DRAFT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

City Dock No. 1 Marine Research Center Project Environmental Impact Report (EIR)

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FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

1 Introduction

These Findings of Fact have been prepared by the Los Angeles Harbor Department (LAHD) as the Lead Agency pursuant to Section 21081 of the Public Resources Code (PRC) and Section 15091 of the State California Environmental Quality Act (CEQA) Guidelines to support a decision on the City Dock No.1 Marine Research Center Project (proposed Project). Section 21081 of the Public Resources Code and Section 15091 of the State CEQA Guidelines provide that no public agency shall approve or carry out a project for which an Environmental Impact Report (EIR) has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Additionally, the Lead Agency must not approve a project that will have a significant effect on the environment unless it finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effects (PRC Section 21081(b); California Code of Regulations [CCR], Title 14, Section 15093). The Board of Harbor Commissioners (Board) adopts the Statement of Overriding Considerations set forth below, which identifies the specific overriding economic, legal, social, technological, or other benefits of the project that outweigh the significant environmental impacts identified in the Final EIR (which consists of the Draft EIR, comments and recommendations received on the Draft EIR, a list of persons, organizations, and public agencies commenting on the Draft EIR, and the responses of the Lead Agency to significant environmental points raised in the review and consultation process).

2 Project Overview

2.1 Introduction

This section describes the proposed Project analyzed in City Dock No. 1 Marine Research Center Project Final EIR. The proposed Project is located in the Port of Los Angeles, near the San Pedro Community in the City of Los Angeles (City). The proposed project site encompasses Berths 56 through 60 and Berths 70 and 71 within the San Pedro Waterfront Plan (SPWP) area, and is bounded by the East Channel to the west, the Main Channel to the east, 22nd Street to the north, and the open water of the San Pedro Bay to the south. The proposed Project involves development of an urban marine research center within a 28-acre portion of the 400-acre San Pedro Waterfront Master Plan area along the west side of the Los Angeles Harbor's Main Channel.

2.2 Proposed Project Background

The proposed Project was devised in concept during the planning for the SPWP. However, at the time, details for programming the site were not known, and, therefore, as part of the SPWP, the proposed project site was programmatically analyzed for future "institutional/research and development" use in the SPWP 2009 certified Final EIR/Environmental Impact Statement (EIS).

LAHD and the Southern California Marine Institute (SCMI), with support from the Annenberg Foundation, and advice and input from area academic and research institutions, local aquariums, business leaders, environmental organizations, and community groups in San Pedro and Wilmington, joined together to develop a City Dock No. 1 urban marine research center vision, as detailed in the March 2009 visioning study (SCMI 2009). This "visioning study" compiles and organizes a diverse body of material from academic marine researchers at various campuses, community stakeholders, non-university educators, public officials, and designers into a single volume to envision the outlines of what has the potential to become a major center for marine research on the West Coast. Since completion of the visioning study, LAHD, SCMI, and other City Dock No. 1 stakeholders have been working together to develop a plan to create a marine research center that can provide facilities for a cluster of university researchers, educational programs, and spin-off marine science technology ventures. The proposed Project is a result of this joint effort.

2.3 Existing Environmental Setting

2.3.1 Regional Setting

The Port is located at the southernmost portion of the City and comprises 43 miles of waterfront and 7,500 acres of land and water, with approximately 300 commercial berths. The Port is approximately 23 miles south of downtown Los Angeles and is

surrounded by the community of San Pedro to the west, the Wilmington community to the north, the Port of Long Beach to the east, and the Pacific Ocean to the south.

The Port is an area of mixed uses, supporting various maritime-themed activities. Port operations are predominantly centered on shipping activities, including containerized, break-bulk, dry-bulk, liquid-bulk, auto, and intermodal rail shipping. In addition to the large shipping industry at the Port, there is also a cruise ship industry and a commercial fishing fleet. The Port also accommodates boat repair yards and provides slips for approximately 3,950 recreational vessels, 150 commercial fishing boats, 35 miscellaneous small service crafts, and 15 charter vessels that handle sportfishing and harbor cruises. The Port has retail shops and restaurants, primarily along the west side of the Main Channel. It also has recreation, community, and educational facilities, such as a public swimming beach, the Cabrillo Beach Youth Waterfront Sports Center, the Cabrillo Marine Aquarium, and the Los Angeles Maritime Museum, 22nd Street Park, and the Wilmington Waterfront Park.

2.3.2 Proposed Project Setting

City Dock No.1 consists of approximately 28 acres within the Port near the San Pedro Community and includes Berths 56 through 60 and Berths 70 and 71 within the San Pedro Waterfront area. The proposed project site also includes a 4.5-acre parking lot adjacent to the 28-acre site across 22nd Street and 1.3-acre site at Berth 260, the current location of SCMI, for a total of 33.8 acres. At the local level, the proposed project site is bounded by the East Channel to the west, the Main Channel to the east, 22nd Street to the north, and the open water of the San Pedro Bay to the south. Local access to the site is provided by 22nd Street and Sampson Way.

2.3.3 Existing Site Conditions

The existing site comprises eight berths, including Berths 56 through 60, 70 and 71 (former Westway Terminal Site), and 260 (the existing SCMI facility). The existing Berths 56 through 60, 70, and 71 were constructed between the 1910s and 1930s, and several buildings within Berths 56, 57, 58–60, and 70–71 are considered eligible for listing as historically significant resources (see Section 3.4, “Cultural Resources” of the Draft EIR). Figure 1-3 shows the existing conditions on the proposed project site.

2.4 Proposed Project

2.4.1 Proposed Project Purpose

The overall purpose of the proposed Project is to adaptively reuse the transit sheds at Berths 57–60 and the adjacent Berths 70–71 proposed project site and existing buildings (e.g., transit centers) to provide world-class marine research facilities and space to bring together leading researchers and entrepreneurs, including SCMI, southern California universities and colleges, government research agencies, such as the National Oceanographic and Atmospheric Administration (NOAA), and businesses to conduct cutting-edge urban marine research and education, and develop technologies to address the most pressing problems of the day. The proposed Project

seeks to achieve this purpose though the rehabilitation of the existing buildings and wharves to house state-of-the art marine research and educational facilities and provide deep draft berthing space for research vessels, and by providing for a cluster of university researchers, educational programs, and spin-off marine science technology ventures.

2.4.2 Proposed Project Objectives

The proposed Project would provide a world-class urban marine research center and support the research needs of the southern California region's universities, research and education institutions, and government agencies, as well as provide an incubator for marine-related business venues. Specifically, the proposed Project would achieve the following objectives.

- Adaptively reuse Berths 56–60 and 70–71 to provide marine researchers in southern California with world-class marine research facilities including laboratories, a seawater circulation system, offices, classrooms, a lecture hall/auditorium, and storage space to study the most pressing marine-related problems of the day.
- Construct a natural seawater wave tank to allow scientists from around the world to study tsunamis, rogue waves, and the generation of wave energy; conduct vessel and platform studies; and conduct coastal engineering studies.
- Provide space within Los Angeles Harbor to relocate, upgrade, and expand SCMI's operations, which are currently located at Berth 260 in Fish Harbor.
- Provide an opportunity for SCMI and its members, government and other institutional researchers, and research organizations with multiple deep draft berths to accommodate vessels ranging in size from small to large 300-foot vessels adjacent to landside facilities.
- Provide a location for a marine-related business incubator park for synergy among research and commercial interests, and develop commercial technologies to address marine environmental problems.
- Provide public amenities, including public education classroom space and interpretive exhibits related to marine studies and a cafe, along with a waterfront promenade, consistent with the San Pedro Waterfront Project while not impacting the health and safety of the visiting public.

2.4.3 Proposed Project Background

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community groups in San Pedro and Wilmington, joined together to develop a City Dock No. 1 urban marine research center vision, as detailed in the March 2009 visioning study (SCMI 2009). This "visioning study" compiles and organizes a diverse body of material from academic marine researchers at various campuses, community stakeholders, non-university educators, public officials, and designers into a single volume to envision the outlines of what has the potential to become a major center for marine research on the West Coast. Since completion of the visioning study, the Port, SCMI, and other City Dock No. 1 stakeholders have been working together to further expand upon that conceptual plan. The proposed Project is a result of this joint effort.

2.4.4 Proposed Project Elements

The proposed Project involves a comprehensive plan for the reuse of City Dock No. 1 that would be built out in two phases. Phase I, which is anticipated to begin in late 2012 and conclude in 2016, would include the conversion of Berths 56 and 57 into a new SCMI facility and development of an interpretive center open to the public. The majority of the remaining proposed project elements would be constructed under Phase II, which is anticipated to commence construction in 2013 and conclude around 2024. Table 1 provides a summary of the two phases of development by each element and the total area each major element would contribute to the overall proposed Project.

All construction staging and material laydown would occur within the proposed project site at Berths 70-71 and the Sampson Way and 22nd Street Parking Lot during Phase I, with the majority of the staging and laydown occurring at the parking lot as Phase II progresses toward completion. In addition, prior to commencement of the proposed Project, the existing occupant (SP Bait Company) would relocate its operations from the proposed project site.

Table 1. Elements of the Proposed Project

Element/Phase	*Area*
PHASE I (2012–2016)	
Berth 56	
■ Construct 2-Story Learning Center at Berth 56 (150-seat lecture hall/auditorium and classrooms)	11,500 sf
Berth 57	
■ Convert Berth 57 Transit Shed into SCMI Research Facility and Develop Marine Research- and Education-Related Facilities □ Office-Related Space (12,000 sf) o Faculty Office Space o Administrative Suite o Staff Support Facilities (toilets, showers, and lockers) □ Laboratory Related Space (34,500 sf)	46,500 sf

Element/Phase	*Area*
o Teaching Laboratories o Research Laboratories and Facilities o Lab Support Space o Building Support Facilities (machine shop, storeroom, chemical storage, hazardous waste, scuba gear, instrument support, etc.)	
□ Outdoor Space (8,200 sf)[1] o Outdoor Teaching/Outreach Classroom o Outside Storage Space	
■ Replace Berth 57 Entrance (3,640 sf) with New Addition (Public Interpretive Center)	3,600 sf
■ Install Seawater Circulation and Life Support System including Exterior Storage Tanks for Berths 57 and Seawater Intake/Discharge Infrastructure to Serve City Dock No.1 Research Laboratory Buildout	New utility
■ Construct Floating Docks Adjacent to Berth 57 (12 vessel slips)	18,500 sf
■ Rehabilitate/Repair Berth 57 Wharf and Associated Ground Improvements	625 lf[1]
□ Create Berthing for Research Vessels and Loading Space on the Wharf for Crane	--
■ Construct Public Plaza at Berth 57	7,500 sf[1]
■ Relocate SCMI from Berth 260 to new Berth 57 Facilities	--
Berth 260	
■ Demolish Existing SCMI Facility (demolition of existing 19,000-sf building, 2,700-sf warehouse, and 2,400-sf shop storage)	(24,100 sf)
Total Structure Square Feet in Phase I	*80,100 sf*[2]
Signal Street Improvements/Parking Facilities	
■ Repair/Repave/Restripe	625 lf[1]
■ Add Surface Parking Adjacent to Berth 56	15 spaces
■ Add Surface Parking Adjacent to Berth 57	40 spaces
■ Utilize Sampson Way and 22nd Street (existing parking lot; 4.5 acres)	409 spaces
Total Parking Added in Phase I	*55 spaces*
Total Available Parking in Phase I	*464 spaces*
Total Area Redeveloped and Enhanced in Phase I	*8.8 acres*
PHASE II (2013–2024)	
Berths 58–60	
■ Covert Transit Sheds into Marine Research Facility □ Office Related Space (50,000) o Office/Administrative Space3 o Staff Support Facilities (toilets, showers, and lockers) o Hallways, Walkways	120,000 sf

