotelling Vessels to use the cleanest fuels available for electrical generators (maximum sulfur content to be no greater than 0.2 percent by weight);
- Carl Moyer Program and other incentive funding programs;
- regulatory requirements (although not a mitigation, this must be part of the “No Net Increase” Strategy); and
- Clean Marinas Program.

These measures are all aimed at reducing emissions Port-wide in support of the “no net increase” policy.

The Mayor’s direction on “no net increase” also applies to traffic impacts. LAHD staff believes that reasoning similar to that used for air emissions would also apply to traffic impacts. However, in the case of traffic impacts from the proposed project, there are mitigations available that result in “no net increase” in traffic impacts.

CEQA requires that all feasible mitigation measures be identified, and if determined not to be feasible, a justification for the reasoning of why a particular mitigation measure cannot be implemented shall be included within the findings at the time of project approval. This Final SEIR includes a list of all feasible mitigation measures, including new mitigation that will be implemented, along with some other mitigation measures that may or may not be feasible to implement in response to the proposed project. The Board of Harbor Commissioners would have the ultimate authority on approval of the project and the determination of the feasibility of the mitigation measures that would be included as part of the project. However, if the Board of Harbor Commissioners elects to approve the project, a Statement of Overriding Considerations must be adopted because air quality impacts for the proposed project would be significant and unavoidable, and the Board must find that the benefits of the project outweigh the environmental consequences.

Master Response H: Master Response Regarding New or Substantially Revised Mitigation Measures

The public review process of the Recirculated Draft SEIR provided valuable community input into the project planning efforts and the environmental commitments by the LAHD. Following review of the Recirculated Draft SEIR comment letters, several mitigation measures were added, and some of the mitigation measures contained within the Recirculated Draft SEIR have been substantially modified in response to public comment. The changes are designed to improve the character of the project and further reduce the environmental impacts of the project. The following mitigation measures have been added or substantially modified since the review of the Recirculated Draft SEIR:

Transportation/Traffic Impacts

***MM TRANS-1.2:** Undertake new traffic counts at 22nd/Mesa, 22nd/Pacific, and 22nd/Gaffey 1 year after new slip construction is completed. Follow-up monitoring of these intersections will provide a mechanism to monitor actual changes to intersection level of service and to take corrective action as necessary.*

Temporary Construction Traffic Impacts

MM TRANS-6.1: *The contractor shall develop a construction traffic control plan to minimize temporary traffic impacts during construction activities. The traffic control plan shall include provisions that would limit construction-related truck trips on roadways and state highways to off-peak commute periods. The plan would also include:*

- *the location(s) of any roadway or sidewalk closures,*
- *traffic detours,*
- *haul routes,*
- *hours of operation,*
- *protective devices,*
- *warning signs,*
- *access to abutting properties, and*
- *construction-related traffic scheduling.*

Air Quality Construction Impacts

MM AQ-1.2: *CARB-approved diesel oxidation catalysts shall be installed in all four-stroke, turbo-charged diesel engines for which this technology is feasible.*

MM AQ-1.3: *To reduce fugitive dust emissions of PM10, and in addition to full compliance with the SCAQMD's Rule 403, the LAHD shall ensure implementation of the following construction activity mitigation measures. The measures shall be conditions of grading and/or building permit issuance and submitted as notes on said plans or in a form acceptable to the LAHD.*

- *The simultaneous disturbance area shall be limited to 5 acres per day on the project property.*
- *Active grading sites shall be watered one additional time per day beyond that required by Rule 403.*
- *Contractors shall apply approved non-toxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas.*
- *Construction contractors shall provide temporary wind fencing around sites being graded or cleared.*
- *Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code.*

- *Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site.*
- *The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed.*

Air Quality Operational Impacts

MM AQ-2.1: *Westrec Marinas shall complete a mandatory slip and dry storage annual inventory of engine type and age, and shall report to LAHD Environmental Management Division. Immediately upon completion of the first phase of slip replacements, LAHD will establish a Port-wide grant program to provide incentives to boat owners to replace older, high emission, 2-stroke engines with new technology, lower emission engines. Purchasers will have to document that their boat is kept at a marina located in the Port of Los Angeles. In addition, engines replaced as part of the program will need to be retired from service and recycled.*

MM AQ-2.2: *Sales of separate engines on site shall be limited to CARB-approved modern technology—two stroke, four-stroke, or modern diesel engines. A report of sales inventory shall be submitted annually to LAHD to ensure compliance.*

MMAQ-2.3: *The marina operator shall limit diesel fuel availability at the marina to a single grade of low sulfur diesel combined with biodiesel at a ratio of 20% biodiesel to 80% diesel to reduce operational air quality impacts from boating activities. LAHD shall provide funding to allow sale of this alternative fuel at competitive prices.*

Aesthetic and Visual Impacts

MM AES-1: *Landscape Improvement and Beautification. LAHD shall construct landscape improvements in areas neighboring the project in order to improve the visual appearance and aesthetics of the area. The area to be included in this mitigation measure includes the hillsides and areas adjacent to Harbor Boulevard, the bicycle path roughly parallel to Crescent Avenue, 22nd Street, and along Via Cabrillo Way and Shoshonean Road to the Cabrillo Marine Aquarium. The measure will include removal of non-native landscaping and vegetation and replacement with native plantings. Trails or walking paths with interpretive signs will be added where appropriate to further enhance the area.*

Water Quality Mitigation

MM WQ-1.1: *During dredge and fill operations, an integrated multi-parameter monitoring program shall be implemented by the LAHD Environmental Management Division in conjunction with both ACOE and LARWQCB permit requirements, wherein dredging performance is measured in situ. The objective of the monitoring program shall be adaptive management of the dredging operation, whereby potential exceedances of water quality objectives can be measured or predicted and dredging operations subsequently modified. If exceedances are observed, the LAHD's Environmental Management Division shall immediately meet with the construction manager to discuss modifications of dredging operations to reduce turbidity to acceptable levels. This could include alteration of dredging methods, and/or implementation of additional BMPs such as a silt curtain.*

MM WQ-1.2: *Coliform testing in the marina area shall be added to the on-going Port-wide Monthly Harbor Water Quality Survey program. Monitoring will provide an additional mechanism for tracking water quality changes over time and will provide evidence of localized problems to indicate a need for corrective actions.*

MM WQ-1.3: *Sewage pumpout installation and maintenance shall be performed in accordance with the guidelines and requirements of the Department of Boating and Waterways (DBW) and the State Water Resources Control Board (SWRCB). The project applicant shall design sewage pumpout facilities in accordance with the requirements of the state's Non-point Source Pollution Control Program administered by the SWRCB. The project applicant shall also use guidelines, developed by the DBW, that state all vessel terminals with a capacity for vessels 26 feet or longer should have one pumpout for every 300 slips 26 feet or longer. The sewage pumpout facility maintenance shall be in accordance with the state's Non-point Source Pollution Control Program.*

MM WQ-1.4: *Westrec Marinas shall install an oil/water separator at the fuel dock for the treatment of bilge water. The oil fraction shall be collected for hazardous waste disposal or recycling, in accordance with current regulatory programs. The water shall be directed to the sewer system for treatment.*

MM WQ-1.5: *Compliance with inventory and reporting program within LAHD's Clean Marinas Program. Westrec Marinas shall complete a mandatory slip and dry storage annual inventory of marine sanitation devices by type, and shall report to LAHD Environmental Management Division.*

MM WQ-3.1: *The project applicant shall conform with applicable requirements of the Non-Point Source (NPS) Pollution Control Program.*

The project applicant shall design all marina and recreational boating facilities whose operations could result in the accidental release of toxic or hazardous substances (including boat maintenance facilities, fueling facilities, sewage and liquid waste facilities, solid and hazardous waste disposal facilities) in accordance with the Marina and Recreational Boating Management Measures defined under the state Non-Point Source Pollution Control Program administered by the State Water Resources Control Board (SWRCB). As a performance standard, the measures shall be selected and implemented using the Best Available Technology that is economically achievable such that, at a minimum, relevant water quality criteria as outlined by the California Toxics Rule and the Basin Plan are maintained, or in cases where ambient water quality exceeds these criteria, maintained at or below ambient levels. The applicable measures are as follows:

- *Solid Waste Control — Properly dispose of solid wastes produced by the operation, cleaning, maintenance, and repair of boats to limit entry of these wastes to surface waters.*
- *Fish Waste Control — Promote sound fish waste management, where fish waste is an NPS problem, through a combination of fish cleaning restrictions, education, and proper disposal.*
- *Liquid Material Control — Provide and maintain the appropriate storage, transfer, containment, and disposal facilities for liquid materials commonly used in boat maintenance, and encourage recycling of these materials.*
- *Petroleum Control — Reduce the amount of fuel and oil that leaks from fuel tanks and tank air vents during the refueling and operation of boats.*
- *Boat Cleaning and Maintenance — Minimize the use of potentially harmful hull cleaners and bottom paints, and prohibit discharges of these substances to state waters.*
- *Maintenance of Sewage Facilities — Maintain pumpout facilities in operational condition, and encourage their use so as to prevent and control untreated sewage discharges to surface waters.*

The education/outreach measure for marinas and recreational boating is summarized as follows:

- *Public Education — Institute public education, outreach, and training programs to prevent and control improper disposal of pollutants into state waters. LAHD is developing a Clean Marinas Program that will include outreach to marina operators and boaters regarding sewage discharge requirements. By providing sufficient facilities and educating marina tenants, the Clean Marinas Program will minimize direct sewage discharges and reduce the impacts to a less-than-significant level. At a minimum, the Phase II Cabrillo Marina project will provide pumpout stations at or above the 1:300*

ratio. The program will include practices consistent with the guidelines currently being developed by the California Coastal Commission and which will be contained in a marina operator's guide to clean marina practices.

MM WQ-3.2: *The project applicant shall develop an approved Source Control Program (SCP) with the intent of preventing and remediating accidental fuel releases. Prior to their construction, Westrec Marinas shall develop an approved SCP for the fueling facilities and aboveground fuel tanks in accordance with LAHD guidelines established in the General Marine Oil Terminal Lease Renewal Program (Appendix J of the Recirculated Draft SEIR). The SCP shall address immediate leak detection, tank inspection, and tank repair.*

The addition of these new mitigation measures or changes to existing mitigation measures does not result in new significant impacts or a substantial increase in the severity of an environmental impact. Additionally, the changes do not represent inadequacies in the conclusions of the Recirculated Draft SEIR, nor would these changes have precluded meaningful public review and comment. The changes merely clarify and/or amplify conclusions in the existing adequate Recirculated Draft SEIR.

3.6.2 Public Agency Comments and Responses

- 1. State Department of Transportation, District 7**
- 2. Southern California Association of Governments**
- 3. California Department of Boating and Waterways**
- 4. City of Los Angeles Fire Department**
- 5. California Department of Fish and Game**
- 6. South Coast Air Quality Management District**
- 7. California State Lands Commission**
- 8. California Air Resources Board**
- 9. City of Los Angeles Department of Transportation**

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

GRAY DAVIS, Governor *AT*

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, REGIONAL PLANNING
IGR/CEQA BRANCH
120 S. SPRING STREET
LOS ANGELES, CA 90012
PHONE (213) 897-4429
FAX (213) 897-1337



*Flex your power!
Be energy efficient!*

Comment Letter 1

December 2, 2002

IGR/CEQA cs/021155
Recirculated DEIR
City of Los Angeles
West Channel/Cabrillo Marina
Phase II Development Project
(Cabrillo Way Marina)
Harbor Blvd./22nd St.
Vic. LA-110-0.0
SCH # 1998041086

Mr. Ralph Appy
City of Los Angeles
Harbor Department
425 S. Palos Verdes St.
San Pedro, CA 90731

Dear Mr. Appy:

Thank you for including the California Department of Transportation in the environmental review process for the above-mentioned project. Based on the information received, we have the following comments:

- 1-1 | We recommend the implementation of a fair-share funding program on a pro rata basis to be used for project related traffic improvement projects.
- 1-2 | We recommend that construction related truck trips on State highways be limited to off-peak commute periods. Transport of oversize or overweight vehicles on State highways will need a Transportation Permit from the California Department of Transportation.

If you have any questions regarding our response, refer to our internal IGR/CEQA Record # cs/021155, and please do not hesitate to contact me at (213) 897-4429.

Sincerely,

STEPHEN BUSWELL
IGR/CEQA Branch Chief

cc: Mr. Scott Morgan, State Clearinghouse



"Caltrans improves mobility across California"

Caltrans, Stephen Buswell, IGR/CEQA Branch Chief (December 2, 2002)

Response to Comment 1-1

The comment states an opinion that a fair-share funding should be implemented to pay for needed traffic improvements. No change in the EIR is required to address this comment. However, this suggestion is noted and will be considered by the Board of Harbor Commissioners.

Response to Comment 1-2

The Recirculated Draft SEIR has been revised in response to this comment and the mitigation measure below has been added. (Please see Master Response H on Page 3-19 for a complete listing of mitigation measures that have been added or substantially modified since the review of the Recirculated Draft SEIR.)

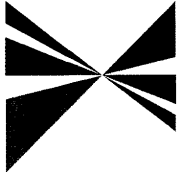
MM TRANS-6.1: The contractor shall develop a construction traffic control plan to minimize temporary traffic impacts during construction activities. The traffic control plan shall include provisions that would limit construction-related truck trips on roadways and state highways to off-peak commute periods. The plan would also include:

- *the location(s) of any roadway or sidewalk closures,*
- *traffic detours,*
- *haul routes,*
- *hours of operation,*
- *protective devices,*
- *warning signs,*
- *access to abutting properties, and*
- *construction-related traffic scheduling.*

PD
AL

Comment Letter 2

SOUTHERN CALIFORNIA



ASSOCIATION OF GOVERNMENTS

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Los Angeles, California
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San Bernardino County: Jon Mikels, San Bernardino County • Bill Alexander, Rancho Cucamonga • Lawrence Dale, Barstow • Lee Ann Garcia, Grand Terrace • Susan Lien, San Bernardino • Gary Ovit, Ontario • Deborah Robertson, Rialto

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Riverside County Transportation Commission: Robin Lowe, Hemet

Ventura County Transportation Commission: Bill Davis, Simi Valley

Printed on Recycled Paper 559-9705/02

December 9, 2002

Mr. Ralph G. Appy
Director of Environmental Management
Los Angeles Harbor Department
425 S. Palos Verdes Street, P. O. Box 151
San Pedro, CA 90733-0151

RE: SCAG Clearinghouse No. I 20020609 Recirculated Draft Supplemental EIR West Channel/Cabrillo Marina Phase II Development Project (Cabrillo Way Marina)

Dear Mr. Appy:

Thank you for submitting the Recirculated Draft Supplemental EIR West Channel/Cabrillo Marina Phase II Development Project (Cabrillo Way Marina) to SCAG for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

2-1

We have reviewed the Recirculated Draft Supplemental EIR West Channel/Cabrillo Marina Phase II Development Project (Cabrillo Way Marina, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project was published in SCAG's November 16-30, 2002 Intergovernmental Review Clearinghouse Report for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1867. Thank you.

Sincerely,


JEREMY M. SMITH, AICP
Senior Regional Planner
Intergovernmental Review



**Southern California Association of Governments,
Jeffrey M. Smith, AICP, Senior Regional Planner,
Intergovernmental Review (December 9, 2002)**

Response to Comment 2-1

The commentor notes that the proposed project is not regionally significant per SCAG intergovernmental Review Criteria and CEQA Guidelines, and that no comments are warranted. No response is necessary.

Comment Letter 3

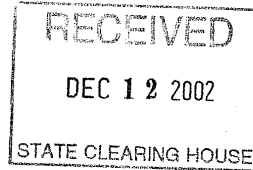
State of California

The Resources Agency of California
Department of Boating and Waterways

Memorandum

Date : December 9, 2002

To : Becky Frank
State Clearing House
P O Box 3044
Sacramento, CA 95812-3044



Clear
1.31.03
e

From : Mike Sotelo *Mike Sotelo*
Regulations Analyst.

Subject : SCH #98041086 West Channel/Cabrillo Marina Development Project
(Cabrillo Way Marina)

I have reviewed the two volumes of the above-referenced document and recommend that the following comments should be made regarding the above-referenced Draft Supplemental EIR.

- 3-1 1. Regulations (see pages 5-11, Vessel navigation): The section of the document states that all vessels would be expected to comply with all safe boating regulations and law enforcement requirements set forth by the Port Police and the United States Coast Guard. Comments should be made to remind the Los Angeles harbor Department of the requirement to submit any new boating regulations for our review in accordance with the local boating regulation adoption guidelines and review requirements specified in Sections 660 and 662 of the Harbors and navigation Code.
- 3-2 2. Water Markers (see page 5-29, signage for boaters) This section of the Document states that the launch site development would incorporate clearly visible signage informing boaters of the importance of safe fueling and the damage that fuel spills can cause to the environment. a comment should be made that if there are markers placed in or near the waterways that convey an official message to a boat operator on matters which affect health, safety or well-being, except for devices of the United States or an emergency of the United States, such markers must be placed accordance with the requirements of the states waterway marking system regulations, i.e., Title 14 of the California Code and Regulations, Article 6, 7000, et seq.

Department of Boating & Waterways 2000 Evergreen Street, Suite 100 Sacramento, CA 95815-3888

California Department of Boating and Waterways, Mike Sotelo, Regulations Analyst (December 9, 2002)

Response to Comment 3-1

The Recirculated Draft SEIR states that all vessels would be expected to comply with all safe boating regulations and law enforcement requirements set forth by the Port Police and USCG. Accordingly, the LAHD believes these existing regulations and compliance with them would be adequate to ensure and maintain safe boating operations within the project and adjacent waters. As such, the proposed project does not include the provision for any additional regulations beyond those set forth by the aforementioned agencies. However, should any additional regulations be proposed, they would be submitted for review as requested.

Response to Comment 3-2

Page 5-29 of the Recirculated Draft SEIR has been updated to reflect the fact that all signage to be placed as part of the proposed project will be done in accordance with Title 14 of the California Code of Regulations, Article 6, 7000.

Comment Letter 4

**BOARD OF
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**CITY OF LOS ANGELES
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JAMES K. HAHN
MAYOR

DEPARTMENT OF FIRE

200 NORTH MAIN STREET
LOS ANGELES, CA 90012

WILLIAM R. BAMATTRE
FIRE CHIEF

(213) 485-6003
FAX: (213) 485-8247

<http://www.lafd.org>

January 7, 2003



Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151
Attn: Andrew Jirik

Subject: **WEST CHANNEL/CABRILLO MARINA PHASE II**

PROJECT LOCATION

Cabrillo Way Marina, San Pedro.

PROJECT DESCRIPTION

The West Channel Development Area (WCDA) consists of two sites. The development plan for the aforementioned project site has 49 acres of land and 37 acres of water that will be master planned and developed under a unified program. The project site is also known as Site 2 of the Cabrillo Marina Phase II. Site I of the Cabrillo Marina Phase I which has 13 acres of land and 41 acres of water, is fully developed and operated by the Port of Los Angeles.

FIRE FLOW

4-1

The adequacy of fire protection for a given area is based on required fire-flow, response distance from existing fire stations, and this Department's judgment for needs in the area. In general, the required fire-flow is closely related to land use. The quantity of water necessary for fire protection varies with the type of development, life hazard, occupancy, and the degree of fire hazard.

Fire-flow requirements for the Port of Los Angeles, in general, will vary from 9,000 gallons per minute (G.P.M.) to 12,000 GPM. A minimum residual water pressure of 20 pounds per square inch (P.S.I.) is to remain in the water system, with the required gallons per minute flowing. The required fire-flow for this project has not been set because the Notice of Preparation does not include site specific projects at this time.

Andrew Jirik
January 7, 2003
Page 2

Improvements to the water system in this area may be required to provide the required fire-flow. The cost of improving the water system may be charged to the developer. For more detailed information regarding water main improvements, the developer shall contact the Water Services Section of the Department of Water and Power.

Based on a required fire-flow of 12,000 G.P.M., the first-due Engine Company should be within $\frac{3}{4}$ mile, the first-due Truck Company within one mile.

The Fire Department has existing fire stations at the following locations for initial response into the area of the proposed development:

Fire Station No. 48
1601 S. Grand Avenue
San Pedro, CA 90731
Task Force Truck and Engine Company
Hazardous Materials Unit
Staffing – 14
Mile – 0.4

4-2

Fire Station No. 112
550 Sampson Way
Berth No. 86
San Pedro, CA 90731
Boat 2
Single Engine Company
Paramedic Rescue Ambulance
Staffing – 13
Miles – 1.1

Fire Station No. 101
1414 - 25th Street
San Pedro, CA 90732
Paramedic Engine Company
Staffing – 4
Miles – 2.1

Fire Station No. 49
400 Yacht Street, Berth 194
Wilmington, CA 90744
Single Engine Company
Boats 3 and 4
Battalion 6 Headquarters
Staffing – 13
Miles – 5.0

Andrew Jirik
January 7, 2003
Page 3

- 4-2 Based on these criteria (response distance from existing fire stations), fire protection would be considered adequate. Based on these criteria (response distance from existing fire stations), fire protection would be considered adequate.

ENVIRONMENTAL/ADVERSE IMPACTS INCLUDES THE FOLLOWING:

All structures should be fully sprinklered in order to mitigate the excessive travel distance for Fire Department Truck Companies.

The installation of gates could cause delays in the delivery of Fire Suppression and Emergency Medical Services.

All gates shall be built to City Engineer's standards and be approved by the Fire Department prior to installation.

Remediation of contamination will require Fire Department involvement; the extent of Fire Department involvement will be dependent upon the scope and type of contamination identified. For more information, please contact the Fire Department's Underground Tanks Unit at (213) 485-7543.

- 4-3 Due to the potential for accidents, or upset conditions the risk of an explosion, or the release of hazardous substances is possible.

In order to minimize accidents and upset conditions, all development activities shall be in strict compliance with the Risk Management Plan (Los Angeles Harbor Department, 1983) and the Worldport LA Hazardous Facilities Relocation Plan.

The proposed project shall comply with all applicable State and local codes and ordinances, and the guidelines found in the Fire Protection and Fire Prevention Plan, as well as the Safety Plan, both of which are elements of the General Plan of the City of Los Angeles (C.P.C. 19708).

Definitive plans and specifications shall be submitted to this Department and requirements for necessary permits satisfied prior to commencement of any portion of this project.

In addition the mitigating measures indicated for the following areas will aid in reducing the adverse impacts to an acceptable level:

- 4-4 D. HAZARD MANAGEMENT

In an effort to control and minimize the hazards associated with this project, the following hazard reduction activities shall be provided:

Andrew Jirik
January 7, 2003
Page 4

- 4-4
 - The location, design, construction, and operation of all new or expanded development projects under the Port's jurisdiction shall be based on the latest safety standards appropriate to the intended facility.
 - When a facility project is proposed which will involve the shipping, handling, transfer, or storage of cargoes categorized by law as hazardous. An analysis of risk problems which may arise within the facility itself, and which may affect adjacent facilities, or areas shall be made. The results shall be used in locating, designing, constructing and regulating the subsequent operation of the proposed facility project.
 - New or expanded dry bulk cargo terminals shall be quipped with safe containment and recovery systems.
 - All new in-transit sheds, distribution storage facilities, and other such structures shall be constructed of fire proof or fire resistant materials. These structures shall also have an approved fire sprinkler system installed throughout.
 - New or expanded petroleum products and liquid bulk chemical tanker terminal berths shall be quipped with modern spill containment equipment to prevent the spread of any spill outside of the containment area.
 - The development, planning, operation of hazardous commodity terminals, transit sheds, and storage shall be subject to applicable provisions of the Los Angeles Fire Code.
 - All proposed projects and future projects shall conform with the Harbor Fire Protection Master Plan.
- 4-5
 - E. FIRE HYDRANTS
 - Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- 4-6
 - F. FIREFIGHTING APPARATUS ACCESS
 - Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan D-22549.
 - Standard cut-corners will be used on all turns.
 - During demolition, the Fire Department access will remain clear and unobstructed.

Andrew Jirik
January 7, 2003
Page 5

4-6

Fire lane shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.

Fire lanes, where required, and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.

CONCLUSION

4-7

The Los Angeles Fire Department continually evaluates fire station placement and overall Department services for the entire City, as well as specific areas. The development of this proposed project, along with other approved and planned projects in the immediate area, may result in the need for the following:

- 1. Increased staffing for existing facilities.
- 2. Additional fire protection facilities.
- 3. Relocation of present fire protection facilities.

For additional information, please contact Inspector Michael Theule of the Construction Services Unit at (213) 482-6509.

WILLIAM R. BAMATTRE
Fire Chief



Alfred B. Hernandez, Assistant Fire Marshal
Bureau of Fire Prevention and Public Safety

ABH:MT:gm
c:las lomas

City of Los Angeles Fire Department, Alfred B. Hernandez, Assistant Fire Marshal, Bureau of Fire Prevention and Public Safety (January 7, 2003)

Response to Comment 4-1

The commentor's assessment pertaining to required fire flows is noted and does not require a change to the Recirculated Draft SEIR. As stated on Page 3.12-2 of the Recirculated Draft SEIR:

Fire protection capabilities are also dependent on the required fire flow (i.e., water quantities necessary for fire protection). Fire flow requirements vary from 2,000 gallons per minute (gpm) in low-density residential areas to 9,000–12,000 gpm in commercial/industrial areas. The LAFD will make the determination regarding the fire flow requirements for the proposed project during the design and review process. To fulfill fire flow requirements for the proposed project would potentially use the following existing water mains:

- *the 16-inch water main north of 22nd Street along Miner Street;*
- *the 12-inch water main south of 22nd Street along Miner Street; and*
- *the 12-inch water main along of 22nd Street (McEleney pers. comm.).*

Additionally, it is expected that a residual 20 pounds per square inch pressure would remain in the lines even at the full utilization of 12,000 gpm.

Response to Comment 4-2

The commentor's assessment pertaining to fire services response times is noted and does not require a change to the Recirculated Draft SEIR. As discussed above, it is expected that the required fire flow would be obtained utilizing the three available water mains within the vicinity of the proposed project. If these mains were determined to be inadequate, the appropriate improvements would be made prior to construction.

Response to Comment 4-3

The comment is noted and does not require a change to the Recirculated Draft SEIR. Accordingly, the proposed project would be constructed in compliance with all applicable fire and buildings codes pertaining to gating, sprinkler systems, and all other requirements related to fire prevention. Additionally, the project would be compliant with the Los Angeles Harbor Risk Management Plan and all other applicable state and local codes and ordinances contained in the Fire Protection and Fire Prevention Plan.

Response to Comment 4-4

The LAHD acknowledges the commentor's suggestion related to the dangers associated with the handling, disposal, and overall use of hazardous materials. Accordingly, Recirculated Draft SEIR Chapter 3.14, "Risk of Upset," discloses potential impacts related to hazardous waste and potentially dangerous materials that would be utilized during construction and operation of the proposed project. As discussed in that chapter, safety measures and standard protocols regarding the safe handling, disposal, and use of hazardous substances have been incorporated to the proposed project. These protocols have been determined to be sufficient to reduce impacts associated with hazardous waste and dangerous materials to less-than-significant levels.

Response to Comment 4-5

The proposed project would include the appropriate number of on- and off-site fire hydrants in accordance with the fire code and requirements set forth by the LAFD.

Response to Comment 4-6

The project will comply with all requirements specified in the comment. Additionally, firefighting apparatus access will be maintained by providing a wide, dedicated median down Miner Street to serve as secondary access for the Yacht Club buildings. Access to/from Fire Station 110 will also be maintained by providing 20-foot wide clear roadway access and at least six parking stalls, in accordance with LAHD discussions with LAFD representatives. The final site plans will be reviewed and approved by the Bureau of Fire Prevention, Constriction Services, Hydrant and Access Unit.

Response to Comment 4-7

This commentor assesses the potential need for additional fire staff and facilities, as well as the potential relocation of existing facilities. Accordingly, Recirculated Draft SEIR Chapter 3.12, "Public Services and Utilities," states that future projects in the area would be evaluated on a project-by-project basis and would incorporate measures to reduce any potentially significant impacts on emergency services.



State of California - The Resources Agency

GRAY DAVIS, Governor

DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov
Marine Region
20 Lower Ragsdale Drive, Suite #100
Monterey, CA 93940
(831) 649-2870



Comment Letter 5

January 17, 2003

Dr. Ralph Appy
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90733-0151

Dear Dr. Appy:

The Department of Fish and Game (Department) has reviewed the Port of Los Angeles' (Port) Recirculated Draft Supplemental Environmental Impact Report for the West Channel/Cabrillo Marine Phase II Development Project (Cabrillo Way Marina), Los Angeles Harbor, California, SCH No. 980410866. The proposed project is the second phase of improvements within the West Channel/Cabrillo Beach Recreational Complex. Project components include: full or partial demolition of existing buildings, paving docks, berths and piers to accommodate new facilities. Landside infrastructure improvements include: grading, storm drains, utility systems, landscaping, irrigation, and fencing. Waterside improvements include: dredging, excavation, landfill, and construction of riprap. The marina improvements include: demolition and replacement of old facilities with new modern floating dock systems. Shore side support, pedestrian linkages, a waterfront promenade, dry stack boat storage building, fuel dock and pump out facilities, and other boater services are also proposed. To obtain the desired waterside configuration, the project will excavate 1.12 acres of land in the vicinity of Berths 40 and 40a and fill 3.53 acres of adjacent marine habitat. This will result in a net loss of 2.41 acres of marine habitat. The Port proposes to utilize credits from either the Inner Harbor Mitigation Bank or the Bolsa Chica Mitigation Bank as compensation for the lost marine habitat.

5-1

The Department believes that the environmental document is adequate in its portrayal of impacts to fish and wildlife resources and habitats associated with the project. We agree that the 2.41-acre fill of marine habitat requires compensatory mitigation. The site of the proposed fill is considered "inner harbor" habitat pursuant to both the Inner Harbor Agreement and the Bolsa Chica Agreement. Thus, the application of mitigation credits from either Agreement would fully mitigate the loss of inner harbor marine habitat. However, we request that the Port to provide a written updated account of debits/credits and the new balance, after debiting the Cabrillo Way Marina Project, for the selected Bank.

Conserving California's Wildlife Since 1870



We thank you for the opportunity to express our concerns. As always, Department personnel are available to discuss our comments, concerns, and recommendations in greater detail. To arrange for a discussion, please contact Ms. Marilyn Fluharty, Environmental Specialist, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, telephone (858) 467-4231.

Sincerely,



Eric J. Larson,
Northern California Manager/
Bays and Estuaries Ecosystem Coordinator
Marine Region

cc: Ms. Becky Frank (Original sent to Lead Agency)
State Clearinghouse, Sacramento

Ms. Marilyn J. Fluharty
Department of Fish and Game, San Diego

Ms. Deborah Johnston
Department of Fish and Game, Monterey

Mr. Robert Hoffman
NOAA Fisheries, Long Beach

Mr. Jack Fancher
U.S. Fish and Wildlife Service, Carlsbad

**California Department of Fish and Game, Eric J.
Larson, Northern California Manager/Bays and
Estuaries Ecosystem Coordinator, Marine Region
(January 17, 2003)**

Response to Comment 5-1

The comment regarding the analysis of potential impacts to fish, wildlife, and habitat resources is so noted, but no change to the Recirculated Draft SEIR is required.

The interagency accounting letter included in the 1998 Draft SEIR provided an accurate accounting of the Inner Harbor Bank with a positive balance. Similarly, the Channel Deepening EIS/EIR (ACOE and LAHD 2000) includes an accounting of mitigation available in the Bolsa Chica Bank with a positive balance. LAHD will select the bank to be debited at the time of the Section 404 permit process issuance and provide an updated accounting of the banks at that time.

Comment Letter 6

SSC 909 396 3324

P.2

**South Coast
Air Quality Management District**21865 E. Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov**FAXED: JANUARY 30, 2003**

January 30, 2003

Mr. Ralph G. Appy
Director, Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90733-0151

Dear Mr. Appy:

**Recirculated Draft Supplemental Environmental Impact Report (RDSEIR):
West Channel/Cabrillo Marina Phase II**

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated in the Final Supplemental Environmental Impact Report.

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the certification of the Final Supplemental Environmental Impact Report. The AQMD would be happy to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Charles Blankson, Ph.D., Transportation Specialist – CEQA Section, at (909) 396-3304 if you have any questions regarding these comments.

Sincerely

A handwritten signature in black ink that reads "Steve Smith".

Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development & Area Sources

Attachment

SS: CB

LAC021119-01
Control Number

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P.3

Ralph Appy

-1-

January 30, 2003

**Recirculated Draft Supplemental Environmental Impact Report (RDSEIR):
West Channel/Cabrillo Marina Phase II**

- 6-1 1. **Construction Emissions :** According to Table 3.3-1 and the discussion in the third paragraph on page 3.3-18, the fourth quarter of 2004 and the first quarter of 2005 are projected to have the maximum daily construction emissions because construction activities (infrastructure) for all three phases are expected to overlap with the operation phases (facilities) of phases 1 and 2. Based on this assumption, the total daily construction emissions in Tables 3.3-6 and 3.3-7 appear to be underestimated. The lead agency needs to clarify this apparent discrepancy or correct the total daily construction emissions in both tables.
- 6-2 2. **Significant PM₁₀ Emissions:** In light of comment #2 above, if total daily PM₁₀ emissions are incorrectly summed in Tables 3.3-6 and 3.3-7, representing an underestimation of construction emissions, PM₁₀ emissions in Table 3.3-7 would very likely exceed the significance threshold of 150 pounds per day. In this situation additional mitigation measures would be warranted, if available and feasible.
- 6-3 3. **URBEMIS 2002:** According to the information in Appendix C, construction, area source, and some operation emissions estimates were calculated using URBEMIS 2002 version 7.2.4. This model is currently not publicly available and, in fact, is still undergoing beta testing to identify bugs, errors, or other flaws. As a result, the emission estimates may be inaccurate but the public has no way to verify the results since the model is not yet available. Further, the results cannot be verified using the currently available version of URBEMIS because the construction module is substantially different in URBEMIS 2002 and the specific land use categories analyzed in the RDSEIR are not available for the URBEMIS 2001 model.
- 6-4 4. **Project Mitigation Measures:** The lead agency states in paragraph four on page 3.3-18, "Even with implementation of all of the above listed mitigation measures,...construction emissions would exceed the SCAQMD's daily thresholds for ROG, NO_x and CO." However, there is no listing in the text of any specific mitigation measures apart from requiring aqueous diesel fuel. Even under section 3.3.3.5 *Mitigation Monitoring Plan Summary* on page 3.3-25 of the RDSEIR, only the aqueous diesel fuel mitigation measure is listed. The lead agency mentions indirectly in the Notes under Tables 3.3-6 and 3.3-7 that mitigation measures "associated with SCAQMD Rule 403 for fugitive dust control" will be implemented. AQMD staff recommends that for a project with substantial ROG, NO_x and CO emissions, it is important for the lead agency to explicitly list the specific mitigation measures that will be implemented to reduce project emissions. This will facilitate project review and implementation as well as monitoring. It is recommended that the lead agency consider requiring some of the following mitigation measures to reduce emissions from the emission sources listed on page 3.3-13:
 - Water active grading sites one time more than would be required under Rule 403.

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Ralph Appy

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January 30, 2003

6-4

- Apply approved non-toxic chemical soil stabilizers to all inactive construction areas or replace ground cover in disturbed areas.
- Provide temporary wind fencing around sites being graded or cleared.
- Trucks hauling dirt, sand or gravel are to be covered or should maintain at least two feet of freeboard in accordance with Section 23114 of the California Vehicle Code.
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving construction site.
- Reduce area graded to no more than five acres per day.
- Suspend all grading and excavating operations when wind speeds exceed 25 mph.

South Coast Air Quality Management District, Steve Smith, Ph.D., Program Supervisor, CEQA Section, Planning, Rule Development & Area Sources (January 30, 2003)

Response to Comment 6-1

The Recirculated Draft SEIR was revised to respond to this comment. The commentor points out a mathematical error in Tables 3.3-6 and 3.3-7. That error has been corrected in the revised versions of the tables provided in Appendix C of this Final SEIR.

The commentor also states that the construction activities (infrastructure) overlap with operational emissions (facilities). However, infrastructure and facilities are two separate parts of the Cabrillo construction emissions. Infrastructure involves site grading and associated earthmoving construction activities. Emissions associated with facilities are actually those associated with construction of buildings and other supporting structures. Potential overlap between construction and operational phase emissions will be minimized by mitigation measures AQ-2.1 through AQ-2.3, which include programs and incentives to reduce boat engine emissions. (Please see Master Response H on Page 3-19 for a complete listing of mitigation measures that have been added or substantially modified since the review of the Recirculated Draft SEIR.)

***MM AQ-2.1:** Westrec Marinas shall complete a mandatory slip and dry storage annual inventory of engine type and age, and shall report to LAHD Environmental Management Division. Immediately upon completion of the first phase of slip replacements, LAHD will establish a Port-wide grant program to provide incentives to boat owners to replace older, high emission, 2-stroke engines with new technology, lower emission engines. Purchasers will have to document that their boat is kept at a marina located in the Port of Los Angeles. In addition, engines replaced as part of the program will need to be retired from service and recycled.*

***MM AQ-2.2:** Sales of separate engines on site shall be limited to CARB-approved modern technology—two stroke, four-stroke, or modern diesel engines. A report of sales inventory shall be submitted annually to LAHD to ensure compliance.*

***MMAQ-2.3:** The marina operator shall limit diesel fuel availability at the marina to a single grade of low sulfur diesel combined with biodiesel at a ratio of 20% biodiesel to 80% diesel to reduce operational air quality impacts from boating activities. LAHD shall provide funding to allow sale of this alternative fuel at competitive prices.*

Response to Comment 6-2

The Recirculated Draft SEIR was revised to respond to this comment. The commentor notes that the emissions were incorrectly summed in Tables 3.3-6 and 3.3-7. An additional mitigation measure—installation of diesel oxidation catalysts—has been included as recommended by the California Air Resources Board (ARB) and SCAQMD. (Please see Master Response H on Page 3-19 for a complete listing of mitigation measures that have been added or substantially modified since the review of the Recirculated Draft SEIR.)

***MM AQ-1.2:** CARB-approved diesel oxidation catalysts shall be installed in all four-stroke, turbo-charged diesel engines for which this technology is feasible.*

This mitigation measure, in combination with the requirement to use emulsified diesel fuel, will reduce PM₁₀ by 50 percent from uncontrolled levels. This is a significant reduction in total diesel particulate exhaust that will be emitted by construction of the project.

Although the diesel oxidation catalysts reduce PM₁₀ exhaust emissions, they have no effect on fugitive dust emissions. Consequently, additional fugitive dust control measures have been incorporated as mitigation. Those dust controls include those recommended by the SCAQMD, as follows:

***MM AQ-1.3:** To reduce fugitive dust emissions of PM10, and in addition to full compliance with the SCAQMD's Rule 403, the LAHD shall ensure implementation of the following construction activity mitigation measures. The measures shall be conditions of grading and/or building permit issuance and submitted as notes on said plans or in a form acceptable to the LAHD.*

- *The simultaneous disturbance area shall be limited to 5 acres per day on the project property.*
- *Active grading sites shall be watered one additional time per day beyond that required by Rule 403.*
- *Contractors shall apply approved non-toxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas.*
- *Construction contractors shall provide temporary wind fencing around sites being graded or cleared.*
- *Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code.*
- *Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site.*

- *The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed.*

The residual impacts statement on Page 3.3-19 of the Recirculated Draft SEIR indicates that implementation of MM AQ-1 “...would reduce impacts of PM₁₀ and NO_x, but impacts from emissions of ROG and CO are not able to be reduced. Even with this mitigation measure, NO_x emissions, along with ROG and CO are considered significant and unavoidable.” Therefore, mitigation measures AQ-1.2 and AQ-1.3 will further minimize PM₁₀ and NO_x emissions and the PM₁₀ impacts will remain less than significant. Emissions of NO_x, ROG, and CO will remain significant and unavoidable, as indicated in the Recirculated Draft SEIR.

Response to Comment 6-3

The commentor is correct that both construction and operational emissions were originally estimated with the beta version of URBEMIS2002. The public version of URBEMIS2002 was released in May 2002 and is currently available on the SCAQMD’s website (<http://www.aqmd.gov/ceqa/urbemis.html>). The most recent estimates of construction and operational emissions included in this Final SEIR were made using the publicly available version of URBEMIS2002. Appendix C contains the detailed URBEMIS2002 output showing the project’s estimated construction and operational emissions.

Response to Comment 6-4

The Recirculated Draft SEIR was revised to respond to this comment. Response to Comment 6-2 indicates that additional mitigation measures have been added to this Final SEIR in concurrence with SCAQMD’s recommendations. As indicated, Mitigation Measures AQ-1.2 and AQ-1.3 will further minimize PM₁₀ and NO_x emissions, and the PM₁₀ impacts will remain less than significant after mitigation. In addition, new mitigation measures have been proposed (see Master Response H). However, emissions of NO_x, ROG, and CO will remain significant and unavoidable, as indicated in the Recirculated Draft SEIR.

JAN-30-03 THU 04:17 PM CSLC BUSINESS SERVICES FAX NO. 9165741965 P. 01/04

STATE OF CALIFORNIA

GRAY DAVIS, Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Comment Letter 7

Contact Phone: (916) 574-1814
Contact FAX: (916) 574-1885

January 30, 2003

File Ref: G05-04

Ms. Nadell Gayou
The Resources Agency
1020 9th Street, 3rd Floor
Sacramento, CA 95814

Dr. Ralph Appy
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731



RE: Recirculated Draft Supplemental Environmental Impact Report (Draft SEIR), West Channel/Cabrillo Marina Phase II Development Project, SCH #1998041086

Dear Ms. Gayou and Dr. Appy:

Staff of the California State Lands Commission (CSLC) has reviewed the subject document. Under the California Environmental Quality Act (CEQA), the Port of Los Angeles is the lead agency and the CSLC is a Responsible and/ or Trustee Agency for any and all projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

The Draft SEIR examines the redevelopment of approximately 49 acres of land and 37 acres of water in the West Channel area of the Port of Los Angeles. The main project components are described as involving the redevelopment of the site to replace deteriorated marina facilities with higher-value marine and visitor-orientated retail facilities, a vessel stack storage facility, restaurants, tour/charter/rental activities, yacht sales display areas, marina facilities catering to larger recreational vessels, and special events.

Jurisdictional Comments

7-1 The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable rivers, sloughs, lakes, etc. The CSLC has certain residual and review authority for tide and submerged lands legislatively granted in trust to local jurisdictions (Public Resources Code §6301 and

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Ms. Nadell Gayou
Mr. Ralph Appy
January 30, 2003
Page 2 of 4

- 7-1 §6306). All tide and submerged lands, granted or ungranted, as well as navigable rivers, sloughs, etc., are impressed with the Common Law Public Trust.

The project area involves sovereign lands, which were initially legislatively granted to the City of Los Angeles pursuant to Chapter 656, Statutes of 1911. The grant has been amended a number of times, most recently by Chapter 2769, Statutes of 2002. The Port, as a Trustee of these sovereign lands, must ensure that the specific uses proposed in the plan are consistent with the provisions of the relevant granting statutes and the Public Trust.
- 7-2 The document states at page ES-3, section ES.3.1, "It should be noted that there are also non-permanent residential uses by "liveaboards" (boat occupants) on the project site." Additional liveboard "accommodations" existing in the Port are further discussed on page 3.13-3 of the document. A definition of "non-permanent" is not provided in the document.

The CSLC has taken the position, based on advice from the Office of the Attorney General, that residential use of the State's tide and submerged lands, including, but not limited to, general liveaboards, is a non-trust use. Such use is for a purely private purpose that is unrelated to, not dependent upon, and does nothing to promote water dependent commerce, navigation or fisheries. Only in situations where a potentially non-trust use is necessarily and functionally related to the accomplishment of some trust use, of statewide public benefit, could it ever be considered a permissible use.

The non-trust use would have to be inextricably bound up with the accomplishment of a trust purpose and the trust purpose would have to be directly subserved by the inclusion of the non-trust use on the granted lands. An example would be the documented provision of 24-hour security by personnel whose vessels are strategically, yet not permanently moored, within a marina.
- 7-3 In addition, in reference to Page ES-15 (Area of Controversy), pp.2-2 et seq., Chapter 5, and other sections relating to the boat launching site within the project area, staff suggests that the Harbor Department, in response to public comments to the "original 1998 Draft SEIR", address the means to provide, and the potential impacts of, expanded public access and a public boat-launching site in the present project rather than in a future study. As indicated, comments to this issue have already been made, but have not yet been answered. The Port could use this project's document as the vehicle to do so.
- 7-4 In reference to page 2-17, section 2.5.5, "The new retail commercial complex will be anchored on the north by 42,000 square feet of retail space. The village retail component will also include small shops and 25,000 square feet of office space . . ."

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Ms. Nadell Gayou
Mr. Ralph Appy
January 30, 2003
Page 3 of 4

7-4

General retail is not considered an appropriate use on granted lands; however, small-scale retail that is visitor serving and orientated towards tourism and the waterfront, i.e. restaurants, marine hardware and souvenir shops, may be considered incidental to the promotion or accommodation of Public Trust uses and public access. Furthermore, while general office space is also not considered an appropriate use on granted lands, office space that will primarily be used by businesses, i.e. yacht broker's office, necessary for the promotion of water dependant navigation, commerce and fisheries may also be considered consistent with the Public Trust Doctrine.

7-5

In reference to page 1-5, section 1.2.2, State Agencies, State Lands Commission, please replace the existing text with the text as stated in paragraph 3 of this comment letter. In addition, please add that as a result of the Ballast Water Management Act of 1999, the CSLC, as of January 1, 2000, has statutory authority to prevent the introduction and spread of non-indigenous species through the inspection and monitoring of vessels entering state waters, carrying ballast water from outside the exclusive economic zone. (PRC Sections 71203 through 71216).

7-6

In reference to page 2-25, section 2.6.12, Tidelands Trust, please replace the existing text with the text as stated in paragraph 4 of this letter.

Environmental Comments

7-7

1. Page 3.1-20, Impact LU-2, State Tidelands Grant:

Staff believes that the discussion within this paragraph, based on the comments provided herein, regarding existing and proposed uses of the lands granted to the Port, appear in their present form, to raise an issue of consistency with Trust provisions. Therefore, staff is concerned, without further elaboration and limitation of non-permanent residential uses and additional definition of the "future retail components" and "office space" summarized, e.g., on ES-7 and 8, that the proposed project could, contrary to the conclusion within this section, be in conflict with the provisions of the Port's State Tidelands Grant and its Trust limitations.

7-8

2. Chapter 3.9, Water Quality:

A Mitigation Measure similar to MM WQ-3.1 should be included for every marina and recreational boating subcategory (e.g., sewage, liquid wastes, solid wastes, hazardous wastes, and boat maintenance, as well as fueling facilities) that states that the marina should be designed and operated in accordance with the Marina and Recreational Boating Management Measures. As written, MM WQ-3.1 applies to fueling facilities only.

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Ms. Nadell Gayou
Mr. Ralph Appy
January 30, 2003
Page 4 of 4

7-9

3. Page 3.9-13, Boat Wastes:

The DSEIR states in paragraph 4 that "a" (one) pump out station for sewage will be provided. Based on the CLSC staff's understanding of the Dept. of Boating and Waterways' (DBW) adopted guidelines for pump out stations (DBW, *Guidelines for Vessel Terminal Pump out and Dump station Requirements*, 1998), we believe that one sewage pump out facility may be insufficient for the number of slips currently existing (approximately 550) or proposed. The DBW Guidelines state that all vessel terminals with a capacity for vessels 26 feet or longer should have a minimum of one pump out for every 300 vessels 26 feet or longer (emphasis added). As stated in the above comment, a mitigation measure should be included stating that sewage pump out installation and maintenance shall be in accordance with the State's Nonpoint Source Pollution Control Program.

We appreciate the opportunity to comment on the subject document. Should you have any questions concerning the CSLC's jurisdiction or Trust issues, please contact Jennifer Lucchesi, Public Land Management Specialist, at (916) 574-0234. Should you have any questions concerning environmental issues, please contact Cy Oggins, Staff Environmental Scientist, at (916) 574-1884.

Sincerely,



Stephen L. Jenkins, Asst. Chief
Division of Environmental Planning
and Management

cc: Curtis Fossum, Senior Legal Counsel
Cy Oggins
Jennifer Lucchesi

California State Lands Commission, Stephen L. Jenkins, Assistant Chief, Division of Environmental Planning and Land Management (January 30, 2003)

Response to Comment 7-1

The SLC maintains jurisdiction over all ungranted tidelands, submerged lands, and the beds of navigable rivers, sloughs, lakes, etc., and the SLC has certain residual and review authority for these types of land. Additionally, and as stated on Pages 3.1-16 and 3.1-21 of the Recirculated Draft SEIR, the land on which the proposed project is located was deeded to the City of Los Angeles for use as a port district, and the proposed land uses would be consistent with the State Tidelands Grant. The proposed project does not entail the sale of any tidelands to any private entity; rather, the project site would be leased to private businesses but remain under the control of the LAHD. Additionally, the proposed project would consist of uses consistent with the State Tidelands Grant such as recreation, commercial fishing, and harbor commerce.

Response to Comment 7-2

The Recirculated Draft SEIR document refers to non-permanent “liveaboards” within the project site. The term non-permanent refers to the mobile nature of these craft and the fact that their location within the area is not fixed.

The LAHD maintains a policy to limit such a use within its jurisdiction. State CEQA Guidelines Section 15125 sets forth requirements pertaining to the discussion of existing conditions with the boundaries of a proposed project. Therefore, because the “liveaboards” were an existing condition within the boundaries of the project, pursuant to the above listed CEQA guideline, an analysis of potential impacts to the “liveaboards” was appropriate. A relatively small percentage of “liveaboards” (i.e., less than 10 percent) may be permitted, and the applicant has plans to strategically distribute such boats so as to enhance 24-hour security of the marina. For those reasons, the LAHD maintains that the project is consistent with the State Tidelands Grant, and the California State Lands Commission Public Trust Policy document.

Response to Comment 7-3

The proposed layout of the Cabrillo Way Marina project does not contain sufficient area to accommodate a public boat launch. Therefore, an on-site boat launch facility was not included as a part of the proposed project. Nevertheless, the Recirculated Draft SEIR addresses the needs of the community regarding the placement of a public boat launch facility elsewhere in the Port. Although not part of the proposed plan, Recirculated Draft SEIR Chapter 5, “Boat Launch Analysis,” contains a feasibility analysis and description of possible locations for

boat launches. As stated therein, the LAHD has considered a total of nine boat launch site alternatives in order to meet public demand for such a facility. Two of the nine potential launch sites, Site A and Site B would be located within the immediate vicinity of the proposed project site. Additionally, community concern about the boat launch has primarily focused on the need to provide an additional launch site as a means of reducing circulation and parking conflicts in adjacent residential neighborhoods. As indicated on Page 2-3 of the Recirculated Draft SEIR, however, “[p]roviding additional launch capacity elsewhere in the Port will not likely reduce the demand for recreational boat launching at the existing Cabrillo Beach boat launch.” Rather, an additional boat launch would merely satisfy a growing demand for launch access. Other public comments suggesting the closure of the Cabrillo Boat Launch do not consider its importance to the boating community, as evidenced by the facility’s high usage and proximity to open water.

See Section 1.5, “Boat Launch Siting,” in the Executive Summary regarding the potential for locating a public boat launch facility on LAHD property. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to evaluate the feasibility of locating boat launch facilities on LAHD property. The assessment is to include integration of any potential facility into the San Pedro Waterfront planning process.

To address the local traffic congestion issues voiced by the community, the LAHD will work with the Los Angeles Department of Recreation and Parks to modify the existing operations at the Cabrillo Beach launch site by opening Shoshonean Road (southbound only at the existing boat launch parking lot) to incoming boat trailers and/or by instituting a reservation system to manage vehicle arrivals throughout the peak usage hours (see Page 2-3 of the Recirculated Draft SEIR).

Response to Comment 7-4

The proposed project has been revised to exclude the retail commercial buildings north of 22nd Street. However, the project has retained the relatively small-scale retail that contains restaurants, shops, and other uses reasonably and directly related to the operation of public recreational vessel marina. These are allowable uses in accordance with the Public Trust Doctrine.

Response to Comment 7-5

The Recirculated Draft SEIR has been revised in response to this comment. The LAHD recognizes that as a result of the Ballast Water Management Act of 1999, the SLC has the statutory authority to prevent the introduction and spread of non-indigenous species through the inspection and monitoring of vessels entering state waters, carrying ballast water from outside the exclusive economic zone.

The referenced section on Page 1-5 of the Recirculated Draft SEIR has been replaced with the following text:

The SLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable rivers, sloughs, lakes, etc. The SLC has certain residual and review authority for tide and submerged lands legislatively granted in trust to local jurisdictions (Public Resources Code Sections 6301 and 6306). All tide and submerged lands, granted or ungranted, as well as navigable rivers, sloughs, etc. are impressed with the Common Law Public Trust. Further, as a result of the Ballast Water Management Act of 1999, the SLC, as of January 1, 2000, has statutory authority to prevent the introduction and spread of non-indigenous species through the inspection and monitoring of vessels entering state waters, carrying ballast water from outside the exclusive economic zone (PRC Sections 71203 through 71216).

Response to Comment 7-6

The Recirculated Draft SEIR has been revised in response to this comment. The Recirculated Draft SEIR adequately discusses and discloses the nature of the State Tidelands Grant in accordance with State CEQA Guidelines. However, pursuant to the commentor's request, the text has been revised to include the following text on Page 2-25 of the Recirculated Draft SEIR:

The project area involves sovereign lands that were initially legislatively granted to the City of Los Angeles pursuant to Chapter 656, Statutes of 1911. The grant has been amended a number of times, most recently by Chapter 2769, Statutes of 2002. The LAHD, as a Trustee of these sovereign lands, must ensure that the specific uses proposed in the plan are consistent with the provisions of the relevant granting statutes and the Public Trust.

Response to Comment 7-7

Please refer to Responses to Comments 7-2 and 7-4, and the revised portions of the document per the request of Comment 7-5.

Response to Comment 7-8

The Recirculated Draft SEIR has been revised in response to this comment and others. As stated in the Recirculated Draft SEIR, Mitigation Measure MM WQ-3.1, in conjunction with other mitigation measures and standard permitting conditions as detailed in Recirculated Draft SEIR Chapter 3.9, "Water Quality and Oceanography," would be adequate to reduce impacts to water quality to

less-than-significant levels. Additionally, pursuant to the SLC request, Mitigation Measures MM WQ-3.1 and MM WQ-3.2 have been revised to address the comment and reflect the full range of project activities that could potentially result in the accidental release of toxic or hazardous substances. MM WQ-3.1 and MM WQ-3.2 have been amended to read as indicated below. (Please see Master Response H on Page 3-19 for a complete listing of mitigation measures that have been added or substantially modified since the review of the Recirculated Draft SEIR.).

MM WQ-3.1: *The project applicant shall conform with applicable requirements of the Non-Point Source (NPS) Pollution Control Program. The project applicant shall design all marina and recreational boating facilities whose operations could result in the accidental release of toxic or hazardous substances (including boat maintenance facilities, fueling facilities, sewage and liquid waste facilities, solid and hazardous waste disposal facilities) in accordance with the Marina and Recreational Boating Management Measures defined under the state Non-Point Source Pollution Control Program administered by the State Water Resources Control Board (SWRCB). As a performance standard, the measures shall be selected and implemented using the Best Available Technology that is economically achievable such that, at a minimum, relevant water quality criteria as outlined by the California Toxics Rule and the Basin Plan are maintained, or in cases where ambient water quality exceeds these criteria, maintained at or below ambient levels. The applicable measures are as follows:*

- *Solid Waste Control — Properly dispose of solid wastes produced by the operation, cleaning, maintenance, and repair of boats to limit entry of these wastes to surface waters.*
- *Fish Waste Control — Promote sound fish waste management, where fish waste is an NPS problem, through a combination of fish cleaning restrictions, education, and proper disposal.*
- *Liquid Material Control — Provide and maintain the appropriate storage, transfer, containment, and disposal facilities for liquid materials commonly used in boat maintenance, and encourage recycling of these materials.*
- *Petroleum Control — Reduce the amount of fuel and oil that leaks from fuel tanks and tank air vents during the refueling and operation of boats.*
- *Boat Cleaning and Maintenance — Minimize the use of potentially harmful hull cleaners and bottom paints, and prohibit discharges of these substances to state waters.*
- *Maintenance of Sewage Facilities — Maintain pumpout facilities in operational condition, and encourage their use so as to prevent and control untreated sewage discharges to surface waters.*

The education/outreach measure for marinas and recreational boating is summarized as follows:

- *Public Education — Institute public education, outreach, and training programs to prevent and control improper disposal of pollutants into state waters. LAHD is developing a Clean Marinas Program that will include outreach to marina operators and boaters regarding sewage discharge requirements. By providing sufficient facilities and educating marina tenants, the Clean Marinas Program will minimize direct sewage discharges and reduce the impacts to a less-than-significant level. At a minimum, the Phase II Cabrillo Marina project will provide pumpout stations at or above the 1:300 ratio. The program will include practices consistent with the guidelines currently being developed by the California Coastal Commission and which will be contained in a marina operator's guide to clean marina practices.*

***MM WQ-3.2:** The project applicant shall develop an approved Source Control Program (SCP) with the intent of preventing and remediating accidental fuel releases. Prior to their construction, Westrec Marinas shall develop an approved SCP for the fueling facilities and aboveground fuel tanks in accordance with LAHD guidelines established in the General Marine Oil Terminal Lease Renewal Program (Appendix J of the Recirculated Draft SEIR). The SCP shall address immediate leak detection, tank inspection, and tank repair.*

Response to Comment 7-9

The LAHD recognizes that the Clean Vessel Act Grant program established a recommended ratio of 1 pumpout per every 300 vessels with Type III MSDs. Although marinas still have other options within this program, the LAHD has opted to adopt Mitigation Measures MM WQ-1.2 through WQ-1.5. (Please see Master Response H on Page 3-19 for a complete listing of mitigation measures that have been added or substantially modified since the review of the Recirculated Draft SEIR.):

***MM WQ-1.2:** Coliform testing in the marina area shall be added to the on-going Port-wide Monthly Harbor Water Quality Survey program. Monitoring will provide an additional mechanism for tracking water quality changes over time and will provide evidence of localized problems to indicate a need for corrective actions.*

***MM WQ-1.3:** Sewage pumpout installation and maintenance shall be performed in accordance with the guidelines and requirements of the Department of Boating and Waterways (DBW) and the State Water Resources Control Board (SWRCB). The project applicant shall design sewage pumpout facilities in accordance with the requirements of the state's Non-point Source Pollution Control Program administered by the*

SWRCB. The project applicant shall also use guidelines, developed by the DBW, that state all vessel terminals with a capacity for vessels 26 feet or longer should have one pumpout for every 300 slips 26 feet or longer. The sewage pumpout facility maintenance shall be in accordance with the state's Non-point Source Pollution Control Program.

MM WQ-1.4: *Westrec Marinas shall install an oil/water separator at the fuel dock for the treatment of bilge water. The oil fraction shall be collected for hazardous waste disposal or recycling, in accordance with current regulatory programs. The water shall be directed to the sewer system for treatment.*

MM WQ-1.5: *Compliance with inventory and reporting program within LAHD's Clean Marinas Program. Westrec Marinas shall complete a mandatory slip and dry storage annual inventory of marine sanitation devices by type, and shall report to LAHD Environmental Management Division.*

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Page 2



Winston H. Hickox
Agency Secretary

Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman

1001 I Street • P.O. Box 2815 • Sacramento, California 95812 • www.arb.ca.gov



Gray Davis
Governor

Comment Letter 8

January 31, 2003

Ralph G. Appy, Ph.D.
Director of Environmental Management
The Port of Los Angeles
425 South Palos Berdes Street
P.O. Box 151
San Pedro, California 90733-0105

Dear Dr. Appy:

This letter provides the Air Resources Board's (ARB) comments on the Recirculated Draft Supplemental Environmental Impact Report (EIR) for the West Channel/Cabrillo Marina Phase II Development Project (Cabrillo Marina Project). We limited our review to Chapter 3.3 "Meteorology and Air Quality" wherein the potential air emission impacts from the project are discussed.

Specifically, our comments focus on the proposed mitigation measure for construction activities. With respect to construction related to air emissions, the emissions mitigation strategy outlined in the EIR proposes to use aqueous diesel fuel to reduce the impacts of diesel particulate matter (diesel PM) and oxides of nitrogen (NOx) emissions. However, it was also concluded that even with the use of aqueous diesel fuel, there will be significant and unavoidable emissions of NOx, carbon monoxide (CO) and reactive organic gasses (ROG).

8-1

We encourage you to explore other feasible construction emission reduction measures to further reduce diesel PM, NOx, ROG, and CO emissions. This is particularly important with respect to diesel PM, since under certain circumstances even short-term exposure to diesel PM has the potential for elevated cancer risk. With that said, we would like to bring your attention to additional opportunities to further reduce the construction emissions beyond what is being proposed in the EIR. For example, the use of diesel oxidation catalysts and catalyzed diesel particulate traps have been successfully installed on combustion equipment significantly reducing construction related emissions. In the enclosures to this letter, we have provided a brief summary of successful mitigation measures undertaken at construction operations both within and outside of California.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

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Ralph G. Appy, Ph.D.
January 31, 2003
Page 2

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For your information, we have also enclosed two examples of specifications for clean construction equipment that have been used for projects in the eastern United States. We hope you will consider requiring clean construction equipment for activities at the POLA.

Thank you for the opportunity to review the Cabrillo Marina Project EIR. If you have any questions regarding our comments, please contact Mr. Todd Sterling, Air Pollution Specialist, at (916) 445-1034, or e-mail tsterlin@arb.ca.gov, or Ms. Peggy Taricco, Manager, Technical Analysis Section, at (916) 327-7213, or e-mail ptaricco@arb.ca.gov.

Sincerely,



Robert D. Barham, Ph.D.
Assistant Chief
Stationary Source Division

Enclosures

cc: Peggy Taricco, Manager
Technical Analysis Section

Todd Sterling, Air Pollution Specialist
Technical Analysis Section

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Emission Control Devices Retrofitted on Heavy-Duty Construction Equipment

Equipment Retrofitted by San Luis Obispo County APCD (Lopez Dam Project)
 Installed Nov. 2002 - Jan. 2003, contact Mr. Andy Munsinger with San Luis Obispo County APCD at 805-781-5956 for more information.

Make	Type	Engine Model	Model & Year	Emission Control Type
Caterpillar	Dozer	3408	D9N 1988	DOC
Caterpillar	Front End Loader	3406T	980C 1986	DOC
Caterpillar	Scraper	3408 - 18.0L	637E 1992	DOC
Caterpillar	Scraper	3306 - 10.5L	637E 1997	DOC
Caterpillar	Excavator	3408 - 18.0L	637E 1997	DOC
Caterpillar	Excavator	3306 - 10.5L	446B 1999	DOC
Caterpillar	Vibrator Compactor, 17 Ton	3114DIT	CS583 2000	DOC
Caterpillar	Vibrator Compactor, 17 Ton	3116T	CS583 2000	DOC

Equipment Retrofitted for In-Use Emissions Testing Program
 Installed 198, contact Mr. David Park with NESCAUM at 617-367-8540 for more information.

Equipment	Year	Emission Control Type
Volvo W1	1994	DOC/Fuel Additive
Caterpillar 98 WL	1973	Passive Filter (DPF)
Internationa Bulldozer	1985	DOC
Caterpillar backhoe	1994	Active Filter
Internationa Dump Truck	1988	DOC
Caterpillar 45D Excavator	NA	DOC
Komatsu Pt 200 Excavator	NA	DOC

Equipment Retrofitted in North Sonoma Air Quality Management District
 Contact Mr. Alex Saschin with North Sonoma AQMD at 707-433-5911 for more information.

Equipment	Year	Emission Control Type
Front End Loader	1986	DPF

DOC = Diesel Oxidation Catalyst
 DPF = Diesel Particulate Filter

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EMISSION REDUCTION RETROFIT PROGRAM FOR CONSTRUCTION EQUIPMENT OF THE CENTRAL ARTERY/TUNNEL PROJECT

Abstract No. 206 Session No. AS-1e

Alex Kasprak

Massachusetts Turnpike Authority
185 Kneeland Street, Boston, Massachusetts 02111

Guido Schattank

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Ping K. Wan

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ABSTRACT

The Central Artery/Tunnel (CA/T) Project in Boston, Massachusetts has been under construction since 1991. The \$14 billion transportation project includes a four lane tunnel under Boston harbor, a 10-lane cable stayed bridge crossing the Charles River, and an eight to ten lane underground expressway to replace the existing six lane elevated highway through downtown Boston. The construction activities being conducted require the use of several hundred pieces of heavy-duty off-road diesel equipment. This equipment is being used for excavation, utility relocations, installation of temporary decking, fabrication of base, wall and roof slab, underpinning of existing artery, demolition of buildings and existing artery, and surface street restoration.

The CA/T Project under the direction of the Massachusetts Turnpike Authority (MTA), in collaboration with the Massachusetts Department of Environmental Protection (DEP) and the Northeast States for Coordinated Air Use Management (NESCAUM) implemented a diesel equipment retrofit program. Since the CA/T Project is located within a non-attainment ozone transport region, and Oxide of Nitrogen (NO_x) and Hydrocarbon (HC) components of diesel emissions are precursors for Ozone (O₃), the objective of the program was to assist the region toward attainment of the ambient air quality standards for O₃ by voluntary reduction of emissions from off-road diesel construction equipment. To date, approximately 100 pieces of diesel powered construction equipment have been retrofitted with oxidation catalysts. The types of equipment retrofitted include large bulldozers, excavators, cranes, and small powered generators.

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This paper describes the retrofit implementation process, along with its benefits, and the lessons learned in this program. It also includes an estimation of the emission reductions achieved by the program.

INTRODUCTION

CA/T Project Overview

When completed in the year 2004, the CA/T Project will consist of a new third harbor tunnel (named the Ted Williams Tunnel) which will link downtown Boston to Logan Airport in East Boston and a new underground central artery, which will replace Boston's current elevated north-south expressway. The CA/T Project will consist of a total of 161 lane miles of new highway in a 7.5-mile long corridor, of which approximately one half will be in tunnels. As of January 1, 2001, the Project was slightly more than 70 percent complete.

In constructing the CA/T Project, approximately 13 million cubic yards of excavated earth material and 4 million cubic yards of concrete will be hauled by more than a half of million truckload trips. In addition, hundreds of pieces of heavy construction equipment are being used 24 hours a day including large excavators, front-end loaders, bulldozers, cranes, cement trucks, and both 10 wheel and 18 wheel dump trucks; many of them operating underground on tunnel construction.

Air Quality Mitigation Measures Undertaken to Date

In November 1990, the CA/T Project's Final Supplemental Environmental Impact Statement/Report (FSEIS/R)⁽¹⁾ was published. The report concluded that when the CA/T project is completed and opened for general traffic, its operation will not exacerbate or cause any violations of applicable National and State Ambient Air Quality Standards. When completed, the Project will result in long-term air quality benefits for the Metropolitan Boston area. However, during peak construction years of the Project, occasional exceedances in both National and State 24-hour particulate matter (PM₁₀) and 8-hour carbon monoxide (CO) standards could be expected.

Due to the close proximity of construction activities to residential communities, medical facilities, businesses, and other sensitive abutters along the project alignment, stringent dust and odor control measures were implemented to protect public health.

To facilitate the planning for dust control measures, the CA/T Project undertook a PM₁₀ monitoring program in 1992 to establish the pollutant levels in close proximity to the various construction activities. As part of the mitigation measures the CA/T project established a Dust Control Specification, outlining the necessary measures and requirements that the contractors must follow in order to control on- and off-site nuisance dust. These included: reducing the number of truck entrances and exits from a site within the contract; providing a crushed stone base for the dump truck in the on-site loading area; and creating embankments between stockpiles and haul roads. These particular measures were implemented to manage and reduce dirt tracking.

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Since 1992, the CA/T Project has conducted sixteen short-term, ambient PM₁₀ monitoring programs. Each one of these programs included the use of portable monitors located at sidewalks for periods that ranged from two weeks to five months. To-date more than 3,500 PM₁₀ samples have been collected at over 50 locations. The PM₁₀ monitoring programs performed between 1992 and 1996 were designed to evaluate the effects of various utility relocation activities and to measure baseline levels prior to mainline construction. In 1997 when major mainline construction activities commenced in downtown Boston, a five-month PM₁₀ monitoring and field dust inspection program was implemented on an annual basis. The results of these programs concluded that most of the PM₁₀ increases were localized, and confined to areas close to the major CA/T construction activities. The observations of the inspection program also concluded that the single most significant source of the high PM₁₀ levels was re-suspended dust from construction trucks entering and exiting the construction areas. A full description of these programs was presented at the AWMA 2000 Annual Meeting by Dolan, Schattaneck, and Wan ⁽²⁾.

CA/T Construction Equipment Emission Control

Due to the extremely close proximity of CA/T work zones and nearby residential communities, hospitals, office buildings, and pedestrians walking near construction work zones, the majority of complaints received by project personnel are the result of diesel odors from CA/T construction equipment.

In order to help minimize air quality impacts from CA/T diesel construction equipment, the Project developed Construction Odor Control Specification 721.562⁽³⁾ to minimize nuisance diesel emission impacts. The specification requires that CA/T contractor working on the project keep their equipment properly tuned. In addition, contractors are required to minimize diesel pollutant impacts by:

- turning off diesel construction equipment not in active use and dump trucks that are idling while waiting to load or unload material for five minutes or more,
- establishing a staging zone for trucks that are waiting to load or unload material at the work zone in a location where diesel emissions from the trucks will not be noticeable to the public, and
- locating construction equipment away from sensitive receptors such as fresh air intakes to buildings, air conditioners, and operable windows.

To help further minimize diesel emissions from project construction equipment, a voluntary diesel retrofit program was implemented in the fall of 1998 by the MTA. The program consisted of retrofitting large off-road diesel construction equipment with a catalytic-type piece of equipment called oxidation catalysts.

CA/T DIESEL RETROFIT PROGRAM

Retrofit Technology Selected

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The CA/T project chose to use oxidation catalysts in retrofitting off-road equipment over available diesel particulate filters. The reasons being:

- the reduction in hydrocarbons that are associated with diesel odors as well as CO and particulate matter provided by an oxidation catalyst,
- ease of installation and maintenance, and
- cost of an oxidation catalyst versus a diesel particulate filter (e.g., \$2,500 per unit versus \$13,000 unit, respectively), allowed more pieces of equipment to be retrofitted for the available funds.

In addition, oxidation catalysts are the most broadly applied technology currently certified by USEPA with the Urban Bus Retrofit/Rebuild Program as part of the Voluntary Measures Retrofit Program (VMEP). The technology is well proven, since it is estimated that more than 1.9 million highway vehicles have been retrofitted with oxidation catalysts to date. Oxidation catalysts reduce diesel emissions by oxidizing diesel pollutants such as particulate matter, hydrocarbons, and carbon monoxide to less harmful emissions such as H₂O and CO₂. Also, toxics such as formaldehyde and benzene may also be reduced by as much as 70 percent.

Program Phases

The diesel equipment retrofit program originated in September 1998 as a two-phased program. The first phase consisted of retrofitting ten (10) pieces of off-road equipment with oxidation catalysts contributed by equipment manufacturers under the Manufacturer's of Emission Control Association (MECA). CA/T contracts that were targeted for the Phase 1 program were those that were located near sensitive receptors such as residential communities and/or hospitals. Three different CA/T contractors were asked to participate in the Phase 1 program. The main goal of the Phase 1 program was to see how easily the equipment could be retrofitted without resulting in excessive "downtime" for the equipment being retrofitted. The type of equipment targeted for retrofitting under the Phase 1 program were both large and small excavators as well as large and small front-end loaders manufactured by both domestic and foreign companies. Where proven successful, the CA/T project would implement a Phase 2 retrofit program, which would consist of retrofitting up to an additional sixty pieces of off-road construction equipment at an allocated funded cost of \$100,000.

Equipment Retrofit Costs

The CA/T retrofit program used almost exclusively catalytic oxidizers manufactured by Engelhard Corporation. The cost of this type of unit can range from \$1,000 to \$3,000 per unit, depending on the engine horsepower rating of the unit being retrofitted. Because the project chose to retrofit larger off-road pieces of construction equipment, the average cost per oxidation catalyst was \$2,500. The installation cost was absorbed by the contractors using their own mechanics. Given an estimated cost of \$250,000 for an off-road piece of construction equipment, the cost of \$2,500 for an oxidation catalyst is relatively small for achieving an effective means of reducing diesel emissions.

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RESULTS OF PHASE 1 AND PHASE 2 PROGRAMS

Under the CA/T's Phase 1 program ten pieces of off-road equipment were slated to be retrofitted with oxidation catalysts. However, due to potential engine warranty concerns, two of the ten pieces of equipment were not retrofitted. Of the eight that were retrofitted, each installation was performed within a 2-hour time-period, which resulted in a minimum downtime for the equipment being retrofitted. Because of the successful implementation of the Phase 1 program, the MTA moved to implement the Phase 2 portion of the retrofit program.

Under the Phase 2 program, the same siting criteria as implemented under the Phase 1 program was followed (i.e., equipment located near sensitive receptors). In addition, the project also targeted equipment that were slated to remain on the project work site for the longest duration of the contract life. The purpose of the additional criteria was to help ensure that the air pollution benefits obtained from the oxidation catalysts would be applied to the metropolitan Boston area.

At the end of the CA/T's Phase 1 and 2 programs, more than 50 pieces of equipment were retrofitted with oxidation catalysts. However, due to the amount of below grade (i.e., in-tunnel) construction work that contractors have been performing, and the need for worker health and safety; additional equipment have been retrofitted with oxidation catalysts. As a result, slightly more than 100 pieces of CA/T construction equipment have been retrofitted to date. Thus, providing greater emission reductions than originally envisioned by the retrofit program.

Equipment Performance

According to contractor experience, the equipment retrofitted with oxidation catalysts have not experienced any adverse operational problems such as loss of power or additional fuel consumption. In addition, contractors have not had to perform any additional maintenance on the equipment outside of the routine maintenance currently being performed.

Estimated Emission Reductions

The methodology used to estimate the emission reductions from the diesel retrofit program followed the general procedures for SIP credit calculations recommended by NESCAUM⁽⁴⁾.

The general procedures used for this program include the following steps:

- estimation of baseline emission factors for CO, HC, NOx and PM₁₀ by equipment type in grams per brake horsepower hour,
- estimation of baseline emissions (tons/year) base on equipment type, usage, and hours of operation,
- estimation of emission reductions for each type of equipment retrofitted for applicable pollutants, and
- estimation of total emission reductions for the list of equipment already retrofitted.

Since in-use emission data for the variety of non-road construction equipment is not available, the engine emission rates were based on the USEPA Report NO. NR-009A⁽⁵⁾. Appendix C of the

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report provides emission factors for non-road engines operating under different conditions that the steady state ISO-C1 testing procedure. It includes the cycle specific results for individual engines by application category converting a vast list of equipment tested to the equivalent mode of operation of an agricultural tractor, a backhoe, or a dozer. The average emission factor for CO, HC, NOx and PM in grams per horsepower hour (g/hp-hr) per application type was used to determine the base emission rate for each type of construction equipment.

A total of five CA/T contracts were involved in the retrofit program. A list of construction equipment retrofitted was prepared, including equipment type, engine horsepower, hours of weekly operation, percent of operation/idle time, and percent of power use during operation or idle conditions.

Baseline emission estimates were determined by multiplying the engine horsepower, by the hours of operation per day (adjusted by the percentage of full operation to idle), by the engine load factor during operation, and by the emission factor in g/hp-hr. The hours per day were based on a double shift schedule six days per week. The equipment utilization was assumed to be operating 90% of the working hours and idling the remaining 10% of the time. The load factor was based on 75% of full power during operation and 20% of full power during idling. Table 1 provides baseline emission estimates in kilograms/day for each piece of equipment retrofitted, with total emission for one of the contracts.

Emission reductions were based on percentage reductions for each pollutant from the estimated baseline emission levels. Currently, there are several retrofit technologies that have obtained EPA certification and most of these technologies have been used for highway on-road vehicles. For this assessment, it was assumed that oxidation catalysts would achieve a minimum of 20% reductions for PM₁₀, 40% reductions for CO, and 50% reductions for HC in all heavy-duty engines. These are the minimum eligible credits without administrative or peer review. They are also the allowable credits posted in the recently available EPA emission reductions calculator under the EPA's Voluntary Diesel Retrofit Program. Tables 2 provides the emission estimates for each type of equipment retrofitted, and the total emission reductions for the same contract evaluated in Table 1.

The emission reductions estimated in these tables do not include the additional PM pollutant reductions due to the use of lower sulfur fuel. Because of logistical refueling operations, all equipment on site used on-road diesel fuel instead of non-road diesel fuel. Current national regulations limit the sulfur content of on-road diesel fuel to less than 0.05% by mass (normal use is approximately 0.035%), while non-road diesel fuel is exempt of this limitation and normally contains 0.33% of sulfur by mass. An estimate of the PM pollutant reductions due to lower sulfur fuel will be prepared once data on fuel use by the contractors becomes available.

The results of the evaluation for the five contracts indicate that the current diesel equipment retrofit program will reduce approximately 90 Kg/day of CO, 30 Kg/day of HC, and 7.4 Kg/day of PM₁₀ during the year 2000.

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The emission reductions for the future years are anticipated to increase to twice the level estimated for the year 2000 during 2001 and 2002 when construction is at its peak, and slowly fall back to the year 2000 level by 2004 when the project is near completion.

LESSONS LEARNED

When implementing a retrofit program for off-road construction equipment, it is best to include the requirement for emission control equipment as of the contract's bid package. By doing so, the cost of the retrofit equipment can be included as part of the overall contract cost. In addition, by including the requirement for emission control equipment as part of the bid package, the maximum number of off-road pieces of equipment can be retrofitted.

Other potential issues that should be considered when implementing an off-road retrofit program include potential affects on equipment warranty as well as the potential affects on equipment performance. Owners of off-road diesel equipment may want written assurances from their equipment manufacturers that equipment engine warranties will not be affected after a retrofit has occurred. They also may want assurances from the manufactures of emission control equipment that equipment performance will not be affected, which could result in lost production time. These concerns were the two major concerns expressed by contractors who participated in the CA/T's retrofit program.

FUTURE PROGRAM EXPANSION

Because of the air pollutant benefits that have been achieved by installing oxidation catalysts, the CA/T project has elected to expand its retrofit program by requiring that all off-road diesel equipment to be used include oxidation catalysts. The requirement for having the oxidation catalysts installed on the off-road equipment is included as part of the project's construction odor control specification 721.562.

By having this requirement in the final remaining contracts (i.e., approximately 23 contracts), it is estimated that an additional 75 to 100 pieces of off-road construction equipment will be retrofitted with oxidation catalysts. Thus, when combined with those retrofitted under the Phase 1 and 2 portions of the program, and with those retrofitted for in-tunnel worker health and safety considerations, the total number of off-road pieces of construction equipment used during the construction of the CA/T project will be approximately 200.

CONCLUSION

The CA/T diesel construction retrofit program has proven that retrofitting construction equipment with oxidation catalysts is very feasible, and that it has significant benefits in terms of emission reductions, odor control, and visible smoke. When considering that the cost of the oxidation catalysts are in the order of one percent of the total cost of the construction machinery to be retrofitted, this program is a very effective way to reduce diesel emissions and odor.

ACKNOWLEDGEMENT

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The authors would like to acknowledge Mr. Steven Lipman of the Massachusetts Department of Environmental Protection for his guidance for implementing this program as part of the DEP's "Clean Air Construction Initiative," and Ms. Coralie Cooper of the Northeast States for Coordinated Air Use Management for her valuable technical assistance regarding equipment retrofitting.

REFERENCES

1. Massachusetts Highway Department: *Central Artery/Tunnel Project Final Supplemental Environmental Impact Statement/Report, Chapter 4 and 13*, November 1990.
2. Dolan J, Schattaneck S, Wan P; *Results of an Extensive Multi-year PM10 Monitoring and Field Inspection Program for the Construction of the Central Artery/Tunnel Project*, presented at the AWMA Annual Meeting, Salt Lake City, June 2000.
3. Massachusetts Highway Department: *Central Artery/Tunnel Project Construction Odor Control Specification 721.562*, November 2000.
4. NESCAUM 1998; *Heavy-Duty Diesel Emission Reduction Project Retrofit/Rebuild Component*, August 1998, Northeast States for Coordinated Air use Management.
5. EPA 1998; *Exhaust Emission Factors for Non-road Engine modeling – Compression-Ignition*, Report No. NR-009A, June 1998, USEPA Office of Mobile sources, Assessment and modeling Division.

KEY WORDS

1. Oxidation catalyst
2. Diesel exhaust
3. Emission
4. Pollutant reduction
5. Construction equipment

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TABLE 1
Daily Baseline Emissions of CO, NOx, HC, and PM10 from Affected Construction Equipment

Type	Model	Number of Units	HP of Each Piece of Equipment	Total Utilized HP	Pollutant Emission Factors Under Baseline Conditions				Baseline Conditions			
					CO g/hp-hr	NOx g/hp-hr	HCs g/hp-hr	PM10 g/hp-hr	CO kg/day	NOx kg/day	HCs kg/day	PM10 kg/day
Nichi Lift	ISR602 1994	1	90	1,001	2.77	7.88	0.66	0.47	2.8	7.9	0.7	0.5
Nichi Lift	ISR602 1999	2	90	2,002	2.77	7.88	0.66	0.47	5.5	15.8	1.3	0.9
Nichi Lift	ISR602 2000	2	70	1,557	2.77	7.88	0.66	0.47	4.3	12.3	1.0	0.7
Nichi Lift	ISR700 2000	1	80	890	2.77	7.88	0.66	0.47	2.5	7.0	0.6	0.4
Mantis Crane	10010 1988	1	215	2,391	2.77	7.88	0.66	0.47	6.6	18.8	1.6	1.1
Mantis Crane	10010 2000	2	215	4,782	2.77	7.88	0.66	0.47	13.2	37.7	3.2	2.3
Crane	RT5223 2000	1	130	1,446	2.77	7.88	0.66	0.47	4.0	11.4	1.0	0.7
CAT Lift	7483 1999	1	90	1,001	2.77	7.88	0.66	0.47	2.8	7.9	0.7	0.5
CAT Lift	TH83 1999	2	90	2,002	2.77	7.88	0.66	0.47	5.5	15.8	1.3	0.9
SIC Lift	600S.JC 2000	1	66	734	2.77	7.88	0.66	0.47	2.0	5.8	0.5	0.3
Terex Lift	TX77 45R 1999	2	105	2,335	2.77	7.88	0.66	0.47	6.5	18.4	1.5	1.1
JLG Lift	3513 1999	1	105	1,168	2.77	7.88	0.66	0.47	3.2	9.2	0.8	0.6
Gradal Excavator	XL5200 1998	2	174	3,870	5.04	8.21	1.56	0.79	19.5	31.8	6.0	3.1
Gradal Excavator	XL5200 2000	1	174	1,935	5.04	8.21	1.56	0.79	9.8	15.9	3.0	1.5
Deere Dozer	850C 2000	1	192	2,135	2.77	7.88	0.66	0.47	5.9	16.8	1.4	1.0
CAT Dozer	953C 1998	3	121	4,037	2.77	7.88	0.66	0.47	11.2	31.8	2.7	1.9
Total Number of Units				24								
Total Emissions Under Baseline Conditions (kg/day)									105.4	264.2	27.2	17.6

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**TABLE 2
Daily Emission Reductions Under Diesel Engine Retrofit Program**

Equipment		Number of Units	Total Utilized HP	Oxidation Catalyst Daily Emissions (kg/day)				
Type	Model			hp-hr/day	CO	NOx	HCs	PM10
Nichi Lift	ISR602 1994	1	1,001	1.7	7.9	0.3	0.4	
Nichi Lift	ISR602 1999	2	2,002	3.3	15.8	0.7	0.8	
Nichi Lift	ISR602 2000	2	1,557	2.6	12.3	0.5	0.6	
Nichi Lift	ISR700 2000	1	890	1.5	7.0	0.3	0.3	
Mantis Crane	10010 1998	1	2,391	4.0	18.8	0.8	0.9	
Mantis Crane	10010 2000	2	4,782	7.9	37.7	1.6	1.8	
Crane	RT5223 2000	1	1,446	2.4	11.4	0.5	0.5	
CAT Lift	7H83 1999	1	1,001	1.7	7.9	0.3	0.4	
CAT Lift	TH83 1999	2	2,002	3.3	15.8	0.7	0.8	
SIC Lift	600SJC 2000	1	734	1.2	5.8	0.2	0.3	
Terex Lift	TX77 45R 1999	2	2,335	3.9	18.4	0.8	0.9	
JLG Lift	3513 1999	1	1,168	1.9	9.2	0.4	0.4	
Cradal Excavator	XL5200 1999	2	3,870	11.7	31.8	3.0	2.5	
Cradal Excavator	XL5200 2000	1	1,935	5.9	15.9	1.5	1.2	
Deere Dozer	850C 2000	1	2,135	3.5	16.8	0.7	0.8	
CAT Dozer	953C 1999	3	4,037	6.7	31.8	1.3	1.5	
Total Number of Units								
Total Emissions (kg/day)				63.2	264.2	13.6	14.1	
Total Emissions Reductions Under Diesel Engine Retrofit Program (kg/day)				42.1	0.0	13.6	3.5	

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Specifications for clean construction

Subject: Specifications for clean construction
Date: Wed, 22 Jan 2003 13:58:39 -0500
From: Dave Park <dpark@nescaum.org>
Organization: NESCAUM
To: Todd Sterling <tsterlin@arb.ca.gov>
CC: Coralie Cooper <ccooper@nescaum.org>, Glenn Goldstein <ggoldstein@nescaf.org>




Todd,

I've attached a number of specifications for clean construction projects in the region.