Element/Phase	*Area*
▫ Laboratory Related Space (70,000) o Research Laboratories and Facilities o Lab Support Space o Storage Facilities (robotics, instruments, etc. deployed on marine research vessels) o Marine Research Vessel Support Facilities (crew quarters, showers, etc.) o Building Support Facilities (machine shop, storeroom, chemical storage, hazardous waste, scuba gear support, etc.) ▫ Outdoor Space (16,400 sf) o Outside Storage Space	
■ Convert Transit Shed to Marine Business Incubator Space ▫ Office Related Space (20,000) o Office/Administrative Space3 o Staff Support Facilities (toilets, showers, and lockers) ▫ Laboratory Related Space (40,000) o Research Laboratories and Facilities o Lab Support Space o Storage Facilities (robotics, instruments, etc. deployed on marine research vessels)	60,000 sf
■ Develop Waterfront Promenade including Public Plaza/Viewing Platform at Berth 60	6,000 lf[1]
■ Construct Waterfront Café	1,000 sf
■ Install Seawater Circulation System including Exterior Storage Tanks for Berths 58–60	New utility
■ Relocate Items Stored by Water Taxi Service (to within the general vicinity)	--
■ Rehabilitate/Repair Berths 58–60 Wharf and Associated Ground Improvements	1,875 lf[1]
▫ Create Berthing for Research Vessels and Loading Space on the Wharf[3]	--
Berths 70-71 (Westways)[4]	
■ Construct 2-Story NOAA Administration and Research Facility	50,000 sf
■ Implement Wharf Maintenance	--
■ Construct 5-story Building (to house an 80,000 sf wave tank), including Seawater Intake	100,000 sf
■ Opportunity Site. Options could include: ▫ Support Facilities for Berth 57–60 Operations such as Seawater Storage Tanks, Life Support Facilities, Discharge Treatment Facilities, and Storage Space. ▫ Outside Research Tanks ▫ Additional Marine Research/Business Laboratory Space	
Total Structure Square Feet in Phase II	*331,000 sf*
Signal Street Improvements/Parking Facilities	
■ Implement Repaving and Restriping	1,875 lf[1]
■ Install New Diagonal Parking	155 spaces

Element/Phase	*Area*
■ Remove Existing Heavy Rail Line from Street	8,000 lf[1]
Total Parking Added in Phase II	*155 spaces*
Total Parking Available in Phase II	*619 spaces*[5]
Total Area Redeveloped and Enhanced in Phase II	*25.00 acres*
PROPOSED PROJECT TOTALS	
Total Proposed Project Area Structures	411,100
Total Parking Spaces Available for Proposed Project	619
Total Proposed Project Area Redeveloped and Enhanced	33.8 acres

[1] Not a structure and is therefore not counted in total structure sf.

[2] Excludes demolition of existing SCMI Facility at Berth 260.

[3] NOAA facilities, including office and research space within Berths 58–60 Transit Shed and berthing space at Berths 58–60 to be relocated to Berths 70–71 when remediation and development of those berths has been completed.

[4] Demolition of the Westway tanks, piping, and related structures at Berths 70–71 as well as the remediation following has been analyzed under the San Pedro Waterfront EIS/EIR and is not considered a component of the proposed Project.

[5] In addition to the 155 new parking spaces provided under Phase II, visitors and employees would have access to the 464 parking spaces identified under Phase I for a total of 619 spaces for the proposed Project.

sf = square feet; lf = linear feet

2.4.4.1 Learning Center Building (Berth 56)

Berth 56 improvements under Phase I would include construction of a Learning Center building. This building would include three classrooms and a 150-seat auditorium that would feature theater-style seating and related facilities. The Learning Center would be designed in accordance with the Secretary of the Interior's Standards for Rehabilitation (Secretary's Standards) to ensure architectural compatibility with adjacent historic resources, including plan review by a qualified consulting architectural historian for compliance with the Secretary's Standards.

2.4.4.2 Transit Shed Upgrades for SCMI (Berth 57)

In order to achieve the conversion of Berth 57, construction would first involve wharf upgrades and landside improvement to meet current seismic code (see "Wharf Improvements and Associated Ground Improvements (Berths 57–60)," below). Upon completion of the wharf retrofit and ground improvements, work would begin on upgrading the existing Berth 57 transit shed to current seismic and occupancy codes. Phase I would also include the demolition of an existing 1933 wood-frame structure to allow construction of a new glazed entryway to potentially house the public interpretive center. The new structure would introduce a contemporary, neutral, and visually prominent entrance into the SCMI facility, distinct from the existing historic transit shed façade. This new façade may include large glass aquaria at the entrance way. The façade would reflect the same general shape and profile as the transit shed in height and massing and could include an area for public education and outreach.

The existing Berth 57 transit shed would require extensive renovations prior to occupancy by SCMI. The SCMI research facility would include office space for faculty, staff, and administration; laboratory space for teaching and research laboratories; lab support and building support spaces; and outdoor space for outdoor teaching, classrooms, and storage space. A seawater circulation and life support system would be installed at Berth 57, including exterior storage tanks, and seawater intake/discharge infrastructure adequate to serve City Dock No. 1 urban marine research center build-out.

Repair, retrofit, and rehabilitation of the transit shed to address structural deficiencies would be facilitated by the exposed condition of all structural elements. These include repairing rusted exterior corrugated metal siding with new panels, upgrading structural connections to meet established seismic and wind load resistance, retrofitting large openings (east and west façades) to ensure stability and water tight openings, sandblasting and repainting corroded steel members and gusset plates, and replacing deteriorated and damaged steel members, as required. In addition, it is anticipated that new traverse and longitudinal frames would be added, interior steel columns repaired, and new concrete encasements around the base of each column constructed. Installation of a continuous perimeter foundation wall, limited to shallow (2 to 3 feet maximum) excavations to inhibit water intrusion at the building perimeter and utility placement may be required. However, to gain access to the wharf underlying the transit sheds, the roof and western façade of the transit sheds would be temporarily removed to provide direct access to the wharf for pile driving purposes.

All renovations would be required to conform to the Secretary's Standards for buildings eligible for listing or listed on the National Register of Historic Places (NRHP) and would undergo a plan review by a qualified consulting architectural historian to ensure compliance. Due to the minimal nature of the existing structure (without insulation), the existing transit sheds would primarily serve as an "outer shell building" to provide basic shelter from water and wind and sun. The proposed marine laboratory, classroom, and office SCMI facility facilities would be within the existing envelope of the transit shed and be constructed by the tenant, SCMI. Therefore, the historic integrity of Berth 57 would be maintained and, at the same time, it would be adaptively re-used to integrate state of the art fire/life safety protection, seismic resistance, security features, and utility infrastructure as required by its change in use. The exterior of the transit sheds would largely be maintained with the exception of necessary improvements to the siding, roof, cornices, etc. There is a potential that a few of the current loading doors would be replaced with windows, to provide for public viewing/research interpretive opportunities. The following discussion provides a summary of how this proposed project element would generally meet the guidance provided in the Secretary's Standards.

- Existing metal roll-up-style doors would be replaced with new glazed openings to provide more light, air, and egress into the interior spaces. This modification would be consistent with the guidance provided by the Secretary's Standards because it would maintain the repetitive punched openings along the structure's elevations, and most of the roll-up doors are non-original replacements. The design of the new glazing systems would reference the industrial maritime

character of the building, with industrial metal sashes and clear glazing, as opposed to vinyl or wood sashes and reflective or opaque glazing.

- Deteriorated historic features would be repaired rather than replaced whenever feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature would match the old in design, color, texture, and other visual qualities and, where possible, materials. In the case of the Berth 57 transit shed, rusting corrugated metal siding, steel members, and gusset plates would be repaired, and those materials that cannot be repaired due to advanced deterioration would be replaced in-kind with similar metal materials.
- Correcting structural deficiencies in preparation for the new use is allowable by the Secretary's Standards assuming that the improvements are completed in a manner that preserves the structural system and individual character-defining features. In the case of the interior of the transit shed at Berth 57, the open trusses are character-defining features of the building's interior. Upgrading the structural connections would not obscure, remove, or otherwise significantly alter in an adverse manner the metal truss system.
- Removal and replacement of portions of the roof and western façade to accommodate the wharf improvements and associated ground improvements at the Berths 57–60 transit shed would reuse the existing materials (corrugated metal roofing and siding) to the extent feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature would match the old in design, color, texture, and, where feasible, materials).
- In the case of the Berth 57 transit shed, the new interior "buildings" would not obscure or destroy the interior truss work, allowing these features to read as original features of the building. The new interior structures would not reach the ceiling, thus allowing the open, floor-to-ceiling height of the interior spaces to read visually as they do today (i.e., not obscure the clerestories). The new construction would also retain a significant amount of open interior space, particularly in the center of the building, where long interior vistas are possible (i.e., new construction will be relegated to the side aisles of the structure). The buildings would be differentiated from the old but also compatible with the massing and scale of the building. Therefore, industrial shed-like architecture with exposed steel structures and metal siding would be an appropriate architectural motif for the new construction.
- New additions and adjacent or related new construction would be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2.4.4.3 Floating Docks (Berth 57)

Phase I would also develop an 18,500-square-foot, 12-slip floating dock in the East Channel adjacent to Berth 57 to accommodate existing small SCMI research vessels and to allow sufficient capacity for additional small research vessels.

2.4.4.4 Wharf Improvements and Associated Ground Improvements (Berths 57–60)

In order to accommodate the proposed project elements at Berths 57–60, construction would involve first upgrading the adjacent wharf and the existing retaining wall to current seismic code. There are two potential options for the wharf improvements and associated ground improvements.

The first option involves installing 127 new 72-inch diameter steel pipe piles (superpiles) with 20 feet of spacing along the footprint of the existing building. The superpiles would be installed in-water and would carry virtually all of the seismic loads, leaving the existing structure to carry only gravity loads. In addition, to retain the existing aesthetic appearance, the new superpiles would be set back from view and the existing viewable rows of piles would be replaced with new concrete piles that would be indistinguishable from the existing condition, which would allow the new wharf to retain the same general appearance. Similar to the existing wharf design, the first row of concrete piles, end caps, and decking along the westernmost edge of the wharf would be reconstructed using approximately 16-inch-square concrete piles spaced about 15 feet apart with a concrete deck resting directly above. As such, these new features would match the old in design, color, texture, and materials, and would conform to the guidance provided by the Secretary's Standards. When detailed plans of the replacement piles are available, they would be reviewed by a qualified consulting architectural historian to ensure compliance with the Secretary's Standards. Work would include removing the roof of the existing transit sheds, demolishing 18,288 square feet of existing concrete slab, installing silt curtains, driving the piles, pouring new pile caps and deck slab, and replacing the roof. Exterior façade removal and reinstallation along the entire length of Berths 58–60 would be required.

The second option involves the installation of 252 new 60-inch-diameter steel pipes (in groups of four), which would be located along the back face of the existing seawall, outside of the water, spaced 40 feet apart. The four-pile groups would be installed with a 5-foot-thick concrete pile cap to minimize the displacement of the wharf structure during a seismic event. A 6-inch-thick topping slab acting as a "drag-slab" would extend across the existing deck to tie in the existing wharf structure to the new pile clusters. The existing viewable rows of piles would be replaced with new concrete piles that would be indistinguishable from the existing condition, which would allow the new wharf to retain the same general appearance. Similar to the existing wharf design, the first row of concrete piles, end caps, and decking along the westernmost edge of the wharf would be reconstructed using approximately 16-inch-square concrete piles spaced about 15 feet apart with a concrete deck resting directly above. As such, these new features would match the old in design, color, texture, and materials, and would conform to the guidance provided by the Secretary's Standards. When detailed plans of the replacement piles are available, they would also be reviewed by a qualified consulting architectural historian to ensure compliance with the Secretary's Standards. Work would include removing the roof of the existing transit sheds, demolishing 6,300 square feet of existing concrete slab, installing silt curtains, driving the piles, pouring new pile caps and deck slab, and replacing the roof.

Both options would require removal and replacement of the transit shed's roof and western façade, which are considered character-defining features of these historic buildings. In order to comply with the Secretary's Standards, the existing corrugated metal siding and roofing would be removed, stored, and reinstalled to the extent feasible and where such materials and features are currently in good condition, or would be replaced in-kind if such materials are deteriorated beyond repair.

Prior to initiating the wharf improvements, the SP Bait Company would relocate operations either across the East Channel or to Fish Harbor. However, the barge would remain in its current location as permitted under the current lease.

2.4.4.5 Demolition of SCMI Facilities (Berth 260)

Upon completion of the conversion of Berth 57 into new SCMI marine research and educational space, SCMI would be relocated from its Berth 260 location to Berth 57. The existing SCMI building and parking lot at Berth 260 in Fish Harbor on Terminal Island would be vacated. The facilities to be demolished include an existing office and research building, a storage warehouse, a workshop, and shop storage. The floating docks would remain. After structure demolition, the site would be graded and restored as required by LAHD's agreement with SCMI. Any future development associated with this site would be subject to separate environmental review in accordance with CEQA.

2.4.4.6 Transit Shed Upgrades for Marine Research Facility and Business Incubator Space (Berths 58–60)

Under Phase II, Berths 58–60 would be converted to provide approximately 120,000 square feet for marine research facilities and approximately 60,000 square feet of marine business incubator space. These facilities would include office space, which could be used for temporary office space for NOAA until Berths 70–71 are developed. The storage areas at the end of Berth 60 used by the water taxi service would be relocated within the general vicinity of Berth 60 to better accommodate the proposed Project.

The seawater circulation and life support system would be expanded to Berths 58–60 during Phase II, as described further in "Marine Research Facility Support Structures." In order to achieve the conversion of Berths 58–60, construction would first involve wharf upgrades and ground improvement to meet current seismic code (see Wharf Improvements and Associated Ground Improvements (Berths 57–60 above). Upon completion of the wharf and ground improvements, the next steps would involve upgrading the existing transit shed at Berths 58–60 to meet current seismic code, as well as renovating the building in conformance with the Secretary's Standards for buildings eligible for listing or listed on the NRHP. Conversion of Berths 58–60 would occur much as it would for Berth 57 in that tenant improvements would be constructed within the envelope of the existing transit shed.

The repairs and upgrades to the transit shed at Berths 58–60 would be designed to meet the Secretary's Standards' requirement for new work to be compatible with, yet architecturally differentiated from, the old, including plan review by a qualified

consulting architectural historian for compliance with the Secretary's Standards. The building parameters discussed above for the Berth 57 transit shed would be applicable to the Berth 58–60 transit shed repairs.

2.4.4.7 Berths 70 and 71 (Westway Terminal)

Once remediation and restoration activities at Berths 70–71 are completed, the proposed Project would develop Berths 70–71 with a 50,000-square-foot facility for NOAA that would include office and laboratory space. The NOAA building would be designed in accordance with the Secretary's Standards, including plan review by a qualified consulting architectural historian for compliance with the Secretary's Standards.

The two-story building would be subordinate to the six-story Municipal Warehouse No. 1 primary historical resource. The building design would reference the adjacent building's maritime industrial character, materials, and massing. As an example, appropriate design cues would be taken from the adjacent Municipal Warehouse No. 1 building, such as a rectilinear form with flat roof or monitor roof shapes, exposed exterior walls painted a light color, expressed pilasters, repetitively punched openings, and symmetrically arranged elevation. The use of overly elaborate architectural styles that purposely depart from the simple, maritime industrial character of the area would be avoided, as would large amounts of landscaping, because landscaping is not characteristic of the area.

The Westway Terminal Administration Building (also known as the Pan-American Oil Company Pump House) would be adaptively reused by a future occupant. The Mission Revival style character of the Westway Terminal Building would be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize this building, stucco wall cladding, or stepped Mission parapet, would be avoided.

Deteriorated historic features of the Westway Terminal Building would be repaired rather than replaced, to the extent feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature would match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features would be substantiated by documentary, physical, or pictorial evidence, to the extent available.

In addition, Berths 70–71 along the Main Channel would be made available for berthing of research vessels, with a maximize vessel length of approximately 250 feet. There are no plans to relocate current vessels in the NOAA fleet to the proposed project site, but there is a possibility that future built vessels could be home ported at City Dock No.1. Furthermore, full functioning of the site would include the regular docking of NOAA vessels home-ported in other locations but passing through Los Angeles as part of research expeditions.

Redevelopment of Berths 70–71 would also involve development of an 80,000-square-foot steel-reinforced concrete wave tank on the land side, which would be enclosed within its own five-story, 100,000-square-foot building. The wave tank would be constructed to allow the study of tsunamis, rogue waves, and the generation

of wave energy, as well as vessel and platform, and coastal engineering studies. The wave tank building would include an internal crane mechanism for moving tank baffles, actuators, and equipment within the building.

The base of the building would be above the mean high tide mark, which would allow for a depth of approximately 10 feet below the existing grade elevation. The first story would comprise the foundation, the next two stories would house the wave tank, the fourth story would include walkways and view platforms, and the final story would provide clearance for cranes to maneuver the wave tank baffles.

The building would be designed to be compatible with the historic materials and features of nearby historic structures to the extent feasible given its required size. For example, the design of the wave tank would reference motifs, massing, and materials of other large-scale buildings in the immediate vicinity to help maintain the industrial maritime character of the district.

2.4.4.8 Marine Research Facility Support Structures

The proposed urban marine research center is intended to support marine research and entrepreneurial business development to address the next generation of ocean-driven challenges and opportunities such as tidal, wind, and biomass energy; aquaculture and sustainable fisheries; shoreline dynamics; and tsunamis, rogue waves, remote sensing, coastal resource management, marine pollution, marine biochemistry and pharmacology, underwater robotics, and climate change and sea-level rise. The proposed Project would not only support marine research being conducted by southern California universities and colleges and state and national marine-related agencies, but it is also intended to accommodate visiting researchers from around the nation and world.

Research would be selected, undertaken, and managed by the tenants/subtenants of City Dock No. 1. Research topics are anticipated to evolve and change over time, as new information and environmental concerns are identified. Similarly, equipment storage needs, seawater circulation system, life support system, and seawater volume needs are anticipated to fluctuate over time based on research being conducted.

Marine Research Seawater In-Take, Life Support, and Treatment Systems

Initially, the seawater system, associated life support and water treatment systems, and water would only serve Berth 57, but the intake/discharge infrastructure would be designed with enough capacity to eventually serve Berths 58–60 and 70–71 once those upgrades and new construction are completed in Phase II. The current combined volume of all Berths 57–60 and 70–71 marine research tanks is estimated at approximately 1,000,000 gallons.

Seawater storage tanks necessary for Berth 57 marine research operations would be installed as part of Phase I. Additional seawater storage tanks would be added as additional research and business incubator facilities are developed in Phase II in order to address the needs of those additional operations. Life support systems, such as water filtration, protein skimmers, and ozone treatment systems would also be

constructed and installed, as applicable, to all City Dock No. 1 facilities, with space reserved for additional components to be added as build out of the center proceeds. Chillers and heaters would be installed for seawater systems that require specific temperature requirement.

The exact seawater system(s), life support, and treatment systems to be utilized at the facilities would be designed to meet the needs of the research planned to be conducted within each section of the proposed City Dock No. 1 facility, for which specific detailed needs are currently unknown. However, it is anticipated that the seawater systems would comprise a combination of both flow-through and recirculating capabilities. Depending on the system that is ultimately developed, the quantity of discharge, and the types of activities that occur and species handled in the research laboratories, different discharge and filtration requirements may be needed for either ocean or sewer discharge. Conservative intake and discharge estimates for each type of seawater system are included to ensure potential impacts of both potential marine research facility seawater systems are evaluated and addressed in the Final EIR.

Seawater In-Take and Discharge

The seawater intake and discharge locations for the Berths 57–60 and 70–71 research facilities are proposed to be located at the southern end of City Dock No.1, slightly extending out past the rip-rap, or under the Berths 57–60 wharves, as deemed most appropriate for the final seawater system design. It is anticipated that the seawater systems would comprise a combination of both flow-through and recirculating capabilities. The intake flows would be limited to 0.5 feet per second or less, which is the velocity identified in the U.S. Environmental Protection Agency (EPA) guidelines as a rate that generally allows fish to pull away from the intake structure and results in de minimus impingement levels. The intake pipe size would be designed to acquire the volume of water needed, while ensuring a velocity of 0.5 feet/second or less. The in-take would be located in an area without nearby sensitive habitat, would operate at low flows and velocities, and would be screened to minimize entrainment and impingement. Should a combination of recirculation and flow-through system be used, seawater in-take volume would be significantly less.

The discharge rate for flow-through systems would use the same rate as the in-take. The discharge location would be to the west of the proposed in-take location at the southern end of City Dock No.1, or under the Berths 57–58 wharves, as deemed most appropriate for the final seawater system design.

Flow-Through Seawater Systems

Flow-through seawater systems would take in seawater and circulate it through the marine tanks. After circulation through the tanks, the seawater would be filtered and treated for discharge back to the harbor. This type of system minimizes the need for: (1) seawater storage tanks; (2) life support treatment systems, such as protein skimmers and ozone treatment; (3) seawater discharge to the sewer; and (4) electricity usage. Based on the experience of the existing SCMI operation, it is currently anticipated that filtering systems would be adequate to treat seawater from the flow-through system for ocean discharge.

To ensure a healthy environment for marine life, it is anticipated that the water in all tanks would need to be turned over twice daily. This would result in the need to in-take and discharge 2,000,000 gallons per day, twice the volume of the City Dock No. 1 research facility tanks, every 24-hour period.

In-take seawater may be chilled, or heated, as appropriate for the tanks and research being conducted. Water that is higher or lower than ambient harbor water temperatures would be managed during discharge to achieve ambient water temperatures prior to discharge to the harbor. Seawater used in tanks that house nonnative species would either be discharged to the sewer or processed through enhanced treatment systems, as necessary to eradicate any nonnative species and prevent their introduction into harbor waters.

Recirculating Seawater Systems

Recirculating seawater systems would take in seawater, circulate it through tanks, and then filter and treat the water to remove biological waste created by marine organisms maintained in the tanks through filtration, protein skimmers, and ozone treatment. The water would then be recirculated through the tanks. New seawater would be introduced on an ongoing basis as needed to maintain the appropriate water quality, and re-used seawater would be discharged. The turnover rate of seawater for recirculation systems vary based on the treatment systems used and marine organisms maintained. Based on the experience of local aquariums an annual turnover rate of between 6 and 10 is anticipated, resulting in daily intake and discharge volumes of between 16,438 and 27,397 gallons, respectively. Maximum marine research facility sanitary seawater discharge, based on a 100% recirculating seawater system with a 10 times per year turnover rate would be 27,397 gallons/day. However, should a combination of recirculation be used, seawater discharge volume would be significantly less.

Used seawater would require treatment prior to discharge to the sanitary sewer or harbor. Should sanitary sewer discharge be involved, discharges would need to be scheduled to avoid negative impacts on the Terminal Island Treatment Plant, and would be sampled and monitored to ensure compliance with industrial waste discharge requirements for sanitary sewer discharge. In addition, filters used in the recirculated seawater cleansing process must be backwashed to maintain the cleansing ability. The backwash would require discharge to the sanitary sewer. Recirculation systems minimize water in-take and are able to better control fluctuations in water quality. However, recirculation systems are space intensive, requiring a large footprint for storage tanks and life support/treatment systems, and are energy intensive. In addition, due to the re-use of water, biological wastes are concentrated, and discharged water requires a greater level of treatment than flow-through systems for harbor discharge, resulting in additional space needs and energy resources.