A couple of points,
 When writing the specs it is important to remain technology neutral and to not exclude any technology.
 A maintenance requirement prior to retrofit is essential, i.e., all equipment prior to retrofit must have emissions that are compliant with the engines original certification.

Dave

David E. Park
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 Fax: (617) 742-9162
 dpark@nescaum.org

 Fuel - Retrofit - Equipt spec 7wtc rebuild.doc	<p>Name: Fuel - Retrofit - Equipt spec 7wtc rebuild.doc Type: Microsoft Word Document (application/msword) Encoding: base64 Download Status: Not downloaded with message</p>
 transit authority specification.doc	<p>Name: transit authority specification.doc Type: Microsoft Word Document (application/msword) Encoding: base64 Download Status: Not downloaded with message</p>
 Qbridge.pdf	<p>Name: Qbridge.pdf Type: Acrobat (application/pdf) Encoding: base64 Download Status: Not downloaded with message</p>

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*A collaborative of:**New York State Department of Environmental Conservation**Natural Resources Defense Council**New York City Community-Based Organizations**Con Edison**Northeast States Clean Air Foundation/**Northeast States for Coordinated Air Use Management (NESCAF/NESCAUM)*

7 World Trade Center
Civic and Land Use Improvement Project

Diesel Vehicle Emissions Control Specification

1. All diesel powered construction equipment that are on the project or are assigned to the contract shall use Clean Fuel (CF) in order to reduce diesel emissions.
 - a. The Clean Fuel shall consist of Ultra-low Sulfur Diesel (ULSD) fuel that can be used without engine modification or fuel compartment flushing, and is certified to contain no more than 30ppm sulfur content and an average sulfur content of 15ppm.
 - b. The ULSD shall be obtained from Sprague Energy Corporation, a New York based distributor of petroleum products, and dispensed on the site by dedicated on-site fuel storage tank or by segregated tank truck delivery.
 - c. Delivered costs for the ULSD are estimated at \$0.10 - \$0.20/gallon delivered. ULSD price fluctuations depend on spot (market) prices for standard grade #2 diesel, quantity or volume purchased, and specified delivery method.

2. All diesel powered construction equipment with engine horsepower (HP) ratings of 60HP and above, that are on the project or are assigned to the contract in excess of 30 days shall be retrofitted with an Emissions Control Device.
 - a. The retrofit device shall consist of diesel oxidation catalysts (DOC), or similar retrofit equipment control technology that is included in the EPA Verified Retrofit Technology List, and certified to provide a level of emissions reductions consistent with the goals of the project by the Manufacturers of Emissions Control Association (MECA).
 - b. All retrofit devices shall be installed by the contractor in conjunction with, and under the technical supervision of, NESCAUM and Clean Air Communities.
 - c. Diesel oxidation catalyst costs range from \$1250.00 to \$1750.00 depending on equipment size and horsepower. Installation is typically achieved in one hour or less, and can be performed on-site by the equipment owner's mechanic.

3. Construction shall not proceed until the contractor submits a certified list of the diesel powered construction equipment that will use ULSD and be retrofitted with DOC. The list shall include:
 - a. The equipment number, type, make, engine horsepower, and contractor/sub-contractor name;
 - b. The approximate fuel consumption rate per shift for each identified equipment; and
 - c. The approximate duration of each identified equipment on-site/

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Diesel Vehicle Emissions Control Project Contacts:

Fuel

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Project Technical / Retrofit

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Date:07/03/02**DIESEL VEHICLE EMISSION CONTROL****For "Non Road" Equipment Only:**

All Contractor and Sub-contractor diesel powered non-road construction equipment with engine horsepower (HP) ratings of 60 HP and above, that are on the Project or are assigned to the Contract shall be retrofitted with Emission Control Device (s) and use Ultra Low Sulfur Diesel Fuel (maximum 30 parts per million) in order to reduce diesel emissions. These requirements shall apply to:

- All Non-Road Diesel engines / equipment
- Diesel Engines 60 Horse Power and above
- Stationary and Mobile equipment
- Owned, Leased and Rented Equipment

The reduction of emissions of carbon monoxide (CO), hydrocarbons (HC), nitrogen oxides (NOx), and particulate matter (PM) shall be accomplished by installing retrofit technology. Retrofit technology can be:

- Diesel Oxidation Catalysts or Diesel Particulate Filter
- Engine upgrade
- Early engine replacement
- Combination of above

The retrofit technology / retrofit emission control device shall be:

- Included on the US Environmental Protection Agency (EPA) Verified Retrofit Technology List or certified by the US EPA to achieve emission reduction of 50%-90% Hydro Carbon (HC), 40%-90% Carbon Monoxide (CO), 20%-50% Particulate Matter (PM)

The Contractor shall submit to the Engineer, before commencing construction work, a list of non-road diesel powered construction equipment that will be or have been retrofitted. The list shall include:

- Contractor / sub contractor name / address / contact person
- Equipment type, model, serial number
- Engine serial number, make, model, year of manufacture,
- Retrofit type, make, model, manufacturer, EPA verification number, installation date,

The Contractor shall submit a bi-weekly report to the Engineer. This report shall be in two parts:

- An update of the initial list of non-road diesel equipment showing addition and deletion of diesel equipment.
- Certified copies of fuel deliveries for the report time period identifying:
 - a. Source of supply,
 - b. Quantity of fuel,
 - c. Quality of fuel,

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Date:07/03/02

The Contractor will be issued a Notice of Non-Compliance when any diesel powered non-road construction equipment is in non-compliance with this specification. Non-compliance shall be required to be corrected with-in a 24-hour period. After the 24-hour period the Contractor shall remove the non-complying equipment from the Work Site. Non-complying equipment shall not be left parked and shut down within the Work Site. Non-complying equipment shall be permitted to re enter the Work Site after corrective action required above has been done.

For "Non Road" and "On Road" Equipment:

All motor vehicles and construction equipment (both on-highway and non-road) shall comply with all pertinent State and Federal regulations relative to exhaust emission controls and safety.

The Contractor shall establish truck-staging zones for vehicles waiting to load or unload material at the Work Site. Such zones shall be located where diesel emissions have the least impact on abutters and the general public.

Idling time shall be limited to three consecutive minutes for delivery and dump trucks and all other diesel powered equipment except as follows:

- When a "mobile source" is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control.
- When it is necessary to operate heating, cooling or auxiliary equipment installed on the "mobile source" when such equipment is necessary to accomplish the intended use of the "mobile source".
- To bring the "mobile source" to the manufacturer's recommended operating temperature.
- When the outdoor temperature is below twenty (20) degrees Fahrenheit.
- When the "mobile source" is being repaired.

The Contractor shall ensure that diesel emissions do not cause harmful effects to adjacent sensitive receptors. Sensitive receptors include but are not limited to hospitals, schools, daycare facilities, elderly housing and convalescent facilities.

The Contractor shall ensure that diesel powered engines are located away from fresh air intakes, air conditioners, and windows.

A Diesel Emission Mitigation plan is required when work will be performed in close proximity (less than 50 feet) to sensitive receptors. No construction shall proceed until a Diesel Emission Mitigation plan is submitted in writing to the Engineer and is accepted by the Engineer. The mitigation plan shall address control of diesel emissions from all diesel-powered equipment including equipment not retrofitted.

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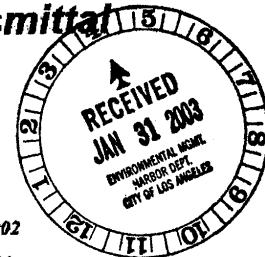
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JAN 28 2002 13:15 FR PARSONS BRINCKERHOFF 212 465 5595 TO 916316147947 P.01/06



FAX Transmittal

Parsons Brinckerhoff
One Penn Plaza
New York, NY 10119



DATE: January 28, 2002

To: **Glenn Goldstein**
Program Director
Clean Air Communities - NESCAUM
P.O. Box 186
Bayport, NY 11705

TEL No: (631) 472-0011
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From: **Guido Schattaneck**
Parsons Brinckerhoff Quade & Douglas Inc.
One Penn plaza
New York, NY 10119

TEL No: (212) 465-5118
FAX No: (212) 465-5595

No Pages: 6

Copy: Joel Soden
James Brown

Subject: **Connecticut I-95 New Haven Harbor Crossing - Diesel Vehicle Emission Control Program for Construction Equipment - Implementation Process.**

The following is my short description of the implementation process for the diesel vehicle emission control program, which will be undertaken during the construction phase of the I-95 New Haven Harbor Crossing Improvement Program in Southern Connecticut. This program utilized the expertise and experiences gained from the retrofit program that is currently being conducted for the construction of the Central Artery/Tunnel Project in Boston.

The I-95 New Haven Improvement Program includes the reconstruction of I-95 from Exit 46 in New Haven to Exit 54 in Branford, and the replacement of the Pearl Harbor Memorial Bridge. The construction of the 7.2-mile corridor is expected to start in 2002 and take approximately ten years. It is estimated that more than 200 pieces of diesel powered construction equipment will be operating within the alignment during this period.

Due to the length of the construction period, and proximity to the city of New Haven, commitments were specified in the project's Final Supplemental EIS to minimize emissions during the construction period. Accordingly, a vehicle emissions control program, which will require diesel powered construction equipment to be retrofitted with emission control devices and/or use clean fuels, will be implemented.

CONNDOT formed an air quality workgroup to investigate the benefits and costs of implementing a diesel emission control program. The group included representatives from

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*I-95 - Diesel Vehicle Emission Control Program*

CONNDOT, Parsons Brinckerhoff (PB), NESCAUM, Connecticut DEP, the Connecticut Department of Motor Vehicles (DMV), and the Connecticut Construction Industries Association (CCIA).

The first task undertaken by this group was the evaluation of technologies that could be appropriate for this project, the emission reduction potential of these technologies, and the costs (and other implications) of implementing these measures. It was decided early on that the program would only apply to off-road diesel powered equipment, since highway diesel vehicles are already regulated by the DMV under heavy-duty diesel emissions opacity test regulations.

Four different emission reduction scenarios (technologies) were identified. Two included diesel engine retrofit technologies (oxidation catalysts and four way catalysts) and two included the use of cleaner fuels (Biodiesel B-20 blend, and PurINox). The retrofit technologies could be applied together with the use of cleaner fuels. All were found to have logistical and cost advantages and disadvantages that were evaluated prior to implementation.

The methodology used to estimate the emission reduction potential from the diesel retrofit and/or clean fuels options considered for this program followed the same procedures utilized for the CA/T Project. These are as follows:

- Estimation of baseline emission factors for CO, HC, NO_x and PM₁₀ by equipment type in grams per brake horsepower hour.
- Estimation of baseline emissions (tons/year), based on the usage and hours of operation of each type of equipment.
- Estimation of emission reductions for each type of equipment retrofitted and/or type of fuel for each applicable pollutant.

Retrofit Technologies Considered: Summary of Emission Reduction Potential and Cost

Oxidation catalysts: At the time of this evaluation, the CA/T Project had already installed approximately 70 oxidation catalysts on a variety of construction equipment with positive results. It was assumed for the CA/T Project that oxidation catalysts would achieve the following minimum emission reductions: 20% for PM₁₀, 40% for CO, and 50% for HC in all heavy-duty diesel engines. An average cost of \$8/HP was estimated (although it was anticipated that this would decrease in the future).

Four Way Catalysts: The Ceryx "QuadCAT" was the only equipment of this kind that could reduce NO_x emissions from motor vehicle diesel engine exhaust available at the time this study was conducted (i.e., oxidation catalysts reduce CO, VOC and PM, but not NO_x). The QuadCAT was in the process of being certified by CARB in California, and once approved, Ceryx planned to go through EPA certification using the same test data required by CARB.

There were several QuadCATs in operation at the time of the study but these units were not yet "off the shelf" pieces of equipment. Based on manufacturers data, it was estimated that

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*I-95 - Diesel Vehicle Emission Control Program*

QuadCATs would achieve the following minimum emission reductions: 60% for PM₁₀, 80% for CO, and 80% for HC, and 25% for NOx. The cost ranged from \$ 2,500 to \$ 7,500, depending on the displacement of the engine retrofitted. An average cost of \$ 25/HP was estimated. It was also expected that once this type of equipment enters into full production mode it could be more competitive with oxidation catalysts.

Clean Fuels Considered: Summary of Emission Reduction Potential and Cost

PuriNOx: which is manufactured and distributed by LUBRIZOL Corporation in Ohio, was considered a good alternative to the use of retrofit equipment to reduce NOx and PM₁₀ emissions. It consists of a mixture of diesel fuel, water, and an additive that maintains the emulsified mixture stable and prevents water droplets from becoming in direct contact with engine parts. As water atomizes and converts into steam it lowers engine temperature, thereby reducing NOx and PM formation. Test demonstration projects have shown 10-30% NOx reductions and 10-50% PM reductions. The cost of PuriNOx was estimated to be 16 cents per gallon above the cost of No2 diesel fuel, according to the Massachusetts distributor. Since PuriNOx contains approximately 20% water, the relative cost differential depends on the wholesale cost of diesel fuel (i.e. the higher the diesel fuel cost the lower the differential).

Biodiesel: Biodiesel is a generic name for a variety of ester-based oxygenated fuels made from soybean or other vegetable oils or animal fats. The concept is more than a century old, and this fuel can be used in any diesel engine without modification. It is a proven safe and clean burning fuel that is biodegradable, contains no sulfur, and produces less carbon dioxide than petroleum based fuels. It is commonly used as a B-20 blend (20% Biodiesel and 80% petro-diesel). Pure (100%) Biodiesel has the disadvantage that it freezes at higher temperatures than diesel fuel, creating potential storage problems in cold weather areas. B-20 Blend Biodiesel certification data indicates that its use could achieve the following emission reductions: 20% for PM₁₀, 30% for HC, and 20% for CO. The use of this fuel, however, could increase NOx emissions by 5% or more. The cost of B-20 Blend oscillates between 15 to 30 cents per gallon above the cost of diesel fuel, depending on market conditions. A 25-cents/gallon increase was assumed.

Development of Diesel Vehicle Control Specifications

The air quality-working group had to address the following issues before deciding in the requirements that will be incorporated into a contractor specification for this program:

Selected technologies. Considering that this was a voluntary pilot program for CONNDOT, it was decided to use the most widely accepted and the least expensive emission reduction options. As such, the following methodologies were selected:

- Oxidation catalysts due to the low cost and proven experience.
- PuriNOx to provide the contractors more flexibility in situations where equipment would not remain on site for long periods of time.

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*I-95 - Diesel Vehicle Emission Control Program*

It was also decided that the program would include the option of either retrofitting with oxidation catalysts or using an emulsified diesel fuel such as PuriNOx. Four way catalysts were considered to be too experimental and too costly for a pilot program. The use of Biodiesel was rejected because of the possible NOx increases.

Equipment size applicability and length of time on site. An evaluation of emission benefits as a function of horsepower-hours of operation and fuel consumption for each contract indicated that if all equipment with engines greater than 60 HP were retrofitted, more than 98% of the emission benefits of retrofitting all equipment would be achieved. As a result, 60 HP became the smallest engine size that would require retrofitting.

In terms of duration of the equipment on the construction site, a major issue was how to exempt specialized equipment that is only needed for some short-term operation, and how to deal with rental equipment without limiting the contractor's options. Another issue was the possibility that contractors would rotate equipment to avoid complying with the program. It was decided that the minimum time limit required for exemption from this program would be 30 days.

Payment Option. Current CONNDOT standard specifications related to environmental compliance are in the form of either "incidental" or "pay" items.

- Pay items are those that the contractor bids a unitary price for, can be measured on site, and once verified by an inspector, are paid for according to the contract's unitary price. This payment method is common for such items as the application of calcium chloride, water for dust control, and/or fences for wind or erosion control. The contractor has to perform these tasks in order to get paid.
- Incidental items are those where that the cost is included in a contractor's overall bid price, and not specifically identified. One of the critical issues associated with incidental items is enforcement (i.e., what monies are retained for non-compliance). CONNDOT has a 24-hour provision normally used for environmental aspects, where once the contractor is notified of not performing a contractual task, the Department can have the task performed by a third party, with the cost billed the contractor.

It was decided that the retrofit program would be included in project contracts as an incidental item, with some special enforcement provisions.

Specifications. Current CONNDOT standard specifications related to airborne emissions include Section 1.10.04 for air quality control, 9.42 for calcium chloride for dust control, and 9.43 for water for dust control. CONNDOT also has the requirement that modifications to existing specifications must be issued as special provisions for at least one year before incorporation into standard contract language specifications to allow for modifications to new requirements once they are tested in construction areas. As a consequence, the retrofit/clean fuel program was issued as a Notice to Contractors (NTC) in the bid package for the first contract.

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*I-95 - Diesel Vehicle Emission Control Program****Diesel Vehicle Emissions Controls Specification (NTC)***

The final form of the specifications for the first contract that will be used for this project can be summarized as follow:

- All diesel powered construction equipment with engine horsepower (HP) ratings of 60 HP and above, that are on the project or are assigned to the contract for a period in excess of 30 days shall be retrofitted with Emission Control Devices and/or use Clean Fuels in order to reduce diesel emissions. In addition, all motor vehicles and/or construction equipment shall comply with all pertinent State and Federal regulations relative to exhaust emission controls and safety.
- The retrofit equipment shall consist of oxidation catalysts, or similar retrofit equipment control technology that is included in the EPA Verified Retrofit Technology List, and certified to provide a minimum of emission reductions of 20% PM₁₀, 40% CO, and 50% HC.
- The Clean Fuels shall consist of PuriNOx, or other low NOx and PM emission diesel fuel that can be used without engine modification, and is certified to reduce the emission of NOx, and PM by more than 10% and 30% respectively when compared to No 2 diesel fuel as distributed and sold in the State.
- Construction shall not proceed until the contractor submits a certified list of the diesel powered construction equipment that will either be retrofitted with emission control devices or use Clean Fuels. The list shall include (1) the equipment number, type, make, and contractor/sub-contractor name; (2) the emission control device make, model and EPA certification number; and/or (3) the type and source of fuel to be used.
- The contractor shall establish truck-staging zones for the loading or unloading of materials at the contract area. Such zones shall be located where the diesel emissions from the trucks will have minimum impact on abutters and the general public.
- Idling of delivery and/or dump trucks, or other diesel powered equipment shall be limited to three minutes during periods of non-active use, in accordance with Connecticut General Statute 22a-174-18, subsection (a)(5).
- A Diesel Emissions Mitigation plan will be required for areas were extensive work will be performed in close proximity (i.e., less than 50 feet) to sensitive receptors.

Contractor Information Program

Once the requirements for the diesel vehicle control specification were developed, the air quality-working group started preparations to present the diesel emission control program to contractors and prospective bidders, and explain the benefits and requirements of the program. Speakers from CONNDEP, EPA, NESCAUM, Caterpillar, CONNDOT, DMV, and PB participated in this program. Vendors and clean fuel distributors were also invited to present

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I-95 - Diesel Vehicle Emission Control Program

their products. The presentations included an overview of federal and state regulations, the experience obtained through the CA/T retrofit program, engine manufacturers points of view, specification requirements, and a demonstration of the smog opacity test performed by the DMV on heavy-duty vehicles.

Observations

The Connecticut I-95 Program had the advantage of the CA/T experience as well as almost one year of lead-time before contract documents had to be ready for the advertising of the first contract. The most positive aspect of initiating the retrofit program was the creation of an air quality-working group that met in a regular basis (every six weeks). The group was able to convince all of the affected parties to buy into the retrofit program. It was very important to obtain a clear understanding on the program benefits, costs, who was going to pay, and how the concept would be translated into a required specification as part of the bid documents early on in the program. Once those issues were resolved, the rest of the program required the effort of only a few technical experts.

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THE IMPACT OF RETROFIT EXHAUST CONTROL TECHNOLOGIES ON EMISSIONS FROM HEAVY-DUTY DIESEL CONSTRUCTION EQUIPMENT

Bruce Ainslie and Greg Rideout

Emissions Research and Measurement Division, Environment Canada

Coralie Cooper

Northeast States for Coordinated Air Use Management

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ABSTRACT

This paper presents the results of an in-use emissions testing program which investigated the emissions and duty cycles from five heavy-duty construction vehicles. The program examined the emission reduction potential of various retrofit control technologies including; diesel oxidation catalysts, passive particulate filter, and active particulate filter technologies. Analysis of the results are provided for both the original vehicle configuration and with the vehicles retrofitted with exhaust aftertreatment systems. The vehicles studied included a dump truck, two wheeled loaders, a backhoe and a bulldozer. The paper will discuss in-use heavy-duty vehicle emissions and the use of emissions control technologies.

INTRODUCTION

This study presents in-use emissions test results for four types of widely used construction vehicles. Currently, little or no field testing data is available for construction equipment which can be used to evaluate how in-use heavy-duty construction equipment emissions compare to the levels observed from laboratory testing on the current certification test (ISO 8-mode cycle). At the same time, state emissions inventories for this sector are based upon a limited number of laboratory emission tests. Therefore, there is a great need to increase the knowledge base on how in-use construction equipment emissions differ from what models predict to help us better understand how

this sector contributes to state air pollution inventories.

Current inventories estimate that nonroad engines contribute 20 percent of all nitrogen oxide (NOx) emissions and 50 percent of mobile source particulate (PM) emissions (Heavy-Duty Engine Emissions in the Northeast, NESCAUM 1997). Construction equipment is estimated to contribute 10 percent of all NOx emissions. In order to comply with the new National Ambient Air Quality Standards (NAAQS) for ozone and fine particulate states will need to achieve significant reductions in heavy-duty engine emissions. One possible method to achieve emissions reductions is through retrofitting exhaust emission control technologies to nonroad engines.

While the retrofitting of nonroad heavy-duty engines has been commonplace for many years on vehicles used in mining and the materials handling industries, there has been little activity involving construction equipment. Heavy-duty highway vehicles have only recently been equipped or retrofitted with emission control devices designed to reduce PM, CO, and HC emissions. In recent years, over 1.9 million heavy-duty trucks have been equipped with diesel oxidation devices in order to comply with the 1994 federal emissions standards. Furthermore, thousands of buses have been retrofitted with oxidation catalysts as part of the federal Urban Bus Retrofit/Rebuild Program. The Urban Bus Program has increased interest in the potential emissions reductions that may be attained in the in-use heavy-duty fleet from the introduction

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of emission control technologies.

In order to assess the potential of emission control devices to reduce construction equipment emissions, this study evaluated the potential emission reductions that may be obtained through the use of exhaust aftertreatment control technologies. In addition to supporting the development of these technologies by providing real world emissions data, the results may also be of interest to government agencies tasked with developing emission inventories from all sources.

TEST DESCRIPTION

TEST VEHICLES in the program were provided by New England Power (now U.S. Generating Company), and were located at the Salem Harbor coal and oil fired power plant. These vehicles are used to manage the coal in the fuel yard. Table 1 provides a general description of the vehicles.

Table 1. Vehicle Description

Type	Engine	Rated Power
Dumptruck	DT466 International	210 hp
Wheeled loader	TD63KBE Volvo	150 hp
Bulldozer	TD-25G Cummins	450 hp
Backhoe	3054DIT Caterpillar (Perkins)	84 hp
Wheeled loader	988 Caterpillar	320 hp

VEHICLE USE for the five machines varied from 20 to 30 hours per week, 52 weeks per year. The average annual hours of operation is 1,100 hours. The vehicles are serviced at 200 hour intervals by an on-site mechanic. During this servicing, engine oil and air filters, hydraulic fluid and filters, and fuel filters are changed. The engines are also greased during this maintenance. Hours of use are noted at each maintenance interval from the hour meter in the vehicle.

TEST FUEL used during the emissions evaluation was commercial diesel fuel purchased by New

England Power for use by their on site fleet. Nonroad diesel fuel sulphur was reported by New England Power to be 0.053 percent by weight (average of three tests) and .039 for the highway diesel used in the dump truck.

TEST CYCLES used for emissions testing in this project were developed specifically for the five vehicles tested and were designed to reproduce typical in-use operating conditions at the power plant.

In this program, a high priority was assigned to developing representative work cycles for each test vehicle. In addition to producing emission rates that reflect the contribution from these vehicles during normal operation, the design of several of the catalytic control systems is largely dependent upon the exhaust temperature. Therefore, it was important to establish test cycles that resulted in typical exhaust temperature profiles for each vehicle.

In order to characterize in-use operations, several days were spent at the Salem Harbor power plant gathering exhaust temperature data on a per second basis, and videotaping the vehicles while in use. During this time, operators at the plant were interviewed to further specify vehicle idling, load conditions, and hours of use.

With this data, Environment Canada developed testing cycles for each vehicle that replicated their observed work. To determine the emission test cycles, the temperature profiles were plotted against time. With the aid of a video tape the basic operating sequences were examined; revealing clearly repeated patterns. These patterns were timed using the counter on the videotape averaged over 5 or 6 repeats (where possible). For the bulldozer and the backhoe, 2 separate operating cycles were needed to fully characterize their operation. The work segments of the tests were approximately two minutes each in duration. The exhaust temperature data was made available to the exhaust aftertreatment manufacturers in order to assist them in the design, or selection of their systems.

TEST TRACKS were developed for each vehicle

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using the approach described above. Within the test track, each vehicle performed a given task a specific number of times. The actual number of repeats depended upon the time required to acquire sufficient amount of sample on the sample media. It was originally estimated that about 10 minutes would be sufficient.

Each of the five driving cycles has a high percentage of acceleration and deceleration when compared to the 8 steady state modes used in the 8-mode test used for emissions certification of heavy duty off road engines.

In the following Figures, the exhaust temperature profiles that were recorded during the initial phase of the program are compared to those that were recorded during the actual emissions testing. These Figures illustrate the range of exhaust temperatures that are experienced under normal conditions. The temperatures from the testing phase of the program show how closely the test cycles came to achieving comparable temperature ranges. They are also an indication of the nature of the test cycle. For example, the saw tooth patterns result from the repetition of a specific task. For the backhoe and wheeled loaders this could be the filling, raising and dumping of the bucket.

It should be noted, however, that the test cycles were also developed with the idea that they would be simple enough so that the operator could easily repeat them. This repeatability was necessary so that the results from different tests could be analyzed together and any differences in emissions could be attributed to the device and not the test cycle. With this in mind, it can be seen from the Figures that some of the test temperatures are lower than the initial observations because of the need to closely control the test cycle. In particular, the dumptruck was initially monitored as it drove through town in traffic but was subsequently tested in and around the plant to eliminate the variability of traffic.

As indicated in Figures 1 through 5, there was close correlation between the exhaust temperatures measured in actual operation and those measured over the test tracks for the two wheeled loaders and the backhoe. Fair correlation existed for the bulldozer, however, the test track

used to simulate the dump trucks operation resulted in significantly reduced exhaust temperatures.

Figure 1. Dumptruck Exhaust Temperature

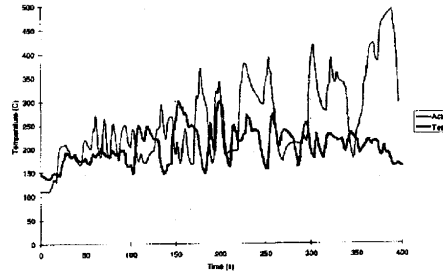


Figure 2. Volvo WL Exhaust Temperature

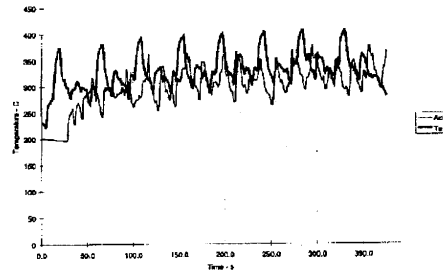


Figure 3. Dozer Exhaust Temperature

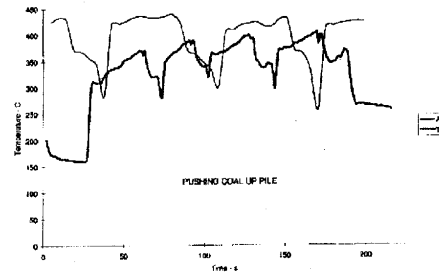


Figure 4. Backhoe Exhaust Temperature

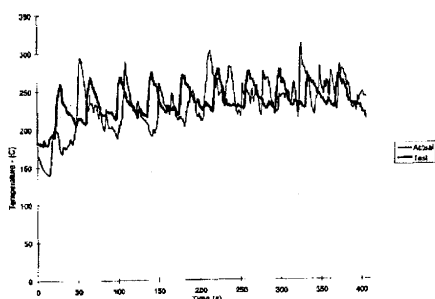
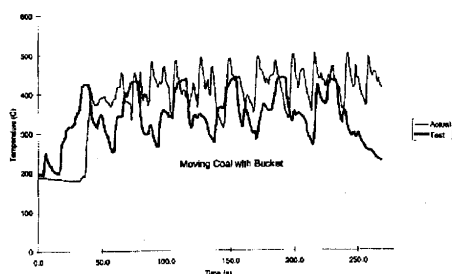


Figure 5. Caterpillar WL Exhaust Temperature



The following paragraphs describe each of the test cycles.

Dump Truck

The dump truck's typical work involved picking and delivering loads of ash, sand, salt etc. throughout the plant. The truck also travels through town periodically to do similar tasks. The test track for the dump truck was set up on the plant grounds and included a short loop through the adjacent residential area (in order to achieve some higher speeds). The truck drove a total of 3.2 kilometers during the test cycle. Speeds were carefully coordinated so as to correspond with speeds actually maintained during normal operations. The total number of stops were set to reflect typical operation.

Volvo Wheeled loader (WL)

Typically, the Volvo WL was used to mix high carbon ash into the coal pile by mixing buckets of ash and with buckets of coal. This operating routine was imitated on a course marked off by

pylons. To insure that the WL would always be picking up coal from a pile of constant size, the course was set up so that the WL would be driving into the side of the pile where it was over 15 feet high. The operator simply drove into the pile and lifted up a bucket of coal. The coal was then dropped in the same spot so that this same procedure could be repeated without the size of the pile or its location relative to the pylons changing. After dumping the coal, the operator then backed up and moved to a second location where the operator simulated dumping coal. The WL then moved to a third location where it simulated picking up the ash. Again, the operator simply drove into the coal pile, scooped up a bucket of coal and dumped it. The WL then moved backed to the second location, simulated dropping its load before returning to the starting point. This was considered 1 basic operating cycle and each test was composed of four or more of these cycles.

Bulldozer

The bulldozer cycle involved the bulldozer pushing coal up the side of the coal pile. When the bulldozer was pushing coal up the pile, it followed a measured track along a constant grade of 30 degrees. The coal was moved approximately 15 meters.

Backhoe

The backhoe was typically used to clean up coal that has spilled onto the roadways. It was decided that the backhoe test would be similar in nature to the Volvo test with the exception that the pylons were set up to accommodate its size and maneuverability.

Caterpillar Wheeled loader

The CAT WL also performed a test similar to the Volvo on a course laid out to accommodate its driving patterns.

SAMPLING REQUIREMENTS of this testing program required the development of a unique exhaust sampling system, which would facilitate the collection of gaseous and particulate emissions from heavy duty diesel construction equipment while the equipment in the test program was operated under typical conditions. In order to

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achieve this, a heated, self contained and automated sampling system was developed which could be mounted onto each of the test vehicles.

This computer controlled sampling system extracted a proportional sample of the total vehicle exhaust and transferred this sample to a mini-dilution tunnel. A heated line maintained at 151°C, transferred the exhaust from a stainless steel probe, perpendicular to and facing the exhaust flow, to the box. The raw exhaust was then mixed with ambient air to prevent condensation of water in the sample and to lower the concentration of the sample for analysis. The total diluted flow rate and the ambient flow rate were measured and controlled by two 100 liter mass flow controllers (MFC). The amount of raw exhaust entering the tunnel was varied depending on the exhaust flow rate from the engine. This proportional sampling was achieved by monitoring the air flow into the engine and using this value to automatically control the setting of the dilution air MFC.

At the outlet of the dilution tunnel, the total gas flow passed through a 70mm diameter Teflon coated glass fiber filter for particulate collection. Upstream of the filter holder, various sample probes were installed in the dilution tunnel to extract samples under controlled flow rates.

Tedlar sample bags were used to collect samples for further analyses by a flame ionization detector for THC, chemiluminescence detector for NO_x, and non-dispersive infrared detector for CO. DNPH Cartridges were used for subsequent analysis for carbonyls (20 compounds).

Immediately after the raw sample entered the box and prior to the mixing with the dilution air, a raw sample was directed to a continuous 5 gas analyzer. The response time of the NO_x electrochemical cell and the dilute exhaust concentrations of CO and THC, made these 3 readings from the analyzer unreliable. Therefore, the sample system relied on the continuous CO₂ measurements for fuel consumption and the Tedlar bag readings for average NO_x, CO and THC gaseous samples. The Tedlar bags underwent sample analysis, on site, using Horiba emissions analyzers, with the appropriate span gases for

calibration of the detectors. Although this differs from the USEPA recommended procedures for HC and NO_x measurements from heavy duty diesel engines it was felt that the data was acceptable under the field test program.

EMISSION CONTROL EQUIPMENT

Backhoe

The BACKHOE was equipped with an active un-catalyzed particulate filter. The system was designed to operate a full shift and then at the end of the shift, regenerate (burn-off the collected particulate) using in-line electrical burners powered by 220 V shore power. The filter was a 100 cell, EX 80 Corning wall flow filter. This technology is designed to provide large reductions in particulate emissions.

Volvo wheeled loader

This wheeled loader was retrofitted with an oxidation catalyst with substrates in parallel 19 cm diameter and 13 cm length. The catalyst contained 300 cells per sq. inch and had a total volume of 7 litres. The catalyst washcoat contained a proprietary zeolite and the precious metal catalyst is platinum based. The unit was a direct replacement of the stock muffler. The Volvo wheeled loader was also designated for trial with a bimetallic blend of platinum and cerium used at a total content of 8 ppm of metal in the fuel.

Caterpillar wheeled loader

The wheeled loader was retrofitted with a catalyzed particulate filter which contains 100 cells per square inch. This unit was designed specifically for the wheeled loader and was 15 inches in diameter. The filter contained a precious metal catalyst with a base metal oxide washcoat.

Dump truck

The dump truck was retrofitted with an oxidation catalyst that is 8 inches in diameter and six inches long. The catalyst contains 300 cells per square inch with an aluminum based washcoat. The volume of the catalyst is .17 cubic feet. The catalyst was a direct replacement of the stock

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muffler.

Bulldozer

The bulldozer was retrofitted with an oxidation catalyst specifically designed for this application. It contains 200 cells per square inch and has a ceria based washcoat with low platinum precious metal content.

RESULTS AND DISCUSSION

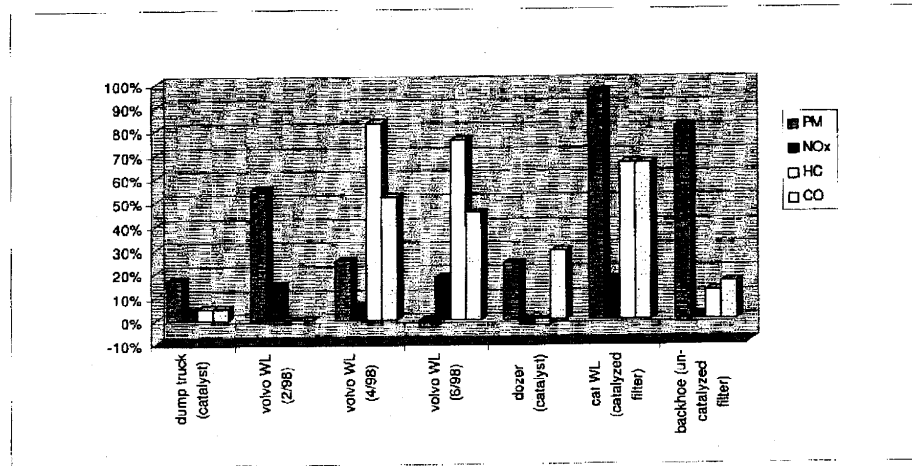
Table 2 provides the emission results of the equipment during the baseline tests as well as with the exhaust aftertreatment systems. For each vehicle, tests were conducted with and without the emission reduction technology within the same week.

The original muffler was installed for the baselines if it was replaced by the emission control system. With the Volvo wheeled loader, tests were conducted with an oxidation catalyst first, following which a bi-metallic fuel borne catalyst was introduced. The baseline tests with the additive were conducted without the catalyst installed.

To provide an unbiased method for determining if a cycle has been repeated to a sufficient degree of accuracy, a procedure was adopted which would eliminate the stray tests.

The procedure was based on the fact that since the test track was fixed and the vehicle was doing the same number of repeats, the most significant parameter which could be varying was the work performed during each test. To correlate the vehicles work, histograms of the second by second product of speed and exhaust temperature were analyzed. Scaled values were sorted into 10 ranges. The frequency at each range was calculated and a weighted sum based on the product of the frequency and the range value was determined for each test and for the average of all the tests of that configuration (i.e. baseline or with aftertreatment device). Each tests weighted value was compared with the group average. If the value was not within $\pm 15\%$ then the test was discarded. A new group average was computed based on the remaining valid tests. Only data from the tests that satisfied this procedure have been included here.

Figure 6. Summary of Emission Reduction Percentages for the Five Vehicles



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Table 2. Test Result Summary grams/minute, grams per kilogram of fuel

		Fuel kg/hr	CO g/min	NOx g/min	THC g/min	CO g/kgfuel	NOx g/kgfuel	THC g/kgfuel	PM g/kgfuel
Dumptruck	Baseline	6.01	1.93	4.45	0.34	19.32	44.52	3.40	2.53
	Catalyst	5.72	1.76	4.26	0.31	18.40	44.65	3.24	2.09
	% Change					5	0	5	17
Backhoe	Baseline	4.34	0.68	1.52	0.09	9.60	21.61	1.26	1.95
	Filter	4.66	0.63	1.65	0.09	8.06	21.18	1.11	0.38
	% Change					16	2	12	81
Dozer	Baseline	34.36	5.03	14.52	0.71	8.80	25.35	1.25	1.82
	Catalyst	34.1	3.55	14.84	0.71	6.28	26	1.27	1.39
	% Change					29	-2	-2	24
WL Volvo (Feb 98)	Baseline	6.3	no data	3.2	no data	no data	31.2	No data	1.22
	Catalyst	5.8	no data	2.6	no data	no data	26.6	No data	.55
	%Change						15		55
WL Volvo (April 98)	Additive alone	7.6	.77	4.4	.08	6.1	34.9	.63	.75
	Additive w/Catalyst	6.0	.29	3.3	.011	2.9	32.8	.11	.56
	% Change					52	.06	83	25
WL Volvo (June 98)	Baseline	7.10	0.71	4.53	0.09	6.00	38.50	0.75	0.79
	Catalyst	7.20	0.40	3.70	0.02	3.30	30.70	0.18	0.82
	%Change					46	20	77	-3
WL Cat	Baseline	15.8	1.9	4.84	0.16	7.13	18.4	0.59	1.1
	Cat-Filter	14.8	0.6	3.76	0.05	2.41	15.2	0.20	0.04
	%Change					66	16	66	96

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The DUMPTRUCK was equipped with an oxidation catalyst. This technology relies upon exhaust temperature to promote the conversion of CO and HC to carbon dioxide and water, and as well to oxidize the organic fraction of the particulate. In this testing there was a 17% reduction of the particulate mass. However, the conversion of the gaseous emissions was low. This is may be attributable to the fact that the average exhaust temperature during the field tests was only 205°C, (peak temperature of 299°C). Temperatures measured during normal operation were much higher as shown in Figure 1. With these higher temperatures, both higher particulate and gaseous emissions reductions would be anticipated. The lower exhaust temperatures during testing point to the effort to make a highly irregular course more repeatable for the sake of emissions testing.

The BACKHOE active particulate filter (uncatalyzed) showed particulate mass reductions of 81%.

The BULLDOZER oxidation catalyst system showed particulate mass reductions of 24 percent. Carbon monoxide emissions were also significantly reduced while hydrocarbons were not reduced. The significant PM and CO reductions are typical of what can be expected from an oxidation catalyst while the HC reductions are not. The lower than expected HC reductions are probably a result of the fact that a considerable amount of idling occurred at the beginning of two of the tests once the catalyst was installed as compared to the baseline testing. This could have resulted in lower than expected reductions for two reasons: 1) at idle, exhaust temperatures were low and the catalyst efficiency was consequently low which would result in artificially low reductions and 2) at idle, hydrocarbons can adsorb onto the catalyst surface and be released once the engine begins to work. Both of these possibilities would result in lower than expected reductions. But in either case, the lower than expected reductions are a function of test cycle differences and not the actual performance of the catalyst.

The Caterpillar WHEELED LOADER testing results showed that emission rates of particulate, carbon monoxide, and total hydrocarbons, were each

significantly reduced. The combination of 97% particulate reduction and excellent gaseous control (greater than 60% for CO and THC) represents substantial overall emissions reductions. The substantial reductions seen in this vehicle were aided by the high exhaust temperatures that were present (400 degrees C). The passive filter was probably regenerated at these high temperatures. To date, the filter has been working well (after 500 hours in use) and will be re-tested at 1,500 hours. The Caterpillar 988 was the one vehicle in the study where some backpressure increase was seen. This increase in backpressure could have caused an exhaust gas recirculation effect which could be responsible for the larger than expected NOx reduction.

The Volvo powered WHEELED LOADER was initially tested in February 1998. This was the first vehicle tested in the field study. During the tests a leak developed in the mass flow controller that affected the dilution of the raw exhaust. In addition, it was found that the gas analyzer being used was not capable of reliably quantifying the emission rates of CO and HC because of the low concentrations. This combination of factors made it difficult, if not impossible to determine the absolute emission rates. However, the particulate emission reductions were 55 percent with the catalyst.

The next series of tests on the Volvo were performed to evaluate the effect on emissions of a fuel borne catalyst both with the use of an oxidation catalyst and alone in April 1998. The fuel was treated with the fuel-borne catalyst and the wheeled loader was operated over a different test cycle and emissions were measured. An oxidation catalyst was then installed and the test was repeated. To obtain a baseline, the fuel-borne catalyst was purged from the engine and fueling system by running untreated fuel until June 1998. Emissions were then monitored over the same test cycle with the same test driver to minimize test to test variability.

Results indicate that the fuel-borne catalyst reduced particulate and HC emissions by 5 percent and 16 percent respectively from the baseline. No change in CO emissions was observed. Testing showed a 25 percent reduction in particulate

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emissions was achieved with the use of the catalyst in combination with the fuel-borne catalyst as compared to the levels measured with the fuel-borne catalyst alone. This was accompanied by a 83 percent reduction in hydrocarbons and a 52 percent reduction in CO. Total reductions found with the oxidation catalyst in combination with the use of the fuel-borne catalyst were 29 percent, 85 percent, and 52 percent for particulate, HC, and CO emissions respectively.

In order to re-evaluate the oxidation catalyst's performance, the catalyst was reinstalled and the testing repeated in June 1998 once the fuel-borne catalyst had been purged. The catalyst reduced CO and HC emissions by 48 percent and 77 percent respectively which is in the range that would be anticipated. However, no particulate reductions were found. In fact, a slight increase was measured. The catalyst has been returned to the manufacturer for analysis. However, inspection of the data indicates that the duty-cycle during this last test produced hotter exhaust gas temperatures which may have increased sulfation. Sulfation would have offset reductions in the SOF portion of the particulate. Also, NOx emissions were substantially lower in this series of tests (20 percent). If the reduction in NOx emissions, which could have occurred due to a change in engine operation and calibration, were accompanied by a corresponding increase in engine-out particulate emissions, the catalyst may have been performing as would have been expected. However, it would have been necessary to quantify the engine-out shift.

Since the particulate composition was not analyzed in these trials it is difficult to speculate on the reasons for the varying emissions reduction performance of the catalyst with respect to particulate. It is important to note that the tests to date on this vehicle cannot be used to explain the variations in particulate matter reduction as observed with the converter muffler and the bi-metallic fuel borne catalyst on this vehicle.

ENGINE DYNAMOMETER TESTING was undertaken by the US Environmental Protection Agency (EPA) on the Caterpillar engine that powered the wheeled loader. The engine testing

was performed using the transient cycle developed from the New England Power field test data. In order to create this nonroad transient test cycle, the EPA used data acquired by the ERMD during the field tests. The field data collected during the tests included; the air intake flow rate, engine speed, and the fuel delivery rate (rack position). With this data the EPA were able to duplicate the operation of the engine on an engine dynamometer. The engine map that was created at the EPA for the tests also enabled the Environment Canada staff to calculate the brake specific emission rates for the field tests, both with and without the emission control system installed.

The bag sample emissions data from the field tests and the laboratory tests on the New England Power cycle are compared in the following Table. The details of these tests are reported in a separate EPA report.

Table 3. Engine and Field Test Results, g/KW-Hr

	CO	NOx	HC	PM	Fuel
Lab Test	1.23	4.84	0.18	0.42	0.23
Field Test	1.69	4.25	0.14	0.26	0.21
% Diff.	27	12	22	38	9

The data in Table 3 indicates reasonable correlation between the laboratory testing undertaken by the USEPA and the Environment Canada field data. The largest difference was seen in the particulate measurement. During the laboratory tests the filters were observed to have high loadings of material which necessitated the adjustment of the sample flow rate in order to maintain a constant flow throughout the test. Examination of Environment Canada's flow rate data showed a drop in flow that indicates an increased pressure drop across the filter paper during the test. A portion of the material on the particulate may have volatilized as a result of this pressure drop and therefore the mass collected lowered. This may have contributed to the lower field test data.

CONCLUSIONS

From this test program, it would appear that

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retrofitting exhaust emission control technologies to nonroad construction equipment is feasible and that real in-use emission reductions can be achieved.

The results were the most variable and uncertain with the Volvo using a fuel-borne catalyst and a diesel oxidation catalyst. This may be due to the length of time between tests and the possibility of engine-out emissions drift, operator inconsistency, and other factors.

Based on the results of this study, retrofitting the 200,000 diesel engines used in construction equipment with oxidation catalysts in the Northeast would reduce particulate emissions up to 4,000 tons per year, carbon monoxide up to 45,000 tons per year and hydrocarbons up to 7,000 tons per year. Retrofitting with particulate filters would reduce particulate emissions in the region up to 15,000 tons per year, carbon monoxide up to 109,000 tons per year and hydrocarbons up to 17,000 tons per year.

States in the region are beginning to require the use of oxidation catalysts and particulate filters in public fleets or on vehicles used for water, sewer, road building and other publicly funded projects. The results of this study show that expanding these efforts could significantly reduce particulate, hydrocarbon, and carbon monoxide emissions in the Northeast.

Further testing will be conducted by Environment Canada to improve the understanding of durability of retrofit technologies in construction equipment. The testing will be done when the machines have been in-use for 1,500 hours after being retrofitted. Results and analysis of this follow-up testing will be described in a future paper.

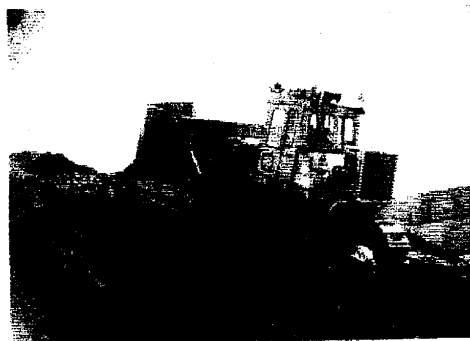
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1. Final Report, Heavy-Duty Engine Emissions in the Northeast. Nescalum, May 1997

Acknowledgements

The authors gratefully acknowledge the participation by New England Power and U.S. Generating Company and give special thanks to Kevin Cornacchio, his staff, and Deborah Donovan for assistance with the project. Thanks to David Struhs at Massachusetts DEP and the NESCAUM Heavy-Duty Engine Workgroup for advice and support during the project. The participation of Clean Diesel Technologies, Engelhard, Engine Control Systems, Johnson Matthey, and Siemens who donated emission control equipment and provided technical advice is gratefully acknowledged. Special thanks to Cleophas Jackson, Lee Jones, Tom Ball, Lou Oles, and Don Kopinski at EPA, Walter Freiberger at Brown University, and Terry Uilman at Southwest Research Institute for advice and technical support through the development of the program. A special acknowledgement is due to the EPA National Vehicle and Fuel Emissions Laboratory staff for conducting emissions testing on one of the vehicle engines.

Figure 7. Bulldozer Under Test



**California Air Resources Board, Robert D. Barham,
Ph.D., Assistant Chief, Stationary Source Division
(January 31, 2003)**

Response to Comment 8-1

The Recirculated Draft SEIR has been revised in response to this comment. Additional construction-related air quality mitigation measures have been added to this Final SEIR, consistent with the examples provided by ARB. Although this impact was mitigated to a less-than-significant level by Mitigation Measure MM AQ-1 (please see Page 3.3-19 of the Recirculated Draft SEIR)—which requires the use of ARB-approved emulsified diesel fuels in lieu of diesel in all diesel-powered construction equipment—the mitigation measure below has been added to this Final SEIR. (Please see Master Response H on Page 3-19 for a complete listing of mitigation measures that have been added or substantially modified since the review of the Recirculated Draft SEIR.)

MM AQ-1.2: CARB-approved diesel oxidation catalysts shall be installed in all four-stroke, turbo-charged diesel engines for which this technology is feasible.

This mitigation measure, in combination with the requirement to use emulsified diesel fuel, will reduce PM₁₀ by 50 percent from uncontrolled levels. This is a significant reduction in total diesel particulate exhaust that will be emitted by construction of the project.

Response to Comment 8-2

As mentioned in the Response to Comment 8-1, additional construction-related mitigation measures have been incorporated into this Final SEIR.

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FORM GEN. 160A (Rev. 1/82)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE**Comment Letter 9**West Channel/Cabrillo Marina
Phase II Development

Date: January 31, 2003

To: Ralph G. Appy, Director of Environmental Management
Harbor Department

From: Allyn D. Rifkin, Principal Transportation Engineer
Department of Transportation

Subject: **RECIRCULATED DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT
REPORT (DSEIR) FOR THE PROPOSED WEST CHANNEL/CABRILLO
MARINA PHASE II DEVELOPMENT PROJECT (STATE
CLEARINGHOUSE NO. 98041086)**

The Department of Transportation (DOT) has reviewed the DSEIR and the supporting traffic study prepared by traffic consultant, Kaku Associates for the proposed West Channel/Cabrillo Marina Phase II Development Project. DOT issued a letter commenting on the previously released DSEIR on January 21, 1999. The project is located in the Port of Los Angeles and generally bounded on the west by the West Channel, on the east by Miner Street, on the south by main harbor and on the north by 22nd Street. The DSEIR analyzed six intersections and concluded that three of the study intersections would be significantly impacted by the proposed project. Except as noted the DSEIR adequately evaluated the project's traffic impacts on the surrounding community.

PROJECT DESCRIPTION

The West Channel Development Area (WCDA) consists of two sites that correspond to the two phases of development. The first phase is located west of the West Channel and has been constructed. The second phase is located east of the West Channel and is comprised of a total of 40 acres of land and 37 acres of water. Phase II consists of developing the site to replace deteriorated marina facilities with higher-value marine and visitor-oriented retail, a vessel stack storage facility, restaurant, tour/charter rentals, yacht sales display, marina catering to larger recreational vessels and special events. The existing marina will also be demolished and replaced with a new, modern floating dock system. The primary access to the site is proposed at the north end of the project via Harbor Boulevard, south of 22nd Street. An enhanced or realigned Minor Street will be renamed

LADOT SURVEY, 221 FI Fax:213-580-5208

Jan 31 '03 18:17 P.03

Ralph G. Appy

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January 31, 2003

Harbor Boulevard. Cabrillo Way Village will function as the primary entrance to restaurants, dry stack parking, and the retail village. Approximately 6,500 linear feet of pedestrian promenade will be constructed to accommodate pedestrian access around the development.

On a typical weekday, the project will generate approximately 3,867 net daily trips with 131 net trips during the AM peak hour and 262 net trips during the PM peak hour. On a typical weekend, the project will generate approximately 5,194 net daily trips with 585 net trips during the weekend peak hour.

MITIGATION MEASURES

The DSEIR indicates that the proposed project will have a significant traffic impact at the following three intersections:

1. Harbor Boulevard and I-110 Northbound On-Ramp
2. Harbor Boulevard and SR-47 On and Off Ramps/Swinford Street
3. 6th Street and Harbor Boulevard

9-1

The impacted intersections are the same as the ones listed in the originally circulated DSEIR. No traffic mitigation measures are proposed for the intersections of 6th Street and Harbor Boulevard, and Harbor Boulevard and the I-110 Freeway Northbound On and Off Ramps. These locations would be impacted during weekends only. The traffic impacts are seasonal and may only occur in the summer months. Both intersections are expected to operate at reasonably good level of service "C" with cumulative and project's trips.

At the intersection of Harbor Boulevard, SR-47 Freeway Eastbound On and Off Ramps and Swinford Street, the project proposes to add an additional northbound left turn lane by removing the median island on the south leg of Harbor Boulevard, restriping the freeway off-ramp to provide dual left turn lanes and a shared left-thru lane and modify the signal operation to have Swinford Street and the off-ramp operate on opposed phasing, and to add a right turn arrow for the off-ramp which will overlap with the northbound left turn phase. A preliminary design of this improvement was prepared by DOT under the original DSEIR and was found to be feasible. Approval of the design by the State of California Department of Transportation (Caltrans) is required for this proposed measure

9-2

Unless otherwise specified, all proposed improvements and traffic mitigation measures shall be implemented through the Bureau of Engineering (BOE) B-Permit process or Caltrans' encroachment permit process. Construction of the improvements to the satisfaction of DOT, BOE and Caltrans must be completed before issuance of any certificate of occupancy. In the event the developer is unable to obtain necessary construction permits from the concerned agencies in a timely fashion, a temporary certificate of occupancy may be granted by the City provided the developer has demonstrated reasonable efforts to complete the necessary designs and improvements to the satisfaction of DOT. Should any improvement not receive required approval, the City may substitute an alternative measure of an equivalent cost and effectiveness. Prior to setting the bond amount, BOE shall require that the developer's engineer or contractor contact DOT's B-Permit Coordinator, telephone (213) 580-5336, to arrange a pre-design meeting to finalize the proposed design needed for the project.

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Ralph G. Appy

- 3 -

January 31, 2003

HIGHWAY DEDICATION REQUIREMENTS

9-3 The Harbor Department should also check with the Bureau of Engineering (BOE) Land Development Group for any highway dedication or street widening requirements.

CONSTRUCTION IMPACTS

9-4 DOT recommends that a construction worksite traffic control plan be submitted to DOT for review and approval prior to the start of any construction work. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that all construction related traffic be restricted to off peak hours.

DRIVEWAY ACCESS

9-5 The review of this DSEIR does not constitute approval of the driveway access and circulation scheme. Those require separate review and approval and should be coordinated as soon as possible with DOT's Citywide Planning Coordination Section (201 N. Figueroa Street, 3rd Floor, Station 23).

If you have any questions, please contact Wes Pringle of my staff at (213) 580-5206.

s:\letters\west_channel_dseir.wpd

d: Council District No. 15
Southern District, DOT
Design Division, DOT
Citywide Planning Coordination Section, DOT
Land Development Group, Bureau of Engineering
Steve Buswell, Caltrans

**City of Los Angeles, Department of Transportation,
Allyn D. Rifkin, Principal Transportation Engineer
(January 31, 2003)**

Response to Comment 9-1

The comment correctly states that the impacts identified at the intersections of Harbor Boulevard & I-110 NB On-Ramp and Harbor Boulevard & 6th Street will not be mitigated. These impacts are projected to occur only seasonally on weekends, and the intersections are expected to operate at a reasonably good level of service, LOS C. Furthermore, intersection improvements designed to mitigate seasonal weekend impacts may cause undesirable disruption during other non-peak times. Therefore, as discussed in the Recirculated Draft SEIR, impacts at these intersections are not considered significant.

The comment incorrectly states that the mitigation measure proposed for the intersection of Harbor Boulevard & SR-47/Swinford Street would add an additional northbound left turn, modify the lane configuration of the freeway off-ramp, and alter the signal phasing. This is the mitigation measure that was proposed to mitigate the impact at this location related to a previously proposed project on the Cabrillo Marina Phase II site in 1998. The current project proposes as mitigation only the addition of a second northbound left-turn lane on Harbor Boulevard, which would result in two left-turn lanes, two through lanes, and one shared through-right turn lane on the northbound approach. This would effectively mitigate the project-related impact. An alternative mitigation to provide two left-turn lanes, one through lane, and one shared through-right turn lane on this approach would also fully mitigate the project-related impact (see Response to Comment 34-11 for details of the updated level-of-service analysis conducted for this location). It is noted that the LAHD and its consultants are currently considering additional improvements that may be made at this location in the future to accommodate anticipated long-term growth in traffic. The proposed mitigation measure and the alternative mitigation measure described above would not conflict with other improvements at this location that are currently under consideration.

Response to Comment 9-2

The comment describes the administrative process through which the proposed mitigation measure must be implemented. The comment is noted and does not require any change to the Recirculated Draft SEIR. The lead agency would work through the appropriate agencies and obtain the necessary permits for all proposed improvements.

Response to Comment 9-3

The comment states that the lead agency should consult with the Bureau of Engineering Land Development Group regarding any highway dedication or street widening requirements. The comment is noted and does not require any change to the Recirculated Draft SEIR. However, the LAHD will consult with the Bureau of Engineering Land Development Group regarding any highway dedication or street widening requirements.

Response to Comment 9-4

The comment recommends the preparation of a worksite traffic control plan and recommends that all construction-related traffic be restricted to peak hours. The comment is noted and the LAHD has added the following mitigation measure to prepare such a plan if and when necessary. (Please see Master Response H on Page 3-19 for a complete listing of mitigation measures that have been added or substantially modified since the review of the Recirculated Draft SEIR.)

***MM TRANS-6.1:** The contractor shall develop a construction traffic control plan to minimize temporary traffic impacts during construction activities. The traffic control plan shall include provisions that would limit construction-related truck trips on roadways and state highways to off-peak commute periods. The plan would also include:*

- *the location(s) of any roadway or sidewalk closures,*
- *traffic detours,*
- *haul routes,*
- *hours of operation,*
- *protective devices,*
- *warning signs,*
- *access to abutting properties, and*
- *construction-related traffic scheduling.*

Response to Comment 9-5

The comment describes the process for review and approval of the driveway access and circulation scheme for the project. The comment is noted and does not require any change to the Recirculated Draft SEIR.

3.6.3 Individual and Business Comments and Responses

- 10. John McNaughton, Commodore, Buccaneer Yacht Club**
- 11. Charles and Rebecca Rannells**
- 12. Sean Conlon**
- 13. S. Holwerda**
- 14. Pat Trutanich**
- 15. Antoni Trutanich**
- 16. Andrew Silber, Owner, The Whale & Ale**
- 17. Donald E. Hiniker, Vice President, Crescent Warehouse Company, Ltd.**
- 18. Nick and Neil Guglielmo**
- 19. Mona and Robert Reddick**
- 20. Donald Kee, Stevedoring Services of America**
- 21. Grieg Asher, AICP**
- 22. Joel Malik, Owner, San Pedro Corporate Awards**
- 23. James Brown**
- 24. Douglas Epperhart**
- 25. Cathy Beauregard-Covit**
- 26. Danna McDonough**
- 27. Linda L. Grimes, Eighteenth Street Marketing and Management Services**
- 28. Fred Allen & Assoc.**

29. Dr. James Holwerda

30. Cathy Ragland

AS

Buccaneer Yacht Club
POBox 76
San Pedro CA 90731

Comment Letter 10

January 6, 2003

Dear Sirs,

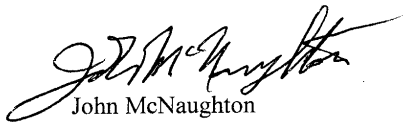
We would like to comment on the **Recirculated Cabrillo Marina Phase II Development Project Supplemental EIR**

Appendix G "Tenant and Development History of the Site"

This document omits the following facts.

10-1

The Buccaneer Yacht Club (BucYC) has been operating in the Watchorn Basin for fifty years and at same location for the last 48 years. This location, on the East side, North of the former Fleitz office, was in use as a yacht club for about five years before the BucYC moved in.


John McNaughton
Commodore, BucYC



John McNaughton, Commodore, Buccaneer Yacht Club, (January 6, 2003)

Response to Comment 10-1

The LAHD acknowledges that the Buccaneer Yacht Club is located in the vicinity of the proposed project. Tables G-1 and G-2 of the Recirculated Draft SEIR Appendix G, “Tenant and Development History of the Site,” have been updated accordingly.

Comment Letter 11

1020 West Paseo Del Mar
San Pedro, CA 90731
macrag@msn.com

January 15, 2003

RE: Draft EIR-W.Channel Cabrillo Marina Phase II

Ralph Appy, Ph.D
Director of Environmental Management
Port of Los Angeles
PO Box 151
San Pedro, CA 90731-0150

Dear Dr. Appy:

We are strongly opposed to the placement and configuration of the dry stack boat storage facility as described in the Recirculated Draft Supplemental Environmental Impact Report for the West Channel Cabrillo Marina Phase II Development Project (Cabrillo Way Marina.)

Specifically we are extremely concerned with the:

- 11-1 1) Extreme length of the facility which represents nearly 3 football fields, making it a commanding industrial addition to an area, bridge to breakwater, where the Harbor Commission has promised to decrease the presence of industry,
- 11-2 2) Immense height of the structure at six stories which will obliterate any views of the water from neighboring residences,
- 11-3 3) Detour of the waterfront promenade around this behemoth, which in essence transforms it into a parking lot walkway for half a mile,
- 11-4 4) Fact that this project is proposed in the absence of any long or moderate term plan that meets the needs of both the Port and the community.

As long term San Pedro residents, we are extremely interested in any further developments regarding this project and thank you in advance for your updates either by mail or e-mail.

Sincerely yours,

Charles & Rebecca Rannells
mr



Charles & Rebecca Rannells (January 15, 2003)

Response to Comment 11-1

The proposed dry stack building, which has been modified from its originally proposed design, is related to marine recreation and is consistent with the non-industrial “Bridge-to-Breakwater” policies expressed by the Board of Harbor Commissioners. As such, the dry stack facility would be consistent with adjacent land uses as well as the LAHD’s goal of creating a community-serving waterfront area. Please refer to Master Response A regarding the dry stack storage building design modifications that have transpired as a result of community involvement in the Recirculated Draft SEIR review and comment process. Please also refer to Master Response E regarding the “Bridge-to-Breakwater” master plan concept.

Response to Comment 11-2

Please refer to Master Responses A and D regarding the applicant’s proposed modifications to the dry stack storage building and the comparative decrease in resulting visual impacts.

Response to Comment 11-3

The site plan revisions that are an outcome of public comment and involvement will reduce the referenced “detour” around the dry stack storage. The promenade portion of the project has been expanded to follow the guidelines of the WATCH report. Therefore, the proposed route of the promenade would be consistent with the character of this pedestrian linkage.

Response to Comment 11-4

The LAHD understands the commentator’s concern regarding the promenade design and meeting the needs of the community. However, the LAHD believes that the project would meet the needs of the community and would implement a necessary portion of the promenade design. The project would provide a base from which additional community-serving developments, including additions to the proposed waterfront promenade, could be made. For additional clarification, see also Master Response E regarding the “Bridge-to-Breakwater” master plan concept and the community input upon which it is based.

Comment Letter 12



Sean Conlon
3703 S. Walker Ave.
San Pedro, CA 90731

January 17, 2003

Ralph Appy
Director of Environmental Management
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151

Re: Public comments on West Channel/Cabrillo Marina Phase II Development Project (Cabrillo Way Marina)

Dear Ralph:

I am writing to comment on the Draft EIR for the West Channel/Cabrillo Marina Phase II Development Project (Cabrillo Way Marina) SCH No. 98041086 ("Phase II").

I am opposed to both the process and the product of the Port's EIR on this Phase II project.

- 12-1 • With respect to the process, the Port has ignored the more comprehensive planning process accompanying the so-call "Bridge-to-Breakers" or Promenade project. How this Phase II project will interface with this larger project is not addressed. Obviously, because a master plan for the Promenade is not available, the Phase II plan can not address it. However, in spite of these timing issues, the Phase II plans should only be made within the larger Promenade plans.
- 12-2 • A second criticism of the process is the lack of inclusion of the recently negotiated changes to the Phase II plans. While undocumented, my understanding is that these include a lower boat stack, greater offset of the retail strip from the waterline, reduced parking, and some re-configuration of the walkway. It is suspicious that the Port is either in too much of a hurry, or is lacking the resources, to update the EIR before holding a public hearing.
- 12-3 • With respect to the product, or specific items within the Phase II plan, the items to which I object are numerous. These include:
 1. The boat stack represents too large a structure for the surroundings and obscures the views of the both visitors to the Marina area and resident neighbors.

- 12-4 | 2. The plan effectively postpones any specific action on the long-requested second public boat ramp needed to relieve traffic and parking problems along Pacific and at Cabrillo beach.
- 12-5 | 3. The retail zone is unjustified, both on its own and with respect to any final plan for retail at Ports O'Call. Is there market support for a retail district that can co-exist with any re-developed Ports O Call?
- 12-6 | 4. The detour of the harbor walkway, of approximately 1/2 mile, around the stack both damages the character of the walkway, in general, and, for that specific stretch, is very unattractive and designed without concern for the users of the walkway.
- 12-7 | 5. The expanse dedicated to parking is completely at odds with the intended use of the waterfront for aesthetic enjoyment. It's a very low use of large amounts of prized land.

12-8 | While this list could go on, the overriding opposition that I have is the **lack of any coordination between the planning process for Phase II and the larger Promenade.** The Phase II plans are clearly very narrow in their concerns: focused on the profitable dry stack and its convenient use, and not focused on the greater Promenade concept. I propose that the Phase II process be suspended until the Promenade planning process can include the Phase II proposals.

Please keep me informed with all relevant public information on this project.

Thanks you for you attention to these concerns.

Sincerely,



Sean Conlon

cc: Councilwoman Janice Hahn, L.A. City Council
Coastal San Pedro Neighborhood Council (c/o Doug Epperhardt)

Sean Conlon (January 17, 2003)

Response to Comment 12-1

The LAHD understands the commentor's concern regarding the promenade design and the overall planning context for the Cabrillo Way Marina Project. Since the public release of the Recirculated Draft SEIR, the applicant and the LAHD have met with community groups and a community-planning liaison to formulate project design changes that meet with the acceptance of the community and the project applicant. Although not all points of contention can be accommodated while maintaining the viability of the project, the LAHD believes that project modifications by the applicant have resulted in a project that would meet the needs of the community, would implement a necessary portion of the promenade design, and would serve the project objectives stated in the Recirculated Draft SEIR. The project would provide a base from which additional community-serving developments, including additions to the proposed waterfront promenade, could be made. For additional clarification, please see Master Response E regarding the "Bridge-to-Breakwater" master plan concept and the community input upon which it is based.

Response to Comment 12-2

Please refer to Response to Comment 12-1, the Master Responses, and the Project Description in Chapter 1, "Executive Summary," regarding changes that have been made to the proposed project. The LAHD believes that these changes address the commentor's concerns, and that the changes would be consistent with all established, applicable, and formally adopted planning documents.

Response to Comment 12-3

Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

Response to Comment 12-4

Although the boat launch facilities are not part of this project, the Recirculated Draft SEIR addressed and analyzed the needs of the community regarding the placement of a public boat launch facility. Although not part of the proposed Cabrillo Way Marina site plan, Recirculated Draft SEIR Chapter 5, "Boat Launch Analysis," contains a feasibility analysis and description of possible locations for boat launches in the future.

See Section 1.5, "Boat Launch Siting," in the Executive Summary regarding the potential for locating a public boat launch facility on LAHD property. On

October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to evaluate the feasibility of locating boat launch facilities on LAHD property. The assessment is to include integration of any potential facility into the San Pedro Waterfront planning process.

To address the local traffic congestion issues voiced by the community, the LAHD will work with the Los Angeles Department of Recreation and Parks to modify the existing operations at the Cabrillo Beach launch site by opening Shoshonean Road (southbound only at the existing boat launch parking lot) to incoming boat trailers and/or by instituting a reservation system to manage vehicle arrivals throughout the peak usage hours (see Page 2-3 of the Recirculated Draft SEIR).

Response to Comment 12-5

The pending permit with Westrec Marinas has been modified to address waterfront commercial development. Specifically, the conditions require the configuration of all commercial areas within the premises to maximize public access to the waterfront, create attractive public open spaces and plazas, and minimize adverse effects on traffic, vehicular and pedestrian circulation, and aesthetics on the premises. Furthermore, all uses must be reasonably and directly related to the operation of a public recreational vessel marina. To ensure market absorption for any proposed waterfront commercial uses, the permit conditions also state that no partial construction, empty building pads, or empty buildings shall be permitted on the premises.

Insofar as retail uses at Ports O' Call will not serve the needs of a public recreational vessel marina, no market support conflicts are anticipated. However, the issue was not specifically analyzed in the Recirculated Draft SEIR because CEQA applies to physical impacts on the environment and does not require the evaluation of economic impacts. Specifically, Section 15358(b) of the State CEQA Guidelines states, "*effects analyzed under CEQA must be related to physical change.*" Section 15131(a) of the State CEQA Guidelines states that "*economic or social effects of a project shall not be treated as significant effects on the environment.*"

Response to Comment 12-6

The site plan revisions that are an outcome of public comment and involvement during the Recirculated Draft SEIR review period will reduce the referenced "detour" around the dry stack storage building. The promenade portion of the project has been expanded to follow the guidelines of the WATCH report. The pending permit with Westrec Marinas has been modified to include a minimum 20-foot width requirement for the pedestrian promenade, as distinguished from ancillary paths and walkways. The total area of the redesigned promenade in the

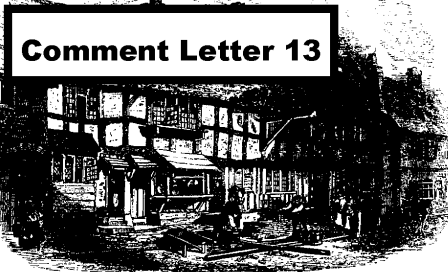
revised project is approximately 1.7 acres. Permit conditions relevant to the promenade design have been developed based on the findings and recommendations of the SMWM letter. In general, those conditions require the design of all commercial areas within the premises to maximize public access to the waterfront and to create attractive public open spaces and plazas supportive of public waterfront access. Therefore, the proposed route of the promenade would be consistent with the character of this pedestrian linkage.

Response to Comment 12-7

In response to the PCAC Focus Group comments during the Recirculated Draft SEIR review period, the project applicant has reevaluated the parking design and confirmed that parking needs must be met with surface parking. Although the comment does not specifically mention alternative parking options, only that the construction of an on-site parking structure would provide notably larger quantities of land for other uses. However, structured parking presents several challenges: 1) The linear nature of the project site footprint would make design of a suitable parking structure difficult; 2) for many spaces, walk distance would be increased over surface parking; 3) the cost per space is projected to be 20–30 times greater for structured parking; 4) the inherent functional nature of a parking garage does not lend itself to an aesthetically pleasing design; and 5) a parking structure would obstruct the view corridor. In keeping with the PCAC Focus Group intent of minimizing hardscape, and consistent with the SMWM recommended design modifications, the applicant has made substantial enhancements to walks, plazas, and landscaped public spaces. Among those recommended changes are the redesign of the parking lot edges with landscaped sidewalks similar to those along the public promenade; the removal of sign walls; and increased landscaping in the parking lots themselves. These changes will effectively accommodate vehicular access and pedestrian movements, while reducing the hardscape appearance in on-site parking areas.

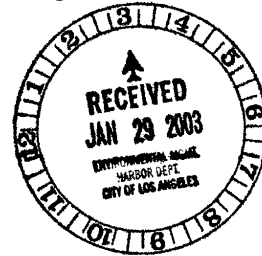
Response to Comment 12-8

Please refer to Responses to Comments 12-1 and 12-2, as well as Master Response E, regarding the listed concerns.



Olde England: Stratford-on-Avon, Birthplace of William Shakespeare, 1564

Dr. Ralph Appy
Director of Environmental Management
Post Office Box 151
San Pedro - Ca 90731-0151



J&S
Mrs. J. G. Halwerda
1217 W. Paseo Del Mar
San Pedro - Ca 90731
23rd January 2003

Dear Dr. Appy.

I am writing you to comment on the proposal for the development of the Cabrillo Way marina by Westree + the Port of Los Angeles.

13-1 The centerpiece appears to be the "Jug Stock Boat Storage Facility". This warehouse is truly enormous and will constitute a further eyesore to the area - This will certainly not enhance the waterfront promenade which will surely have to be diverted around this building and will desecrate going through the parking area - the congestion does not leave thinking about.

13-2 As the Harbor Commission has committed to removing industrial operations from the San Pedro "Bridge to Breakwater" area we are now faced with this warehouse that will be bigger than anything else in the Port of L.A.

I am definitely against this building and hope it will be removed from the plan.
Sincerely, J. G. Halwerda

S. Holwerda (January 23, 2003)

Response to Comment 13-1

Please refer to Master Responses A and D regarding the incorporation of public input and modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts. For additional clarification, see also Master Response E regarding the “Bridge-to-Breakwater” master plan concept and the community input upon which it is based.

The site plan revisions that are an outcome of public comment and involvement will reduce the referenced “detour” around the dry stack storage. The promenade portion of the project has been expanded to follow the guidelines of the WATCH report. Therefore, the proposed route of the promenade would be consistent with the character of this pedestrian linkage.

Response to Comment 13-2

The proposed dry stack building, which has been modified from its originally proposed design, is related to marine recreation and is consistent with the non-industrial “Bridge-to-Breakwater” policies expressed by the Board of Harbor Commissioners. As such, the dry stack facility would be consistent with adjacent land uses as well as the LAHD’s goal of creating a community-serving waterfront area. Please refer to Master Response A regarding the dry stack storage building design modifications that have transpired as a result of community involvement in the Recirculated Draft SEIR review and comment process.

Comment Letter 14

Pat Trutanich
3419 Mulldae Avenue
San Pedro, CA 90732-4719

January 25, 2002

Ralph Appy, Ph.D.
Director of Environmental Management
Port of Los Angeles
Post Office Box 151
San Pedro, CA 90733-0151

Re: West Channel Cabrillo Marina Phase II Development Project (Cabrillo Way Marina)

Dear Dr. Appy:

14-1

This letter is being sent to you to formally object to a dry stack boat storage facility being constructed as a part of the project. Not only will it be out of place and unsightly because of its size, it does not fit into the overall plans that are currently developing for the waterfront areas. After all the years of waiting and all of the promises made, please do not let this monster-sized building dominate and blight an area that should be very open to show its beauty to all who visit.

Thank you.

Sincerely,



Pat Trutanich

cc: Mayor James Hahn
Councilwoman Janice Hahn



Pat Trutanich (January 25, 2003)

Response to Comment 14-1

Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

Additionally, the dry stack storage would be considered a recreational-serving use, and as such would be consistent with adjacent land uses and the LAHD's goal of creating a community-serving waterfront area.

T Antoni Trutanich
3419 Mulldae Ave
San Pedro, CA 90732-4719

Comment Letter 15

JANUARY 27, 2003

RALPH AARV, Ph. D.
DIRECTOR OF ENVIRONMENTAL MANAGEMENT
PART OF LOS ANGELES
POST OFFICE BOX 157
SAN PEDRO, CA. 90733-0157

DEAR MR. AARV:

I AM WRITING TO COMMENT ON THE RECIRCULATED DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE WEST CHANNEL CABRILLO MARINA PHASE II DEVELOPMENT PROJECT (CABRILLO WAY MARINA).

15-1 I AM OPPOSED TO CONSTRUCTION OF THE DRY STACK BOAT STORAGE FACILITY. THIS BUILDING WOULD CREATE A SIGNIFICANT IMPACT ON VIEWS AND BE OUT CHARACTER AND DISPROPORTIONATE TO SURROUNDING STRUCTURES.

15-2 ALSO REROUTING THE WATERFRONT PROMENADE AROUND THE DRY STACK BUILDING SIGNIFICANTLY ALTERS THE CHARACTER OF THIS PREVIOUSLY-APPROVED CONCEPT.

15-3 PLEASE INFORM ME OF ANY FURTHER DEVELOPMENTS REGARDING THIS PROJECT AND THE ONGOING EIR PROCESS.

THANK YOU,
SINCERELY,
Antoni J. Trutanich



CC: JAMES HAAN, Mayor

CC: JANICE HAAN, COUNCILWOMAN

Antoni J. Trutanich (January 27, 2003)

Response to Comment 15-1

Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

Response to Comment 15-2

The site plan revisions that are an outcome of public comment and involvement will reduce the referenced “detour” around the dry stack storage. The promenade portion of the project has been expanded to follow the guidelines of the WATCH report. Therefore, the proposed route of the promenade would be consistent with the character of this pedestrian linkage. Please refer to response to Master Response E regarding the “Bridge-to-Breakwater” master plan concept and promenade design for additional discussion.

Response to Comment 15-3

The LAHD acknowledges the commentator’s request to be updated regarding further project development. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to initiate a Project Architectural/Site Plan Design Review team that includes representatives of the PCAC Coordinated Plan Subcommittee and the San Pedro Waterfront and Promenade implementation plan consultant to review and provide advice on various project design issues presented in Exhibit “B” of the PCAC motion.

THE WHALE & ALE

Comment Letter 16

327 West 7th St.
San Pedro, CA 90731

310 832 0363 Fax 310 832 2314

Email via www.whaleandale.com

Port of Los Angeles
Environmental Management Division
425 South Palos Verdes Street
San Pedro, CA 90731

Tuesday January 28, 2003

Dear Sirs,

**Re: West Channel/Cabrillo Marina Phase II,
Draft Supplemental Environmental Impact Report**

As the owner of a small business in San Pedro, I urge you to consider carefully the many benefits of a plan being proposed by Westrec Marinas.

I have long believed that an increase in retail and dining attractions will benefit existing businesses, including those in Downtown San Pedro.


It is my considered opinion that as the waterfront becomes more of a destination for those looking for recreational facilities, so traffic to shops and restaurants in the area will increase; similarly less residents of the Palos Verdes peninsula will feel the need to leave the area for shopping and dining.

16-1 San Pedro desperately needs a renaissance, and this plan for an expanded and revitalized marina with retail and dining outlets would be a healthy start on the road to economic recovery for an area that has been neglected for too long.

The existing Environmental Impact Report certainly seems to cover any potential impacts of the proposed project, and I consider that those impacts will be more than outweighed by the benefit to the area in job creation and tax revenues.

Please consider carefully the advantages for businesses such as mine if this project is seen through to fruition.

Yours faithfully,



Andrew Silber, Owner – The Whale & Ale



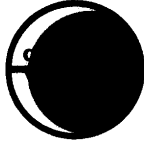
Andrew Silber, Owner, The Whale & Ale (January 28, 2003)

Response to Comment 16-1

The LAHD acknowledges the commentor's support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project. No change has been made to the Recirculated Draft SEIR in response to this comment.

J+S

Comment Letter 17



CRESCENT WAREHOUSE COMPANY, LTD

January 28, 2003

Ralph G. Appy, PhD.
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
P. O. Box 151
San Pedro, CA 90733-0151

Re: Written Comments Regarding West Channel/Cabrillo Marina Phase II
Development Project, EIR

Dear Mr. Appy,

17-1

Crescent Warehouse is the oldest tenant in the Port having a presence since 1899. We currently occupy Warehouse # 6,9,10, Berth 57,58,59 and 60 as well as Warehouse #1 in the Outer Harbor and will be severely impacted by subject development. As indicated, the Port is aware of the immediate impact on our business, which provides warehousing and distribution services to the Ports steamship tenants. We also provide the only ILWU warehouse jobs in the area.

We are working with Port of LA staff in guaranteeing that adequate replacement facilities are made available so that both Crescent's and the community's objectives are fulfilled.

Very truly yours,

CRESCENT WAREHOUSE CO., LTD.

Donald E. Hiniker
Donald E. Hiniker
Vice President

111 EAST 22ND STREET, PO. BOX 908
SAN PEDRO, CALIFORNIA 90733
(310) 519-8661 FAX (310) 519-0715



Donald E. Hiniker, Vice President, Crescent Warehouse Company, Ltd. (January 28, 2003)

Response to Comment 17-1

The LAHD acknowledges that the Crescent Warehouse Company, Ltd., (Crescent), is the oldest tenant in the Port and that Crescent would be impacted by implementation of the proposed project. The LAHD also concurs that they are actively working with Crescent to locate suitable replacement facilities so that Crescent's objectives, as well as those of the affected tenant community, are fulfilled in conjunction with the relocation. No change has been made to the Recirculated Draft SEIR in response to this comment.

Comment Letter 18

1-28-03
J&S

18-1

To whom it may concern,

We are current thirty year tenants of Cabrillo Way Marina. Our small fishing business operations are an integral part of the Marina and should remain as such. We support the construction of berthing slips and restaurants, the area economy will benefit tremendously.