As in the case of the flow-through system, in-take seawater may be chilled, or heated, as appropriate for the tanks and research being conducted. However, water temperature would not be a consideration for seawater discharged to the sanitary sewer.

Wave Tank Seawater In-Take and Discharge

A separate seawater intake and treatment system would be developed for the wave tank during Phase II. As mentioned previously, the proposed wave tank has a total proposed volume of approximately 14,361,600 gallons and the in-take is proposed to be located along the Berths 70–71 wharf in the main channel.

The gallon per day seawater in-take for filling the proposed wave tank would largely be dependent upon the time allocated to initially fill the tank. A 90-day tank fill time would require 159,574 gallons/day. The in-take flows would be limited to 0.5 feet per second or less. After the initial filling of the wave tank, ongoing seawater in-take needs would be minimal because discharges from the wave tank would be infrequent and intermittent.

Once filled, the seawater in the wave tank would be chemically treated to eliminate marine growth within the tank and retained in stasis except on rare occasions when lower water levels would be needed for a study. On such occasions water may be discharged from the tank. Upon completion of the study, seawater would be needed to again fill the tank. Prior to discharge, chemically treated water would be filtered to ensure that chemicals used to treat the water are removed prior to discharge to the harbor or would be discharged to the sanitary sewer. Discharges would be tested and monitored to ensure compliance with all applicable discharge requirements. The wave tank harbor discharge location would be adjacent to the in-take location located along the Berths 70–71 wharf in the main channel.

2.4.4.9 Waterfront Promenade

The SPWP EIS/EIR (POLA 2009) assessed the construction of a continuous waterfront pedestrian promenade throughout the waterfront project site. Extending the promenade through a marine laboratory facility could pose special challenges because the waterfront would be utilized for vessel loading on a routine basis by forklifts, cranes, and other heavy equipment at unpredictable intervals. The approximately 6,000-linear-foot promenade would be constructed along the edge of the wharf in such a manner as to maintain public access without creating a safety hazard or otherwise unduly impeding the work that is necessary at a marine laboratory. As such, as part of the proposed Project, the proposed location of the promenade would be along East 22nd Street and Signal Street, and along the existing wharf that runs the perimeter of City Dock No. 1, to the extent feasible. The south end of Berth 60 would be developed to accommodate a public viewing area and platform.

2.4.4.10 Signal Street Improvements

Signal Street would be repaved and realigned as part of the proposed Project. As part of the realignment, a total of approximately 195 diagonal parking spaces would be provided along one side of the street. The proposed Project would add 15 spaces adjacent to the Berth 56 Learning Center building, 40 new spaces adjacent to the Berth 57 transit shed, and 155 spaces adjacent to Berths 58–60. In addition, the existing heavy rail tracks that are embedded within Signal Street would be removed

(approximately 8,000 lineal feet), and the area that is disturbed during the rail removal would be repaved.

2.4.4.11 Utility Improvements

The proposed Project would provide new utility connections to the proposed buildings as well as the existing buildings to allow for the proposed project elements described above. All connections would be located within the proposed project site and would connect with the existing infrastructure located under Signal Street. In addition to the general utility connections, the proposed Project would potentially upgrade the existing sewer pump servicing the proposed project site. This upgrade to the sewer pump would provide additional capacity to accommodate the proposed Project under full buildout as well as additional future projects if needed.

2.4.4.12 Sustainable Design Project Features

The proposed Project is intended to showcase LAHD's commitment to sustainability. The proposed Project would incorporate a number of sustainable elements focusing on the effort of LAHD to create a green Port. These are analyzed as part of the proposed Project within the Final EIR. Additionally, the proposed Project would incorporate several features to enhance the final design of the proposed Project. Although not required to mitigate a significant impact, these design measures would further minimize the proposed Project's effect on surrounding uses and environmental resources. The following proposed project elements and design measures are consistent with LAHD's Sustainability Program and policies.

- Use recycled water if available for all landscaping and water feature purposes to decrease the proposed Project's use of potable water.
- Include drought-tolerant plants and shade trees in the planting palette.
- Require Leadership in Energy and Environmental Design (LEED™) certification for all new buildings as feasible by implementing and ensuring consistency with LAHD's Green Building Policy; LEED Certification (minimum Silver) is required for all new development over 7,500 square feet.
- Follow LAHD sustainable engineering design guidelines in the siting and design of new development.
- Employ LAHD sustainability measures during construction and operation and use recycled and locally derived materials for proposed project construction, while achieving recycling goals for construction and demolition debris.
- Implement energy efficient design features in the final design to help ensure energy needs are minimized to the extent feasible during construction and operation of the proposed Project.
- Implement water quality and conservation design features in the final design to help ensure water quality impacts are minimized during construction at the water's edge and in the water and operationally through the use of construction best management practices (BMPs) and bioswales.

- Implement aesthetic design features. Public art would be integrated into the proposed project area and would include sculptural pieces. Views of the waterfront would be created through the construction of the waterfront promenade around the edge of the site. The proposed Project would also implement the San Pedro Waterfront Development Design Guidelines to improve efficiency and reduce glare.
- Implement pedestrian access features. Pedestrian access to the waterfront and throughout the proposed project site would be improved through development of a waterfront promenade. The proposed Project would also be designed to accommodate the extension of the Waterfront Red Car Line, which was previously approved under the SPWP in 2009.

3 CEQA Findings

The Findings of Fact are based on information contained in the Final EIR for the proposed Project, as well as information contained within the administrative record. The administrative record includes, but is not limited to, the proposed Project application, Project staff reports, Project public hearing records, public notices, written comments on the proposed Project and responses to those comments, proposed decisions and findings on the proposed Project, and other documents relating to the agency decision on the proposed Project. When making CEQA findings required by Public Resources Code Section 21081(a), a public agency shall specify the location and custodian of the documents or other material, which constitute the record of proceedings upon which its decision is based. These records are in the care of the Director of Environmental Management, Los Angeles Harbor Department, 425 South Palos Verdes Street, San Pedro, California 90731.

The Final EIR addresses the proposed Project's potential effects on the environment, and was circulated for public review and comment pursuant to the State CEQA Guidelines for a period of 45 days. Comments were received from a variety of public agencies, organizations, and individuals. The Final EIR contains copies of all comments and recommendations received on the Draft EIR; a list of persons, organizations, and public agencies commenting on the Draft EIR; responses to comments received during the public review; and changes to the Draft EIR. This section provides a summary of the environmental effects of the proposed Project that are discussed in the Final EIR, and provides written findings for each of the significant effects, which are accompanied by a brief explanation of the rationale for each finding.

3.1 Environmental Impacts of the Proposed Project

Findings are provided for significant and unavoidable impacts and significant impacts that are mitigated to less than significant. A summary of the environmental analysis of each threshold in the Final EIR is presented in Tables 2, 3, and 4. Where mitigation measures are proposed, these mitigation measures are included in a

Mitigation Monitoring Reporting Plan (MMRP), which has been prepared separately from these findings.

In addition to the mitigation measures that have been required in, or incorporated into, the proposed Project, alternatives were identified in the Final EIR in order to attempt to reduce significant environmental impacts associated with the proposed Project. All alternatives to the proposed Project and associated findings are discussed in this document.

3.1.1 Significant Impacts

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

- Air Quality and Greenhouse Gases
- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise
- Transportation and Circulation (Ground)

In addition, the Final EIR concludes that all significant impacts of the proposed Project in the following environmental resource areas would be less-than-significant after mitigation:

- Biological Resources
- Hazards and Hazardous Materials
- Land Use and Planning
- Transportation and Circulation (Ground)

Certain significant impacts cannot feasibly be mitigated and would remain significant and unavoidable. The Final EIR concludes that some, but not all, impacts of the proposed Project in the following environmental resource areas would remain significant and unavoidable despite imposition of all feasible mitigation:

- Air Quality and Greenhouse Gases
- Cultural Resources
- Noise

3.1.2 Less-than-Significant Impacts

The Final EIR concludes that all impacts of the proposed Project in the following environmental resource areas would be less than significant after mitigation:

- Aesthetics
- Geology
- Groundwater and Soils
- Public Services
- Transportation and Circulation (Marine)
- Utilities
- Water Quality, Sediment, and Oceanography

In addition, the Final EIR concludes that some, but not all, impacts of the proposed Project in the following environmental resource areas would be less than significant prior to mitigation:

- Air Quality and Greenhouse Gases
- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Land Use and Planning
- Noise
- Transportation and Circulation (Ground)

3.2 Findings Regarding Environmental Impacts Found to Be Significant and Unavoidable

The LAHD Board of Harbor Commissioners hereby finds that the following environmental impacts (in Table 2) of the proposed Project are significant and unavoidable,

Table 2. Significant and Unavoidable Adverse Environmental Impacts for the Proposed Project

Environmental Impact	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
AIR QUALITY AND GREENHOUSE GASES			
Construction			
AQ-1: The proposed Project would result in construction-related emissions that exceed an SCAQMD threshold of significance.	Significant	**MM AQ-1:** Implement Harbor Craft Engine Standards. **MM AQ-2:** Implement Fleet Modernization for Construction Equipment. **MM AQ-3:** Implement	Significant and unavoidable

Environmental Impact	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
		Additional Fugitive Dust Controls. **MM AQ-4:** Implement SCAQMD's Super-Compliant Architectural Coating Standard and use of Low VOC Products. **MM AQ-5:** Implement the Clean Trucks Program for Construction Haul Trucks. **MM AQ-6:** Implement Best Management Practices. **MM AQ-7:** Implement General Mitigation Measure.	
Operations			
AQ-3: The proposed Project would result in operational emissions that exceed a SCAQMD threshold of significance.	Significant	Implement Mitigation Measures **MM AQ-4** and **MM AQ-7.**	Significant and unavoidable
GHG-1: The proposed Project would produce GHG emissions that exceed CEQA thresholds.	Significant	**MM GHG-1:** Solar Panels. The Port shall review the feasibility of including the City Dock site on their Inventory of Potential PV Solar Sites at POLA from their December 2007 Climate Action Plan.	Significant and unavoidable
CULTURAL RESOURCES			
CR-5: The proposed Project would result in a substantial adverse change in the significance of an historical resource, involving demolition, relocation, conversion, rehabilitation, alteration, or other construction that reduces the integrity or significance of important resources on the site or in the vicinity.	Significant	**MM CR-1.** HABS/HAER Recordation of Municipal Pier No. 1 Historic District Setting.	Significant and unavoidable
NOISE			
Construction			
NOI-1: Construction of the proposed Project would last more than 1 day and would exceed existing ambient exterior noise levels by 10 dBA or more at a noise-sensitive use; construction activities lasting more than 10 days in a 3-month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise-sensitive use.	Significant	**MM NOI-1:** Maintain Construction Equipment. **MM NOI-2:** Locate Equipment away from Noise-Sensitive Land Uses. **MM NOI-3:** Utilize Quiet Equipment. **MM NOI-4:** Notify Sensitive	Significant and unavoidable

Environmental Impact	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
		Receptors.	

3.3 Findings Regarding Environmental Impacts Found to Be Less Than Significant after Mitigation

The LAHD Board of Harbor Commissioners hereby finds that the following environmental impacts (in Table 3) of the proposed Project are less-than-significant after implementation of mitigation measures.

Table 3. Significant Impacts that Can Be Mitigated for the Proposed Project

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
AIR QUALITY AND GREENHOUSE GASES			
Construction			
AQ-2: The proposed Project would result in offsite ambient air pollutant concentrations during construction that exceed a threshold of significance.	Significant	Implement Mitigation Measure **MM AQ-1** through **MM AQ-**.	Less than Significant
BIOLOGICAL RESOURCES			
Construction			
BIO-1a: Construction activities would result in the loss of individuals, or the reduction of existing habitat, of a state- or federally listed endangered, threatened, rare, protected, or candidate, or a species of special concern, or the loss of federally listed critical habitat.	Significant	**MM BIO-1.** Avoid Marine Mammals. **MM BIO-2.** Minimize In-water Pile Driving Noise. **MM BIO-3.** Conduct Nesting Bird Surveys.	Less than significant
HAZARDS AND HAZARDOUS MATERIALS			
Construction			
RISK-6a: Construction of the proposed Project would introduce the general public to hazard(s) defined by the EPA and the Port RMP associated with offsite facilities.	Significant	**MM RISK-1.** Remove all hazardous materials with flashpoints below 140°F from Mike's fueling station.	Less than significant
RISK-6b: Operation of the proposed Project would introduce the general public to hazard(s) defined by the EPA and the Port RMP associated with offsite facilities.	Significant	Implement Mitigation Measure **MM RISK-1**.	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
LAND USE AND PLANNING			
Operations			
LU-2b: Operation of the proposed Project would be inconsistent with the General Plan or adopted environmental goals or policies contained in other applicable plans, which would result in an adverse physical effect on the environment.	Significant	Implement Mitigation Measure **MM RISK-1**.	Less than significant
TRANSPORTATION AND CIRCULATION—GROUND AND MARINE			
Ground Construction			
TC-1: Construction of the proposed Project would result in a short-term, temporary increase in construction-related truck and auto traffic, decreases in roadway capacity, and disruption of vehicular and nonmotorized travel.	Significant	**MM TC-1:** Develop and implement a Traffic Control Plan throughout proposed project construction.	Less than significant

3.4 Findings Regarding Environmental Impacts Found to Be Less Than Significant

The LAHD Board of Harbor Commissioners hereby finds that the following environmental impacts (Table 4) of the City Dock No. 1 Marine Research Center Project are less than significant. No mitigation measures are required for impacts that are less than significant (14 CCR 15126.4(a)(3)).

Table 4. Less-than-significant impacts of the Proposed Project

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
AESTHETICS			
Construction			
AES-1a: Construction of the proposed Project would not result in an adverse effect on a scenic vista from a designated scenic resource due to obstruction of views.	Less than significant	No mitigation is required	Less than significant
AES-2a: Construction of the proposed Project would not substantially damage scenic resources (including, but not limited to, trees, rock outcroppings, and historic buildings) within a state scenic highway.	No impact	No mitigation is required	No impact
AES-3a: Construction of the proposed Project would not substantially degrade the existing visual character or quality of	Less than significant	No mitigation	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
the site or its surroundings.		is required	
AES-4a: Construction of the proposed Project would not result in an adverse effect due to shading on the existing visual character or quality of the site or its surroundings.	Less than significant	No mitigation is required	Less than significant
AES-5a: Construction of the proposed Project would not create a new source of substantial light or glare that would adversely affect day or nighttime views of the area.	No impact	No mitigation is required	No impact
Operations			
AES-1b: Operation of the proposed Project would not result in an adverse effect on a scenic vista from a designated scenic resource due to obstruction of views.	Less than significant	No mitigation is required	Less than significant
AES-2b: Operation of the proposed Project would not substantially damage scenic resources (including, but not limited to, trees, rock outcroppings, and historic buildings) within a state scenic highway.	No impact	No mitigation is required	No impact
AES-3b: Operation of the proposed Project would not substantially degrade the existing visual character or quality of the site or its surroundings.	Less than significant	No mitigation is required	Less than significant
AES-4b: Operation of the proposed Project would not result in an adverse effect due to shading on the existing visual character or quality of the site or its surroundings.	Less than significant	No mitigation is required	Less than significant
AES-5b: Operation of the proposed Project would not create a new source of substantial light or glare that would adversely affect day or nighttime views of the area.	Less than significant	No mitigation is required	Less than significant
AIR QUALITY AND GREENHOUSE GASES			
AQ-4: The proposed Project would not result in offsite ambient air pollutant concentrations during operation that exceed a threshold of significance.	Less than significant	No mitigation is required	Less than significant
AQ-5: The proposed Project would not generate on road traffic that would contribute to an exceedance of the 1- or 8-hour CO standards.	Less than significant	No mitigation is required	Less than significant
AQ-6: The proposed Project would not create an objectionable odor at the nearest sensitive receptor.	Less than significant	No mitigation is required	Less than significant
AQ-7: The proposed Project would not expose receptors to significant levels of TACs.	Less than significant	No mitigation is required	Less than significant
AQ-8: The proposed Project would not conflict with or obstruct implementation of an applicable air quality plan.	Less than significant	No mitigation is required	Less than significant
GHG-2: The proposed Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of	Less than significant	No mitigation	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
reducing GHG emissions.		is required	
BIOLOGICAL RESOURCES			
Construction			
BIO-2a: Construction activities would not result in a substantial reduction or alteration of a state-, federally, or locally designated natural habitat, special aquatic site, or plant community, including wetlands.	Less than significant	No mitigation is required	Less than significant
BIO-3a: Construction activities would not result in interference with wildlife movement/ migration corridors that may diminish the chances for long-term survival of a species.	Less than significant	No mitigation is required	Less than significant
BIO-4a: Construction activities for the proposed Project would not result in a substantial disruption of local biological communities.	Less than significant	No mitigation is required	Less than significant
BIO-5a: Construction of the proposed Project would not result in a permanent loss of marine habitat.	Less than significant	No mitigation is required	Less than significant
Operations			
BIO-1b: Operation of the proposed Project would not result in the loss of individuals, or the reduction of existing habitat, of a state- or federally listed endangered, threatened, rare, protected, or candidate species, or a species of special concern, or the loss of federally listed critical habitat.	Less than significant	No mitigation is required	Less than significant
BIO-2b: Operation of the proposed Project would not result in a substantial reduction or alteration of a state-, federally, or locally designated natural habitat, special aquatic site, or plant community, including wetlands.	Less than significant	No mitigation is required	Less than significant
BIO-3b: Operation of the proposed Project would not result in interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a species.	Less than significant	No mitigation is required	Less than significant
BIO-4b: Operation of the proposed Project would not result in a substantial disruption of local biological communities.	Less than significant	No mitigation is required	Less than significant
BIO-5b: Operation of the proposed Project would not result in a permanent loss of marine habitat.	No impact	No mitigation is required	No impact
CULTURAL RESOURCES			
CR-1: The proposed Project would not disturb, damage, or degrade a known prehistoric and/or historical archaeological resource resulting in a reduction of its integrity or significance as an important resource.	No impact	No mitigation is required	No impact
CR-2: The proposed Project would not disturb, damage, or degrade an unknown prehistoric and/or historical archaeological	Less than significant	No mitigation	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
resource resulting in a reduction of its integrity or significance as an important resource.		is required	
CR-3: The proposed Project would not disturb, damage, or degrade unknown human remains.	Less than significant	No mitigation is required	Less than significant
CR-4: The proposed Project would not result in the permanent loss of, or loss of access to, a paleontological resource of regional or statewide significance.	No impact	No mitigation is required	No impact.
GEOLOGY			
Construction			
GEO-1a: Construction of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure.	Less than significant	No mitigation is required	Less than significant
GEO-2a: Construction of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk involving tsunamis or seiches.	Less than significant	No mitigation is required	Less than significant
GEO-3a: Construction of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from land subsidence/ settlement.	Less than significant	No mitigation is required	Less than significant
GEO-4a: Construction of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from expansive soils.	Less than significant	No mitigation is required	Less than significant
GEO-5a: Construction of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from landslides or mudslides.	Less than significant	No mitigation is required	Less than significant
GEO-6a: Construction of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from unstable soil conditions from excavation, grading, or fill.	Less than significant	No mitigation is required	Less than significant
GEO-7a: Construction of the proposed Project would not destroy, permanently cover, or materially and adversely modify one or more distinct and prominent geologic or topographic features. Such features may include, but not be limited to, hilltops, ridges, hillslopes, canyons, ravines, rock outcrops, water bodies, streambeds, and wetlands.	No impact.	No mitigation is required	No impact.
Operations			
GEO-1b: Operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground	Less than significant	No mitigation is required	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
failure.			
GEO-2b: Operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk involving tsunamis or seiches.	Less than significant	No mitigation is required	Less than significant
GEO-3b: Operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from land subsidence/settlement.	Less than significant	No mitigation is required	Less than significant
GEO-4b: Operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from expansive soils.	Less than significant	No mitigation is required	Less than significant
GEO-5b: Operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from landslides or mudslides.	Less than significant	No mitigation is required	Less than significant
GEO-6b: Operation of the proposed Project would not result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from unstable soil conditions from excavation, grading, or fill.	Less than significant	No mitigation is required	Less than significant
GEO-7b: Operation of the proposed Project would not destroy, permanently cover, or materially and adversely modify one or more distinct and prominent geologic or topographic features. Such features may include, but not be limited to, hilltops, ridges, hillslopes, canyons, ravines, rock outcrops, water bodies, streambeds, and wetlands.	No impact.	No mitigation is required	No impact.
GROUNDWATER AND SOILS			
Construction			
GW-1a. Construction of the proposed Project would not encounter toxic substances or other contaminants associated with historical uses of the Port, resulting in short-term exposure (duration of construction) to construction/operations personnel and/or long-term exposure to future site occupants.	Less than significant	No mitigation is required	Less than significant
GW-2a. Construction of the proposed Project would not result in changes in the rate or direction of movement of existing contaminants, expansion of the area affected by contaminants, or increased level of groundwater contamination, which would increase risk of harm to humans.	Less than significant	No mitigation is required	Less than significant
GW-3a: Construction of the proposed Project would not result in a demonstrable and sustained reduction in potable groundwater recharge capacity nor would construction result in a change in potable water levels.	No impact	No mitigation is required	No impact
GW-4a: Construction of the proposed Project would not result in a violation of regulatory water quality standards at an existing production well, as defined in CCR, Title 22, Division 4, Chapter 15 and in the Safe Drinking Water Act.	No impact	No mitigation is required	No impact