Sincerely,

Nick Guglielmo
Nick Guglielmo

Neil Guglielmo
Neil Guglielmo



Nick and Neil Guglielmo (January 28, 2003)

Response to Comment 18-1

The LAHD acknowledges the commentor's support for the project. The Board of Harbor Commissioners will consider the comment when it acts on the proposed project.

JAS

Comment Letter 19

Mona Dallas Reddick
Robert H. Reddick
3712 Almeria Street
San Pedro, CA 90731

January 28, 2003



Port of Los Angeles,
Environmental Management Division
425 S. Palos Verdes Street
San Pedro, CA 90731

Re: West Channel/Cabrillo Marina Phase II
Development Project (Cabrillo Way Marina)
SCH No. 98041086

19-1 | We are extremely concerned that the proposed dry-stack boat storage facility is completely out of scale to the surrounding geography and other marina structures. Because of its height and length, the storage facility will visually dominate the area and be a significant visual blight. We feel that plans for the facility should be redesigned on a smaller scale or preferably that alternatives, such as using existing warehouses, be seriously considered.

19-2 | We would like to see the Port of Los Angeles work more closely in conjunction with those most immediately affected by development in the Harbor, namely the residents of the San Pedro-Wilmington area. The Port in conjunction with the Harbor community should first create a master plan that takes into account the needs and interests of the residents. Building the dry-stack storage facility without a master plan is a short-sighted move in the wrong direction. The monumental Port construction at our doorstep has been detrimental to our health and quality of life. It is time to reverse this trend.

Sincerely,

Mona Dallas Reddick + Robert Hugh Reddick

Mona Dallas Reddick
Robert H. Reddick

cc: Los Angeles Councilwoman Janice Hahn

Mona and Robert Reddick (January 28, 2003)

Response to Comment 19-1

Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

Response to Comment 19-2

The CEQA process of commenting on the Recirculated Draft SEIR provided valuable community input into subsequent project planning efforts. Following review of the Recirculated Draft SEIR comment letters, numerous aspects of the project were reconsidered and modified as shown in Chapters 1 and 2.

In addition to the Recirculated Draft SEIR comments, the PCAC Focus Group held meetings with interested individuals, the project applicant (Westrec Marinas), and LAHD staff in order to more thoroughly convey and discuss aspects of the proposed project. See Section 3.4, “Comment Review and Public Involvement,” in this chapter for a description of the community involvement process.

For additional clarification, see also Master Response E regarding the “Bridge-to-Breakwater” master plan concept and the community input upon which it is based.

The Recirculated Draft SEIR analyzes noise, traffic, aesthetics, air pollution, and other factors as they relate to physical impacts and their implications with regard to “quality of life” issues. Please refer to Chapter 3 of the Recirculated Draft SEIR for complete discussions of project impacts.

Comment Letter 20

January 29, 2003

Ralph G. Appy, PhD.
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes Street
P.O. Box 151
San Pedro, CA 90733-0151



SOUTHERN CALIFORNIA
Partners in Quality

Re: **Written Comments Regarding West Channel/Cabrillo Marina Phase II Development Project, EIR**

Dear Mr. Appy,

Stevedoring Services of America (SSA) is an established terminal operating and stevedoring company currently operating within the Port of Los Angeles. SSA currently holds a lease with the Port of Los Angeles for the Outer Harbor 54-55 breakbulk terminal. For your reference the permit number is 714 and does not expire until 2009. As I am sure you are aware we handle mostly perishable cargoes, including Chilean fruit, as well as frozen meat and other fresh fruit from New Zealand.

20-1 Please note that the EIR is incorrect as it indicates in two locations within the document that Crescent Warehouse is the permit holder at Berth 54/55. SSA is the current permit holder. These two errors can be found on within the executive summary page 2-7 and Section 2.5.1 – Demolition and Remediation,

20-2 The project as presented within the EIR document will have significant impacts upon our terminal and its operation. We believe that the Port is aware of this impact as is indicated in the Executive Summary, page ES-4, Demolition.

The realignment of Miner Street to the East and the demolition of 54/55 on page 2-7 as indicated in the EIR appears to be in direct conflict with our current permit. The diagrams provided illustrates that the roadway would be relocated to nearly adjacent to the truck loading dock alongside the warehouses at Berth 54/55. This realignment of road, which appears to be part and parcel to the marina project, would prohibit us from handling cargo through the facility.

Stevedoring Services of America is not opposed to the project as long as suitable alternative facilities, with equal capabilities and at equal cost to SSA is made available by the Port of Los Angeles.

We stand ready to work with the staff at the Port of Los Angeles to resolve this conflict allowing both the marina project and the fruit terminal to operate.

Sincerely,

STEVEDORING SERVICES OF AMERICA

Donald Kee
Regional Vice President

1160 Pier F Avenue
Long Beach, CA 90802
FAX 562.432.8891

Feb 5 2003 18:17 P.07
R-250 Job-788

FEB-05-03 18:18

Donald Kee, Regional Vice President, Stevedoring Services of America (January 29, 2003)

Response to Comment 20-1

The Recirculated Draft SEIR has been modified to correct the two permit holder errors cited in the comment.

Response to Comment 20-2

The LAHD acknowledges that Stevedoring Services of America (SSA) would be impacted by implementation of the proposed project. The LAHD recognizes the effects the project will have on SSA operations and is working with SSA to identify and provide a relocation site. No change has been made to the Recirculated Draft SEIR in response to this comment.

Comment Letter 21



January 30, 2002

Ralph Appey
City of Los Angeles Harbor Department
425 S. Palos Verdes Street
San Pedro, CA 90731

Subject: Proposed Cabrillo Marina Phase 2 Development – Draft EIR

Dear Mr. Appey:

21-1 I agree with the strong opposition to this project as expressed by all three San Pedro Neighborhood Councils, as well as the Port Community Advisory Committee (PCAC), several homeowners' associations, and hundreds of local residents. I request that the Board of Harbor Commissioners immediately withdraw the Draft Supplemental Environmental Impact Report (EIR) for the Marina Phase 2 development project, and start over again – this time by building a community consensus first and then followed by a new draft EIR.

The PCAC was making good progress towards developing a community consensus on the second phase of the Cabrillo Marina. Unfortunately, by acting unilaterally in releasing the EIR prematurely, the collaborative planning process sponsored by PCAC was brought to an abrupt and unfortunate end. I urge you to rescind the EIR and let the PCAC waterfront planning process continue.

21-2 The proposed project is huge in scale, with corresponding impacts. The proposed project and the DEIR violate the basic planning principles in the WATCH report, the ULI report and even the PCAC's Waterfront Planning Principles. The DEIR for the proposed project does not adequately mitigate for increased traffic, increased air pollution, increased water pollution, increased noise pollution, increased glare and light pollution, increased energy consumption, obstruction of views, loss of public access, and loss of habitat. The proposed project DEIR does not adequately address environmental justice impacts on the surrounding community, cumulative impacts of this project along with other current and proposed Harbor Department projects on the community and the region, nor the negative economic impacts that this proposed project will have on downtown San Pedro and the people who are invested in or rely upon downtown as the economic and cultural hub of the community.

21-3 The proposed project is too large and the negative impacts on the community too great. The number of reconstructed and new boat slips should be limited to the current number of existing boat slips. This would be the first step in keeping negative impacts to an absolute minimum. The second step would be the elimination of any dry stack storage facility. The third step would be the reduction in total retail/commercial space to a maximum of 20,000 square feet (gross). In addition, the retail/commercial space should be limited to marina-tenant uses.

DEIR Comment Letter
Page 2

- 21-3

With the elimination of the dry stack storage building, and a reduction in the number of boat slips and retail/commercial space, then a number of other positive impacts accrue. The over 20-acres of waterfront land dedicated to surface parking lots in the proposed project can be reduced to 5 acres, and could be reduced even further if a one-story parking structure was required. Other benefits would include reducing the overall footprint of the project, reducing urban run-off, reducing traffic, reducing congestion, reducing air and water pollution, reducing noise and light pollution, reducing impacts on surrounding neighborhoods and the downtown, reducing habitat loss, reducing energy consumption and reducing the amount of waterfront land that is privatized.
- 21-4

First and foremost we must remember that the waterfront is held in public trust for the People of California, and the primary benefits of waterfront development should accrue to the general public. Privatization of the waterfront should only be used as a last resort, when it is the only tool available to deliver a public good to the public. This proposed project and DEIR inadequately address protection of the public good and instead promotes the privatization of this scarce public resource. This proposed project in effect, proposes to create a "private country-club" on public land with minimal public benefit. In addition, a large amount of public funds will be used to construct this project and almost all of the negative impacts resulting from this project, numerated above, will be borne by the general public, while the greatest benefits will accrue to the private owner and private members.
- 21-5

Boat marinas are not a good that must be delivered by the private sector. In fact, throughout the world, throughout the nation, and throughout California, publicly owned marinas are abundant. Indeed, until just a few years ago, the Harbor Department itself operated a successful public marina – Cabrillo Marina Phase 1.
- 21-6

The proposed project and DEIR do not provide adequate public access to the waterfront. The Promenade as proposed is substandard and does not meet the minimum standards set by the WATCH report. At a minimum, the Promenade in the proposed project should be 20-feet wide and in some areas it should be required to be as wide as 30-40 feet wide. All proposed buildings should be required to have a 40-foot setback from the water in order to accommodate a wide Promenade. By eliminating the dry stack storage warehouse, the Promenade will be able to continue along the water's edge, instead of being forced into traversing the surface parking lot. Providing a waterfront Promenade is the type of public good that should be protected.
- 21-7

In addition to a public Promenade, public open space, parks and plazas should be included. Public facilities such as restrooms, parking and a community room should also be included in the project. The parking lots should be free and open to the public so they can access the water without having to pay a parking fee. A community room that is open to the public for meetings and classes, a public boat launch, free guest/visitor boat slips that are open to the public, boat slips for non-profit research vessels, and areas for recreation and sailing should also be included.
- 21-8

In addition to access to the water, views of the water should be preserved for the general public and not reserved for the privileged few who can afford to be private members of a marina or yacht club. Prohibiting a dry stack storage warehouse for yachts will benefit the general public by opening up views of the water. In addition, a 40-foot height limit should be required for the entire project area, in order to permanently protect the viewshed.

DEIR Comment Letter
Page 3

- 21-9

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The DEIR inadequately addresses noise, light, glare, energy efficiency and aesthetic impacts. The project should be required to use state-of-the-art green technologies, not only for construction but for operation as well. Some examples might include the use of low-impact LED lighting, green buildings, recycled water, solar energy and recycling programs. An efficient pedestrian-oriented site plan would also lessen the negative impacts of the project.
- 21-10

}

By reducing the size of the project, the traffic impacts of the project will be reduced as well. Other steps to further reduce traffic should include mandatory TDM and TSM measures, such as requiring the use of alternative fuels, reducing parking, increasing transit, providing bicycling facilities, improving the site-plan to be more pedestrian oriented and developing aggressive ongoing TDM and TSM Programs such as providing electric shuttle vehicles and bicycles for use by employees and visitors. Furthermore, with the elimination of the dry stack storage warehouse, Miner Street and Harbor Boulevard will not need to be widened and relocated, nor will the Red Car Line Trolley need to be relocated.
- 21-11

}

Both the WATCH and ULI reports call for Harbor Boulevard to become more pedestrian friendly, and for traffic throughput to remain the same as current levels or reduced – certainly not increased. The Neighborhood Councils and PCAC have endorsed these reports, and have called for less intensive land uses, which generate less traffic, for the southern part of the Harbor. The proposed project and DEIR, on the other hand, have huge traffic impacts, starting with Harbor Boulevard and then reverberating throughout the community, in direct opposition to the wishes of the community. The community wants to maintain the current Level of Service standards in San Pedro, by minimizing commercial development along the waterfront, not by increasing roadway widths, supersizing intersections and increasing throughput.
- 21-12

}

I disagree strongly with the DEIR's proposed policy to eliminate the "no net increase" policy from individual projects, and instead to apply it as a port-wide goal. This proposed policy is being floated as a trial balloon by Harbor Department environmental staff and should be swiftly and soundly rejected by both policy makers as well as the general public. A "no net increase" policy in traffic and air pollution as defined in the DEIR is unenforceable and unmeasurable, and is therefore worthless. The only way to make a "no net increase" policy effective and measurable is to either (a) Mitigate the increased traffic or air pollution caused by a project by a like-amount reduction in some other project, or (b) Reduce the increased traffic or air pollution within the proposed project itself. Either way, the "no net increase" policy must be applied to every current and future project, including this proposed project. I firmly believe that CEQA requires that all increases in traffic and air pollution caused by the construction and operation of this proposed project must either be mitigated, or reduced to current levels. The DEIR is seriously flawed because it does not do this.
- 21-13

}

In sum, this DEIR is flawed, because it is premature. The proposed project is poorly planned and creates many more negative impacts than positive benefits. This project does not protect the Public Trust and is not the highest and best use of these Public Lands. The proposed project does not adequately mitigate the negative impacts – within the project boundaries, within the adjacent area or within the greater community.

DEIR Comment Letter
Page 4

21-14

I urge you to take a pause, withdraw this DEIR, and recommence a community consensus building process. After a more appropriately scaled project has been defined and accepted by the Neighborhood Councils and the PCAC, then proceed with the CEQA process to a successful conclusion.

Sincerely,



Grieg Asher, AICP

1183 W. 16th Street
San Pedro, CA 90731

Grieg Asher, AICP (January 30, 2003)

Response to Comment 21-1

The comment requests that the LAHD withdraw the Recirculated Draft SEIR. In evaluating the project, the LAHD has followed appropriate CEQA requirements regarding public review and circulation of the document. Having done so, there is no reason to withdraw the Recirculated Draft SEIR on procedural grounds.

In addition, the LAHD acknowledges the commenter's request to include the PCAC in the planning process. The PCAC has been afforded opportunities to comment on the project and Recirculated Draft SEIR and its opinions will continue to be considered by the LAHD. In addition to the Recirculated Draft SEIR comments, the PCAC Focus Group held meetings with interested individuals, the project applicant (Westrec Marinas), and LAHD staff in order to more thoroughly convey and discuss aspects of the proposed project. See Section 3.4, "Comment Review and Public Involvement," in this chapter as well as Section 1.3, "Public Outreach," for a description of the community involvement process.

Response to Comment 21-2

Since the issuance of the Recirculated Draft SEIR, the project has been reduced in scale and the project description has been revised accordingly. Please refer to the Project Description in Chapter 1, "Executive Summary" for a complete discussion of those changes.

Section 15125(d) of the State CEQA Guidelines requires a Recirculated Draft SEIR to discuss any inconsistency between the proposed project and applicable general plans and regional plans. This section does not, however, require the EIR to evaluate the project's consistency with unofficial or informal plans developed by interest groups. The LAHD has, nevertheless, considered the WATCH report and the Urban Land Institute report in revising the proposed project (please see Master Response E).

Specifically, the proposed project would be consistent with the Promenade Guidelines that list principles regarding an overall project design as listed in the WATCH report. In addition, the project would be consistent with other area plans for downtown, San Pedro, and future water front development, and the project would be consistent with the State Tidelands Grant. Most notably, the project would begin the process of creating an aesthetically pleasing pedestrian friendly promenade that is planned to extend from bridge to breakwater and that would include design themes consistent with existing waterfront areas.

The various impact analyses cited in the comment are provided in Chapter 3 of the Recirculated Draft SEIR. All impacts that would result from project implementation have been appropriately disclosed and analyzed in the

Recirculated Draft SEIR and most are capable of mitigation. As discussed in the Recirculated Draft SEIR, no significant environmental impacts related to transportation and circulation, water quality, noise, light and glare, aesthetics, public services and utilities, recreation, or biota and habitats would occur. In addition, cumulative project impacts are discussed within each applicable chapter of the Recirculated Draft SEIR, and Chapter 4, “Environmental Justice,” does adequately discuss potential impacts related to environmental justice.

With regard to economic impacts, CEQA applies to physical impacts on the environment and does not require the evaluation of economic impacts. Specifically, Section 15358(b) of the State CEQA Guidelines states, “effects analyzed under CEQA must be related to physical change.” Section 15131(a) of the State CEQA Guidelines states that “economic or social effects of a project shall not be treated as significant effects on the environment.” Thus, a discussion of economic impacts is not required.

The Recirculated Draft SEIR does conclude and disclose that some residual impacts to air quality would occur. Construction-related emissions of the project would exceed SCAQMD emission thresholds for NO_x, ROG, and CO, and the operational emissions would exceed SCAQMD thresholds for PM₁₀, NO_x, ROG, and CO. Additional mitigation measures have been proposed (see Master Response H). Mitigation is able to reduce construction-related PM₁₀ impacts to less-than-significant levels; however, no mitigation is available to reduce operational impacts to below a level that is less than significant.

Response to Comment 21-3

The comment describes components and changes to the project that the commentor would like to see incorporated to the project. These recommendations will be considered by the Board of Harbor Commissioners during deliberations about the project. Since the issuance of the Recirculated Draft SEIR, the project has been reduced in scale and the project description has been revised accordingly. Please refer to the Project Description in Chapter 1, “Executive Summary,” for a complete discussion of those changes. Please refer to the master responses for discussion of issues such as dry stack building revisions, the feasibility of structured parking, and the process by which community involvement has resulted in the current project description revisions. Please also refer to Response to Comment 21-2.

Response to Comment 21-4

Insofar as the CEQA process of commenting on the Recirculated Draft SEIR provided valuable community input into subsequent project planning efforts, the public good has ostensibly been served. Following review of the Recirculated Draft SEIR comment letters, numerous aspects of the project were reconsidered and modified as shown in Chapters 1 and 2.

In addition to the Recirculated Draft SEIR comments, the PCAC Focus Group held meetings with interested individuals, the project applicant (Westrec Marinas), and LAHD staff in order to more thoroughly convey and discuss aspects of the proposed project. See Section 3.4, “Comment Review and Public Involvement,” for a description of the community involvement process.

Response to Comment 21-5

The comment addresses the merits of the project and does not require any change to the Recirculated Draft SEIR. It will, however, be considered by the Board of Harbor Commissioners in their deliberations about the project.

Response to Comment 21-6

Please refer to the revised project description in Chapter 1, “Executive Summary,” as well as Master Responses A and E regarding the dry stack storage building and the promenade design, respectively.

Response to Comment 21-7

The comment addresses the merits of the project and does not require any change to the Recirculated Draft SEIR. It will, however, be considered by the Board of Harbor Commissioners in their deliberations about the project. Please refer to the Project Description in Chapter 1, “Executive Summary,” for a complete discussion of project revisions.

Response to Comment 21-8

Please refer to Master Responses A and D for a complete discussion regarding changes to the dry stack boat storage and any visual impacts associated with the proposed project.

Response to Comment 21-9

The Recirculated Draft SEIR analyzes potential noise, light and glare, public utilities, and aesthetics impacts and proposes mitigation to reduce impacts when appropriate and when required by CEQA. Refer to Master Responses B, D, and H for additional information regarding this topic.

Response to Comment 21-10

The comment suggests reducing the size of the project and implementing aggressive and mandatory transportation demand management (TDM) and transportation system management (TSM) measures to reduce the amount of traffic generated by the project.

Since the Recirculated Draft SEIR was prepared, modifications to the project have been made that would reduce its overall size. Please refer to the Project Description in the Chapter 1, "Executive Summary," regarding changes to the proposed project.

The comment suggests five specific TSM/TDM strategies to reduce site-generated traffic. Each of these is discussed below.

Alternative Fuels

The use of alternative fuels would not affect the amount of traffic generated by the site.

Increasing Transit

Existing transit service in the vicinity of the project is provided by the Los Angeles County Metropolitan Transportation Authority (MTA) and LADOT. These services are not within the control of either the project applicant or the lead agency (the LAHD). However, the LAHD is currently in the planning stage of a new transit service in the form of the Red Car Trolley, which is primarily intended to serve visitors to the San Pedro Waterfront. It is planned to utilize the existing railroad right-of-way parallel to Harbor Boulevard/Miner Street and would provide stations at 22nd Street, 6th Street, and 1st Street. Once operational, it will allow riders to transfer to lines operated by both the MTA and LADOT.

Providing Bicycle Facilities

The design of the project would adequately allow for bicycle travel to destinations within the site. The existing Class II bikeway on 22nd Street would be retained and the improved segment of Miner Street would provide adequate lane widths to accommodate both motor vehicles and bicycles. The planning documents guiding the implementation of the Waterfront Promenade show an intent to serve both pedestrians and cyclists. Amenities that are identified in the Waterfront Access Program (2002) include bicycle parking near the project driveways on 22nd Street.

Because the project square footage would exceed the threshold specified in the City's Municipal Code Section 12.21 (A) 16 (a), the project would be required to provide bicycle parking equal to 2% of the required automobile parking supply, or 28 bicycle parking spaces.

Pedestrian-Oriented Site Plan

The project would implement a significant segment of the Waterfront Promenade, along nearly the entire perimeter of the site and is designed to facilitate pedestrian flows within the site's activity centers and across 22nd Street.

These components of the project will promote the safe and efficient circulation of pedestrians around and through the site.

Electric Shuttle Vehicles and Bicycles for Use by Employees and Visitors

Because they could be available only for use at the site and those visitors would still need to travel to and from the site, these measures would not be expected to affect the amount of vehicle trips generated by visitors to the site. Because it is not anticipated that employees would need to travel excessive distances within the site while on the job, these measures are not necessary to reduce employee vehicle trips.

Response to Comment 21-11

The comment addresses the merits of the project and does not require any change to the Recirculated Draft SEIR. It will, however, be considered by the Board of Harbor Commissioners in their deliberations about the project. Please refer to Responses to Comments 21-4 and 21-10 above.

Response to Comment 21-12

Please refer to Master Response G for clarification of the “no net increase” policy.

Response to Comment 21-13

The comment addresses the merits of the project and does not require any change to the Recirculated Draft SEIR. It will, however, be considered by the Board of Harbor Commissioners in their deliberations about the project. Please refer to Response to Comment 21-2.

Response to Comment 21-14

Please see Response to Comment 21-4 regarding community input into the project planning process.

Comment Letter 22

San Pedro Corporate Awards Engraving & Custom Products



310.833.5527
Fax.310.833.0053

January 30, 2003

Port of Los Angeles
Environmental Management Division
425 S. Palos Verdes Street
San Pedro, CA 90731

Re: West Channel / Cabrillo Marina Phase II Development Project (Cabrillo Way Marina)

Dear Sir:

I am writing to express my strong support for the West Channel / Cabrillo Marina Phase II Project as described in the SDEIR currently out for public comment. I have been following this project for a number of years, and remain encouraged by what Westrec has proposed for the area.

This part of San Pedro has been allowed to deteriorate for too long. The marina is long overdue for a rebuild, and the developer's good track record for this kind of complex is well known. The retail that he proposes, to serve both the boat tenants and residents/visitors, seems very appropriate. As a local businessman, I would advise that the sooner this area is built up the sooner it will support the entire San Pedro business community.

22-1

I recommend that the retail components be approved as presented, and the developer be allowed to bring them on-line as he evaluates the marketplace. I see nothing but support from this project for the synergy of the economic resurgence we all are working and hoping for. The new business opportunities and multimillion-dollar payroll will benefit the entire San Pedro area.

As a boater, I look forward to the improved facilities, both the marina and the dry stack storage. While the dry stack building is large, I am confident Westrec can make it aesthetically pleasing for the area while providing much-needed cost-efficient water access for more of the region's boaters. This kind of storage and use reduces traffic congestion, air pollution, and demand on local boat ramps. I consider that these benefits outweigh the impacts of the project.

Thank you for your consideration. I am available to discuss this project further if you wish.

Cordially,

JOEL I. MALIK
Owner

315 West 7th Street • San Pedro, CA 90731

Joel I. Malik, Owner, San Pedro Corporate Awards (January 30, 2003)

Response to Comment 22-1

The LAHD acknowledges the commentor's support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project.

JAN. 31. 2003 2:03PM LAO/W TREASURY

NO. 9099 P. 1 JJS

Comment Letter 23



January 31, 2003

Port of Los Angeles
Environmental Management Division
425 S. Palo Verde
San Pedro, CA 90731

Ref: West Channel Cabrillo Marina ~ Phase 2

Gentlemen:

23-1 I wanted to provide brief comments in ***strong support*** of the rapid construction and completion of Phase 2 of Cabrillo Marina. I am a long-time sailor who has leased a slip in Phase 1 for some 11 years and elsewhere in the harbor for 10 years prior to that.

While you will never obtain 100% approval for any project of this magnitude, I firmly believe that the overwhelming benefits of this project to the boating community, local community (which includes many boaters) and indeed to Los Angeles, strongly outweigh what I understand mainly to be several "red herrings" expressed by minority of residents.

23-2 The most important benefits of the expansion as I see them include the following:

1. Helping to change a blighted and non-revenue producing area into a community focal point and source of pride that will perhaps be the prelude to cleaning up Ports of Call. If we can't start here, we will never make additional headway elsewhere.
2. Phase 2 would rid the Port of a currently dilapidated and unsafe marina that is long since past its useful life. It would replace it with a modern well-constructed arrangement of docks and infrastructure that would allow for much safer, environmentally cleaner, and economically more alluring location in which to offer berthing and support to the recreational boating community.
3. Quite frankly the services offered to the boating community, by way of pump out stations, fuel, in water servicing, are relatively poor today when compared with other locations. Phase 2 will remedy those shortcomings and help ensure the vibrancy and desirability of the area for years to come.
4. It makes great business sense. There will be additional jobs created, presumably filled primarily by the local community. These will occur during construction as

JAN. 31. 2003 2:03PM

LAO/W TREASURY

NO. 9099 P. 2

23-2

well as following completion. This creates salaries, consumption and taxes – all of which are immediately evidenced in the community.

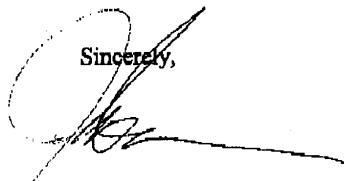
- 5. Lastly, from what I have heard, plans include initiatives directed at encouraging the involvement of youths in boating and sailing. I think everyone in the community would agree that the addition of positive and constructive recreational outlets for release of youthful energy is something to be encouraged and promoted.

23-3

I did happen to attend the open forum a couple of weeks ago and was quite amused and rather appalled at the narrow focus of several of the speakers with respect to the potential impact to “views” of the dry stack storage area. The fact that the developer was willing and perhaps already had made or suggested modifications to the facility to address their concerns seemed to fall on deaf ears. This seemed to largely be the entire focus of their attack and I would suggest that a work around to accommodate both parties should not be difficult.

In conclusion, I would just say that I strongly believe the boating community should be viewed as a large stakeholder in this development and, at the risk of generalizing, is very much in favor of rapidly moving ahead with the project. I implore you not to be detracted by the comments of a vocal minority who seem to care not a whit for anything other than “change in their view”. They are not the conscience of the community nor do they represent or reflect my views on the project.

Sincerely,



James M. Brown
285 Whalers Walk
San Pedro, Ca 90731
Berth 34

(310) 996-6169

C: Hard copy to follow.

James M. Brown (January 31, 2003)

Response to Comment 23-1

The LAHD acknowledges the commentator's support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project.

Response to Comment 23-2

The LAHD acknowledges the commentator's support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project.

Response to Comment 23-3

The commentator notes that the dry stack facility has been changed from its previous form in response to public comment. A complete description of the revised project can be found in Chapter 1, "Executive Summary."

Comment Letter 24

Douglas Epperhart
1206 West 37th Street, San Pedro, CA 90731-6012
(310) 833-2980 • DEpperhart@aol.com



January 31, 2003

Ralph Appy, Ph.D.
Director of Environmental Management
Port of Los Angeles
Post Office Box 151
San Pedro, CA 90733-0151

Dear Dr. Appy:

I am writing to comment on the Recirculated Draft Supplemental Environmental Impact Report for the West Channel Cabrillo Marina Phase II Development Project (Cabrillo Way Marina).

- 24-1 I am opposed to construction of the dry stack boat storage facility. This building would create a significant impact on views and be out of character and disproportionate to surrounding structures.
- 24-2 Also, rerouting the waterfront promenade around the dry stack building significantly alters the character of this previously-approved concept.
- 24-3 Please inform me of any further developments regarding this project and the ongoing EIR process.

Thank you.

Sincerely,

Douglas Epperhart

Douglas Epperhart (January 31, 2003)

Response to Comment 24-1

Please refer to Master Responses A and D for a complete discussion regarding changes to the dry stack boat storage and any visual impacts associated with the proposed project.

Response to Comment 24-2

The site plan revisions that are an outcome of public comment and involvement will reduce the referenced “detour” around the dry stack storage. The promenade portion of the project has been expanded to follow the guidelines of the WATCH report. Therefore, the proposed route of the promenade would be consistent with the character of this pedestrian linkage. See also Master Response E regarding the “Bridge-to-Breakwater” concept.

Response to Comment 24-3

The LAHD acknowledges the commentor’s request to be updated regarding further project development. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to initiate a Project Architectural/Site Plan Design Review team that includes representatives of the PCAC Coordinated Plan Subcommittee and the San Pedro Waterfront and Promenade implementation plan consultant to review and provide advice on various project design issues presented in Exhibit “B” of the PCAC motion.

Comment Letter 25

Andrew Jirik - Question's about Westrec Page 1

J+S

From: cathy a beauregard <kasdan2@juno.com>
To: <rappy@portla.org>
Date: 1/31/03 1:39PM
Subject: Question's about Westrec



I am submitting these questions regarding the Westrec project.

- 25-1 1. Is it possible for the Port to require additional measures for mitigation of construction air quality impacts by requiring the use of low emission construction equipment in addition to the requirement for use of aqueous diesel fuels?
- 25-2 2. It is stated that there are "no mitigation available" for the operational increases in air pollution. It would seem that the Port and the Developer could develop some best management practices to help reduce operational air quality impacts. These BMP's might include measures such as: limiting the amount of time that boats and their generators are allowed to be left idling in the marina, and creating educational programs for boaters regarding the Air Quality issues and to be kept aware of new technologies available to improve the efficiency of their engines.
- 25-3 3. Stated in the EIR , The project in construction and in operation exceed the SCAQMD threshold allowed, How come we can throw out or ignore these facts
- 25-4 4. I feel the project will produce overall benefits to the community and will be even better if extra measures can be taken to minimize the potential of "un-mitigatable" impacts.

Sincerely,

Cathy Beauregard-Covit
Community member and Mother of children growing up in San Pedro

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Visit www.juno.com

CC: <ajirik@portla.org>, <VernCHE@aol.com>, <camillakocol@cox.net>

Cathy Beauregard-Covit (January 31, 2003)

Response to Comment 25-1

The Recirculated Draft SEIR has been revised in response to this and other comments. Several comments reiterate Page 3.3-7 of the Recirculated Draft SEIR in stating that PM₁₀ and PM_{2.5} pose a serious health hazard. The most serious risk is from exposure to small particles that result from diesel combustion. Although mitigated to a less-than-significant level by mitigation measure MM AQ-1 (see Page p. 3.3-19 of the Recirculated Draft SEIR)—which requires the use of ARB-approved emulsified diesel fuels in lieu of diesel in all diesel-powered construction equipment—an additional mitigation measure has been added to this Final SEIR, as follows:

***MM AQ-1.2:** CARB-approved diesel oxidation catalysts shall be installed in all four-stroke, turbo-charged diesel engines for which this technology is feasible.*

This mitigation measure, in combination with the requirement to use emulsified diesel fuel, will reduce PM₁₀ by 50 percent from uncontrolled levels. This is a significant reduction in total diesel particulate exhaust that will be emitted by construction of the project.

In addition, all of the fugitive dust mitigation measures listed by the SCAQMD in their comment (which go above and beyond the controls required by Rule 403) have been added to this Final SEIR to reduce fugitive dust that would be generated by project construction. A mitigation measure has been added to this Final SEIR, as follows:

***MM AQ-1.3:** To reduce fugitive dust emissions of PM₁₀, and in addition to full compliance with the SCAQMD's Rule 403, the LAHD shall ensure implementation of the following construction activity mitigation measures. The measures shall be conditions of grading and/or building permit issuance and submitted as notes on said plans or in a form acceptable to the LAHD.*

- *The simultaneous disturbance area shall be limited to 5 acres per day on the project property.*
- *Active grading sites shall be watered one additional time per day beyond that required by Rule 403.*
- *Contractors shall apply approved non-toxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas.*
- *Construction contractors shall provide temporary wind fencing around sites being graded or cleared.*

- *Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code.*
- *Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site.*
- *The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed.*

The primary source of diesel exhaust from the proposed project would result from proposed construction activities. As described previously, mitigation measures have been included that would reduce the particulate component of diesel exhaust by 50 percent from uncontrolled levels. (Please see Master Response H on Page 3-19 for a complete listing of mitigation measures that have been added or substantially modified since the review of the Recirculated Draft SEIR.)

Response to Comment 25-2

The Recirculated Draft SEIR has been revised in response to this comment and others. After reviewing the comments on the Recirculated Draft SEIR, the LAHD has included additional construction-related mitigation measures, as discussed above in Response to Comment 25-1. In addition, operational mitigation measures are being proposed, as described in Chapter 1, “Executive Summary.”

Response to Comment 25-3

The commentor asserts that the project’s construction and operational emissions exceed the SCAQMD’s significance thresholds. The Recirculated Draft SEIR has been revised in response to this comment and others. Based on comments received on the Recirculated Draft SEIR, additional mitigation measures have been identified to reduce construction and operational emissions (please refer to Master Response F). However, even with those mitigation measures in place, emissions would exceed the SCAQMD’s significance thresholds. The Board of Harbor Commissioners will consider any significant impacts as part of its decision-making process.

Response to Comment 25-4

As stated in Responses to Comments 25-1, 25-2 and 25-3, additional construction-related mitigation measures have been identified to minimize air quality impacts.

Comment Letter 26



Ralph Appy, Ph.D.
Director of Environmental Management
Port of Los Angeles
Post Office Box 151
San Pedro, CA 90733-0151

Dear Dr. Appy:

- 26-1 Why does the Port persist in a propaganda campaign such as the Recirculated Draft Supplemental Environmental Impact Report for the West Channel Cabrillo Marina Phase II Development Project (Cabrillo Way Marina)?
- 26-2 The dry stack boat storage facility would create a significant impact on views and be out of character and disproportionate to surrounding structures. It is just another indication of the Port's arrogance and insult to the San Pedro community.
- 26-3 Doesn't rerouting the waterfront promenade around the dry stack building significantly alter the character of this previously-approved concept?
- 26-4 Please keep me informed of any further developments regarding this project and the ongoing EIR process.

Danna L. McDonough

Danna L. McDonough
1466 West Hamilton Avenue
San Pedro, California 907731

Cc: Bruce Biesman-Simmons
Doug Epperhart

Feb 5 2003 18:18 P.09

FEB-05-03 18:18

Danna L. McDonough (undated letter)

Response to Comment 26-1

The comment addresses the merits of the project and does not require any change to the Recirculated Draft SEIR. It will, however, be considered by the Board of Harbor Commissioners in their deliberations about the project.

Response to Comment 26-2

Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

Response to Comment 26-3

The site plan revisions that are an outcome of public comment and involvement will reduce the referenced “detour” around the dry stack storage. The promenade portion of the project has been expanded to follow the guidelines of the WATCH report. Therefore, the proposed route of the promenade would be consistent with the character of this pedestrian linkage. See also Master Response E regarding the “Bridge-to-Breakwater” concept.

Response to Comment 26-4

The LAHD acknowledges the commentor’s request to be updated regarding further project development. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to initiate a Project Architectural/Site Plan Design Review team that includes representatives of the PCAC Coordinated Plan Subcommittee and the San Pedro Waterfront and Promenade implementation plan consultant to review and provide advice on various project design issues presented in Exhibit “B” of the PCAC motion.

A.

Comment Letter 27



Ralph Appy, Ph.D.
Director of Environmental Management
Port of Los Angeles
Post Office Box 151
San Pedro, CA 90733-0151

Dear Dr. Appy:

I am writing to comment on the Recirculated Draft Supplemental Environmental Impact Report for the West Channel Cabrillo Marina Phase II Development Project (Cabrillo Way Marina).

- 27-1 I am opposed to construction of the dry stack boat storage facility. This building would create a significant impact on views and be out of character and disproportionate to surrounding structures.
- 27-2 Also, rerouting the waterfront promenade around the dry stack building significantly alters the character of this previously-approved concept.
- 27-3 Please inform me of any further developments regarding this project and the ongoing EIR process.

Thank you.

Sincerely,

Linda L. Grimes



880 West Eighteenth Street
San Pedro, California 90731
310.732.0010 • 310.732.2247 fax

97 111-11A

Linda L. Grimes, Eighteenth Street Marketing & Management Services (undated letter)

Response to Comment 27-1

Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

Response to Comment 27-2

The site plan revisions that are an outcome of public comment and involvement will reduce the referenced “detour” around the dry stack storage. The promenade portion of the project has been expanded to follow the guidelines of the WATCH report. Therefore, the proposed route of the promenade would be consistent with the character of this pedestrian linkage. See also Master Response E regarding the “Bridge-to-Breakwater” concept.

Response to Comment 27-3

The LAHD acknowledges the commentor’s request to be updated regarding further project development. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to initiate a Project Architectural/Site Plan Design Review team that includes representatives of the PCAC Coordinated Plan Subcommittee and the San Pedro Waterfront and Promenade implementation plan consultant to review and provide advice on various project design issues presented in Exhibit “B” of the PCAC motion.

A

FRED ALLEN & ASSOCIATES

Comment Letter 28

Ralph Appy, Ph.D.
Director of Environmental Management
Port of Los Angeles
Post Office Box 151
San Pedro, CA 90733-0151

Dear Dr. Appy:

I am writing to comment on the Recirculated Draft Supplemental Environmental Impact Report for the West Channel Cabrillo Marina Phase II Development Project (Cabrillo Way Marina).

- 28-1 I am opposed to construction of the dry stack boat storage facility. This building would create a significant impact on views and be out of character and disproportionate to surrounding structures.
- 28-2 Also, rerouting the waterfront promenade around the dry stack building significantly alters the character of this previously-approved concept.
- 28-3 Please inform me of any further developments regarding this project and the ongoing EIR process.

Thank you.

Sincerely,

Fred C. Allen



880 West Eighteenth Street, San Pedro, California 90731
(310) 832-4700 • (310) 732-2247 fax • freddoes@AOL.com

776711-10A

Fred Allen & Associates, Fred Allen (undated letter)

Response to Comment 28-1

Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

Response to Comment 28-2

The site plan revisions that are an outcome of public comment and involvement will reduce the referenced “detour” around the dry stack storage. The promenade portion of the project has been expanded to follow the guidelines of the WATCH report. Therefore, the proposed route of the promenade would be consistent with the character of this pedestrian linkage. See also Master Response E regarding the “Bridge-to-Breakwater” concept.

Response to Comment 28-3

The LAHD acknowledges the commentor’s request to be updated regarding further project development. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to initiate a Project Architectural/Site Plan Design Review team that includes representatives of the PCAC Coordinated Plan Subcommittee and the San Pedro Waterfront and Promenade implementation plan consultant to review and provide advice on various project design issues presented in Exhibit “B” of the PCAC motion.

Comment Letter 29

JAMES G. HOLWERDA

1217 Paseo Del Mar
San Pedro, California 90731-6060

Phone 310 547 4381
Fax 310 547 4955
E-mail=jghdanakil@juno.com

Mr. Ralph Appy, Ph.D.
Director of Environmental Management
Post Office Box 151
San Pedro, California 90731-0151

Dr:

- 29-1 The purpose of this letter is to inform you that I am opposed to the construction of the dry stack boat storage facility proposed to be located at Cabrillo Way Marina in San Pedro. I feel that this structure would create a significant undesirable impact on existing views and be out of character with surrounding structures. I also feel that such a structure would exacerbate traffic congestion and related parking problems in the area.
- 29-2 I would appreciate it if you would be kind enough to inform me of any further developments regarding this project, as well as the ongoing EIR process.

Sincerely

James G. Holwerda
Dr. James G. Holwerda



Dr. James G. Holwerda (undated letter)

Response to Comment 29-1

Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts. Additionally, an analysis of traffic and circulation impacts is provided in Recirculated Draft SEIR Chapter 3.2, “Transportation/Circulation,” and concludes that no significant impacts will result.

Response to Comment 29-2

The LAHD acknowledges the commentator’s request to be updated regarding further project development. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to initiate a Project Architectural/Site Plan Design Review team that includes representatives of the PCAC Coordinated Plan Subcommittee and the San Pedro Waterfront and Promenade implementation plan consultant to review and provide advice on various project design issues presented in Exhibit “B” of the PCAC motion.

Comment Letter 30

J+S

Ralph Appy, PhD
 Director of Environmental Management
 Port of Los Angeles
 Post Office Box 151
 San Pedro, CA 90733-0151



Dear Dr. Appy,

I would like to comment on the Recirculated Draft Supplemental Environmental Impact Report (SEIR) for the Cabrillo Marina Phase II Development Project. First, I want thank the Port staff for extending the time period for public comment.

- 30-1 My home on Crescent Avenue overlooks the proposed development site, so I am naturally very concerned about potential adverse environmental impacts of the project. Like my neighbors and the boaters who rent slips in Cabrillo Marina, I am eager to see the Port move forward with development of Phase II. I cannot, however, support the Westrec plan as described in the Draft SEIR because of the inclusion of a 65 foot tall, 900 foot long dry stack boat storage building. According to the SEIR, the visual impact of the project would be "less than significant", and "the project would not substantially degrade the area's aesthetic value" or "interfere with recognized or valued views". I strongly disagree with that assessment of the project's impact on views and aesthetics. The building would stick up above the existing warehouses and obstruct existing views of passing ships. It would also block existing blue water views from a number of vantage points, particularly the residences on Crescent Avenue near 17th Street. Even with a Mediterranean façade, such a monstrous building would be an eyesore. It would not fit in with other structures in the marina, as Westrec claims.
- 30-2 The Port has stated that there are plans to remove some of the existing warehouses and storage tanks in the future, dramatically improving visual access to the water. Mayor Hahn and Commissioner Tonsich have emphatically stated that their goal is to reduce visual blight from the bridge to the breakwater. The dry stack storage building is not consistent with that goal. The proposed project would take one step forward and ten steps backward.
- 30-3 The Draft SEIR correctly states that Alternative 2, Mirror Image Marina Development, would have a lesser impact than the proposed project. In my opinion the Mirror Image alternative would have a very significant positive impact on the area, and would be more consistent with the goals of the Waterfront Promenade than the Westrec proposal.

Sincerely,

 Cathy Ragland
 1913 S. Crescent Ave.
 San Pedro, CA 90731

Cathy Ragland (undated letter)

Response to Comment 30-1

Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

Response to Comment 30-2

Please refer to Response to Comment 30-1, as well as the revised project description in Chapter 1, “Executive Summary.”

Response to Comment 30-3

A complete discussion of all project alternatives and associated impacts is provided in Recirculated Draft SEIR Chapter 6, “Alternatives.” That chapter analyzes and discusses all impacts associated with the Mirror Image Marina Development Alternative. This alternative was found to provide fewer visitor-serving uses and would require additional removal and disposal issues that would be needed to create more open water than the proposed project. Please also refer to Master Response E regarding proposed project’s modified promenade design.

3.6.4 Organization Comments and Responses

- 31. Point Fermin Residents Association; June Burlingame Smith, President**
- 32. Port of Los Angeles Community Advisory Committee, Cabrillo Marina Phase II Focus Group; Richard Havenick**
- 33. Wilmington Waterfront Development Subcommittee; Donna Ethington, Chair**
- 34. San Pedro and Peninsula Homeowners' Coalition; Noel Park, President**
- 35. San Pedro Peninsula Chamber of Commerce; Leslie A. Smith, Executive Director**
- 36. Palisades Residents Association of San Pedro; Bruce Biesman-Simons, President, AIA**
- 37. Lawyers for Clean Water, Environment Now, Baykeeper, NRDC, CBE, Coalition for Clean Air; Daniel Cooper**
- 38. Los Angeles Harbor-Watts Economic Development Corporation; Dennis Lord, Co-Chairman**

AJ

Point Fermin Residents Association

Comment Letter 31



December 10, 2002

To: Port of Los Angeles, Attention Dr. Ralph Appy
Re: The Cabrillo Marina Phase II EIR

Dear Dr. Appy:

The Point Fermin Residents Association met on December 7, and after a discussion of the recently released SEIR for the Cabrillo Marina Phase II project, made the following recommendations:



- 31-1 1. The PFRA has consistently asked that the Port **relocate** the Cabrillo Beach Boat Launch Ramp to the Cabrillo Marina Phase II as originally promised and planned when the boat launch ramp was temporarily installed at Cabrillo Beach. Breaking this promise is unconscionable and unacceptable to the boaters who need bigger and better facilities, to beachgoers, to users of the Aquarium and recently restored Cabrillo Beach Bathhouse, and to the Point Fermin residents. **The EIR only says the Harbor Department will search for additional boat ramp space; it does not relocate the current facility, and it does not address the problems caused by the current location of the boat ramp: constricted parking, reduction in beach access, and traffic congestion.**
 - 31-2 2. Eliminate the plans for a dry stack storage warehouse, but if it is kept in the plan, reduce the height of the building to no more than 36 feet. Further, suggestions were made to investigate the viability of building a dry-stack facility and possibly using existing warehouses at the site or of using the old Warehouse 1 building on the West Channel.
 - 31-3 3. Honor the Urban Land Institute's report that asks that the parcel north of 22nd Street not be used for a boat mall or retail units.
 - 31-4 4. Honor the footprint and size requirements of the WATCH report's Promenade; don't simply follow the old Cabrillo Marina Phase I width requirements.
 - 31-5 5. Put in a park and provide viewing points for public access.
 - 31-6 6. Provide adequate public restroom facilities.
 - 7. Do not realign Harbor Boulevard unless and until a master plan for the Bridge to the Breakwater has been adopted.
- Should you have any questions regarding these recommendations, please contact us. Thank you.

Yours sincerely,

June Butlingame Smith
June Butlingame Smith
President, Point Fermin Residents Association

Cc: James Hahn, Mayor
Janice Hahn, 15th District City Councilwoman

Box 2602 • Fort MacArthur Station • San Pedro, California 90731
Phone (310) 831-0726 Fax (310) 831-9174

Point Fermin Residents Association, June Burlingame Smith, President (December 10, 2002)

Response to Comment 31-1

The proposed layout of the Cabrillo Way Marina project does not contain sufficient area to accommodate a public boat launch. Therefore, an on-site boat launch facility was not included as a part of the proposed project. Nevertheless, the Recirculated Draft SEIR addresses the needs of the community regarding the placement of a public boat launch facility elsewhere in the Port. Although not part of the proposed plan, Recirculated Draft SEIR Chapter 5, "Boat Launch Analysis," contains a feasibility analysis and description of possible locations for boat launches in the future. As stated therein, the LAHD has considered a total of nine boat launch site alternatives in order to meet public demand for such a facility. Two of the nine potential launch sites, Site A and Site B would be located within the immediate vicinity of the proposed project site. Additionally, community concern about the boat launch has primarily focused on the need to provide an additional launch as a means of reducing circulation and parking conflicts in adjacent residential neighborhoods. As indicated on page 2-3 of the Recirculated Draft SEIR, however, "[p]roviding additional launch capacity elsewhere in the Port will not likely reduce the demand for recreational boat launching at the existing Cabrillo Beach boat launch." Rather, an additional boat launch would merely satisfy a growing demand for launch access. Other public comments suggesting the closure of the Cabrillo Boat Launch do not account for its importance to the boating community, as evidenced by the facility's high usage and proximity to open water.

See Section 1.5, "Boat Launch Siting," in the Executive Summary regarding the potential for locating a public boat launch facility on LAHD property. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to evaluate the feasibility of locating boat launch facilities on LAHD property. The assessment is to include integration of any potential facility into the San Pedro Waterfront planning process.

To address the local traffic congestion issues voiced by the community, the LAHD will work with the Los Angeles Department of Recreation and Parks to modify the existing operations at the Cabrillo Beach launch site by opening Shoshonean Road (southbound only at the existing boat launch parking lot) to incoming boat trailers and/or by instituting a reservation system to manage vehicle arrivals throughout the peak usage hours (see Page 2-3 of the Recirculated Draft SEIR).

Response to Comment 31-2

Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

Warehouse 1 is not adjacent to the project site; therefore, the storage and usage of boats would be separated from the rest of the marina. Additionally, it is constructed with thick concrete floors, making modifications difficult.

Response to Comment 31-3

This portion of the proposed project has been revised and is no longer considered a part of the project. Please refer to the project description in Chapter 1, “Executive Summary,” regarding changes to the project.

Response to Comment 31-4

Please refer to Master Response E regarding consistency with the “Bridge-to-Breakwater” plan.

Response to Comment 31-5

Adequate public restroom facilities will be provided within the Cabrillo Way Marina, and will be readily accessible at various locations along the promenade. Please refer to Master Response C regarding the inclusion of a park site.

Response to Comment 31-6

Please refer to Master Response E regarding consistency with the “Bridge-to-Breakwater” plan.

The comment addresses the merits of the project and does not require any change to the Recirculated Draft SEIR. It will, however, be considered by the Board of Harbor Commissioners in their deliberations about the project.

Comment Letter 32

January 14, 2003

**Environmental Management Division
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90733**

**Subject: Public Comments to DSEIR for West Channel/Cabrillo
Marina Phase II Development Project SCH No. 98041086**

To whom it may concern:

**In review of Subject Draft Supplemental Environmental Impact Report,
the Port Community Advisory Committee (PCAC) submits the following
comments and requests specific responses in a timely manner please:**

32-1
32-2

- 1) Improvements related to marina (renovation/construction) in the affected area are widely supported with consensus. Boat owners and community members agree that improvements to the existing marina are absolutely necessary now and we request that such efforts move forward as soon as possible.**
- 2) The PCAC identified a total of 15 recommendations for modifications to the DSEIR concept proposal and include them as Attachment A (Resolution on Carillo Marina Phase II).**

Further, the PCAC Focus group responsible for evaluating Cabrillo Marina Phase II identified questions in the Summary of Impacts/Levels of Significance and requests specific response to the items listed in Attachment B.

We support efforts to improve or construct marina facilities at the subject location and request that such efforts advance quickly. We oppose the project proposal as currently defined due largely to the proposal for construction of facilities which would result in blight of views in the local community and which are contrary to concepts proposed by widely respected Urban Waterfront Planning professionals.

Please respond to our comments 1 and 2 above and to the specific questions/concerns listed in the Attachments A and B.

Sincerely,

**Richard Havenick,
Port Community Advisory Committee, Cabrillo Marina Focus Group**



ATTACHMENT A - Resolution on Cabrillo Marina Phase II (1/09/03)

Whereas, the Port Community Advisory Committee was asked by the Board of Harbor Commissioners to review the Westrec proposal and offer recommendations; and

Whereas the proposed project and its EIR did not incorporate any of the Committee's recommendations; and

Whereas, the Project in its current configuration is unacceptable to the committee; and,

Whereas, the Subcommittee identified numerous recommendations for modification including but not limited to the following conditions:

- a.) 600 boat slips (maximum size at build out).
- b.) A public boat ramp should be included within the Project Area and be constructed at same time as Project.
- c.) Project area boundaries should be reduced; remove area north of 22nd Street and area east of Minor Street.
- d.) Harbor Boulevard and Minor Street should not be realigned to accommodate the Project; Minor Street should not be widened (maximum right-of-way: 60 feet).
- e.) A 40-foot height limit should be placed on the Project Area.
- f.) Buildings should be limited to 50,000 square feet (maximum size).
- g.) Surface parking lots larger than one acre should be prohibited; structured parking should be required.
- h.) A one-acre public sailing facility should be included within the Project Area, to be administered by the City of Los Angeles or its designee.
- i.) A Public Promenade should be included along the entire perimeter of the Project Area. With the design consistent with the WATCH Report.
- j.) A public park should be included within the Project Area, in addition to the Promenade.
- k.) Two hundred and fifty linear feet of slips should be provided at no cost to public marine research vessels.
- l.) A boat mall should be prohibited; individual vessels may be sold at their slips or while stored in the dry stand boat storage area.
- m.) All retail, commercial and restaurant buildings should be removed from the Project; and should be constructed and leased as part of a separate future waterfront development effort.
- n.) Final Design of the Project should be postponed until the PCAC's Coordinated Waterfront Plan is completed and approved.
- o.) We oppose construction of the proposed dry stack storage facility.

32-3

ATTACHMENT B – Areas of Disagreement or Questions in Levels of Significance

- 32-4 ↑
↓

Transportation and Circulation – The project would increase traffic at the intersections nearest the primary site access. Please review TRANS-3 and correct statement or explain “Less Than Significant.”
- 32-5 ↑
↓

Meteorology and Air Quality – For AQ-2, AQ-3, and AQ-4, please reconsider and correct as applicable. Please revise “No mitigation is available,” and state mitigations to be implemented during construction phase for local residents and businesses.
- 32-6 ↑
↓

Aesthetics – Please state mitigations for the following:
AES-2, Concrete coverage (footprint) resulting from proposed parking.
AES-3 and AES-4, Permanent loss of wetland area north of 22nd Street.
AES-5, AS-6, AES-8, Visual blight and loss of water views caused by Dry Stack Storage building.
AES7, Inconsistency with proposals suggested by Urban Waterfront Planning professionals and no recognition of efforts to establish Master Plan for Bridge to Breakwater area.
AES-9, Elimination of water views from Crescent Avenue.
AES-10 and AES-11, Elimination of water views from specific isolated locations within local community.
- 32-7 ↑
↓

Geology – For GEO-4, please address permanent coverage of 22nd Street wetland area in concrete.
- 32-8 ↑
↓

Groundwater, Soils, and Sediments – For SOIL-1, please reconsider given fact that water flows naturally from 22nd Street site.
- 32-9 ↑
↓

Water Quality and Oceanography – For WQ-1, please explain what is the possibility that the increased boat traffic will not result in increased emission of gasoline, oil, and other engine/motor solvents into the local water. Is the projected increase in boater demand/usage for the proposed facility consistent with POLA’s evaluation of environmental impacts?
- 32-10 ↑
↓

Biota and Habitats – For BIO-1 and BIO-4, please address the fact that the 22nd Street wetland area would be permanently destroyed.
- 32-11 ↑
↓

Cultural Resources – For CULT-1, please address loss to local community of pride in the original geological, topographical features/geographical resources and the loss of the park/wetland at 22nd Street and Crescent Ave.
- 32-12 ↑
↓

Public Services and Utilities – For PS-2, PS-3, PS-4, and PS-10, please address how the planned increase in boat traffic and usage of the facilities (suggested market demand) will not result in increased need for resources required.
- 32-13 ↑
↓

Land Use – What are the POLA Land Use Impacts/Mitigations?

The Port Community Advisory Committee, Cabrillo Marina Focus Group, Richard Havenick (January 14, 2003)

Response to Comment 32-1

The commentors state their group's support for the renovation and reconstruction of the marina facilities. The Board of Harbor Commissioners will consider the comment when they deliberate about the proposed project.

Response to Comment 32-2

The LAHD is familiar with the requests of PCAC pertaining to the proposed project. These requests are responded to individually in Table 1-1 of the Executive Summary.

Response to Comment 32-3

LAHD and the project applicant have met with the PCAC Focus Group in a productive series of meetings since the release of the Recirculated Draft SEIR. The PCAC "A through O" list of issues and resolutions of those issues are discussed in detail in Table 1-1 of the Executive Summary.

Response to Comment 32-4

The proposed project would implement transportation control measures in order to effectively conduct existing traffic as well as any increased traffic associated with the proposed project. The measures include the creation of two ingress/egress locations, one of which would be signalized; four driveways along Miner Street controlled by stop signs; breaks in raised medians to allow left-turn pockets; features to facilitate pedestrian movement; and re-striping of existing left-turn lanes that would assist flow in the area. These measures, all of which would be considered components of the proposed project, would ameliorate all expected impacts to traffic and circulation in the area. Therefore, no revision to the document is required.

Response to Comment 32-5

The Recirculated Draft SEIR has been revised in response to this comment and others. Please refer to Master Response F. Additional construction-related air quality mitigation measures have been added to this Final SEIR, which are consistent with the examples that have been provided by ARB.

Response to Comment 32-6

The modified project description in Chapter 1, “Executive Summary,” and other relevant responses to comments address the following items:

- **AES-2, Concrete coverage:** In regards to concrete coverage, and the area north of 22nd Street, please refer to the modified project description in Chapter 1, “Executive Summary.”
- **AES-3 and AES-4, Permanent loss of wetland area north of 22nd Street:** The proposed project discussed in the Recirculated Draft SEIR would not affect any wetland area north of 22nd Street. The area north of 22nd Street referenced in the comment is no longer proposed for development. Please refer to the modified project description in Chapter 1, “Executive Summary.”
- **AES-5, AES-6, and AES-8, Visual blight and loss of water views caused by dry storage building:** Please see Master Responses A, B, and D.
- **AES-7, “Bridge-to-Breakwater” master plan:** please see Master Response E.
- **AES-9, Elimination of water views from Crescent Avenue:** Please see Master Responses A, B, and D.
- **AES-10 and AES-11, Elimination of water views from specific isolated locations within local community:** Please see Master Responses A, B, and D.

Response to Comment 32-7

The proposed project discussed in the Recirculated Draft SEIR would not affect any wetland area north of 22nd Street. The area north of 22nd Street referenced in the comment is no longer proposed for development. Please refer to the modified project description in Chapter 1, “Executive Summary.”

Response to Comment 32-8

The proposed project discussed in the Recirculated Draft SEIR would not affect any wetland area north of 22nd Street. Please refer to the modified project description in Chapter 1, “Executive Summary,” regarding the removal of the area north of 22nd Street from the area covered by the proposed project.

Response to Comment 32-9

The possibility exists that boating activities will result in the types of increased emissions and pollutants that the comment references. MM WQ-3.1 and MM WQ-3.2 have been revised (see below) to address the comment and reflect the full range of project activities that could potentially result in the accidental

release of toxic or hazardous substances. (Please see Master Response H on Page 3-19 for a complete listing of mitigation measures that have been added or substantially modified since the review of the Recirculated Draft SEIR.)

MM WQ-3.1: *The project applicant shall conform with applicable requirements of the Non-Point Source (NPS) Pollution Control Program. The project applicant shall design all marina and recreational boating facilities whose operations could result in the accidental release of toxic or hazardous substances (including boat maintenance facilities, fueling facilities, sewage and liquid waste facilities, solid and hazardous waste disposal facilities) in accordance with the Marina and Recreational Boating Management Measures defined under the state Non-Point Source Pollution Control Program administered by the State Water Resources Control Board (SWRCB). As a performance standard, the measures shall be selected and implemented using the Best Available Technology that is economically achievable such that, at a minimum, relevant water quality criteria as outlined by the California Toxics Rule and the Basin Plan are maintained, or in cases where ambient water quality exceeds these criteria, maintained at or below ambient levels. The applicable measures are as follows:*

- *Solid Waste Control — Properly dispose of solid wastes produced by the operation, cleaning, maintenance, and repair of boats to limit entry of these wastes to surface waters.*
- *Fish Waste Control — Promote sound fish waste management, where fish waste is an NPS problem, through a combination of fish cleaning restrictions, education, and proper disposal.*
- *Liquid Material Control — Provide and maintain the appropriate storage, transfer, containment, and disposal facilities for liquid materials commonly used in boat maintenance, and encourage recycling of these materials.*
- *Petroleum Control — Reduce the amount of fuel and oil that leaks from fuel tanks and tank air vents during the refueling and operation of boats.*
- *Boat Cleaning and Maintenance — Minimize the use of potentially harmful hull cleaners and bottom paints, and prohibit discharges of these substances to state waters.*
- *Maintenance of Sewage Facilities — Maintain pumpout facilities in operational condition, and encourage their use so as to prevent and control untreated sewage discharges to surface waters.*

The education/outreach measure for marinas and recreational boating is summarized as follows:

- *Public Education — Institute public education, outreach, and training programs to prevent and control improper disposal of pollutants into state waters. LAHD is developing a Clean Marinas*

Program that will include outreach to marina operators and boaters regarding sewage discharge requirements. By providing sufficient facilities and educating marina tenants, the Clean Marinas Program will minimize direct sewage discharges and reduce the impacts to a less-than-significant level. At a minimum, the Phase II Cabrillo Marina project will provide pumpout stations at or above the 1:300 ratio. The program will include practices consistent with the guidelines currently being developed by the California Coastal Commission and which will be contained in a marina operator's guide to clean marina practices.

MM WQ-3.2: *The project applicant shall develop an approved Source Control Program (SCP) with the intent of preventing and remediating accidental fuel releases. Prior to their construction, Westrec Marinas shall develop an approved SCP for the fueling facilities and aboveground fuel tanks in accordance with LAHD guidelines established in the General Marine Oil Terminal Lease Renewal Program (Appendix J of the Recirculated Draft SEIR). The SCP shall address immediate leak detection, tank inspection, and tank repair.*

Additionally, Mitigation Measures MM WQ-1.2 through MM WQ-1.5 have been added as follows:

MM WQ-1.2: *Coliform testing in the marina area shall be added to the on-going Port-wide Monthly Harbor Water Quality Survey program. Monitoring will provide an additional mechanism for tracking water quality changes over time and will provide evidence of localized problems to indicate a need for corrective actions.*

MM WQ-1.3: *Sewage pumpout installation and maintenance shall be performed in accordance with the guidelines and requirements of the Department of Boating and Waterways (DBW) and the State Water Resources Control Board (SWRCB). The project applicant shall design sewage pumpout facilities in accordance with the requirements of the state's Non-point Source Pollution Control Program administered by the SWRCB. The project applicant shall also use guidelines, developed by the DBW, that state all vessel terminals with a capacity for vessels 26 feet or longer should have one pumpout for every 300 slips 26 feet or longer. The sewage pumpout facility maintenance shall be in accordance with the state's Non-point Source Pollution Control Program.*

MM WQ-1.4: *Westrec Marinas shall install an oil/water separator at the fuel dock for the treatment of bilge water. The oil fraction shall be collected for hazardous waste disposal or recycling, in accordance with current regulatory programs. The water shall be directed to the sewer system for treatment.*

MM WQ-1.5: *Compliance with inventory and reporting program within LAHD's Clean Marinas Program. Westrec Marinas shall complete a*

mandatory slip and dry storage annual inventory of marine sanitation devices by type, and shall report to LAHD Environmental Management Division.

Further, the LAHD is currently conducting the Cabrillo Beach Water Quality Improvement Project, which includes water quality analyses and circulation modeling to identify both short- and long-term solutions to the water quality concerns at Cabrillo Beach.

Response to Comment 32-10

The proposed project discussed in the Recirculated Draft SEIR would not affect any wetland area north of 22nd Street. The area north of 22nd Street has been removed from consideration for development as a part of this project. Please refer to the modified project description in Chapter 1, “Executive Summary,” for additional detail.

Response to Comment 32-11

As stated in the thresholds of significance in Recirculated Draft SEIR Chapter 3.11, “Cultural Resources,” according to CEQA, a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. CEQA further states that a substantial adverse change in the significance of a resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.

The proposed project discussed in the Recirculated Draft SEIR would not affect any wetland area north of 22nd Street. The area north of 22nd Street has been removed from consideration for development as a part of this project. Please refer to the modified project description in Chapter 1, “Executive Summary,” for additional detail.

Response to Comment 32-12

As stated in the Recirculated Draft SEIR, the proposed project would result in an increased demand for fire, USCG, water, electrical, and natural gas services. However, as stated in each pertinent impact discussion, the increased demand would not exceed the capacity of existing service providers to provide the associated resources to the proposed project. Therefore, impacts were appropriately determined to be less than significant.

Response to Comment 32-13

Impacts related to land use are discussed in Recirculated Draft SEIR Chapter 3.1, “Land Use.” More specifically, land use impacts are discussed on Pages 3.1-18 through 3.1-23. The Recirculated Draft SEIR concluded that the project was consistent with applicable land uses planning documents, would not divide an existing community, and would not result in substantial secondary impacts resulting from a land use incompatibility. Because no significant impacts would occur, mitigation was not required.

J+S

Comment Letter 33

January 26, 2003

Dr. Ralph G. Appy
 Director of Environmental Management
 Port of Los Angeles
 425 S. Palos Verdes Street
 San Pedro, CA 90731



Response to DSEIR West Channel/Cabrillo Marina Phase II
 SCH No. 98041086

Dear Dr. Appy,

33-1

As a 25-year boat owner and assistant manager for two Wilmington marinas I would like to offer my perspective on the Cabrillo Marina Phase II development. While I agree with the focus group's recommendation that the project should be architecturally compatible with the 'Bridge to Breakwater' project and that a complete traffic analysis should be done, this is a marina that by definition serves the needs of the boating community.

The trends in the recreational boating industry are changing as is noted in the January 10, 2003, edition of *The Log* - 'Manufacturers are producing bigger boats and marina design needs to meet the market in 25-to-30 years from now.' The project as defined in the November 2002 SEIR anticipates these changing needs by providing slips for the larger vessels and dry stack storage for smaller watercraft, which is already widely used along the East Coast and in some areas of the Sacramento region.

There are nearly one million registered recreational and personal watercraft in California. Giving serious consideration to the future needs of the boating industry, Governor Davis is proposing to increase rather than decrease the Dept. of Boating and Waterways' 2003-4 budget allocating nearly \$58 million in grants and loans for marina construction and improvements.

33-2

When the 700-slip Marina Harbor closed a year ago, over 100 boat owners walked away from their watercraft because there was nowhere to relocate. The owner had to lien the abandoned boats, sell or donate what he could, and pay to destroy approx. 30 of them. Marina del rey now has boats with liveaboards anchored outside the harbor, using public docks or pulling into any unoccupied slip until they're driven away.

The Channel Islands Marina in Oxnard sent eviction notices to 500 boat owners on January 5. If negotiations with the Ventura harbor department fail and the marina is closed there could be a significant number of boats anchored off the coast.

The Marina Harbor's three-year redevelopment will ultimately accommodate 600 boats, primarily vessels larger than 30 feet. Also from *The Log* - 'To accommodate the small-boat owners, Bellport and the county are looking at providing additional dry-stack storage. Those facilities are less expensive, less work, and environmentally friendly.'

In the last 30 years numerous marinas throughout the Los Angeles and Long Beach harbors have been lost through economic development of the ports and once numerous dry boat storage yards are almost non-existent. Fish Harbor will likely be next. In Wilmington Newmark's Yacht Centre and Pacific Yacht Landing are facing a

33-2 combined loss of approximately 80 slips with the widening of the East Turning Basin and both are considering creating larger slips with what remains. As a result more tenants with smaller boats will be displaced.

33-2 Most marinas up and down the coast are at or near capacity. Most boat donation services, including the Boy Scouts are only accepting expensive boats or a minimal amount of boats on trailers. Marinas in Long Beach have two-year waiting lists. Tenants in many marinas are already preparing to go to Mexico as it plans to build 22 marinas that will accommodate 60,000 boats. Slip fees, license fees, property and fuel tax, sales tax as the boat dealers follow suit, developer investments, dollars that the recreational boaters will spend on maintenance, supplies and entertainment - that's a big loss of revenue for California.

33-3 The Westrec development proposes to increase slip availability from the existing 550 slips to 675 that will accommodate boats ranging in size from 28-130 feet. Currently most marinas allocate one-quarter to one-third of their slips to boats under 28 feet and the trend is to reduce or eliminate smaller slips. To renovate the marina and not make any accommodations for all the small boats currently moored there will create an immense problem for small-boat owners, other marinas, the Port, the Port police and other agencies.

33-4 As proposed, the 200,000-square-foot dry stack boat storage facility can accommodate at capacity 1000 boats. Reduced to 50,000 square feet with a maximum 40-foot height would not be economical to build. A 200,000-sq.ft. building 40-feet high might be feasible, however, it is the smaller boats that are stored on top and that space would be lost. At a 40% loss that is 300-400 small boats.

33-5 What we frequently see are smaller boats abandoned because the cost of maintenance due to deterioration and slip fees are more than the value of the boat. With proper maintenance the smaller fiberglass boats built today will have a serviceable lifetime of 40 plus years. Thousands built in the last 10-20 years will still be serviceable 30 years from now. The additional benefits of a dry stack storage facility to boaters and marina operators are reductions in maintenance costs and deterioration, abandonment, theft, less expensive storage and a continual revenue source for state agencies and the City. It would seem logical that the dry stack storage facility as proposed in the EIR would reduce traffic congestion by reducing the need to trailer-launch boats proportionate to the number of stored-boat launches.

33-6 The need for more slips and dry stack storage facilities is evident, as annual new boat sales and longevity have exceeded attrition. When combined with the decreasing number of small slips and lack of boat storage facilities the inevitable growth of trailered boats will soon overflow into parking problems and abandoned boats on city streets.

33-6 When evaluating the view from the surrounding hillside neighborhood and the considerable distance to the proposed facility, I cannot see where a dry stack facility 65 feet in height will block much if any of the residents' view of the harbor. Many of those residents bought the property years ago regardless of the fact that it overlooked an assortment of warehouses, tank farms and other structures. They may have wished for another view but they bought the property anyway when, until just recently, there was always the prospect of more cargo handling facilities. The homes that overlook Cabrillo Marina Phase I also overlook the Hilton Hotel that is considerably larger than the

- proposed dry stack facility and those homes have steadily increased in value.
- 33-6 While a public park might be nice, the community of San Pedro and neighboring cities of Rolling Hills and Palos Verdes have more parks per square mile than anywhere else in Los Angeles, and the redevelopment of San Pedro's waterfront will likely incorporate other park areas. It does not seem reasonable to minimize or restrict needed parking, storage facilities and retailers that service the boating community for the sake of another park when the project itself creates multiple green and garden areas.
- 33-7 To postpone approval of the final design of the project until the Coordinated Waterfront Plan is completed and approved could be years. Considering the current condition of the facilities and the considerable damage it sustained a few years back, it is anyone's guess as to whether it and its tenants will survive another major storm.
- 33-8 I do support the rationale of a thorough review of any proposed leases for restaurants and businesses unrelated to the boating industry. I also agree that any development on the adjacent property at 22nd and Minor Streets is not critical to the marina renovation at this time. However, I feel that any restrictions placed on the dry stack storage facility and parking areas will reduce the ability of the development to meet current and future needs and further limit the recreational boating use of the harbor.

Respectfully,

Donna Ethington, Chair
Wilmington Waterfront Development subcommittee

Wilmington Waterfront Development Subcommittee, Donna Ethington, Chair (January 26, 2003)

Response to Comment 33-1

The comment regarding the needs of the boating community is noted and will be considered by the Board of Harbor Commissioners. Please see Master Response E regarding the “Bridge-to-Breakwater” master plan.

Response to Comment 33-2

The LAHD is aware of the marina situation in southern California and appreciates the commentor’s provision of this background detail. The Board of Harbor Commissioners will consider this information as it continues its deliberations about the proposed project.

Response to Comment 33-3

The proposed project would provide a total of 59 wet slips for boats less than 30 feet in length. The dry stack storage facility will accommodate boats in the size range mentioned and provides an alternative to wet storage.

Response to Comment 33-4

The dry stack boat storage facility has been redesigned to address various aesthetic and viewshed issues. Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts. As part of this redesign effort, the applicant would make accommodations for all sizes of boats within the dry stack facility. The reduction in dry stack area is not expected to significantly reduce the number of spaces that would be available to boats less than 28 feet in length.

Response to Comment 33-5

The commentor discusses issues surrounding boat storage areas, maintenance costs, etc. The Board of Harbor Commissioners will consider this information as it continues its deliberations about the proposed project. However, this comment does not raise any direct issues regarding the Recirculated Draft SEIR, and no further response is required.

Response to Comment 33-6

Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts. Please also see Master Response C regarding use of the project area as a park.

Response to Comment 33-7

The LAHD acknowledges the commentor's support for redevelopment of the marina and will forward the comments to the Board of Harbor Commissioners to consider during deliberations on the project. Also, see Master Response E regarding the "Bridge-to-Breakwater" master plan.

Response to Comment 33-8

Please refer to Responses to Comments 33-3 and 33-4.

SAN PEDRO AND PENINSULA HOMEOWNERS' COALITION

Member Associations
Averill Park - Barton Hill - Casa Verde Estates - Downtown Residents - La Rambla - Leland Park
Palisades - Palos Verdes Shores - Peck Park/Holy Trinity - Point Fermin - Rolling Hills Riviera
San Pedro Homeowners United - South Shores - Vista Del Oro - Westmont No. 4

P.O. Box 1106, San Pedro, CA 90733
(310) 832-5720 (evening) (562) 804-5205 (day) Fax (562) 804-5210
January 28, 2003



Comment Letter 34

Board of Harbor Commissioners
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151

By hand delivery

Subject: Recirculated Draft Supplemental Environmental Impact Report (DSEIR)
West Channel/Cabrillo Marina Phase II

Dear Commissioners:

34-1

We object to this project as it is configured. For over two years we, and our members, have been writing to the Port, asking for an open public process to allow community input into the design and configuration of this project. These requests have been ignored. Enclosed are copies of 13 letters from us, and our members, asking for public outreach for this project. Of these 11 are addressed to the Harbor Commission, one to Mayor Hahn, and one to the Coastal Commission. Also enclosed are the three responses we have gotten from the Port. We believe that these speak for themselves in terms of their dismissive non-responsiveness. We ask that all of this correspondence become part of this comment letter, and entered into the record as such.

The Port Community Advisory Committee (PCAC), after an exhausting series of meetings, voted overwhelmingly to ask the Board of Harbor Commissioners (BHC) not to issue this Recirculated Draft SEIR. The PCAC felt that there had not been sufficient attention paid to the public's concerns about this project. The PCAC felt that certain features of the proposed project were unacceptable. The PCAC submitted written comments to that effect, which are part of the record. The BHC chose to ignore the PCAC.

In addressing specific issues in the document, we will refer to the page upon which the item appears.

34-2

Page ES-8, ES.4.1 - We note that "The scope of this Recirculated Draft SEIR was established based on the Initial Study/Notice of Preparation (IS/NOP) for the 1998 Draft SEIR..." We submit that, if a new NOP had been undertaken in 2002, the public input, and the concerns of the public, would have been much different. We have stated repeatedly, beginning in January of 1999, that this whole process has given the distinct appearance of an effort to minimize irritating and troublesome public participation. This is just another illustration of that sad fact.

Board of Harbor Commissioners, Cabrillo Marina Phase II DSEIR, January 28, 2003, Page 2

34-3 Page ES-10, Unavoidable Significant Adverse Impacts, includes "air quality, from generation of significant construction and operational emissions" and states "No feasible mitigation measures are available that would reduce impacts to less than significant levels. Therefore, these impacts are considered significant and unavoidable." We object to this finding in the strongest possible terms. Later in this document there is a tortured explanation of why Mayor Hahn's "policy" of "no net increase" in emissions does not really mean what it says. We will deal with that when we get to it. At this point we point out that the Port is one of the largest creators of air pollution in the South Coast Air Basin. It is rich in opportunities for mitigation. Either the Port, or the developer, could fund, through the Gateway Cities Council of Governments existing program, retirement of enough old diesel trucks to completely offset the increased emissions of this project. Many other options, for example funding of some number of alternative fuel yard tractors on one of the many container terminals, could achieve the same result. There is no excuse for this insulting and irresponsible conclusion.

We offer the following comments on Table ES-1. Summary of Impacts and Mitigation for the Cabrillo Way Marina Project:

34-4 LU-4 Project Would Not Result in Substantial Secondary Impacts Resulting in Land Use Incompatibility. We object to this conclusion as a typical example of the Port's standard practice of dealing with impacts by denying their existence.

34-4 Citizens of San Pedro have struggled for years to create some coordinated planning process which would integrate development of the waterfront in the Port with redevelopment of our blighted downtown, and, indeed, the whole area of San Pedro east of Gaffey Street and north of 22nd Street. Most recently the Urban Land Institute (ULI) has studied these areas, and made recommendations for their redevelopment and revitalization. One of the key recommendations was that the area north of 22nd St. and west of Miner St. be developed as market rate housing. This recommendation has been endorsed by the PCAC, our Coalition, the adjoining Neighborhood Council, and many other community based organizations (CBOs). We believe that even Councilwoman Hahn has recommended that no commitment be made for this property until a coordinated community plan is developed. Thus, all of the uses shown in that are in this EIR are inappropriate, and should be eliminated from consideration.

34-5 We believe that the proposed dry stack boat storage warehouse is incompatible with land uses of the whole viewshed from San Pedro, and particularly for everything east of Cabrillo Ave. Imposing this ugly box on our poor community is unacceptable. It is also incompatible with the ULI recommendations. Clearly, the desirability of market rate housing northwest of 22nd and Miner will be substantially lessened by the view of this giant box.

34-6 The so-called WATCH committee has, through extensive public hearings and consensus, developed guidelines for a waterfront promenade. These guidelines have been approved by the BHC. The drawings shown here do not comply with those guidelines. This is an incompatible and unacceptable land use, and must be remedied.

Board of Harbor Commissioners, Cabrillo Marina Phase II DSEIR, January 28, 2003, Page 3

- 34-7 TRANS-1&3 The intersections of 22nd and Mesa St. and 22nd and Pacific Ave. have not been studied. The intersection of 22nd and Pacific has very serious traffic problems at certain times of the day, and on weekends. At certain times the left turn movement from westbound 22nd to southbound Pacific can now take 2 or 3 lights. It is wrong to assume that everyone accessing the marina uses Harbor Blvd. Many use 22nd St. This situation will be worsened by this project. It must be studied and mitigated.
- 34-8 AQ-2 As previously mentioned, we strongly object to the conclusion the "No mitigation is available". There is unlimited mitigation available in the Port. It is an insult to our community to make this cavalier statement.
- L&G-1 We disagree with the finding of "Less Than Significant" impact. If you look from Crescent Ave. over the existing marina, the strong lighting of the buildings along 22nd St. create a jarring contrast with the dark area north of 22nd St. Much of the lighting along the existing marina walkways is well done, with little sidespill, but many docks have completely unshielded lights. Additional street lighting is contemplated along Miner St. If fixtures similar to those used in the rest of the Port are used there, there will be significant light and glare impacts. The Port has traditionally addressed light and glare issues by denying that they exist. This is unacceptable. Unless the lighting system is designed by qualified professionals, using state of the art equipment, there will be a significant impact of light and glare.
- 34-10 AES-5, 8, 10 & 11 These responses are totally inappropriate. The proposed giant dry stack boat storage warehouse will create substantial impacts in all of these categories. For shame.
- 34-11 Pages ES-11 and 3-2 Cumulative Impacts We direct your attention to section 3.3 (b) which reads:
 "The cumulative impacts from several projects are the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonable (sic) foreseeable probable future projects."
 The "focus group" formed by the PCAC to study this project repeatedly asked for such an analysis, particularly focusing on projects which the Port has in contemplation for the area immediately south of the marina project. No such analysis was ever done, and the Port declined to provide any information whatsoever as to what it has in mind. It is well known in the community that the Port has been in discussions about building a cruise ship terminal on all or part of this property. There have been rumors that the Port is considering building some sort of amphitheater or performing arts venue on part of the property. Either or both of these uses would result in substantial increases in traffic, emissions, and who knows what other impacts. As the Port seems to have an almost pathological need for secrecy about its future plans, apparently for fear that the community will rise up and have some effective impact upon the planning process, these impacts have never been analyzed.
- 34-12 An important environmental problem in our community is the horrible water quality at the inner Cabrillo Beach. This beach gets a consistent F grade in the Heal The Bay/Baykeeper ratings.

Board of Harbor Commissioners, Cabrillo marina Phase II DSEIR, January 28, 2003, Page 4

- 34-12 Any water quality impact of this project, no matter how small, must be analyzed for any potential cumulative impact upon Cabrillo inner beach, no matter how small.
- 34-13 Page 2-21 Relationship to Existing Plans. Page 3.1-1 Land Use. We find this project to be in direct conflict with the goals and objectives of the San Pedro Community Plan. Please refer to pages 3.1-4 through 3.1-7. We are enclosing copies of these pages, with relevant paragraphs highlighted. These pages are replete with references to the need to preserve views. As we are enclosing the pages, we will not quote all of them, but we will quote the last point on the bottom of page 3.1-4
- "preserving and enhancing the positive characteristics of existing uses that provide the foundation for community identity (such as **scale, height, bulk, setbacks and appearance**)."
- We fail to see how anyone can construe a 200,000 square foot, 65 foot high, dry stack storage warehouse as being compatible with this goal. We also fail to see how this huge mass can be compatible with Policy 6-2.1 on page 3.1-5 or Objective 6-6 on page 3.1-6, both of which stress the need to preserve existing views.
- Our comments in our 1999 letter stress the inappropriateness of providing recreational facilities for affluent yacht owners, the vast majority of whom do not live in San Pedro and Wilmington, while providing no, or extremely limited, park/recreational facilities appropriate to the largely minority and disadvantaged neighborhoods immediately adjacent to the project. We direct your attention to Goal 19, page 3.1-6, and particularly to Policy 19-2.3 on page 3.1-7 which reads:
- "The Port should commit resources toward providing public amenities (commercial, recreational, and service-oriented) **that will benefit the San Pedro community**, consistent with the State Tidelands Grant, the California Coastal Act of 1976, and the City Charter.
- and to Policy 6-5.2 on page 3.1-6 which reads:
- Existing **lower-cost** visitor and recreational facilities shall be protected where feasible, and new ones encouraged, by allowing them as permitted uses in the appropriate land use categories. **Developments providing public recreational opportunities are preferred uses.**
- We submit that this project does not respond to these policies. Very few residents of the San Pedro neighborhoods adjacent to this project own yachts. These neighborhoods are desperately underserved for parks, as documented by the Department of Recreation and Parks. The Port holds these lands in trust for all of the people of California. It has a duty to use them for the benefit of all, not just privileged yacht owners. This project should, at a minimum, be reconfigured to provide substantial park space, not only for the people of east San Pedro, but for all of the people of the entire City of Los Angeles which, as a whole, is also desperately underserved for parks.
- 34-14

Board of Harbor Commissioners, Cabrillo Marina Phase II DSEIR, January 28, 2003, Page 5

34-14

We also direct your attention to page 3.1-11, where both the Port of Los Angeles Plan and the Port of Los Angeles Master Plan are cited as including a public park in this area. We see no such park.

2.5.5 Future Retail Components. We are extremely concerned about the economic viability of 42,000 square feet of new retail space, and 25,000 square feet of new office space, and about its impact on our existing downtown. We direct your attention to Objective 19-2 of the San Pedro Community Plan which reads:

"To coordinate the future development of the Port with the *San Pedro Community Plan*, the Beacon Street Redevelopment Project, and the development of the Central Business District of San Pedro."

The record will show that we have been asking for this very coordination for years, and that the Port has done little, or nothing, to cooperate. The Port signed a Memorandum of Understanding (MOU) with the Community Redevelopment Agency, almost four years ago, agreeing to implement this cooperation. Little, or nothing, has been done to implement this MOU. In fact, until the recent visit of the ULI, senior port staff did not even know that such an MOU existed, despite numerous letters from us, over the intervening years, asking for its implementation.

34-15

Many community groups, including our Coalition, and at least two of the Neighborhood Councils in San Pedro, have asked that this proposed marina development be considered as part of a larger professional planning effort to insure a coordinated plan for the waterfront and the community. No such thing has been done. To say that there are less than significant impacts of land use is ludicrous. These planning documents have been completely ignored in this EIR, and these impacts have not been studied in any way.

Our particular concern is to protect the viability of existing businesses in San Pedro. An expert real estate professional told our Coalition, only this week, that the vacancy rate for office space in downtown San Pedro is now 45%, and the vacancy rate for retail is 65%. In addition, many of the existing retail businesses are barely surviving. Substantial new retail and office space, competing with the existing space and businesses, may very well put the final stake through the heart of downtown.

Furthermore, the existing retail space at the Cabrillo Phase I marina is largely empty. Both restaurants, and all of the retail space, at the south end of the Marina, stand empty. We cannot grasp the point of building new retail and office space to add to the already empty space.

We request that any retail development at this project be strictly limited to that which will serve the boating population, and which can be proven not to negatively impact our struggle to revitalize downtown. All of the other space designated for retail should be used as part of a public park.

34-16

Chapter 3.2 Transportation/Circulation Please refer to our comments about the intersection of 22nd St. with Mesa St. and Pacific Ave. on page 3 of this letter. In addition, we do not believe

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34-16 that the cumulative impacts of this and existing, or reasonably foreseeable, Port projects on traffic have been adequately evaluated, if at all. Please refer to our remarks concerning traffic from rumored developments south of this project under Cumulative Impacts. In addition, the current China Shipping development will add hundreds of thousands of additional truck trips per year to the area around Harbor Blvd. and the I-110 on-ramp and the SR-47 ramps/Swinford St. We do not believe that the reconfiguration of these intersections offered as mitigation will come close to dealing with these cumulative impacts upon these intersections. Furthermore, the Port has it under active discussion to completely configure the waterfront from the "bridge to the breakwater", including substantial commercial and recreational improvements. This is a reasonably foreseeable development. If the 22n and Miner property is developed as residential, what will be the cumulative impact of that?

34-17 3.2.3.3 "No Net Increase" Policy While this discussion appears under Transportation/Circulation, it applies equally to air quality impacts. We absolutely disagree with this tortured interpretation of "no net increase". What part of "no net increase" don't you understand? If we are going to use this rationalization to allow individual projects to create increases, the glorious day of "no net increase" will never come. You state that:

"LAHD staff do not believe that it is the intention of the Board to hold individual projects immediately accountable for achieving "no net increase." Consequently, the no net increase goal is not used as a significance criteria in this traffic analysis of the Cabrillo Marina project."

We challenge the BHC, and the Mayor, not the staff, to announce to the public what "no net increase" really means. Does it mean no net increase, or is it just a public relations slogan, to be manipulated at the convenience of the staff.

34-18 3.3 Meteorology and Air Quality. We direct your attention to the following statements, taken directly from your EIR:

"PM10 and PM2.5 pose a serious health hazard, alone or in combination with other pollutants. More than half of the smallest particles inhaled will be deposited in the lungs and can cause permanent lung damage. Fine particulates can also have a damaging effect on health by interfering with the body's mechanism for clearing the respiratory tract or by acting as a carrier of an adsorbed toxic substance."

"The study also concluded that Wilmington and San Pedro residents experience some of the highest cancer risks in the SCAB from breathing polluted air."

The same tortured interpretation of the "no net increase" policy is repeated in this chapter. How you can make the leap from the above quoted statements to declaring that there is "No mitigation available" escapes us. There is plenty of mitigation available. We demand that you decrease emissions in some area of the Port to offset the emissions from this project. Furthermore, our comments about cumulative impacts on traffic are just as applicable here.

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3.5 Light and Glare We object, as we have consistently objected in the past, to the Port's unvarying practice of finding that there is no impact of light and glare because the area is already so impacted that a little bit more will not hurt. This has been used as justification for projects as huge as Pier 300 and Pier 400 and, indeed, all of the "other industrial facilities within the Port", which are now used a justification for calling these impacts less than significant.

We have observed the existing Phase I Marina from Crescent Ave. at night many times. The lighting along the walkways within the marina uses very good cutoff fixtures, and is among the best in the Port. There are many unshielded lights on the docks or floats which produce a significant amount of glare. The existing buildings of the yacht club and the 22nd St. landing are brilliantly lit, and stand out very strongly against the substantially darker background. The view here is largely to the southeast, and is blessed not to look directly at the hideous glare of Piers 300 and 400. Therefore there is a substantial and deleterious impact of light and glare from many vantage points.

The installation of new street lighting causes us particular concern. The existing street lighting, both along 22nd St., and elsewhere in the Port, uses poorly shielded bulbs which give off substantial glare and side spill. If similar fixtures are used, there will be substantial impact.

34-19 This project, if lit by the same methods as the existing marina, will cause substantial impact of light and glare to neighboring residential neighborhoods. It is wrong and incorrect to dismiss this with cavalier statements such as "Implementation of the proposed project would constitute a relatively minor addition to the ambient light levels in the area." First of all this is not true. Second, it is your responsibility to mitigate the impacts of your project. You cannot escape this responsibility by saying that surrounding projects are so bad that nobody will notice your impacts.

We direct your attention to 1.6.5 Duty to Mitigate. This paragraph reads, in part:

"To reduce significant effects mitigation measures must avoid, minimize, rectify, reduce, eliminate, or compensate for a given impact of the proposed project."

We call upon you to do this with this, and each and every, impact of this project. Specifically, we call upon you to engage an expert on light and glare acceptable to the community, and then to minimize the amount of lighting as much as possible, and to do any necessary lighting with the best available technology to minimize light and glare impacts to the irreducible minimum. We then call upon you to reduce some aspect of the huge and hideous light and glare impacts of the Port to compensate for the remaining impacts.

34-20 3.6 Aesthetics. We appreciate this lengthy discussion of aesthetics, an issue which has traditionally been dismissed by the Port with two or three sentences. Unfortunately, we absolutely disagree with the conclusions drawn. It is a source of total amazement to us that learned consultants can write a 40 plus page analysis of aesthetic impacts and then conclude that "an enclosed 200,000-square foot dry stack boat storage structure (approximately 65 feet in

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height)." will have no significant impact on views and aesthetics. What this tells us about the integrity of the EIR process in the Port of Los Angeles is probably best left for a subsequent letter.

We direct your attention to the top of page 3.6-2 which states:

"Middleground views occupy the center of attention if they are sufficiently large or visually different from adjacent visual features."

34-20

Do you suggest that 220' x 900' x 65' is not "sufficiently large"? A resident pointed out at the public hearing on this DSEIR that the warehouses close to the project are scheduled to be demolished as part of the project. Thus, this proposed building will stand alone with its huge bulk. It will be the center of attention. The resident pointed out that the object of this development is, or should be, to improve the appearance of the area. Removing the old warehouses will do so. Replacing them with this huge, out of scale monstrosity will not.

Page 3.6-6 states that "There is no residential development adjacent to the project site, with the exception of non-permanent boat occupants." The ULI report recommends that the entire area directly across 22nd St. be developed as market rate housing. This warehouse is clearly incompatible with market rate housing with potential water views. This is piecemeal planning at its worst. Please refer to our comments on land use referring to our years of pleading for a coordinated plan.

34-21

Page 3.6-12 Thresholds of Significance. We note the following issues to be examined:

"the degree of contrast between proposed features and existing features that represent the area's valued aesthetic image;"

"the degree to which a proposed zone change would detract from the existing style or image of the area due to density, **height, bulk**, signage, or other physical elements;"

"the extent to which the project affects recognized views available from a length of a public roadway, bike path, or trail, as opposed to a single, fixed vantage point."

34-22

"The project would substantially contrast with existing features that represent the area's valued aesthetic image."

"The project would result in buildings that would detract from the existing style or image of the area due to density, **height, bulk**, setbacks, signage, or other physical elements."

"The project would substantially degrade the area's aesthetic value."

"The project would degrade or interfere with recognized or valued views."

"The project would block, interrupt, or substantially diminish important views that are available to the community."

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34-22 We believe, and voluminous public testimony supports, that this project, and particularly the huge dry stack storage building, rises to the level of significance on all of the above issues.

34-23 Page 3.6-17 Height and Bulk. Please refer to our comments at the top of page 7 of our letter, pointing out that the surrounding warehouses are scheduled for demolition. This hulking building will stand alone, dominating the view. The comment that "The mass and scale of the structure are intended to blend with the size and character of the existing East and Main Channel Warehouses." is, to us, just a gratuitous piece of spin control. We do not believe for one moment that any such architectural thought let to the overwhelming size of this hideous box.

Your conclusion that "No significant impacts would occur, therefore, no mitigation is required." is an insult to our community. Clearly, this conclusion is based upon the assumption that we are either too lazy to read, and comment upon, this "EIR", or that we do not have the resources to sue the Port for violations of CEQA. We shall see. Again, this 40 page rationalization for denying the existence of a massive insult and environmental impact to our community is a sorry commentary on the practice of environmental analysis in our state.

We are absolutely opposed to the construction of this building.

34-24 Chapter 3.13 Recreation. Please refer to our comments on page 4 of this letter under the heading of "Relationship to Existing Plans" concerning the critical lack of public park space in eastern San Pedro, and the non-responsiveness to this lack in the proposed project. Please refer to our letter of January 19, 1999 which refers to this same issue. Please refer as well to our comment under 2.5.5 "Future Retail Components" suggesting that much of the proposed retail area be given over to desperately needed public park space. This project offers little or no park/recreation opportunity to the lower income San Pedro neighborhoods which surround it. This is an inappropriate use of the land held in trust for all the people of California.

Chapter 4 Environmental Justice.

Please refer to our remarks above, concerning the total lack of recreational opportunities appropriate to the surrounding lower income, largely minority, communities.

On page 4-2 the DSEIR stresses twice the concept of:

34-25 "affirmative efforts to inform and involve environmental groups, especially environmental justice groups, in early planning stages through notification and two-way communication."

As the enclosed record shows, we have been trying to establish just such a process for over 4 years, with no success. More recently, the PCAC, a broad based community group formed by the Port itself, advised the BHC to withdraw this DSEIR until such a process could take place. The BHC refused.

Board of Harbor Commissioners, Cabrillo Marina Phase II DSEIR, January 28, 2003, Page 10

- 34-25

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We further quote from the same page:

"The City of Los Angeles has also committed to a Compact for Environmental Justice, which was adopted as the city's foundation for a sustainable urban environment (City of Los Angeles 2002b). Statements relevant to this project include the following:

All people in Los Angeles are entitled to equal access to public open space and recreation, clean water, and uncontaminated neighborhoods.

All planning and regulatory processes must involve residents and community representatives in decision making from start to finish."

We submit that the "planning" of this project has been the antithesis of this policy. We direct your attention again to our comments concerning recreation. We direct your attention to the comments of Mr. Daniel Cooper of Lawyers for Clean Water concerning water quality concerns surrounding the project. We refer particularly to Mr. Cooper's concerns, as well as ours, expressed on page 3 of this letter, for the filthy condition of the water at inner Cabrillo Beach. This beach is overwhelmingly used by lower income and minority people.

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- 34-26

↑

4.2 Assessment. We take absolute exception to your statement:

"Both the short-term and long-term air quality impacts associated with the proposed project are regional impacts, incrementally affecting the entire SCAB. These impacts would not disproportionately affect the low-income and minority populations within 1 mile of the site."

This is arguably the most ridiculous statement in this entire document. The MATES II study by the SCAQMD, which you have previously cited, clearly points out that the risk is highest closest to the source of emissions. This is the simplest possible intuitive conclusion. The risk from any source is highest closest to the tailpipe, and diminishes with distance. What can you be thinking to make such a statement? There is substantial research, no doubt known to you, showing that children living closer to freeways, or other sources of diesel particulate, suffer from higher levels of myriad health problems. We object in the strongest possible manner to this pattern of practice of dealing with environmental impacts by denying their very existence.

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- 34-27

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4.3 Public Outreach At the top of page 4-4 you state that:

"The LAHD has made considerable effort to provide public outreach to all segments of the population, beyond what is minimally required by the CEQA Guidelines. All EIR's are the subject of public meetings at locations and times convenient for the affected community, prior to the document being submitted to the Board of Harbor Commissioners. The meetings are held either at the Port Administration Building or in the community, depending on the location of the project."

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34-27 As veterans of this "process", we can state from experience that, while it may or may not be responsive to CEQA, it has nothing whatsoever to do with the requirements outlined above for Environmental Justice. These meetings are held at the very end of the process, when all of the planning decisions have been made. This project is a perfect example. The record shows that we have been crying out for public involvement for over 4 years. We have been ignored. At the end of the process, when the community finally gets a chance to comment, our comments are brushed aside by the BHC. This is in no way, shape or form related to "All planning and regulatory processes must involve residents and community representatives in decision making from start to finish." What unbelievable hypocrisy.

Chapter 5 Boat Launch Analysis. This analysis does not address the concerns of the community. The issue of a boat launch ramp at this facility has been consistently and repeatedly raised by the community for many years. In 1998 the then developers made presentations to a number of community groups in San Pedro. The issue of the boat ramp was always raised. It was ignored. Please refer to Noel Park's comment letter of January 19, 1999, which again raised the issue.

34-28 The community wants another boat ramp. The issue of the boat ramp is not driven by the boating needs of San Pedro residents, which are almost non-existent. It is driven by the hideous traffic situation impacting neighborhoods surrounding Point Fermin during the summer. The boat trailer traffic at the existing Cabrillo Beach launch ramp, combined with the other beach traffic, creates chaos. You will note that, for several years, the City has been forced to have its parking enforcement officers close off many residential streets in Point Fermin to non-resident traffic during the summer. That is how bad the traffic and parking problem is.

Even so, a launch ramp would allow moderate income people, who could not afford to store their boats in the expensive dry stack storage facility, an opportunity to use this publicly owned land for recreation opportunities. This would be much more responsive to San Pedro and Wilmington than the proposed project.

The fact that the Cabrillo Beach Bath House is now open as a community center, and that the Cabrillo Aquarium is now being significantly expanded, will only add to this traffic load. We do not believe that the suggested opening of Shoshonean Rd. and the suggested reservation scheme are going to materially improve this unacceptable situation.

34-29 As the years have gone by, we have grown more and more concerned about the terrible water quality at the inner Cabrillo Beach. Many believe that this situation is caused by poor circulation resulting, in whole or in part, from the rock mole which extends from the beach to protect the launch ramp. It may well be that it is necessary to remove the launch ramp to restore acceptable beach water quality.

34-30 This Chapter, indeed this entire EIR, does not include any commitment to the local community that a new launch ramp will be built. Once the proposed project is built, and a "done deal", we have no assurance that any such thing will be done. To say that the alternatives discussed will be given to the PCAC, to make a decision on what is to be done, is not an answer. The BHC has never shown the slightest hesitation to ignore the PCAC.

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34-30 | We demand that a firm commitment be given to the community to implement a specific, acceptable, solution to this launch ramp issue, before this project is allowed to go forward.

34-31 | In conclusion, we are enclosing a copy of the decision of the Court of Appeal of the State of California, Second Appellate District, Division Four, in the case of Natural Resources Defense Council, Inc., et al, v. City of Los Angeles, et al., B159157 (Super. Ct. No. BS70017). We direct your attention to the excerpt from the amicus brief filed by the California Attorney General on page 3. We submit that this DSEIR suffers from all of the flaws of the EIR overturned by the above case. It is *inadequate, non-responsive, and does not speak to the policies and plans of the City of Los Angeles, nor to the needs and welfare of our community.* We ask that you withdraw it, and do it again in compliance with the policy of the City of Los Angeles that:

"All planning and regulatory processes must involve residents and community representatives in decision making from start to finish."

Sincerely,



Noel Park
President

Regional Plan, the California Coastal Act of 1976, and the Tidelands Grant, set forth regulations and guidelines pertaining to the development. A brief description of the plans pertinent to the proposed project and a general overview of policies they contain are provided below.

City of Los Angeles General Plan

The General Plan is the fundamental policy document of the City of Los Angeles, as it defines the framework by which the City's physical and economic resources are to be managed and utilized over time. The General Plan Framework is a long-range, citywide, comprehensive growth strategy.

The General Plan contains a series of 35 community plans that are intended to promote an arrangement of land uses, streets, and services. The General Plan envisions that these various land uses will encourage and contribute to the economic, social, and physical health, safety, and welfare of the community, and provide convenience to the people who live and work there. Two community plans apply to areas adjacent to the proposed project: the *San Pedro Community Plan* and the *Wilmington Community Plan*. These community plans are intended to guide development to create a healthful and pleasant environment for area residents. A third plan contained in the General Plan is the *Port of Los Angeles Plan* (Port Plan), which provides precise determinations of the goals, objectives, policies, programs, land use, and planning decisions that pertain to the Port (City of Los Angeles 1982). These are discussed below, and the boundaries of each of these PAs are shown in Figure 3.1-2.

San Pedro Community Plan

The *San Pedro Community Plan* area defines a location immediately adjacent to the proposed project area. The *San Pedro Community Plan* area is generally bounded on the north by Taper Avenue; on the east by John Gibson Boulevard, Harbor Boulevard, the West Channel of the Port, and Cabrillo Beach; on the south by the Pacific Ocean; and on the west by Los Angeles (the City of Rancho Palos Verdes).

The *San Pedro Community Plan* sets forth the following goals and objectives to maintain the community's individuality:

- preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of compatible new housing opportunities; improving the function, design, and economic vitality of the commercial corridors and industrial areas;
- preserving and enhancing the positive characteristics of existing uses that provide the foundation for community identity (such as scale, height, bulk, setbacks and appearance);

- maximizing the development opportunities around the future transit system while minimizing any adverse impacts; and
- planning the remaining commercial and industrial development opportunity sites for needed job-producing uses that improve the economic and physical condition of the *San Pedro Community Plan* (City of Los Angeles 1999a) .

The land uses depicted in the *San Pedro Community Plan* nearest the proposed project consist of single- and multi-family residences and public facilities between Gaffey Street and Shoshonean Road, and commercial and multi-family residences just north and adjacent to Crescent Avenue. Existing commercial businesses are prevalent along Pacific Avenue. A discussion regarding specific goals and policies set forth in the community plan and as they pertain to this project are provided below.

Goal 6

To preserve the scenic and visual quality of coastal areas. The California Coastal Act of 1976 declared the California Coastal Zone a distinct and valuable resource of vital and enduring interest to all people and exists as a delicately balanced ecosystem.

- **Objective 6-2:** To protect, maintain and, where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and artificial resources.
 - **Policy 6-2.1:** That the scenic and visual qualities of San Pedro be protected as a resource of community as well as of regional importance, with permitted development sited and designed to: protect the views to and along the ocean, harbor and scenic coastal areas; minimize the alteration of natural landform; be visually compatible with the character of the surrounding area; and prevent the blockage of existing views for designated public scenic view areas and Scenic Highways.
- **Objective 6-3:** To assure the orderly and balanced utilization and conservation of Coastal Zone resources, taking into account the social and economic needs of the people of the region.
 - **Policy 6-3.1:** That existing coastal-oriented recreational facilities be maintained, developed, and expanded (where needed) to provide local as well as regional access to, and enjoyment of, San Pedro’s unique coastal resources.
- **Objective 6-4:** To maximize public access and recreational opportunities to and within the Coastal Zone consistent with sound resource conservation principles and the rights of private property owners.
 - **Policy 6-4.1:** That adequate public parking areas serving recreational facilities along the coast be freely available to the public to avoid spillover parking into residential areas.
- **Objective 6.5:** To assure priority for coastal development over other development of the coast.

- **Policy 6-5.1:** That existing coastal-oriented recreational facilities be maintained, developed, and expanded where needed to provide local as well as regional access to, and enjoyment of, San Pedro’s unique coastal resources.
- **Policy 6-5.2:** Existing lower-cost visitor and recreational facilities shall be protected where feasible, and new ones encouraged, by allowing them as permitted uses in the appropriate land use categories. Developments providing public recreational opportunities are preferred uses.

Oceanfront land suitable for coastal recreational uses shall be protected for coastal-related recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated in property is already adequately provided for in the near vicinity.

The use of private lands suitable for commercial/recreational facilities designed to serve visitors and enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, and general commercial development, but not over coastal dependent industry.

Upland areas necessary to support coastal recreational uses shall be reserved for such uses where feasible.

- **Objective 6-6:** To preserve existing scenic views of the ocean and harbor as seen from designated Scenic Highways, scenic view sites, and existing residential structures.

Goal 19

To coordinate the development of the Port with surrounding communities, thereby improving the efficiency and operational capabilities of the Port and better serving the economic needs of Los Angeles and the region, while minimizing adverse environmental impacts to neighboring communities from Port-related activities.

- **Objective 19-1:** To recognize the Port as a regional resource and the predominant influence on the economic well being of the community, and to promote its continued development so as to meet the needs of the fishing industry, recreational users, and the handling of passengers and cargo, with special emphasis on the accommodation of increasingly larger ships.
- **Policy 19-1.1:** That Cabrillo Beach and West Channel areas of the Port be devoted to public recreation, commercial sportfishing, and recreational boating facilities.
- **Policy 19-1.2:** That the West Bank of the main Channel (southerly of the Vincent Thomas Bridge) and East Channel areas of the Port be devoted to commercial, restaurant, and tourist-oriented facilities, passenger terminals, facilities serving the sport and commercial fishing industries, and such general cargo and container handling facilities as would not create or add to significant traffic congestion problems on

Harbor Boulevard, which may result from the generation of additional railroad or industrial traffic.

- **Objective 19-2:** To coordinate the future development of the Port with the *San Pedro Community Plan*, the Beacon Street Redevelopment Project, and the development of the Central Business District of San Pedro.
 - **Policy 19-2.1:** The underutilized railroad lines in the West Channel/Cabrillo Beach and West Bank areas of the Port should be phased out upon relocation of the dry and liquid bulk transfer and storage facilities. Any rapid transit terminal serving the adjacent San Pedro Community should be located convenient to the Beacon Street Redevelopment areas and Ports O' Call Village, utilizing the railroad right-of-way adjacent to Harbor Boulevard.
 - **Policy 19-2.2:** Strengthen governmental interagency coordination in the planning implementation of Port projects for the purpose of facilitating greater efficiency in Port operations and better serving the interests of adjacent communities.
 - **Policy 19-2.3:** The Port should commit resources toward providing public amenities (commercial, recreational, and service-oriented) that will benefit the San Pedro community, consistent with the State Tidelands Grant, the California Coastal Act of 1976, and the City Charter.
- **Objective 19-3:** To seek the relocation of potentially hazardous or incompatible land uses away from the adjacent commercial and residential areas of San Pedro.
 - **Policy 19.3.1:** Facilities used for the storage, processing, or distribution of potentially hazardous petroleum or chemical compounds, located in the Cabrillo Beach, East and West Channels, or West Bank portions of the main Channel, should be phased out and relocated to Terminal Island or at its proposed southerly extension, with no further expansion of existing facilities or the development of new facilities permitted.

Wilmington Community Plan

The *Wilmington-Harbor City Community Plan*, adopted in 1999, sets forth goals to maintain the communities' individuality by:

- preserving and enhancing the positive characteristics of existing residential neighborhoods while providing a variety of compatible new housing opportunities;
- improving the function, design, and economic vitality of the commercial corridors and industrial areas; and
- maximizing the development opportunities around the future transit system while minimizing any adverse impacts (City of Los Angeles 1999b).

Noel Park
3233 S. Walker Ave. San Pedro, CA 90731
(310) 832-5720 (H) (562) 804-5205 (W) Fax: (562) 804-5210
January 9, 1999

Mr. Don Rice, Director of Environmental Management.
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, Ca 90731

Dear Mr. Rice:

In the Thursday, January 7, 1999, Los Angeles Times I noticed an article titled "Cabrillo Marina project back on front burner". The article stated that public comments on the Environmental Impact Report for this project are due by January 21.

As one who has tried to closely follow this issue, and one who reads the Daily Breeze and the Los Angeles Times fairly carefully every day, this was the first that I had heard about the public comment period.

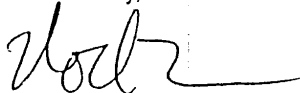
I have attended no less than three presentations put on by the developers at the Palisades Residents Association, Point Fermin Homeowners Association, and the San Pedro Peninsula Homeowners Coalition. Even so, no one bothered to inform me that this EIR was available for public comment.

I would respectfully suggest to you that there has not been sufficient public outreach to solicit comment on this EIR. This leads to the cynical perception in the community that the intent is to slip the comment period by with the least amount of public awareness possible, thus minimizing irritating and troublesome public comments. I am sure that the Port does not want such an impression to become widespread in the community.

After reading this article, I immediately contacted several of my friends who are active in community affairs. Very few of them, including no one from my own residents association, were aware of the comment period. Neither I, nor my homeowner group, can possibly obtain, review, and comment upon the EIR in the time available. I am formally requesting that you extend the review period for a reasonable time, to allow us to adequately study and comment upon this complex project. I believe that 90 days would be a reasonable time.

It is my understanding that, under the California Environmental Quality Act, you are required to furnish a copy of the Environmental Impact Report to any citizen requesting one. Please send me a copy at the above address.

Sincerely,



Noel Park

cc: Point Fermin Homeowners Association, Palisades Residents Association,
San Pedro Peninsula Homeowners Coalition

425 S. Palms Workers Street

Post Office Box 151

San Pedro, CA 90733-0151

tel/100 310 56A 1000

www.portla.com

January 12, 1999

Mr. Noel Park
3233 S. Walker Avenue
San Pedro, CA 90731



SUBJECT: DRAFT SUPPLEMENTAL EIR FOR THE WEST CHANNEL/CABRILLO MARINA PHASE II DEVELOPMENT PROJECT

Richard J. Bordon, Mayor
City of Los Angeles

Board of Harbor
Commissioners

Theodore Stern, Jr., President

Jeanette Y. Thomas, Vice President

Carol L. Brown

Frank M. Sanchez, PIO

John M. Wilson

Larry A. Keller
Executive Director

We are responding to your letter of January 9, 1999, which requested a copy of the Draft Supplemental Environmental Impact Report (SEIR) for the West Channel/Cabrillo Marina Phase II Development Project and which also requested an extension of the time for public review of the document. A copy of the Draft SEIR is enclosed for your review. However, we believe the availability of the Draft SEIR has been adequately noticed and that copies of the document have been distributed to a large number of interested parties. Therefore, at this point, we do not intend to extend the public review period beyond January 21, 1999.

The appropriate public review time has been provided for the Draft SEIR. On November 24, 1998, notices of availability of the Draft SEIR were placed in the *Daily Breeze*, *Metropolitan News-Enterprise*, and *La Opinion*. While the California Environmental Quality Act (CEQA) specifies a 45-day public review period for Draft EIRs, there will actually be 59 days between these notices and the close of the public review period. The Port also distributed the news release that was the basis for the newspaper article you cited in your letter.

The Draft SEIR was also made available to a large number of interested parties, including a number of local homeowner associations and individuals. Specifically, on December 3, 1998, a copy of the document was sent to Palisades Residents Association (Donna Mc Donough), Pt. Fermin Residents Association (Goldie Otters), and San Pedro & Peninsula Homeowners (Andrew Marsedich). The document was placed in local public libraries, including the San Pedro Branch of the Los Angeles Public Library and the document is also available for review here at the Port.

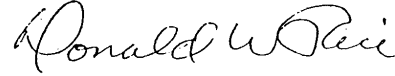
While we appreciate your concern regarding adequate time for review, we believe that the availability of the Draft SEIR has been well noticed and copies sent to the appropriate parties in the community. We are therefore still requesting all public comments be provided by January 21, 1999.

An Affiliated Agency
of the Los Angeles Harbor Department

Revised and Rewritten

If you have any questions regarding this information, please do not hesitate to call Val Amczquita at (310) 732-3915.

Sincerely,



DONALD W. RICE
Director of Environmental Management

DWR:RA:VPA
ADP No.: 970711-108

Attachment

Noel Park
3233 S. Walker Ave. San Pedro, CA 90731
(310) 832-5720 (H) (562) 804-5205 (W) Fax: (562) 804-5210
January 19, 1999

Mr. Don Rice, Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, CA 90731

Dear Mr. Rice:

This is a public comment on the Environmental Impact Report for the Cabrillo Marina Phase II project.

I do not believe that this proposed project adequately responds to the needs of the Port's neighbors, the San Pedro community.

Residents of the Point Fermin area have consistently pleaded for the Port to build a public boat launching ramp as part of this project. This ramp is needed to allow moderate income people a place to launch their trailered boats, and to alleviate the terrible traffic and overcrowding around the existing Cabrillo Beach launching ramp during the summer boating season. Citing economic considerations, the Port and its developers have declined to include this launching ramp in their plans.

This project offers no meaningful recreational opportunities to the thousands of working class people who live in the neighborhoods surrounding the Cabrillo Marina. Of the very few San Pedro residents who have boats, fewer still could afford to store them in the dry stack facility planned. At one of the developer's presentations, I asked their representative if they had any figures on how many San Pedro residents have 40 foot yachts to keep in the high end slips envisioned. While there was no answer, there must be very few, if any at all.

I question the wisdom, and the appropriateness of establishing more high end restaurants in San Pedro. There appeared to be no consideration of the effect of these restaurants on the struggling, and often failing, restaurants at Ports o' Call, never mind the family owned restaurants trying so hard to succeed in San Pedro.

This project is clearly oriented toward very well off people, who must represent the top 5% of the population of Los Angeles. There is very little here for us average people. I hardly expect to be invited to the Marina Club in my lifetime.

At this very moment, the citizens of San Pedro, under the auspices of Councilman Rudy Svornich, Jr., and the Community Redevelopment Agency, are struggling to

develop a plan to revitalize the neighborhoods adjacent to this project. It is the earnest hope of the community that this redevelopment effort can begin to turn San Pedro into the vibrant, successful, waterfront community that we all know it has the potential to become. This project has been developed with no thought to that effort.

It is clear to me that the enlightened best interest of the Port will be served by the success of this effort to upgrade the San Pedro community. Clearly, the cruise ship terminal, and all of the other tourist oriented enterprises, existing and planned, will be more attractive and successful if the community is attractive and successful. I would ask the Port, again in its own enlightened self interest, to reach out to the community and the CRA so that San Pedro can go forward under one coordinated plan to the great benefit of all concerned.

I believe that the Port, as a public agency of the City of Los Angeles, has a duty to consider recreational opportunities and quality of life issues for all of the citizens, and to look beyond the simple financial bottom line. If millions of dollars are to be spent in support of these developers, some meaningful amenities and recreational opportunities should be provided for its working and middle class neighbors in San Pedro, and the project should be planned in cooperation with the community to obtain the maximum overall benefit for the community, as well as the Port.

Sincerely,



Noel Park

cc: Councilman Rudy Svornich, Jr., Mayor Richard Riordan

Noel Park
3233 S. Walker Ave. San Pedro, CA 90731
(310) 832-5720 (H) (562) 804-5205 (W) Fax: (562) 804-5210
January 20, 1999

Mr. Donald W. Rice, Director of Environmental Management
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151

Dear Mr. Rice:

This is in response to your letter of January 12, 1999. Thank you for Dr. Appy's courteous telephone call, and for delivering a copy of the Draft Environmental Impact Report to me.

On Monday evening, January 18, I attended a general membership meeting of the Point Fermin Residents Association. The Draft environmental Impact Report was an agenda item at this meeting. There were approximately 30 or 40 people at the meeting, clearly some of the most involved and aware citizens of the community. At a show of hands, less than one in ten was aware of the comment period for the Draft EIR, or the January 21 deadline. The consultant who is doing community relations work for the developer was there, and I believe that she can confirm what I am saying.

I want to repeat to you that I go through the Daily Breeze every day, as thoroughly as time allows. I did not see the November 24 notice. With the greatest respect, if it was included with the legal notices, requests for bids, fictitious business statements, lien sales and the like, I do not believe that very many citizens read this part of the newspaper in any detail.

I am a paid up member of the Point Fermin and Palisades Residents Associations. I serve on the Board of Directors of the Palisades Association. I am one of the Palisades Association's delegates to the San Pedro and Peninsula Homeowners Coalition. I have been to every general meeting of the Point Fermin Association, every meeting of the Palisades board and every meeting of the Coalition since October, and I had never been informed of the comment period, or the deadline, until I saw it in the January 7 Los Angeles Times. Perhaps the Presidents of these groups, to whom you are sending copies of the EIR, do not understand the significance of the comment period. In any case, it is, evidently, not a very effective way of disseminating the information. While I appreciate your sending the press release to the Times, two weeks notice is inadequate.

As I said in my previous letter, I heard the developer's presentation at all three of the above groups. There was no mention of the comment period, or the deadline.

I went to the library to look at the EIR, the day before you were so kind as to send me a copy. It took the reference librarian about 15 minutes to find it, so I do not believe that there is very much traffic there.

I have nothing but the greatest respect for you and your group. Only yesterday, I picked up a copy of The Main Channel at San Pedro High School, and saw the picture of Dr. Appy accepting the richly deserved award for your work at Batiquitos Lagoon. I have personally written to the Board of Harbor Commissioners to congratulate them on your efforts at Bolsa Chica, which I believe that history may remember as the Port's finest hour.

Nevertheless, I am deeply concerned about the public outreach for this EIR. If the intent is to satisfy the legal requirements and complete the governmental procedure, I have no doubt that you have dotted every i and crossed every t. If the intent is to reach out to the community for meaningful comment and input, I have to tell you, again with the greatest respect, that it has not worked.

As I said in my comment letter on the EIR, it is my hope that we can find ways to plan these projects with much more input and cooperation from the public, and from other City agencies, to better serve the enlightened self interest of the Port, and the greater good of the San Pedro Community.

Sincerely,



Noel Park

Noel Park
3233 S. Walker Ave., San Pedro, CA 90731
(310) 832-5720 (H) (562) 804-5205 (W) Fax: (562) 804-5210
August 23, 2000

Mr. Donald W. Rice, Director of Environmental Management
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151


Dear Mr. Rice:

I was very interested in an article, titled "Harboring Transition", which appeared in the August 22, 2000 edition of the Daily Breeze. According to this article, six acres have been added to the Cabrillo Marina Phase II project.

If a major addition of this size is to be added to the project, I formally request that the Environmental Impact Report be revisited. I request the opportunity to review the revised plans, and to comment thereon.

I am unaware of the status of this Environmental Impact Report. Although I submitted written comments on the EIR, I have never been notified that the EIR has been certified, or that there has been a public hearing. I have never seen any response to my comments. If the EIR has been certified, I assume that some process must be undertaken to deal with this substantial addition to the project.

Sincerely,



Noel Park

cc: Ms. Rose M. Zoia, Brandt-Hawley & Zoia

August 29, 2000

425 S. Palms Verdes Street

Post Office Box 151

San Pedro, CA 90733-0151

Tel/TDD 310 SEA-PORT

www.portla.com

Mr. Noel Park
3233 S. Walker Ave.
San Pedro, CA 90731



Richard J. Riordan, Mayor
City of Los Angeles

Board of Harbor
Commissioners

Steve Stein, Jr., President

Jonathan Y. Thomas, Vice President

Carol L. Bowen

John M. Wilson

Fernando Torres-Gil

Larry A. Keller
Executive Director

Dear Mr. Park:

**SUBJECT: STATUS OF THE WEST CHANNEL/CABRILLO MARINA PHASE II
DEVELOPMENT PROJECT AND SUPPLEMENTAL EIR**

In reference to your letter dated August 23, 2000, the Port of Los Angeles has not yet certified the subject Supplemental Environmental Impact Report (SEIR) or approved the project. Pursuant to Public Resources Code 21092.5, comments received on the Draft SEIR will be responded to and corresponding parties notified 10 days prior to certification of the SEIR and subsequent consideration of the project by the Board of Harbor Commissioners. The Port received three comment letters from you on the project (letters dated 1/9/99, 1/19/99, and 1/20/99) and the response to those comments will be sent to you within the time frame noted above.

It should be noted that the Final SEIR is still in draft form and responses to comments have not been completed. Any changes to the Draft SEIR will be included in the Final SEIR, and you will have an opportunity to review responses to comments at that time.

If you have any other questions, please feel free to contact Val Amezcquita or Paul Johansen at (310) 732-3915 or 732-3678, respectively.

Sincerely,

DONALD W. RICE
Director of Environmental Management

DWR:PJ:VPA
ADP No.: 970711-108

An Affirmative Action
Equal Opportunity Employer

Recycled and Recycled

Noel Park
3233 S. Walker Ave., San Pedro, CA 90731
(310) 832-5720 (H) (562) 804-5205 (W) Fax: (562) 804-5210
October 3, 2000

Mr. Donald W. Rice, Director of Environmental Management
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151

Dear Mr. Rice:

Thank you for your letter of August 29, 2000, clarifying the status of the West Channel/Cabrillo Marina Phase II Development Project and Supplemental EIR.

Enclosed is a copy of my letter of January 9, 1999, requesting an extension of the deadline for public comments. That deadline was January 21, 1999. The Port refused to extend the comment deadline. Now, some 20 months later, I realize that a public hearing has never been held, and the EIR has never been certified.

As I mentioned in my letter of August 23, 2000, I now understand that an additional six acres are to be added to this project.

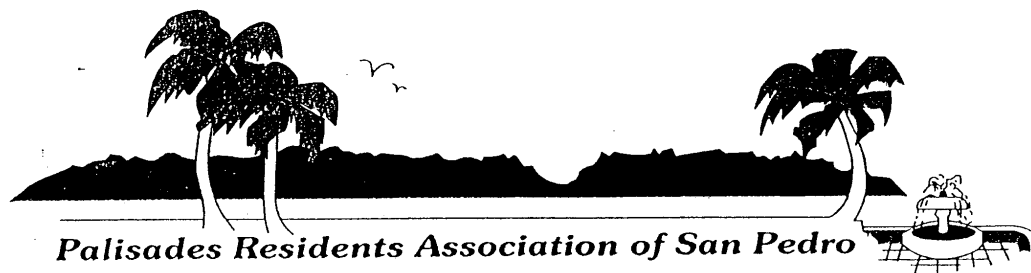
I formally request that this Environmental Impact Report be recirculated to allow additional public comment. As the EIR has never been certified, I believe that the substantial change being made in the project requires recirculation. In addition, as over 20 months have elapsed since the close of the comment period, and no public hearing has been held, I believe that my request for an extension of the comment period was unreasonably denied. The citizens in the neighboring communities deserve an adequate amount of time to adequately comment on this project which will substantially impact their neighborhoods.

Sincerely,



Noel Park

cc: Honorable Board of Harbor Commissioners
Councilman Rudy Svorinich, Jr.
Mayor Richard Riordan
Assemblyman Alan Lowenthal
Senator Betty Karnette
California Coastal Commission
Ms. Rose M. Zoia, Brandt-Hawley & Zoia



October 3, 2000

Mr. Donald W. Rice, Director of Environmental Management
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151

Dear Mr. Rice:

Thank you for your letter of August 29, 2000, addressed to our President, Noel Park, clarifying the status of the West Channel/Cabrillo Marina Phase II Development Project and Supplemental EIR.

Enclosed is a copy of Mr. Park's letter of January 9, 1999, requesting an extension of the deadline for public comments. That deadline was January 21, 1999. The Port refused to extend the comment deadline. Now, some 20 months later, we realize that a public hearing has never been held, and the EIR has never been certified.

As mentioned in Mr. Park's letter of August 23, 2000, we now understand that an additional six acres are to be added to this project.

We formally request that this Environmental Impact Report be recirculated to allow additional public comment. As the EIR has never been certified, we believe that the substantial change being made in the project requires recirculation. In addition, as over 20 months have elapsed since the close of the comment period, and no public hearing has been held, we believe that Mr. Park's request for an extension of the comment period was unreasonably denied. The citizens in the neighboring communities deserve an adequate amount of time to adequately comment on this project which will substantially impact their neighborhoods.

Sincerely,

Noel Park
President

cc: Honorable Board of Harbor Commissioners
Councilman Rudy Svorinich, Jr.
Mayor Richard Riordan
Assemblyman Alan Lowenthal
Senator Betty Karnette
California Coastal Commission
Ms. Rose Zoia, Brandt-Hawley & Zoia

P.O. Box 5281 San Pedro, CA 90733

SAN PEDRO AND PENINSULA HOMEOWNERS' COALITION

Member Associations
Averill Park - Barton Hill - Casa Verde Estates - Downtown Residents - Leland Park
Palisades - Palos Verdes Shores - Park Park / Holy Trinity - Point Fermin - Rolling Hills Riviera
San Pedro Homeowners United - South Shores - Vista Del Oro - Westmont No. 4

P.O. Box 1106, San Pedro, CA 90733
(310) 832-5720 (H) (562) 804-5205 (W) Fax: (562) 804-5210
October 3, 2000

Mr. Donald W. Rice, Director of Environmental Management
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151

Dear Mr. Rice:

Thank you for your letter of August 29, 2000, addressed to our President, Noel Park, clarifying the status of the West Channel/Cabrillo Marina Phase II Development Project and Supplemental EIR.

Enclosed is a copy of Mr. Park's letter of January 9, 1999, requesting an extension of the deadline for public comments. That deadline was January 21, 1999. The Port refused to extend the comment deadline. Now, some 20 months later, we realize that a public hearing has never been held, and the EIR has never been certified.

As mentioned in Mr. Park's letter of August 23, 2000, we now understand that an additional six acres are to be added to this project.

We formally request that this Environmental Impact Report be recirculated to allow additional public comment. As the EIR has never been certified, we believe that the substantial change being made in the project requires recirculation. In addition, as over 20 months have elapsed since the close of the comment period, and no public hearing has been held, we believe that Mr. Park's request for an extension of the comment period was unreasonably denied. The citizens in the neighboring communities deserve an adequate amount of time to adequately comment on this project which will substantially impact their neighborhoods.

Sincerely,



Noel Park
President

cc: Honorable Board of Harbor Commissioners
Councilman Rudy Svorinich, Jr.
Mayor Richard Riordan
Assemblyman Alan Lowenthal
Senator Betty Karnette
California Coastal Commission
Ms. Rose M. Zoia, Brandt-Hawley & Zoia

Noel Park
3233 S. Walker Ave., San Pedro, CA 90731
(310) 832-5720 (H) (562) 804-5205 (W) Fax: (562) 804-5210
October 5, 2000

Honorable Board of Harbor Commissioners
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151

Dear Commissioners:

In January, 1999, the Port of Los Angeles very quietly opened the public comment period for the Environmental Impact Report for the West Channel/Cabrillo Marina Phase II. On January 9, 1999, I wrote to the Port, asking that the public comment period be extended. The Port refused, and closed the comment period on January 21, 1999.

Recently, I discovered that there has never been a public hearing on this EIR, and that it has never been certified. Furthermore, the Port is now proposing to make substantial changes in the scope of the project

I, along with the Palisades Residents Association of San Pedro and the San Pedro and Peninsula Homeowners' Coalition, have written to the Port, asking that the EIR be recirculated, and additional public comments requested. We believe that the Port has a legal obligation to do this.

Please direct your staff to recirculate this EIR, to find ways to provide meaningful and effective public outreach, to take into account the community's needs and input in the design process, and to allow adequate opportunity for public comment on this Environmental Impact Report.

Sincerely,



Noel Park

SAN PEDRO AND PENINSULA HOMEOWNERS' COALITION

Member Associations

*Averill Park - Barton Hill - Casa Verde Estates - Downtown Residents - Leland Park
Palisades - Palos Verdes Shores - Pech Park/Holy Trinity - Point Fermin - Rolling Hills Riviera
San Pedro Homeowners United - South Shores - Vista Del Oro - Westmont No. 4*

P.O. Box 1106, San Pedro, CA 90733
(310) 832-5720 (evening) (562) 804-5205 (day) Fax (562) 804-5210
October 5, 2000

Mr. Al Padilla, Ports Coordinator
California Coastal Commission
200 Ocean Gate, 10th Floor
Long Beach, CA 90802-4302

Dear Mr. Padilla:

We have written to the Port of Los Angeles, asking them to recirculate the Environmental Impact Report for the West Channel/Cabrillo Marina Phase II project. Copies of all of our documentation are enclosed.

We believe that this Environmental Impact Report process has been mishandled, with the intent of minimizing public input and comment. On January 9, 1999, one of our members wrote to the Port, requesting that the comment period for the EIR be extended, to allow adequate public comment. The Port refused, closing the comments on January 21, 1999. Today, over 20 months later, there has been no public hearing on the EIR, and it has not been certified. During this time, there has been no notification to stakeholders that the EIR was in limbo. Clearly, there was plenty of time to allow the public to participate, if there had been any will to do so.

Furthermore, we object to this project as totally unresponsive to the needs of our community. We object to the use of public land, and the expenditure of millions of dollars of public money, to create a facility which does nothing to address the needs of the neighboring community. We further strenuously object to the process whereby this project was developed, a process which included no public input whatsoever from the local communities. The only opportunity that the public had to comment was during this EIR process, and the Port was totally unresponsive to requests to facilitate public comment, even though ample time has been available to let the public do so.

We earnestly request that you investigate this situation, and hold hearings, so that the San Pedro and Wilmington public may testify to you about the way the Port totally ignores the needs of our local communities as it develops its projects.

Sincerely,



Noel Park
President

cc: Assemblyman Alan Lowenthal, Senator Betty Karnette

SAN PEDRO AND PENINSULA HOMEOWNERS' COALITION

Member Associations

*Averill Park - Barton Hill - Casa Verde Estates - Downtown Residents - Leland Park
Palisades - Palos Verdes Shores - Peck Park/Holy Trinity - Point Fermin - Rolling Hills Riviera
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P.O. Box 1106, San Pedro, CA 90733
(310) 832-5720 (evening) (562) 804-5205 (day) Fax (562) 804-5210
October 1, 2001

Honorable Board of Harbor Commissioners
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151

Reference: West Channel/Cabrillo Marina Phase II Development Project

Dear Commissioners:

We are extremely concerned as to the status, progress, and current configuration of the West Channel/Cabrillo Marina Phase II Project (generally referred to in the community as Cabrillo Marina Phase II). Enclosed are copies of correspondence between our Coalition, member associations, individual members of our member associations, and the Port. These include the following:

Letter from Noel Park to the Port dated January 9, 1999
Letter from the Port to Noel Park dated January 12, 1999
Letter from Noel Park to the Port dated January 19, 1999
Letter from Noel Park to the Port dated January 20, 1999
Letter from Noel Park to the Port dated August 23, 2000
Letter from the Port to Noel Park dated August 29, 2000
Letter from Noel Park to the Port dated October 3, 2000
Letter from the Palisades Residents Association of San Pedro to the Port dated October 3, 2000
Letter from the San Pedro and Peninsula Homeowners Coalition to the Port dated October 3, 2000
Letter from Noel Park to the Board of Harbor Commissioners dated October 5, 2000
Letter from the San Pedro and Peninsula Homeowners Coalition to the Coastal Commission dated October 5, 2000

This is all of the correspondence which we have had on this issue. Please note that none of our letters of October 3, 2000, or October 5, 2000, have ever received any response from the Port or the Harbor Commission. We believe that these letters speak for themselves, and we will not burden you with extensive quotations from them.

Port of Los Angeles, Cabrillo Marina Phase II
October 1, 2001, Page 2

On January 9, 1999, we asked that the comment deadline for the Draft Supplemental Environmental Impact Report for this project be extended, as we did not believe that adequate public notice had been given, nor adequate public outreach done. The Port refused. In August, 2000, we were informed that no public hearing had been held, and that the EIR had never been certified. We then asked that the EIR be recirculated to allow additional public comment. The Port never responded.

In our comment letter of January 19, 1999, we expressed our concerns that this project, as then envisioned, totally ignored the needs of the San Pedro community. We asked that consideration be given to these needs, and that this project be planned in conjunction with other ongoing efforts to revitalize neighborhoods adjacent to the project. In almost three years, there has never been the slightest response to these requests.

This project never adequately considered the needs of the adjacent communities. It has been in some sort of limbo for almost three years. We understand that at least one of the original developers has withdrawn from the project. Substantial and expensive community outreach efforts have gone forward in the interim. This project should be integrated with those efforts. Under a grant from the California Coastal Conservancy, the Los Angeles Harbor-Watts Economic Development Corporation (EDC) is about to begin a planning effort to coordinate the development of San Pedro with the development of the waterfront. This project should be part of that planning effort. The Port is in the process of establishing a Port Community Advisory Committee (PCAC) to advise the Harbor Commission on such issues. This project should be reviewed by the PCAC.

The current project concept, and the Draft Supplemental EIR, are clearly obsolete in view of the profound changes which are coming about in the Port's planning process. We ask that the Port stop whatever work is going on related to this project. We ask that the Port bring this project to the EDC process, and to the PCAC, for their review and consideration. We ask that a new EIR be prepared to replace the 1999 document, which is clearly out-of-date, and was non-responsive even then.

Sincerely,



Noel Park
President

cc: Mayor James K. Hahn
Councilwoman Janice Hahn
President June Burlingame Smith, Point Fermin Residents Association
Los Angeles Harbor-Watts Economic Development Corporation

SAN PEDRO AND PENINSULA HOMEOWNERS' COALITION

Member Associations

*Averill Park - Barton Hill - Casa Verde Estates - Downtown Residents - Leland Park
Palisades - Palos Verdes Shores - Peck Park/Holy Trinity - Point Fermin - Rolling Hills Riviera
San Pedro Homeowners United - South Shores - Vista Del Oro - Westmont No. 4*

P.O. Box 1106, San Pedro, CA 90733
(310) 832-5720 (evening) (562) 804-5205 (day) Fax (562) 804-5210
October 2, 2001

Mayor James K. Hahn
City Hall 3rd Floor
200 N. Spring St.
Los Angeles, CA 90012

Dear Mayor Hahn:

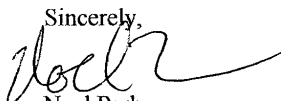
Enclosed is a copy of a letter we have written to the Board of Harbor Commissioners, expressing our concern about the total lack of knowledge in the community as to the status of the West Channel/Cabrillo Marina Phase II Project.

The development of the Cabrillo Marina Phase I Project was overseen by a highly structured Community Advisory Committee, which was, indeed, the prototype for the Port Community Advisory Committee which you are bringing into being, to your everlasting credit. The Cabrillo Marina Phase II Project is being developed in an atmosphere of total mystery. We have no idea what is going on.

Also enclosed are copies of eight letters which we, and our members, have written to the Port over the last three years, seeking information on this project, and the two responses we have received from the Port. Please note that our last letters, dated October 3, 2000, and October 5, 2000, have never been answered. We find it difficult to imagine how any public agency could be less responsive than this.

We have asked the Harbor Commission to stop whatever work may be going on related to this project. We have asked the Commission to bring this project to the public planning process of the Watts-Los Angeles Harbor Economic Development Corporation, so that planning for this site can be integrated with the EDC's mandate to connect San Pedro to the waterfront. We have also asked the Port to bring this project to the Port Community Advisory Committee.

This project has been stalled and in limbo for some three years. Its original concept offered nothing to the local residents, and was unacceptable to much of the community. Both the project concept, and its related Environmental Impact Report are clearly obsolete. Now is the time to bring this project into the community planning process which you have so wisely put into motion.

Sincerely,

Noel Park
President

cc: Councilwoman Janice Hahn

SAN PEDRO AND PENINSULA HOMEOWNERS' COALITION

Member Associations

*Averill Park - Barton Hill - Casa Verde Estates - Downtown Residents - Leland Park
Palisades - Palos Verdes Shores - Peck Park/Holy Trinity - Point Fermin - Rolling Hills Riviera
San Pedro Homeowners United - South Shores - Vista Del Oro - Westmont No. 4*

P.O. Box 1106, San Pedro, CA 90733

(310) 832-5720 (evening) (562) 804-5205 (day) Fax (562) 804-5210

November 5, 2001

Board of Harbor Commissioners
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151

By mail and fax to: (310) 519-0291

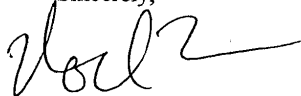
Dear Commissioners:

Please refer to our letter, dated October 1, 2001, concerning the West Channel/Cabrillo Marina Phase II Project. As copy is enclosed.

Just this last Friday, we became aware that the Madeo restaurant at the existing Cabrillo Marina has closed. Another restaurant just east of Madeo has been closed for several years. The last we heard (about three years ago), the developers Koll-Westec were planning to build at least two more restaurants as part of Phase II. In addition, the small business/office complex just west of the Cabrillo Beach Yacht Club has been a revolving door of businesses which have started up and failed. As we understand it, Westec is now managing the existing Cabrillo Marina. While they may be great experts on boats and docks, they sure haven't done much to nurture the existing landside businesses.

Once again, this just points out the absolute need for a professional planning effort to coordinate the existing marina, the new marina (if it is ever built), and all of the other suggested waterfront developments now being discussed, with the revitalization of downtown San Pedro. We do not need to create any new businesses to destroy our cherished businesses in downtown, and we do not need to build any new restaurants, or other businesses, to stand empty as tributes to ad hoc, piecemeal, "planning". Once again, we strongly suggest that all of these activities be coordinated by the planning effort of the Los Angeles Harbor-Watts Economic Development Corporation, in cooperation with the Port Community Advisory Committee.

Sincerely,

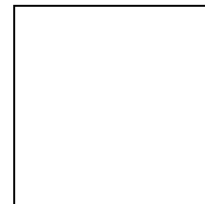


Noel Park
President

425 S. Palms Verdes Street
Post Office Box 151
San Pedro, CA 90733-0151
Tel/TDD 310 SEA-PORT
www.portoflosangeles.org

November 19, 2001

Mr. Noel Park
3233 S. Walker Avenue
San Pedro, CA90731



Dear Mr. Park:



Commissioner Kocol has requested that we provide an update on the current status of the Phase II-West Channel Cabrillo Beach Project, a marina development proposal that includes approximately 700 new recreational vessel slips and associated commercial services and restaurants.

James K. Hahn, Mayor
City of Los Angeles

Board of Harbor
Commissioners

Chris G. Tonsich, President

Elwood Lui, Vice President

James E. Acevedo

Camilla T. Kocol

Thomas H. Warren

Larry A. Keller
Executive Director

The City's Board of Referred Powers, at its meeting on July 14, 1998, approved a Memorandum of Understanding (MOU) with KREG-OC, L.P. and Westrec Marinas (commonly referred to as Koll/Westrec) for development of the West Channel Development Area Site 2. The MOU detailed guidelines for the negotiations of a long-term, comprehensive leasehold development agreement. There have been three years of continuing negotiations, negotiations protracted for various reasons, among them personnel changes within the Koll/Westrec and Port negotiation teams, the need to amend a lease on property affected by the development but leased to another party, and contracting a specialist for financial analysis purpose.

Your letter of October 1, 2001 referenced letters of October 3, 2000 and October 5, 2000 that did not receive a response from the Port. We believe these letters were sent as comments on the Draft EIR for the West Channel Project. The letters would normally be responded to in preparation of the final EIR, which as you know, has not yet been prepared. At this time, it is our intent to re-circulate the Draft EIR for public review, assuming our negotiations conclude with a final agreement. The letters you have sent will be considered in preparation of that revised draft. You will be provided the opportunity to resubmit the same comments or provide new/additional comments on the re-circulated Draft EIR and to provide comments at a public meeting that will be held on the re-circulated Draft EIR. You and the organizations you represent will be provided prior notification of release of the EIR and of any proposed public meeting.

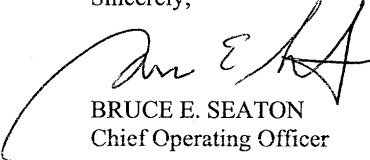
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Recycled and Recyclable

Mr. Noel Park
Page 2.

Negotiations are on going and we expect no announcements until next year,
after which the lease will go to the Board of Harbor Commissioners and City
Council for approval.

Sincerely,



BRUCE E. SEATON
Chief Operating Officer

BES/pp

cc Mayor James K. Hahn
Councilwoman Janice Hahn
President, June Burlingame Smith, Point Fermin Residents Assoc.
Los Angeles Harbor-Watts Economic Development Corporation

Noel Park
3233 S. Walker Ave., San Pedro, CA 90731
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November 26, 2001

Board of Harbor Commissioners
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151

By mail and fax to: (310) 519-0291

Dear Commissioners:

In response to my comments at your meeting of November 14, 2001, which I presented as a representative of the San Pedro and Peninsula Homeowners Coalition, and the Palisades Residents Association, Commissioner Kocol showed us the great courtesy of asking Mr. Seaton to prepare a response to our many letters concerning the Phase II - West Channel Cabrillo Beach Project. The result is the enclosed letter, dated November 19, 2001, from Mr. Seaton.

If you review the file of our correspondence, you will clearly see that this letter is not responsive to our concerns. It is merely a recitation of the meager facts which have been available to the public all along, coupled with the lamest excuse I ever hope to see for the Port's failure to respond to the legitimate concerns of the public over a span of three years.

Please refer to the recent letter, dated October 1, 2001, from the Homeowners Coalition, addressing this issue. I call upon you, once again, to follow the course outlined in that letter.

Sincerely,



Noel Park

cc: Mayor James K. Hahn
Councilwoman Janice Hahn
Assemblyman Alan Lowenthal

10-30-2002 12:25pm From-NATURAL RESOURCES DEFENSE COUNCIL

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T-887 P.002/024 F-115

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FOUR

NATURAL RESOURCES DEFENSE
COUNCIL, INC., et al.,

Plaintiffs and Appellants,

v.

CITY OF LOS ANGELES, et al.,

Defendants and Respondents.

B159157

(Super. Ct. No. BS070017)

COURT OF APPEAL - SECOND DIST.

FILED

OCT 30 2002

JOSEPH A. LANE Clerk

Deputy Clerk

APPEAL from a judgment of the Superior Court of Los Angeles
County, Dzintra Janavs, Judge. Reversed.

Roger Beers; Jan Chatten-Brown and Douglas P. Carstens; Gail
Ruderman Feuer and Julie Masters for Plaintiffs and Appellants.

Rockard J. Delgadillo, Richard M. Helgeson, William L. Waterhouse;
Morrison & Foerster, Michael H. Zischke, Scott B. Birkey and Peter Hsiao for
Defendants and Respondents.

Bill Lockyer, Attorney General, Richard M. Frank, Chief Assistant
Attorney General, Theodora P. Berger, Senior Assistant Attorney General, Craig
C. Thompson and Susan L. Durbin, Deputy Attorneys General, for Amicus Curiae
State of California.

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This case involves construction of a container terminal for the China Shipping Holding Co. (China Shipping), which we reference as the China Shipping project, or Project. The China Shipping project is the subject of a lease/permit entered into between China Shipping and the City of Los Angeles (City) on May 8, 2001. The Project contemplates three phases of construction for which the Port of Los Angeles granted a coastal development permit on October 10, 2001.

The China Shipping project was challenged by filing of a petition for writ of mandate in the Los Angeles County superior court asserting that the Project was violative of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq. (CEQA)).¹ The challengers are two nonprofit environmental groups, the Natural Resources Defense Council, Inc. (NRDC) and Coalition for Clean Air, Inc., and two homeowners associations, the San Pedro and Peninsula Homeowners' Coalition and San Pedro Peninsula Homeowners United, Inc. (collectively appellants). Appellants appeal from denial of their petition contending that the City violated CEQA by failing to prepare a separate environmental impact report (EIR) addressing all three phases of the Project before entering into the lease/permit with China Shipping. As a back-up argument, appellants contend an EIR "tiered" from a 1997 "program" EIR prepared by the City should have been prepared addressing all three phases of the Project.

The City responds that the China Shipping project falls within the scope of the original 1997 program EIR and a subsequent environmental impact statement/EIR (SEIS/SEIR) completed in September 2000.

We have reviewed the administrative record, the record from the trial court proceedings, and briefing by the parties, including an amicus brief filed by

¹ Further statutory references will be to the Public Resources Code unless otherwise noted.

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the California Attorney General supporting appellants' position. We conclude that the City did fail to follow the dictates of CEQA and we reverse the trial court judgment. We remand with directions that the trial court order the City to prepare a project specific EIR which covers all three phases of the Project. We also direct the trial court to issue an injunction consistent with a stay we have issued precluding further construction or operation of the Project pending completion of the environmental process.

An excerpt from the "Introduction" of the amicus brief filed by the Attorney General provides a succinct statement why CEQA was violated:

"This case goes to the first principles of CEQA. The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, covering the entire project, from start to finish. This examination is intended to provide the fullest information reasonably available upon which the decision makers and the public they serve can rely in determining whether or not to start the project at all, not merely to decide whether to finish it. The EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they -- and the environment -- will have to give up in order to take that journey. As our Supreme Court said in *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283, '[t]he purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind.'²

"Here, the Port and the City have reduced CEQA to a process whose result will be largely to generate paper, to produce an EIR that describes a journey whose destination is already predetermined and contractually committed to before the public has any chance to see

² *Bozung* was superceded by statute with respect to the issue of designation of a lead agency. (*City of Redding v. Shasta County Local Agency Formation Com.* (1989) 209 Cal.App.3d 1169, 1177.)

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either the road map or the full price tag. [The City and Port] have segmented the project into three phases and are in the process of preparing an EIR for Phases II and III separately from Phase I, while engaged in building Phase I during the course of litigation. However, prior to the EIR for Phases II and III being complete, before a draft is even finished or available to the public, the City and the Port have committed themselves to *all* Phases of the China Shipping project, by approving the lease and the terms of the lease that call for construction of the entire project. They have signed this legally binding lease for the *entire* project before completing the CEQA process for two of its three Phases. Under the statute's plain language, the Guidelines adopted by the Resources Agency and binding on the City and the Port, and a long line of cases covering decades of CEQA enforcement, this is segmentation of the project and a *per se* violation of the statute." (Amicus Brief of the State of California, ex rel. Attorney General Bill Lockyer in Support of Appellants, pp. 3-4.)

FACTS

1997 Program EIR

In 1997 the Los Angeles Harbor Department (LAHD), as lead agency, completed a program EIR for what was described as the West Basin Transportation Improvements Program (WBTIP) for the Port of Los Angeles. The overall goal of the WBTIP was to improve containerized cargo handling and the overall operating "efficiency of West Basin container terminals." The area that was the subject of the EIR was divided into Berths 97-109, Berths 121-131, Berths 136-139 and Berths 142-147.

The WBTIP was described in the EIR as being initiated "to investigate optimization measures given that a number of changes are already in progress." The changes included relocation of American President Lines from Berths 121-126 to Terminal Island by early 1997 and the West Basin Widening Project (WBWP) to improve vessel safety in the West Basin and provide potential for a new Berth, 97-98, capable of accommodating the largest of container vessels.

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A related project was described as the Harry Bridges Boulevard Project affording opportunity for an improved road and rail system to connect the berth and backland areas of the West Basin to the proposed Alameda Corridor. It included grade separation projects to eliminate vehicle-rail conflicts and an access route for trucks within the Port area to connect to the Alameda Corridor and the freeway system.

The EIR predicted that containerized cargo transport through the Port of Los Angeles would more than double by the year 2020 and that actual increases had greatly exceeded forecasts. It provided: "To meet this demand the LAHD has embarked on several major development programs to (1) optimize existing cargo handling capability on existing Port lands, (2) create additional lands and build new marine terminals through landfill development, (3) facilitate cargo movement by improving ship channels and landside transportation . . . to optimize container transport capabilities, and (4) to optimize transportation infrastructure identified in the Knoll Hill EIR (LAHD 1978) and the Harry Bridges Boulevard Project (LAHD 1994)."

The 1997 EIR contemplated two phases of construction. Phase 1 involved construction of a railyard at Berths 97-109, two lead tracks and a railyard access roadway at Berths 121-131, and one lead track at Berths 136-139. Berths 97-109 were to be improved by construction of new entrance gate facilities and a new 1,000-foot wharf at Berths 98-100. There was also to be realignment, extension and filling over a storm drain in the western portion of the project area to provide additional space for a new access roadway alongside the West Basin railyard. Berths 121-126 and 127-131 were to be consolidated into one large terminal so that the wharf could accommodate larger ships either by reconstructing 2,000 feet of existing wharf and constructing 1,000 feet of new wharf to the north of existing wharves, or constructing 1,000 feet of new wharf to the south at Berths 120-121. Adjacent portions of the channel would be dredged to increase depth

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from approximately 40 feet to 50 feet. There would also be construction of a grade separation at Neptune Avenue adjacent to Berths 136-139 and 142-147 and relocation of the entrance gates at each terminal. Berths 142-147 would be converted into a container terminal, and backland storage would be expanded by bringing Berth 147 up to grade with Berths 142-146 and paving, removing existing railyard trackage from Pier A and paving as needed, and increasing available spaces at Berths 153-155 by demolishing one transit shed and part of another and paving as needed.

Specifically, with regard to Berths 97-109, the EIR provided:

"Completion of the West Basin Widening Project in 1996 will provide the Berths 97-109 area with adequate channel depth to serve modern vessels. The proposed project would include a new single-berth wharf at Berths 98-100. The new wharf would measure approximately 300 meters (1,000 feet) in length. Equipment and infrastructure would be added to ensure efficient movement of cargo. Improvements required to operate the terminal at projected levels are consistent with existing requirements regarding this property and would require no additional environmental assessment (e.g., lighting, fencing, and surface improvements). [¶] ... [¶] The West Basin container terminals would be served by a new railyard located at Berths 97-109. The railyard would require approximately 10 hectares (24 acres) and would consist of four working tracks, four storage tracks, one maintenance track and one run-around track. It will be able to accommodate two unit trains per day."

Phase 2 focused on Berths 97-109 and was considered optional. It would proceed only if needed because of business conditions or transportation needs. It contemplated acquiring properties on Knoll Hill not already owned by the Port of Los Angeles, removing Knoll Hill, realigning Front Street and the Harbor Belt Line, paving as needed to provide additional backland storage area,

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relocating entrance gate facilities to the center of the terminal, and building a grade separation at Pacific Avenue.

The environmental impact assessment was based on construction and operation of the entirety of the West Basin improvement project, Berths 97-109, 121-131, 136-139 and 142-147.

The 1997 EIR provided:

"This document is a Program EIR. The CEQA Guidelines (11 CAC 15168) recommend that a Program EIR be prepared for a series of actions that can be characterized as one large project and are related either (1) geographically; (2) as logical parts in the chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or (4) as individual actions carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects that can be mitigated in similar ways.

"Specific activities that comprise the WB TIP will be examined by the LAHD in the light of this Program EIR to determine whether an additional environmental assessment must be prepared. If it is found that a later activity would have effects that were not examined in this Program EIR, a new Initial Study would need to be prepared. This would lead to an additional CEQA assessment or a Negative Declaration. If the LAHD finds that no new effects would occur or no new mitigation measures would be required, it could approve the activity as being within the scope of the project covered by the Program EIR, and no new environmental documentation would be needed. . . . Where subsequent activities involved site-specific operations, the LAHD would use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the Program EIR."

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2000 SEIS/SEIR

In September 2000, the United States Army Corps of Engineers (USACE), Los Angeles District, finalized the SEIS/SEIR titled "Port of Los Angeles Channel Deepening Project." The purpose of the SEIS/SEIR was to analyze "project-specific impacts of deepening the Inner Harbor channels of the Port of Los Angeles to accommodate the most modern vessels in the commercial container fleet." The SEIS/SEIR was prepared in contemplation that it would be used in connection with a feasibility study (FS) to "serve as the Biological Assessment in association with the Federal Endangered Species Act." It then set out the "Intended Uses" of the SEIS/SEIR:

"An FS is being conducted by LAHD and USACE in accordance with Section 203 of the Water Resources Development Act of 1986 (P.L. 99-662). The purpose of the FS is to determine the federal interest in deepening the Main Channel of the Port and to determine the project design that can be designated the National Economic Development (NED) Plan; i.e., that plan that has the greatest net economic benefit consistent with protecting the nation's environment.

"This SEIS/SEIR supports the proposed federal actions described in the FS. The USACE's Record of Decision (ROD) resulting from consideration of the FS and this SEIS/SEIR will formally document USACE's decision on the proposed action. . . .

". . .

"LAHD may also use this assessment as a basis for later approval of portions of a project not identified in the Recommended Plans. Specifically this could include construction of approximately 75 acres of fill at the Southwest Slip (see Alternative -53'-8) or construction of up to 80 acres of fill at the Pier 300 expansion area (see Alternative -53'-1).

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"The LAHD seeks federal participation in deepening channels of the Inner Los Angeles Harbor and placing dredge material at a number of disposal sites. Disposal at some sites would create new landfills that would provide additional backlands for existing container terminals. The LAHD would use this document for discretionary actions associated with the proposed project. The LAHD may use the SEIS/SEIR as a basis for obtaining Department of Army and other permits necessary to construct the proposed project should the LAHD elect to proceed in advance of the USACE in construction of part or all of the proposed project.

"The SEIS/SEIR also will be used by the LAHD for obtaining necessary Port Master Plan Amendments from the California Coastal Commission."

Under "Purpose and Need," the SEIS/SEIR noted that a newer generation of container ships was being developed with drafts expected of up to 52 feet and that a "deeper channel is necessary to provide these ships with adequate under-keel clearance to accommodate vessel design requirements." The SEIS/SEIR reviewed the history of development of the Port of Los Angeles and various projects to improve the port beginning in 1992, including "the West Basin Transportation Improvements Project."

Specifically, the SEIS/SEIR identified four areas which would receive the dredged material for fill, one of which was identified as the proposed "Southwest Slip Fill Site." This is located between Berths 97-109 and 121-131, within the WBTIP which was the subject of the 1997 Program EIR. It identified two possible uses of the fill at this location. The first would be a disposal site "to create approximately 35 acres of new land . . . [which] . . . could be used as a Confined Disposal Facility for contaminated dredge material . . . [and] for container terminal storage." The alternative was to "construct a larger (75-acre) landfill to provide more backlands and allow construction of an additional

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container wharf." But this "would only be implemented if the GATX facility at Berths 118-119 were to be made a remote facility, relocated, or decommissioned."

Regarding future use of this fill area, the SEIS/SEIR stated:

"Depending on the alternative, new container terminal backlands would vary from 35 to 115 acres in size and would have a maximum throughput capacity of approximately 120,500 to 396,000 containers per year (see Table 1.5-5). The container terminal backlands would operate 260 days per year. The number of employees required to operate new backlands would vary according to disposal alternative, as shown on Table 1.5-5."

Table 1.5-5 provided estimated alternative impacts for different acres given different dredging depths in four categories: "Annual Throughput Capacity (containers)"; "Truck Operations (daily trips)"; "Rail Operations (railcars)"; and "New Container Terminal Employees (day/night)". For each depth, the same impacts were estimated if the 35-acre option would be utilized: 120,462 additional containers; 378 additional daily truck trips; 17 additional railcars; and 34/12 day/night employees.

Based on the exhibits attached, the fill would be placed in the current channel between Berths 97-109 and 121-131. If the 35-acre option were elected, it would add fill to Berths 97-109 toward Berths 121-131. If the 75-acre option were used, it would completely fill in the channel between Berths 97-109 and 121-131.

The SEIS/SEIR addressed the potential environmental impact of the dredging and filling operations as well as the estimated environmental impacts of operations on the 35-acre fill option if it were to be utilized for container storage based on depths of between -50' MLLW (mean lower low water) and -53' MLLW. The amount of cargo handled for each depth was expected to be the same, "205,000 TEU's" (20-foot equivalent units). Additional assumptions were made. As pertinent, it was assumed that "[c]ontainer vessel loading and unloading

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operations would occur during two eight-hour shifts per day when a ship is at berth. Vessel hoteling durations were calculated by multiplying the vessel service time by 24 hours/16 hours. Since cargo handling operations would occur for two eight-hour shifts per day, the vessel would be at berth in stand-by mode for the remaining eight hours of a day. . . . [¶] . . . Two tugboats would assist the berthing of each container ship for a total of 2.3 hours per ship visit. [¶] . . . The yard equipment associated with this activity would include two rubber-tired gantry cranes, two top picks, and 24 hostlers, all diesel-powered. [¶] . . . [¶] It is expected that by completion of the -50' MLLW channel, larger and fewer vessels would ship container cargo through the Port."

On November 22, 2000, the Board of Harbor Commissioners of the City of Los Angeles approved the LAHD's Port of Los Angeles Channel Deepening Project.

The China Shipping Project

In 2001, China Shipping was an invitee of Yang Ming Marine Transport Corp., which had a lease for its own container terminal in the Port of Los Angeles at Berths 127-131. China Shipping grew, and consequently requested to lease its own terminal at the port.

The LAHD negotiated a long-term lease with China Shipping "for development and use of waterfront properties in the former Todd Shipyard and Chevron areas of the West Basin in the Port of Los Angeles," which contemplated construction of improvements for and operation of a container facility at Berths 100 and 102. The lease was to be effectuated by issuance of a permit to China Shipping.

On February 26, 2001, an environmental assessment for the terminal proposed by China Shipping was requested. On March 27, the LAHD issued a

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memorandum stating that the assessment was completed, and that the "elements contained in the lease have been adequately assessed in the [1997] West Basin Transportation Improvements Program EIR . . . and have been adequately assessed in the [2000] Port of Los Angeles Channel Deepening EIS/EIR. . . . As such, the Director of Environmental Management has determined that the proposed activity is exempt" from CEQA.

Meanwhile, on March 8, 2001, a City memorandum indicated that a proposed permit regarding the three-phase construction project was approved by the Los Angeles City Attorney's Office and accepted by China Shipping. The memorandum stated that the landfill will come from the dredge from the channel deepening project approved in the 2000 SEIS/SEIR. The memorandum stated, "Due to interference that ongoing phased construction will have on [China Shipping's] operations, . . . completion of the two-berth, 110-acre terminal . . . is anticipated to be March 2005."

On March 28, 2001, the Board of Harbor Commissioners of the City of Los Angeles adopted Order No. 6722 approving Permit No. 999.

Permit No. 999, called an "Agreement," was entered into between the City of Los Angeles and China Shipping on May 8, 2001. It granted China Shipping the "preferential right" to use Berths 100 and 102 and approximately 110 acres of wharf and backlands, and the "secondary right" to use Berths 121-131 under Permit No. 787. It was for a term of 25 years and contemplated a three-phase project. Phase I contemplated delivery of a container terminal of 75 acres at Berth 100 with a wharf of 1,200 feet in length to be delivered no later than November 2002.³ Phase II contemplated an addition of 200-400 lineal feet to Berth 100 and placing 35 acres of dredge material for landfill contiguous to Berth

³ This is not the same 75 acres contemplated with the 2000 SEIS/SEIR.

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100 for the addition of Berth 102, anticipated to be completed by March 2005.⁴ Phase III contemplated future expansion and provided that the City would make available a minimum of 24 acres of backland contiguous to the Terminal Area.

Each berth was to be constructed to accommodate a 9,100 TEU vessel. Phase I contemplated installation of 4 cranes for the initial 1,200 feet of wharf. An additional crane was expected upon delivery of the second wharf, and a total of 10 cranes after completion of both berths. Necessary supporting infrastructure was also contemplated.

Acknowledging that China Shipping "does not directly control the trucks serving the terminal," the permit nevertheless provided that China Shipping "will make its best effort to notify truck drivers, truck brokers and trucking companies, that trucks serving the terminal must confine their route to the designated Wilmington Truck Route of Alameda Street and 'B' Street; Figueroa Street from 'B' Street to 'C' Street; and Anaheim Street east of Alameda Street."

Soon after Permit No. 999 was entered into, on May 15, 2001, the city of Los Angeles prepared a Notice of Determination. The Notice stated that on May 9, 2001, the Los Angeles City Council approved the project and determined that the approval was part of the West Basin Transportation Improvements Program analyzed in the 1997 EIR and the Port of Los Angeles Channel Deepening Project analyzed in the 2000 SEIS/SEIR. The Notice further stated that the City Council "has determined that no additional CEQA document should be prepared in connection with" approval of the China Shipping project, and that mitigation measures "were previously adopted and will be imposed in connection with construction and operation at the site."

⁴ This is similar to the 35-acre option contemplated in the 2000 SEIS/SEIR.

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Apparently concerned that not all environmental issues had been addressed, the City and China Shipping entered into a "side letter" agreement which was approved by the City Council on July 18, 2001. The letter agreement specifically addresses concerns related to operation of the China Shipping Terminal as follows: emissions from container ships entering, maneuvering and hoteling in the harbor; emissions from tugboats assisting ships to the China Shipping Terminal; emissions and congestion from container traffic at the Terminal; emissions and congestion of truck traffic to and from the Terminal; availability of off-peak delivery service to and from the Terminal; and emissions resulting from use of "On-Dock" equipment. The letter provides that China Shipping and the Port will use their best efforts to minimize negative environmental impacts in these areas of concern.⁵

On October 10, 2001, the Port of Los Angeles granted a coastal development permit to begin construction of Phase I, the container terminal at Berth 100.

⁵ For example, one of the items promised by China Shipping states: "Marine container vessels owned by China Shipping Line will study the feasibility of joining in the NOx Engine Standards for Ocean Going Marine Vessels adopted by the International Maritime Organization as part of Annex VI of MARPOL 73/78. If feasible, marine container vessels owned by China Shipping Line will apply for EPA certified 'Statement of Voluntary Compliance to the MARPOL Annex VI NOx Limits.'" (We omit the sign for footnote 3 which is reference to "International Maritime Organization of the United Nations, 1997, MARPOL 73/78, Annex VI -- Marine Diesel Engine Requirements.") One of the items the Port of Los Angeles committed to was to "support regulatory and legislative changes that will assist China Shipping, and all other terminal operators, in making the transition to cleaner fuels and engines."

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The Superior Court Proceedings

Opposed to the China Shipping project, appellants petitioned the superior court for a writ of mandate seeking to have the court set aside approval of the Coastal Development Permit for Phase I of the China Shipping project and to enjoin respondents from "taking any action to construct any wharves, buildings or structures or to develop or alter the Project site in any way until a lawful approval is obtained from Respondents after the preparation and consideration of an EIR."

The trial court agreed with respondents that Phase I of the Project was covered by the 1997 Program EIR and denied the relief requested. As pertinent, we quote from the trial court's written decision regarding its rationale: "As noted earlier, Respondent here contends that § 21166 and substantial evidence test apply herein rather than § 21094(c), because Phase I of the China Shipping Terminal project is within the scope of the project, program or plan described in the 1997 WBTIP Program EIR. *Respondent acknowledges that additional environmental evaluation is required as to Phases II and III.*" (Italics added.) The decision closed as follows: "As Respondent acknowledges that an EIR is required for Phases II and III of the China Shipping Project, the Petition for Writ of Mandate as regards said phases is moot and/or premature. [¶] The Petition for Writ of Mandate is denied."

Court of Appeal Proceedings

Appellants filed a petition for writ of supersedeas seeking to stay construction and operation of the China Shipping project during the appeal process. On August 2, 2002, we conducted a hearing on the matter and denied the request but ordered the appeal expedited and set it for hearing on October 18, 2002.

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On October 18, after hearing argument, we indicated an intent to issue a stay on our own motion pursuant to Code of Civil Procedure section 923 and we asked counsel to provide us further briefing.⁶ We received further briefing, including declarations, on October 21, 2002.

On October 23, 2002, we issued the following stay, currently in effect:

"Pursuant to Code of Civil Procedure section 923, and pending further order by a court of competent jurisdiction, the court hereby issues a stay effective immediately of portions of the China Shipping Project which is the subject of appeal No. B159157, as follows:

- "1. Completion of the wharf at Berth 100 beyond 1,000 feet, currently estimated to be completed by December 20, 2002;
- "2. Erection and operation of the cranes currently scheduled to be delivered within the next few weeks;
- "3. Operation of Phase I of the China Shipping Project;
- "4. Construction and operation of Phases II and III of the China Shipping Project.

"This stay does not prevent: completion of the storm drain system; completion of the backlands including security fences, permanent lights and power; use of the backlands for container storage; offloading and storage of the cranes at Berth 100."

⁶ That section provides: "The provisions of this chapter shall not limit the power of a reviewing court or of a judge thereof to stay proceedings during the pendency of an appeal or to issue a writ of supersedeas or to suspend, or modify an injunction during the pendency of an appeal or to make any order appropriate to preserve the status quo, the effectiveness of the judgment subsequently entered, or otherwise in aid of its jurisdiction."

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DISCUSSION

The essential issues to be addressed are fairly simple: whether the China Shipping project falls within the scope of prior environmental review; and, if so, what further environmental review is required, if any, before the Port completes the Project.

Appellants argue that the 1997 program EIR was insufficient to encompass any portion of the China Shipping project and that a separate EIR is required pursuant to section 21151 addressing all three phases of the Project. As a fall back position, appellants argue that the program EIR qualifies only as the first step of "tiered" environmental review pursuant to section 21094 and that a complete "project" EIR must be prepared in connection with all three phases of the China Shipping project.

As noted above, the Port convinced the trial court that the 1997 program EIR covered Phase I of the Project and that any further review was controlled by section 21166. Before us, the Port argues that the 1997 EIR and the 2000 SEIS/SEIR are sufficient to cover all phases of the Project. The Port's position is supported neither factually nor legally.

Subdivision (a) of Guideline 15168 defines a "program EIR" as "an EIR which may be prepared on a *series of actions* that can be characterized as one large project and are related either: [¶] (1) Geographically, [or] [¶] (2) As logical parts in the chain of contemplated actions." (Italics added.) The 1997 EIR generally addresses improvements contemplated within the West Basin Transportation Improvements Program, the geographical area where the China Shipping project is located. But the China Shipping project did not arise until after the 1997 EIR had been completed. Thus, it could not have qualified as one of the series of actions contemplated when the 1997 EIR was prepared. Additionally, an environmental assessment was first requested for the China Shipping project on

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February 26, 2001, five months after the 2000 SEIS/SEIR was finalized by the USACE. There is no evidence that any site-specific environmental issues related to the China Shipping project were addressed in either the 1997 EIR or the 2000 SEIS/SEIR.

Subdivision (c) of Guideline 15168 requires subsequent activities to be examined "in the light of the program EIR to determine whether an additional environmental document must be prepared. [¶] (1) *If a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration.* [¶] (2) If the agency finds that . . . no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required." (Italics added.) The fact that the Port and China Shipping entered into a side letter agreement addressing site-specific environmental concerns arising from this Project provides adequate support for appellants' argument that the Port was required to prepare an initial study leading to either preparation of an EIR or a negative declaration for this Project. This was not done.

A program EIR does not always suffice for a later project. Sometimes a "tiered" EIR is required (§ 21094), sometimes a "subsequent or supplemental" EIR is required (§ 21166), and sometimes a "supplement" to an EIR is required. (§ 21166; Guidelines, §§ 15162, 15163.)

As pertinent, section 21166 provides: "no subsequent or supplemental environmental impact report shall be required by the lead agency . . . , unless one or more of the following events occurs: [¶] (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report. [¶] (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the

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environmental impact report. [¶] (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.”

The Guidelines contemplate a “subsequent” EIR for an already existing project that is approved in an EIR and that later experiences “substantial changes” either in the project or in the circumstances in which the project will be undertaken. (Guidelines, § 15162.)

A “supplement” to an EIR is used instead of a “subsequent” EIR if a subsequent EIR is necessary and “[o]nly minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.” (Guidelines, § 15163, subd. (a)(2).) “The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.” (Guidelines, § 15163, subd. (b).) Given the additional scope of the China Shipping project and the concerns addressed in the side letter agreement, we cannot conclude that only minor additions or changes are necessary to the 1997 EIR.

Section 21094 addresses the preparation of a “tiered environmental impact report” for a “later project” which arises after “a prior environmental impact report has been prepared and certified for a *program*, plan, policy, or ordinance.” (Italics added.) Such a report is required if the lead agency determines that the later project “(1) is consistent with the program . . . for which an environmental impact report has been prepared and certified, (2) is consistent with applicable local land use plans and zoning . . . , and (3) is not subject to Section 21166.” (§ 21094, subd. (b).)