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
Operations			
GW-1b: Operation of the proposed Project would not result in exposure of soils containing toxic substances and petroleum hydrocarbons associated with prior operations, which would be deleterious to humans based on regulatory standards established by the lead agency for the site.	Less than significant	No mitigation is required	Less than significant
GW-2b: Operation of the proposed Project would not result in expansion of the area affected by contaminants.	Less than significant	No mitigation is required	Less than significant
GW-3b: Operation of the proposed Project would not result in a change to potable water levels.	No impact	No mitigation is required	No impact
GW-4b: Operation of the proposed Project would not result in a violation of regulatory water quality standards at an existing production well, as defined in CCR, Title 22, Division 4, Chapter 15 and in the Safe Drinking Water Act.	No impact	No mitigation is required	No impact
HAZARDS AND HAZARDOUS MATERIALS			
Construction			
RISK-1a: Construction of the proposed Project would comply with applicable federal, state, regional, and local security and safety regulations, and Port policies guiding Port development.	No impact	No mitigation is required	No impact
RISK-2a: Construction of the proposed Project would not substantially interfere with an existing emergency response or evacuation plan or require a new emergency or evacuation plan, thereby increasing the risk of injury or death.	Less than significant	No mitigation is required	Less than significant
RISK-3a: Construction of the proposed Project would not result in a substantial increase in public health and safety concerns as a result of the accidental release, spill, or explosion of hazardous materials due to a tsunami.	Less than significant	No mitigation is required	Less than significant
RISK-4a: Construction of the proposed Project would not substantially increase the likelihood of an accidental spill, release, or explosion of hazardous material(s) due to a terrorist action.	Less than significant	No mitigation is required	Less than significant
RISK-5a: Construction of the proposed Project would not substantially increase the likelihood of an accidental spill, release, or explosion of hazardous material(s) as a result of proposed Project–related modifications.	Less than significant	No mitigation is required	Less than significant
Operations			
RISK-1b: Operation of the proposed Project would comply with applicable federal, state, regional, and local security and safety regulations, and LAHD policies guiding Port development.	No impact	No mitigation is required	No impact
RISK-2b: Operation of the proposed Project would not substantially interfere with an existing emergency response or	Less than significant	No mitigation is	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
evacuation plan or require a new emergency or evacuation plan, thereby increasing the risk of injury or death.		required	
RISK-3b: Operation of the proposed Project would not substantially increase the likelihood of a spill, release, or explosion of hazardous material(s) due to a tsunami.	Less than significant	No mitigation is required	Less than significant
RISK-4b: Operation of the proposed Project would not substantially increase the likelihood of a spill, release, or explosion of hazardous material(s) due to a terrorist action.	Less than significant	No mitigation is required	Less than significant
RISK-5b: Operation of the proposed Project would not substantially increase the likelihood of an accidental spill, release, or explosion of hazardous material(s) as a result of proposed Project–related modifications.	Less than significant	No mitigation is required	Less than significant
LAND USE AND PLANNING			
Construction			
LU-1a: Construction of the proposed Project would not be inconsistent with the adopted land use/density designation in the Community Plan, redevelopment plan, or specific plan for the site.	Less than significant	No mitigation is required	Less than significant
LU-2a: Construction of the proposed Project would not be inconsistent with the General Plan or adopted environmental goals or policies contained in other applicable plans.	Less than significant	No mitigation is required	Less than significant
Operations			
LU-1b: Operation of the proposed Project would not be inconsistent with the adopted land use/density designation in the Community Plan, redevelopment plan, or specific plan for the site.	Less than significant	No mitigation is required	Less than significant
NOISE			
Construction			
NOI-2: Construction activities would not exceed the ambient noise level by 5 dBA at a noise-sensitive use between the hours of 9 p.m. and 7 a.m. Monday through Friday, before 8 a.m. or after 6 p.m. on Saturday, or at any time on Sunday.	Less than significant	No mitigation is required	Less than significant
NOI-3: The proposed Project would not expose persons to, or generate, excessive groundborne vibration or groundborne noise levels.	Less than significant	No mitigation is required	Less than significant
Operations			
NOI-4: Operations would not result in ambient noise level measured at the property line of affected uses increasing by 3 dBA in CNEL to or within the "normally unacceptable" or "clearly unacceptable category," or increasing in any way by 5 dBA or more.	Less than significant	No mitigation is required	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
PUBLIC SERVICES			
Construction			
PS-1a: Construction of the proposed Project would not substantially reduce public services such as law enforcement, emergency services, and park services.	Less than significant	No mitigation is required	Less than significant
PS-2a: Construction of the proposed Project would not burden existing LAPD or Port Police staff levels and facilities such that the LAPD or Port Police would not be able to maintain an adequate level of service without constructing additional facilities that could cause significant environmental effects.	Less than significant	No mitigation is required	Less than significant
PS-3a: Construction of the proposed Project would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service.	Less than significant	No mitigation is required	Less than significant
PS-4a: Construction of the proposed Project would not increase the demand for recreation and park services and facilities resulting in the physical deterioration of these facilities	Less than significant	No mitigation is required	Less than significant
Operations			
PS-1b: Operation of the proposed Project would not substantially reduce public services such as law enforcement, emergency services, and park services.	Less than significant	No mitigation is required	Less than significant
PS-2b: Operation of the proposed Project would not burden existing LAPD or Port Police staff levels and facilities such that the LAPD or Port Police would not be able to maintain an adequate level of service without constructing additional facilities that could cause significant environmental effects.	Less than significant	No mitigation is required	Less than significant
PS-3b: Operation of the proposed Project would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility to maintain service.	Less than significant	No mitigation is required	Less than significant
PS-4b: Operation of the proposed Project would not increase the demand for recreation and park services and facilities resulting in the physical deterioration of these facilities	Less than significant	No mitigation is required	Less than significant
TRANSPORTATION AND CIRCULATION—GROUND AND MARINE			
Ground Operations			
TC-2a: Operation of the proposed Project would increase traffic volumes and degrade LOS at intersections within the proposed project vicinity.	Less than significant	No mitigation is required	Less than significant
TC-2b: Operation of the proposed Project would not significantly increase traffic volumes or degrade operations on CMP facilities within the proposed project vicinity beyond adopted thresholds.	Less than significant	No mitigation is required	Less than significant
TC-3: Operation of the proposed Project would not cause increases in demand for transit service beyond the supply of such	Less than significant	No mitigation is	Less than significant

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
services.		required	
TC-4: Operation of the proposed Project would not result in a violation of the City's adopted parking policies and parking demand would not exceed supply.	Less than significant	No mitigation is required	Less than significant
TC-5: The proposed Project does not include design elements that would result in conditions that would increase the risk of accidents, either for vehicular or nonmotorized traffic.	Less than significant	No mitigation is required	Less than significant
Marine Construction			
VT-1a: Construction of the proposed Project would not interfere with operation of designated vessel traffic lanes and/or impair the level of safety for vessels navigating the Main Channel, West Basin area, East Basin area, or precautionary areas.	Less than significant	No mitigation is required	Less than significant
VT-1b: Operation of the proposed Project would not interfere with the operation of designated vessel traffic lanes and/or impair the level of safety for vessels navigating the Main Channel, West Basin area, or precautionary areas.	Less than significant	No mitigation is required	Less than significant
UTILITIES			
UT-1: The proposed Project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.	Less than significant	No mitigation is required	Less than significant
UT-2: The proposed Project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	Less than significant	No mitigation is required	Less than significant
UT-3: The proposed Project would have sufficient water supplies available to serve the project from existing entitlements and resources, and would not require new or expanded entitlements.	Less than significant	No mitigation is required	Less than significant
UT-4: The proposed Project would result in a determination by the wastewater provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	Less than significant	No mitigation is required	Less than significant
UT-5: The proposed Project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.	Less than significant	No mitigation is required	Less than significant
UT-6: The proposed Project would not require new, offsite energy supply and distribution infrastructure, or capacity-enhancing alterations to existing facilities that are not anticipated by adopted plans or programs.	Less than significant	No mitigation is required	Less than significant
WATER QUALITY, SEDIMENTS, AND OCEANOGRAPHY			
Construction			
WQ-1a: Construction of the proposed Project would not	Less than	No	Less than

Environmental Impacts	*Impact Determination*	*Mitigation Measures*	*Impacts after Mitigation*
substantially reduce or increase the amount of surface water in a water body.	significant	mitigation is required	significant
WQ-2a: Construction of the proposed Project would not result in discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or Water Quality Control Plan for the receiving water body.	Less than significant	No mitigation is required	Less than significant
Operations			
WQ-1b: Operation of the proposed Project would not substantially reduce or increase the amount of surface water in a water body.	No impact	No mitigation is required	No impact
WQ-2b: Operation of the proposed Project would not result in discharges that create pollution, contamination, or nuisance as defined in Section 13050 of the CWC or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit or water quality control plan for the receiving water body.	Less than significant	No mitigation is required	Less than significant

3.5 Significant and Unavoidable Environmental Impacts That Cannot Be Reduced to Less than Significant

The Final EIR concludes that unavoidable significant impacts on the following environmental resources would occur if the proposed Project was implemented.

- Air Quality and Greenhouse Gases
- Cultural Resources
- Noise

All available feasible mitigation measures have been incorporated into the proposed Project to reduce significant impacts. However, even with the incorporation of all feasible mitigation measures, impacts to these environmental resources would remain significant and unavoidable. The Board has determined that no additional feasible mitigation measures or alternatives would reduce significant impacts to less than significant levels, and in light of specific economic, legal, social, technological, and other considerations, the Board intends to adopt a Statement of Overriding Considerations (see Section 4 of this document for additional details). The impacts, mitigation measures, findings, and rationale for the findings are presented for all significant and unavoidable impacts identified in the Final EIR below.

3.5.1 Air Quality and Greenhouse Gases

As discussed in Section 3.2 of the EIR, there would be three unavoidable significant impacts on air quality and greenhouse gases related to construction and operation as a result of the proposed Project, including overlap of construction and operation activities. Air quality impacts of the proposed Project were found to be significant after mitigation. However, lease measures (LMs) were identified for all or some of the significant and unavoidable impacts to comply with LAHD air quality planning requirements. The impacts, mitigation measures, and lease measures are discussed below.

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

The unmitigated peak daily construction emissions would exceed the South Coast Air Quality Management District (SCAQMD) daily emission thresholds for volatile organic compounds (VOC), carbon monoxide (CO), and nitrous oxides (NO_X). Therefore, the proposed Project's daily peak construction emissions would be significant for VOC, CO, and NO_X prior to mitigation.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. Implementation of the following mitigation measures would substantially lessen emissions from criteria pollutants associated with construction of the proposed Project, as well as overlap of construction and operation.

MM AQ-1: Implement Harbor Craft Engine Standards*. All harbor craft used during the construction phase of the proposed Project will, at a minimum, be repowered to meet EPA Tier 2. Additionally, where available, harbor craft will meet EPA Tier 3 or cleaner marine engine emission standards unless one of the following circumstances exists, and the contractor is able to provide proof of its existence:*

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

equipment to avoid using uncontrolled equipment, but no dealer within 200 miles of the proposed Project has the controlled equipment available for lease.

MM AQ-2: Implement Fleet Modernization for Construction Equipment

- *Tier Specifications:*

  a. *From the start of construction through December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp, except marine vessels and harbor craft, will meet Tier-3 off-road emission standards at a minimum. In addition, all construction equipment greater than 50 hp will be retrofitted with a CARB-verified Level 3 Diesel Emission Control Strategy (DECS). Any emissions control device used by the contractor will achieve emissions reductions that are no less than what could be achieved by a Level 3 DECS for a similarly sized engine as defined by CARB regulations.*

  b. *From January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp, except marine vessels and harbor craft, will meet Tier-4 off-road emission standards at a minimum. Any emissions control device used by the contractor will achieve emissions reductions that are no less than what could be achieved by a Level 3 DECS for a similarly sized engine as defined by CARB regulations.*

A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit will be provided at the time of mobilization of each applicable unit of equipment. The above "Tier Specifications" measures will be met, unless one of the following circumstances exists, and the contractor is able to provide proof that any of these circumstances exists:

- *A piece of specialized equipment is unavailable within 200 miles of the Port of Los Angeles, including through a leasing agreement. If this circumstance exists, the equipment must comply with one of the options contained in the Step-Down Schedule as shown in Table 3.2-14. At no time will equipment meet less than a Tier 1 engine standard with a CARB40-verified Level 2 DECS.*
- *The availability of construction equipment will be reassessed in conjunction with the years listed in the above Tier Specifications on an annual basis. For example, if a piece of equipment is not available prior to January 1, 2015, the contractor will reassess this availability on January 1, 2015.*
- *Construction equipment will incorporate, where feasible, emissions-savings technology such as hybrid drives and specific fuel economy standards.*

MM AQ-3: Implement Additional Fugitive Dust Controls. *The calculation of fugitive dust (PM10) from proposed project earth-moving activities assumes a 61% reduction from uncontrolled levels to simulate three times per day watering of the site and use of other measures (listed below) to ensure compliance with SCAQMD Rule 403 (SCAQMD 2005).*

The construction contractor will reduce fugitive dust emissions by 74% from uncontrolled levels (SCAQMD 2007a). The proposed project construction contractor will specify dust-control methods that will achieve this control level in a

SCAQMD Rule 403 dust control plan and will include holiday and weekend periods when work may not be in progress.

Measures to reduce fugitive dust include, but are not limited to, the following:

- *Active grading sites will be watered every two hours.*
- *Contractors will apply approved non-toxic chemical soil stabilizers according to manufacturer's specifications to all inactive construction areas or replace groundcover in disturbed areas (previously graded areas inactive for ten days or more).*
- *Construction contractors will provide temporary wind fencing around sites being graded or cleared.*
- *Trucks hauling dirt, sand, or gravel will be covered in accordance with Section 23114 of the California Vehicle Code.*
- *Construction contractors will install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash off tires of vehicles and any equipment leaving the construction site. Pave road and road shoulders.*
- *The use of clean-fueled sweepers will be required pursuant to SCAQMD Rule 1186 and Rule 1186.1 certified street sweepers. Sweep streets at the end of each day if visible soil is carried onto paved roads on site or on roads adjacent to the site to reduce fugitive dust emissions.*
- *A construction relations officer will be appointed to act as a community liaison concerning onsite construction activity including resolution of issues related to PM10 generation.*
- *Traffic speeds on all unpaved roads will be reduced to 15 mph or less.*
- *Temporary traffic controls such as a flag person will be provided during all phases of construction to maintain smooth traffic flow.*
- *Construction activities that affect traffic flow on the arterial system will be conducted during off-peak hours to the extent practicable.*
- *The grading contractor will suspend all soil disturbance activity when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas will be stabilized if construction is delayed.*

***MM AQ-4: Implement SCAQMD's Super-Compliant Architectural Coating Standard and Use of Low VOC Products**. Architectural coatings used on site will meet SCAQMD's super-compliant VOC standard of 10 grams of VOC per liter. The use of water-based or low VOC cleaning products, where feasible, will result in further VOC reduction. The reductions associated with the use of water-based or low VOC cleaning products were conservatively excluded from emission calculations.*

***MM AQ-5: Implement the Clean Trucks Program for Construction Haul Trucks**. Heavy duty diesel trucks used for hauling must meet the EPA 2007 emission standards for on-road heavy duty diesel engines (EPA 2006) by 2012. The CTP applies to heavy duty trucks used during construction activities.*

MM AQ-6: Implement Best Management Practices*. The following types of measures are required on construction equipment (including on-road trucks), as determined feasible and appropriate:*

- *Use diesel oxidation catalysts and catalyzed diesel particulate trap.*
- *Maintain equipment according to manufacturers' specifications.*
- *Install high-pressure fuel injectors on construction equipment vehicles.*
- *Re-route construction trucks away from congested streets or sensitive receptor areas.*

LAHD will implement a process by which to select additional BMPs to further reduce air emissions during construction. LAHD will determine the BMPs once the contractor identifies and secures a final equipment list and project scope. LAHD will then meet with the contractor to identify potential BMPs and work with the contractor to include such measures in the contract. BMPs will be based on BACT guidelines and may also include changes to construction practices and design to reduce or eliminate environmental impacts.

MM AQ-7: Implement General Mitigation Measure. *For any of the above mitigation measures, if a CARB-certified technology becomes available and is shown to be as good as or better in terms of emissions performance than the existing measure, the technology could replace the existing measure pending approval by LAHD. For construction, measures will be set at the time a specific construction contract is advertised for bid.*

However, emissions of VOC, CO, and NO_X during construction would remain significant and the incorporation of mitigation measures would still not reduce construction emissions below significance. Therefore, the Board finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIR. In this case all mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project. Nevertheless, even with the incorporation of feasible mitigation measures, impacts would remain significant and unavoidable. Only the No Project Alternative would eliminate or reduce to less than significant levels the air quality impacts identified in Impact AQ-1, as discussed in Section 3.9.5.1, would not achieve the project objectives and is therefore not considered a feasible alternative.

Rationale for Finding

The Final EIR discussed impacts on regional air quality that would result during daily peak construction activities associated with the proposed Project (**Impact AQ-1**). Tables 5 and 6, respectively, present the proposed Project's daily peak construction and overlapping daily peak construction and operational emissions *prior* to mitigation, and comparison to thresholds. Changes or alterations in the form of mitigation measures have been incorporated into the proposed Project in the form of Mitigation Measures **MM AQ-1** through **MM AQ-7**, which lessen significant daily peak construction emissions. Tables 7 and 8 respectively present the proposed Project's daily peak construction and overlapping daily peak construction and

operational emissions *after* mitigation, and comparison to thresholds. Although reduced as a result of the mitigation measures, daily peak construction emissions remain significant and unavoidable. Although the mitigation measures presented in the Final EIR reduce emissions, construction emissions would still exceed SCAQMD thresholds for VOC, CO, and NO_X. Emissions will largely come from diesel-powered equipment such as off-road construction equipment, on-road haul and delivery trucks, tugboats, and worker vehicles. As part of the Final EIR, mitigation was developed aimed at reducing these emissions through accelerating fleet turnover to newer, cleaner equipment, adding retrofit devices, and employing best management practices (BMPs). Most construction contractors rent equipment because owning, operating, and storage are cost prohibitive. The pool of rental construction equipment featuring the most stringent available emissions control technologies is limited. As a result, construction contractors cannot guarantee that equipment with the required technology will be used.

SCAQMD provided comments on the Draft EIR as detailed in the Final EIR. One of SCAQMD's comments was that low VOC emission cleaning products could potentially further reduce overlap of peak daily and operational VOC emissions. The LAHD reviewed this potential additional mitigation measure and determined this to be an additional feasible mitigation, and incorporated that measure into Mitigation Measure MM AQ-4 in the Final EIR. Further, SCAQMD commented on Mitigation Measure MM AQ- 1: Implement Harbor Craft Engine Standards. The LAHD has clarified the language in MM AQ-1 to clearly indicate Tier 2 engines are required as a minimum.

All mitigation measures determined feasible by LAHD, as identified in the Final EIR, have been incorporated into the proposed Project.

Table 5. Peak Daily Construction Emissions—Proposed Project without Mitigation

	Peak Day Emissions (lbs/day)						
Year	*VOC*	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*	*DPM[a]*
2014							
Total	223	121	288	0	50	16	10
Threshold	75	550	100	150	150	55	N/A
Significance Determination	**Yes**	No	**Yes**	No	No	No	N/A
2015							
Total	293	152	361	1	68	20	13
Threshold	75	550	100	150	150	55	N/A
Significance Determination	**Yes**	No	**Yes**	No	No	No	N/A
2016							
Total	97	26	60	0	11	3	2
Threshold	75	550	100	150	150	55	N/A
Significance Determination	**Yes**	No	No	No	No	No	N/A

Year	Peak Day Emissions (lbs/day)						
	VOC	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*	*DPM*[a]
2017							
Total	4	32	62	0	20	5	2
Threshold	75	550	100	150	150	55	N/A
Significance Determination	No	No	No	No	No	No	N/A
2018							
Total	4	32	62	0	20	5	2
Threshold	75	550	100	150	150	55	N/A
Significance Determination	No	No	No	No	No	No	N/A
2019							
Total	577	80	269	1	55	15	6
Threshold	75	550	100	150	150	55	N/A
Significance Determination	**Yes**	No	**Yes**	No	No	No	N/A
2020							
Total	577	80	269	1	55	15	6
Threshold	75	550	100	150	150	55	N/A
Significance Determination	**Yes**	No	**Yes**	No	No	No	N/A
2021							
Total	105	4	10	0	8	1	0
Threshold	75	550	100	150	150	55	N/A
Significance Determination	**Yes**	No	No	No	No	No	N/A
2022							
Total	0	0	0	0	0	0	0
Threshold	75	550	100	150	150	55	N/A
Significance Determination	No	No	No	No	No	No	N/A
2023							
Total	1,923	10	12	0	2	1	1,923
Threshold	75	550	100	150	150	55	N/A
Significance Determination	**Yes**	No	No	No	No	No	N/A
2024							
Total	1,923	10	12	0	2	1	0
Threshold	75	550	100	150	150	55	N/A
Significance Determination	**Yes**	No	No	No	No	No	N/A

Year	Peak Day Emissions (lbs/day)						
	VOC	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*	*DPM*[a]

[a] DPM (diesel particulate matter) was conservatively assumed to equal PM10 (particulate matter less than 10 micrometers (µm) in diameter) associated with diesel exhaust. (PM2.5 = particulate matter less than 2.5 µm in diameter)

Emissions are rounded to the nearest pound.

Onsite construction emissions consist of construction equipment exhaust, on-road vehicles traveling and idling on site, architectural coatings, and asphalt operations.

Offsite construction emissions consist of on-road vehicles traveling off site.

Table 6. Peak Daily Overlapping Construction and Operational Emissions—Proposed Project without Mitigation

Year	Peak Day Emissions (lb/day)						
	VOC	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*	*DPM*
2011 CEQA Baseline	***16***	***198***	***295***	***0***	***12***	***11***	***11***
2016[a]							
Construction	97	26	60	0	11	3	2
Operation	340	361	270	1	21	10	5
Total	437	387	330	1	32	13	7
Threshold	75	550	100	150	150	55	N/A
CEQA Increment	421	189	37	1	19	2	-4
Significance Determination	**Yes**	No	No	No	No	No	N/A
2017							
Construction	4	32	62	0	20	5	2
Operation	340	361	270	1	21	10	5
Total	344	393	332	1	41	14	8
Threshold	75	550	100	150	150	55	N/A
CEQA Increment	328	195	37	1	28	4	-4
Significance Determination	**Yes**	No	No	No	No	No	N/A
2018							
Construction	4	32	62	0	20	5	2
Operation	340	361	270	1	21	10	5
Total	344	393	332	1	41	14	8
Threshold	75	550	100	150	150	55	N/A
CEQA Increment	328	195	37	1	28	4	-4
Significance Determination	**Yes**	No	No	No	No	No	N/A
2019							
Construction	577	80	269	1	55	15	6
Operation	340	361	270	1	21	10	5
Total	917	442	539	1	76	24	11

Year	*Peak Day Emissions (lb/day)*						
	VOC	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*	*DPM*
Threshold	75	550	100	150	150	55	N/A
CEQA Increment	901	244	244	1	64	14	0
Significance Determination	**Yes**	No	**Yes**	No	No	No	N/A
2020							
Construction	577	80	269	1	55	15	6
Operation	340	361	270	1	21	10	5
Total	917	442	539	1	76	24	11
Threshold	75	550	100	150	150	55	N/A
CEQA Increment	901	244	244	1	64	14	0
Significance Determination	**Yes**	No	**Yes**	No	No	No	N/A
2021							
Construction	105	4	10	0	8	1	0
Operation	1,132	764	451	2	59	24	10
Total	1,236	768	461	2	67	25	10
Threshold	75	550	100	150	150	55	N/A
CEQA Increment	1,221	570	166	2	55	15	-1
Significance Determination	**Yes**	**Yes**	**Yes**	No	No	No	N/A
2022							
Construction	0	0	0	0	0	0	0
Operation	1,132	764	451	2	59	24	10
Total	1,132	764	451	2	59	24	10
Threshold	75	550	100	150	150	55	N/A
CEQA Increment	1,116	566	157	2	47	14	-1
Significance Determination	**Yes**	**Yes**	**Yes**	No	No	No	N/A
2023							
Construction	1,923	10	12	0	2	1	0
Operation	1,132	764	451	2	59	24	10
Total	3,054	774	463	2	61	25	10
Threshold	75	550	100	150	150	55	N/A
CEQA Increment	3,039	577	169	2	49	14	-1
Significance Determination	**Yes**	**Yes**	**Yes**	No	No	No	N/A
2024							
Construction	1,923	10	12	0	2	1	0
Operation	1,892	833	466	2	69	27	10
Total	3,814	843	479	2	71	28	11

Year	Peak Day Emissions (lb/day)						
	VOC	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*	*DPM*
Threshold	75	550	100	150	150	55	N/A
CEQA Increment	3,799	645	184	2	58	18	0
Significance Determination	**Yes**	**Yes**	**Yes**	No	No	No	N/A

[a] 2016 is the first overlap year for construction and operational activities.