There is no evidence that the lead agency formally addressed whether or not the China Shipping project fell within the concept of a “tiered” EIR. We have no doubt that the Project is a “later project” as the term is used in section

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21094. Also, in its environmental assessment of February 26, 2001, the LAHD determined that the China Shipping project was compatible with the West Basin Transportation Improvements Program assessed in the 1997 EIR, thus answering items 1 and 2 in the affirmative. Thus, the question remains whether or not the China Shipping project is subject to section 21166. The answer to this question is problematical because of the strategy adopted by the City in opposition to appellants' arguments.

The written decision of the trial court establishes that the position taken by the City was that the trial court should review the matter as if section 21166 were applicable. The decision states that the Port conceded that an EIR was required for phases II and III of the Project. The court agreed with the City that it should apply section 21166, that Phase I of the Project fell within the 1997 EIR, and based on the concession, concluded it need not address issues relating to Phases II and III. In August, we conducted a hearing on a petition for writ of supersedeas brought by appellants for stay of the entire China Shipping project pending our review. At that time, counsel for the City left us with the impression that the City's concession stood and that we needed only to address supersedeas with regard to Phase I. At oral argument on the appeal, counsel for the City categorically denied that any concession had been made either to the trial court or to us. Instead, he took the position that the 1997 EIR covered Phase I and that the 2000 SEIS/SEIR sufficiently addressed Phases II and III.⁷

⁷ He did concede that the City was cooperating with other agencies in preparation of an EIR for Phases II and III, but urged that it was not required under law to do so. Whether such a concession was made is problematical at best. At worst, it casts significant doubt on the integrity of the arguments proffered by the City. We could view this reversal of position as significantly undermining the trial court's conclusion that the issues relating to Phases II and III were moot or premature and remand the matter for further proceedings. But to do so would only unnecessarily prolong the suspense all parties are currently experiencing over the Project.

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It really does not matter which argument we credit, neither carries the day for the City. As previously noted, we conclude neither the 1997 EIR nor the 2002 SEIS/SEIR adequately addresses the site-specific environmental concerns expressed in the side letter agreement. Additionally, both scenarios raised by the City result in an improper segmentation of environmental review.

The China Shipping project is a site-specific project to be carried out over three phases. When a specific project contemplates future expansion, the lead agency is required to review all phases of the project before it is undertaken. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396 (*Laurel Heights*)). The reason for this is explained in *Laurel Heights*: "A fundamental purpose of an EIR is to provide decision makers with information they can use in deciding *whether* to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved. If postapproval environmental review were allowed, EIR's would likely become nothing more than *post hoc* rationalizations to support the action already taken. We have expressly condemned this use of EIR's. (*No Oil, Inc. v. City of Los Angeles* (1974)) 13 Cal.3d [68] at p. 79.)" (*Laurel Heights, supra*, 47 Cal.3d at p. 394, italics in original.)

If we accept the City's argument made to the trial court, that Phase I of the Project falls within the 1997 EIR, and its concession that a new EIR is being prepared with regard to Phases II and III, this is improper segmentation. If we accept the argument made before us that Phase I is covered under the 1997 EIR and Phases II and III are covered under the 2000 SEIS/SEIR, this is also improper segmentation.

In any event, we cannot conclude that section 21166 applies. The China Shipping project arose more than three years after the 1997 EIR and was not specifically addressed in the 2000 SEIS/SEIR. It cannot be considered part of the

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overall "project" addressed in those documents. We conclude that the most appropriate way to address the China Shipping project is by preparation of a "tiered" EIR addressing all three phases of the Project.

"Tiering" refers "to the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs or ultimately *site-specific* EIRs incorporating by reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared. Tiering is appropriate when the sequence of EIRS is: [¶] (a) From a general plan, policy, or program EIR to a . . . site-specific EIR." (Guidelines, § 15385, italics added.)

The Legislature encourages tiering of EIRs where applicable. "(a) The Legislature finds and declares that tiering of environmental impact reports will promote construction of needed housing and other development projects by (1) streamlining regulatory procedures, (2) avoiding repetitive discussions of the same issues in successive environmental impact reports, and (3) ensuring that environmental impact reports prepared for later projects which are consistent with a previously approved policy, plan, program, or ordinance concentrate upon environmental effects which may be mitigated or avoided in connection with the decision on each later project. The Legislature further finds and declares that tiering is appropriate when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of environmental effects examined in previous environmental impact reports. [¶] (b) To achieve this purpose, environmental impact reports shall be tiered whenever feasible, as determined by the lead agency." (§ 21093.)

Appellants also contend that the China Shipping project violates the City of Los Angeles General Plan as well as the central policy of the Port, and the San Pedro and Wilmington-Harbor City Plans. Each of these Plans and the policy

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of the Port declare that development is to be consistent with minimizing environmental impacts. Because the Port has failed to proceed in accordance with CEQA, it cannot be ascertained whether the China Shipping project violates the Plans and the policy of the Port.

DISPOSITION

The judgment of the trial court is reversed. The matter is remanded to the trial court with directions that it grant the petition for writ of mandate and order the Port to prepare an EIR in connection with all three phases of the China Shipping project and to issue an injunction incorporating the terms of our stay issued October 23, 2002, until further order from a court of competent jurisdiction. Costs on appeal are awarded to appellants.

CERTIFIED FOR PUBLICATION

HASTINGS, J.

We concur:

VOGEL (C.S.), P.J.

EPSTEIN, J.

San Pedro and Peninsula Homeowners' Coalition; Noel Park, President (January 28, 2003)

Response to Comment 34-1

We acknowledge the commenter's objection to the project and the desire for "... an open public process to allow community input into the design and configuration of this project." The LAHD used comments received on the 1998 Initial Study/Notice of Preparation and comments received during public review for the previous draft to scope the current document. In accordance with State CEQA guideline 15201 regarding public participation, the LAHD provided opportunities for public involvement in order to receive and evaluate public opinion. The LAHD provided the Recirculated Draft SEIR to numerous agencies, organizations, and interested groups and persons for comment during the formal review period. In addition, printed copies of the Recirculated Draft SEIR were available at a total of five locations, digital copies were provided via the Port of Los Angeles website, and CD-ROM versions were available directly from the LAHD.

In addition, beginning in October 2002, LAHD staff and the project applicant (Westrec Marinas) met numerous times with PCAC Focus Group, formed by PCAC expressly to discuss the proposed development and provide community advice. Additionally, the LAHD has received a comment letter pertaining to the project submitted by Richard Havenick for the PCAC Focus Group. Beginning in June 19, 2003, meetings also occurred with other subcommittees of PCAC. Based on dialog and comments, both written and verbal, received during the Recirculated Draft SEIR public review period, elements of proposed project have been redesigned or substantially modified. Please see the revised project description in Chapter 1, "Executive Summary," for elements of the project that have been redesigned or modified. Also, please see Section 3.4, "Comment Review and Public Involvement," for a description of the community involvement process.

Response to Comment 34-2

Please see Response to Comment 34-1 regarding the issue of public participation.

Response to Comment 34-3

Based on this and other comments, including those received from ARB and SCAQMD, additional mitigation measures have been identified to reduce emissions from construction activities. Those mitigation measures are included in the revised text of the air quality discussion for this Final SEIR (please refer to Master Response F). In addition, operational mitigation measures are being proposed (please refer to Master Response F). Even with additional operations mitigation measures, air emissions from operational activities remain significant.

As part of the “no net increase” policy, LAHD is developing Port-wide programs to achieve “no net increase” in air pollution independent of any single development project (see Master Response G).

Response to Comment 34-4

Section 15125(d) of the State CEQA Guidelines requires an EIR to discuss any inconsistency between the proposed project and applicable general plans and regional plans. This section does not, however, require the EIR to evaluate the project’s consistency with unofficial or informal plans. At this time, the area north of 22nd Street and Miner Street is not zoned for residential use and no residential development has been proposed for the location outside the suggestion by the Urban Land Institute. Pursuant to State CEQA Guidelines Section 15145, the LAHD found that the inclusion of residential uses north of 22nd Street in the impact analysis is too speculative for evaluation.

The SLC has taken the position that that residential use of the state’s tide and submerged lands is a non-trust use. Thus, residential use north of 22nd Street is inconsistent with the tideland trust.

Therefore, inclusion of such a discussion considering the project’s impact on residential use of the parcels north of 22nd Street would not be appropriate and has been properly excluded. When development plans and application(s) to change the zoning of the subject area to residential are received, these projects would be subject to further CEQA analysis. This analysis would include consideration of the impact of the zoning change and development on the existing baseline conditions at that time.

The LAHD has nevertheless considered the WATCH report, the Urban Land Institute report, and community input received during the public review process to remove the area north of 22nd Street from development consideration as part of this project.

Response to Comment 34-5

Please see Master Responses A and E regarding changes to the dry stack boat storage facility and the Urban Land Institute recommendations. Additionally, the area north of 22nd Street has been removed from development consideration as part of this project. See Chapter 1, “Executive Summary,” regarding changes to the project description. As the proposed project is currently structured, other uses (including residential) for the area north of 22nd Street would not be precluded from consideration in the future. However, as discussed in Response to Comments 34-4 above, residential use of the state’s tide and submerged lands is a non-trust use. Thus, residential use north of 22nd Street is inconsistent with the tideland trust as currently written.

Response to Comment 34-6

Please refer to Master Response E. In addition, the project has been modified to include a minimum 20-foot width requirement for the pedestrian promenade as distinguished from ancillary paths and walkways. Also, the proposed retail commercial operations located north of 22nd Street have been removed from the project. The proposed project would be consistent with the Promenade Principles as listed in the WATCH report. The promenade would also connect to the public walkways in Cabrillo Phase I.

The project would provide a distinctive, original, creative design that has been created by professional designers with input from the community. The project would be consistent with other area plans for downtown, San Pedro, and future water front development. In addition, the project would be consistent with the State Tidelands Grant and is expected to stimulate the local economy and result in new business development. Further, Westrec Marinas has committed to involving the community on decisions on the makeup of the project's retail component with regards to sensitivity to local businesses. Finally, the project would begin the process of creating a decorative pedestrian-friendly promenade that would extend from bridge to breakwater and that would include design themes consistent with existing waterfront areas.

Response to Comment 34-7

New traffic counts were conducted at the intersections of 22nd Street/Mesa Street and 22nd Street/Pacific Avenue in February 2003 and fully analyzed using the same techniques described in the Recirculated Draft SEIR, including one additional cumulative project—the potential cruise terminal at Berths 45-47—as described in Response to Comment 34-11. The intersection of 22nd Street/Pacific Avenue is controlled by a traffic signal while the intersection of 22nd Street/Mesa Street is stop-controlled. Both intersections were analyzed as signalized for the purpose of evaluating the significance of project-related traffic.

The results of this analysis are presented in Table 3-4, which shows that the level of service at these intersections is C or better during all analyzed time periods (weekday AM and PM peak hours and weekend PM peak hours) and in all scenarios (existing, cumulative base, and cumulative base plus project). Applying the thresholds of significance utilized by the City of Los Angeles, no project-related impact is projected to occur at either 22nd Street/Mesa Street or 22nd Street/Pacific Avenue.

Table 3-4. Intersection Levels of Service Analysis, Future Conditions
(Year 2008)

Inter- section	Peak Hour	Existing		Cumulative Base		Cumulative Base Plus Project			
		V/C*	LOS	V/C*	LOS	V/C*	LOS	Increase in V/C*	Sig. Impact
22nd St. and Mesa St.	AM	0.335	A	0.371	A	0.381	A	0.010	NO
	PM	0.288	A	0.318	A	0.331	A	0.013	NO
	Week end	0.244	A	0.280	A	0.320	A	0.040	NO
22nd St. and Pacific Ave.	AM	0.459	A	0.519	A	0.524	A	0.005	NO
	PM	0.655	B	0.729	C	0.752	C	0.023	NO
	Week end	0.483	A	0.557	B	0.613	B	0.056	NO

*V/C = Volume-to-capacity ratio

Over time the traffic situation at these intersections could worsen. Monitoring of the 22nd Street corridor for changes to level of services may be appropriate. Therefore, a new mitigation measure (MM TRANS-1.2) has been added to this Final SEIR. (Please see Master Response H on Page 3-19 for a complete listing of mitigation measures that have been added or substantially modified since the review of the Recirculated Draft SEIR.)

***MM TRANS-1.2:** Undertake new traffic counts at 22nd/Mesa, 22nd/Pacific, and 22nd/Gaffey 1 year after new slip construction is completed. Follow-up monitoring of these intersections will provide a mechanism to monitor actual changes to intersection level of service and to take corrective action as necessary.*

Response to Comment 34-8

Based on this and other comments, including those received from ARB and SCAQMD, additional mitigation measures have been identified to reduce emissions from construction activities. Those mitigation measures are included in the revised air quality discussion in this Final SEIR; please refer to Master Response F. In addition, operational mitigation measures are being proposed, as described in the Master Response F. Even with additional operations mitigation measures, air emissions from operational activities remain significant. As part of the “no net increase” policy, LAHD is developing Port-wide programs to achieve “no net increase” in air pollution independent of any single development project (see Master Response G).

Response to Comment 34-9

Please see Master Responses B and D regarding light and glare impacts. In particular, LAHD will include in the project, lighting analysis by professionals in the lighting industry. These professionals would perform light design and produce an overall “point-by-point” light output study, which would be used to address lighting issues during the design stage of the project.

Response to Comment 34-10

Please refer to Master Responses A and D regarding the incorporation of modifications of the proposed dry stack storage facility based on public input, and the resulting reduction of associated visual impacts.

Response to Comment 34-11

The list of cumulative projects used in the analysis of the proposed project was prepared in September 2002. All of these proposed projects identified by LADOT and by the LAHD that could potentially affect traffic at the study intersections were estimated and assigned to the street network. No cruise terminal or other development south of the marina was under consideration at that time.

However, based on discussions with the PCAC Focus Group in February 2003, a cruise terminal south of the marina project was added to the cumulative project list (see Revised Table 3.2-6 in Appendix B). Based on the information now available, this additional cumulative project (if it were to be implemented) would accommodate approximately 70 ship calls per year, with each ship carrying up to 2,000 passengers. Current schedules for cruise ship arrivals and departures at the Ports of Los Angeles and Long Beach (Carnival Cruises and Princess Cruises) were reviewed to determine likely scheduling of activity at the cumulative project site. It was found that typical arrivals on weekdays (Mondays and Fridays) occur at 8:00 a.m., on Saturdays at 6:00 a.m., and on Sundays at 9:00 a.m. Typical departures on weekdays (Mondays and Fridays) occur at 5:30 p.m., on Saturdays at 5:00 p.m. and on Sundays at 4:00 p.m. Boarding typically begins at noon. The potential environmental impacts of this project will be fully evaluated and documented when and if it is formally proposed for development.

Based on an empirical trip generation study conducted for the recently constructed cruise terminal in Long Beach described in the “*Traffic and Parking Study for the Carnival Cruise Passenger Terminal*” (Kaku Associates 2000), average vehicle occupancy is estimated to be 2.5 passengers per vehicle. The observed trip generation data was factored to account for the fact that the earlier study measured trip generation for larger ships (2,500 passengers) than are contemplated for the cumulative project site. The resulting trip generation estimates are 244 weekday AM peak hour trips (122 inbound, 122 outbound),

79 weekday PM peak hour trips (41 inbound, 38 outbound), and 297 weekend midday peak hour trips (167 inbound, 130 outbound). It was assumed that 80 percent of these trips would utilize Harbor Boulevard and 20 percent would utilize 22nd Street to access the site.

This traffic was added to the cumulative base and cumulative base plus project conditions described in the Recirculated Draft SEIR and is included in the new analysis of the 22nd Street/Mesa Street and 22nd Street/Pacific Avenue intersections presented in Response to Comment 34-7. The resulting levels of service are presented above in Table 3-4. It can be seen that while the projected volume-to-capacity ratios are higher, the levels of service are unchanged.

As discussed in the Recirculated Draft SEIR, the intersections of Harbor Boulevard/I-110 NB On-Ramp and Harbor Boulevard/6th Street do not require mitigation. The proposed mitigation for Harbor Boulevard/SR-47 Ramps/Swinford Street (modify the northbound approach to provide two left-turn lanes, two through lanes, and one shared through/right-turn lane) was found to fully mitigate the project-related impact at that location. The alternative mitigation measure described in Response to Comment 9-1 was also found to fully mitigate this impact. The effectiveness of the proposed mitigation measure and the alternative mitigation measure is shown in Table B of Appendix B, which updates Table 3.2-9 in the Recirculated Draft SEIR.

Response to Comment 34-12

The LAHD recognizes the situation at the inner Cabrillo Beach and is currently conducting the Cabrillo Beach Water Quality Improvement Project. This project includes water quality analyses and circulation modeling to identify both short- and long-term solutions to the water quality concerns at Cabrillo Beach. In response to this and other comments, additional mitigation measures have been identified to reduce potential water quality impacts from construction and operational activities. (Please see Master Response H on Page 3-19 for a complete listing of mitigation measures that have been added or substantially modified since the review of the Recirculated Draft SEIR.)

Response to Comment 34-13

As stated on Page 3.1-21 of the Recirculated Draft SEIR, Table A-1 provides a policy consistency analysis with the San Pedro Community Plan. More specifically, Table A-1 discusses project consistency with Goal 6, Objective 6-2, Goal 6-2.1, and Objective 6-6, which pertain to the preservation and maintenance of scenic and visual quality. In all cases, analysis determined that the project was consistent with these applicable, goals, objectives, and policies. Although the project was found to be consistent with existing land use plans, the dry stack building has been redesigned in response to on dialog with the PCAC Focus Group and comments, both written and verbal, received during the Recirculated Draft SEIR public review period. Please refer to Master Response A regarding

the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

Response to Comment 34-14

The project contains a range of recreational opportunities. Marina slips, dry stack storage, and dry stand storage designed to accommodate a wide range of boat sizes (not only yachts) are central to the project. Another important recreational component of the project is a pedestrian promenade with decorative paving, lighting, benches, trellises, and landscape features. In addition, an event plaza, youth boating facility restaurants, marina club/activity center, and retail businesses are proposed for the project. The promenade, events plaza, and the youth boating facility provide low- or no-cost recreational opportunities. The retail component, with input from the community, would provide for lower cost retail opportunities. The project will provide recreational and retail opportunities for a wide range of income levels.

A policy consistency analysis of relevant local policies listed in the San Pedro Community Plan, which includes Goal 19 and Policy 6-5.2, is provided in Appendix A (Table A-1) of the Recirculated Draft SEIR. As shown in Appendix A, the proposed project was found to be consistent with this goal and policy.

Please see also Master Response C regarding the provision of a park alternative.

Response to Comment 34-15

The LAHD acknowledges the commentor's concerns with the economic viability of the project and concerns over the potential affects on existing retail and commercial businesses in San Pedro.

Base on discussions with the community and comments received during the public review period, the area north of 22nd Street was removed from the project. This reduced the amount of retail development associated with the project. The retail and office space is marina-related to provide amenities to support the marina's operation. Also, further community input will be sought before non-marina-related retail development is built south of 22nd Street in the project area. Additionally, please refer to Master Response E regarding consistency with the WATCH report ("Bridge-to-Breakwater").

The LAHD acknowledges the commentor's desire to have the "... proposed marina development considered as part of a larger professional planning effort ..." and will forward the comments on to the Board of Harbor Commissioners for its consideration during the deliberations on the project. Please refer to Master Response E regarding ongoing planning efforts for the "Bridge-to-Breakwater."

Regarding the desire for inclusion of a public park in the project, the ultimate use of the area north of 22nd Street is unknown at this time but will be subject to the overall “Bridge-to-Breakwater” planning process. For the balance of the project area please, refer to Master Response C.

Response to Comment 34-16

The comment states a concern that future traffic projections in the Recirculated Draft SEIR do not adequately account for all existing and reasonably foreseeable projects in the study area.

Trip generation estimates for the proposed West Basin Marine Terminal Improvements (China Shipping) were obtained from previous traffic studies prepared for projects in the vicinity, and that traffic was assigned to the street system in the Recirculated Draft SEIR analysis of future conditions. The LAHD and its consultant are currently revising the traffic study and environmental documentation for that project. That study is investigating potential options to improve the operation of the locations where the I-110 and SR-47 freeway ramps intersect with Harbor Boulevard that would supplement the mitigation measure described in the Recirculated Draft SEIR and the alternative mitigation measure described in Response to Comment 9-1. The LAHD has undertaken a Port-wide traffic study to investigate the cumulative impact on the roadway system over time. This study finds that eventually projected traffic levels from Port activities will cause problems at a number of intersections and roadways. The traffic analysis for this project indicate that the cumulative traffic problems identified in the Port-wide traffic study are not tied directly to the Cabrillo Marina Phase II Development Project, but—like all new projects in the region—will contribute some portion to future cumulative traffic impacts.

At this time, the area north of 22nd Street and Miner Street is not zoned for residential use and no residential development has been proposed for the location outside the suggestion for housing by the Urban Land Institute. Discussion of residential uses at the site is speculative. When development plans and application(s) to change the zoning of the subject area to residential are received, these projects would be subject to further CEQA analysis, which will include consideration of the impact of the project—as well as other related projects—on the existing baseline conditions at that time.

The LAHD has initiated a comprehensive San Pedro waterfront and promenade implementation planning process. When the overall plan has been developed, its potential impacts will be fully analyzed and documented. Until then, individual projects will be analyzed at the time they are proposed against the background of then-currently known and anticipated developments.

See also Responses to Comments 34-7 and 34-11.

Response to Comment 34-17

Please refer to Master Response G for clarification of the “no net increase” policy.

Response to Comment 34-18

Based on this and other comments, including those received from ARB and SCAQMD, additional mitigation measures have been identified to reduce emissions from construction activities. Those mitigation measures are included in the revised air quality discussion in this Final SEIR (please refer to Master Response F). In addition, operational mitigation measures are being proposed (please refer to Master Response F). Even with additional operations mitigation measures air emissions from operational activities remain significant. As part of the “no net increase” policy, LAHD is developing Port-wide programs to achieve “no net increase” in air pollution independent of any single development project (see Master Response G).

Response to Comment 34-19

Please refer to Master Responses B and D regarding visual impacts related to light and glare. In particular, LAHD will include in the project, lighting analysis by professionals in the lighting industry. These professionals would perform light design and produce an overall “point-by-point” light output study, which would be used to address lighting issues during the design stage of the project.

Response to Comment 34-20

Based on dialog with the PCAC Focus Group and comments, both written and verbal, received during the Recirculated Draft SEIR public review period, the dry stack building has been redesigned to reduce its height and mass. SMWM is an architectural and design firm selected by PCAC and hired by LAHD to help review this project. SMWM suggested a number of architectural components to minimize the scale of the dry stack building. The project applicant has agreed to include these into the building design.

Please refer to Master Responses A, Appendix A, and Section 1.13, “Areas of Controversy and Issues to be Resolved,” regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

The LAHD acknowledges the commentor’s disagreement with the conclusion that the project will not have a significant impact on aesthetics, and has included this issue in the discussions in Section 1.13, “Areas of Controversy and Issues to

be Resolved.” Also, please see Recirculated Draft SEIR Section 1.6.4, “Disagreements Among Experts.”

While the visual assessment found the impacts to aesthetics less than significant, after discussions with the PCAC Focus Group, a beautification project will be undertaken as a mitigation measure to improve the areas neighboring the project in order to improve the visual and aesthetics of the area (please refer to Master Response H, MM AES-1).

Response to Comment 34-21

Section 15125(d) of the State CEQA Guidelines requires an EIR to discuss any inconsistency between the proposed project and applicable general plans and regional plans. This section does not, however, require the EIR to evaluate the project’s consistency with unofficial or informal plans. At this time, the area north of 22nd Street and Miner Street is not zoned for residential use and no residential development has been proposed for the location outside the suggestion by the Urban Land Institute. Pursuant to State CEQA Guidelines Section 15145, the LAHD found that the inclusion of residential uses north of 22nd Street in the impact analysis is too speculative for evaluation.

The SLC has taken the position that that residential use of the state’s tide and submerged lands is a non-trust use. Thus, residential use north of 22nd Street is inconsistent with the tideland trust.

Therefore, inclusion of such a discussion considering the projects impact on residential use of the parcels north of 22nd Street would not be appropriate and has been properly excluded. When development plans and application(s) to change the zoning of the subject area to residential are received, these projects would be subject to further CEQA analysis. This analysis will include consideration of the impact of the zoning change and development on the existing baseline conditions at that time.

The LAHD has, nevertheless, considered the WATCH report, the Urban Land Institute report, and community input received during the public review process to remove the area north of 22nd Street from development consideration as part of this project.

Response to Comment 34-22

Based on dialog with the PCAC Focus Group and comments, both written and verbal, received during the Recirculated Draft SEIR public review period, the dry stack building has been redesigned to reduce its height and mass. SMWM is an architectural and design firm selected by PCAC and hired by LAHD to help review this project. They suggested a number of architectural components to minimize the scale of the dry stack building. The project applicant has agreed to include these into the building design.

Please refer to Master Responses A, Appendix A, and Section 1.13, “Areas of Controversy and Issues to be Resolved,” regarding the incorporation of public input and modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

The LAHD acknowledges the commentor’s disagreement with the conclusion that the project will not have a significant impact on aesthetics, and has included this issue in the discussions in Section 1.13, “Areas of Controversy and Issues to be Resolved.” Please see Recirculated Draft Section 1.6.4, “Disagreements Among Experts.”

Response to Comment 34-23

Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

Response to Comment 34-24

Regarding the desire for inclusion of a public park in the project, the ultimate use of the area north of 22nd Street is unknown at this time but will be the subject of the overall “Bridge-to-Breakwater” planning process. For the balance of the project area, please refer to Master Response C.

Response to Comment 34-25

Please refer to Master Response C regarding the modified public access and open space features that are inclusive of all residents and users of the project site. While there is no requirement under CEQA to address environmental justice, the LAHD included an environmental justice analysis that was consistent with environmental justice guidelines set forth by NEPA. The purpose of this analysis was to determine whether the proposed action is likely to have disproportionately high and adverse human health or environmental effects on low-income or minority populations. Moreover, the Recirculated Draft SEIR process included public outreach, alternative forms of distribution, Spanish translation, and the provision of an interpreter at community meetings. These efforts translate to a good faith attempt at full inclusion of all potentially affected minority and low-income populations in the planning process.

In regards to water quality, a complete analysis of existing conditions and potential impacts associated with the proposed project is contained in Recirculated Draft SEIR Chapter 3.9, “Water Quality and Oceanography.” In addition to the new water quality mitigation, and in support of the LAHD’s Clean Marinas program, Westrec Marinas has committed to installing an oil/water separator at the fuel dock for the treatment of bilge water. Boaters will be able to

pump their dirty bilge water out at the fuel dock. The oil fraction will be collected for hazardous waste disposal or recycling, in accordance with current regulatory programs. The water will go to the sewer system for treatment.

Further, the LAHD is currently conducting the Cabrillo Beach Water Quality Improvement Project, which includes water quality analyses and circulation modeling to identify both short- and long-term solutions to the water quality concerns at Cabrillo Beach. However, project-related water quality impacts to the inner Cabrillo Beach area are expected to be less than significant and are not an environmental justice issue.

Response to Comment 34-26

The highest risk is faced by those exposed to the highest concentration of a pollutant. Generally the highest concentration is found close to the source of the pollutant. However, several factors may alter this relationship between distance from a pollutant's source and concentration, especially the topography and meteorology in the vicinity of an emissions source. Also, for some reactive pollutants, such as ozone, peak concentrations may occur up to 20 miles downwind from the emissions source.

The primary source of localized diesel exhaust would be construction activities. Since the release of the Recirculated Draft SEIR, new construction mitigation measures have been added that would reduce the particulate component of diesel exhaust by 50% (see Master Response F). Also added are operational mitigation measures (see Master Response F).

While low-income and minority populations within 1 mile are not disproportionately affected by this project, future Port and regional emissions will impact these populations. As part of the "no net increase" policy, LAHD is developing Port-wide programs to achieve "no net increase" in air pollution independent of any single development project (see Master Response G).

Response to Comment 34-27

Please refer to response to comment 34-25 regarding public outreach and environmental justice. In addition, advanced notification of pending CEQA projects is provided to PCAC, and community input is solicited during the Notice of Preparation phase of the project, as well as during the public review of the Draft EIR.

As is pertains to the Recirculated Draft SEIR, the CEQA process of commenting on the Recirculated Draft SEIR provided valuable community input into subsequent project planning efforts. Following review of the Recirculated Draft SEIR comment letters, numerous aspects of the project were reconsidered and modified as shown in Chapters 1 and 2 of this Final SEIR.

In addition to the Recirculated Draft SEIR comments, the PCAC Focus Group held meetings with interested individuals, the project applicant (Westrec Marinas), and LAHD staff in order to more thoroughly convey and discuss aspects of the proposed project. See Section 3.4, “Comment Review and Public Involvement,” for a description of the community involvement process.

Response to Comment 34-28

The proposed layout of the Cabrillo Way Marina project does not contain sufficient area to accommodate a public boat launch. Therefore, an on-site boat launch facility was not included as a part of the proposed project. Nevertheless, the Recirculated Draft SEIR addresses the needs of the community regarding the placement of a public boat launch facility elsewhere in the Port. Although not part of the proposed plan, Recirculated Draft SEIR Chapter 5, “Boat Launch Analysis,” contains a feasibility analysis and description of possible locations for boat launches in the future. As stated therein, the LAHD has considered a total of nine boat launch site alternatives in order to meet public demand for such a facility. Two of the nine potential launch sites, Site A and Site B would be located within the immediate vicinity of the proposed project site. Additionally, community concern about the boat launch has primarily focused on the need to provide an additional launch as a means of reducing circulation and parking conflicts in adjacent residential neighborhoods. However, as indicated on Page 2-3 of the Recirculated Draft SEIR, “[p]roviding additional launch capacity elsewhere in the Port will not likely reduce the demand for recreational boat launching at the existing Cabrillo Beach boat launch.” Rather, an additional boat launch would merely satisfy a growing demand for launch access. Other public comments suggesting the closure of the Cabrillo Boat Launch do not account for its importance to the boating community, as evidenced by the facility’s high usage and proximity to open water.

See Section 1.5, “Boat Launch Siting,” in the Executive Summary regarding the potential for locating a public boat launch facility on LAHD property. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to evaluate the feasibility of locating boat launch facilities on LAHD property. The assessment is to include integration of any potential facility into the San Pedro Waterfront planning process.

To address the local traffic congestion issues voiced by the community, the LAHD will work with the Los Angeles Department of Recreation and Parks to modify the existing operations at the Cabrillo Beach launch site by opening Shoshonean Road (southbound only at the existing boat launch parking lot) to incoming boat trailers and/or by instituting a reservation system to manage vehicle arrivals throughout the peak usage hours (See Page 2-3 of the Recirculated Draft SEIR).

Additionally, the Initial Study and Mitigated Negative Declaration for the Cabrillo Marine Aquarium Project (dated November 6, 2000) shows projects that would have only a minor, non-significant effect on that site's trip generation (four additional buses per weekday and 14 additional vehicles per weekend day). The Cabrillo Beach Bath House was not identified as a cumulative project for the Recirculated Draft SEIR traffic analysis, and any increase in traffic associated with its use would not result in any cumulatively significant impacts.

Response to Comment 34-29

The LAHD shares the commentator's concern regarding water quality within the Cabrillo Beach area and is currently conducting the Cabrillo Beach Water Quality Improvement Project. LAHD has received a grant from the State Clean Beaches Initiative Program and is working with several agencies and environmental groups on plans to improve water quality at the beach. One aspect of the study involves enhancing the ACOE's numerical model to examine the effect of physical modifications to the adjacent jetty to improve circulation. In addition, LAHD staff has been directed to investigate closure of the existing boat launch. Project-related water quality impacts to the inner Cabrillo Beach area are expected to be less than significant (see Response to Comment 34-25). In addition to the new water quality mitigation measures (see Master Response H), and in support of the LAHD's Clean Marinas program, Westrec Marinas has committed to installing an oil/water separator at the fuel dock for the treatment of bilge water. Boaters will be able to pump their dirty bilge water out at the fuel dock. The oil fraction will be collected for hazardous waste disposal or recycling, in accordance with current regulatory programs. The water will go to the sewer system for treatment.

Response to Comment 34-30

The LAHD acknowledges the commentator's demand to have a firm commitment for a new launch ramp to be built and has included this issue in the discussion in Section 1.13, "Areas of Controversy and Issues to be Resolved."

The basic purpose of CEQA is to inform decision-makers and concerned members of the public of potential impacts that may result upon implementation of a project (Public Resources Code Section 21080; Guidelines Section 15002). On the contrary, it is neither the purpose of this Recirculated Draft SEIR nor of CEQA to guarantee the approval of any future development. Accordingly, the Recirculated Draft SEIR appropriately analyzes impacts associated with the proposed project and the proposed new boat launch. See Response to Comment 34-28 for additional discussion relating to the boat launch facility. In addition, on October 22, 2003, the Board of Harbor Commissioners approved a resolution that, in part, directed LAHD staff to evaluate the feasibility of locating boat launch facilities on LAHD property. The assessment is to include integration of any potential facility into the San Pedro Waterfront planning process.

Response to Comment 34-31

The LAHD acknowledges the commentor's opinion concerning the adequacy of the Recirculated Draft SEIR. The case cited in the comment pertains to the CEQA requirement to analyze all phases of a proposed project in order to avoid project segmentation. The proposed project, unlike the project cited in the aforementioned case, does not consist of a variety of parts. Rather, the project was considered as a whole, and was evaluated as such in the Recirculated Draft SEIR. Additionally, the Recirculated Draft SEIR is a project-level EIR and, as required by CEQA, contains an analysis of all aspects of the project within a single document. The Board of Harbor Commissioners will act on the project as a whole.

Based on public comments and community input, elements of the project have been redesigned or modified and additional mitigation measures have been adopted. Please see the revised project description in Chapter 1, "Executive Summary" for elements of the project that have been redesigned or modified. Please see Master Response H for the additional mitigation measures.

J+S



San Pedro Peninsula Chamber of Commerce

Comment Letter 35

January 30, 2003

Dr. Ralph Appy
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes
San Pedro, CA 90731

Dear Dr. Appy:

On January 12, 1999, the San Pedro Peninsula Chamber of Commerce submitted a letter of support for the West Channel Development Project to Mr. Donald Rice, Director of Environmental Management at the Port of Los Angeles at that time. (copy attached).

35-1

I am writing to you today to reiterate the Chamber's continued support for the West Channel Development Project, which we believe remains a key component of San Pedro's waterfront revitalization.

This proposed development forms a vital part of the "Grand Vision", From Bridge to Breakwater", and will provide additional waterfront access and recreational opportunities.

This project should be embraced as another investment in the economic future of our community.

Sincerely,

Leslie A. Smith
Executive Director



390 West 7th Street, San Pedro, California 90731 • (310) 832-7272 • Fax: (310) 832-0685 • [http:// www.sanpedrochamber.com](http://www.sanpedrochamber.com)



San Pedro Peninsula
Chamber · of · Commerce

January 12, 1999

Mr. Donald Rice
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes
San Pedro, CA 90731

Dear Mr. Rice:

On behalf of the San Pedro Peninsula Chamber of Commerce, I write to express our strong support of the West Channel Development Project as a vital element of San Pedro's continuing economic resurgence.

Our Board of Directors recently received a presentation on this planned development and many aspects of the project pleased us. The addition of fine dining, shopping and an improved modern marina will bolster the attractiveness of the Cabrillo Marina area, for both visitors and residents alike. The innovative concepts being employed by the developers will add aesthetic beauty and increased functionality, while unobtrusively blending the various uses for the property.

In short, the West Channel Development comes at the perfect time for San Pedro. Our increasing attractiveness as a tourist destination, combined with the addition of this project, will create a synergy that will propel our success in the future.

Thank you for your continued support, on behalf of the Port of Los Angeles, of San Pedro's continued development.

Cordially,

Joel Malik
1998-99 President



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San Pedro Peninsula Chamber of Commerce, Leslie A. Smith, Executive Director (January 30, 2003)

Response to Comment 35-1

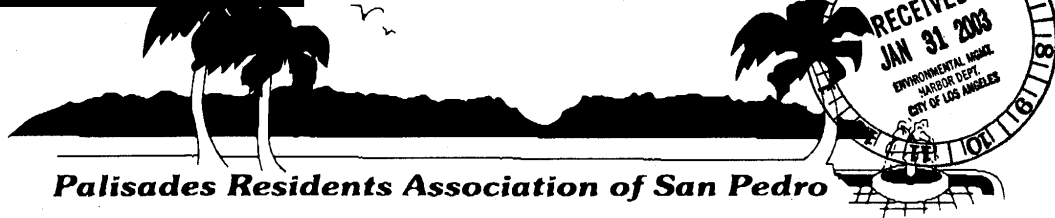
The LAHD acknowledges the commentor's support for the project. The Board of Harbor Commissioners will consider the comment when it acts on the proposed project.

01/31/2003 17:30 310-221-0929

BIESMAN SIMONS

PAGE 01 J+S

Comment Letter 36



January 31, 2003

Via fax: (310) 547-4643 / 831-9778

Ralph Appy, Ph.D.
 Director of Environmental Management
 Port of Los Angeles
 Post Office Box 151
 San Pedro, CA 90733-0151

Re: Recirculated Draft Supplemental Environmental Impact Report for the West Channel Cabrillo Marina Phase II Development Project (Cabrillo Way Marina.)

Dear Dr. Appy:

Our organization represents approximately 1600 homes and apartments in the Palisades Area of San Pedro. As such, we represent a significant percentage of the Port's neighbors.

36-1 | Our Board of Directors has reviewed the above Draft EIR and has voted unanimously to instruct me to write a letter voicing our deep concern and strong opposition to the above project. We are strongly opposed to the placement and configuration of the dry stack boat storage facility as described in the Recirculated Draft Supplemental Environmental Impact Report for the West Channel Cabrillo Marina Phase II Development Project (Cabrillo Way Marina.)

Specifically:

- 1) We object to the **excessive length** of the facility which represents nearly 3 football fields, making it an environmentally significant industrial addition to an area, bridge to breakwater, where the Harbor Commission has promised to decrease the presence of industry.
- 2) We object to the **immense height** of the structure, which, at six stories will have a significant impact on or completely obliterate views of the water from neighboring residences.
- 3) We object to the **overall mass** of the dry stack which would be a rectangular block with a footprint of 6 football fields (3 long by 2 wide) and the height of a 7 story apartment building. This mass would have a significant impact on the environment. It is out of character with and disproportionate to surrounding structures. It is likely to have a significant impact on localized wind patterns. High-rise buildings of a similar mass are required to perform wind tunnel studies to analyze the effect their mass will have on wind and gust levels, on adjacent structures and specifically on pedestrians. The proposed project is adjacent to "Hurricane Gulch" where wind levels are notoriously high. Our opinion is that it would be negligent not to conduct a detailed wind tunnel analysis.

Page 1 of 2

P.O. Box 5281 San Pedro, CA 90733

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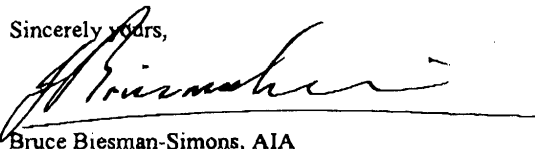
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BIESMAN SIMONS

PAGE 02

- 36-2 4) We object to the proposed **detour of the waterfront promenade** around this behemoth. This would transform the promenade into an alley about a half mile long between a parking lot and a noisy industrial building. Clearly this would kill the idea and sense of a promenade. A method to avoid this detour and maintain the logical continuity of the promenade should be incorporated as a requirement of the plan. One option would be to create a covered walk along the waterfront and under the level of operations of the dry stack.
- 36-3 5) We object to the fact that this project is proposed in the **absence of an approved Master Plan** that meets the needs of both the Port and the community.
- 36-4 6) We agree that the area from **bridge to breakwater** is ill utilized and that "something needs to be done". However, we strongly and particularly object to the massive dry stack building and the lack of a launch ramp for daily users.
- 36-5 7) We support the proposals that came out of the recent **Urban Land Institute** study, none of which appear to be reflected in the proposed project.
- 36-6 8) We add our voice to the call for a **detailed, creative, community based Master Plan** for the area from bridge to breakwater. And do not expect our support for any project without a duly approved Master Plan.

Please inform our organization of any further developments regarding this project and the on-going EIR process.

Sincerely yours,


Bruce Biesman-Simons, AIA
President, Palisades Residents Association
(310) 514-1855

cc: Janice Hahn, Councilwoman CD-15
Doug Epperhart, President, Coastal San Pedro Neighborhood Council

Palisades Residents Association of San Pedro; Bruce Biesman-Simons, President, AIA (January 31, 2003)

Response to Comment 36-1

Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts. After further review and consideration, the LAHD has decided that a wind tunnel evaluation of the structure is not required. The structure would be built in conformance with all applicable building codes and is in not danger of collapse due to winds common in the area.

Response to Comment 36-2

The site plan revisions that are an outcome of public comment and involvement will reduce the referenced “detour” around the dry stack storage. The promenade portion of the project has been expanded to follow the guidelines of the WATCH report. Therefore, the proposed route of the promenade would be consistent with the character of this pedestrian linkage. See also Master Response E regarding the “Bridge-to-Breakwater” concept.

Response to Comment 36-3

Please refer to Master Response E regarding the “Bridge-to-Breakwater” master plan concept.

Response to Comment 36-4

Please refer to Master Response A regarding the incorporation of public input and modifications of the proposed dry stack storage facility.

The proposed layout of the Cabrillo Way Marina Project does not contain sufficient area to accommodate a public boat launch. Therefore, an on-site boat launch facility was not included as a part of the proposed project. Nevertheless, the Recirculated Draft SEIR addresses the needs of the community regarding the placement of a public boat launch facility elsewhere in the Port. Although not part of the proposed plan, Recirculated Draft SEIR Chapter 5, “Boat Launch Analysis,” contains a feasibility analysis and description of possible locations for boat launches in the future. As stated therein, the LAHD has considered a total of nine boat launch site alternatives in order to meet public demand for such a facility. Two of the nine potential launch sites, Site A and Site B would be located within the immediate vicinity of the proposed project site. Additionally, community concern about the boat launch has primarily focused on the need to

provide an additional launch as a means of reducing circulation and parking conflicts in adjacent residential neighborhoods. However, as indicated on Page 2-3 of the Recirculated Draft SEIR, “[p]roviding additional launch capacity elsewhere in the Port will not likely reduce the demand for recreational boat launching at the existing Cabrillo Beach boat launch.” Rather, an additional boat launch would merely satisfy a growing demand for launch access. Other public comments suggesting the closure of the Cabrillo Boat Launch do not account for its importance to the boating community, as evidenced by the facility’s high usage and proximity to open water.

See Section 1.5, “Boat Launch Siting,” in the Executive Summary regarding the potential for locating a public boat launch facility on LAHD property. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to evaluate the feasibility of locating boat launch facilities on LAHD property. The assessment is to include integration of any potential facility into the San Pedro Waterfront planning process.

To address the local traffic congestion issues voiced by the community, the LAHD will work with the Los Angeles Department of Recreation and Parks to modify the existing operations at the Cabrillo Beach launch site by opening Shoshonean Road (southbound only at the existing boat launch parking lot) to incoming boat trailers and/or by instituting a reservation system to manage vehicle arrivals throughout the peak usage hours (see Page 2-3 of the Recirculated Draft SEIR).

Response to Comment 36-5

Please refer to Master Response E regarding the “Bridge-to-Breakwater” plan and the Urban Land Institute study.

Response to Comment 36-6

Please refer to Response to Comment 36-3.



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NATURAL RESOURCES DEFENSE COUNCIL

Ralph Appy
Director of Environmental Management
Port of Los Angeles
425 Palos Verdes Street
P.O. Box 151
San Pedro, California 90733-0151

Comment Letter 37



31 January 2003

Re: Comments on Draft EIR for the
Cabrillo Way Marina Project Phase II,
SCH No. 98041086

Dear Mr. Appy,

We are writing on behalf of Santa Monica Baykeeper (“Baykeeper”), Communities for a Better Environment (“CBE”), Coalition for Clean Air, Natural Resources Defense Council (“NRDC”), and San Pedro and Peninsula Homeowner’s Coalition (collectively referred to as the “Coalition”), to comment on the water quality elements of the draft Environmental Impact Report for the proposed re-development of the marina in the Port of Los Angeles’ (“Port”) west channel.

Despite the repeated guidance of the environmental community, a legally binding settlement agreement, and Court orders on the requirements of CEQA for environmental review of the Port’s projects, the Port’s Cabrillo Way Marina EIR fails completely to adequately analyze the potential water quality impacts of the project. While we are extremely disappointed with this outcome, we are hopeful that the Port will undertake an adequate analysis in the next draft of the EIR.

37-1

I. The EIR Fails to Analyze Water Quality Impacts of the Project in Violation of CEQA

A. The EIR Fails to Analyze Potential Impacts from Contaminated Soils and Groundwater

The Port has conducted limited soil and ground water sampling at the project site, as well as some limited site remediation. The EIR identifies sampling for hydrocarbons,

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31 January 20003
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metals, VOCs, PAHs and PCBs.¹ EIR at 3.8-5. While the EIR discusses only the ranges of pollutant concentrations found, the project site includes areas of very high contaminant concentrations. For example, copper concentrations in soil ranges from 11.6 to 561 mg/kg, while groundwater concentrations from .17 to 16.9 ug/l. The applicable water quality standard for copper for the waters of the Port set out in the California Toxics Rule is 4.9 ug/l. See 40 CFR § 131.38; EIR, Table 3.8-2. Similarly lead concentration in soil have been observed at concentrations between 1,300 and 58,800 ug/l, in groundwater at 1.5 and 177 ug/l, while the applicable CTR Water Quality standard is 8.1 ug/l.

The Port has also conducted some soil and groundwater characterization at the immediately adjacent former Kaiser site. The Kaiser site was a bulk materials terminal for over 30 years, handling coal, coke and copper concentrate, among other things, and the site was heavily contaminated. Groundwater at the Kaiser site has concentrations of copper at up to 11,800 ug/l. See *Summary of Environmental Investigation and Restoration Activities, Former Kaiser Facility*, CH2MHill, March 2000, Attachment 2. Again, this should be compared to the CTR level of 4.8 ug/l. 40 CFR § 131.38. In addition, the Port sampled ponded storm water from the Kaiser site in 1999, finding copper concentrations up to 1270 ug/l. *Id.* at Attachment 3.

37-1

The Cabrillo Way Marina project includes extensive earth moving and construction activities, exposing soils to storm water flows, and allowing significant infiltration of storm water through the soil into groundwater. The EIR specifically states that the Gaspar aquifer under the project is in open communication with the Pacific Ocean. EIR at 3.8-2. Despite this, the EIR conducts no analysis of the potential impacts to harbor waters of discharges of stormwater carrying contaminated soils from the project site, or of discharges of contaminated groundwater. EIR, 3.8.3.3. In fact, there is no connection made between the soils and groundwater section of the EIR (Chapter 3.8) and the Water Quality Section of the EIR (Chapter 3.9). No mention is made of the potential for contaminated storm water or groundwater to impact water quality in the water quality chapter of the EIR, or anywhere else in the EIR. No storm water data for the project site whatsoever is analyzed. Further, no mention is made of the applicable Water Quality Standards for priority pollutants, those set out in the California Toxics Rule. Finally, no mention is made of the fact that the Harbor is listed on the 303(d) list as impaired for PAH, PCB, tributyltin, chromium, lead, zinc, copper, and sediment toxicity. Therefore any discharges of these pollutants above the applicable Water Quality Standard cause or contribute to the impairment of Port waters. All of these pollutants are found in the soil, groundwater, or sediment at the project site. Rather than providing any analysis of the potential impacts of these pollutants, the EIR simply states that the General Construction Permit and the Los Angeles County Municipal stormwater permits will be complied with, eliminating all impacts to San Pedro Bay. EIR at 3.9.8-10.

¹ All of the Port's sampling was based on human health effects. Thus all the sampling conducted using relatively high detection limits, or methodologies (such as STLC) more appropriate for determining whether a material is hazardous waste than evaluating water quality impacts. Nevertheless, the data is strongly indicative that high concentrations of pollutants will be exposed to stormwater flows and/or will discharge via groundwater.

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37-1

CEQA requires a meaningful analysis of potential impacts to the environment of a project. The Port may not simply recite that it intends to comply with its permits and stop—it must identify the potential impacts, and either eliminate them, mitigate them, or make a statement of overriding significance. Clearly exposure of heavily contaminated soils to stormwater flows and infiltration to groundwater in communication with Bay waters has potential environmental impacts. The concern is particularly heightened where, as here, the receiving waters are already impaired for the pollutants in those soils. Therefore the Port must at a minimum:

- 1) Evaluate the applicable Water Quality Standards for the receiving waters, including CTR, NTR, and those in the Basin Plan;
- 2) Evaluate pollutants causing impairment of receiving waters;
- 3) Evaluate concentrations of pollutants in soils and groundwater at the site, and potential for discharge to receiving waters and causing or contributing to impairment, particularly for those pollutants which are already impairing Bay waters;
- 4) Evaluate stormwater data for the site, as well as for similar marina's for representative post construction storm water data, and include in impacts analysis;
- 5) Establish construction and post construction BMPs, including structural measures, to eliminate discharges which may contribute to impairment.

37-2

B. The EIR Fails to Analyze Potential Impacts From San Pedro Boatworks

San Pedro Boatworks, a small shipyard within the project footprint, is currently the subject of an environmental enforcement action by the Port. *See City of Los Angeles v. San Pedro Boatworks*; 02-7986 ABC(JWJx). The Port seeks to compel the clean up of the Boatworks' illegal operation, including extensive contamination of copper sand-blast slag, antifouling paints, and other pollutants discharged to land and the Bay bottom in the project area.² The Port contracted with Tetratex, an environmental consultant, to evaluate compliance, and found an environmental disaster zone. *See Environmental Compliance Audit for San Pedro Boatworks*, Tetratex, Feb. 2002. Further, the project area has been used for heavy industrial activities for decades, and is certain to have other contaminated sediment areas from that period. Despite the Port's own evidence of extensive contamination of sediments in the project area by the Boatwork's and other operations, the EIR fails to conduct any meaningful analysis of the potential impacts of disturbing the sediments at the project site. No sediment sampling has been conducted in the project area, and the EIR's review of potential contaminated sediment impacts is limited to the

² San Pedro Boatworks is also immediately adjacent to the former Kaiser site. Thus while Baykeeper and the Port were engaged in over 4 years of litigation over storm water pollution violations at the Kaiser site, including the \$2M clean up of the Kaiser site by Port contractors, San Pedro Boatworks continued to operate in blatant violation of the applicable laws with no comment by Port environmental compliance personnel. Port enforcement followed a 2002 statement by Baykeeper that

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statement: "Therefore, it is possible that recent sediments may contain some contaminated material."

The project proposes dredging of 6.9 acres, or 75,000 cubic yard; excavation of 1.12 acres, or 40,000 cubic yards, and filling of 3.53 acres, or 120,000 cubic yards. EIR at 2-9, 2-10. In addition, the project anticipates installing rip rap, revetments, a vertical bulkhead, and the removal of the existing pilings in the project area. Id. Obviously the project will disturb very significant quantities of contaminated sediments. Therefore the EIR must:

37-2

- 1) Identify and quantify by pollutant concentration contaminated sediments in the project area and adjacent areas that may be disturbed by the project;
- 2) Identify the activities which would disturb the sediments, as well as appropriate removal and disposal methods, and their potential environmental impacts, including an evaluation of potential water quality standard exceedances and impairment;
- 3) Identify pollution control methods associated with the dredging, filling, pile removal, and other activities which will eliminate the discharge of contaminants and prevent water quality impacts during those operations, and include them in the project;
- 4) Identify the storage, transport, and disposal methods for the dredged or otherwise removed sediments, and analyze the environmental impacts of those activities.

C. The EIR Fails to Analyze Potential Impacts from Black and Gray-water Discharges from Boats

Discharges of black and gray water from recreational boats in marinas create severe water quality issues Statewide. For example, Marina del Rey is impaired for coliform, and extremely high coliform counts in marinas from Redwood City to Newport Beach have threatened public health and the environment.

37-3

Controlling gray and black water discharges from live-aboards and recreational boats is limited by a regulatory stalemate on the issue. Ports typically lease marinas to operators, who then lease slips to boat owners. Boat owners save money by simply discharging sewage and gray water into harbor waters, while live aboard boats generate far more waste than can be readily handled by the few pump out stations typically provided. Marina operators have no incentive to force tenants to use pump out facilities, or to spend money maintaining those facilities. While contracts between Ports and Marina operators sometimes include requirements for tenants to use pump-outs, and/or prohibit live-aboards, again Marina operators have no incentive to evict paying tenants, and Ports are forced to terminate an entire Marina contract to achieve compliance by "bad

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37-3

apple” boat operators. Such evictions for failures to prevent illegal sewage disposal almost never occur. Regulators such as the Regional Water Quality Control Board lack resources to enforce against the hundreds of individual boat owners who actually discharge, and essentially never enforce against Ports who are two steps removed from responsibility. Thus the continuous discharges of human waste and other pollutants, and the resulting high concentrations of pathogens and contaminants at recreational marinas, are ubiquitous.

The EIR fails to even acknowledge this issue, let alone analyze it. While the EIR notes that live-aboards are currently in the existing Marina, it fails completely to discuss impacts of sewage discharges from the proposed project. Instead it simply states that a single pump out facility (for a proposed 675 boat slips), and educational posting will reduce the impact to less than significant. EIR at 3.9-13.

The EIR’s failure to address the sewage issue is particularly problematic given that the proposed project is immediately adjacent to Cabrillo Beach (the harbor side beach), which is considered the most polluted beach in Los Angeles County. Cabrillo Beach has one of the highest rates of beach closures in California based on high coliform and enterococci concentrations. Thus the Port proposes to add a significant new source of sewage discharges, in an area of poor flushing, next to a popular public beach already severely impaired by sewage. The EIR fails to analyze any of these issues. Therefore the EIR must:

- 1) Review water quality data for other Marinas in California to determine the potential loading of sewage and other pollutants in San Pedro Bay;
- 2) Review flushing data, and current pollutant loading data, for the receiving waters to determine the extend of the impact the proposed project will have on the Bay and Cabrillo Beach;
- 3) Identify measures for the project, such as making sewage connections mandatory and available for all live-aboards, making numerous pump stations available and convenient, and authorizing and funding vigorous enforcement, including fines and eviction, for illegal discharges (including illegal sewage discharges, boat washing, and bilge flushing), and measures ensuring that the Port will be liable (and thus responsible) should Marina Operators fail to implement the required measures.

37-4

II. The EIR Fails to Analyze Impacts on the Shallow Water Habitat

In mitigation for the destruction of habitat during the Pier 300-400 project, the Port has created a shallow water habitat adjacent to the proposed project. While the success of the project has been limited, kelp and other shallow water sea life has established itself in the area. The Port now proposes to build a marina, including

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31 January 20003
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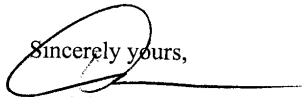
37-4

substantial dredging and filling, which will eventually result in thousands of recreational boat trips near or over the mitigation shallow water habitat. The EIR fails to even mention the habitat, and therefore fails to analyze the potential impacts of the construction, pollutant discharges, or the boat trips, on sea life there. Therefore the EIR must:

- 1) Review the current health of the shallow water habitat;
- 2) determine the boat trips, construction impacts, and pollution discharges which could impact the habitat, and quantify those potential impacts;
- 3) establish mitigation measures to eliminate those impacts.

Please call my office with questions about any of the above.

Sincerely yours,


Daniel Cooper
Lawyers for Clean Water

Lawyers for Clean Water, Environment Now, Baykeeper, NRDC, CBE, Coalition for Clean Air; Daniel Cooper (January 31, 2003)

Response to Comment 37-1

Recirculated Draft SEIR Chapters 3.8, “Groundwater, Soils, and Sediments,” and 3.9, “Water Quality and Oceanography,” provide discussions of past soil and groundwater investigations, cleanup actions, sediment and water quality conditions, and potential water quality impacts from construction and operation of the proposed project. The commenter notes several omissions in the discussion. The following discussions clarify, correct, or amplify the discussions in Chapters 3.8 and 3.9.

Table 3.8-2 of the Recirculated Draft SEIR recognizes and discloses the location and concentrations of localized high concentrations of copper and lead in soils and groundwater on the project site. A portion of the contaminated soils have since been removed as disclosed in Section 3.8.2.1:

In particular, elevated concentrations of lead, copper, and zinc were found in shallow soil at Sites 2A and 1A (lead only). These soils have since been removed from the project site, and no longer pose a threat to human or ecological health. Information regarding details of the field sampling activities and discussions of the significance of the analytical data is presented in the subsurface soil and groundwater assessment report (Tetra Tech, Inc. 1999).

In addition, this section of the Recirculated Draft SEIR outlines provisions for the additional studies and appropriate remediation in the event that construction activities encounter subsurface contamination.

Small portions of the former Kaiser site are proposed to be incorporated into the project area. To more clearly disclose information pertaining to the former Kaiser site, Recirculated Draft SEIR Section 3.9.2.2, “Contaminants” will now read as follows:

Contaminants

Potential water column contaminants include heavy metals (particularly cadmium, chromium, copper, lead, mercury, nickel, silver, and zinc), oil and grease, chlorinated hydrocarbons (i.e., DDT and DDE), and PCBs (LAHD 1980c). Sources of these pollutants could include runoff from disturbance of contaminated soils on the site, surface runoff and storm drainages from throughout the Dominguez Watershed, and/or products spilled or illegally dumped in the harbor area. Data from the LARWQCB indicate that in the Dominguez Watershed there are 10 major NPDES dischargers that consist of POTWs, generating plants, and refineries; 58 minor discharges; and 62 discharges covered by general permits (LARWQCB 2002). Additional stormwater runoff enters the harbors through the Dominguez Channel and several other major storm drains, as well as numerous small drains. Copper is known to be

present at high levels in the Dominguez Watershed and is monitored as part of the Los Angeles County Public Works 2001-2002 Stormwater Monitoring (LADPW 2002). The above contaminants have been found in harbor sediments, as documented in numerous sediment characterization studies performed in conjunction with maintenance and capital improvement dredging projects throughout the harbor. In conjunction with channel deepening and maintenance dredging activities, some contaminated sediments have been removed. However, some localized contaminated sediments remain. Long-term effluent limitations imposed by the LARWQCB, as well as sediment removal operations from channel deepening and maintenance dredging, appear to be responsible for decreased chemical contamination in harbor waters and sediments.

Data for trace metals in harbor waters are very limited. Sampling for the Pier J project in Long Beach Harbor found some concentrations in excess of the Standards set by the California Toxics Rule (CTR) as follows:

- *Chromium found at 1.9–16 micrograms per liter ($\mu\text{g}/\text{l}$) with a CTR criterion maximum concentration (CMC) of 1100 $\mu\text{g}/\text{l}$ and a CTR criterion continuous concentration (CCC) of 50 $\mu\text{g}/\text{l}$ in saltwater;*
- *Copper at 8.7–14 $\mu\text{g}/\text{l}$ in excess of the CTR CMC of 4.8 $\mu\text{g}/\text{l}$ and the CTR CCC of 3.1 $\mu\text{g}/\text{l}$ in saltwater;*
- *Lead at 0.21–0.26 $\mu\text{g}/\text{l}$ with a CTR CMC of 210 $\mu\text{g}/\text{l}$ and a CTR CCC of 8.1 $\mu\text{g}/\text{l}$ in saltwater;*
- *Nickel at 0.0–0.4 $\mu\text{g}/\text{l}$ with a CTR CMC of 74 $\mu\text{g}/\text{l}$ and a CTR CCC of 8.2 $\mu\text{g}/\text{l}$ in saltwater;*
- *Silver at 0.0–0.07 $\mu\text{g}/\text{l}$ with a CTR CMC of 1.9 $\mu\text{g}/\text{l}$ in saltwater; and*
- *Zinc at 6.2–9.6 $\mu\text{g}/\text{l}$ with a CTR CMC of 90 $\mu\text{g}/\text{l}$ in saltwater and a CTR CCC of 81 $\mu\text{g}/\text{l}$ in saltwater.*

Tributyltin (TBT), an active biocide in marine anti-fouling paints, has also been found in harbor waters, particularly in areas of commercial and private vessel moorage and repair facilities (ACOE and LAHD 1992). In 1986, surface water concentrations of TBT in Los Angeles-Long Beach Harbor ranged from 3 nanograms per liter (ng/l) to 119 ng/l . Section 113(a) of the State Harbors and Navigation Code currently limits use of TBT paints to vessels greater than 25 meters (82 feet) in length.

A portion of the former Kaiser bulk-loading terminal site at Berths 48-53 will be incorporated into the proposed project. This facility handled primarily coal, petroleum coke, and copper ore and had a history of releases to harbor waters. The facility has been decommissioned and for several years has been used as a slab steel import facility. The landside decommissioning of the former Kaiser facility included substantial contaminated soil removal and paving of the site. To investigate offshore contamination caused by the former Kaiser operation, the LAHD

initiated characterization of the sediments in the vicinity of the former Kaiser terminal in the fall of 2000. The goal of the investigation was to define the limits of product release. Potential mechanisms of release included inadvertent spillage in the crane/ship transfer area and wind-borne dust, which would be expected to carry products to the east and southeast of the facility under prevailing wind conditions. The three products were measured using total organic carbon (TOC) and total copper analyses. TOC is an appropriate surrogate measure for coal and coke, both of which are composed primarily of carbon. Results of multiple sampling and analysis from the period of 2000 to 2003 indicated elevated levels of both TOC and copper in the sediments. The LAHD developed a product removal strategy, negotiated with the Los Angeles Region Contaminated Sediments Task Force for approval of the cleanup goal (254 mg/kg copper), and undertook dredging of the sediments in summer 2003, in conjunction with the LAHD's Channel Deepening Project. The Kaiser sediments were placed in a confined disposal facility in the Southwest Slip.

Recirculated Draft SEIR Section 3.8.2.1, "Soil and Groundwater Investigations," also discloses site contamination and remediation activities.

Impacts to water quality as a result of contaminated stormwater are discussed in Sections 3.9.3 and 3.9.4.3 (under Impact WQ-2 and Impact WQ-4) of the Recirculated Draft SEIR. The text in Recirculated Draft SEIR Section 3.9.3 has also been changed in order to clearly describe how State and Federal permit requirements and associated Best Management Practices that apply to the proposed project. Section 3.9.3 will now read as follows:

3.9.3 Regulatory Setting

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with an NPDES permit. The 1987 amendments to the CWA added Section 402(p), which establishes a framework for regulating municipal and industrial stormwater discharges under the NPDES Program. On November 16, 1990, the EPA published final regulations that establish stormwater permit application requirements for specified categories of industries. The 1990 regulations and subsequent amendments provide that discharges of stormwater to waters of the United States from industrial activities and from construction projects that encompass one or more acres of soil disturbance are effectively prohibited unless the discharge is in compliance with an NPDES permit. Federal regulations allow two permitting options for stormwater discharges, individual permits and general permits. The SWRCB has elected to adopt one statewide general permit for construction activity, and one statewide general permit for industrial activity.

Construction Activities

The General Construction Activities Storm Water Permit (GCASP) applies to all stormwater discharges associated with construction activity in the harbor area. Currently, the GCASP requires all dischargers where construction activity disturbs 1 acre or more to:

- *develop and implement a Stormwater Pollution Prevention Plan (SWPPP) which specifies BMPs that will prevent construction pollutants from contacting stormwater by keeping products of erosion from moving offsite into receiving waters (while the selection of specific BMPs is at the discretion of the permittee, the selected BMPs must be adequate to meet all applicable provisions of Sections 301 and 402 of the CWA; these provisions require controls of pollutant discharges that utilize best available technology economically achievable (BAT), best conventional pollutant control technology (BCT) to reduce pollutants, and any more stringent controls necessary to meet water quality standards);*
- *eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the United States; and*
- *perform inspections of all BMPs.*

On August 19, 1999, the SWRCB reissued the GCASP (Water Quality Order 99-08-DWQ). Several parties filed a petition for writ of mandate challenging the permit in the Superior Court, County of Sacramento. The Court issued a judgment and writ of mandate on September 15, 2000. The Court directed the SWRCB to modify the provisions of the GCASP to require permittees to implement specific sampling and analytical procedures to determine whether BMPs implemented on a construction site are:

- *preventing further impairment by sediment in stormwaters discharged directly into waters listed as impaired for sediment or silt; and*
- *preventing other pollutants on construction sites that are known or should be known by permittees, and that are not visually detectable in stormwater discharges, from causing or contributing to exceedances of water quality objectives.*

The monitoring provisions in the GCASP have been modified pursuant to the court order.

Industrial Activities

The General Industrial Activities Storm Water Permit (GIASP) was originally issued by the SWRCB on November 19, 1991 (Water Quality Order 02-01-DWQ) and applies to all stormwater discharges requiring a permit except construction activities or other discharges covered by an individual NPDES permit. Modifications and updates to the GIASP have

occurred since that time. Similar to the GCASP, the GIASP requires industrial stormwater dischargers to:

- *develop and implement an SWPPP to reduce or prevent industrial pollutants in stormwater discharges. While the selection of specific BMPs is at the discretion of the permittee, the selected BMPs must be adequate to meet all applicable provisions of Sections 301 and 402 of the Clean Water Act. These provisions require controls of pollutant discharges that utilize BAT and BCT to reduce pollutants, and any more stringent controls necessary to meet water quality standards;*
- *eliminate unauthorized non-storm discharges; and*
- *conduct visual and analytical stormwater discharge monitoring to indicate the effectiveness of the SWPPP in reducing or preventing pollutants in stormwater discharges.*

Within the GIASP, EPA regulations (40 CFR Subchapter N) establish effluent limitation guidelines for stormwater discharges from facilities in 10 industrial categories; however, the proposed project does not fall in one of these categories. For stormwater discharges from facilities not among the 10 industrial categories listed in 40 CFR Subchapter N, the GIASP states that “it is not feasible at this time to establish numeric effluent limitations.” In this case, the GIASP allows the facility operator to implement BMPs to comply with the requirements of the permit. As discussed above, all facility operators must prepare, retain on site, and implement a SWPPP whose objective is to identify potential sources of pollution affecting water quality, and direct the implementation of BMPs to reduce or prevent pollutants in industrial stormwater discharges.

The GIASP also requires the development and implementation of a monitoring program to measure the effectiveness of BMPs in reducing or preventing pollutants in stormwater discharges. All facility operators are required to analyze pH, total suspended solids (TSS), total organic carbon (TOC), and specific conductance, as well as toxic chemicals and other pollutants that are likely to be present in stormwater discharges in significant quantities. With regard to toxic chemicals and other pollutants, the GIASP states that “if these pollutants are not detected in significant quantities after two consecutive sampling events, the facility operator may eliminate the pollutant from future sample analysis until the pollutant is likely to be present again.” The GIASP identifies potential contaminants likely to be present based on a facility’s SIC code. In the case of the proposed project, additional constituents to be analyzed include aluminum, iron, lead and zinc.

The GIASP goes on to state that “storm water discharges shall not cause or contribute to a violation of an applicable water quality standard.” If receiving water quality standards are exceeded, facility operators are required to submit a written report providing additional BMPs that will be implemented to achieve water quality standards. Following approval of the report by the RWQCB, the facility’s SWPPP

and monitoring program must be revised to incorporate the additional BMPs to be implemented, as well as an implementation schedule.

Federal water quality criteria and state water quality objectives for priority pollutants have been established for non-ocean surface waters of California by the EPA and the RWQCB, respectively. Federal priority pollutant criteria have been promulgated by the EPA in the 1992 National Toxics Rule (NTR), amended in 1995, and in the 2000 California Toxics Rule (CTR). For California, the criteria in the CTR supplement the criteria in the NTR (i.e., the CTR does not change or supersede any criteria in the NTR). The SWRCB incorporated the CTR criteria into their statewide Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries (adopted March 2000). The Water Quality Control Plan for the Los Angeles Region (referred to as the Basin Plan) also contains narrative and/or numerical water quality objectives for several parameters. Although the CTR water quality criteria contained within the SWRCB Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California do not apply to regulation of stormwater discharges, these criteria have been applied to receiving waters. The project applicant would follow the procedures outlined in the GIASP (and discussed above) if an exceedance of receiving water standards is identified through the required monitoring program.

Urban Stormwater Mitigation

On January 26, 2000, the LARWQCB adopted and approved Board Resolution No. R-00-02, which requires new development and significant redevelopment projects in Los Angeles County to control the discharge of stormwater pollutants in post-construction stormwater. The Regional Board Executive Officer issued the approved Standard Urban Storm Water Mitigation Plans (SUSMPs) on March 8, 2000. The SWRCB in large part affirmed the LARWQCB action and SUSMPs in State Board Order No. WQ 2000-11 issued on October 5, 2000.

The City of Los Angeles is covered under the NPDES Permit for Municipal Storm Water and Urban Runoff Discharges within Los Angeles County (LARWQCB Order No. 01-182) and is obligated to incorporate provisions of this document in City permitting actions. The municipal permit incorporates SUSMP requirements and these include a treatment control BMP for projects falling within certain development and redevelopment categories. The treatment control BMP requirement applies to the Cabrillo Way Marina project and requires infiltration, filtration, or treatment of the runoff from the first 0.75 inches of rainfall (or equivalent numerical design criteria) prior to its discharge to a stormwater conveyance system.

Clean Water Act Section 303(d) List

Under Section 303(d) of the Clean Water Act, states are required to develop a list of water quality limited segments. This 303(d) list identifies those waters that do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. The CWA requires that states establish priority rankings for waters on the list and develop action plans, called Total Maximum Daily Loads (TMDL) to improve water quality. Table 3.9-1 presents the impaired water bodies and corresponding constituents of concern for the Los Angeles Harbor area, which is part of the Dominguez Channel and Los Angeles/Long Beach Harbors Water Management Area.

The performance standard included in both of the general permits, namely that controls of pollutant discharges must be implemented that utilize BAT and BCT to reduce pollutants and any more stringent controls necessary to meet water quality standards, is considered adequate to reduce construction and operational impacts below significance thresholds. This project will be subject to both the GIASP and the GCASP. Compliance with these permits will be mandatory.

Section 3.9.4.3, Impact WQ-2, Stormwater Runoff has been amended to include the following listing of construction-related and operational BMPs, along with information regarding methods of implementation.

The following tables list typical BMPs for dealing with potential construction-related water quality impacts (Table 3.9-2) and facility operational impacts (Table 3.9-3). Those BMPs applicable to the proposed project are identified and methods of implementation are briefly described. Additional detail regarding BMP implementation will be required in the SWPPP documents for facility construction and operation.

Section 3.9.4.3, Impact WQ-2, Mitigation Measures has been amended to read as follows:

No mitigation is required. Compliance with both the GCASP and the GIASP NPDES permits, including implementation of SWPPP documents and associated BMPs, will provide protective measures to minimize impacts associated with stormwater runoff.

With respect to impacts to water quality as a result of discharges of contaminated groundwater, the project itself would not result in discharges of contaminated groundwater. However, construction activities in areas of high groundwater could require dewatering. Impacts to water quality could result if contaminated groundwater were discharged to surface or groundwater. The GCASP authorizes non-stormwater discharges such as dewatering provided they are:

- infeasible to eliminate;

Table 3.9-1. Summary of Impaired Waterbodies: Dominguez Channel and Los Angeles/Long Beach Harbors Water Management Area

Constituent of Concern	Impaired Water Body*														
	Dominguez Channel					San Pedro Bay Nearshore/ Offshore	San Pedro Beaches ⁺			L.A. Outer Harbor	L.A. Inner Harbor				
	Dominguez Channel – Above Vermont	Dominguez Channel – Estuary to Vermont	Torrance Carson Channel	Wilmington Drain	Machado Lake (Harbor Park Lake)		Cabrillo Beach (outer)	White Point Beach	Point Fermin Park Beach	L.A.H Inner Breakwater	L.A. Fish Harbor	LAH Consolidated Slip	LAH Main Channel	Cabrillo Beach (inner)	LAH Southwest Slip
Nutrients															
Algae					X										
Ammonia	X	X		X	X										
Pathogens															
High coliform count (bacteria)	X	X	X	X			X								
Beach closure (bacteria)							X	X	X				X	X	
Metals															
Cadmium (Cd)												X(s)			
Chromium (Cr)	X(s)	X(s)				X(s)						X(s)			
Copper (Cu)	X		X	X		X(s)						X(s)	X(ts)		
Lead (Pb)	X(t)	X(t)	X	X								X(s)			

Constituent of Concern	Impaired Water Body*														
	Dominguez Channel					San Pedro Bay Nearshore/ Offshore	San Pedro Beaches ⁺			L.A. Outer Harbor	L.A. Inner Harbor				
	Dominguez Channel – Above Vermont	Dominguez Channel – Estuary to Vermont	Torrance Carson Channel	Wilmington Drain	Machado Lake (Harbor Park Lake)		Cabrillo Beach (outer)	White Point Beach	Point Fermin Park Beach	LAH Inner Breakwater	L.A. Fish Harbor	LAH Consolidated Slip	LAH Main Channel	Cabrillo Beach (inner)	LAH Southwest Slip
Mercury (Hg)												X(s)			
Nickel (Nii)												X(s)			
Zinc (Zn)	X(s)	X(s)				X(s)						X(s)	X(ts)		
Residual Solids															
Trash					X										
Organic Compounds															
Polyaromatic hydrocarbons (PAHs)	X(s)	X(s)				X(s)				X	X	X(s)	X(ts)		
PCBs	X(t)				X(t)	X(f)	X(f)	X(f)	X(f)	X	X	X(tsf)	X(tsf)	X(f)	X(f)
Pesticides															
Aldrin	X(t)	X(t)													
Chem A	X(t)	X(t)			X(t)										
Chlordane	X(t)	X(t)			X(t)							X(ts)			
DDT	X(ts)	X(ts)			X(tf)	X(tsf)	X(f)	X(f)	X(f)	X	X	X(tsf)	X(tsf)	X(f)	X(f)
Dieldrin	X(t)	X(t)			X(t)							X(t)			

Constituent of Concern	Impaired Water Body*														
	Dominguez Channel					San Pedro Bay Nearshore/ Offshore	San Pedro Beaches ⁺			L.A. Outer Harbor	L.A. Inner Harbor				
	Dominguez Channel – Above Vermont	Dominguez Channel – Estuary to Vermont	Torrance Carson Channel	Wilmington Drain	Machado Lake (Harbor Park Lake)		Cabrillo Beach (outer)	White Point Beach	Point Fermin Park Beach	LAH Inner Breakwater	L.A. Fish Harbor	LAH Consolidated Slip	LAH Main Channel	Cabrillo Beach (inner)	LAH Southwest Slip
Other															
Eutrophic					X										
Odors					X										
Sediment toxicity						X					X	X			X
Benthic community effects		X									X				
Toxaphene											X(s)				
<p>Key: (t) = tissue only (s) = sediment only (ts) = tissue & sediment (f) = fish consumption advisory</p> <p>Source: 2002 Clean Water Act, Section 303(d) List of Water Quality Limited Segment, Approved by the State Water Resources Control Board, February 4, 2003, currently under review by the U.S. EPA.</p> <p>⁺Does not include Palos Verdes Peninsula beaches north of San Pedro, i.e, those outside City of Los Angeles.</p>															

Table 3.9-2. Proposed Construction Best Management Practices (BMPs)

BMP Description	BMP	To Be Used	Method of Implementation
GENERAL SITE MANAGEMENT			
Site Planning Considerations			
Scheduling	ESC01	X	BMP Description
Preservation of Existing Vegetation	ESC02	X	BMP Description
Construction Practices			
Dewatering Operations			
Paving Operations	CA002	X	Prevent parking lot and street paving operation pollutants
Structure Construction and Painting	CA003	X	Stop pollutants from new retail building construction
Dust Controls	ESC21	X	Dust suppression for construction activities
Vehicle and Equipment Management			
Vehicle and Equipment Cleaning	CA030	X	Dedicated, bermed wash-down area
Vehicle and Equipment Fueling	CA031	X	Dedicated area with secondary containment and absorbent materials
Vehicle and Equipment Maintenance	CA032	X	Dedicated area with secondary containment and absorbent materials
Tracking Control			
Stabilized Construction Entrance	ESC24	X	Prevent mud tracking onto streets by gravel entrance
Contractor Training			
Employee/Subcontractor Training	CA040	X	Instruct in storm water BMP procedures

BMP Description	BMP	To Be Used	Method of Implementation
CONSTRUCTION MATERIALS AND WASTE MANAGEMENT			
Material Management			
Material Delivery and Storage	CA010	X	Dedicated area / secondary containment / inspections
Material Use	CA011	X	Restrict use of hazardous materials in construction
Spill Prevention and Control	CA012	X	Cover up all haz mat / absorbent materials / training in spill management
Waste Management			
Solid Waste Management	CA020	X	Clean up construction trash and recycle where possible
Hazardous Waste Management	CA021	X	Procedures for non-polluting use of oils, paints, concrete, acids and other common construction materials containing hazardous materials
Contaminated Soil Management	CA022	Verify	
Concrete Waste Management	CA023	X	Procedures for non-polluting use of concrete in construction
Sanitary/Septic Waste Management	CA024	X	Temporary construction sewage handling standards
EROSION CONTROL PRACTICES			
Vegetative Stabilization			
Seeding and Planting	ESC10	X	Grass areas in greenbelts
Mulching	ESC11	X	Goes with seeding for grass areas
Physical Stabilization			
Geotextiles and Mats	ESC20		
Dust Controls	ESC21		Noted above.
Temporary Stream Crossing	ESC22		
Construction Road Stabilization	ESC023		

BMP Description	BMP	To Be Used	Method of Implementation
Diversion of Runoff			
Earth Dike	ESC30		
Temporary Drains and Swales	ESC31		
Temporary Slope Drain	ESC32		
Velocity Reduction			
Outlet Protection	ESC040		
Check Dams	ESC041		
Slope Roughening/Terracing	ESC42		
Sediment Control			
Silt Fence	ESC50	X	Low slope parking lot perimeter
Straw Bale Barriers	ESC51		
Sand Bag Barrier	ESC52	X	In swale areas to be shown in design
Brush or Rock Filter	ESC53		
Storm Drain Inlet Protection	ESC54	X	Protect existing catch basins from sediment
Temporary Sediment Trap	ESC55	Verify	Includes storm drain inlets receiving runoff from project inside and outside of project limits.
Temporary Sediment Basin	ESC56	Verify	

Table 3.9-3. Proposed Operational Best Management Practices (BMPs)

BMP Description	BMP	To Be Used	Method of Implementation
General Site Management			
Non-storm water discharges to drains	SC1	X	Locate and evaluate all discharges to storm sewer system
Vehicle and equipment fueling	SC2	X	Design fueling area to prevent runoff of stormwater and contain spills
Vehicle and equipment washing and steam cleaning	SC3	X	Designated wash area; discharge wash water to sanitary sewer
Vehicle and equipment washing maintenance and repair	SC4	X	Prevent or reduce discharge of pollutants by running a dry shop
Outdoor loading/unloading of materials	SC5	X	Conduct loading/unloading in contained area
Outdoor container storage of liquids	SC6	X	Install secondary containment and other safeguards against accidental release
Outdoor process equipment operations and maintenance	SC7		
Outdoor storage of raw materials, products, and by-products	SC8		
Waste handling and disposal	SC9	X	Source reduction; prevent runoff from waste management areas
Contaminated or erodible surface areas	SC10		
Building and grounds maintenance	SC11	X	Clean up debris; use minimal water; maintain storm drains
Building repair, remodeling, and construction	SC12		
Over-water activities	SC13	X	Minimize over-water maintenance; clean up spills immediately
Employee training	SC14		

- comply with BMPs as described in the SWPPP; and
- not cause or contribute to a violation of water quality standards.

These performance standards would reduce any potential impacts below significance thresholds. Additionally, dewatering discharges may be required to be permitted under the LARWQCB's Order No. R4-2003-0111, which contains similar performance standards, further ensuring a less-than-significant impact. Discharges covered by this permit include but are not limited to, treated or untreated groundwater generated from permanent or temporary dewatering operations. In addition, this permit covers discharge from cleanup of contaminated sites where other project specific general permits may not be appropriate, such as groundwater impacted by metals and/or other toxic compounds. To be covered under the order, a discharger must perform reasonable potential analysis using a representative sample of groundwater to be discharged. The sample will be analyzed and the data compared to the water quality screening criteria for various constituents specified in the Order. If the analytical test results of the discharge show that petroleum products, VOCs and/or other toxics exceed the water quality screening criteria, then the discharger will be enrolled under the permit and treatment of the groundwater will be required for discharge.

Impacts to the quality of groundwater itself are specifically discussed in Chapter 3.8 of the Recirculated Draft SEIR, which found that contaminated soils on the project site have been remediated such that groundwater contamination as a result of soil disturbing activities is not anticipated. The connection between Chapters 3.8 and 3.9 is reinforced in the Section 3.9.4.3, Impact WQ-2, which is hereby amended to include a discussion of groundwater as shown below:

Groundwater

The groundwater in the harbor area is non-potable due to saltwater intrusion. If deep excavation is required, construction could result in dewatering in the local site vicinity, which could reverse the hydraulic gradient, causing saltwater intrusion or contamination to migrate to previously uncontaminated areas. Groundwater monitoring and containment during construction, as required by the NPDES General Construction Permit, will reduce potential impacts to non-contaminated soil and groundwater below significance thresholds. NPDES regulations, as discussed above, contain performance standards that are considered adequate to protect water quality. Compliance with these regulations will therefore reduce construction-related impacts to surface and groundwater quality to less-than-significant level. Additional information can be found in Section 3.8 of the DSEIR.

Pursuant to comments submitted by the California State Lands Commission, Mitigation Measure MM WQ-3.1 has been revised to address the comment and reflects the full range of project activities that could potentially result in the accidental release of toxic or hazardous substances, as well as other forms of

water quality degradation in the project vicinity. MM WQ-3.1 has been amended to read as follows:

MM WQ-3.1: *The project applicant shall conform with applicable requirements of the Non-Point Source (NPS) Pollution Control Program. The project applicant shall design all marina and recreational boating facilities whose operations could result in the accidental release of toxic or hazardous substances (including boat maintenance facilities, fueling facilities, sewage and liquid waste facilities, solid and hazardous waste disposal facilities) in accordance with the Marina and Recreational Boating Management Measures defined under the state Non-Point Source Pollution Control Program administered by the State Water Resources Control Board (SWRCB). As a performance standard, the measures shall be selected and implemented using the Best Available Technology that is economically achievable such that, at a minimum, relevant water quality criteria as outlined by the California Toxics Rule and the Basin Plan are maintained, or in cases where ambient water quality exceeds these criteria, maintained at or below ambient levels. The applicable measures are as follows:*

- *Solid Waste Control — Properly dispose of solid wastes produced by the operation, cleaning, maintenance, and repair of boats to limit entry of these wastes to surface waters.*
- *Fish Waste Control — Promote sound fish waste management, where fish waste is an NPS problem, through a combination of fish cleaning restrictions, education, and proper disposal.*
- *Liquid Material Control — Provide and maintain the appropriate storage, transfer, containment, and disposal facilities for liquid materials commonly used in boat maintenance, and encourage recycling of these materials.*
- *Petroleum Control — Reduce the amount of fuel and oil that leaks from fuel tanks and tank air vents during the refueling and operation of boats.*
- *Boat Cleaning and Maintenance — Minimize the use of potentially harmful hull cleaners and bottom paints, and prohibit discharges of these substances to state waters.*
- *Maintenance of Sewage Facilities — Maintain pumpout facilities in operational condition, and encourage their use so as to prevent and control untreated sewage discharges to surface waters.*

The education/outreach measure for marinas and recreational boating is summarized as follows:

- *Public Education — Institute public education, outreach, and training programs to prevent and control improper disposal of pollutants into state waters. LAHD is developing a Clean Marinas Program that will include outreach to marina operators and boaters*

regarding sewage discharge requirements. By providing sufficient facilities and educating marina tenants, the Clean Marinas Program will minimize direct sewage discharges and reduce the impacts to a less-than-significant level. At a minimum, the Phase II Cabrillo Marina project will provide pumpout stations at or above the 1:300 ratio. The program will include practices consistent with the guidelines currently being developed by the California Coastal Commission and which will be contained in a marina operator's guide to clean marina practices.

As discussed in Response to Comment 37-3, LAHD is developing a Clean Marinas Program that will include outreach to marina operators and boaters regarding sewage discharge requirements. A marina operator's guide to clean marina practices will be provided.

Response to Comment 37-2

San Pedro Boat Works

San Pedro Boat Works (SPBW) filed for bankruptcy on December 13, 2002, after release of the Recirculated Draft SEIR. Control of the SPBW site, until recently, rested with the bankruptcy court. The commenter rightly notes that the LAHD has been seeking to compel SPBW to clean up contamination of its site for some time.

The SPBW site is adjacent to the project site, as noted in Section 2.3.2 of the Recirculated Draft SEIR. Before the bankruptcy declaration, it was anticipated that the SPBW operation would remain in its current configuration after completion of the proposed project, to provide boat repair services to both marina operations in the area. Figure 2-4 of the Recirculated Draft SEIR shows SPBW remaining upon completion of the proposed project. It was shown within the project boundaries in the figure, because the SPBW site was to be included as a 'first right of refusal' parcel within the lease to Westrec, as a potential expansion area when the lease to SPBW expired.

The LAHD has now taken possession of the SPBW site through the Bankruptcy Court and has worked under the direction of the LAFD, in cooperation with EPA, to complete the surface removal of sandblast grit (approximately 2,000 tons transported to a Class I landfill) and liquid wastes left at the site by the previous tenant. Following the county's final inspection of surface removal activities, the lead oversight role for the site will shift to the Department of Toxic Substances Control (DTSC). The LAHD will then work with DTSC, through an Environmental Oversight Agreement, to conduct soil and groundwater investigations and remedial actions at the site, as warranted.

Limited soil investigation previously conducted by SPBW at the request of the LAHD, identified metals as the primary contaminants of concern, including copper, zinc, and lead.

Sediment characterization undertaken by the LAHD in the vicinity of San Pedro Boat Works identified elevated levels of copper, mercury, nickel, zinc, PCBs, PAHs, and organotins. These sediments have been dredged (with appropriate regulatory oversight) in conjunction with the ACOE's Channel Deepening Project and were disposed of in an approved Confined Disposal Facility in the Southwest Slip at the Port.

Given that the former SPBW site is tied up in clean up and cost recovery actions and given the uncertain timeframe for its availability, the SPBW site has been removed from the Westrec Marinas lease as a first right of refusal area. The SPBW site is therefore not a part of the proposed project. Any actions taken in regard to the SPBW site will be conducted with full agency oversight and will take into consideration the adjacency of marina operations.

Dredge and Fill Activities

Dredge, cut, and fill activities associated with the project were never contemplated in the area in front of SPBW as part of the proposed project. Soils and sediment contamination on/from the SPBW site are being investigated/remediated under agency oversight as a separate project (as discussed above).

Dredge, cut, and fill activities related to the proposed project are discussed in the Project Description (Section 2.5.2) of the Recirculated Draft SEIR and shown in Figure 2-8. Dredging of sediments is required under a portion of the existing slips to remove an area of shoaling and restore design depth. Cut and fill activities are required to reshape the shoreline and to provide adequate marina support facilities adjacent to slips.

A soils characterization of the project site (excluding the SPBW site) is discussed in detail in the Soils and Groundwater Investigations subsection of Section 3.8.2.1 of the Recirculated Draft SEIR. Samples were taken and analyzed by a laboratory accredited by the California State Department of Health and Services. The results can be seen in Table 3.8-2 of the Recirculated Draft SEIR. As noted in Section 3.8.2.1, except for several isolated locations, there did not appear to be significant contamination issues with the development parcels. For those isolated locations, these soils have since been removed from the project site, and no longer pose a threat to human or ecological health (again excluding the SPBW site).

Contaminated sediments in the project area have been identified in Section 3.9.2.2 of the Recirculated Draft SEIR. All activities that could disturb sediments, as well as removal and disposal methods, are discussed under Impact WQ-1 and Impact WQ-4 in Section 3.9.4.3 of the Recirculated Draft SEIR. The sediments within the project dredge area were previously evaluated by the LAHD in 1998 (MEC Analytical Systems, Inc. 1998). Study results indicated that the sediments to be dredged would be suitable for use as fill on the project site. In particular, toxicity analyses showed no unacceptable water column or benthic impacts for any of the sediments evaluated. This would seem to indicate that

sediment contamination from San Pedro Boat Works does not extend into the project area.

Given the time since the last investigation of sediments slated for dredging (1998), a new analysis of sediment quality will be performed by the LAHD in accordance with established EPA protocols prior to project dredge activities. Sediment characterization procedures for dredging include elutriate testing to assess the potential for contaminant resuspension that could lead to exceedances of water quality criteria. Specific contaminants to be analyzed will include contaminants for which the Harbor has been listed as impaired, and contaminants previously identified in Harbor sediments as discussed in Section 3.8.2.1 (Chemical Nature of Sediments). These analytical results will be evaluated in conjunction with the proposed dredging methodologies, and applicable narrative and numeric water quality criteria to determine which, if any, of these contaminants have potential to adversely affect water quality as a result of resuspension from dredging activities. Both the ACOE (with the assistance of the EPA) and the LARWQCB will evaluate the results of these analyses prior to issuance of permits for the project. The permits will contain requirements to ensure that any adverse water quality conditions are identified and corrective actions are taken. Mitigation Measure MM WQ-1.1 has been added (see below), to ensure that dredging activities will not result in significant impacts related to disturbance of contaminated materials from the SPBW site or other sources of contamination.

Storage, transport, and disposal methods for the dredged material are discussed in Section 3.8 (Impact SOIL-5) of the Recirculated Draft SEIR and will be replicated in Section 3.9 (Impact WQ-1, Contaminants) as shown below:

Contaminants

Long-term positive impacts are associated with dredging in the Watchorn Basin for the project. As with past dredging projects, potentially contaminated sediments would be removed, resulting in an improved subsea environment. Based on chemical and biological testing of the sediments to be dredged, these sediments could meet requirements for use as in-harbor fill in the landfill areas on the project site or meet disposal requirements of the LA-2 offshore dredged material disposal site.

An alternative disposal location could be the LAHD's Upland Disposal Site at Anchorage Road or another approved upland location. Coordination with the Advisory Committee of the Los Angeles Region Contaminated Sediment Task Force would likely be required for ocean or in-harbor disposal options. Dredge material disposal would be conducted in accordance with all applicable laws and regulations. Impacts related to dredging and disposal activities would be less than significant.

With respect to the potential for impacts to water quality as a result of dredging and fill activities, MM WQ-1.1 has been added to address this issue and will read as follows:

***MM WQ-1.1:** During dredge and fill operations, an integrated multi-parameter monitoring program shall be implemented by the LAHD Environmental Management Division in conjunction with both ACOE and LARWQCB permit requirements, wherein dredging performance is measured in situ. The objective of the monitoring program shall be adaptive management of the dredging operation, whereby potential exceedances of water quality objectives can be measured or predicted and dredging operations subsequently modified. If exceedances are observed, the LAHD's Environmental Management Division shall immediately meet with the construction manager to discuss modifications of dredging operations to reduce turbidity to acceptable levels. This could include alteration of dredging methods, and/or implementation of additional BMPs such as a silt curtain.*

Any remaining impacts will be below significance thresholds as a result of implementation of applicable permit conditions and mitigation measures in conformance with the identified performance standards as discussed above. On this basis, the LAHD maintains that it has adequately identified potential impacts, and eliminated or identified mitigation to reduce them to below a level of significance.

Response to Comment 37-3

As the commenter notes, and as discussed in Recirculated Draft SEIR Chapter 3.9, "Water Quality and Oceanography" (Impact WQ-1, Boat Wastes), illicit waste discharges from recreational marinas is a concern nationwide.

The LAHD recognizes that controlling discharges from individual pleasure craft is challenging, given individual human behavior and the usual lack of facilities provided in marinas, incentives for their proper use, boater education, and enforcement. The LAHD has reevaluated the conclusions in the Recirculated Draft SEIR and has considered measures that can be imposed to ensure that water quality impacts resulting from the proposed project would be negligible.

Recirculated Draft SEIR Section 3.9.4.3 (Impact WQ-1, "Boat Wastes") has been amended to read as follows:

Boat Wastes

The 1992 Clean Vessel Act identifies vessel sewage discharges as "a substantial contributor to localized degradation of water quality in the United States." Since there are about 890,000 registered boats in California as of December 1997, the illegal discharge of boater-generated sewage has a large impact on water quality, especially if

vessels dump wastes overboard in confined areas—such as harbors, marinas, coves, inlets, or sloughs.

Raw or poorly treated sewage discharged overboard can spread disease, contribute unsightly floatables, contaminate shellfish beds, and lower oxygen levels in water. Human waste can contain disease-causing organisms such as bacteria, viruses, and parasites. Swimmers, water-skiers, surfers, and others who come in contact with water that has been contaminated with human waste can become ill. The most common symptoms are nausea, stomachache, vomiting, and diarrhea. When boaters discharge human waste overboard in shellfish bed areas, the sewage and associated bacteria reach the bottom, where it is taken up by the clams, oysters, and mussels. When people eat raw or partially cooked contaminated shellfish, they may become ill.

It takes oxygen to decompose sewage in water. The amount of dissolved oxygen in the water required to decompose organic matter is measured in terms of “Biological Oxygen Demand” or “BOD.” Discharge of untreated sewage from recreational boats can lead to high BODs in marinas and poorly flushed areas where boaters congregate. The result can be low dissolved oxygen levels and fish kills.

In order to keep untreated sewage out of the water, federal regulations require the installation of a Marine Sanitation Device (MSD) on boats. Every boat with an installed marine toilet must have it connected to an operable Coast Guard-approved MSD. Under section 780(a) of the Harbors and Navigation Act “No person shall disconnect, bypass, or operate a marine sanitation device so as to discharge sewage into the waters of this state, unless the particular discharge is expressly authorized or permitted pursuant to state or federal law or regulations.” The Enforcement Unit of the California Department of Boating and Waterways enforces this law throughout the State and a violation of this subdivision is a misdemeanor that carries a fine of at least \$100.

Furthermore, the Port of Los Angeles – Tariff No. 4, Item No. 1870, prohibits dumping into navigable waters and states, in part, that “It shall be unlawful to throw, discharge, or deposit...from or out of any vessel...any refuse matter or other substance of any kind or description whatever into the navigable waters of Los Angeles Harbor...” Item No. 1880 of the Tariff imposes further prohibitions on the pumping and discharge of ballast, foul bilge water, slops, or refuse.

The issue of illicit vessel sewage discharges is particularly important given the proximity of the proposed project to Inner Cabrillo Beach, a popular swimming beach due to its protected nature. Inner Cabrillo Beach has a long history of frequent violations of bacterial water quality standards, which occur during both the winter (wet season) and the summer (dry season). Considerable data has been accumulated with respect to the beach water quality from the City of Los Angeles daily

beach and harbor monitoring efforts. Most violations are caused by high levels of fecal coliform and enterococcus. The percent of violations at Inner Cabrillo Beach is far higher than the relatively few violations in the harbor waters offshore of the beach. Comparisons of data from the inner beach with offshore water sites suggest that the contamination observed at the inner beach is from a local source, like bird wastes at the high tide line. The wave environment in this area does not appear to be strong enough to move bird wastes off the shoreline. The LAHD is currently conducting the Cabrillo Beach Water Quality Improvement Project, which includes water quality analyses and circulation modeling to identify both short- and long-term solutions to the water quality concerns at Cabrillo Beach. In addition the LARWQCB has recently begun work on the coliform TMDL for the Cabrillo Beach impairment. Scheduled to be completed in 2004, the Coliform TMDL for Inner Cabrillo Beach will set limits for discharges contributing to the bacteria problem.

While the issues with coliform at Inner Cabrillo Beach are not believed to be primarily a result of marina operations, illicit sewage discharges from recreational boating operations could contribute to the poor beach conditions. With respect to the potential for impacts to water quality as a result of illicit discharges from boats, MM WQ1.2, coliform testing in the marina area, would monitor coliform levels in the marina area and provide a mechanism for tracking elevated coliform levels to assure that impacts to Inner Cabrillo Beach are not exacerbated.

The LAHD recognizes that controlling sewage discharges from individual pleasure craft is challenging, given the usual lack of facilities provided in marinas, lack of incentives for their use, boater education, enforcement, as well as individual human behavior. The proposed project provides a number of facilities that will help limit the illicit discharge of sewage wastes from boats. Toilets and shower facilities will be provided for the convenience of marina tenants. Pumpout stations for sewage contained in on-boat holding tanks will be provided at or above the DBW recommended ratio of 1 pumpout station per 300 slips as part of the project. Liveaboards will be limited to 5% of slips. The project applicant will also provide a facility for disposal of bilge water. The facility will be provided at the fuel dock and will enable pumping of bilge water into an oil/water separator. The oil fraction will be collected for proper disposal or recycling and the water fraction will go to the sanitary sewer system. Signs containing information on environmental rules, regulations, and good housekeeping practices will be posted in the marina. The LAHD, in cooperation with the marina operator, will conduct an educational outreach regarding minimization of boat-related waste. To assure compliance with the above, several new mitigation measures are proposed. MM WQ-1.3 assures that pumpout stations will be installed at the 1:300 ratio. MM WQ-1.4 assures that oil/water separator shall be installed and maintained as specified.

In addition to improper sewage releases, marina activities can contribute other discharges that impact water quality. Improper hull cleaning and painting procedures can contribute metals. Polyaromatic Hydrocarbons (PAHs) from oil and fuel may be released into the water during oil changes and bilge water releases. Trash can enter the ocean from illegal dumping of solid waste from marina docks and boat decks.

To address all the marina related environmental issues, LAHD staff is in the process of developing a Clean Marinas Program as one of several new environmental initiatives. The main objective of the new Clean Marinas Program is to encourage marina managers and boat owners within the Los Angeles Harbor to voluntarily use Best Management Practices that will help improve harbor air and water quality. Major components of the program will include boater education, development/redevelopment guidelines, incentives, and enforcement. The LAHD will provide incentives to the marina operators or individual boaters for alternative fuel use and for turning over older engines for new clean engines. Additional incentives will also be considered. An Environmental Compliance Coordinator will be hired to provide oversight and ensure compliance. The Clean Marinas Program will be carried out port-wide, including the proposed project. To ensure implementation of the program elements in the Cabrillo Way Marina, several mitigation measures are proposed. The air quality Mitigation Measures MM AQ-2.1, MM AQ-2.2, MM AQ-2.3 described in Chapter 3.3, "Air Quality," address the air quality elements of the Clean Marinas Program. The water quality mitigation measures MM WQ-1.3 and MM WQ-1.4 (mentioned above) and MM WQ-1.5, mandating a boater inventory and reporting program, address the water quality elements of the Clean Marinas Program.

With the implementation of measures to limit the illicit discharge of boat wastes, and implementation of a Clean Marinas Program at the Cabrillo Way Marina, impacts to water quality resulting from the proposed project would be negligible and would be considered less than significant.

With respect to the potential for impacts to water quality as a result of illicit discharges from boats, MM WQ-1.2, MM WQ-1.3, MM WQ-1.4, and MM WQ-1.5 have been added to address this issue and will read as follows:

MM WQ-1.2: *Coliform testing in the marina area shall be added to the on-going Port-wide Monthly Harbor Water Quality Survey program. Monitoring will provide an additional mechanism for tracking water quality changes over time and will provide evidence of localized problems to indicate a need for corrective actions.*

MM WQ-1.3: *Sewage pumpout installation and maintenance shall be performed in accordance with the guidelines and requirements of the Department of Boating and Waterways (DBW) and the State Water*

Resources Control Board (SWRCB). The project applicant shall design sewage pumpout facilities in accordance with the requirements of the state's Non-point Source Pollution Control Program administered by the SWRCB. The project applicant shall also use guidelines, developed by the DBW, that state all vessel terminals with a capacity for vessels 26 feet or longer should have one pumpout for every 300 slips 26 feet or longer. The sewage pumpout facility maintenance shall be in accordance with the state's Non-point Source Pollution Control Program.

MM WQ-1.4: *Westrec Marinas shall install an oil/water separator at the fuel dock for the treatment of bilge water. The oil fraction shall be collected for hazardous waste disposal or recycling, in accordance with current regulatory programs. The water shall be directed to the sewer system for treatment.*

MM WQ-1.5: *Compliance with inventory and reporting program within LAHD's Clean Marinas Program. Westrec Marinas shall complete a mandatory slip and dry storage annual inventory of marine sanitation devices by type, and shall report to LAHD Environmental Management Division.*

The above measures support the conclusion in the Recirculated Draft SEIR that the potential for impacts is considered less than significant.

Response to Comment 37-4

Creation of the Cabrillo Shallow Water Habitat near the project site has been biologically successful, as documented in several studies (MEC Analytical Systems, Inc. 1999, 2002). The shallow water area is a uniform -20 feet MLLW. At the time of the habitat construction, large vessel anchorages were removed from the area and the habitat is therefore not subject to direct physical impacts or increases in turbidity from vessel wakes or prop wash. No impacts to the shallow water habitat have been identified to date as a result of the current level of recreational boating activity in the area and none are anticipated as a result of the proposed marina construction or operations.

Comment Letter 38



January 31, 2003

Dr. Ralph Appy
 Director of Environmental Services
 Port of Los Angeles
 PO Box 151
 San Pedro CA 90733-0151



Dear Dr. Appy,

The Los Angeles Harbor-Watts Economic Development Corporation (LAHWEDC) has reviewed the merits of the Westrec Cabrillo Marina II project and wishes to make the following comments.

The 2002 WATCH Report defined the principles for establishing a "Grand Promenade" from the Bridge to the Breakwater. A broad-based community task force confirmed these principles over an 8-month period of work. In defining the alignment of the Promenade, it was recommended that new elements of this significant piece of public infrastructure range from 20 - 40 feet in width and that its appearance be consistent along its entire route.

38-1

The Westrec design relies upon what we feel are dated POLA guidelines from several years ago that requested it to be consistent with the Cabrillo Marina I project. We realize that Westrec has no other feedback other than the WATCH Report and that report does not endorse final design characteristics. Phase I implementation of the Promenade will define these elements that will be agreed upon in a public process in the near future. Westrec will then be able to apply those elements to their project and be consistent with the WATCH Report.

While there are other elements of the project that concern the community, it is our understanding these are being addressed in the Port Community Advisory Committee (PCAC) and we find that process adequate. Our Board's position is to maintain consistency with Promenade principles.

We believe that Westrec is on the right path to meeting community guidelines presented in the PCAC and we wish to support that process by ensuring that all projects along the waterfront meet the principles of waterfront development as defined by the 2002 WATCH Report. To the extent that we can assist Westrec in moving forward, we stand ready to do so.

Sincerely,

Dennis C. Lord
 Co-Chairman

Cc: Vern Hall	Co-Chair, PCAC
Camilla Kocol	Co-Chair, PCAC
Jim Cross	Chair, DWTF
Jim Hussey	Chair, CRA-CAC

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The Los Angeles Harbor-Watts Economic Development Corp., Dennis C. Lord, Co-Chairman (January 31, 2003)

Response to Comment 38-1

The LAHD acknowledges the commentator's support for the project, and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project. Please also refer to Master Response E regarding the "Bridge-to-Breakwater" master plan concept and the community input upon which the revised project is based.

3.6.5 Public Meeting Comments and Responses

Transcript of January 14, 2003, public meeting to receive comments on the Recirculated Draft SEIR

1 **Comment Letter 39**
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5 PUBLIC COMMENT MEETING ON THE ENVIRONMENTAL IMPACT
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7 REPORT ON THE RECIRCULATED DRAFT FOR THE
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9 SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT WEST
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11 CHANNEL/CABRILLO MARINA PHASE II DEVELOPMENT
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13 PROJECT (CABRILLO WAY MARINA), AKA THE WESTREC
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15 PROJECT
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27 TRANSCRIPT OF THE MEETING
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31 DATE: Tuesday, January 14, 2003
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33 TIME: 6:10 p.m.
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35 LOCATION: 425 S. Palos Verdes Street
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37 San Pedro, California 90731
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47 REPORTED BY:
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49 MELINDA NELSON
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51 CSR NO. 12496
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59 COMPEX LEGAL SERVICES, INC. (800) 794-9484

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5 APPEARANCES:
6
7 THE PORT OF LOS ANGELES
8 BY: DENNIS HAGNER,
9 MARINE ENVIRONMENTAL SUPERVISOR
10 ENVIRONMENTAL MANAGEMENT
11 425 S. Palos Verdes Street
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13 (310) 732-3682
14
15 THE PORT OF LOS ANGELES
16 BY: ANDREW W. JIRIK
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18 ENVIRONMENTAL MANAGEMENT
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22
23 JONES & STOKES
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26 Irvine, California 92614
27 (949) 260-1080
28
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7 MR. JIRIK: Okay. Let's go ahead and get
8
9 started.

10
11 I'd like to welcome everyone to the
12
13 Public Comment Meeting. The subject tonight is
14
15 receiving comments on the Environmental Impact
16
17 Report on the recirculated draft for the
18
19 supplemental Environmental Impact Report
20
21 West Channel/Cabrillo Marina Phase II Development
22
23 Project (Cabrillo Way Marina), aka the Westrec
24
25 Project.

26
27 So thank you all for coming. The
28
29 purpose of this meeting is for the public to
30
31 provide oral comments on EIR. It's a meeting to
32
33 receive comments into the record as part of the
34
35 California Environmental Quality Act process.
36
37 It's not a question-and-answer session. We
38
39 receive the comments. They will be officially
40
41 entered into the record. We have stenographers
42
43 here, plus an audio tape of the proceedings.

44
45 You may either/or submit your oral
46
47 comments or written comments. They are weighed
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49 equally, so if you have an extended amount to say,
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51 you may elect to just drop off your written
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53 material and you may drop off or submit any
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1 0004
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5 written material up until January 31 at 5:00 p.m.
6
7 to the Environmental Management office here.
8
9 Let me back up a little bit and
10
11 introduce myself. I apologize for skipping over
12
13 that. My name is Andrew Jirik. I'm an
14
15 environmental specialist here at the Port of
16
17 Los Angeles. I'm project manager for this
18
19 Cabrillo Way Marina EIR.
20
21 I also want to introduce a couple of
22
23 my colleagues who are here tonight. Dennis Hagner
24
25 is the CEQA supervisor in the Environmental
26
27 Management Division.
28
29 Gabriel Silva is a colleague of mine.
30
31 He's here tonight to provide translation help for
32
33 any Spanish speaking folks.
34
35 Maybe Gabe, if you could stand up just
36
37 a second and in Spanish say that you're available
38
39 to help people who are Spanish speakers.
40
41 (Mr. Silva complied.)
42
43 MR. JIRIK: Thanks, Gabe.
44
45 We also have the team of folks from
46
47 Jones & Stokes, the consulting firm that put
48
49 together the EIR, here with us tonight. They'll
50
51 be listening to your comments because they'll be
52
53 spending quite a bit of time after the public
54
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1 0005
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5 comment period closes, as well as the Port
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7 Environmental Staff, developing responses to your
8
9 comments on the Environmental Documents.
10
11 Once you have filled out a speaker
12
13 card and we call you up, you'll need to come up to
14
15 the lectern up here and speak into the microphone
16
17 so that it may be recorded.
18
19 State your name. We'll have your
20
21 address from the speaker card, so I don't think
22
23 it's necessary to restate your address.
24
25 And just to let you know, so you don't
26
27 think I'm rude, I won't be responding to your
28
29 comments here because we have a process that we go
30
31 through to formally respond to your comments as
32
33 part of the Environmental Process. So we'll just
34
35 be listening tonight, and then when you're done,
36
37 we'll thank you, and we'll call the next person
38
39 up.
40
41 MR. HAGNER: Andrew?
42
43 MR. JIRIK: Yes.
44
45 MR. HAGNER: One other thing.
46
47 Andrew did mention that verbal
48
49 comments given today, written comments, they all
50
51 have equal weight. If you make a comment tonight,
52
53 go home, and in three days you think of another
54
55
56
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5 comment or something great that you wanted to say,
6
7 drop us a letter.
8
9 You can make as many comments as you
10
11 like over the period of time between now and
12
13 January 31. So this is not your one shot. And
14
15 like I said, if you go home, like I do and always
16
17 say, Gee, I wish I had said that, about two days
18
19 from now, drop us a letter at the Environmental
20
21 Office here at the Port. Thank you.
22
23 MR. JIRIK: Thanks Dennis.
24
25 I'd like to find out if anyone has any
26
27 questions on the procedure for the meeting
28
29 tonight, please ask them.
30
31 Not seeing any hands up, we'll go
32
33 ahead and get the official meeting started.
34
35 Dennis, did I miss anything
36
37 procedurewise?
38
39 MR. HAGNER: No.
40
41 MR. JIRIK: Okay. Do you want to go ahead
42
43 and call the first speaker?
44
45 MR. HAGNER: Very well.
46
47 I'll call Robert Nizich.
48
49 MR. NIZICH: Thank you. My name is Robert
50
51 Nizich. I'm a local homeowner, property owner,
52
53 business owner in San Pedro. I have also sat in
54
55
56
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58
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39-1

1 0007
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3
4
5 many meetings and presentations regarding the
6
7 proposed development. These meetings include:
8
9 focus, subcommittees, coordinator plan, PCAC
10
11 meetings, and other public meetings. I have also
12
13 reviewed the submitted recirculated draft EIR
14
15 regarding the project, and I stand before you and
16
17 for the public record in support of this project.
18
19 I believe the EIR adequately addresses
20
21 any potential impact it has on the local
22
23 community. The impacts are acceptable to the
24
25 benefits that this project will bring to our
26
27 community.
28
29 These benefits include: replacing
30
31 facilities that are past -- well past their useful
32
33 lifetime, invigorates barren land, it is proposed
34
35 to complete a promenade, it increases the value
36
37 for property adjacent thereto, it provides many
38
39 needed supplies and services to boaters and
40
41 adjacent areas, and it will improve local
42
43 roadways.
44
45 In addition to all of these things,
46
47 the economics of this project include up to
48
49 60 million dollars in a total development cost.
50
51 And I might add, it's not just those development
52
53 costs, but it's to the people who have already
54
55
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5 risked capital in the adjacent areas that is very
6
7 important to having thought that this project
8
9 would have already been completed by now.

39-4

10
11 In addition to the infusion of
12
13 capital, it will create 400 full-time jobs at the
14
15 time it is built out and an additional 190
16
17 seasonal jobs, all of which will increase city,
18
19 county, and property taxes. That will help us in
20
21 these dire economic times.

39-5

22
23 The criticism that I take from
24
25 attending all these meetings regarding the project
26
27 is, I think, focused on the height of the dry
28
29 storage. The proposed dry storage is several
30
31 stories high, but it is beneficial to boaters. It
32
33 allows for reasonable storage of boats. While we
34
35 do see traffic and the need for additional boat
36
37 ramps in the area, I do not believe that height
38
39 should be the sole criteria that this project is
40
41 judged on. I would ask you just to consider other
42
43 buildings in the local area; including, the
44
45 municipal building, the Logicon building, the
46
47 Sheraton building, and the Harbor Department
48
49 building that we are sitting and standing in this
50
51 evening.

39-6

52
53 Finally, if height was the only
54
55
56
57
58
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1 0009
2
3
4
5 requirement, I believe that Warehouse 1, which has
6
39-6 | 7 been declared a national historic monument, which
8
9 is higher than this, nobody is saying that that
10
11 should be torn down.

12
13 In conclusion, I believe this project
14
15 and the benefits that it brings to the community
16
39-7 | 17 far outweighs any detriment that you may have; and
18
19 I strongly urge that the Harbor Department support
20
21 this project as well as the EIR submitted.

22
23 Thank you very much.

24
25 MR. JIRIK: Thank you, Mr. Nizich.

26
27 MR. HAGNER: Mr. Havenick.

28
29 MR. HAVENICK: Good evening. I'm Richard
30
31 Havenick.

32
33 I'm on the Port Advisory Committee,
34
35 and I'm also the chair of the focus group that was
36
37 assigned to evaluate the Westrec proposal.

38
39 I bring to you a letter that I'm
40
41 submitting from the PCAC established through
42
43 resolution filed by the PCAC.

44
39-8 | 45 In review of the Draft Supplement
46
47 Impact Report, the Port Advisory Committee submits
48
49 the following comments and requests specific
50
51 responses:

52
39-9 | 53 "1) Improvements related to

54
55
56
57
58
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1 0010
2
3
4
5 Marina (renovation/construction) in the
6
7 effected area are widely supported with
8
9 consensus. Boat owners and community
39-9 10
11 members agree that improvements to the
12
13 existing marine are absolutely necessary
14
15 now, and we request that such efforts move
16
17 forward as soon as possible."
18
19 "2) The Port Advisory Committee
20
21 identified a total of 15 recommendations for
39-10 22
23 modification to the EIR concept proposal,
24
25 and we include them as Attachment A."
26
27 Further, the Port Advisory Committee
28
29 Focus Group which studied the EIR has questions in
30
31 response to the Summary of Impacts/Levels of
39-11 32
33 Significance included in the EIR, technical
34
35 questions concerning statements made and the
36
37 evaluation of the degrees of impact. We submit
38
39 that as Attachment B.
40
41 We support efforts to improve or
42
39-12 43 construct Marina facilities at the subject
44
45 location and request that such efforts advance
46
47 quickly.
48
49 We oppose the project proposal as
39-13 50
51 currently defined, due largely to the proposal for
52
53 construction of facilities, which would result in
54
55
56
57
58
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1 0011
2
3
4
5 blight of ocean views in the local community and
39-13 6
7 which are contrary to concepts proposed by widely
8
9 respected urban waterfront planning professionals.
10
39-14 11 Please respond to our comments 1 and 2
12
13 above, under the Attachments A and B.
14
15 I'd like to also tell you that last
16
17 Thursday, we made significant progress thanks to
18
19 Westrec and Nick Tonsich and Camilla Kocol to
20
21 proceed with discussion concerning the
22
23 recommendations for modification. And we hope to
24
25 continue it so that we can support this project.
26
27 I'd like to list for you, rather than
28
29 the 15 recommendations for modification, the
30
31 issues of concern that will likely remain as
32
33 established by PCAC.
34
35 The listing of issues, I'm not going
36
37 to state what the specific issue is. I'm going to
38
39 state the category.
39-15 40
41 The first one is plans for a public
42
43 boat ramp.
44
45 The second one is the area north of
46
47 22nd Street.
48
49 The third, design for roadway
50
51 modifications.
52
53 The fourth, a 40-foot height limit.
54
55
56
57
58
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1 0012
2
3
4
5 The fifth, buildings should be limited
6
7 to the 50 thousand square feet maximum size.
8
9 Six, surface parking lots larger than
10
11 one acre should be prohibited; structure parking
12
13 should be required.
14
15 A public sailing facility within that
16
17 project.
18
19 Plans, designs for the public
39-15 20 promenade which would be consistent with the WATCH
21
22 Report.
23
24 Plans for retail, commercial, and
25
26 restaurant buildings.
27
28 And the last item for resolution and
29
30 continuing dialogue, we hope, is, we oppose
31
32 construction of the proposed dry stack storage
33
34 building.
35
36
37 Thank you.
38
39 MR. HAGNER: Thank you.
40
41 Don Martin, please.
42
43 MR. MARTIN: I'll waive.
44
45 MR. HAGNER: You waive, okay.
46
47 Bill Roberts, please.
48
39-16 49 MR. ROBERTS: As a long time boat owner and
50
51 sailor in this area, I'm really looking forward to
52
53 this development. It's long overdue, as most of
54
55
56
57
58
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1 0013
2
3
4
39-16 | 5 you know.
6
7 It seems that one of the problems with
8
9 the Westrec designs, the one that I've really
10
11 heard most about is the dry stack storage
12
13 building. I have a suggestion that perhaps might
14
15 be considered.
39-17 | 16
17 I would propose that we have no dry
18
19 stack storage building, that we use that property
20
21 area for mast-up storage. That is a lot easier to
22
23 handle than pigeonholing these boats,
24
25 particularly, sailboats that have to take the rigs
26
27 down.
28
29 My second suggestion along that line,
30
31 and you probably think that there's not room
32
33 enough for all the boats, is to utilize the
34
35 storage buildings along the east channel. The
36
37 east side of the east channel is pretty -- been in
38
39 limbo it seems to me for years. That's the old
39-18 | 40
41 Johnson Line Dock, and vessels aren't coming in
42
43 there anymore except the vessels for the fruit
44
45 ships from South America, which come in on the
46
47 west side of that channel. And they're not there
48
49 very often.
50
51 I have been down there and looked over
52
53 the situation. My first thought was that we've
54
55
56
57
58
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39-18

1 0014
2
3
4
5 got a dry stack storage building in Warehouse
6
7 No. 1. However, on further examination, I found
8
9 that the elevators in that building really aren't
10
11 deep enough to handle more than 10- or 14-foot
12
13 boats. However, the bottom floor of that building
14
15 could be used. And as you know, it's about a mile
16
17 long and would certainly take a lot of boats in
18
19 there.
20
21 I talked to one of the fellows that
22
23 was working there in the building, and he
24
25 suggested my idea -- or his idea of using the --
26
27 can't think of the name now, of the buildings
28
29 across the street along Signal Street. It seems
30
31 to me they would be ideal because they're right on
32
33 the water. We could have some hoists there right
34
35 at the dock. We could have a floating platform
36
37 down below and a stairway down to it. They could
38
39 swing the boats out over and launch them very
40
41 well. This has been done in the past by the
42
43 Cabrillo Beach Yacht Club, which I was a member of
44
45 up at the 22nd Street end of the landing -- of the
46
47 waterway.
48
49 So these are ideas that seem to me
50
51 might make some sense, and I wish that the Harbor
52
53 Department or Westrec or both would consider
54
55
56
57
58
59 COMPEX LEGAL SERVICES, INC. (800) 794-9484

1 0015
2
3
4
5 these.
6
39-18 7 And I thank you very much for your
8
9 attention.
10
11 MR. JIRIK: Thank you.
12
13 MR. HAGNER: Thank you, Mr. Roberts, before
14
15 you leave, I'm just having trouble tonight. What
16
17 is your street address, the street?
18
19 MR. ROBERTS: I beg your pardon?
20
21 MR. HAGNER: 3736?
22
23 MR. ROBERTS: 3736 Bluff Place.
24
25 MR. HAGNER: Oh, Bluff. I'm sorry. Thank
26
27 you very much.
28
29 Noel Park, please.
30
31 MR. PARK: My name is Noel Park. I'm the
32
33 president of the San Pedro Peninsula Homeowners
34
35 Coalition. I'm also a board member of the
36
37 Palisades of San Pedro, which is a constituent
38
39 group of the Coalition. I'm also a member of the
40
41 Port Community Advisory Committee.
42
43 And I would say that the Homeowners
44
45 Coalition and the Palisades residents have passed
46
39-19 47 resolutions very similar to what Mr. Havenick just
48
49 read into the record. We're in total support on
50
51 everything that Mr. Havenick had to say. I was at
52
53 the so-called PCAC meeting when that resolution
54
55
56
57
58
59 COMPLEX LEGAL SERVICES, INC. (800) 794-9484

1 0016
2
3
4
5 was voted; and it was voted by an overwhelming
6
7 majority, something on the order of 17 to 2, or 17
8
9 and 2 abstentions. That resolution wasn't taken
10
11 lightly. I think Mr. Nizich referred to
12
13 enumerable committee meetings to consider the
14
15 thing. It was then taken up to the PCAC and voted
16
17 by substantial majority.

18
19 I'm also a member of the Coastal San
20
21 Pedro Neighborhood Council, and we discussed this
22
23 issue at length last night. And I think it's fair
24
25 to say that the Neighborhood Council is in support
26
27 of that resolution, most particularly the
28
29 objection to the dry stack storage warehouse.

30
31 We're just -- in all of these groups
32
33 that I speak for, are in opposition to this
34
35 project as it's presently configured.

36
37 I would also hastily acknowledge that
38
39 at the last subcommittee meeting of the PCAC
40
41 that's charged with looking at this project that
42
43 Commissioner Tonsich and Commissioner Kocol
44
45 attended and, you know, expressed some substantial
46
47 willingness to change this project in response to
48
49 the communities' concerns but that just, I think,
50
51 leaves us confused because we don't know how that
52
53 works. We appreciate their being forthcoming, but

54
55
56
57
58
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1 0017
2
3
4
5 we're dealing with this configuration that's shown
6
7 in this EIR; and we don't know how to address a
8
9 different project. We don't even understand why
39-22 10
11 if there's a substantial expectations, there will
12
13 be a differently configured project that we're
14
15 discussing this EIR at this time.
16
17 The Port Community Advisory Committee
18
19 begged the Harbor Commission to delay issuing this
39-23 20
21 EIR until it had time to work through these
22
23 issues, but the Harbor Commission declined to do
24
25 so.
26
27 Speaking specifically, I would like
28
29 to -- and not in a particular order, but speaking
30
31 to the traffic element of this, looking at the
32
33 traffic studies, we can't understand why the
34
35 intersections of 22nd and Mesa Street and 22nd
36
37 Street and Pacific Avenue were not studied. Also,
39-24 38
39 I dare say, the intersection of 22nd and Gaffey
40
41 Street.
42
43 The intersection of 22nd and Pacific
44
45 is severely backed up at commute hours now; this
46
47 can only add to that. Many people access this
48
49 Marina down 22nd Street as opposed to Harbor
50
51 Boulevard. That intersection is -- I drive that
52
53 way every night, and I detour substantially to
54
55
56
57
58
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1 0018
2
3
4
5 miss that. And the poor souls that don't get to
6
39-24 7 sit through at least two or three lights,
8
9 particularly to make the left-turn movement from
10
11 westbound 22nd onto southbound Pacific. The
12
13 intersection's a mess at commute times.
14
15 I'd like to speak to the issue of air
16
17 quality. While the air quality impact of this
18
19 compared to some of the Port's giant other
20
21 projects is not so big, we object to this finding
22
39-25 23 that there's no feasible mitigation for the air
24
25 quality impacts. Clearly the Port can -- or its
26
27 tenants can go to one of the dozens of huge
28
29 container terminals on the Port and make some
30
31 arrangement to lessen the massive emissions from
32
33 those container terminals to offset the emissions
34
35 that are coming out of this project.
36
37 And we also are puzzled and dismayed
38
39 by the sort of tortured interpretation of
40
41 Mayor Hahn's policy of "No Net Increase," whereby
42
39-26 43 it seems to be that the Port's policy is that
44
45 projects will increase emissions, but that some
46
47 day in the glorious future, a grand miracle will
48
49 occur and all those increased emissions will
50
51 disappear.
52
53 If you don't do it on a case-by-case
54
55
56
57
58
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1 0019
2
3
4
5 basis, we doubt that it's ever going to be done.
6
39-26 7 And we object to that as, you know, disrespectful
8
9 to the Mayor and/or may become an accomplice in a
10
11 public relations exercise with no basis, in fact.
12

13 We've been commenting on this EIR for
14
15 four years. We sent out our first comment letter
16
17 in January of 1999. There's never been any
18
19 response to it. We've sent several other letters
20
21 in the interim asking about the status, and we
22
23 never got a meaningful response to any of them
24
25 either.

39-27 26
27 I would just direct your attention to
28
29 those letters as far as the record of this and say
30
31 that our objections that we voiced then are just
32
33 as appropriate now, we believe, as they were then.
34

35 And most particularly -- and it's all
36
37 bound up in -- I'll just go through my points. I
38
39 just want to refer to those letters.
40

41 "We would like you to look at the
42
43 water quality of Cabrillo Beach, inner beach as
44
45 part of this study. This is all part and parcel
46
47 of the issue of the boat launch ramp relocation or
48
49 augmentation. The water quality there gets an
50
51 "F" every single month. Something has to be done
52
53 about it.
54

55
56
57
58
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1 0020
2
3
4
5 We're concerned about the amount of
6
7 retail and office space cited in this EIR.
8
9 There's lots of empty retail and office space in
10
11 Phase I, and we question the wisdom of
12
13 establishing more. One of our dearly held
14
15 planning principals for the revitalization of San
16
17 Pedro was not to establish new businesses to
18
19 compete with our existing businesses. We look to
20
21 you not to do that.
22
23 I'd like to cite a few things directly
24
25 out of this document, if you'll just bear with me
26
27 while I look at a couple of these references. I
28
29 don't know if this is gonna work or not; I'm gonna
30
31 give it a try.
32
33 On page 2.6, it says, "although the
34
35 cite plan includes future development parcels 2A
36
37 and 2C north of 22nd Street," those parcels are
38
39 not currently proposed for development by Westrec.
40
41 And they're are not discussed in the future -- in
42
43 further in this recirculated draft EIR.
44
45 I think one of the things that was in
46
47 Richard's comments that we want to reiterate
48
49 again, is that we're opposed at this time to
50
51 committing to any development north of 22nd
52
53 Street.
54
55
56
57
58
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39-29

39-30

1 0021
2
3
4
5 The Urban Land Institute has been
6
7 active in San Pedro. We're waiting for its report
8
9 to be issued. It's recommended that that property
10
11 be used for residential development. Urban Land
12
13 Institute is one of the foremost urban planning
14
15 groups of the United States. And we just hope
16
17 that you will not go forward on that property
18
19 until such time as those recommendations are
20
21 properly considered.
22
23 There's also the relationship of that
24
25 to the Pacific Avenue Quarter Redevelopment
26
27 Project, which is also not considered here.
28
29 I just have to reference some of the
30
31 this stuff. It's just way too much to write it
32
33 all down.
34
35 One of the sections in this EIR is
36
37 land use, and it refers and incorporates many of
38
39 the existing planning efforts in the San Pedro
40
41 area. And I just quote on page 3.1-4, "San Pedro
42
43 Community Plan sets forth the following bills and
44
45 objectives to maintain the communities'
46
47 individuality. Preserving and enhancing the
48
49 positive characteristics of existing residential
50
51 neighborhoods of all, providing variety of
52
53 compatible new housing opportunities, improving
54
55
56
57
58
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39-30

39-31

39-32

1 0022
2
3
4
5 the function, design, and economic vitality of the
6
7 commercial quarters, preserving and enhancing the
8
9 positive characteristics of existing uses that
10
11 provide the foundation for community identity;
12
13 such as, scale, height, bulk, setbacks, and
14
15 appearance."
16
17 Policy 6-2.1, "that the scenic and
18
19 visual qualities of San Pedro be protected as a
20
39-32 21 resource of community as well as of regional
22
23 importance with permitted developments cited and
24
25 designed to protect the views to and along the
26
27 ocean, harbor, and scenic coastal areas, minimize
28
29 the alteration of natural land forms, be visually
30
31 compatible with the character of the surrounding
32
33 area, and prevent the blockage of existing views
34
35 for designated public scenic view areas and scenic
36
37 highways."
38
39 You know, this dry stack storage
40
41 building is going to be 900 feet long, 220 feet
42
43 wide, 65 feet high. It's about the size of two or
44
45 three Costcos strung together. And yet, somehow
39-33 46
47 in the aesthetic section of this EIR, we're able
48
49 to ascertain that that has no aesthetic impact.
50
51 We're pleased to see the Port considering
52
53 aesthetic impact, which in the past it has not
54
55
56
57
58
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1 0023
2
3
4
5 done. But you cannot draw that conclusion. We
6
7 object to that. And this EIR is replete with
8
9 references to the protection of scenic views and
10
11 so on and so forth. And we just believe that that
12
13 flies in the face of that whole concept.
14

15 Also, we have a problem with the
16
17 traffic at the corner of Swinford Street and
18
19 Harbor Boulevard, and we believe that the
20
21 mitigations offered here when considered with the
22
23 cumulative impact from the giant China Shipping
24
25 Terminal are not going to deal with issues that
26
27 are raised by the -- at that intersection.
28

29 I'd like to speak to the issue of
30
31 cumulative impacts. One of the problems that the
32
33 committee has had with this EIR and led to several
34
35 of the recommendations that were made in
36
37 Mr. Havenick's comments had to do with cumulative
38
39 impacts. And I'm searching for this reference
40
41 because I want to read it into the record, so I
42
43 hope you'll just bear with me for a minute here.
44
45 I've lost my way in the EIR. It's easy to do.
46

47 Well, in any case, the citation is
48
49 here in the EIR, and the citation is that it's the
50
51 duty of the Environmental Impact Report -- ah-ha,
52
53 "the cumulative impacts from several projects are
54
55
56
57
58
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39-35

1 0024
2
3
4
5 the change in the environment which results from
6
7 the incremental impact of the project when added
8
9 to other closely related past, present, and
10
11 reasonably foreseeable probable future projects."
12
13 And the issues around the relocation
14
15 and the widening of Miner Street and several
16
17 others in that list are directly related to that.
18
19 And there are reasonably foreseeable projects. We
20
21 dimly peering through the mirk here of various
22
23 negotiations, but I just offer this document to
24
25 you that was brought to the coordinated plan
26
27 subcommittee of the PCAC last week which clearly
28
29 shows the long rumored item No. 7, "Outer Harbor
30
31 Cruise Terminal."
32
33 So, you know, our concern is that if a
34
35 cruise terminal and/or any of the other uses that
36
37 are rumored for that site out there come to be,
38
39 what's gonna be the impact of that on all these
40
41 other things we've discussed here: air quality,
42
43 traffic, street relocation, et cetera?
44
45 We think that needs to be considered
46
47 here because clearly something is going on on that
48
49 piece of property. And the Port Community
50
51 Advisory Committee has asked repeatedly to be
52
53 allowed into the inner circle to understand what
54
55
56
57
58
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1 0025
2
3
4
5 that's about. And no such information is
6
7 forthcoming.
8
9 Couple more things, and I'll quit.
10
11 And that is that, again, I would compliment the
12
13 Port on looking into the issue of light and glare
14
15 in this Environmental Impact Report, which has
16
17 clearly not been the practice in the past. But we
18
19 cannot understand how you can say that there's no
20
21 impact of light and glare. Clearly, there will be
22
23 impact. Now, the impact may not be as huge as a
24
25 container terminal's. Some may say, "Oh well,
26
27 it's not a very big impact, so we'll just say
28
29 there's no impact." But that doesn't work for us.
30
31 If you're gonna put new street lights
32
33 down Miner Street; for example, there will be an
34
35 impact of both light and glare, "glare" being
36
37 defined in here as, "whatever light's directly
38
39 visible."
40
41 So there's no discussion in here of
42
43 what kind of light fixtures are going to be used.
44
45 Are you gonna use full cut off modern light
46
47 fixtures, or are we gonna see the ones we see all
48
49 over San Pedro where the bulb hangs down below the
50
51 shade, create a direct impact of glare? It's not
52
53 appropriate to say that, Well, maybe there's a
54
55
56
57
58
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1 0026
2
3
4
5 little bit, but nobody will notice it because
6
7 there's a lot of light and glare in the
8
9 background. That's been done since time out of
10
11 mind, and it's unacceptable. There will be an
12
13 impact of that, and we deplore it's not being
14
15 considered and mitigated.
16
17 Finally, I'll just end up with the
18
19 issue of environment justice. And there, again, I
20
21 compliment the Port on considering environmental
22
23 justice in this Environmental Impact Report, which
24
25 was not done in the past. There's no requirement
26
27 under CEQA which would address environmental
28
29 justice; however, two recent state California laws
30
31 have begun to focus attention on the topic within
32
33 the state. The City of Los Angeles' general plan
34
35 has adopted environmental justice policies as
36
37 outlined in the framework element in the
38
39 transportation element. And I'll just quote you a
40
41 few lines out of the discourse on environmental
42
43 justice. "Including affirmative efforts to inform
44
45 and involve environmental groups, especially
46
47 environmental justice groups in early planning
48
49 stages through notification and two-way
50
51 communication."
52
53 Okay. We've been asking for
54
55
56
57
58
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39-36

39-37

39-37

1 0027
2
3
4
5 notification and two-way communication and early
6
7 involvement on this project for four years, and
8
9 none has been forthcoming. The next paragraph,
10
11 "Assure the fair and equitable treatment of people
12
13 of races, cultures, incomes, and educational
14
15 levels with respect to the development and
16
17 implementation of city-wide transportation
18
19 policies and programs, including affirmative
20
21 efforts to inform and involve environmental
22
23 groups, especially environmental justice groups in
24
25 the planning and monitoring process through
26
27 notification and two-way communication." And then
28
29 just down below that, not belabor the point, "all
30
31 people in Los Angeles are entitled to equal access
32
33 to public open space and recreation, clean water,
34
35 and uncontaminated neighborhoods. All planning
36
37 and regulatory processes must involve residents
38
39 and community representatives in decision making
40
41 from start to finish."
42
43 Okay. This is right out of your EIR.
44
45 That is not been the case on this project. And I
46
47 would just cite the recent action of the Board,
48
49 the Harbor Commissions in rejecting the PCAC's
50
51 request in not bringing this EIR forward, as
52
53 evidence of that.
54
55
56
57
58
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1 0028

2

3

4

5

Now, the other thing that I'd say is

6

that this finds that there is no impact of

7

environmental justice. And it says, "both the

8

short-term and long-term air quality impacts

9

associated with the proposed project are regional

10

impacts incrementally affecting the entire South

11

Coast Air Basin. These impacts would not

12

disproportionally affect the low income and

13

minority populations within one mile of the

14

project site," which we submit is ridiculous.

15

16

I mean, the diesel emissions affect

17

the people who are closest first and more; and

18

there are numerous studies being cited in the

19

newspapers recently to the effect that people who

20

live downwind of freeways, for example, are --

21

experience higher incidents of cancer, asthma,

22

COPD, et cetera, than people who live upwind of

23

freeways. So to say that these low-income

24

neighborhoods that are immediately adjacent aren't

25

any more affected than people who live a long ways

26

away, you know, it speaks for itself.

27

28

And then, we have the justification

29

for why this has been -- is okay. So let me read

30

this paragraph to you and I'll finish. "Los

31

Angeles Harbor Department has made considerable

32

33

34

35

36

37

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39-37

1 0029
2
3
4
5 effort to provide public outreach in all segments
6
7 of the population beyond what is minimally
8
9 required by CEQA guidelines. All EIRs are the
10
11 subject of public meetings at locations and times
12
13 convenient for the affected community. Prior to
14
15 the document being submitted to the Board of
16
17 Harbor Commissions, that must be this." That is
18
19 not public involvement from start to finish.
20
21 Okay. Turn back the page and read what it says.

39-37

22
23 So we object to this project as it's
24
25 presently configured, and we really object to the
26
27 treatment of the issues like environmental justice
28
29 where what we're faced with here -- with all due
30
31 respect, is bureaucratic double-talk.

39-38

32
33 Thank you.
34
35 MR. HAGNER: Thank you.
36
37 MR. JIRIK: One request, Mr. Park, you
38
39 presented a document during your comment, I would
40
41 ask that you submit a copy.
42
43 MR. PARK: This one?
44
45 MR. JIRIK: Yes. Thank you very much.
46
47 MR. HAGNER: Teresa Nelson.
48
49 MS. NELSON: My name is Teresa Nelson, and
50
51 I've lived in the San Pedro area for 24 years, and
52
53 within the Pennsylvania area for over 30 years.
54
55
56
57
58
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1 0030
2
3
4
5 And I have noted that this area -- I've watched it
6
7 from when it used to be the old Fort MacArthur
8
9 warehouse site, how that was changed out to the
10
11 Cabrillo Marina Phase I Project. That definitely
12
13 was an enhancement to the community. I applaud the
14
15 Port for going forth with that project here some
16
17 years back.

18
19 I have -- I own property also in the
20
21 immediate area. I own three homes, and the one
22
23 thing that I've done through the years even in the
24
25 1980's when redevelopment was a hot issue, as it
26
27 is today, is not seen anything happen because
28
29 certain individuals in the community want to kill
30
31 projects just for something that can be
32
33 compromised and modified.

39-39

34
35 With this project I have been
36
37 attending, and I am a member of the Crescent
38
39 Avenue Residential Association. I live off of
40
41 19th and Mesa area, so I'm very close to this
42
43 area. I see it every day. And what I have
44
45 noticed is the fact of the complaints about the
46
47 original proposed 65-foot stack facility as
48
49 blocking views. I've seen -- and from the
50
51 original proposal, this is a hands-down issue that
52
53 would enhance the community, to improve the
54
55
56
57
58
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1 0031
2
3
4
5 beautification of the community, to take care of
6
7 what we've been missing for too many years of
8
9 wrapping the Marina around, also to avoid any
10
11 39-39 other projects that could be developed; such as
12
13 warehousing containers, which would create even
14
15 more of a problem than what this proposed project
16
17 would do for the community.

18
19 The one thing that I have done is
20
21 taken the due diligence in hearing what some of
22
23 the community individuals have complained about
24
25 with this stack facility. I have taken the time
26
27 to walk from one end of Crescent Avenue to the
28
29 other around the Dalmation Center from 21st Street
30
31 and beyond. Both, several times day and night to
32
33 39-40 get a visual of what the stack facility would
34
35 really block. What I really see it blocking are
36
37 the warehouses and Warehouse 1 behind it, that it
38
39 would not have a direct impact on anybody's view
40
41 as an overall issue. The structure itself is
42
43 downward. It's not point blank across the street
44
45 from any of the residential areas that do exist in
46
47 the immediate area.

48
49 I've also taken the due diligence to
50
51 39-41 drive to Warehouse 1, which stands 85 feet. I
52
53 have literally looked at the height of that, tried
54
55
56
57
58
59 COMPLEX LEGAL SERVICES, INC. (800) 794-9484

1 0032
2
3
4
5 to envision what the original proposed 65-foot
6
7 facility would encompass as far as a height
8
9 obstruction or variance and so on. And I really
10
11 cannot see where it is such, you know, gigantic
12
13 area -- facility that would just totally destroy
14
15 the view that anybody would have from any
16
17 direction, with the exception of the Dalmation
18
19 Center. That would be the point-blank obstruction
20
21 and view of any minor proportions.
22
23 I also walk my dog every night at the
24
25 Cabrillo Marina and the one thing I have taken the
26
27 time is to stand in the plaza area between the
28
29 Hilton Hotel and the office buildings that exist
30
31 there. Those buildings are approximately about 55
32
33 feet in height. The proposed stack facility that
34
35 seems to be the biggest problem here is going to
36
37 be designed in the same aesthetic structure with
38
39 other trees, palm trees and so on.
40
41 So I do not see where this is going to
42
43 be like a Warehouse 1, just a sore eye, you know,
44
45 obstruction to the community and taking away from
46
47 that.
48
49 Also, the one thing that I have done
50
51 is taken the due diligence to even look at the
52
53 proposed plans, even recent understanding that
54
55
56
57
58
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1 0033
2
3
4
5 Westrec has listened to the community, has taken
6
7 due diligence in making recent modifications to
8
9 the stack facility, reducing the height to where
10
11 it -- the proposed project as it exists today
12
13 would be 50 feet in the center. They tiered it
14
15 off to where it's going to be in three different
16
17 structures winged off with 40 foot total height
18
19 facilities.

39-44

20
21 This will be on the corner of 22nd
22
23 Street and Miner/Harbor Boulevard. It's not going
24
25 to be as though it's up by 22nd and Mesa Street,
26
27 which would definitely have been a problem if that
28
29 was the case for traffic concerns. But with this,
30
31 it shows that the developer has heard and has made
32
33 some compromises. And with that structure, I see
34
35 it even improving the so-called concerns of any
36
37 visual obstructions to almost eliminating them,
38
39 almost in extreme contrast.

39-45

40
41 The current thing that I noticed when
42
43 walking around the Marina is that we only have one
44
45 sewage pump site for the boaters. I've heard from
46
47 people that I know that own boats in that area
48
49 that there are boaters that violate the law and
50
51 dump -- because there is only one site to dump,
52
53 they literally dump in the harbor, their sewage

54
55
56
57
58
59 COMPLEX LEGAL SERVICES, INC. (800) 794-9484

1 0034
 2
 3
 4
 5 from their boats.
 6
 7 With the proposed project by
 8
 9 redistricting, they will put numerous waste pump
 10
 11 39-45 locations, which are -- I've learned are called
 12
 13 pump-outs that would accommodate what does not
 14
 15 exist today. So they are dealing with the water
 16
 17 pollution issues that are not being currently
 18
 19 addressed, but will be addressed in this project.
 20
 21 Also, there will be a boat launch on
 22
 23 the south end with a mast storage, so that is also
 24
 25 being accommodated. We will see the promenade
 26
 27 39-46 wrap around that will enhance people that want to
 28
 29 enjoy the harbor more in total, to feel safe to be
 30
 31 able to walk and enjoy. At this point, no one
 32
 33 walks on that end.
 34
 35 The way that I look at it, they're
 36
 37 addressing retail issues, concerns for both
 38
 39 boaters and also bringing in possibilities of
 40
 41 restaurants both low and high end. There's all
 42
 43 39-47 sorts of opportunities that this project does
 44
 45 enhance for the community and does improve the
 46
 47 community and the value of the community in that
 48
 49 immediate area.
 50
 51 And I'm extremely in favor of this
 52
 53 project. I do not see where it will cause any
 54
 55
 56
 57
 58
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1 0035
2
3
4
5 complications but only add to the community. And
6
7 I feel that Westrec should be commended for their
8
9 due diligence to adhere to the public's concerns
10
11 in making the current modifications.

39-47

12
13 Anyway, I thank you so much.

14
15 MR. JIRIK: Thank you.

16
17 MR. HAGNER: Thank you very much.

18
19 Frank O'Brien. And then Norman Tuck,
20
21 you're on deck.

22
23 MR. O'BRIEN: Good evening. My name is
24
25 Frank O'Brien. I'm here representing the L.A.
26
27 Harbor-Watts Economic Corporation, and we'll be
28
29 submitting written comments. So this evening I'd
30
31 like to just focus on three aspects of the project
32
33 as described in the draft Environmental Impact
34
35 Report.

39-48

36
37 First off, the site is public land.
38
39 It's coastal property; and as such, it's not
40
41 simply a public resource, but it's a scarce public
42
43 resource. So what we might be allowed to do on
44
45 our own property, I think, isn't the right model
46
47 to use. This level of oversight is entirely
48
49 appropriate and really necessary. And I
50
51 appreciate Westrec's willingness to engage in --
52
53 but they have to understand, as we all do, that

54
55
56
57
58
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1 0036
2
3
4
5 this is a scarce public resource that we have to
39-48 6 manage prudently.
7
8
9 The draft EIR is, in our view, it's a
10
11 good start; but it's really insufficient as an
12
13 information document, which is the standard under
14
15 CEQA. And the points that the PCAC chair Richard
16
17 Havenick -- his focus group, chair Richard
39-49 18 Havenick described the, A through O point
19
20 so-called, we were in support of those provisions
21
22 and those comments. And I'd like to address my
23
24 comments in detail to three of them starting with
25
26 the promenade.
27
28
29 Although the WATCH Report that was
30
31 developed to begin work on the promenade specified
32
33 40 feet as the target width of the promenade, in
34
35 the case of Cabrillo II, we are not urging strict
36
37 adherence to a numerical standard. There's no
38
39 litmus test number that we think is the measure of
39-50 40 success in providing public access. The project
41
42 has to be considered in its totality, and we look
43
44 forward to -- if there are modifications, which we
45
46 hope that there will be, we look forward to
47
48 looking at the project in its totality and not
49
50 subjecting it to a strict numerical test.
51
52
39-51 53 That same principal applies to the
54
55
56
57
58
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1 0037
2
3
4
5 structures on the site, we believe. The key
6
7 guideline in evaluating the success of a building,
8
9 particularly a building along the waterfront isn't
10
11 necessarily a size. It has to do with scale, with
12
13 context, with the architectural detail, with the
14
15 surrounding buildings, how well it fits onto the
16
17 site. The current dry stack, unfortunately,
18
19 doesn't do that. And for that reason, we would --
20
21 the term "O," which is the present dry stack
22
23 storage is not acceptable.
24

39-51

25 But I would urge my fellow San Pedrans
26
27 and others who are looking at this to keep an open
28
29 mind, and when we look at the final project, to
30
31 evaluate it in its totality. And hopefully, the
32
33 outlook can consider things like the organic
34
35 shapes, walkways and power pits, clock towers,
36
37 green features that would make all the structures
38
39 on the site have less than a significant adverse
40
41 impact on aesthetics, which is the standard in
42
43 CEQA.
44

39-52

45 The context of this, and it was
46
47 interesting that Bob Nizich, I think, correctly
48
49 mentioned other Harbor area buildings that are
50
51 quite attractive; the post office, the Maritime
52
53 Museum, Warehouse 1, the Catalina Terminal over in
54
55
56
57
58
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39-53

1 0038

2

3

4

5 Wilmington, the municipal fish dock. The

6

7 interesting thing about those buildings is that

8

9 they're almost in all cases built by public

10

11 agencies. And a public agency is maximizing not

12

13 just the utility of the building, hopefully, but

14

15 also the public benefit of aesthetics and other

16

17 things.

18

39-53

19 A private applicant doesn't have quite

20

21 that same imperative. A private applicant is

22

23 looking to maximize return on investment,

24

25 generally, has to be given incentives or

26

27 encouragement to consider context and scale and

28

29 the other things.

30

31 So we hope that the Port and the PCAC

32

33 and the applicants can come to some agreement on

34

35 this. But the dry stack as proposed is not

36

37 acceptable, as it's been stated.

38

39-54

39 Finally, as Noel Park addressed, I

40

41 also want to talk about the issue of cumulative

42

43 impacts. It's very critical that this project be

44

45 seen in the context of an overall waterfront

46

47 development plan. We know that we're just the

48

49 beginning now of what is going to be a very

50

51 exciting and interesting and challenging series of

52

53 developments from the bridge to the breakwater.

54

55

56

57

58

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39-54

1 0039
2
3
4
5 And although we don't know exactly what's going to
6
7 be going where in all cases, it's important that
8
9 as we go forward, that we evaluate projects with
10
11 meaningful cumulative impact analysis.
12
13 And what that means is, we don't want
14
15 to have one little piece that has no impact and
16
17 one other little piece that has none, et cetera,
18
19 until we wake up in the morning and we find that,
20
21 in fact, the roads are crowded. I think the roads
22
23 are crowded already. And that's, in fact, part of
24
25 the problem because we didn't do it right the
26
27 first time.
28
29 And so what we're suggesting here is
30
31 that among other things, an adequate cumulative
32
33 impact assessment be done on the traffic. And if
34
35 we don't know what those projects are, that we
36
37 make some assumptions. And what we're
38
39 recommending is a high, low, and medium density
40
41 assumption, so that we can all begin to make
42
43 meaningful decisions about, Are our streets wide
44
45 enough? Are we trying to build too much? Maybe
46
47 we should scale back because we don't want to have
48
49 this much traffic?
50
51 Those are all important decisions that
52
53 we can make together, but we have to have the
54
55
56
57
58
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39-54

1 0040
2
3
4
5 information. And we can't have the information if
6
7 we simply deny that there's going to be future
8
9 projects. There will be.

10
11 So we'll detail this in writing. I
12
13 don't need to get into any more specifics about
14
15 that.

39-55

16
17 Lastly, there is the question of water
18
19 quality in terms of cumulative impact in the inner
20
21 harbor. It doesn't have the high water quality
22
23 that we need it to have. That is due to the
24
25 series of projects that have been built over the
26
27 years. This project will add more recreation
28
29 usage to the inner harbor. And it's a good
30
31 starting point to develop a really meaningful
32
33 water quality plan to get the grade from an "F"
34
35 which I think it is right now -- at least that was
36
37 the last I saw in the paper -- to much higher
38
39 quality. And we have responsibility to do that,
40
41 the Port does, the PCAC, we all do.

42
43 So this project can be a good way to
44
45 identify measures to reach those goals. And we'll
46
47 be detailing these concerns and others in writing.

48
49 Thank you.

50
51 MR. HAGNER: Thank you very much.

52
53 Norman Tuck, please. And Renee Simon

54
55
56
57
58
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1 0041
2
3
4
5 will be next.
6
7 MR. TUCK: Good evening, my name is Norman
8
9 Tuck. I'm a 45-year resident of San Pedro, 34
10
11 years on the waterfront as a longshoreman. And
12
13 the view from my house looks right down 22nd
14
15 Street. I'm also a member of the San Pedro
16
17 Coastal Neighborhood Council, the governing board.
18
19 Some of the issues I'd like to raise
20
21 which stand out very clearly in the EIR is to
22
23 preserve the scenic and visual quality of the
24
25 coastal areas. Now, having already said that I've
26
27 been 34 years a longshoreman, I've worked in every
28
29 one of those warehouses that we presently have
30
31 down there. None of them are 65 feet tall, other
32
33 than the historic landmark at the end of Miner
34
35 Street.
36
37 When we look at the master plan or
38
39 presume that we're looking at a clear master plan
40
41 of what's going to happen from the bridge to the
42
43 breakwater and the promenade, it was very clearly
44
45 laid out and a good presentation, Mr. O'Brien.
46
47 That this piecemeal effort that is taking place to
48
49 satisfy the needs of our community and the
50
51 infrastructure of the Port, the economic necessity
52
53 of the growth, the enlargement of the Marina as it
54
55
56
57
58
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39-56

1 0042
2
3
4
5 is in coming into Phase II, we are absolutely
6
39-56 7 against the size and square footage and cubic
8
9 footage of the dry stack facility.
10
11 My first thought on what may or could
12
13 be done would be to dig down and put a couple of
14
15 stories of this dry stack facility under ground.
16
17 Knowing that the high tide level would create a
18
19 possible problem -- and I'm not an engineer, and
20
21 engineers probably or should look at that
22
23 question. Right now we have a real industrial
24
25 feel in San Pedro. We're currently fighting with
26
27 the Port, as we have for many, many years over the
28
39-57 29 pollution. We fight with our employer, Pacific
30
31 Maritime Association, over the pollution in the
32
33 Port.
34
35 So what this industrial feel that we
36
37 have, and we already know it is in place from the
38
39 Vincent Thomas Bridge going north towards
40
41 Wilmington and down into Long Beach, that there is
42
43 no real stopping of that function. But we
44
45 residents of the community feel that we need
46
47 compatibility for those folks in the community,
48
49 those other folks that want to come in and use the
50
51 facilities in your community; and most of us
52
53 really don't believe that this is
54
55
56
57
58
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1 0043
2
3
4
5 community-friendly, the way it is set up for
39-57 6
7 Phase II.
8
9 So when we look at what is the time
10
11 frame for demolition of these warehouses that I
12
13 spoke about earlier that I worked in, and when you
14
15 begin to get a feel for the industrial side of
39-58 16
17 this Port is, and the community side is, we're
18
19 looking at the reduction by taking away those
20
21 existing warehouses. Now, that's gonna take away
22
23 jobs, but those jobs will be fulfilled in other
24
25 sections of the West Coast.
26
27 So we have to ask, When is this
28
29 demolition going to take place of these other
30
31 warehouses? When that happens, we would have a
32
33 flat plane, but what's being proposed is an
34
35 abnormally high building to be put in its place.
39-59 36
37 There will be a speaker after me who
38
39 will come up, who will be more representative of
40
41 the Coastal San Pedro Neighborhood Council, who
42
43 will put into the record that we will submit more
44
45 in writing. But the Council has taken a position
46
47 against this dry stack storage as it's planned
48
49 now.
50
51 We are also taking the position that
39-60 52
53 the retail development on the north side of
54
55
56
57
58
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1 0044
2
3
4
39-60 | 5 22nd Street is unacceptable in its present plan.
6
7 Having been a past officer of the
8
9 Longshore Union for many years, I've had many,
10
11 many dealings with this Port, none of them very
12
13 good. And I have said on many occasions, and as
14
15 soon as last night, that there has been a real
16
17 arrogance on the part of the Port.
18
39-61 | 19 Now, it's time for the Port Harbor
20
21 commissioners and those outside companies that
22
23 want to involve themselves in this Port to listen
24
25 to what the community needs. We are having a
26
27 fight with air quality in the Basin, in general,
28
29 and now we're having a fight over height standards
30
31 on what is really necessary.
32
33 I have already pointed out,
34
35 economically, this is necessary. Phase II is
36
39-62 | 37 necessary, but it has to be tied into the master
38
39 plan. We still have no clear, defined line where
40
41 this master plan is most representative to all of
42
43 us in the community.
44
45 So I wouldn't go on. I've got many
46
47 questions, and I suppose the best thing to do is
48
49 to put them in writing.
50
39-63 | 51 I am fortunate to be able to go to the
52
53 Island of Kauai quite often. And on the Island of
54
55
56
57
58
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39-63

1 0045
2
3
4
5 Kauai on the south shore, as opposed to Oahu and
6
7 Waikiki, the high limits there are, that you
8
9 cannot build above the palm trees. And the palm
10
11 trees are about 40, 45 feet tall. So if we can
12
13 kind of keep those kinds of Aloha spirits in our
14
15 mind, and the company -- the Westrec that wants to
16
17 build this facility, if they kind of take on the
18
19 Aloha spirit with us here in San Pedro, we might
20
21 come to some common ground sometime soon; and we
22
23 can go on with those necessary things that the
24
25 community needs. And let's hope that we'll all
26
27 work together on it.

28
29 Thank you very much for your time.

30
31 MR. JIRIK: Thank you.

32
33 MR. HAGNER: Thank you very much.

34
35 Renee Simon and then Richard Mandolay.

36
37 MR. MANNILA: Mannila.

38
39 MR. HAGNER: Mannila, excuse me.

40
41 MR. MANNILA: I'm gonna pass for right now.

42
43 MR. HAGNER: Okay. I'll put you at the end
44
45 of the list.

46
47 MS. SIMON: Good evening, my name is Renee
48
49 Simon. I'm a member of the Board of the Central
50
51 San Pedro Neighborhood Council. I'm the council's
52
53 representative to PCAC, and I'm here tonight on
54
55

56
57
58
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1 0046
2
3
4
5 behalf of the Central San Pedro Neighborhood
6
7 Council.

8
9 We heard the presentation made by
10
11 Westrec, and -- which certainly sparked a great
12
13 deal of conversation to date; and as such, we
14
15 formed a subcommittee in December of the
16
17 governing -- at the governing board and
18
19 stakeholders meeting to discuss this.

39-64

20
21 Among our concerns are those which
22
23 have already been expressed: the height of the
24
25 dry storage stack, the size of the building, the
26
27 lack of a second public boat ramp, and the retail
28
29 development north of 22nd Street.

39-65

30
31 Our concern is that this EIR, as
32
33 presented, places the project in a vacuum. It was
34
35 done four years ago. A great many things have
36
37 happened in that four years, not the least, which
38
39 is the formation of the PCAC, the neighborhood
40
41 councils, yet we had no opportunity to really have
42
43 any meaningful input before this EIR as originally
44
45 presented was resubmitted.

39-66

46
47 We have also concluded that the jobs
48
49 that would be created by this project are most
50
51 likely minimum wage jobs, service jobs. This is a
52
53 service-type of business, and those are not the

54
55
56
57
58
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1 0047
2
3
4
5 kind of jobs that do enhance the economic status
6
7 of the community. There's no evidence that
8
9 Cabrillo Phase I has done anything to improve the
10
11 economic status of the surrounding community,
12
13 which is the concern of the Central San Pedro
14
15 Neighborhood Council.

39-66

16
17 We have also been concerned that this
18
19 project is being put forward at a time when
20
21 there's been a great deal of progress on having
22
23 some kind of comprehensive plan that would take in
24
25 all of the commercial interests, all of the
26
27 community interests, and again to do yet another
28
29 piecemeal development is not necessarily the best
30
31 way to move forward at this particular point. To
32
33 make a meaningful statement, this project should
34
35 be put on hold until such time as these
36
37 comprehensive plans are further along and
38
39 certainly will determine whether this is the best
40
41 use of this particular piece of property.

39-67

42
43 So therefore, we adopted a resolution
44
45 with the vote of ten "yes" and two abstentions, an
46
47 overwhelming vote of our Board and the resolution
48
49 is that we oppose the development of the Cabrillo
50
51 Phase II Project and all piecemeal development,
52
53 except as part of the comprehensive plan. That

39-68

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1 0048
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3
4
5 comprehensive plan must be presented to our
39-68 6
7 Council for review, input, and approval.
8
9 Thank you.
10
11 MR. JIRIK: Thank you.
12
13 MR. HAGNER: Thank you very much.
14
15 Robert Gelfand.
16
17 Robert, before you go, can I get your
18
19 address, so we can respond to your comments in the
20
21 final EIR?
22
23 MR. GELFAND: 672 West 24th Street, No. 1
24
25 90731.
26
27 MR. HAGNER: West 24th?
28
29 MR. GELFAND: Yes.
30
31 MR. HAGNER: Okay. Thank you very much.
32
33 MR. GELFAND: Okay.
34
35 I'm gonna wear two hats. The first
36
37 speaking very briefly as the vice president of the
38
39 Coastal San Pedro Neighborhood Council, I want to
40
41 report to this body that we did meet a couple of
42
39-69 43 months ago, passed a resolution, and as Mr. Tuck
44
45 pointed out, we will submit a copy in writing.
46
47 But simply to summarize some of the major points,
48
49 we oppose the dry stack. We opposed it, period.
50
51 More specifically, the dry stack
52
53 storage facility.
54
55
56
57
58
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1 0049
2
3
4
5 Second of all, we called for a halt to
6
7 all planning and construction and development on
8
9 the land north of 22nd Street, that is listed as a
10
11 part of this project. And I'll be speaking a
12
13 little bit of history of that discussion in a
14
15 minute or two.

16
17 We called for a halt on further
18
19 planning and construction and development on the
20
21 area south of 22nd Street. And both of these
22
23 calls for a halt were not permanent or in --
24
25 forever. It had to do with pending the
26
27 development of an integrated plan, a master plan,
28
29 so that we can put together a plan for the whole
30
31 area bridge to breakers that we'll work with the
32
33 community and so on and will be done with public
34
35 inputting, including that of Neighborhood Councils
36
37 under the authority granted by the new Charter of
38
39 the City of Los Angeles.

40
41 We also, by the way, pointed out that
42
43 we do support doing the simple repairs to the
44
45 docks and the addition of the boat launch ramp in
46
47 the project area, which we saw is essentially
48
49 unremarkable and certainly not anything we
50
51 opposed. Actually, we supported it quite
52
53 vigorously. Okay. That's the report from the
54
55
56
57
58
59

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1 0050
 2
 3
 4
 5 Coastal San Pedro Neighborhood Council. And we
 39-72 | 6
 7 passed that officially again by vote of the
 8
 9 council in open and public session.
 10
 11 Next thing, I'd like to take a couple
 12
 13 of minutes to speak on my own behalf as a member
 14
 15 of the community and a resident; and you even
 16
 17 asked me my address. You know where I live.
 18
 19 I think the EIR process is an
 20
 21 extremely important process. It's something which
 22
 23 is enshrined in our law. It was put in as a very
 24
 25 important reform of piecemeal development. It's
 26
 27 something that's needed, but it's a really dumb
 28
 29 way to try and redesign a project based on
 30
 39-73 | 31 political issues, design issues, and in a way
 32
 33 to -- it's the wrong time to take public input on
 34
 35 the way we think of this design in terms of how it
 36
 37 will serve the community, which are grasping for
 38
 39 well, There's an environmental justice issue here.
 40
 41 Well, yeah, there really is an environmental
 42
 43 justice issue here. And I'll get into that in 30
 44
 45 seconds.
 46
 47 The plan, as I looked at it -- and
 48
 49 it's a very thick book. It's not very appealing.
 50
 39-74 | 51 I don't -- I'm not at all convinced that this will
 52
 53 bring lots of tourist traffic or that it will be
 54
 55
 56
 57
 58
 59 COMPEX LEGAL SERVICES, INC. (800) 794-9484

1 0051
2
3
4
5 an asset to the community outside of the
39-74 6
7 boat-owning community.
8
9 One little thing that I noticed,
10
11 having lived in other parts of the country, we
12
13 have these old warehouses. If you look briefly at
14
15 the EIR, this thing actually has some historical
16
17 interest to them. They go way back. And if you
18
19 look at the history of old structures in other
20
21 places, like Union Station in Indianapolis or lots
22
23 of structures in San Francisco or the Riverfront
24
39-75 25 district in Little Rock, all kinds of places like
26
27 that, you'll find that communities have made use
28
29 of old structures. They've refurbished them,
30
31 they've fixed them up, and they've appreciated
32
33 them as an asset. They really bring people to
34
35 them. They kind of like it, rather than a sterile
36
37 looking structures that we have along 22nd Street.
38
39 I mean, these are really dull structures that they
40
41 propose to build.
42
43 Second of all, this project seems to
44
45 be a multi-million dollar gift to the yacht
46
39-76 47 owners. I think there is something in that
48
49 project which involves a swimming pool at a yacht
50
51 club. Well, let me call to your attention the
52
53 fact that we've had a series of discussions at the
54
55
56
57
58
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1 0052
2
3
4
5 Coastal San Pedro Neighborhood Council of the fact
6
7 that we didn't have swimming facilities in this
8
9 community for the public, for the kids who live
10
11 here. One pool is closed down for repairs; one
12
13 pool has been closed down for many years. There's
14
15 a scout camp and facility which is on Port public
16
17 property, which is basically kind of rented out to
18
19 groups. And again, it's not traditionally been a
20
21 public facility.
22

39-76

23 So here we have a chance to do
24
25 something like create a public facility and public
26
27 swimming, public boating. I think of the old
28
29 paddleboards that they had down in Newport Bay,
30
31 way back when, Balboa Bay; and I don't really see
32
33 anything there. What I see is facilities for big
34
35 expensive boats. Doesn't do anything for me.
36

37 Next, our president of our
38
39 Neighborhood Council, Doug Everhardt (phonetic)
40
41 has pointed out to me repeatedly that there's an
42
43 approximately 2,000-foot interruption in the
44
45 promenade that would be put into the plan as a
46
47 result of that proposed dry stack boat storage
48
49 facility. It's not our only objection, but it
50
51 certainly is a significant objection.
52

39-77

53 Okay. Next point, in the EIR process
54
55
56
57
58
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39-78

1 0053
2
3
4
5 under state law, we're invited to imagine
6
7 alternative approaches, not the least is the
8
9 do-nothing approach. I think there's an official
10
11 title for that.
12
13 But there's -- besides the do-nothing
14
15 alternative, several speakers here already in the
16
17 last minutes have kind of stolen my thunder.
18
19 There's an alternative approach to planning, which
20
21 is completely ignored in this entirely premature
22
23 release of the EIR. And the alternative process,
24
25 if allowed to percolate, if allowed to develop,
26
27 would inevitably result in a different plan. And
28
29 the alternative plan is exactly what has been
30
31 coming out of the public process.
32
33 There have been numerous meetings. It
34
35 began with the RRN Design Group, the meetings that
36
37 Mr. Keith Gurney held; and we as a community,
38
39 hundreds and hundreds of people on a monthly basis
40
41 came to these meetings and talked about what the
42
43 community would like to see. There's your
44
45 environmental justice part right there. And it's
46
47 not just a theoretical mathematical construct that
48
49 somebody's written on a blackboard somewhere.
50
51 It's something like 2,000 people total
52
53 participated in those meetings over the course of
54
55
56
57
58
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1 0054

2

3

4

5 months and months.

6

7 And out of that integrated plan, we

8

9 started to think about, Okay, if we're going to

10

11 build here and we're going to tear down here, and

12

13 we're going to put something else here, we have

14

15 the traffic issue. And that traffic issue

16

17 involves integrating what we would like to see as

18

19 a rejuvenation of the downtown San Pedro Corridor

20

21 with the Waterfront District. And once you start

22

23 to talk about that, you have to start to think

24

25 about, Well, there's parking and there's trucks

26

27 and there's Harbor running Miner. And then we

28

29 start to think about, Well, there is the street

30

31 that runs off 22nd Street and runs down to the

32

33 scout camp, all kinds of issues.

34

35 And I don't think it's required of me

36

37 that I give you a solution to those problems right

38

39 now. At this point, the EIR doesn't have them.

40

41 It speculates on perhaps opening, I think, it's

42

43 called Shoshonean to limit one-way boat traffic.

44

45 What a stupid idea. I mean, it might be right to

46

47 do that. There's lots of issues here, but you

48

49 have a critically important public resource, which

50

51 is the waterfront. We have a street that runs

52

53 down past the scout camp down to the Cabrillo

54

55

56

57

58

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39-79

1 055
2
3
4
5 Aquarium, much under-appreciated facility, at
39-79 6
7 least from what I understand from reading this
8
9 EIR. And it's kind of ignored.
10
11 Meanwhile, you have the traffic
12
13 backing up onto Pacific Avenue, and nobody's
14
39-80 15 figured out the very obvious point that you could
16
17 remove the kiosk, the entrance to that parking lot
18
19 at Cabrillo Beach and put it somewhere further
20
21 down the hill and do a lot to solve that problem.
22
23 So we have, as an alternative, an
24
25 integrated planning process which is not
26
27 theoretical, which is not pie-in-the-sky. It's
28
39-81 29 going on. And what does the Port offer us? They
30
31 offer us this -- almost this big surprise. This
32
33 October surprise, if you will. It's not a good
34
35 idea.
36
37 And the last point I want to make, and
38
39 thank you for indulging me for spending this much
40
41 time, is part of the RRN Design discussions -- and
42
43 I'm actually speaking of the very first public
44
39-82 45 meeting that occurred at the Dalmation American
46
47 Club -- we did an exercise, hundreds of us, where
48
49 we put little green and red stickers on
50
51 suggestions -- by the way, we as a Neighborhood
52
53 Council have asked to get the numbers and reports
54
55
56
57
58
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1 0056
2
3
4
5 from that numerous times, we've asked the Port,
6
7 and we've never been successful in doing that.
8
9 But I do remember looking at the
10
11 results at least visually, and at least
12
13 qualitatively one could tell there was an
14
15 39-82 overwhelming sentiment amongst the public against
16
17 using that area, the open space area north of 22nd
18
19 Street; for example, parking for the yacht clubs
20
21 that are already there. Public is opposed to it.
22
23 Public supported use of that property for open
24
25 space.
26
27 So what do we see on the EIR? We see
28
29 what, boat sales yards, like retail and so on.
30
31 39-83 This is something that just should be thrown out.
32
33 That whole part of the project should be abolished
34
35 in the least and left to some future generation in
36
37 six months or a year to figure out what to do.
38
39 I'll stop there. Thank you.
40
41 MR. HAGNER: Thank you very much. Richard,
42
43 would you like to avail yourself at this point?
44
45 MR. MANNILA: No.
46
47 MR. HAGNER: Do you still want to defer to
48
49 the end?
50
51 And if anyone else would like to
52
53 speak, just give me a card.
54
55
56
57
58
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39-84

1 0057
2
3
4
5 MR. MANNILA: I'm going to be very brief in
6
7 my statement and will follow-up with writing a
8
9 letter.
10
11 I'm Richard Mannila, the developer and
12
13 the owner of 22nd Street Landing Seafood Grille.
14
15 I represent the restaurant and also the sports
16
17 fishing at 22nd Street Landing.
18
19 We're very interested in seeing the
20
21 second phase of the Marina move forward. I
22
23 understand there's some -- you know, Westrec
24
25 modifications of the building were designed,
26
27 landscaping, whatever, we think is very critical
28
29 if it does move forward.
30
31 By way of background, I entered the
32
33 scene on this development in 1987 as a developer
34
35 with restaurant background out of San Francisco.
36
37 At the time, a man by the name of Steve Delenbeck
38
39 (phonetic) tells me they want to move forward on
40
41 the second phase of the Marina, and we're going to
42
43 be the key element. And they wanted to build a
44
45 16,000 foot building on the site. At the time,
46
47 the head of the sports fishing operation, Frank
48
49 Hall, didn't want to do a 16,000 foot building.
50
51 He said 8,000 would be adequate. I agreed that we
52
53 take 4,000 feet on the top floor, you take another
54
55
56
57
58
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1 0058
2
3
4
5 4,000 feet on the bottom floor, and we do this
6
7 development. And at the time, Steve Delenbeck
8
9 said, "No. You've got to go forward with 16,000
10
11 square feet because you're going to lead the
12
13 second phase of Phase II Development."
14
15 And I said, "You know, Steve, that's
16
17 great; but if the second phase gets stalled out,
18
19 we're gonna be hanging out there waiting."
20
21 He said, "Dick, don't worry about it.
22
23 We're gonna -- this development is gonna move
24
25 forward and you're going to be the key feature of
26
27 it."
28
29 Well, we finish our restaurant, and we
30
31 finish the building for the landing in 1990. And
32
33 sure enough, the second phase of the Marina goes
34
35 on hold. The restaurant's a million-five cost to
36
37 develop. The building is another three and a half
38
39 million dollars, so we've got over five million
40
41 dollars that are already developed as part of the
42
43 second phase just sitting.
44
45 I've heard a lot things today -- or
46
47 some things today about water quality. Obviously,
48
49 the water quality in the Marina is -- a large part
50
51 of that is coming from the boats. And that's from
52
53 the lack of pump-out. We have a pump-out station
54
55
56
57
58
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1 0059
2
3
4
5 planned for 22nd Street Landing that is on hold.
6
7 The reason it's on hold is the old docks of ours
8
9 will not be moved until the second phase of the
10
11 Marina comes in because they have to be relocated.
12
13 At that time, a new pump-out station will go into
14
15 the Landing, as with other parts of the Marina.
16
17 I think, you know, throughout the
18
19 entire Marina, when you finish it, all of a sudden
20
21 you're gonna see an entirely different environment
22
23 within the Marina.
24
25 Payroll, the restaurant does
26
27 \$700,000 in payroll a year. When we finish the
28
29 development, that payroll will increase by another
30
31 40 percent. And the boat operation has a like
32
33 payroll. So we're probably talking 2 million
34
35 dollars, 2 and a half million dollars of payroll
36
37 just out of that one building that flows directly
38
39 into the community.
40
41 I mentioned before, we'll probably
42
43 follow-up with writing on this; but I'm in favor
44
45 of the development moving forward. I think
46
47 there's modifications that can be made in the
48
49 report. The key, we've been waiting -- it's been
50
51 12 years now. We're still sitting talking about
52
53 it, and I'd just like to see it happen.
54
55
56
57
58
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39-85

1 0060
2
3
4
5 Thank you.
6
7 MR. JIRIK: Thank you.
8
9 MR. HAGNER: Thank you very much.
10
11 Richard Pollick.
12
13 MR. PAVLICK: Pavlick.
14
15 MR. HAGNER: Pavlick. Oh, "V."
16
17 MR. PAVLICK: Thank you. My name is Richard
18
19 Pavlick. I'm a Crescent Avenue property owner,
20
21 member of Care of the Crescent Area Residents
22
23 Association. I'm a voting alternate to the PCAC
24
25 Subcommittee, and I think I'm an alleged community
26
27 activist.
28
29 Anyway, to start off, I'd like to
30
31 start off with the Crescent Area Residents
32
33 Association Mission Statement. Two years ago --
34
35 in excess of two years ago, we adopted a statement
36
37 that says, "We oppose the obstruction of
38
39 residents' existing view of ocean, harbor, Marina,
40
41 ships, or boats; and we'll work to ensure that
42
43 future landscaping and construction is consistent
44
45 with the San Pedro Coastal Specific Plan,
46
47 Ordinance No. 166,352, November 1990, City of L.A.
48
49 General Plan."
50
51 In addition to that, we have -- I
52
53 would like to just present a resolution that we
54
55
56
57
58
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39-86

39-87

1 0061
2
3
4
5 have formulated. This is in respect to this 65
6
7 foot tall, 900 foot long, 230 foot wide dry stock
8
9 storage building -- dry stack storage building.
10
11 It says, "The Crescent Area Residents Association
12
13 cares resolve to oppose the construction of a 65
14
15 foot tall dry stack boat storage warehouse at
16
17 Cabrillo Marina on the basis that the building
18
39-87 19 would be a significant obstruction to the views of
20
21 the harbor and ocean from the Crescent Avenue bike
22
23 path, which the city graciously granted us to ride
24
25 our bikes on." We would like to try to see the
26
27 ocean and boats and stuff from there also. I
28
29 guess we're getting a little greedy. In addition
30
31 to that, also, of course, from residences and
32
33 roadways in the area.
34
35 So these two kind of mesh together;
36
37 and I guess we have to take a look at what they're
38
39 trying to put down there. I've been to quite a
40
41 few different meetings and met the people from
42
43 Westrec. They're very nice people. I have no
44
45 personal qualms against them. The only problem
46
47 being, is that they're developers. And developers
48
49 want to make money. And so one of these aspects
50
51 of doing this would be to build a boat storage
52
53 area on a huge scale.
54
55
56
57
58
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1 0062
2
3
4
5 And our question is, What does this do
6
7 for the community? I mean, what does a boat
8
9 parking lot do for our area that brings boats in
10
11 from other parts of the area? I guess some of the
12
13 things it does provide is noise pollution, air
14
15 pollution, visual pollution, blight in the aspect
16
17 of this building, and the views it would block.

39-88

18
19 And we're talking here about an area
20
21 that is really headed in the other area. We're
22
23 talking here -- some of the concepts that I've had
24
25 presented to me was; for instance, the promenade
26
27 concept indicates that one of the high ideas of
28
29 the promenade concept is access to the water. And
30
31 that includes visual access to the water.

39-89

32
33 The Urban Waterfront Planning
34
35 principals, again, says, "Visual access to the
36
37 water should be a prevailing objective." So we
38
39 have another thing indicating that this is a
40
41 unique space. It's a unique area. You're able to
42
43 see the water, and we want to continue to see it.
44
45 I don't have to walk up and down Crescent Street
46
47 to see it. I can walk out my front door and stand
48
49 on the porch and see it. So I guess I have that
50
51 advantage.

52
53 And from the manlifts that were
54
55
56
57
58
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1 0063
2
3
4
5 erected there by Westrec, that's a huge
6
39-89 7 obstruction that they intend to put in there. So,
8
9 of course, we'd be opposed to it.
10
11 Again, I'm indicating this in light of
12
13 what is -- appears to be happening in the area.
14
15 They're talking about taking down warehouses,
16
17 they're talking about taking down tank forms and
18
19 stuff like that, so -- which would open up the
20
21 view. And here, some people come in and say,
22
23 Let's close that view back up.
24
25 Just goes against the grain of what's
26
27 happening in this area. I think we have to take a
28
39-90 29 real long, hard look at this. I don't think that
30
31 there's any way that a dry stack storage building
32
33 in that proportions are acceptable to the
34
35 community.
36
37 Everybody I've talked to is against
38
39 it. We, of course, hold in course with the
40
41 Coastal San Pedro Neighborhood Council, who is
42
43 against it and has a resolution to that effect,
44
45 the Central San Pedro Neighborhood Council, who
46
47 has resolved against it, and various other
48
49 community groups.
50
51 Thank you.
52
53 MR. JIRIK: Thank you.
54
55
56
57
58
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39-91

1 0064
2
3
4
5 MR. HAGNER: Thank you very much.
6
7 Humberto Perez.
8
9 MR. PEREZ: Hi. I just wanted to say that
10
11 by the way things are going, the Port might as
12
13 well just build a dome around the residents and
14
15 project pretty images of blue sky and green grass
16
17 because that's pretty much all we have left.
18
19 If it wasn't for people like people
20
21 behind me fighting for me and residents the way I
22
23 do, I mean, where would the Port go? Where would
24
25 the thing end? I mean, where would we be?
26
27 We need to worry about the environment
28
29 and the people and listen to the people, and
30
31 that's what you're doing tonight.
32
33 But I hope you guys really do make a
34
35 change and not just sit here and blow hot air and
36
37 just, you know, manipulate us to whatever it is
38
39 you guys are doing.
40
41 Thanks.
42
43 MR. JIRIK: Thanks.
44
45 MR. HAGNER: Thank you.
46
47 I have come to the end of my comment
48
49 cards. Would anyone like to step forward at this
50
51 time and make additional comments? Anyone who
52
53 hasn't spoke?
54
55
56
57
58
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1 0065
2
3
4
5 Actually, Tom is not here; and we
6
7 really want to hear what the public has to say.
8
9 So if there's no one else who would
10 like to give comments, I'd like to thank you all
11 for coming down here and realize that you are all
12 very busy, some of you more busy than others, in
13 dealing with the Port issues.
14
15 But thank you very much, and when the
16 comment responses have been drafted, we will be
17 sending them to you before the Board of Harbor
18 Commissioners considers this EIR and the
19 development.
20
21 Thank you very much for attending.
22
23 MR. JIRIK: Thank you all very much.
24
25 (Whereupon the meeting was
26 concluded at 7:40 p.m.)
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59 COMPEX LEGAL SERVICES, INC. (800) 794-9484

Robert Nizich

Response to Comment 39-1

The LAHD acknowledges the commentor's support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project. No change has been made to the Recirculated Draft SEIR in response to this comment.

Response to Comment 39-2

The LAHD acknowledges the commentor's support of the adequacy of the Recirculated Draft SEIR and the overriding considerations of the impacts from the project. The comment will be forwarded on to the Board of Harbor Commissioners for consideration during the deliberations on the project.

Response to Comment 39-3

The LAHD acknowledges the commentor's support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project. No change has been made to the Recirculated Draft SEIR in response to this comment.

Response to Comment 39-4

The LAHD acknowledges the commentor's support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project. No change has been made to the Recirculated Draft SEIR in response to this comment.

Response to Comment 39-5

The commentor states support for the height of the dry stack storage building, in comparison with other buildings in the area. Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

Response to Comment 39-6

The LAHD acknowledges the commentor's comparison of the dry stack height to Warehouse 1. Please refer to Master Responses A and D regarding the

incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

Response to Comment 39-7

The LAHD acknowledges the commentor's support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project. No change has been made to the Recirculated Draft SEIR in response to this comment.

Richard Havenick

Response to Comment 39-8

The LAHD acknowledges receipt of the letter and the positions of the PCAC regarding the project, which is responded to in Response to Comment 32-3.

Response to Comment 39-9

PCAC states its support of improvements to the marina, including renovation and construction. The comment will be forwarded on to the Board of Harbor Commissioners for consideration during the deliberations on the project.

Response to Comment 39-10

The LAHD acknowledges PCAC's list of 15 recommendations for changes to the project. The suggestions have been noted, and the project has been revised to incorporate many of these changes. Please refer to Response to Comment 32-1. Please also refer to the Master Responses regarding project changes, dry stack storage, park inclusion, aesthetics and recreation, and the "Bridge-to-Breakwater" and promenade concepts. The LAHD believes that these changes address many of the commentor's concerns.

Response to Comment 39-11

The LAHD acknowledges receipt of the letter, including Attachment B, addressing concerns with the Recirculated Draft SEIR. Responses to this letter are contained in Responses to Comments 32-1 through 32-13, which responded to comments submitted by Richard Havenick for the PCAC Focus Group on January 15, 2003.

Response to Comment 39-12

See Response to Comment 39-9 above.

Response to Comment 39-13

The LAHD acknowledges the commentor's opposition to the project as previously proposed. Please refer to the Master Responses regarding project changes, dry stack storage, public gathering spaces, aesthetics and recreation, and the "Bridge-to-Breakwater" and promenade concepts. The LAHD believes that these changes address many of the commentor's concerns.

Response to Comment 39-14

The LAHD acknowledges receipt of the letter, including Comments 1 and 2 under Attachments A and B. These comments are completely and fully responded to in Responses to Comments 32-1 through 32-13, which respond to comments submitted by Richard Havenick for the PCAC Focus Group on January 15, 2003.

Response to Comment 39-15

The LAHD acknowledges the list of issues identified by the PCAC. These comments are responded to in Responses to Comments 32-1 through 32-13, which respond to comments submitted by Richard Havenick for the PCAC Focus Group on January 15, 2003.

Bill Roberts

Response to Comment 39-16

The LAHD acknowledges the commentor's support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project.

Response to Comment 39-17

The LAHD acknowledges the commentor's suggestion for substitution of the dry stack storage with a mast-up storage. The comment will be forwarded to the Board of Harbor Commissioners to consider during the deliberations on the project. A complete description of the revised project can be found in Chapter 1, "Executive Summary."

Response to Comment 39-18

The LAHD acknowledges the commentor's suggestion for utilizing the buildings along the East Channel for the dry stack storage. A preliminary evaluation of the potential for utilizing these buildings was conducted in response to comments presented on the project, and it was determined that these buildings could not feasibly handle the necessary capacity for the dry stack storage due to internal structural barriers and roof rafters that would preclude efficient use of the facilities. In addition, these buildings are not currently available because of long-term leases left on the use of these warehouses. It should also be noted that the dry stack facility has been changed from its previous form in response to public comment. Please refer to Master Response A and to the revised project description in Chapter 1, "Executive Summary."

Noel Park

Response to Comment 39-19

The LAHD acknowledges the position of the San Pedro Peninsula Coalition and the Palisades Residents Homeowners Association, and the support of the PCAC position on the project. The PCAC comments are responded to in Responses to Comments 32-1 through 32-13, which respond to comments submitted by Richard Havenick for the PCAC Focus Group on January 15, 2003.

Response to Comment 39-20

The LAHD acknowledges the position of the Coastal San Pedro Neighborhoods Council support of the resolutions adopted by the San Pedro Peninsula Coalition and the specific objection to the height of the dry stack storage building. Please refer to Master Response A and to the revised project description in Chapter 1, "Executive Summary." The LAHD believes that the project changes address many of the commentor's concerns.

Response to Comment 39-21

The LAHD acknowledges the opposition by the San Pedro Peninsula Coalition, the Palisades Residents Homeowners Association, and the Coastal San Pedro Neighborhoods Council to the project as presented in the Recirculated Draft SEIR. These comments will be forwarded to the Board of Harbor Commissioners during their deliberations on the project. Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts. The LAHD believes that these changes address many of the commentor's concerns.

Response to Comment 39-22

The comment regarding the commissioners' willingness to change the project is acknowledged. The Recirculated Draft SEIR evaluates the proposal as developed by Westrec Marinas. Based on comments received on the Recirculated Draft SEIR, the project has been substantially revised by the LAHD and Westrec Marinas. Please refer to Master Response A and to the revised project description in Chapter 1, "Executive Summary." The LAHD believes that the project changes address many of the commentor's concerns.

Response to Comment 39-23

The comment regarding the delay in release of the Recirculated Draft SEIR is acknowledged. The Recirculated Draft SEIR analyzes the proposed project submitted by Westrec Marinas. However, based on comments received during the Recirculated Draft SEIR public review period, the proposed project has been modified. Please refer to the revised project description in Chapter 1, "Executive Summary."

Response to Comment 39-24

In response to similar Recirculated Draft SEIR comments, new traffic counts were conducted at the 22nd Street/Mesa Street and 22nd Street/Pacific Avenue intersections in February 2003 and fully analyzed using the same techniques described in the Recirculated Draft SEIR, including one additional cumulative project as described in Response to Comment 34-11 (please also refer to Response to Comment 34-7). The analysis results show that the level of service at these intersections is C or better during all analyzed time periods (weekday AM and PM peak hours, weekend PM peak hour) and in all scenarios (existing, cumulative base and cumulative base plus project). Applying the City of Los Angeles significance thresholds, no project-related impact is projected to occur at either 22nd Street/Mesa Street or 22nd Street/Pacific Avenue and therefore no mitigation is necessary.

The comment states that the Recirculated Draft SEIR does not evaluate the intersection of 22nd Street and Gaffey Street for potential project-related impacts. Due to the relative distance from the project site and project-related trip distribution characteristics, the intersection of 22nd Street/Gaffey Street was not studied in the Recirculated Draft SEIR traffic analysis. It was determined that the intersection would receive fewer project trips than the 22nd Street/Mesa Street or 22nd Street/Pacific Avenue intersections, both of which are shown to operate at satisfactory levels of service during all peak hours and under both project and cumulative-with-project scenarios.

Recent traffic counts taken during the AM and PM peak periods (August 2002) and new traffic counts taken during the weekend midday peak period (June 2003)

were utilized to fully analyze this intersection using the same techniques described in the Recirculated Draft SEIR, and including the additional cumulative project as described in Response to Comment 34-11. Site visits were conducted to ascertain the existing lane configuration and signal phasing and to observe traffic conditions.

The results of this analysis are presented in the Table 3-5 below, which shows that this intersection is operating at LOS A during all analyzed time periods (weekday AM and PM peak hours, weekend PM peak hour) and in all scenarios (existing, cumulative base and cumulative base plus project). Applying the thresholds of significance utilized by the City of Los Angeles, no project-related impact is projected to occur at the intersection of 22nd Street/Gaffey Street; therefore no mitigation is necessary.

Table 3-5. Existing and Projected Levels of Service – 22nd Street & Gaffey Street

Intersection	Peak Hour	Existing		Cumulative Base		Cumulative Base Plus Project		Increase in V/C	Significant Impact
		V/C*	LOS	V/C*	LOS	V/C*	LOS		
22nd St. & Gaffey St.	AM	0.391	A	0.437	A	0.444	A	0.007	No
	PM	0.475	A	0.511	A	0.523	A	0.012	No
	Weekend	0.410	A	0.504	A	0.537	A	0.033	No

*V/C = Volume-to-capacity ratio

Response to Comment 39-25

The commentor is concerned with air quality mitigation. Based on comments received on the Recirculated Draft SEIR, additional construction-related air quality mitigation measures have been added to this Final SEIR (see Master Response F).

This mitigation will reduce diesel particulates from construction vehicles by 50 percent from uncontrolled levels. However, no additional mitigation is available to reduce operational impacts.

Response to Comment 39-26

The commentor is concerned with the “no-net increase” policy for air quality emissions in the Port and as it relates to the proposed project. As stated in air quality chapter, the LAHD’s “no net increase” policy is not meant to be included as a mitigation measure for each Port project. LAHD staff does not believe it is

the intention of the Board of Harbor Commissioners to hold individual projects immediately accountable for achieving “no net increase.” Even though the “no net increase” policy is not being applied to individual projects, the project’s proposed mitigation will substantially reduce diesel particulate emissions from construction activities. Please see Master Response G for additional information that addresses this comment

Response to Comment 39-27

The LAHD acknowledges the previous comments from the 1998 Draft SEIR. No responses were issued because the previous proposal was withdrawn. Although portions of the 1998 project have changed substantially from the current (revised) proposal, responses to letters received on the 1998 Draft SEIR are incorporated into this chapter under Section 3.6.6, “1998 Draft SEIR Comments and Responses.”

Response to Comment 39-28

In addition to the new water quality mitigation, and in support of the LAHD’s Clean Marinas program, Westrec Marinas has committed to installing an oil/water separator at the fuel dock for the treatment of bilge water. Boaters will be able to pump their dirty bilge water out at the fuel dock. The oil fraction will be collected for hazardous waste disposal or recycling, in accordance with current regulatory programs. The water will go to the sewer system for treatment.

Water quality impacts to the inner Cabrillo Beach area are expected to be less than significant. Please also refer to Response to Comment 37-4.

Response to Comment 39-29

The pending permit with Westrec Marinas has been modified to state that all uses must be reasonably and directly related to the operation of a public recreational vessel marina. To ensure market absorption for any proposed waterfront commercial uses, the permit conditions also state that no partial construction, empty building pads, or empty buildings shall be permitted on the premises.

As previously committed by the project applicant, retail elements of the proposed project will be subject to additional PCAC input. A revised concept design of the proposed project, incorporating community concerns as discussed above, is included in Chapter 1, “Executive Summary.”

Response to Comment 39-30

The proposed project has been revised to exclude the area north of 22nd Street. See Chapter 1, “Executive Summary,” regarding changes to the project description. The LAHD believes that these changes address many of the commentor’s concerns.

Response to Comment 39-31

The commentor is concerned with the Recirculated Draft SEIR’s consideration of the Pacific Avenue Redevelopment Quarter. The list of cumulative projects used in the analysis of the proposed project was prepared in September 2002. All projects identified by LADOT and by the LAHD with the potential to affect traffic at the study intersections were assigned to the street network and analyzed.

Response to Comments 39-32 and 39-33

Please refer to Master Responses A and D regarding the dry stack storage facility and associated visual impacts. A detailed visual impact analysis is provided, which evaluates the project with respect to the significance criteria established by the City of Los Angeles. In accordance with these criteria, it was determined that while impacts could occur, they would not exceed the level of significance due to the deficiency of existing visual character of the project area, the lack of notable aesthetic landmarks, and the lack of existing unobstructed panoramic views of the ocean beyond the project site.

In evaluating the modified dry stack building, the SMWM letter referenced in Master Response A states, “[t]here is some loss of open water view, but within the context of the other development in the area, these impacts are not overwhelming.” The SMWM letter further indicates that the modifications “might reduce the visual impact of the building from a number of vantage points. Based on the simulations, this massing change might reduce the impact and preserve some views to the water.” Therefore, project implementation would not substantially block or diminish views of the ocean or valued aesthetic character of the site.

From a CEQA visual impact perspective, the originally proposed project was found to be less than significant. The proposed structural and architectural modifications further reduce perceived impacts, consistent with community recommendations.

Response to Comment 39-34

A traffic and circulation analysis is provided in Recirculated Draft SEIR Chapter 3.2, “Transportation/Circulation.” The analysis includes a cumulative

evaluation of traffic, including traffic generated by the China Shipping operations. Trip generation estimates for the proposed West Basin Marine Terminal Improvements (China Shipping) were obtained from previous traffic studies prepared for projects in the vicinity and that traffic was assigned to the street system in the Recirculated Draft SEIR analysis of future conditions. The LAHD and its consultants are currently considering additional improvements that may be made at this location in the future to accommodate anticipated long-term growth in traffic. The proposed mitigation measure and the alternative mitigation measure described in Response to Comment 9-1 would not conflict with other improvements at this location that are currently under consideration.

Response to Comment 39-35

Miner Street south of 22nd Street is proposed to be a 60-foot pavement width within a 110-foot right-of-way in order to satisfy the inevitable traffic demands created by future development south of and adjacent to the project site. The Board of Harbor Commissioners, in responding to a briefing from staff concerning the cruise industry in the Port, directed staff to discuss with potential customers the feasibility of a cruise terminal at Berths 45-47. Additionally, several public comments on the Recirculated Draft SEIR requested consideration of future development at this location. Therefore, this Final SEIR has incorporated trip generation and traffic distribution modeling for the parcel bordering the project on the south. The revised traffic modeling analyzes the highest projected use (i.e., a potential cruise ship terminal). In addition, LAHD has extended the traffic analysis beyond those intersections identified by LADOT (as analyzed in the Recirculated Draft SEIR) to include three additional intersections identified by community concerns. The currently proposed modifications to Harbor/Miner south of 22nd Street will accommodate vehicles generated by either the highest trip generator (i.e., a cruise ship terminal) or by any number of potential lower intensity land uses.

Response to Comment 39-36

The Recirculated Draft SEIR analyzes impacts and proposes mitigation to reduce impacts from light and glare and aesthetics, as required by State CEQA Guidelines. Please see Master Responses A, B (which has details regarding light fixtures), and D for responses related to light and glare. A detailed impact analysis is provided in Recirculated Draft SEIR Chapter 3.5, "Light and Glare," which evaluates the project with respect to the significance criteria established by the City of Los Angeles. In accordance with those significance criteria, it was determined that while impacts could occur, they would not exceed the level of significance due to the existing visual context and the distances to the nearest receptors.

Response to Comments 39-37 and 38

As stated in Recirculated Draft SEIR Chapter 4, “Environmental Justice,” there is no requirement under CEQA to address environmental justice. Although not required, the LAHD included an environmental justice analysis that was consistent with environmental justice guidelines set forth by NEPA. The purpose of this analysis was to determine whether the proposed action is likely to have disproportionately high and adverse human health or environmental effects on low-income or minority populations. As a point of clarification, the analysis does not conclude that there will be no effect on such populations, only that there will not be a disproportionately high and adverse effect when considered with the affected population as a whole.

Regarding the environmental justice issues associated with air quality impacts, the highest risk is faced by those exposed to the highest concentration of a pollutant. Generally the highest concentration is found close to the source of the pollutant. However, several factors may alter this relationship, especially the topography and meteorology in the vicinity of an emissions source. Also, for some reactive pollutants, such as ozone, peak concentrations may occur up to 20 miles downwind from the emissions source. Please see Master Response F for discussion of the mitigation that has been added to further reduce construction- and operations-related emissions impacts.

Finally, the Recirculated Draft SEIR process included public outreach, alternative forms of distribution, Spanish translation, and the provision of an interpreter at community meetings. As these efforts indicate, the LAHD made a good faith attempt to include potentially affected minority and low-income populations in the planning process. Please also refer to Section 3.4, “Comment Review and Public Involvement,” which details how the Recirculated Draft SEIR public comment and response process has provided valuable community input into subsequent project planning efforts and project modifications.

Teresa Nelson

Response to Comment 39-39

The LAHD acknowledges the commentor’s support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project.

It should also be noted that the project has been revised to reduce the size and mass of the dry stack storage. Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts. Overall project changes can be found in Chapter 1, “Executive Summary.”

Response to Comment 39-40

The commentor states that there is a lack of visual impact from the proposed project. The comment will be forwarded to the Board of Harbor Commissioners to consider during the deliberations on the project.

Response to Comment 39-41

The commentor compares the project with the existing Warehouse 1 and states that there is a lack of visual impact from the project. The LAHD acknowledges the comment and will forward it to the Board of Harbor Commissioners to consider during the deliberations on the project.

Response to Comment 39-42

The commentor states that the project is proposed to have a design that is consistent with the office buildings and the Hilton Hotel in Phase I. The LAHD acknowledges the comment and will forward it to the Board of Harbor Commissioners to consider during the deliberations on the project.

Response to Comment 39-43

The LAHD acknowledges the commentor's support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project.

Response to Comment 39-44

The commentor correctly states that Westrec Marinas has modified the proposed plan for the dry stack storage building. Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts.

Response to Comment 39-45

The commentor correctly states that additional pumpout facilities would be provided as part of the project. The project will conform with the Clean Vessel Act Grant program, which established a recommended ratio of one pumpout per every 300 vessels with Type III MSDs. Although marinas still have other options within this program, the LAHD has opted to adopt the following new measures:

MM WQ-1.2: Coliform testing in the marina area shall be added to the on-going Port-wide Monthly Harbor Water Quality Survey program. Monitoring will provide an additional mechanism for tracking water quality changes over time and will provide evidence of localized problems to indicate a need for corrective actions.

MM WQ-1.3: Sewage pumpout installation and maintenance shall be performed in accordance with the guidelines and requirements of the Department of Boating and Waterways (DBW) and the State Water Resources Control Board (SWRCB). The project applicant shall design sewage pumpout facilities in accordance with the requirements of the state's Non-point Source Pollution Control Program administered by the SWRCB. The project applicant shall also use guidelines, developed by the DBW, that state all vessel terminals with a capacity for vessels 26 feet or longer should have one pumpout for every 300 slips 26 feet or longer. The sewage pumpout facility maintenance shall be in accordance with the state's Non-point Source Pollution Control Program.

MM WQ-1.4: Westrec Marinas shall install an oil/water separator at the fuel dock for the treatment of bilge water. The oil fraction shall be collected for hazardous waste disposal or recycling, in accordance with current regulatory programs. The water shall be directed to the sewer system for treatment.

MM WQ-1.5: Compliance with inventory and reporting program within LAHD's Clean Marinas Program. Westrec Marinas shall complete a mandatory slip and dry storage annual inventory of marine sanitation devices by type, and shall report to LAHD Environmental Management Division.

Response to Comment 39-46

The commentor states that a boat launch will be provided near the dry stack storage and the promenade would wrap around the site to provide enjoyment of the harbor. The LAHD acknowledges the commentor's support for the project, and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project.

Response to Comment 39-47

The LAHD acknowledges the commentor's support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project.

Frank O'Brien

Response to Comment 39-48

The commentor states that the project should be held to a higher level of public scrutiny and involvement due to its location on public lands. The comment also expresses appreciation for the applicant's willingness to engage the public. The LAHD acknowledges the comment and will forward it to the Board of Harbor Commissioners to consider during the deliberations on the project.

Response to Comment 39-49

The LAHD acknowledges the L.A. Harbor-Watts Economic Corporation's support of the PCAC comments previously presented. Extensive research and analysis has gone into the Recirculated Draft SEIR analysis of the proposed project, and the CEQA document has been prepared in accordance with the CEQA Guidelines.

Response to Comments 39-50

The project does include a pedestrian promenade as part of the overall concept plan. As the commentor suggests, public access would be provided to the waterfront. While the promenade would not strictly implement elements of the WATCH report, it would be consistent with its overall intent. The LAHD would like to point out that the proposed project would be consistent with the promenade guidelines, which list principles regarding an overall project design as listed in the WATCH report. The project would provide a distinctive, original, creative design that has been created by professional designers. Most notably, the project would begin the process of creating a decorative, pedestrian-friendly promenade that would extend from bridge to breakwater and would include design themes consistent with existing waterfront areas.

Please also refer to Master Responses C and E regarding the proposed modifications to the promenade and its consistency with the WATCH report guidelines.

Response to Comment 39-51

The commentor states opposition to the dry stack storage as currently proposed. It should be noted that the project has been revised to reduce the size and mass of the dry stack storage. Please refer to Master Responses A and D regarding the incorporation of public input, modifications of the proposed dry stack storage facility, and the resulting reduction of associated visual impacts. The LAHD believes that these changes address many of the commentor's concerns.

Response to Comment 39-52

The Recirculated Draft SEIR currently evaluates the impact of the project in its totality as currently proposed. As noted previously, the project has been modified to reduce the size and mass of the dry stack storage, eliminate the development north of 22nd Street, and reduce the retail components. These changes to the project are described in the project description in Chapter 1, “Executive Summary.”

Response to Comment 39-53

The LAHD and Westrec Marinas have considered the comments from PCAC and the community, and have revised the project, including reducing the scale and mass of the dry stack storage building. These changes to the project are addressed in Chapter 1, “Executive Summary.” The LAHD believes that these changes address many of the commentor’s concerns.

Response to Comment 39-54

Please refer to Master Response E regarding the “Bridge-to-Breakwater” master plan concept.

A complete analysis and disclosure of cumulative effects has been provided in the Recirculated Draft SEIR in accordance with State CEQA Guidelines. Cumulative traffic impacts are addressed in Recirculated Draft SEIR Chapter 3.2, “Transportation/Circulation.” This analysis includes a cumulative evaluation of traffic, including traffic generated by other reasonably foreseeable projects in the vicinity of the Port. The LAHD and its consultants have made their best efforts to predict and evaluate the reasonable, foreseeable, direct and indirect, and cumulative environmental impacts of the proposed projects’ impacts as it relates to environmental resources, including traffic and circulation. CEQA does not require the LAHD to engage in speculation about impacts that are not reasonably foreseeable. The list of cumulative projects used in the analysis of the proposed project was prepared in September 2002. All projects identified by LADOT and the LAHD that could potentially affect traffic at the study intersections were included and assigned to the street network.

The Board of Harbor Commissioners, in responding to a briefing from staff concerning the cruise industry in the Port, directed staff to discuss with potential customers the feasibility of a cruise terminal at Berths 45–47. Additionally, several public comments on the Recirculated Draft SEIR requested consideration of future development at this location. Therefore, this Final SEIR has incorporated trip generation and traffic distribution modeling for the parcel bordering the project on the south. The revised traffic modeling analyzes the highest projected use (i.e., a potential cruise ship terminal). In addition, LAHD has extended the traffic analysis beyond those intersections identified by LADOT

(as analyzed in the Recirculated Draft SEIR) to include three additional intersections identified by community concerns. The currently proposed modifications to Harbor/Miner south of 22nd Street will accommodate vehicles generated by either the highest trip generator (i.e., a cruise ship terminal) or by any number of potential lower intensity land uses. Miner Street south of 22nd Street is proposed to be a 60-foot pavement width within a 110-foot right-of-way in order to satisfy the inevitable traffic demands created by future development south of and adjacent to the project site.

Response to Comment 39-55

In response to this and similar comments, the Recirculated Draft SEIR has been modified to explicitly describe the proposed project conformance with the Clean Vessel Act Grant program, which established a recommended ratio of 1 pumpout per every 300 vessels with Type III MSDs. Although marinas still have other options within this program, the LAHD has opted to adopt the following measures:

***MM WQ-1.2:** Coliform testing in the marina area shall be added to the on-going Port-wide Monthly Harbor Water Quality Survey program. Monitoring will provide an additional mechanism for tracking water quality changes over time and will provide evidence of localized problems to indicate a need for corrective actions.*

***MM WQ-1.3:** Sewage pumpout installation and maintenance shall be performed in accordance with the guidelines and requirements of the Department of Boating and Waterways (DBW) and the State Water Resources Control Board (SWRCB). The project applicant shall design sewage pumpout facilities in accordance with the requirements of the state's Non-point Source Pollution Control Program administered by the SWRCB. The project applicant shall also use guidelines, developed by the DBW, that state all vessel terminals with a capacity for vessels 26 feet or longer should have one pumpout for every 300 slips 26 feet or longer. The sewage pumpout facility maintenance shall be in accordance with the state's Non-point Source Pollution Control Program.*

***MM WQ-1.4:** Westrec Marinas shall install an oil/water separator at the fuel dock for the treatment of bilge water. The oil fraction shall be collected for hazardous waste disposal or recycling, in accordance with current regulatory programs. The water shall be directed to the sewer system for treatment.*

***MM WQ-1.5:** Compliance with inventory and reporting program within LAHD's Clean Marinas Program. Westrec Marinas shall complete a mandatory slip and dry storage annual inventory of marine sanitation devices by type, and shall report to LAHD Environmental Management Division.*

Norman Tuck

Response to Comment 39-56

The commentor is concerned with the size of the dry stack storage building and its visual effects. The project has subsequently been revised, including reducing the scale and mass of the dry stack storage building. Please refer to Master Responses A and D regarding the applicant's proposed modifications to the dry stack storage building and the comparative decrease in resulting visual impacts. The dry stack storage building design modifications have transpired as a result of community involvement in the Recirculated Draft SEIR review and comment process. Please also refer to Master Response E regarding the "Bridge-to-Breakwater" master plan concept.

Response to Comment 39-57

The commentor suggests placing a portion of the building underground to reduce the height above ground. The feasibility of this option not been considered, but based on comments received during the Recirculated Draft SEIR public review period, the project has been revised. It should be noted that now it includes reducing the scale and mass of the dry stack storage building. These changes to the project are addressed in the project description in Chapter 1, "Executive Summary." The LAHD believes that these changes address many of the commentor's concerns.

Response to Comment 39-58

Demolition of the referenced buildings would not result in an adverse or substantial loss of jobs. There are other available warehouses within the Port that can be leased for the current operations that occupy the warehouses that will be impacted by the project. Additionally, the LAHD is in discussions with those tenants regarding relocation to suitable facilities. No additional analysis is required.

Response to Comment 39-59

Demolition of the on-site structures would likely occur concurrent with the first construction phase of the project, if approved, which consists of infrastructure improvements to prepare the site for the proposed facility improvements. These infrastructure improvement elements are described in Chapter 1, "Executive Summary." The precise timing of demolition activities is unknown, although construction of the project, if approved, is anticipated to begin in the 1st or 2nd quarter of 2005.

The LAHD acknowledges the commentor's opposition to the height of the dry stack storage building. Please refer to Master Responses A and D regarding the applicant's proposed modifications to the dry stack storage building and the comparative decrease in resulting visual impacts. The dry stack storage building design modifications have transpired as a result of community involvement in the Recirculated Draft SEIR review and comment process.

Response to Comment 39-60

The commentor states opposition to the development north of 22nd Street. All development north of 22nd Street has been eliminated from the concept plan. These changes to the project are addressed in the revised project description in Chapter 1, "Executive Summary."

Response to Comment 39-61

The commentor is concerned regarding the LAHD's willingness to work with and listen to the community. As indicated in Responses to Comments 39-56 through 39-60, the LAHD and the project applicant have attempted to address the concerns identified by PCAC and the community, and have subsequently revised the project. Some of the key revisions include reduction of the dry stack storage building mass, reduction of the retail component, elimination of development north of 22nd Street, and provision of a public boat launch facility. The LAHD has acted in good faith and in compliance with state CEQA Guidelines. The Board of Harbor Commissioners will consider all comments received on the Recirculated Draft SEIR during the deliberations on the project.

Response to Comment 39-62

The commentor states that the project is economically necessary to the Port and the surrounding community. The Port of Los Angeles Master Plan is the adopted land use plan for the entire Port area. While there is a general policy to provide for more visitor-serving, non-industrial uses from bridge to breakwater, there is no current master plan that formalizes this policy. The project has been analyzed in accordance with officially adopted plans and policies that have jurisdiction over the project area. While the project is not required to be consistent with the WATCH report, it should be noted that the proposed project would be consistent with the Promenade Guidelines that list Principles regarding an overall project design as listed in the WATCH Report. The project would provide a distinctive, original, creative design that has been created by professional designers. In addition, the project would be consistent with other area plans for downtown San Pedro and future waterfront development. The project would be consistent with the State Tidelands Grant and is expected to stimulate the local economy and result in new business development. Most notably, the project would begin the process of creating a decorative, pedestrian-friendly promenade that would

extend from bridge to breakwater and would include design themes consistent with existing waterfront areas.

Response to Comment 39-63

The commentor is concerned with the height of the proposed development. Please refer to Response to Comment 39-56.

Renee Simon

Response to Comment 39-64

The commentor is concerned with the height of the dry stack building, the public boat launch, and development north of 22nd Street. Based on public comment during the Recirculated Draft SEIR public review period and interaction with the PCAC Focus Group, the project has been revised, including reducing the scale and mass of the dry stack storage building and eliminating development north of 22nd Street. These changes to the project are detailed in Chapter 1, “Executive Summary.” The LAHD believes that these changes address many of the commentor’s concerns.

Regarding the comment about the public boat launch, please refer to Response to Comment 31-1.

Response to Comment 39-65

The 1998 Draft SEIR has been comprehensively revised as a result of the resubmitted project in 2002. Further, based on comments received during the Recirculated Draft SEIR public review period, the proposed project has been revised. Appropriate public input has been provided in accordance with State CEQA Guidelines Section 15201 regarding public participation. The LAHD provided adequate time for review in accordance with State CEQA Guidelines (Sections 15087, 15105, and 15203). In compliance with the Guidelines, the LAHD provided the Recirculated Draft SEIR to numerous agencies, organizations, and interested groups and persons for comment during the formal review period. In addition, printed copies of the Recirculated Draft SEIR were available at a total of five locations, digital copies were provided via the Port of Los Angeles website, and CD-ROM versions were available directly from the LAHD. Also, as discussed in the Executive Summary, LAHD and Westrec Marinas have had a series of meetings with the PCAC Focus Group since the release of the Recirculated Draft SEIR. Therefore, meaningful public input was solicited, the results of which have led to changes in the project that reduce environmental impacts and address community concerns.

Response to Comment 39-66

The commentor states that there is no evidence that the proposed project would improve the economic status of the surrounding community, and that it would only create minimum wage jobs. These concerns about the merits of the project will be forwarded to the Board of Harbor Commissioners to consider during the deliberations on the project.

Response to Comment 39-67

The comment is acknowledged and will be forwarded to the Board of Harbor Commissioners to consider during the deliberations on the project. Please refer to the master responses regarding the level of community input and involvement that has transpired since public release of the Recirculated Draft SEIR.

Response to Comment 39-68

The comment expresses opposition to the project in the absence of a comprehensive land use plan. Please refer to the master responses and Chapter 1, “Executive Summary,” regarding the modifications to the project that have resulted from community input and involvement with the LAHD and the project applicant.

Robert Gelfand

Response to Comment 39-69

The Coastal San Pedro Neighborhood Council opposes the dry stack storage building. The comment will be forwarded to the Board of Harbor Commissioners to consider during the deliberations on the project. It should be noted that based on public comments received during the Recirculated Draft SEIR review period and interaction with the PCAC Focus Group, the project has been revised and includes the reduction of the scale and mass of the dry stack storage building. Please refer to Master Response A regarding the dry stack storage building design modifications that have transpired as a result of community involvement in the Recirculated Draft SEIR review and comment process.

Response to Comment 39-70

The commentor opposes the development north of 22nd Street. Based on public comment received and interaction with the PCAC Focus Group, the project has been revised to include elimination of development north of 22nd Street. These changes to the project are addressed in Chapter 1, “Executive Summary.”

Response to Comment 39-71

The commentor's concern about a master land use planning process is noted and will be forwarded to the Board of Harbor Commissioners to consider during the deliberations on the project. In lieu of postponing the Cabrillo Phase II project until development and adoption of a "Bridge-to-Breakwater" master plan, the LAHD and the project applicant have invited extensive community input and involvement during and since the Recirculated Draft SEIR review period, and in the subsequent project planning process. In order to proceed with the needed marina slip reconfiguration and reconstruction efforts, the PCAC Focus Group held meetings with interested individuals, the project applicant (Westrec Marinas), and LAHD staff in order to convey and discuss specific project design and land uses that would be consistent with the master plan concepts and guidelines expressed in the WATCH report. The various community meetings have resulted in substantial project modifications by all parties, as detailed in Chapter 1, "Executive Summary." The modified project, which incorporates community input and master plan concepts, will be presented to the Board of Harbor Commissioners for their review and consideration.

Response to Comment 39-72

The commentor supports the improvements to the marina, including slip renovation and reconstruction. The comment will be forwarded to the Board of Harbor Commissioners for consideration during the deliberations on the project.

Response to Comment 39-73

The commentor states that the CEQA process is an important process, but not the appropriate process for public involvement in project design. Please refer to Response to Comment 39-71 regarding the Recirculated Draft SEIR public comment process and the project modifications resulting from community input.

Response to Comment 39-74

The LAHD acknowledges the commentor's concern over the merits of the project, and will forward the comments to the Board of Harbor Commissioners to consider during the deliberations on the project.

Response to Comment 39-75

As discussed in Recirculated Draft SEIR Chapter 3.11, "Cultural Resources," none of the structures within the project area meet the requirements for eligibility listing in the CRHR, and there are no significant historic architectural resources in the project area. Additionally, reuse of existing structures would not be

conducive to the design and operation of the proposed project. Therefore, it is not required or feasible to reuse the existing structures that are located on site. The architectural style of the proposed buildings have undergone review by an architecture and planning firm hired as a community liaison working with the PCAC Focus Group. Refer to Chapter 1, “Executive Summary,” for a more complete discussion.

Response to Comment 39-76

The LAHD acknowledges the commentator’s concern over the merits of the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project.

Response to Comment 39-77

The commentator states that there is an approximately 2,000-foot interruption in the promenade. The promenade portion of the project has been expanded to follow the guidelines of the WATCH report. The LAHD does not believe that the proposed route of the promenade would significantly alter the character of this pedestrian linkage.

Response to Comment 39-78

The LAHD acknowledges the commentator’s concern over the planning process of the project and its merits and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project.

Under CEQA, (State CEQA Guidelines Section 15126.6), an EIR must include the following discussion regarding the consideration and discussion of alternatives:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.... An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. ... The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

The range of alternatives evaluated in the Recirculated Draft SEIR satisfies these requirements. Specifically, the Recirculated Draft SEIR examines a range of seven alternatives, including:

- Alternative 1A, No-Project/No-Build Alternative;
- Alternative 1B, No-Project/Reasonably Foreseeable Development Alternative;
- Alternative 2, Mirror Image Marina Development with Limited Retail;
- Alternative 3, 1998 Cabrillo Marina Phase II Proposal;
- Alternative 4, Modified 1998 Proposal; and
- Alternative 5, Alternative Location.

Response to Comment 39-79

The commentor is concerned with the use of Shoshonean Road to provide access to the existing Cabrillo Launch ramp. Community concern about the boat launch has primarily focused on the need to provide an additional launch as a means of reducing circulation and parking conflicts in adjacent residential neighborhoods. As indicated on Page 2-3 of the Recirculated Draft SEIR, “[p]roviding additional launch capacity elsewhere in the Port will not likely reduce the demand for recreational boat launching at the existing Cabrillo Beach boat launch.” Rather, an additional boat launch would merely satisfy a growing demand for launch access. Other public comments suggesting the closure of the Cabrillo Boat Launch do not account for its importance to the boating community, as evidenced by the facility’s high usage and proximity to open water.

To address the local traffic congestion issues voiced by the community, the LAHD will work with the Los Angeles Department of Recreation and Parks to modify the existing operations at the Cabrillo Beach launch site by opening Shoshonean Road (southbound only at the existing boat launch parking lot) to incoming boat trailers and/or by instituting a reservation system to manage vehicle arrivals throughout the peak usage hours (see Page 2-3 of the Recirculated Draft SEIR). Therefore, the use of Shoshonean Road for that purpose would improve traffic flow in the area, while maintaining access to both the Scout Camp and Aquarium, though the Aquarium is currently accessed from the main Cabrillo Beach toll entrance. Additionally, discussion of the frequency of use of the Aquarium is outside the scope of the Recirculated Draft SEIR analysis, although its use and expansion have been considered in the cumulative traffic impact analysis.

Response to Comment 39-80

As stated in Response to Comment 39-79, the LAHD believes that opening Shoshonean Road for incoming boater access to the existing launch facility would improve traffic flow in the area. This would effectively reduce traffic queuing and parking conflicts related to boater traffic along Pacific Avenue. Issues relating to non-boating vehicle parking along Pacific Avenue and access to Cabrillo Beach and the Aquarium are not in the purview of the Recirculated

Draft SEIR analysis, but will be forwarded to the Board of Harbor Commissioners for their consideration during the deliberations on the project.

Response to Comment 39-81

The commentor's objection to the project is noted and will be forwarded to the Board of Harbor Commissioners for consideration during the deliberations on the project.

Response to Comment 39-82

The area north of 22nd Street referenced in the comment is no longer proposed for development. Please refer to Chapter 1, "Executive Summary," for a description of the revised project.

Response to Comment 39-83

Please refer to the Master Responses, as well as Chapter 1, "Executive Summary," for a description of the revised project.

Richard Mannila

Response to Comment 39-84

The LAHD acknowledges the commentor's support for the project and will forward the comments to the Board of Harbor Commissioners to consider during the deliberations on the project.

Response to Comment 39-85

The LAHD acknowledges the commentor's support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project. Please refer to the Master Responses, as well as Chapter 1, "Executive Summary," for a description of the revised project.

Richard Pavlick

Response to Comment 39-86

Please refer to Master Responses A and D regarding the project revisions to the dry stack storage facility and associated decrease in visual impacts.

A detailed visual impact analysis is provided, which evaluates the project with respect to the significance criteria established by the City of Los Angeles. In accordance with these criteria, it was determined that while impacts could occur, they would not exceed the level of significance due to the deficiency of existing visual character of the project area, the lack of notable aesthetic landmarks, and the lack of existing unobstructed panoramic views of the ocean beyond the project site. The project was found to not substantially block or diminish views of the ocean or valued aesthetic character of the site. Therefore, visual impacts were determined to be less than significant. No additional analysis or response is required.

As stated on Page 3.1-21 of the Recirculated Draft SEIR, Table A-1 provides a policy consistency analysis with the San Pedro Community Plan. More specifically, Table A-1 discusses project consistency with Goal 6, Objective 6-2, Goal 6-2.1, and Objective 6-6, which pertain to the preservation and maintenance of scenic and visual quality. In all cases, analysis determined that the project was consistent with these applicable, goals, objectives, and policies.

Response to Comment 39-87

Please see Response to Comment 39-86.

Response to Comment 39-88

The comment addresses the merits of the project and does not require any change to the Recirculated Draft SEIR. It will, however, be considered by the Board of Harbor Commissioners during deliberations about the project.

The other issues raised in the comment are discussed in Recirculated Draft SEIR Chapter 3.4, "Noise," Chapter 3.5, "Light and Glare," and Chapter 3.6, "Aesthetics." In regards to visual impacts associated with the dry stack storage facility, please refer to Response to Comment 39-86.

Response to Comment 39-89

The LAHD has considered the WATCH report and the Urban Land Institute report in revising the proposed project, including the promenade (please see Master Response E). As stated in Master Response E, the proposed project would be consistent with the promenade guidelines that list principles regarding an overall project design as listed in the WATCH report. Notably, the project would begin the process of creating a decorative, pedestrian-friendly promenade that would extend from bridge to breakwater and would include design themes consistent with existing waterfront areas.

Response to Comment 39-90

Please refer to Response to Comment 39-86 regarding visual impacts associated with the revised dry-stack storage facility.

Humberto Perez

Response to Comment 39-91

The comment addresses the merits of the project and does not require any change to the Recirculated Draft SEIR. It will, however, be considered by the Board of Harbor Commissioners during deliberations about the project.

3.6.6 1998 Draft SEIR Comments and Responses

Comments on the 1998 Draft SEIR and responses to these comments are included in this section. Each comment letter is presented, followed by the original response (**bold**), if applicable. Supplemental responses (*italicized*) are provided as appropriate to direct the commentor to current environmental analysis and/or the revised project description. If a comment is no longer relevant in the context of current environmental conditions, analyses, or project description components, that conclusion is noted. To differentiate the 1998 Draft SEIR comments and responses from those addressed previously in this chapter, the 1998 comment letters are numbered from 98/1 to 98/24, with individual comments numbered consecutively as 98/1-1, 98/1-2, etc.

1

Noel Park
3233 S. Walker Ave. San Pedro, CA 90731
(310) 832-5720 (H) (562) 804-5205 (W) Fax: (562) 804-5210
January 9, 1999



Mr. Don Rice, Director of Environmental Management.
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, Ca 90731

Dear Mr. Rice:

In the Thursday, January 7, 1999, Los Angeles Times I noticed an article titled "Cabrillo Marina project back on front burner". The article stated that public comments on the Environmental Impact Report for this project are due by January 21.

As one who has tried to closely follow this issue, and one who reads the Daily Breeze and the Los Angeles Times fairly carefully every day, this was the first that I had heard about the public comment period.

I have attended no less than three presentations put on by the developers at the Palisades Residents Association, Point Fermin Homeowners Association, and the San Pedro Peninsula Homeowners Coalition. Even so, no one bothered to inform me that this EIR was available for public comment.

I would respectfully suggest to you that there has not been sufficient public outreach to solicit comment on this EIR. This leads to the cynical perception in the community that the intent is to slip the comment period by with the least amount of public awareness possible, thus minimizing irritating and troublesome public comments. I am sure that the Port does not want such an impression to become widespread in the community.

After reading this article, I immediately contacted several of my friends who are active in community affairs. Very few of them, including no one from my own residents association, were aware of the comment period. Neither I, nor my homeowner group, can possibly obtain, review, and comment upon the EIR in the time available. I am formally requesting that you extend the review period for a reasonable time, to allow us to adequately study and comment upon this complex project. I believe that 90 days would be a reasonable time.

1-1

It is my understanding that, under the California Environmental Quality Act, you are required to furnish a copy of the Environmental Impact Report to any citizen requesting one. Please send me a copy at the above address.

Sincerely,

Noel Park

cc: Point Fermin Homeowners Association, Palisades Residents Association,
San Pedro Peninsula Homeowners Coalition

Noel Park (January 9, 1999)

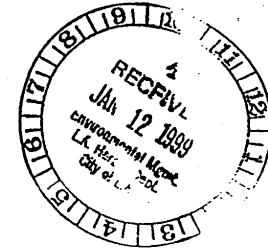
Response to Comment 98/1-1:

Since the time of this comment, the Draft SEIR was recirculated in accordance with State CEQA Guidelines. In accordance with State CEQA guideline 15201 regarding public participation, the LAHD included provisions for public involvement in order to receive and evaluate public opinion regarding the Recirculated Draft SEIR. The LAHD provided adequate time for review in accordance with State CEQA Guidelines, 15087, 15105, and 15203. Compliance with the Guidelines is evidenced by the fact that the LAHD provided the Recirculated Draft SEIR to numerous agencies, organizations, and interested groups and persons for comment during the formal review period. In addition, printed copies of the Recirculated Draft SEIR were available at a total of five locations, digital copies were provided via the Port of Los Angeles website, and CD-ROM versions were available directly from the LAHD.

2

FORM GEN. 160 (Rev. 6-80)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE



January 11, 1999

Donald W. Rice
Environmental Management Division
Los Angeles Harbor Department
425 S. Palos Verdes Street
San Pedro, CA 90733-0151

RE: DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (DSEIR) FOR WEST CHANNEL/CABRILLO MARINA PHASE II DEVELOPMENTAL PROJECT

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Report (DSEIR) for the West Channel/Cabrillo Marina Phase II Development Project.

The Port of Los Angeles is proposing a two-phase development of approximately 60 acres of land and 81 acres of water in the West Channel Development Area. The original West Channel/Cabrillo Marina Phase I Development was analyzed in 1980 and Phase II was discussed in the final EIR at its beginning stages of planning. Phase I was built and has been in operation since 1986. Phase II is the subject of this DSEIR.

The project is located within the Port of Los Angeles and adjacent to the San Pedro Community Plan Area. The surrounding San Pedro area closest to the project site is comprised of open space, residential, commercial and industrial land uses. Even though the Port of Los Angeles and San Pedro are addressed under two separate community plans, they are integral parts of one another. As a result, the San Pedro Community Plan outlines desirable uses for the Port that can compliment the goals and objectives for San Pedro.

The proposed development will replace deteriorated marina facilities with new marine and visitor oriented uses. The San Pedro Community Plan encourages the development of recreational activities along the harbor to provide a vibrant public/private land and water community. It appears that the proposed project will be compatible with the stated goals and objectives of the San Pedro Community Plan. After careful review of this DSEIR, staff has found that possible negative impacts on the area have been adequately addressed with mitigating measures.

2-1

Very truly yours,

Con Howe
Director of Planning

By: Jack Sedwick
Jack Sedwick
Principal City Planner

CHJS:ME:JY:EQ

**City of Los Angeles, Con Howe, Director of
Planning/Jack Sedwick, Principal City Planner (January
11, 1999)**

Response to Comment 98/2-1:

The LAHD acknowledges the commentor's support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project.

#3



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County of Riverside: James Venable, Riverside County • Jan Leja, Beaumont • Dick Kelly, Palm Desert • Ron Lovelidge, Riverside • Andrea Puga, Corona • Ron Roberts, Temecula

County of San Bernardino: Kathy Davis, San Bernardino County • Bill Alexander, Rancho Cucamonga • Jim Bagley, Twentynine Palms • David Babinian, Fontana • Lee Ann Garcia, Grand Terrace • Gwen Norton-Perry, Chino Hills • John Carback, Highland

County of Ventura: Judy Mikels, Ventura County • Andrew Fox, Thousand Oaks • John Melton, Santa Paula • Ron Young, Port Huaceme

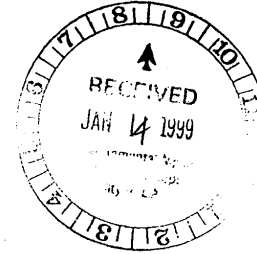
Imperial County Transportation Commission: Tom Maiben, Riverside County

Ventura County Transportation Commission: Jill Davis, Sierra Valley

Printed on Recycled Paper 9/14/98

January 11, 1999

Mr. Donald Rice
 Director of Environmental Management
 the Port of Los Angeles
 425 S. Palos Verdes Street
 PO Box 151
 San Pedro, CA 90733-0151



RE: Comments on the Draft Supplemental Environmental Impact Report for the West Channel/Cabrillo Marina Phase II Development Project (Koll Real Estate Group/Westrec Marinas) - SCAG No. I 9800651

Dear Mr. Rice:

Thank you for submitting the above referenced Project to SCAG for review and comment. As areawide clearinghouse for regionally significant projects, SCAG assists cities, counties and other agencies in reviewing projects and plans for consistency with regional plans.

The attached detailed comments are meant to provide guidance for considering the proposed project within the context of our regional goals and policies. If you have any questions regarding the attached comments, please contact David Stein at (213) 236-1917.

Sincerely,

Arnold I. Sherwood
 ARNOLD I. SHERWOOD
 Director, Performance Assessment and Implementation



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**COMMENTS ON THE
WEST CHANNEL/CABRILLO MARINA PHASE II
DEVELOPMENT PROJECT
(KOLL REAL ESTATE GROUP/WESTREC MARINAS)
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**

PROJECT DESCRIPTION

The proposed Project is for the development of two sites corresponding to the phases of development. Site I has 13 acres of land and 41 acres of water and will be developed as a marina. Site II includes 32 acres of land and 40 acres of water, and is the subject of the SEIR. Development will consist of infrastructure and facility improvements related to the replacement of the existing marina and commercial development components. Specific facilities include: boat slips, dry stack boat storage, boat maintenance/yard and offices, marine retail, Westrec activity center, yacht brokers, 2 restaurants, marina club, boat mall, youth sailing facility, boat storage, storage buildings, market/deli, landing, parking, amphitheater, and administration building. The project will generate approximately 419 full-time positions and an additional 191 seasonal jobs, for a full time equivalent employment of approximately 514 full-time jobs.

INTRODUCTION TO SCAG REVIEW PROCESS

The document that provides the primary reference for SCAG's project review activity is the Regional Comprehensive Plan and Guide (RCPG). The RCPG chapters fall into three categories: core, ancillary, and bridge. The Growth Management (adopted June 1994), Regional Mobility (adopted June 1994), Air Quality (adopted October 1995), Hazardous Waste Management (adopted November 1994), and Water Quality (adopted January 1995) chapters constitute the core chapters. These core chapters respond directly to federal and state planning requirements. The core chapters constitute the base on which local governments ensure consistency of their plans with applicable regional plans under CEQA. The Air Quality and Growth Management chapters contain both core and ancillary policies, which are differentiated in the comment portion of this letter. The Regional Mobility Element (RME) constitutes the region's Transportation Plan. The RME policies are incorporated into the RCPG.

Ancillary chapters are those on the Economy, Housing, Human Resources and Services, Finance, Open Space and Conservation, Water Resources, Energy, and Integrated Solid Waste Management. These chapters address important issues facing the region and may reflect other regional plans. Ancillary chapters, however, do not contain actions or policies required of local government. Hence, they are entirely advisory and establish no new mandates or policies for the region.

Bridge chapters include the Strategy and Implementation chapters, functioning as links between the Core and Ancillary chapters of the RCPG.

Each of the applicable policies related to the proposed project are identified by number and reproduced below in italics followed by SCAG staff comments regarding the consistency of the Project with those policies.

General SCAG Staff Comments

The Draft SEIR, on page 2-5, includes a discussion of SCAG plans and programs, including the

2

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South Coast Air Quality Management Plan, Regional Mobility Plan, Growth Management Plan and Regional Housing Needs Assessment. The information and references are in part dated, for example: the DSEIR references the 1994 Regional Mobility Plan which has been superseded by the 1998 Regional Transportation Plan (Community Link 21). The Growth Management Plan policies are part of SCAG's Regional Comprehensive Plan and Guide (RCPG) which includes other core and ancillary policies, as noted above.

3-1

The Draft SEIR does not adequately address the relationship of the proposed project to applicable regional plans as required by Section 15125 [b] of *Guidelines for Implementation of the California Environmental Quality Act*, which state that: "The EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans. Such regional plans include, the applicable Air Quality Management Plan (or State Implementation Plan once adopted), area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation plans, and regional land use plans for the protection of the Coastal Zone, Lake Tahoe Basin, San Francisco Bay, and Santa Monica Mountains". Discussions in the DSEIR is lacking on the consistency of the project with applicable regional plans, specifically the *Regional Transportation Plan and the Regional Comprehensive Plan and Guide* (which incorporates references to policies in the other regional plans). The Final SEIR should address the relationships (consistency with core policies and support of ancillary policies) to SCAG's Regional Comprehensive Plan and Guide and Regional Transportation Plan, utilizing commentary from the following detailed SCAG staff comments. The response should also discuss any inconsistencies between the proposed project and applicable regional plans. We suggest that you identify the specific policies, by policy number, with a discussion of consistency or support with each policy.

3-2

Consistency With Regional Comprehensive Plan and Guide Policies

1. **The Growth Management Chapter (GMC)** of the Regional Comprehensive Plan and Guide contains a number of policies that are particularly applicable to the proposed Project.

a. *Core Growth Management Policies*

3.01 *The population, housing, and jobs forecasts, which are adopted by SCAG's Regional Council and that reflect local plans and policies, shall be used by SCAG in all phases of implementation and review.*

SCAG staff comments. As SCAG has designated subregions, the project is situated in the City of Los Angeles subregion. The Project, as noted on page ES-4 on the Draft SEIR, is expected to generate 519 full-time jobs. The Project is consistent with this core RCPG policy.

3-3

3.03 *The timing, financing, and location of public facilities, utility systems, and transportation systems shall be used by SCAG to implement the region's growth policies.*

SCAG staff comments: The Draft SEIR contains information on development phasing and timing on pages 1-19 and 1-20. SCAG's Standing Committee on Implementation has consistently stressed that Final EIR's for similar projects should address the manner in which the proposed project will be developed so that provision of service to new housing

3-4

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units or jobs producing commercial, industrial or other uses will be staged or phased to help achieve greater jobs/housing balance within the jurisdiction and the Subregion. The Standing Committee on Implementation (responsibilities now assumed by the Community, Economic and Human Development Committee) has previously expressed the concern that, in housing rich subregions, the housing will likely be constructed first and the employment producing land uses may never materialize. Conversely, in jobs rich subregions, the employment producing office buildings, shopping centers, schools or industrial buildings could be built first, and the housing components could be brought in much later, or never. The objective of a phasing or development staging plan would be to encourage the implementation of types of development that would address the jobs/housing balance issue and work toward the reduction of Vehicle Miles Traveled in the early phases or stages of development rather than leaving such uses until later (or allowing indefinite postponement). The Project is consistent with this core RCPG policy.

b. Ancillary Growth Management Policies

- 3.04 Encourage local jurisdictions' efforts to achieve a balance between the types of jobs they seek to attract and housing prices.

SCAG staff comments. The Draft SEIR does not contain information on the types of jobs and housing prices in the Los Angeles Harbor area. We are therefore unable to determine whether the Project is supportive of this ancillary RCPG policy.

3-5

- 3.05 Encourage patterns of urban development and land use which reduce costs on infrastructure construction and make better use of existing facilities.

SCAG staff comments. The Draft SEIR concludes that water, sewer, storm drainage and transportation service and facilities are available adjacent to the site to support the proposed uses. The Project is supportive of this ancillary RCPG policy.

3-6

- 3.08 Encourage subregions to define economic strategy to maintain economic viability of the subregion, including the development and use of marketing programs, and other economic incentives, which support the attainment of subregional goals and policies.

SCAG staff comments. The Draft SEIR acknowledges on pages 1-3 and 1-4 implies that the project will contribute to the improvement of the economic base of the Harbor area. The Project is supportive of this ancillary RCPG policy.

3-7

- 3.09 Support local jurisdictions' efforts to minimize the cost of infrastructure and public service delivery, and efforts to seek new sources of funding for development and the provision of services.

SCAG staff comments. The Draft SEIR identifies both on- and off-site infrastructure and public service delivery facilities to serve the Project. These improvements reflect necessary extension of existing facilities or the construction of new facilities, where none currently exist. Infrastructure is designed to minimize cost to the maximum extent. The Project is supportive of this ancillary RCPG policy.

3-8

- 3.10 Support local jurisdictions' actions to minimize red tape and expedite the permitting

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process to maintain economic vitality and competitiveness.

SCAG staff comments. The Draft SEIR, in Section 3.7 (Land Use), acknowledges the Project's use of flexible growth management policies, development regulations and standards, design guidelines. The Project is supportive of this ancillary RCPG policy. 3-9

3.11 *Support provisions and incentives created by local jurisdictions to attract housing growth in job rich subregions and job growth in housing subregions.*

SCAG staff comments. The Draft SEIR does not address jobs/housing relationships. We are unable to determine whether the Project is supportive of the intent of this ancillary RCPG policy. 3-10

3.12 *Encourage existing or proposed local jurisdictions' programs aimed at designing land uses which encourage the use of transit and thus reduce the need for roadway expansion, reduce the number of auto trips and vehicle miles traveled, and create opportunities for residents to walk and bike.*

SCAG staff comments. The Draft SEIR acknowledges on page 3.3-17 that the project is supportive of reduction in vehicle miles traveled and specifically states how the project supports this RCPG policy. Mitigation measures on pages 3.3-19 and 3.3-20 will specifically help achieve the intent of this SCAG policy. The Project is supportive of this ancillary RCPG policy. 3-11

3.13 *Encourage local jurisdictions plans that maximize the use of existing urbanized areas accessible to transit through infill and redevelopment.*

SCAG staff comments. The Draft SEIR acknowledges on page 3.3-19 that project will support the provision of transit service to serve the commercial/marina area. See also our comment on policy 3.12. The Project is a good example of infill development and redevelopment, with good access to existing and proposed transit facilities. The Project is supportive of this ancillary RCPG policy. 3-12

3.16 *Encourage developments in and around activity centers, transportation corridors, underutilized infrastructure systems, and areas needing recycling and redevelopment.*

SCAG Staff comments. See SCAG staff comments under policy 3.12 and 3.13 which also address this policy. The Project is supportive of this ancillary RCPG policy. 3-13

3.17 *Support and encourage settlement patterns which contain a range of urban densities.*

SCAG staff comments. The Draft SEIR on page 1-9 includes a detailed presentation of the different commercial/marina intensity of categories proposed for the Project. The Project is supportive of this ancillary RCPG policy. 3-14

3.18 *Encourage planned development in locations least likely to cause adverse environmental impact.*

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- SCAG staff comments. The Project is designed in a manner which will minimize adverse environmental impacts. The mitigation measures included in the Draft SEIR have been developed to address identified adverse environmental impacts. The adequacy of project specific mitigation and the feasibility of further site specific mitigation of these impacts should be carefully considered by the Port of Los Angeles. The Project is supportive of this ancillary RCPG policy. 3-15
- 3.21 *Encourage the implementation of measures aimed at the preservation and protection of recorded and unrecorded cultural resources and archaeological sites.*
- SCAG staff comments. The Draft SEIR adequately addresses cultural resources in Section 3.14 (Cultural Resources). The Project is supportive of this ancillary RCPG policy. 3-16
- 3.23 *Encourage mitigation measures that reduce noise in certain locations, measures aimed at preservation of biological and ecological resources, measures that would reduce exposure to seismic hazards, minimize earthquake damage, and to develop emergency response and recovery plans.*
- SCAG staff comments. The Draft SEIR acknowledges in Sections 3.1 (Geology) 3.2 (Groundwater, Soils and Sediments), 3.5 (Biota and Habitats) and 3.6 (Noise), all of the major resource constraints addressed by this policy. The adequacy of project specific mitigation and the feasibility of further site specific mitigation of these impacts should be carefully considered by the Port of Los Angeles. The Project is supportive of this ancillary RCPG policy. 3-17
- 3.24 *Encourage efforts of local jurisdictions in the implementation of programs that increase the supply and quality of housing and provide affordable housing as evaluated in the Regional Housing Needs Assessment.*
- SCAG staff comments. The Draft SEIR acknowledges that the project will not provide permanent housing, but that the City of Los Angeles has adopted policies regarding affordable housing. The Project is supportive of this ancillary RCPG policy. 3-18
- 3.27 *Support local jurisdictions and other service providers in their efforts to develop sustainable communities and provide, equally to all members of society, accessible and effective services such as: public education, housing, health care, social services, recreational facilities, law enforcement, and fire protection.*
- SCAG staff comments. The Draft SEIR's acknowledges in Section 3.11 (Public Services) the Project's efforts to address the provision of police and fire protection services, and Coast Guard facilities and services. The Project is supportive of this ancillary RCPG policy. 3-19
2. The 1998 Regional Transportation Plan (RTP) also has policies, all of which are core, that pertain to the proposed project. The RTP links the RCPG goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and

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equitable access to residents affected by socio-economic, geographic and commercial limitations. Among the relevant policies in the RTP are the following:

4.01 *Transportation investments shall be based on SCAG's adopted Regional Performance Indicators.*

SCAG staff comments. The Draft SEIR makes no specific reference to support of SCAG's Regional Performance Indicators and associated objectives pertaining to:

3-20

Mobility - Transportation Systems should meet the public need for improved access, and for safe, comfortable, convenient and economical movements of people and goods.

- Average Work Trip Travel Time in Minutes - 22 minutes
- PM Peak Highway Speed - 33 mph
- Percent of PM Peak Travel in Delay (All Trips) - 33%

Accessibility - Transportation Systems should ensure the ease with which opportunities are reached. Transportation and land use measures should be employed to ensure minimal time and cost.

- Work Opportunities within 25 Minutes - 88%

Environment - Transportation Systems should sustain development and preservation of the existing system and the environment. (All Trips)

- Meeting Federal and State Standards - Meet Air Plan Emission Budgets

Reliability - Reasonable and dependable levels of service by mode. (All Trips)

- Transit - 63%
- Highway - 76%

Safety - Transportation Systems should provide minimal, risk, accident, death and injury. (All Trips)

- Fatalities Per Million Passenger Miles - 0.008
- Injury Accidents - 0.929

Livable Communities - Transportation Systems should facilitate Livable Communities in which all residents have access to all opportunities with minimal travel time. (All Trips)

- Vehicle Trip Reduction - 1.5%
- Vehicle Miles Traveled Reduction - 10.0%

Equity - The benefits of transportation investments should be equitably distributed among all ethnic, age and income groups. (All trips)

- Low-Income (Household Income \$12,000) Share of Net Benefits - Equitable Distribution of Benefits

Cost-Effectiveness - Maximize return on transportation investment. (All Trips)

- Net Present Value - Maximum Return on Transportation Investment
- Value of a Dollar Invested - Maximum Return on Transportation Investment

7

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The Draft SEIR includes mitigation measures in Section's 3.3 (Meteorology and Air Quality) and 3.10 (Transportation and Circulation) will improve mobility and accessibility, increase roadway efficiency and safety, and help create a highly livable, pedestrian friendly environment which encourages alternatives to the automobile. The Project is consistent with this core RCPG policy.

3-20

4.02 *Transportation investments shall mitigate environmental impacts to an acceptable level.*

SCAG staff comments. The Draft SEIR identifies various transportation impacts and details the measures to mitigate these impacts. The Project is consistent with this core RCPG policy.

3-21

4.04 *Transportation Control Measures shall be a priority.*

SCAG staff comments. The Draft SEIR begins to address the extent to which the Project considers the implementation of Transportation Control Measures set forth in the South Coast Air Quality Management District AQMP as set forth in the subsequent two year segment of the Regional Transportation Improvement Program), including:

- High Occupancy Vehicle projects and pricing alternatives, park and ride lots and intermodal facilities.
- Transit improvements, urban freeway system management improvements, smart corridors TSM programs, railroad consolidation programs, CMP-based demand management strategies, vanpool programs, telecommunication facilities, demonstration programs, and bicycle and pedestrian facilities.
- Marketing information services for employers and activity centers to encourage shared rides and transit use, and transit pass centers.

3-22

Project design features appropriately address unique site designs, transit connections and enhanced pedestrian access between land uses. The Project is consistent with this core RCPG policy.

4.07 *Projects proposed for the Regional Transportation Improvement Program (RTIP) that do not indicate a reasonable phasing of construction between segments will not be approved.*

SCAG staff comments. The Draft SEIR makes no reference to the relationship between proposed transportation improvements and the projects included in the currently approved Regional Transportation Improvement Program. We are therefore unable to determine if the Project is consistent with this core RCPG policy.

3-23

3. The Air Quality Chapter (AQC) core actions that are generally applicable to the proposed Project are as follows:

5.07 *Determine specific programs and associated actions needed (e.g., indirect source rules, enhanced use of telecommunications, provision of community based shuttle services, provision of demand management based programs, or vehicle-miles-traveled/emission fees) so that options to command and control regulations can be assessed.*

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SCAG staff comments. The Draft SEIR addresses these types of programs and actions as noted in our comments on SCAG policy 3.12. The Project is consistent with this core RCPG policy.

3-24

5.11 *Through the environmental document review process, ensure that plans at all levels of government (regional, air basin, county, subregional and local) consider air quality, land use, transportation and economic relationships to ensure consistency and minimize conflicts.*

SCAG staff comments. The Draft SEIR addresses the matter of regional transportation and air quality modeling consistency on page 3.3-17. Regional transportation/air quality impacts appear to be mitigated. The Project is consistent with this core RCPG policy.

3-25

Conclusions and Recommendations

(1) As noted in the staff comments, the proposed West Channel/Cabrillo Marina Phase II Development Project DEIR Project is consistent with or supports many of the core and ancillary policies in the Regional Comprehensive Plan and Guide. Based on the information in the Draft Supplemental Environmental Impact Report, we are unable to determine whether the Project is consistent with core policy 4.07 or supportive of ancillary policies 3.04 and 3.11.

3-26

(2) As noted in the General Staff Comments, recommendations are made for addressing the relationship of the proposed project to applicable regional plans.

(3) All mitigation measures associated with the project should be monitored in accordance with AB 3180 requirements.

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SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

Roles and Authorities

THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS is a *Joint Powers Agency* established under California Government Code Section 6502 et seq. Under federal and state law, the Association is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). Among its other mandated roles and responsibilities, the Association is:

- Designated by the federal government as the Region's *Metropolitan Planning Organization* and mandated to maintain a continuing, cooperative, and comprehensive transportation planning process resulting in a Regional Transportation Plan and a Regional Transportation Improvement Program pursuant to 23 U.S.C. §134(g)-(h), 49 U.S.C. §1607(f)-(g) et seq., 23 C.F.R. §450, and 49 C.F.R. §613. The Association is also the designated *Regional Transportation Planning Agency*, and as such is responsible for both preparation of the Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP) under California Government Code Section 65080.
- Responsible for developing the demographic projections and the integrated land use, housing, employment, and transportation programs, measures, and strategies portions of the *South Coast Air Quality Management Plan*, pursuant to California Health and Safety Code Section 40460(b)-(c). The Association is also designated under 42 U.S.C. §7504(a) as a *Co-Lead Agency* for air quality planning for the Central Coast and Southeast Desert Air Basin District.
- Responsible under the Federal Clean Air Act for determining *Conformity* of Projects, Plans and Programs to the State Implementation Plan, pursuant to 42 U.S.C. §7506.
- Responsible, pursuant to California Government Code Section 65089.2, for *reviewing all Congestion Management Plans (CMPs) for consistency with regional transportation plans* required by Section 65080 of the Government Code. The Association must also evaluate the consistency and compatibility of such programs within the region.
- The authorized regional agency for *Inter-Governmental Review* of Programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12,372 (replacing A-95 Review).
- Responsible for reviewing, pursuant to Sections 15125(b) and 15206 of the CEQA Guidelines, *Environmental Impact Reports* of projects of regional significance for consistency with regional plans.
- The authorized *Areawide Waste Treatment Management Planning Agency*, pursuant to 33 U.S.C. §1288(a)(2) (Section 208 of the Federal Water Pollution Control Act)
- Responsible for preparation of the *Regional Housing Needs Assessment*, pursuant to California Government Code Section 65584(a).
- Responsible (along with the San Diego Association of Governments and the Santa Barbara County/Cities Area Planning Council) for preparing the *Southern California Hazardous Waste Management Plan* pursuant to California Health and Safety Code Section 25135.3.

Southern California Association of Governments, Arnold I. Sherwood, Director, Performance Assessment and Implementation (January 11, 1999)

Response to Comment 98/3-1:

All SCAG policies listed in the comment letter have been evaluated, and the project has been analyzed for consistency with these policies within the Recirculated Draft SEIR. In a second comment letter received by the LAHD from SCAG dated December 12, 2002, regarding the Recirculated Draft SEIR, SCAG found that the proposed project would not be considered regionally significant.

However, Policies 3.12, 3.17, 3.24, 4.01, and 4.07 were excluded from analysis in the Recirculated Draft SEIR because their contents do not contain relevant guidelines that would be considered pertinent to the project. All other applicable SCAG policies were analyzed in Table A-5 (Project Consistency Analysis with the SCAG Regional Comprehensive Plan and Guide) in Appendix A of the Recirculated Draft SEIR, and were found to be consistent with the proposed development.

SCAG plans and programs (i.e., Regional Transportation Plan [RTP] and Regional Comprehensive Plan and Guide [RCPG]) would replace more dated programs (i.e., Regional Mobility Program [RMP] and Growth Management Plan [GMP]). As noted by SCAG, the RCPG includes the GMP, which contains the most up-to-date GMP policies.

Response to Comment 98/3-2:

The 1998 Draft SEIR discusses proposed project consistency with a number of regional plans, particularly the Air Quality Management Plan (AQMP) and State Implementation Plan (SIP) (see Pages 2-5, 3.3-2, 3.3-5, and 3.3-17), in Section 2, “Relationship to Plans,” and Section 3.3, “Air Quality.” It should be noted that the EPA has not yet approved the 1997 AQMP. The 1998 Draft SEIR discusses consistency with other regional plans such as the Water Quality Control Plan (Los Angeles River Basin), Water Quality Control Policy (Enclosed Bays and Estuaries of California), California Coastal Plan, and other applicable plans.

The 1988 Draft SEIR also discusses proposed project consistency with the GMP and the Regional Mobility Plan RMP. The GMP and RMP plans have been updated and superseded by the RCPG and RTP, respectively, as noted in Response 3-1 above. The proposed project is consistent with the RCPG and RTP as noted in the SCAG comment letter. Responses to Comments 98/3-5, 98/3-10, and 98/3-23 briefly discuss the proposed project consistency with the specified policies.

The Recirculated Draft SEIR has been revised to include an analysis of consistency with all applicable planning documents including the 2003 AQMP. Recirculated Draft SEIR Chapter 3.1, "Land Use," contains a detailed list of all relevant policies and goals, and Recirculated Draft SEIR Appendix A Tables A-1 through A-6 contain the analysis of project consistency.

Response to Comment 98/3-3:

The Recirculated Draft SEIR was updated to include an analysis of project consistency with the stated policy. The project has been found to be consistent.

Response to Comment 98/3-4:

The Recirculated Draft SEIR was updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 of the Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-5:

RCPG Ancillary Growth Management Policy 3.04. The proposed project is estimated to generate an equivalent of about 519 full time positions (see Page 1-5 of the 1998 Draft SEIR). In terms of the types of jobs, there was no analysis done to address the type of jobs that would be generated specifically. However, based on the development proposed, the jobs will mainly consist of commercial/retail related to a waterfront environment. It should be noted that population and housing issues were scoped out of the 1998 Draft SEIR during the preparation of the Notice of Preparation (see items 11 and 12 in Appendix D of the 1998 Draft SEIR). The magnitude of the development is such that demand for additional housing would not be generated by the project. Employment at the proposed site would come mostly from the local population pool. The housing prices in the immediate area are relatively modest. There is no marked difference between the type of jobs that will be generated and the existing rental and housing market. Therefore, the proposed project is consistent with RCPG policy 3.04.

Response to Comment 98/3-6:

The Recirculated Draft SEIR was updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 of the Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-7:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 of the Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-8:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 of the Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-9:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 of the Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-10:

RCPG Ancillary Growth Management Policy 3.11. Please refer to Response 98/3-3. The proposed project is located in an area that has historically been a high job-rich area. In terms of the jobs and housing relationships, the balance has shifted toward less jobs than in times past due to closure and/or decrease of labor-intensive operations in the harbor area (e.g., ship building, commercial fishing, the canneries, and others). This project supports local jurisdictions in the attainment of a more balanced jobs-to-housing relationship. Therefore, the proposed project is consistent with RCPG Policy 3.11.

Response to Comment 98/3-11:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 of the Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-12:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-13:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-14:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-15:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-16:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-17:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-18:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Recirculated Draft SEIR Section 3.1 on page 3.1-14 for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-19:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-20:

Please refer to Response to Comment 98/3-1.

Response to Comment 98/3-21:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-22:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-23:

RTP Policy 4.07. Before discussing the relationship between the proposed transportation improvements (i.e., Harbor Boulevard/Swinford Street, see Page 3.10-44 of the 1998 Draft SEIR) and the Regional Transportation Improvement Plan (RTIP), it will be necessary to understand the purpose of RTIP. The RTIP is a three-year (minimum) program for funding a subset of projects to be developed by SCAG as the Metropolitan Planning Organization (MPO) in cooperation with the state and transit operators. In short, the RTIP is SCAG's regional spending plan for transportation improvements. The RTIP is multi-modal. The RTIP is the mechanism of

implementing the goals and objectives identified in long-range Transportation Plans. The RTIP has a financial constraint; this means that the list of transportation improvement projects in the RTIP will have the financial resources available that can be reasonably expected to implement said projects. The RTIP is not a wish list. Competing transportation improvement projects in the region must compete for inclusion in the RTIP by meeting and ranking well on evaluation criteria. In addition, under state law, projects funded through the RTIP must first be contained in the county Congestion Management Program (CMP). Congestion Management Agencies such as the MTA, under state law, prepare and maintain its own CMP. Hence, the RTIP has a regional scope whereas the proposed transportation improvement is very localized and will be funded by the developer of the proposed project. The main objective of the proposed project transportation improvement is to maintain the level of service at an existing intersection. Therefore, the proposed project is deemed consistent with RTP policy 4.07.

With regard to Policy 4.0,7 please also refer to response to comment 98/3-1.

Response to Comment 98/3-24:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 of the Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-25:

The Recirculated Draft SEIR has been updated to include an analysis of project consistency with the stated policy. Please refer to Page 3.1-14 of the Recirculated Draft SEIR for a complete discussion. The project has been found to be consistent.

Response to Comment 98/3-26:

Please refer to response 3-3 to 3-5 above.

In regard to Policy 4.07 please refer to Response to Comment 98/3-1.

In regard to Policies 3.04 and 3.11, the Recirculated Draft SEIR has been updated to include an analysis of project consistency with these stated policies. The project has been found to be consistent.

#4



San Pedro Peninsula
Chamber of Commerce

January 12, 1999

Mr. Donald Rice
Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes
San Pedro, CA 90731

Dear Mr. Rice:

On behalf of the San Pedro Peninsula Chamber of Commerce, I write to express our strong support of the West Channel Development Project as a vital element of San Pedro's continuing economic resurgence.

Our Board of Directors recently received a presentation on this planned development and many aspects of the project pleased us. The addition of fine dining, shopping and an improved modern marina will bolster the attractiveness of the Cabrillo Marina area, for both visitors and residents alike. The innovative concepts being employed by the developers will add aesthetic beauty and increased functionality, while unobtrusively blending the various uses for the property.

4-1

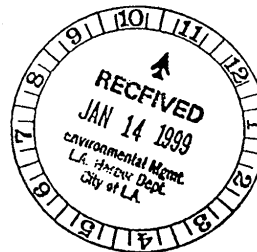
In short, the West Channel Development comes at the perfect time for San Pedro. Our increasing attractiveness as a tourist destination, combined with the addition of this project, will create a synergy that will propel our success in the future.

Thank you for your continued support, on behalf of the Port of Los Angeles, of San Pedro's continued development.

Cordially,

Joel Malik

Joel Malik
1998-99 President



390 West 7th Street, San Pedro, California 90731 • (310) 832-7272 • Fax: (310) 832-0685 • [http:// www.sanpedrochamber.com](http://www.sanpedrochamber.com)

San Pedro Peninsula Chamber of Commerce, Joel Malik, 1998-9 President (January 12, 1999)

Response to Comment 98/4-1:

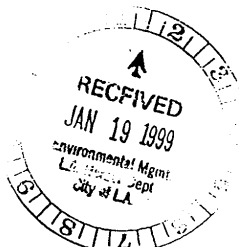
The LAHD acknowledges the commentor's support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project. No change has been made to the Recirculated Draft SEIR in response to this comment.

FORM GEN. 100 (Rev. 6-80)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

#5

January 12, 1999



TO: Donald W. Rice, Director of Environmental Management
Harbor Department

FROM: Fire Department

SUBJECT: DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR
WEST CHANNEL/CABRILLO MARINA PHASE II DEVELOPMENT
PROJECT

All items of concern to this Department appear to have been addressed adequately at earlier levels of review. Attached is a copy of the pre-draft information dated May 21, 1998.

5-1

If you have any questions, please contact Inspector David Castaneda at (213) 485-5964.

WILLIAM R. BAMATTRE
Chief Engineer and General Manager

Michael S. Fulmis, Assistant Fire Marshal
Bureau of Fire Prevention and Public Safety

MSF:DRC:lq:alwccmpdp.wp

FORM GEN. 160 (Rev. 6-80)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

↑
RECEIVED
MAY 28 1998
Environmental Impact
LA Harbor Dept.
City of LA

May 21, 1998

TO: Larry A. Keller, Executive Director
Harbor Department

Attention: Donald W. Rice

FROM: Fire Department

SUBJECT: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT
REPORT - WEST CHANNEL/CABRILLO MARINA PHASE II
DEVELOPMENT PROJECT

PROJECT DESCRIPTION

The West Channel Development Area (WCDA) consists of two sites. The development plan for the aforementioned project site has 45 acres of land and 40 acres of water that will be master planned and developed under a unified program. The project site is also known as Site 2 of the Cabrillo Marina Phase II. Site 1 of the Cabrillo Marina Phase I which has 13 acres of land and 41 acres of water, is fully developed and operated by the Port of Los Angeles.

FIRE FLOW

The adequacy of fire protection for a given area is based on required fire-flow, response distance from existing fire stations, and this Department's judgment for needs in the area. In general, the required fire-flow is closely related to land use. The quantity of water necessary for fire protection varies with the type of development, life hazard, occupancy, and the degree of fire hazard.

Fire-flow requirements for the Port of Los Angeles, in general, will vary from 9,000 gallons per minute (G.P.M.) to 12,000 GPM. A minimum residual water pressure of 20 pounds per square inch (P.S.I.) is to remain in the water system, with the required gallons per minute flowing. The required fire-flow for this project has not been set because the Notice of Preparation does not include site specific projects at this time.

Mr. Larry A. Keller
May 21, 1998
Page 2

Improvements to the water system in this area may be required to provide the required fire-flow. The cost of improving the water system may be charged to the developer. For more detailed information regarding water main improvements, the developer shall contact the Water Services Section of the Department of Water and Power.

Based on a required fire-flow of 12,000 G.P.M., the first-due Engine Company should be within 3/4 mile, the first-due Truck Company within one mile.

The Fire Department has existing fire stations at the following locations for initial response into the area of the proposed development:

Fire Station No. 48
1601 S. Grand Avenue
San Pedro, CA 90731
Task Force Truck and Engine Company
Hazardous Materials Unit
Staffing - 14
Mile - 0.4

Fire Station No. 112
550 Sampson Way
Berth No. 86
San Pedro, CA 90731
Boat 2
Single Engine Company
Paramedic Rescue Ambulance
Staffing - 4
Miles - 1.1

Fire Station No. 101
1414 - 25th Street
San Pedro, CA 90732
Paramedic Engine Company
Staffing - 4
Miles - 2.1

Fire Station No. 49
400 Yacht Street, Berth 194
Wilmingtons, CA 90744
Single Engine Company
Boats 3 and 4
Battalion 6 Headquarters
Staffing - 13
Miles - 5.0

Mr. Larry A. Keller
May 21, 1998
Page 3

Based on this criteria (response distance from existing fire stations), fire protection would be considered inadequate.

ENVIRONMENTAL/ADVERSE IMPACTS INCLUDES THE FOLLOWING:

All structures should be fully sprinklered in order to mitigate the excessive travel distance for Fire Department Truck Companies.

The installation of gates could cause delays in the delivery of Fire Suppression and Emergency Medical Services.

All gates shall be built to City Engineer's standards and be approved by the Fire Department prior to installation.

Remediation of contamination will require Fire Department involvement; the extent of Fire Department involvement will be dependent upon the scope and type of contamination identified. For more information, please contact the Fire Department's Underground Tanks Unit at (213) 485-7543.

Due to the potential for accidents, or upset conditions the risk of an explosion, or the release of hazardous substances is possible.

In order to minimize accidents and upset conditions, all development activities shall be in strict compliance with the Risk Management Plan (Los Angeles Harbor Department, 1983) and the Worldport LA Hazardous Facilities Relocation Plan.

The proposed project shall comply with all applicable State and local codes and ordinances, and the guidelines found in the Fire Protection and Fire Prevention Plan, as well as the Safety Plan, both of which are elements of the General Plan of the City of Los Angeles (C.P.C. 19708).

Definitive plans and specifications shall be submitted to this Department and requirements for necessary permits satisfied prior to commencement of any portion of this project.

In addition, the mitigating measures indicated for the following areas will aid in reducing the adverse impacts to an acceptable level:

D. HAZARD MANAGEMENT

In an effort to control and minimize the hazards associated with this project, the following hazard reduction activities shall be provided:

Mr. Larry A. Keller
May 21, 1998
Page 4

The location, design, construction, and operation of all new or expanded development projects under the Port's jurisdiction shall be based on the latest safety standards appropriate to the intended facility.

When a facility project is proposed which will involve the shipping, handling, transfer, or storage of cargoes categorized by law as hazardous. An analysis of risk problems which may arise within the facility itself, and which may affect adjacent facilities, or areas shall be made. The results shall be used in locating, designing, constructing and regulating the subsequent operation of the proposed facility project.

New or expanded dry bulk cargo terminals shall be equipped with safe containment and recovery systems.

All new in-transit sheds, distribution storage facilities, and other such structures shall be constructed of fire proof or fire resistant materials. These structures shall also have an approved fire sprinkler system installed throughout.

New or expanded petroleum products and liquid bulk chemical tanker terminal berths shall be equipped with modern spill containment equipment to prevent the spread of any spill outside of the containment area.

The development, planning, operation of hazardous commodity terminals, transit sheds, and storage shall be subject to applicable provisions of the Los Angeles Fire Code.

All proposed projects and future projects shall conform with the Harbor Fire Protection Master Plan.

E. FIRE HYDRANTS

Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.

F. FIREFIGHTING APPARATUS ACCESS

Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan D-22549.

Standard cut-corners will be used on all turns.

Mr. Larry A. Keller
May 21, 1998
Page 5

During demolition, the Fire Department access will remain clear and unobstructed.

Fire lane shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.

Fire lanes, where required, and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.

CONCLUSION

The Los Angeles Fire Department continually evaluates fire station placement and overall Department services for the entire City, as well as specific areas. The development of this proposed project, along with other approved and planned projects in the immediate area, may result in the need for the following:

1. Increased staffing for existing facilities.
2. Additional fire protection facilities.
3. Relocation of present fire protection facilities.

WILLIAM R. BAMATRE
Chief Engineer and General Manager


Richard E. Olsen, Assistant Fire Marshal
Bureau of Fire Prevention and Public Safety

REO:DHT:lq:a\westchannel.wp

cc: Councilmember Rudy Svorinich, Fifteenth Council District

**City of Los Angeles, Bureau of Fire Prevention and
Public Safety, Michael S. Fulmis, Assistant Fire Marshal
(January 12, 1999)**

Response to Comment 98/5-1:

The Recirculated Draft SEIR maintains or has increased the level of analysis to the satisfaction of the Bureau of Fire Prevention and Public Safety. Please also refer to Response to Comment 4-1.

Noel Park
3233 S. Walker Ave. San Pedro, CA 90731
(310) 832-5720 (H) (562) 804-5205 (W) Fax: (562) 804-5210
January 19, 1999



Mr. Don Rice, Director of Environmental Management
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, CA 90731

Dear Mr. Rice:

This is a public comment on the Environmental Impact Report for the Cabrillo Marina Phase II project.

I do not believe that this proposed project adequately responds to the needs of the Port's neighbors, the San Pedro community.

Residents of the Point Fermin area have consistently pleaded for the Port to build a public boat launching ramp as part of this project. This ramp is needed to allow moderate income people a place to launch their trailered boats, and to alleviate the terrible traffic and overcrowding around the existing Cabrillo Beach launching ramp during the summer boating season. Citing economic considerations, the Port and its developers have declined to include this launching ramp in their plans.

6-1

This project offers no meaningful recreational opportunities to the thousands of working class people who live in the neighborhoods surrounding the Cabrillo Marina. Of the very few San Pedro residents who have boats, fewer still could afford to store them in the dry stack facility planned. At one of the developer's presentations, I asked their representative if they had any figures on how many San Pedro residents have 40 foot yachts to keep in the high end slips envisioned. While there was no answer, there must be very few, if any at all.

6-2

I question the wisdom, and the appropriateness of establishing more high end restaurants in San Pedro. There appeared to be no consideration of the effect of these restaurants on the struggling, and often failing, restaurants at Ports o' Call, never mind the family owned restaurants trying so hard to succeed in San Pedro.

6-3

This project is clearly oriented toward very well off people, who must represent the top 5% of the population of Los Angeles. There is very little here for us average people. I hardly expect to be invited to the Marina Club in my lifetime.

6-4

At this very moment, the citizens of San Pedro, under the auspices of Councilman Rudy Svornich, Jr., and the Community Redevelopment Agency, are struggling to

6-5

develop a plan to revitalize the neighborhoods adjacent to this project. It is the earnest hope of the community that this redevelopment effort can begin to turn San Pedro into the vibrant, successful, waterfront community that we all know it has the potential to become. This project has been developed with no thought to that effort.

It is clear to me that the enlightened best interest of the Port will be served by the success of this effort to upgrade the San Pedro community. Clearly, the cruise ship terminal, and all of the other tourist oriented enterprises, existing and planned, will be more attractive and successful if the community is attractive and successful. I would ask the Port, again in its own enlightened self interest, to reach out to the community and the CRA so that San Pedro can go forward under one coordinated plan to the great benefit of all concerned.

6-5

I believe that the Port, as a public agency of the City of Los Angeles, has a duty to consider recreational opportunities and quality of life issues for all of the citizens, and to look beyond the simple financial bottom line. If millions of dollars are to be spent in support of these developers, some meaningful amenities and recreational opportunities should be provided for its working and middle class neighbors in San Pedro, and the project should be planned in cooperation with the community to obtain the maximum overall benefit for the community, as well as the Port.

Sincerely,



Noel Park

cc: Councilman Rudy Svornich, Jr., Mayor Richard Riordan

Noel Park (January 19, 1999)

Response to Comment 98/6-1:

The commentor states that there is traffic and overcrowding around the existing Cabrillo Beach Complex. The Cabrillo Beach Complex consists of a number of facilities, mainly the Cabrillo Marine Aquarium, Cabrillo Beach, Cabrillo Beach Launching Ramp, Lifeguard Station, and Fishing Pier. In the summer, especially on weekends, traffic queues may occur along Stephen White Drive and up to Pacific Avenue. This causes access problems and safety concerns to the residents along the affected streets. It should be noted that Cabrillo Beach and the Cabrillo Beach Launch Ramp are outside the boundaries of the proposed project that is the subject of this EIR. However, the LAHD is interested in finding a solution to this problem.

In an ongoing effort to find a solution to this problem, and as stated within Chapter 5.1 of the Recirculated Draft SEIR, the LAHD has considered a total of nine boat launch alternatives in order to serve public demand for such a facility. Notably, two of the nine potential launch sites, Site A and Site B, would be located within the vicinity of the proposed project.

See Section 1.5, "Boat Launch Siting," in the Executive Summary regarding the potential for locating a public boat launch facility on LAHD property. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to evaluate the feasibility of locating boat launch facilities on LAHD property. The assessment is to include integration of any potential facility into the San Pedro Waterfront planning process.

Response to Comment 98/6-2:

The commentor states that the proposed project would not increase recreational access to the Cabrillo Marina area. Access to recreational opportunities will be increased by this project. Compared to the existing recreational facility, the proposed project would provide visitors with an enhanced waterfront experience. The proposed project would not remove any of the existing recreational facilities outside its boundaries. Within the project, there will be new restaurants, shops, and other visitor-serving facilities geared specifically to waterfront recreation. The proposed project will provide a mix of slips and facilities to meet market demand and previous planning development efforts.

In addition to the proposed 1.7-acre pedestrian promenade along the waterfront, two separate landscaped park areas have been incorporated into the project. One will be located adjacent to the waterfront promenade and one will be located along the Miner Street portion of the promenade.

Dry boat storage is not available in the area and this use is consistent with Port plans and goals, and objectives of the approved West Channel/Cabrillo Beach Recreational Complex Preliminary Precise Plan. Dry boat storage was included as a project element of the Preliminary Precise Plan, which evolved as a joint Port-Citizen-Agency-Consultant effort, for the development of the West Channel/Cabrillo Beach Recreational Complex. The West Channel/Cabrillo Beach Recreational Complex Citizens' Advisory Committee approved the Preliminary Precise Plan in November 1979. The Board of Harbor Commissioners approved the Preliminary Precise Plan in December 1979, and it was the basis of the project assessed in the 1980 EIR (LAHD 1980a, Pages 2, 11-13, see Response 98/9-2).

Response to Comment 98/6-3:

The proposed project is the continued commercial development of the San Pedro waterfront. The project includes two restaurants along with a number of other marina uses. This project is expected to provide enhanced opportunities for people visiting the waterfront.

The LAHD acknowledges the commentor's concerns and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project. The comment does not question the adequacy of the Recirculated Draft SEIR and is considered to be outside the scope of the CEQA analysis.

Response to Comment 98/6-4:

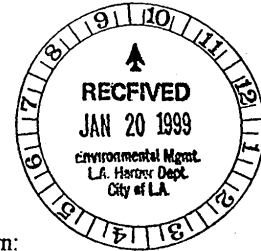
The proposed project is essentially a needed rehabilitation of deteriorated marina facilities with a new marina in keeping with the development of Cabrillo Marina Phase I. Facilities will be developed to serve a wide variety of users.

The LAHD acknowledges the commentor's concerns and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project. The comment does not question the adequacy of the Recirculated Draft SEIR and is considered to be outside the scope of the CEQA analysis.

Response to Comment 98/6-5:

Along with other Port waterfront commercial development plans, the proposed project would serve to upgrade existing deteriorated uses with modern facilities that would assist in the overall redevelopment effort of San Pedro.

Please refer also to Response to Comment 98/6-2.



January 20, 1999

Re: West Channel Cabrillo Marina Phase II

To The Los Angeles Harbor Division and Others Whom This May Concern:

Access to the ocean for boaters in Los Angeles County is extremely limited. With the new development / remodel of the West Basin there exists a unique and important opportunity for improving this access now and for the future. Adding a ramp or hoists with an attached parking lot for cars with trailers is not currently part of this plan.

The population of Los Angeles County is on the rise. More boaters, not less, will be seeking a boat dock for their craft. There is already a great jam-up of boats at Cabrillo Beach. There are currently only four locations in the County to put boats into the water; Mariana Del Rye (which may be converted to a hotel), Redondo Beach and Long Beach (which do not have freeway access) and Corbel Beach. No other boat ramps are planned.

There are weekends when, with twenty boaters waiting with their boats, cued up on Pacific Avenue and Steven White Drive waiting to get to the Cabrillo Beach boat ramp, that some are turned away at the end of the day. What a way to start a vacation!

Mr. Larry Keller, executive director of the Harbor Department has suggested starting a reservation system. That does not open up access to the ocean, and is fraught with administrative problems, including the several years that this system would take for boaters to know of it. No other LA County boat facility uses a reservation system.

This site in the Los Angeles Harbor is the most logical for adding a boat ramp or hoists to alleviate the long delays that currently exist at Cabrillo Beach. Any other potential site would cause small craft to compete with the cargo ships. There is no room at Cabrillo Beach to enlarge the boat ramp, as the parking lot there serves other needs, for swimmers, picnics, windsurfers, fisherman, and visitors to the Cabrillo Marine Aquarium.

The current plan for the marina development does include a dry storage for boats at \$8/foot/month, or about \$160/month for a 20-foot boat. That doesn't provide public access for boaters except the very well off financially. The current plan does include two hoists at and adjacent to the site designated for "youth activities" but not needed parking for cars with trailers. Boaters have been told that they might be able to use them, "if parking is available."

Do then consider:

- Including a boat ramp or hoists in the new development for the public with adequate boat trailer parking.
- Changing the "youth center" to "family and singles center" for launching boats
- Relocating the youth center activities to the Boy Scout/Girl Scout Center on the West Side of the Marina, which is really only used in the summer months.

7-1

Make use of this great opportunity to take care of the needs of the residents of Los Angeles County.

Please send me a copy of the environmental report, the ERI report. Acquiring this during your business hours or reading this during the local library open hours is very difficult to do.

dm

Also, please consider extending the deadline for responses to the ERI report since the Report has been difficult to acquire and is difficult to read during library hours.

Thank you,

Linda Howat
Linda Howat

727 W. 40
SP CA 90731-7109
(4) 310-514-3435

Linda Howat (January 20, 1999)

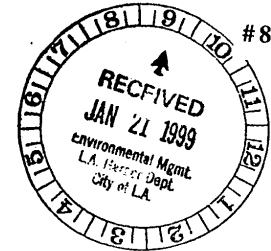
Response to Comment 98/7-1:

The LAHD believes that implementation of a reservation system would help to alleviate the congestion of cars and trailers along the affected streets and the limited parking facilities at peak times. This system would help avoid a greater number of boaters and jet skiers arriving at the ramp than the total number who could use that ramp.

The market will determine the rental rates for use of the various facilities to be developed. Developing more facilities to accommodate the various boating public should tend to fill the demand for such facilities with the concomitant effect of increasing competition amongst such facilities in the region and thus of lowering rates for use of such facilities.

The LAHD is aware of the situation regarding the resultant traffic due to boaters attempting to access the exiting Cabrillo launch facility.

In response to the increasing demand for additional boat launch facilities, the Recirculated Draft SEIR included a chapter that was dedicated to the analysis of nine potential locations for the construction of a new launch site. In regards to this issue, please refer to Response to Comment 12-4. Additionally, please refer to Recirculated Draft Chapter 2, "Project Description," regarding the use of a reservation system.



January 21, 1999

Re: West Channel Cabrillo Marina Phase II Development Project

To The Los Angeles Harbor Division and Others Whom This May Concern:

Access to the ocean for boaters in Los Angeles County is extremely limited. With the new development / remodel of the West Basin in the Los Angeles Harbor there exists a unique and important opportunity for improving this access now and for the future. Adding a boat ramp or hoists with an attached parking lot for cars with trailers is not currently part of this plan, but must be.

The population of Los Angeles County is on the rise. More boaters, not less, will be seeking a boat dock for their craft. There is already a great jam-up of boats at Cabrillo Beach. There are only four locations in the County to put boats into the water; Mariana Del Rey (which may be converted to a hotel), Redondo Beach and Long Beach (which do not have freeway access) and Cabrillo Beach. No other boat ramps are planned.

There are weekends when, with twenty boaters waiting with their boats, cued up on Pacific Avenue and Steven White Drive waiting to get to the Cabrillo Beach boat ramp, that some are turned away at the end of the day. What a way to start a vacation!

Mr. Larry Keller, executive director of the Harbor Department has suggested starting a reservation system. That does not open up access to the ocean, and is fraught with administrative problems, including the several years that this system would take for boaters to know of it. No other LA County boat facility uses a reservation system.

This site in the Los Angeles Harbor is the most logical for adding a boat ramp or hoists to alleviate the long delays that currently exist at Cabrillo Beach. Any other potential site would cause small craft to compete with the cargo ships. There is no room at Cabrillo Beach to enlarge the boat ramp, as the parking lot there serves other needs, for swimmers, picnickers, windsurfers, fisherman, and visitors to the Cabrillo Marine Aquarium.

The current plan for the marina development does include a dry storage for boats at \$8/foot/month, or about \$160/month for a 20-foot boat. That doesn't provide public access for boaters except the very well off financially. The current plan does include two hoists at the site designated for "youth activities" but not needed parking for cars with trailers. Boaters have been recently told that they might be able to use them, "if parking is available."

Do then consider:

- Including a boat ramp or hoists in the new development for the public with adequate boat trailer parking.
- Changing the "youth center" to a "family and singles center" for launching boats.
- Relocating the youth center activities to the Youth Center on the West Side of the Marina, which is really only used in the summer months.

8-1

Linda Howard
310-514-3435

Linda Howat (January 21, 1999)

Response to Comment 98/8-1:

Please refer to Response to Comment 98/7-1 above.

1/20/99

#9

TO LAHARBOR DEPARTMENT

RE: EIR, WESTREC - EAST CHANNEL MARINA DEVELOPMENT

I AM AGAINST APPROVAL OF THE PROJECT IF THERE IS NO BOAT LAUNCH RAMP OR PUBLIC HOIST ACCESS TO REDUCE NEIGHBORHOOD NUISANCE TRAFFIC CAUSED BY JET SKIERS AND BOATERS SHUTOUT OF THE CABRILLO BEACH BOAT LAUNCH BY OVERCROWDING.

9-1

THE PRICE OF THE PROPOSED DRY STACK STORAGE IS TOO HIGH FOR MOST OF THE PEOPLE I KNOW WHO KEEP BOATS AND USE THE LOCAL FACILITY. I'VE TALKED WITH ABOUT A HALF DOZEN OF THEM. THEY WON'T USE THE DRY STACK. SOMETIMES THEY TRAILER THEIR BOATS NORTH TO LANCES - OR OTHER COASTAL HARBORS. A BOATER OR JET SKIER WHO COMMITS TO DRY STACK STORAGE WILL STILL HAVE TO STORE A TRAILER SOMEWHERE AND GIVE UP THE FLEXIBILITY OF LAUNCHING ELSEWHERE ON A WHIM.

9-2

YOU SHOULD INVOLVE THE COMMUNITY IN THE PLANNING PROCESS UPON IT IN ADDITION TO ASKING FOR OUR COMMENTS AFTER THE PROJECT IS COMPLETED, AND THE EIR PUBLISHED.

9-3



Laura R. Martin

LAURA R. MARTIN
582 WEST 39TH STREET
SAN PEDRO, CA 90731

Laura Martin (January 20, 1999)

Response to Comment 98/9-1:

The issue regarding the provision of an additional boat launch ramp has been addressed in the Recirculated Draft SEIR. Please refer to Recirculated Draft SEIR Chapter 5.0, "Boat Launch Analysis."

Response to Comment 98/9-2:

The market will determine the rental rates for use of the various facilities to be developed. Developing more facilities to accommodate the various boating public should tend to fill the demand for such facilities with the concomitant effect of increasing competition amongst such facilities in the region and thus of lowering rates for use of such facilities.

Response to Comment 98/9-3:

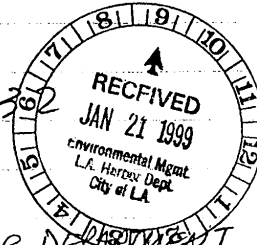
The environmental process is part of the planning process. It should be noted that the LAHD did not receive comments from any residents in May 1998 during the public review for the Notice of Preparation.

Please refer to Section 3.4, "Comment Review and Public Involvement," for a description of the ongoing public participation activities that have taken place since recirculation of the Recirculated Draft SEIR in November 2002.

#10

JAN 21, 1999

CARLOS BANUELOS
2323 ANABAS AVE
SAN PEDRO, CA 90732



TO LOS ANGELES HARBOR DEPARTMENT

I AM AGAINST ADOPTION OF
THE EIR OF THE NEW WEST
CHANNEL/CABRILLO MARINA BECAUSE
IT DOES NOT INCLUDE JET SKI
LAUNCH RAMP.

10-1

Carlos Banuelos

Carlos Banuelos (January 21, 1999)

Response to Comment 98/10-1:

Please refer to Response to Comment 98/6-1 regarding the provision of a launch ramp facility. Also note, the final launch site would be accessible to both boats and jet-skis.

#11

FORM GEN. 180A (Rev. 1/82)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

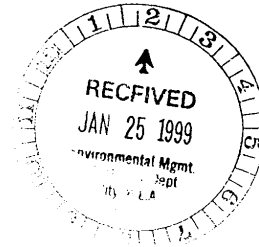
West Channel/Cabrillo Marina
Phase II Development

Date: January 21, 1999

To: Donald W. Rice, Director of Environmental Management
Harbor Department

From: *Robert T. Takasaki*
Robert T. Takasaki, Senior Transportation Engineer
Department of Transportation

Subject: **DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT(DSEIR)
FOR THE PROPOSED WEST CHANNEL/CABRILLO MARINA PHASE II
DEVELOPMENT PROJECT(STATE CLEARINGHOUSE NO. 98041086)**



The Department of Transportation (DOT) has reviewed the DSEIR and supporting traffic study prepared by the traffic consultant Margaret Lee of Everest International Consultants, Inc. for the proposed West Channel/Cabrillo Marina Phase II Development Project. This project is located in the Port of Los Angeles and generally bounded on the west by the West Channel, on the east by Miner Street, on the south by the main harbor and on the north by 22nd Street. The DSEIR analyzed six study intersections and determined that three of the intersections would be significantly impacted by project related traffic. Except as noted, the DSEIR adequately evaluates the project's impact on the surrounding community.

PROJECT DESCRIPTION

The West Channel Development Area (WCDA) consists of two sites that correspond to the two phases of development. The first phase is located west of the West Channel and has been constructed. The second phase is located east of the West Channel comprises a total of 47 acres of land and 40 acres of water and together with Phase I will provide a unified continuous waterfront. Phase II consists of developing the site to replace deteriorated marina facilities with higher-value marine and visitor-oriented retail, a vessel stack storage facility, restaurants, tour/charter rentals, yacht sales display, marina catering to larger recreational vessels and special events. The existing marina will also be demolished and replaced with a new, modern floating dock system. The project also proposes roadway improvements for 22nd Street and Miner Street. Approximately 5,100 linear feet of pedestrian promenade will be constructed to accommodate pedestrian access around the development.

On a typical weekday, the project will generate approximately 4,500 net daily trips with 215 net trips during the AM peak hour and 345 net trips during the PM peak hour. On a typical weekend, the project will generate approximately 6,130 net daily trips with 550 net trips during the weekend peak hour.

Donald W. Rice

-2-

January 21, 1999

COMMENTS

The DSEIR indicates that the proposed project will have a significant traffic impact at the following three intersections:

- 6th Street and Harbor Boulevard
- Harbor Boulevard and I-110 Freeway Northbound On Ramp
- Harbor Boulevard, SR-47 Eastbound On & Off Ramps and Swinford Street

DOT concurs with the DSEIR that the intersections of 6th Street and Harbor Boulevard and Harbor Boulevard and the I-110 Freeway Northbound On & Off Ramps cannot be mitigated because there are no feasible or cost effective mitigation measures available, the traffic impacts are seasonal and only occur in the summer months and both intersections will still operate at reasonably good level of service "C".

At the intersection of Harbor Boulevard, SR-47 Freeway Eastbound On & Off Ramps and Swinford Street, the project proposes to remove the raised median island on the south leg of Harbor Boulevard, restripe the northbound approach of Harbor Boulevard to add a second left turn lane, restripe the freeway off-ramp to provide dual right turn lanes and a shared left-thru lane and modify the signal operation to have Swinford Street and the off-ramp operate on opposed phasing and to add a right turn arrow for the off-ramp which will overlap with the northbound left turn phase. The proposed mitigation is acceptable to DOT but also requires Caltrans' approval. The freeway off-ramp is presently striped for a left turn only lane, a shared left-thru-right turn lane and a right-turn only lane. The proposed island removal, signal modification and striping changes will reduce congestion and provide for more efficient operation of the signal to accommodate the heavy eastbound right-turn and northbound left-turn demands at this intersection.

11-1

The DSEIR also proposes to install a new traffic signal at the intersection of 22nd Street and Cabrillo Way. DOT has no objection to the installation of a traffic signal at this location since both streets at this location are private streets under jurisdiction of the Harbor Department. The DSEIR also recommends that DOT review the existing traffic controls at the intersections of Harbor Boulevard and Gulch Road and at Harbor Boulevard, Miner Street and Crescent Avenue. The two intersections are a very short distance apart with Harbor Boulevard and Gulch Street presently controlled by all-way stop signs and Harbor Boulevard, Miner Street and Crescent Avenue presently controlled by just a stop sign for Crescent Avenue. DOT's Southern District Office will investigate both locations for any necessary changes in traffic control.

11-2

Unless otherwise specified, all traffic mitigation measures shall be implemented through the Bureau of Engineering B-Permit process or Caltrans' encroachment permit process. Construction of the improvements to the satisfaction of DOT, the Bureau of Engineering and Caltrans must be completed before the issuance of any certificate of occupancy. In the event the developer is unable to obtain necessary construction permits from the concerned agencies in a timely fashion, a temporary certificate of occupancy will be granted by the City provided the developer has demonstrated reasonable efforts to complete the necessary designs and improvements to the satisfaction of DOT. Should any improvements not receive required approval, the City may substitute an alternative

11-3

Donald W. Rice

-3-

January 21, 1999

measure of an equivalent cost and effectiveness. Prior to setting the bond amount, the Bureau of Engineering shall require that the developer's engineer or contractor contact DOT's B-Permit Coordinator, telephone (213) 580-5336, to arrange a pre-design meeting to finalize the proposed design needed for the project.

Figure 1-3 of the DSEIR shows two traffic circles on 22nd Street; one at the intersection of 22nd Street and Miner Street and the other at the intersection of 22nd Street and Cabrillo Way. Twenty Second Street is designated as a secondary highway and serves as a major access route into the area. DOT does not recommend installing traffic circles on such a street. Also the proposed traffic circles would not be compatible with the traffic signals that are either existing or proposed at these two intersections.

11-4

This memorandum does not constitute approval of the driveways and parking scheme. Those require separate review and approval and should be coordinated with DOT's Citywide Planning Coordination Section (201 North Figueroa St. Suite 300, Station 23) as soon as possible to avoid delays in the building permit approval process.

11-5

If any questions should arise, please contact Collins Allan of my staff at (213) 240-3075

ca:wp:WARDSEIR.WPD

- cc: Council District No. 15
- Southern District, DOT
- Design Division, DOT
- Citywide Planning Coordination Section, DOT
- Development Services Division, Bureau of Engineering
- Steve Buswell, Caltrans
- Magaret Lee, Everest International Consultants, Inc.

City of Los Angeles, Department of Transportation, Robert Takasaki, Senior Transportation Engineer

Response to Comment 98/11-1:

The LAHD acknowledges and agrees with the commentor's assessment of the traffic improvements. These issues have been re-addressed in the Recirculated Draft SEIR.

Response to Comment 98/11-2:

The LAHD acknowledges the commentor's assessment of the cited intersections. These issues have been re-addressed in the Recirculated Draft SEIR.

Response to Comment 98/11-3

Because the proposed mitigation is acceptable to LADOT (see Response to Comment 98/11-1), the developer's engineer or contractor will meet with LADOT's B-Permit coordinator to arrange a pre-design meeting. This will ensure the mitigation measure is implemented as specified in the Mitigation Monitoring and Reporting Program.

These issues have likewise been re-addressed in the Recirculated Draft SEIR.

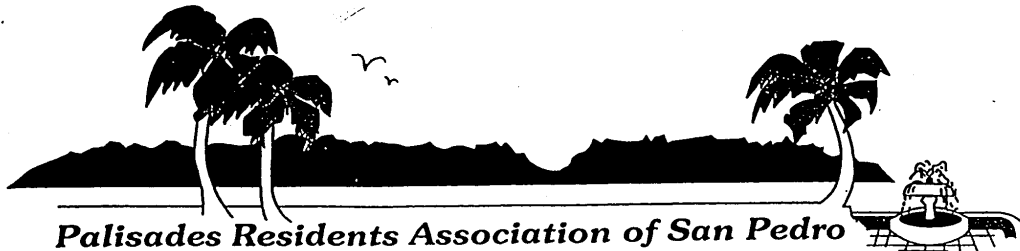
Response to Comment 98/11-4

The LAHD acknowledges the commentor's concern regarding the inclusion of traffic circles. At the time of the original Recirculated Draft SEIR, the traffic circles were shown in the original drawings, which were considered very conceptual drawings. Since that time, the figure was revised and no longer includes traffic circles.

Response to Comment 98/11-5

All traffic improvements that require LADOT approval would proceed accordingly. Please refer to Recirculated Draft SEIR Chapter 3.2, "Transportation and Circulation," regarding the revised traffic analysis.

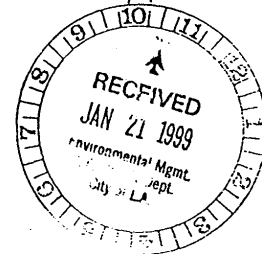
#12



Palisades Residents Association of San Pedro

January 15, 1999

Mr. Don Rice, Director of Environmental Management
 Port of Los Angeles
 425 S. Palos Verdes Street
 San Pedro, CA 90731



Dear Mr. Rice:

Ref: Environmental Impact Report for Cabrillo Marina, Phase II Project

The Palisades Residents Association represents 1700 households. Our boundaries are the area of San Pedro bounded by 25th Street, Gaffey Street, Western Avenue and the Pacific Ocean, plus the Pacific Heights section of Air Force housing. Development of the Port in general and Cabrillo Marina specifically, impact our quality of life issues.

We do not believe this project adequately responds to the needs of the San Pedro community and the greater Los Angeles area. We are seeking a solution to alleviate traffic and overcrowding around the existing Cabrillo Beach launching ramp. Citing economic considerations, the Port and its developers have declined to include an additional launching ramp in their plans.

12-1

The plan is well conceived in addressing the needs of citizens who can afford the additional expense of "lift" boat launching, however moderate income citizens also need a place to launch their trailered jet skis and boats. The Los Angeles County closure of the Marina del Rey launch ramp will further impact the overload currently felt at Cabrillo Beach.

12-2

We believe the Port, as a public agency of the City of Los Angeles, has a duty to consider recreational opportunities and quality of life issues for all citizens.

Sincerely,


Danna McDonough
 President

C: Rudy Svorinich, Jr., Councilman

P.O. Box 5281 San Pedro, CA 90733

Palisades Residents Association of San Pedro, Danna McDonough, President (January 15, 1999)

Response to Comment 98/12-1:

In an ongoing effort to find a solution to this problem, and as stated within Chapter 5.1 of the Recirculated Draft SEIR, the LAHD has considered a total of nine boat launch alternatives in order to serve public demand for such a facility. Notably, two of the nine potential launch sites, Site A and Site B, would be located within the vicinity of the proposed project.

See Section 1.5, "Boat Launch Siting," in the Executive Summary regarding the potential for locating a public boat launch facility on LAHD property. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to evaluate the feasibility of locating boat launch facilities on LAHD property. The assessment is to include integration of any potential facility into the San Pedro Waterfront planning process.

Response to Comment 98/12-2:

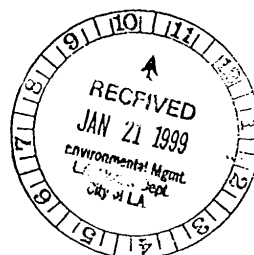
Please refer to Response to Comment 98/12-1 regarding the inclusion of a launch facility at the proposed project.

San Pedro & Peninsula YMCA
301 South Bandini Street, San Pedro, CA 90731
(310) 832-4211 Fax (310) 548-8607

#13

January 20, 1999

Donald W. Rice
Director of Environmental Management
The Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731



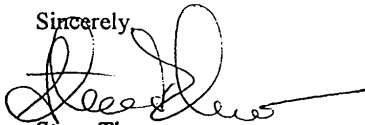
RE: SCH No. 98041086

Dear Mr. Rice,

The YMCA would like to express support for the West Channel/Cabrillo Marina Phase II Development Project proposed by Koll Real Estate Group/Westrec Marinas. We believe this project would be of great benefit to local commerce and the community as a whole.

13-1

Thank you for your consideration on this important matter.

Sincerely,

Steve Thomas
Executive Director

Cc: Honorable Rudy Svorinich, Jr.



*We build strong kids, strong families,
strong communities.*

**San Pedro & Peninsula YMCA, Steve Thomas,
Executive Director (January 20, 1999)**

Response to Comment 98/13-1:

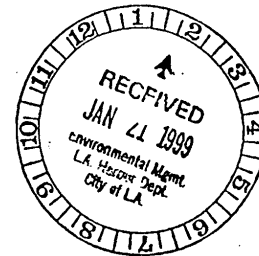
The LAHD acknowledges the commentor's support for the proposed project.

#14

J. G. & J. R. Scoble
3209 S. Pacific Avenue
San Pedro, CA 90731
(310)832-3313

Jan 20, 1999

The Port of Los Angeles
Environmental Management Division
Los Angeles Harbor Department
425 S. Palos Verdes Street
San Pedro, CA 90733



Re: Draft, Supplemental Environmental Impact Report
West Channel/Cabrillo marina Phase II
Development Project

State Clearinghouse Number: 98041086



Mr. Valentin P. Amezcua:

As residents of the area of San Pedro that is quite close to this project and having reviewed the EIR there are some things that would be beneficial, if changed. Currently there is only one ramp in the area to launch boats and that is at Cabrillo Beach. The only access to this ramp is via South Pacific Avenue. During the height of the boating season, which is the better part of the year, the use of this ramp exceeds its capacity. This causes traffic jams on South Pacific Avenue and probably more cars with boats and trailers than the streets are able to handle.

14-1

There are two things that would help to alleviate this situation. First would be to have a boat launching ramp at the new marina complex. It would seem plausible to put this ramp near the fire and lifeguard station and the San Pedro Boat works. In addition, access to the Cabrillo Beach boat ramp should be allowed to move off 22nd Street, in Via Cabrillo Marina and Shoshonean Road. This would allow more boats to be launched and relieve the traffic jams that occur frequently on South Pacific Avenue.

14-2

We hope that the size of youth boating facility can be adjusted or eliminated altogether to accommodate this change. There already seems to be sufficient youth activity facilities in the near vicinity already. Most of these also seem to be underused.

14-3

Thank you for your consideration.

Sincerely,

John & Judy Scoble

John and Judy Scoble (January 20, 1999)

Response to Comment 98/14-1:

In an ongoing effort to find a solution to this problem, and as stated within the Chapter 5.1 of the Recirculated Draft SEIR, the LAHD has considered a total of nine boat launch alternatives in order to serve public demand for such a facility. Notably, two of the nine potential launch sites, Site A and Site B, would be located within the vicinity of the proposed project.

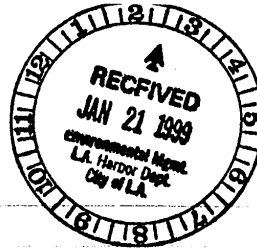
See Section 1.5, "Boat Launch Siting," in the Executive Summary regarding the potential for locating a public boat launch facility on LAHD property. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to evaluate the feasibility of locating boat launch facilities on LAHD property. The assessment is to include integration of any potential facility into the San Pedro Waterfront planning process.

Response to Comment 98/14-2:

The issues regarding the provision of an additional boat launch ramp and alternate access to the Cabrillo Beach boat launch have been addressed in the Recirculated Draft SEIR. Please refer to Recirculated Draft SEIR Chapter 5.0, "Boat Launch Analysis."

Response to Comment 98/14-3:

The youth boating facility is a part of the proposed project. Please see Chapter 1, "Executive Summary" for a complete discussion of all elements associated with the project.



#15

1-21-99

The Port of Los Angeles
Environmental Management Division

To Whom It May Concern:

within the youth facilities) It seems that no one seems to know just what is to be included in the new marina at the end of Miner St. here in San Pedro. It also seems that there will be duplication of what is all ready available at the Boy Scout center. The resident person in charge can name each thing, plus admitting that insurance + timing conflicts with the camps outs, etc. for quite a while, squelched many of the offerings, but supposedly that is now changing.

15-1

Have you studied all those considerations? You own both properties + the Boy Scout lease has been paid + still is by citizens.

15-2

The Pacific Ave. people are profoundly affected by the backup of the boat launching people + the jet ski noise of those ^{operations} is incredible.

15-3

Can there be a trade off some way? I assume you've done your homework, but their take at B.S of A. is \$15,000 a year, etc, so please reevaluate.

15-4

Yours truly
Bernice J. Joseph

Bernice Jessop (January 21, 1999)

Response to Comment 98/15-1:

Please refer to the project description in Chapter 1, "Executive Summary," for a complete discussion of all elements associated with the project.

Response to Comment 98/15-2:

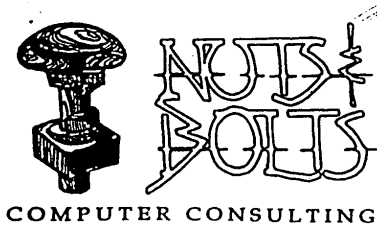
Please refer to Response to Comment 98/6-2 and 98/7-1.

Response to Comment 98/15-3:

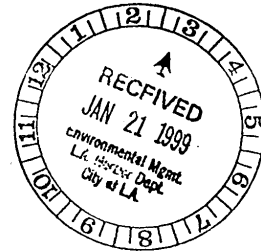
Please refer to Response to Comment 98/6-1 regarding the provision of a second launch facility and Recirculated Draft SEIR Chapter 3.4, "Noise," regarding the noise analysis.

Response to Comment 98/15-4:

Please refer to the project description in Chapter 1, "Executive Summary," regarding the scope of the proposed project.



#16



January 19, 1999

Donald W. Rice
 Director of Environmental Management
 The Port of Los Angeles
 425 South Palos Verdes Street
 San Pedro, CA 90731

Dear Mr. Rice,

I have reviewed some of the Draft Supplemental EIR for the Koll Real Estate Group/westrec Marinas-West Channel/Cabrillo Marina project. I am very familiar with that area and would really like to see it improved. This project would bring much needed development to this area and result in a greatly enhanced marina area. I therefore endorse this proposal.

16-1

Sincerely yours,

Stephen M. Bradford
 Stephen M. Bradford
 Owner

Cc: Honorable Rudy Svorinich, Jr.

Mailing Address: P. O. Box 6005 • San Pedro, California 90734-6005
 (310) 548-4783 • FAX: (310) 514-8320

Nuts & Bolts Computer Consulting, Stephen Bradford, Owner (January 19, 1999)

Response to Comment 98/16-1:

The LAHD acknowledges the commentor's support for the proposed project.



CABRILLO BEACH YACHT CLUB

211 WEST 22ND STREET, SAN PEDRO, CALIFORNIA 90731
PH: (310) 519-1694 • FAX: (310) 519-1526



Donald W. Rice
Director of Environmental Managment
The Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Re: Koll Westrec/ Cabrillo Marina
Phase 11 Development Project
(SC11 No. 98041086)

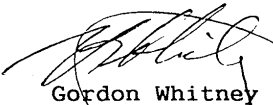
Gentlemen,

I have had an oportunity to study the volumous EIR report referenced above and find it most complete and well prepared covering all phases on the project site. Although the original study began by assessing the cumulative effects on this important recreational area, this current report brings it all into proper focus with the removal of the Navy pier, the UNOCAL tank farm and the cleanup which has been completed.

17-1

We, as you know, are concession tenants in the first phase of the Ports recreational development plan and are gratified to see the the next and final work about to begin.

Sincerely Yours,


Gordon Whitney
Commodore

cc Honorable Rudy Svorinich, Jr

Cabrillo Beach Yacht Club, Gordon Whitney, Commodore (letter not dated)

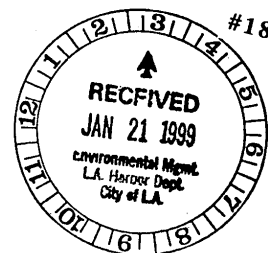
Response to Comment 98/17-1:

The LAHD acknowledges the commentor's support for the proposed project.



CABRILLO BEACH YACHT CLUB

211 WEST 22ND STREET, SAN PEDRO, CALIFORNIA 90731
PH: (310) 519-1694 • FAX: (310) 519-1526



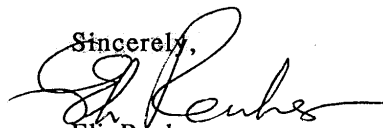
January 11, 1999

Mr. Donald W. Rice
Director of Environmental Management
The Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Dear Mr. Rice:

I would like to add my support for The West Channel Cabrillo Marina Phase II Development Project, (SCH No. 980410886). This project replaces old and neglected marina slips with new slips, adds land stacked storage, marine stores, restaurants and other related facilities. I expect that this development will encourage and broaden public participation in recreational boating in San Pedro.

18-1

Sincerely,

Eli Reuben
Staff Commodore

cc: The Honorable Rudy Svorinich, Jr.

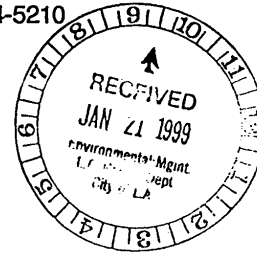
Cabrillo Beach Yacht Club, Eli Reuben, Staff Commodore (January 11, 1999)

Response to Comment 98/18-1:

The LAHD acknowledges the commentor's support for the proposed project.

#19

Noel Park
3233 S. Walker Ave. San Pedro, CA 90731
(310) 832-5720 (H) (562) 804-5205 (W) Fax: (562) 804-5210
January 20, 1999



Mr. Donald W. Rice, Director of Environmental Management
Port of Los Angeles
P.O. Box 151
San Pedro, CA 90733-0151

Dear Mr. Rice:

This is in response to your letter of January 12, 1999. Thank you for Dr. Appy's courteous telephone call, and for delivering a copy of the Draft Environmental Impact Report to me.

On Monday evening, January 18, I attended a general membership meeting of the Point Fermin Residents Association. The Draft environmental Impact Report was an agenda item at this meeting. There were approximately 30 or 40 people at the meeting, clearly some of the most involved and aware citizens of the community. At a show of hands, less than one in ten was aware of the comment period for the Draft EIR, or the January 21 deadline. The consultant who is doing community relations work for the developer was there, and I believe that she can confirm what I am saying.

19-1

I want to repeat to you that I go through the Daily Breeze every day, as thoroughly as time allows. I did not see the November 24 notice. With the greatest respect, if it was included with the legal notices, requests for bids, fictitious business statements, lien sales and the like, I do not believe that very many citizens read this part of the newspaper in any detail.

19-2

I am a paid up member of the Point Fermin and Palisades Residents Associations. I serve on the Board of Directors of the Palisades Association. I am one of the Palisades Association's delegates to the San Pedro and Peninsula Homeowners Coalition. I have been to every general meeting of the Point Fermin Association, every meeting of the Palisades board and every meeting of the Coalition since October, and I had never been informed of the comment period, or the deadline, until I saw it in the January 7 Los Angeles Times. Perhaps the Presidents of these groups, to whom you are sending copies of the EIR, do not understand the significance of the comment period. In any case, it is, evidently, not a very effective way of disseminating the information. While I appreciate your sending the press release to the Times, two weeks notice is inadequate.

19-3

As I said in my previous letter, I heard the developer's presentation at all three of the above groups. There was no mention of the comment period, or the deadline.

19-4

I went to the library to look at the EIR, the day before you were so kind as to send me a copy. It took the reference librarian about 15 minutes to find it, so I do not believe that there is very much traffic there.

I have nothing but the greatest respect for you and your group. Only yesterday, I picked up a copy of The Main Channel at San Pedro High School, and saw the picture of Dr. Appy accepting the richly deserved award for your work at Batiquitos Lagoon. I have personally written to the Board of Harbor Commissioners to congratulate them on your efforts at Bolsa Chica, which I believe that history may remember as the Port's finest hour.

19-5

Nevertheless, I am deeply concerned about the public outreach for this EIR. If the intent is to satisfy the legal requirements and complete the governmental procedure, I have no doubt that you have dotted every i and crossed every t. If the intent is to reach out to the community for meaningful comment and input, I have to tell you, again with the greatest respect, that it has not worked.

19-6

As I said in my comment letter on the EIR, it is my hope that we can find ways to plan these projects with much more input and cooperation from the public, and from other City agencies, to better serve the enlightened self interest of the Port, and the greater good of the San Pedro Community.

Sincerely,



Noel Park

Noel Park (January 20, 1999)

Response to Comment 98/19-1:

Since the time of this comment, the Recirculated Draft SEIR was recirculated in accordance with State CEQA Guidelines. Please refer to Response to Comment 98/1-1 regarding CEQA requirements for public notification and public involvement in the process.

Response to Comment 98/19-2:

Please refer to Response to Comment 98/19-1 above.

Response to Comment 98/19-3:

Please refer to Response to Comment 98/19-1 above.

Response to Comment 98/19-4:

Please refer to Response to Comment 98/19-1 above.

Response to Comment 98/19-5:

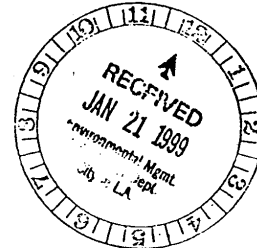
The comment does not relate to the adequacy of the Recirculated Draft SEIR and is not a CEQA issue.

Response to Comment 98/19-6:

Please refer to Response to Comment 98/19-1 above.

#20

Point Fermin Residents Association



To: Donald W. Rice
Director of Environmental Management Division
Los Angeles Harbor Department
425 S. Palos Verdes St.
San Pedro, Calif. 90733

From: Point Fermin Residents Association January 20, 1999
RE: Transmittal of Draft Supplemental Environmental Report Impact

Point Fermin residents have been arduously involved in Harbor planning since before saving the Estuary Bird-Refuge as mitigation for a failed Kelp Project and actively working to preserve the location of the Boy Scout Camp.

Over the past several years Point Fermin has been taken over on summer weekends by boat trailers and jet skiers. Because of the inadequate launch facilities at Cabrillo Beach a traffic gridlock has been created on Pacific Avenue and adjacent side streets making it dangerous for our children to play in their neighborhoods.

20-1

We have worked with Mr. Goddard of the Port Police and the Harbor Commissioners in an effort to resolve the problems, but to no avail. We are now being told the answer to the problem is to issue launch reservations similar to golf courses. Can you imagine someone who comes from Pasadena with their boat and find out they don't have a reservation! It's not like they can put their golf clubs in their trunk and return later. We are very concerned about how effective this will be, not to mention how the public will be notified.

20-2

We were extremely disappointed to learn that the boat launch in the first plan for Phase II of the Cabrillo Marina had been removed. It is our belief that the cost of the dry stack storage would be cost prohibitive to the average small owner who currently trailer their boat to the Cabrillo Boat Launch. The current proposal will not sufficiently alleviate the aforementioned traffic gridlock.

20-3

Gwen Butterfield (lobbyist for the developer) told the residents at our meeting on January 18th that there are actually two sets of two hoists included in the plan by the youth center (adjacent to the San Pedro Boat Works) that can be used for boats and jet skis. Although the area has been tentatively identified as a Youth Sailing Center, we believe that the youth are well served by programs at the local yacht clubs, the Maritime Museum (Tall Ship Program) and the Boy Scout facility at Cabrillo Beach Youth Center, which we feel is under utilized and restricted. We would like to see programs expanded at that location.

20-4

Parking lot 2 on the North side of 22nd street could accommodate the empty boat trailers created by the use of the above hoists. Boaters and jet skiers could walk back along the promenade to their just launched boats. We feel this is a critical addition and alternative to

20-5

Box 2602 • Fort MacArthur Station • San Pedro, California 90731
Phone (310) 831-0726 Fax (310) 831-9174

the combination of dry stack and wet slip proposal to alleviate the Cabrillo Beach traffic gridlock. If jet skis were required to use these launch facilities exclusively, it would leave Cabrillo Beach available for all other trailered boats that don't choose to use the hoists.

We believe very strongly that if this plan does not address traffic and jet ski problems that it can hardly be considered successful, especially to the residents. The new facility must not be approved unless it provides an additional alternative public boat launch to Cabrillo Beach.

20-6

In your proposal (Appendix B) a number of public and engineering officials were consulted. No mention is made of contacting or consulting the local community. This is an affront to our dignity. Our opinion should be heavily weighted and taken seriously, as we are significantly impacted by any developments planned and implemented in the harbor. We request that you consult with us in the future so that we can work together before the EIR is published. The comments that you solicit after publication of an EIR have less value than soliciting our cooperation to begin with.

20-7

Most of the concerned members of our organization have not had adequate time to review the EIR at the library or in your offices. Most were unaware of the deadline for comments. We feel that the deadline should be extended for an additional 30 days to allow for sufficient public response.

20-8

We respectfully request that you consider our alternate proposals and concerns.



Goldie Otters
Co-President, PFRA

Carey Leviss
Co-President, PFRA

cc: Mayor Richard Rioridan
Councilman Rudy Svorninich
San Pedro & Peninsula Homeowner's Coalition

Point Fermin Residents Association, Carey Levis, Co-President (January 20, 1999)

Response to Comment 98/20-1:

The commentor states that there is traffic and overcrowding around the existing Cabrillo Beach Complex. The Cabrillo Beach Complex consists of a number of facilities, mainly the Cabrillo Marine Aquarium, Cabrillo Beach, Cabrillo Beach Launching Ramp, Lifeguard Station, and Fishing Pier. In the summer, especially on weekends, traffic queues occur along Stephen White Drive and up to Pacific Avenue. This causes access problems and safety concerns to the residents along the affected streets. It should be noted that Cabrillo Beach and the Cabrillo Beach Launch Ramp are outside the boundaries of the proposed project that is the subject of this EIR. However, the LAHD is interested in finding a solution to this problem.

In an ongoing effort to find a solution to this problem, and as stated within Chapter 5.1 of the Recirculated Draft SEIR, the LAHD has considered a total of nine boat launch alternatives in order to serve public demand for such a facility. Notably, two of the nine potential launch sites, Site A and Site B, would be located within the vicinity of the proposed project.

See Section 1.5, "Boat Launch Siting" in the Executive Summary regarding the potential for locating a public boat launch facility on LAHD property. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to evaluate the feasibility of locating boat launch facilities on LAHD property. The assessment is to include integration of any potential facility into the San Pedro Waterfront planning process.

Response to Comment 98/20-2:

Please refer to Response to Comment 98/20-1 above.

Response to Comment 98/20-3:

These issues have been further addressed in the Recirculated Draft SEIR. Also, please refer to Response to Comment 98/20-1 and Chapter 3.2, "Transportation and Circulation," in the Recirculated Draft SEIR.

Response to Comment 98/20-4:

These issues have been further addressed in the Recirculated Draft SEIR. The youth boating facility is a part of the proposed project. Please see Chapter 1, "Executive Summary," for a complete discussion of all elements associated with the project.

Response to Comment 98/20-5

These issues have been further addressed in the Recirculated Draft SEIR. Please refer to the project description in Chapter 1, "Executive Summary," and Response to Comment 98/20-1 above.

Response to Comment 98/20-6

The proposed layout of the Cabrillo Way Marina project does not contain sufficient area to accommodate a public boat launch. Therefore, an on-site boat launch facility was not included as a part of the proposed project. Nevertheless, the Recirculated Draft SEIR addresses the needs of the community regarding the placement of a public boat launch facility elsewhere in the Port. Although not part of the proposed plan, Recirculated Draft SEIR Chapter 5 contains a feasibility analysis and description of possible locations for boat launches. As stated therein, the LAHD has considered a total of nine boat launch site alternatives in order to meet public demand for such a facility. Two of the nine potential launch sites, Site A and Site B, would be located within the immediate vicinity of the proposed project site. Additionally, community concern about the boat launch has primarily focused on the need to provide an additional launch as a means of reducing circulation and parking conflicts in adjacent residential neighborhoods. As indicated on Page 2-3 of the Recirculated Draft SEIR, however, "[p]roviding additional launch capacity elsewhere in the Port will not likely reduce the demand for recreational boat launching at the existing Cabrillo Beach boat launch." Rather, an additional boat launch would merely satisfy a growing demand for launch access. Other public comments suggesting the closure of the Cabrillo Boat Launch do not consider its importance to the boating community, as evidenced by the facility's high usage and proximity to open water.

See Section 1.5, "Boat Launch Siting," in the Executive Summary regarding the potential for locating a public boat launch facility on LAHD property. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to evaluate the feasibility of locating boat launch facilities on LAHD property. The assessment is to include integration of any potential facility into the San Pedro Waterfront planning process.

Response to Comment 98/20-7

Please refer to Section 3.4, “Comment Review and Public Involvement,” of the responses to comments for a description of the ongoing public participation activities that have taken place since recirculation of the Recirculated Draft SEIR in November 2002.

Response to Comment 98/20-8

Since the time of this comment, the Recirculated Draft SEIR was recirculated in accordance with State CEQA Guidelines. In accordance with State CEQA guideline 15201 regarding public participation, the LAHD included provisions for public involvement in order to receive and evaluate public opinion regarding the Recirculated Draft SEIR. The LAHD provided adequate time for review in accordance with State CEQA Guidelines, 15087, 15105, and 15203. Compliance with the guidelines is evidenced by the fact that the LAHD provided the Recirculated Draft SEIR to numerous agencies, organizations, and interested groups and persons for comment during the formal review period. In addition, printed copies of the Recirculated Draft SEIR were available at a total of 5 locations, digital copies were provided via the Port of Los Angeles website, and CD-ROM versions were available directly from the LAHD.

#21

Jan-21-99 06:43P

January 21, 1999

To: Los Angeles Harbor Department, Environmental Management Division
 From: Linda and Jim Howat
 727 West 40th Street
 San Pedro, CA 90731-7109
 310-514-3435
 Re: **Draft Supplemental Environmental Impact Report, Comments
 West Channel/Cabrillo Marina Phase II Development Project**



Thank you for the opportunity to make comments on the EIR.

- 1. The site of the Youth Activity Center is unclear, being described on the north and the south sides of the San Pedro Boats Works, pages ES-4, 1-25 and 1-27. 21-1

- 2. The statement that "the proposed project represents the highest and best value from both real estate value optimization and large-recreational-vessel navigability/access standpoints" (pg. 1-1) is a sad one. No where in this report are the real needs of the community of Los Angeles and of the local community surrounding this project commented on, nor satisfied. A very important need to be filled is that of a public launch or hoists, with adjacent parking for boats with trailers. The opportunity to do that is unique and important to this site. 21-2

 "The long range preferred uses in the Los Angeles Harbor include general public recreation" (pg. 2-1). The current plan needs to include more public use, not just for the highest cash payer of recreational use.

- 3. The Youth Sailing Center and Other Boater Services (pg. 1-18) would be a good location for a public boat launch. Another youth center is not needed. There are already three youth centers in the West Channel. 21-3

 Though the Westrec Developers claim that a dry storage will alleviate crowding at the public boat launch in Cabrillo Beach and the line of boaters on the streets in south-east San Pedro no local studies have been carried out to show this to be the case.

 Hence, contrary to the claim (pg. 2-4), the proposed project is **not consistent** with the San Pedro Community Plan. The plan does not develop the marina for public recreation and recreational boating facilities for San Pedro residents. 21-4

 This project needs to and should develop a public boat launch with adjacent car and trailer parking.

Thank you for your consideration.
Linda Howat *Jim Howat*
 Linda Howat Jim Howat

Linda and Jim Howat (January 21, 1999)

Response to Comment 98/21-1:

Please see Chapter 1, "Executive Summary," for a complete discussion of all elements associated with the project.

Response to Comment 98/21-2:

The Recirculated Draft SEIR addresses the needs of the community regarding the placement of a public boat launch facility elsewhere in the Port. Although not part of the proposed plan, Recirculated Draft SEIR Chapter 5 contains a feasibility analysis and description of possible locations for boat launches. As stated therein, the LAHD has considered a total of nine boat launch site alternatives in order to meet public demand for such a facility. Two of the nine potential launch sites, Site A and Site B, would be located within the immediate vicinity of the proposed project site.

See Section 1.5, "Boat Launch Siting," in the Executive Summary regarding the potential for locating a public boat launch facility on LAHD property. On October 22, 2003, the Board of Harbor Commissioners approved LAHD staff recommendations regarding the PCAC motion on the Cabrillo Marina Phase II Project, including directing LAHD staff to evaluate the feasibility of locating boat launch facilities on LAHD property. The assessment is to include integration of any potential facility into the San Pedro Waterfront planning process.

Response to Comment 98/21-3:

Please see Chapter 1, "Executive Summary," for a complete discussion of all elements associated with the project.

Conducting studies to determine that the proposed facilities will alleviate the traffic conditions at the Cabrillo Beach Complex are not warranted. The area is outside the scope of the project and the traffic conditions exist independently of the proposed project. Some of the boaters will use the dry stack facility but it is not known to what degree; this will be determined by what the market can bear. Given the local demand for public boat launch facilities, it is unlikely that either the dry stack building or an additional launch will noticeably curtail usage of the existing Cabrillo Beach boat launch.

Response to Comment 98/21-4:

These issues have been further addressed in the Recirculated Draft SEIR. As stated in the Recirculated Draft SEIR on Page 3.1-21, Table A-1 provides a

policy consistency analysis with the San Pedro Community Plan. More specifically, Table A-1 discusses project Recirculated Draft SEIR consistency with Goal 6, Objective 6-2, Goal 6-2.1, and Objective 6-6, which pertain to the preservation and maintenance of scenic and visual quality. In all cases, analysis determined that the project was consistent with these applicable, goals, objectives, and policies.

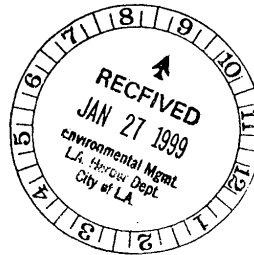
#22

STATE OF CALIFORNIA—BUSINESS AND TRANSPORTATION AGENCY

PETE WILSON, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 7, ADVANCE PLANNING
IGR OFFICE 1-10C
120 SO. SPRING ST.
LOS ANGELES, CA 90012
TEL: (213) 897-6536 ATSS: 8- 647-6536
FAX: (213) 897-8906
E-mail: NYerjanian/D07/Caltrans/Cagov@DOT



Mr. Valentin Amezcuita
Planning Department
Los Angeles Harbor Dept.
425 S. Palos Verdes St.
San Pedro, CA. 90731

Re:IGR/CEQA 981214NY
SCH# 98041086

January 22, 1999

Dear Mr. Amezcuita:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the West Channel/ Cabrillo Marina Phase II Development Project.

Based on our review of the information received, we have the following comments:

- 1- Mitigation measures for the intersection of Harbor Blvd./110 on ramp need to be addressed.
- 2- Other improvements that may contribute to traffic relief on the 110 freeway need to be addressed.

22-1

If you have any questions, please call Mr. Yerjanian at (213)897-6536 and refer to IGR/CEQA 981214NY.

Sincerely,

STEPHEN J. BUSWELL
IGR/CEQA Program Manager
Transportation Planning Office
District 7

**WEST CHANNEL/ CABRILLO MARINA PHASE II
DEVELOPMENT PROJECT.
PORT OF LOS ANGELES.**

Introduction:

This project is a proposal for a development of the second phase of the West Channel/ Cabrillo Marina. The primary objective of this project is to develop the site to replace deteriorated marina facilities with higher-value marine and visitor-oriented retail, a vessel stack storage facility, restaurants, tour /charter/ rentals yacht sales display, marina catering to larger recreational vessels and special events. This proposal covers a total of 47 acres of land and 40 acres of water.

Existing Conditions:

The project is located in the southern end of the City of Los Angeles, in the Port of Los Angeles. The major access road to the location are Harbor Blvd, Miner St. and 22nd St. the entrances are located on 22nd St. and Miner St. The nearest and most accessible freeway facility from the project site is the Harbor Freeway (110 Freeway). The 110 freeway is a north-south direction that begins at 9th street and extends to downtown Los Angeles. The 110 is a four lane highway from 9th street to 5th street (two lanes each direction) then it widens to six lanes (three each direction). The Terminal Island freeway (SR 47) is a four lane (two lane each direction) provides an east-west connection to the Port of Long Beach and the Long Beach Freeway (I-710).

Analysis:

This study is to determine if the trip generation from the proposed project will significantly impact the level of service on the Harbor Freeway (110 freeway). Along Harbor Blvd. both direction has two through lanes and a left-turn lane

Traffic Operation Study Methodology:

An Intersection Capacity Analysis was conducted for the intersections surrounding the proposed project location base on the existing traffic volumes. The analyses were conducted for the weekday A.M. peak hour, the P.M. peak hour, and the Sunday peak hour. The analyses were conducted for the intersections of Harbor Blvd/ 22nd St, 22nd St./ Cabrillo Marina Harbor Blvd./Crescent and Harbor Blvd./ 6th St. were done by using the LADOT Critical Movement Analysis (CMA) and the intersections of Harbor Blvd./Swinford St. and Harbor Blvd./ the 110 on-ramp were done using the Intersection Capacity Utilization (ICU) methodology.

The attachments give information on the existing traffic volumes as follows:

1. A.M.PEAK HOUR.
2. P.M. PEAK HOUR
3. SUNDAY PEAK HOUR
4. 1998 EXISTING INTERSECTION CAPACITY ANALYSIS

Mitigation:

The proposal clearly addressed an alternative to compensate for the increase in traffic volumes at the intersection of Harbor Blvd. and Swinford Street. It is proposed to re-stripe the left leg of Swinford to provide a dual right-turn lanes and re-phasing of the existing traffic signal to accommodate the increased right turn volume.

Summary:

This proposal is for the development of the second phase of the West Channel/ Cabrillo Marina. Harbor Blvd. is the primary routes leading to the proposed area. The nearest and most accessible freeway facility is the 110 freeway, running north-south, and Route 47 running east-west. The proposed development will impact the intersections of Harbor Blvd./ 110 on ramp and Harbor Blvd./ 47 ramps at Swinford St. mitigation measures are only being considered for the 47. The 110 was not being considered for the following reasons:

- The intersections will operate at a reasonably good level of service 'C' under the future "with project" condition.
- The traffic impact resulted from the project is seasonal and occurs only during the summer weekend but not in a normal weekday
- No feasible and cost effective mitigation measures were identified for these intersections. Improvements such as signalization at the I-110 ramp junction may cause undesirable disruption during other non-peak times.

Based on the traffic data given, the Level of Service (LOS) for the intersection of Harbor Blvd. and Swinford St, at route 47 "ON" and "OFF" ramp has been miscalculated. This proposal is not acceptable.

See attachment for our calculation.

- Harbor Blvd./ Swinford St.
- Harbor Blvd./ 110 on ramp.

Comments:

Since the Harbor Freeway (110) is the nearest accessible freeway to the location, mitigation measures should be consider

- The intersection of Harbor Blvd./ 110 on ramp.
- Other geographically improvements that may contribute to traffic impact on the 110 freeway.

INTERSECTION CAPACITY UTILIZATION CALCULATION (ICU)

LOCATION: HARBOR BLVD. & 110 ON RAMP CITY OF: LOS ANGELES
 PEAK HR: WEEKDAY A.M. COUNT DATE:
 CALC. BY: DAVID HSU CALC. DATE:

MOVEMENT	LANES		CAPACITY		VOLUMES			V/C		
	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROJECTED	DEVELOP.	EXISTING + PROJ.	EXISTING + PROJ. + DEV.	EXISTING + PROJ. + DEV(1)
NB LEFT	1.0		1600	0	683			0.00	0.00	0.00
NB THRU	2.0		3200	0	152			0.00	0.00	0.00
NB RIGHT	0.0		0	0	0			0.00	0.00	0.00
SB LEFT	0.0		0	0	0			0.00	0.00	0.00
SB THRU	1.5		2400	0	127			0.05 *	0.00	0.00
SB RIGHT	0.5		800	0	7			0.01	0.00	0.00
EB LEFT	0.0		0	0	0			0.00	0.00	0.00
EB THRU	0.0		0	0	0			0.00	0.00	0.00
EB RIGHT	0.0		0	0	0			0.00	0.00	0.00
WB LEFT	0.0		0	0	0			0.00	0.00	0.00
WB THRU	0.0		0	0	0			0.00	0.00	0.00
WB RIGHT	0.0		0	0	0			0.00	0.00	0.00

CLEARANCE	0.10 *	0.10 *	0.10 *	0.10 *	0.10 *
ICU VALUE	0.58	0.10	0.10	0.10	0.10
LEVEL OF SERVICE	A	A	A	A	A

NOTES:

NB = NORTHBOUND SB = SOUTHBOUND EB = EASTBOUND WB = WESTBOUND

* DENOTES CRITICAL V/C UTILIZED TO DETERMINE ICU VALUE AND LEVEL OF SERVICE.
 (1) INCLUDES PROPOSED INTERSECTION IMPROVEMENTS.

INTERSECTION CAPACITY UTILIZATION CALCULATION (ICU)

LOCATION: HARBOR BLVD. & 110 ON RAMP CITY OF: LOS ANGELES
 PEAK HR: WEEKDAY P.M. COUNT DATE:
 CALC. BY: DAVID HSU CALC. DATE:

MOVEMENT	LANES		CAPACITY		VOLUMES			V/C		
	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROJECTED	DEVELOP.	EXISTING + PROJ.	EXISTING + PROJ. + DEV.	EXISTING + PROJ. + DEV(I)
NB LEFT	1.0		1600	0	552			0.00	0.00	0.00
NB THRU	2.0		3200	0	252			0.00	0.00	0.00
NB RIGHT	0.0		0	0	0			0.00	0.00	0.00
SB LEFT	0.0		0	0	0			0.00	0.00	0.00
SB THRU	1.5		2400	0	160			0.07 *	0.00	0.00
SB RIGHT	0.5		800	0	9			0.01	0.00	0.00
EB LEFT	0.0		0	0	0			0.00	0.00	0.00
EB THRU	0.0		0	0	0			0.00	0.00	0.00
EB RIGHT	0.0		0	0	0			0.00	0.00	0.00
WB LEFT	0.0		0	0	0			0.00	0.00	0.00
WB THRU	0.0		0	0	0			0.00	0.00	0.00
WB RIGHT	0.0		0	0	0			0.00	0.00	0.00
CLEARANCE								0.10 *	0.10 *	0.10 *
ICU VALUE								0.51	0.10	0.10
LEVEL OF SERVICE								A	A	A

NOTES:

NB = NORTHBOUND SB = SOUTHBOUND EB = EASTBOUND WB = WESTBOUND
 * DENOTES CRITICAL V/C UTILIZED TO DETERMINE ICU VALUE AND LEVEL OF SERVICE.
 (1) INCLUDES PROPOSED INTERSECTION IMPROVEMENTS.

INTERSECTION CAPACITY UTILIZATION CALCULATION (ICU)

LOCATION: HARBOR BLVD. & 110 ON RAMP CITY OF: LOS ANGELES
 PEAK HR: WEEKDAY A.M. COUNT DATE:
 CALC. BY: DAVID HSU CALC. DATE:

MOVEMENT	LANES		CAPACITY		VOLUMES			V/C		
	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROJECTED	DEVELOP.	EXISTING + PROJ.	EXISTING + PROJ. + DEV.	EXISTING + PROJ. + DEV(I)
NB LEFT	1.0		1600	0	683			0.00	0.00	0.00
NB THRU	2.0		3200	0	152			0.00	0.00	0.00
NB RIGHT	0.0		0	0	0			0.00	0.00	0.00
SB LEFT	0.0		0	0	0			0.00	0.00	0.00
SB THRU	1.5		2400	0	127			0.00	0.00	0.00
SB RIGHT	0.5		800	0	7			0.00	0.00	0.00
EB LEFT	0.0		0	0	0			0.00	0.00	0.00
EB THRU	0.0		0	0	0			0.00	0.00	0.00
EB RIGHT	0.0		0	0	0			0.00	0.00	0.00
WB LEFT	0.0		0	0	0			0.00	0.00	0.00
WB THRU	0.0		0	0	0			0.00	0.00	0.00
WB RIGHT	0.0		0	0	0			0.00	0.00	0.00
CLEARANCE								0.10 *	0.10 *	0.10 *
ICU VALUE								0.58	0.10	0.10
LEVEL OF SERVICE								A	A	A

NOTES:

NB = NORTHBOUND SB = SOUTHBOUND EB = EASTBOUND WB = WESTBOUND
 * DENOTES CRITICAL V/C UTILIZED TO DETERMINE ICU VALUE AND LEVEL OF SERVICE.
 (1) INCLUDES PROPOSED INTERSECTION IMPROVEMENTS.

**Department of Transportation, Transportation Planning
Office, Stephen Buswell, IGR/CEQA Program Manager
(January 22, 1999)**

Response to Comment 98/22-1:

A new traffic analysis was prepared for the Recirculated Draft SEIR. The analysis and the mitigation measures are contained in Recirculated Draft SEIR Chapter 3.2, "Transportation/Circulation." Also, please refer to Response to Comment 9-1, which addresses Caltrans' comments on the Recirculated Draft SEIR.



Gray Davis
GOVERNOR

STATE OF CALIFORNIA
Governor's Office of Planning and Research

1400 TENTH STREET SACRAMENTO, CALIFORNIA 95812-3044

#23

January 25, 1999



Valentin Amezcua
LOS ANGELES HARBOR DEPT.
425 S. Palos Verdes Street
San Pedro, CA 90731

Subject: WEST CHANNEL/CABRILLO MARINA PHASE II DEVELOPMENT PROJECT
SCH#: 98041086

Dear Valentin Amezcua:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

23-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,
Antero A. Rivasplata

Antero A. Rivasplata
Chief, State Clearinghouse

notice of completion

Appendix F

See NOTE below

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH # 98041086

Project Title: West Channel/Cabrillo Marina Phase II Development Project

Lead Agency: Los Angeles Harbor Department **Contact Person:** Valentin Amezcua

Street Address: 425 S. Palms Verdes Street **Phone:** (310) 732-3315

City: San Pedro **Zip:** 90731 **County:** Los Angeles

Project Location

County: Los Angeles **City/Nearest Community:** San Pedro

Cross Streets: 22nd Street/Miner Street **Total Acres:** 47 land/40 water

Assessor's Parcel No. _____ **Section:** _____ **Twp.** _____ **Range:** _____ **Base:** _____

Within 2 Miles: **State Hwy #:** 47 & 110 **Waterways:** L.A. Harbor

Airports: _____ **Railways:** Pacific Harbor Line **Schools:** _____

Document Type

CEQA: NOP Supplement/Subsequent **NEPA:** NOI **Other:** Joint Document
 Early Cons EIR (Prior SCH No.) EA Final Document
 Neg Dec Other Draft EIS Other
 Draft EIR FONSI

Local Action Type

General Plan Update Specific Plan Rezzone Annexation
 General Plan Amendment Master Plan Rezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, Parcel Map, Tract Map, etc.) Other

Development Type

Residential: Units Acres _____ **Water Facilities:** Type _____ MGD
 Office: Sq.ft. Acres _____ Employees _____ **Transportation:** Type _____
 Commercial: Sq.ft. Acres _____ Employees _____ **Mining:** Mineral _____
 Industrial: Sq.ft. Acres _____ Employees _____ **Power:** Type _____ Watts _____
 Educational _____ **Waste Treatment:** Type _____
 Recreational Refer to Draft Supplemental EIR (DSEIR) **Hazardous Waste:** Type _____
 Other: _____

Project Issues Discussed in Document

Aesthetic/Visual Flood Plain/Flooding Schools/Universities Water Quality
 Agricultural Land Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Air Quality Geologic/Seismic Sewer Capacity Wetlands/Kiparian
 Archeological/Historical Minerals Soil Erosion/Compaction/Grading Wildlife
 Coastal Zone Noise Solid Waste Growth Inducing
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Landuse
 Economic/Jobs Public Services/Facilities Traffic/Circulation Cumulative Effects
 Fiscal Recreation/Parks Vegetation Other

Present Land Use/Zoning/General Plan Use

Zoning for the site is [Q] M2 & CM/MR2, commercial and recreational development.

Project Description

The project involves the redevelopment of an area encompassing 47 acres of land and 40 acres of water for recreational and commercial uses. Please refer to the DSEIR for more information.

State Clearinghouse Contact: Ms. DeLicia Wynn (916) 445-0613

State Review Began: 12-7-98

Dept. Review to Agency 1-14-99

Agency Rev to SCH 1-19-99

SCH COMPLIANCE 1-21-99

Please note State Clearinghouse Number (SCH#) on all Comments

98041086

SCH#: _____
 Please forward late comments directly to the Lead Agency

AQMD/APCD 33 (Resources: 12,112)

Project Sent to the following State Agencies

Resources State/Consumer Svcs
 Boating General Services
 Coastal Comm Cal EPA
 Coastal Consv ARB
 Colorado Rvr Bd CA Waste Mgmt Bd
 Conservation SWRCB: Clean Wtr Prog
 Fish & Game # 5 SWRCB: Delta Unit
 Delta Protection SWRCB: Wtr Quality
 Forestry SWRCB: Wtr Rights
 Historic Preservation Reg. WQCB # 4
 Parks & Rec Toxic Sub Ctrl-CTC
 Reclamation Yth/Adlt Corrections
 Bay Cons & Dev Comm Corrections
 DWR Independent Comm
 OES Energy Commission
 Bus Transp Hous NAHC
 Aeronautics Public Utilities Comm
 CHP Santa Monica Mtns
 Caltrans # 7 State Lands Comm
 Trans Planning Tahoe Rgl Plan
 Housing & Devel Other: _____
 Food & Agriculture Other: _____
 Health & Welfare

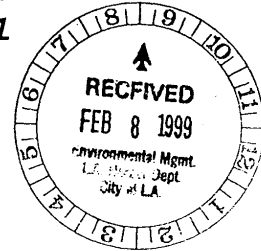
**State of California, Governor's Office of Planning and
Research, Antero A. Rivasplata, Chief, State
Clearinghouse (January 25, 1999)**

Response to Comment 98/23-1:

*The commentor acknowledges that the proposed project was appropriately
submitted to the State Clearinghouse.*

#24

Renee Simon Gormley
1312 S. Palos Verdes Street
San Pedro, California 90731
310-221-0003



February 4, 1999

Mr. Donald W. Rice
Director of Environmental Management
The Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Dear Mr. Rice:

I am writing to you about the proposed West Channel Marina project. I think this marina would be an asset to the area and I hope that it will move forward. When I travel in the direction of the site, I am keenly aware of its current dilapidated condition. I have seen the plans for the West Channel Marina and I know it will make a vast improvement in the community. When we bought our home 2½ years ago, we were told the area around Cabrillo Marina would be developed. Sadly, we are reminded daily of the lack of improvement and we are discouraged by it.

24-1

I am aware of opposition from some homeowners in the Point Fermin area. I can appreciate their concern about the traffic and noise generated by the boaters who use the public launch ramp at Cabrillo Beach. But blocking a project that would be an asset to San Pedro is shortsighted. The whole community needs to grow and thrive, not to be held hostage by the selfish interests of a few vocal opponents. Certainly there must be a way to address this issue without having to scrap the entire project. One idea I have heard proposed is a reservation system for the public ramp. That would seem to be a reasonable compromise. The boaters' needs will still be met, the homeowners will have relief from the congestion and the entire community will benefit from a new development.

I hope you will consider my comments as you make your final decision.

Sincerely,

Renee Simon Gormley
Renee Simon Gormley

Cc: the Honorable Rudy Svorinich, Jr.

Renee Simon Gormley (February 4, 1999)

Response to Comment 98/24-1:

The LAHD acknowledges the commentor's support for the project and will forward the comments on to the Board of Harbor Commissioners to consider during the deliberations on the project.

Chapter 4

References Cited

Chapter 4

References Cited

4.1 Printed References

ACOE and LAHD 2000. *Final Supplemental Environmental Impact Statement/Supplemental Environmental Impact Report for the Port of Los Angeles Channel Deepening Project*. Los Angeles, CA. September. State Clearinghouse No. 99091029; ADP No. 990809-102.

ACOE and LAHD (U.S. Army Corps of Engineers and Los Angeles Harbor Department). 1992. *Final EIS/EIR for Deep Draft Navigation Improvements, Los Angeles and Long Beach Harbors, San Pedro Bay, California*. September.

Kaku Associates. 2000. *Traffic and Parking Study for the Carnival Cruise Passenger Terminal*. Prepared for the Port of Long Beach. July 2000.

LAHD (Los Angeles Harbor Department). 1980a. *West Channel/Cabrillo Beach Recreational Complex Final Environmental Impact Report*. Harbor Environmental Staff. November.

———. 1980c. *Port Master Plan*. April.

———. 1998. *Draft Supplemental Environmental Impact Report, West Channel/Cabrillo Marina Phase II Development Project*. November. SCH No. 98041086.

LACPW (Los Angeles County Public Works). 2002. *Los Angeles County Public Works 2001-2002 Stormwater Monitoring*.

LARWQCB (Regional Water Quality Control Board, Los Angeles Region). 2002. *Dominquez Channel and Los Angeles/Long Beach Harbors watershed management area web page*. Available: <www.swrcb.ca.gov/~rwqcb4/html/programs/regional_program/ws_dominguez_channel.html>.

MEC Analytical Systems, Inc. 1988. *Biological Baseline and Ecological Evaluation of Existing Habitats in Los Angeles Harbor and Adjacent Waters*. Prepared for the Port of Los Angeles, Environmental Division.

- . 1998. *Results of Physical, Chemical, and Bioassay Testing of Sediments Collected from the Watchorn Basin in the Port of Los Angeles*. October. Carlsbad, CA. Prepared for the Port of Los Angeles, San Pedro, CA.
- . 1999. *Port of Los Angeles Special Study August 1999*. September. Carlsbad, CA. Prepared for the Port of Los Angeles, San Pedro, CA.
- . 2002. *Ports of Long Beach and Los Angeles Year 2000 Biological Baseline Study of San Pedro Bay*. Prepared for Port of Los Angeles, Planning Division. Carlsbad, CA. June.
- Max Development LLC and the Los Angeles Harbor Watts Economic Development Corporation. 2002. *Waterfront Access Program, Technical Report*. June. Prepared for the California Coastal Conservancy.
- Tetra Tech, Inc. 1999. *Phase II Environmental Site Assessment for Cabrillo Marina Phase II Development Project, West Channel*. Prepared for the Port of Los Angeles. May.

4.2 Personal Communication

- McEleney. Fireboat Mate Supervising Officer. Los Angeles Fire Department, Los Angeles, CA. October 2, 2002—telephone conversation.