Onsite construction emissions are comprised of construction equipment exhaust, on-road vehicles traveling and idling onsite, architectural coatings, and asphalt operations.

Offsite construction emissions are comprised of on-road vehicles traveling offsite.

Onsite operational emissions are comprised of marine vessel engine use at berth, land-side equipment use, on-road vehicles traveling and idling onsite, architectural coatings, and onsite natural gas use.

Offsite operational emissions are comprised of marine vessels transiting within and outside of the harbor, and on-road vehicles traveling offsite.

Table 7. Peak Daily Construction Emissions—Proposed Project with Mitigation

Year	Peak Day Emissions (lb/day)						
	VOC	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*	*DPM*
2014							
Total	20	117	130	0	28	6	2
Threshold	75	550	100	150	150	55	N/A
Significance Determination	No	No	**Yes**	No	No	No	N/A
2015							
Total	25	148	142	1	40	8	2
Threshold	75	550	100	150	150	55	N/A
Significance Determination	No	No	**Yes**	No	No	No	N/A
2016							
Total	5	26	11	0	7	1	0
Threshold	75	550	100	150	150	55	N/A
Significance Determination	No	No	No	No	No	No	N/A
2017							
Total	2	32	17	0	13	2	1
Threshold	75	550	100	150	150	55	N/A
Significance Determination	No	No	No	No	No	No	N/A
2018							
Total	2	32	17	0	13	2	1
Threshold	75	550	100	150	150	55	N/A

Year	Peak Day Emissions (lb/day)						
	VOC	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*	*DPM*
Significance Determination	No	No	No	No	No	No	N/A
2019							
Total	33	82	79	1	40	10	2
Threshold	75	550	100	150	150	55	N/A
Significance Determination	No	No	No	No	No	No	N/A
2020							
Total	33	82	79	1	40	10	2
Threshold	75	550	100	150	150	55	N/A
Significance Determination	No	No	No	No	No	No	N/A
2021							
Total	5	4	5	0	6	1	0
Threshold	75	550	100	150	150	55	N/A
Significance Determination	No	No	No	No	No	No	N/A
2022							
Total	0	0	0	0	0	0	0
Threshold	75	550	100	150	150	55	N/A
Significance Determination	No	No	No	No	No	No	N/A
2023							
Total	83	10	4	0	1	0	0
Threshold	75	550	100	150	150	55	N/A
Significance Determination	**Yes**	No	No	No	No	No	N/A
2024							
Total	83	10	4	0	1	0	0
Threshold	75	550	100	150	150	55	N/A
Significance Determination	**Yes**	No	No	No	No	No	N/A

[a] DPM was conservatively assumed to equal PM10 associated with diesel exhaust.

Emissions are rounded to the nearest pound.

Onsite construction emissions are comprised of construction equipment exhaust, on-road vehicles traveling and idling onsite, architectural coatings, and asphalt operations.

Offsite construction emissions are comprised of on-road vehicles traveling offsite.

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

Emissions from the proposed Project's peak daily operations would exceed SCAQMD Significance Thresholds for VOC in analysis years 2016, 2021, 2024, and 2042; CO in years 2021, 2024, and 2042; and NO_X in analysis years 2021, 2024, and 2042. The largest contributor to operational VOC emissions would be re-application of architectural coatings, whereas the largest contributor to operational CO and NO_X emissions would be exhaust from marine vessels and on-road vehicles due to site visitors. Therefore, air quality impacts associated with proposed Project daily peak operations would be significant for VOC, CO, and NO_X prior to mitigation.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The implementation of Mitigation Measures **MM AQ-4** and **MM AQ-7**, as presented above under Impact AQ-1, would reduce operational emissions. Additionally, implementation of the following Lease Measures would further reduce operational emissions.

LM AQ-1: Periodic Review of New Technology and Regulations. *LAHD will require tenants to review, in terms of feasibility and benefits, any LAHD-identified or other new emissions-reduction technology, and report to LAHD.*

LM AQ-2: Substitution of New Technology. *If any kind of technology becomes available and is shown to be as good or as better in terms of emissions reduction performance than the existing measure, the technology could replace the existing mitigation measure pending approval of LAHD.*

Following the implementation of the mitigation and lease measures, the proposed Project's peak daily operational emissions for VOC, CO, and NO_X would be reduced but would remain above the level of significance in years 2021, 2024, and 2042.

Therefore, the Board finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed Project alternatives identified in the Final EIR. In this case all mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project. Nevertheless, even with the incorporation of feasible mitigation measures, impacts would remain significant and unavoidable. Only the No Project Alternative would eliminate or reduce to less than significant levels the air quality impacts identified in Impact AQ-3, which as discussed in Section 3.9.5.1, would not achieve the proposed project objectives and is therefore not considered a feasible alternative.

Rationale for Finding

Emissions from the proposed Project's peak daily operations were evaluated in the Final EIR for four proposed Project study years: 2016, 2021, 2024, and 2042. As

shown in Table 8, unmitigated peak daily emissions from operation of the proposed Project would exceed SCAQMD Significance Thresholds for VOC in analysis years 2016, 2021, 2024, and 2042; CO in years 2021, 2024, and 2042; and NO_X in analysis years 2021, 2024, and 2042. The largest contributor to operational VOC emissions would be re-application of architectural coatings, whereas the largest contributor to operational CO and NO_X emissions would be exhaust from marine vessels and on-road vehicles due to site visitors. .

Changes or alterations have been incorporated into the proposed Project in the form of Mitigation Measures **MM AQ-4** and **MM AQ-7** and lease measures **LM AQ-1** and **LM AQ-2**, which substantially lessen significant daily peak operational emissions, as shown in Table 9. SCAQMD provided comments on the Draft EIR as detailed in the Final EIR. One of SCAQMD's comments was that low VOC emission cleaning products could potentially further reduce peak daily operational VOC emissions. The LAHD reviewed this potential additional mitigation measure and determined this to be an additional feasible mitigation, and incorporated that measure into Mitigation Measure MM AQ-4 in the Final EIR.

Following mitigation, the proposed Project's peak daily operational emissions for VOC, CO, and NO_X would be reduced but would remain above the level of significance in years 2021, 2024, and 2042. After mitigation, the largest contributor to VOC emissions would be vehicle sources, whereas the largest contributor to CO and NO_X emissions would remain exhaust from marine vessels and vehicle sources.

All mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project. No additional mitigation measures or lease measures were identified that would reduce **Impact AQ-3** further and to a level below significance.

Table 8. Peak Daily Operational Emissions—Proposed Project without Mitigation

	Peak Day Emissions (lb/day)						
Year	*VOC*	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*	*DPM*
2011 CEQA Baseline	16	198	295	0	12	11	11
2016							
Total	340	361	270	1	21	10	5
Threshold	55	550	55	150	150	55	N/A
CEQA Increment	324	164	-25	0	9	-1	-6
Significance Determination	**Yes**	No	No	No	No	No	N/A
2021							
Total	1,132	764	451	2	59	24	10
Threshold	55	550	55	150	150	55	N/A
CEQA Increment	1,116	566	157	2	47	14	-1
Significance Determination	**Yes**	**Yes**	**Yes**	No	No	No	N/A

Year	*Peak Day Emissions (lb/day)*						
	VOC	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*	*DPM*
2024							
Total	1,892	833	466	2	69	27	11
Threshold	55	550	55	150	150	55	N/A
CEQA Increment	1,876	635	172	2	56	17	-1
Significance Determination	**Yes**	**Yes**	**Yes**	No	No	No	N/A
2042							
Total	1,892	833	466	2	69	27	11
Threshold	55	550	55	150	150	55	N/A
CEQA Increment	1,876	635	172	2	56	17	-1
Significance Determination	**Yes**	**Yes**	**Yes**	No	No	No	N/A

Table 9. Peak Daily Operational Emissions—Proposed Project with Mitigation

Year	*Peak Day Emissions (lb/day)*						
	VOC	*CO*	*NO_X*	*SO_X*	*PM10*	*PM2.5*	*DPM*
2011 CEQA Baseline	16	198	295	0	12	11	11
2016							
Total	43	361	270	1	21	10	5
Threshold	55	550	55	150	150	55	N/A
CEQA Increment	27	164	-25	0	9	-1	-6
Significance Determination	No	No	No	No	No	No	N/A
2021							
Total	110	764	451	2	59	24	10
Threshold	55	550	55	150	150	55	N/A
CEQA Increment	95	566	157	2	47	14	-1
Significance Determination	**Yes**	**Yes**	**Yes**	No	No	No	N/A
2024							
Total	148	833	466	2	69	27	10
Threshold	55	550	55	150	150	55	N/A
CEQA Increment	132	635	172	2	56	17	-1
Significance Determination	**Yes**	**Yes**	**Yes**	No	No	No	N/A
2042							
Total	148	833	466	2	69	27	10
Threshold	55	550	55	150	150	55	N/A
CEQA Increment	132	635	172	2	56	17	-1
Significance Determination	**Yes**	**Yes**	**Yes**	No	No	No	N/A

Year	Peak Day Emissions (lb/day)						
	VOC	CO	NO_X	SO_X	PM10	PM2.5	DPM

[a] DPM was conservatively assumed to equal PM10 associated with diesel exhaust.

Emissions are rounded to the nearest pound.

Onsite operational emissions are comprised of marine vessel engine use at berth, land-side equipment use, on-road vehicles traveling and idling onsite, architectural coatings, and onsite natural gas use.

Offsite operational emissions are comprised of marine vessels transiting within and outside of the harbor, and on-road vehicles traveling offsite.

Impact GHG-1: The proposed Project would produce GHG emissions that exceed CEQA thresholds.

The proposed Project's GHG emissions would exceed the SCAQMD CEQA significance threshold of 3,000 metric tons per year (mty) prior to mitigation and would therefore result in a significant impact.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The implementation of Mitigation Measure **MM GHG-1** as follows would reduce operational GHG emissions.

MM GHG-1: Solar Panels. *LAHD will review the feasibility of including the City Dock site on its Inventory of Potential PV Solar Sites at POLA from the December 2007 Climate Action Plan. This measure is not quantified.*

Following implementation of the mitigation measure, the proposed Project's operational emissions would remain above the level of significance. Therefore, the Board finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIR. In this case all mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project. Nevertheless, even with the incorporation of feasible mitigation measures, impacts would remain significant and unavoidable. Only the No Project Alternative would eliminate or reduce to less than significant levels the air quality impacts identified in Impact GHG-1, which as discussed in Section 3.9.5.1, would not achieve the proposed Project's objectives and is therefore not considered a feasible alternative.

Rationale for Finding

Construction and operation of the proposed Project would result in the generation of GHG emissions, as shown in Table 10. The construction sources for which GHG emissions were calculated include off-road construction equipment, on-road haul and delivery trucks, tugboats, and worker vehicles. The operational emission sources for which GHG emissions were calculated include marine vessels such as research

vessels and water taxis; land-side sources such as forklifts, generators, and cranes; vehicle sources such as delivery trucks, worker vehicles, and visitor vehicles; and fugitive sources such as road dust.

As detailed in Draft EIR Sections 2.3.5 and 3.12, the proposed Project would incorporate several sustainable design elements, require a minimum of Silver LEED certification for new buildings including ways to improve water and energy efficiency, utilize recycled materials, recycle construction debris, etc., that would assist in minimizing GHG emissions. In addition, changes or alterations have been incorporated into the proposed Project in the form of Mitigation Measure MM GHG-1, which has the potential to further reduce GHG emissions. However, although the mitigation measures presented in the Final EIR have the potential to reduce emissions, the proposed Project's GHG emissions remain significant and unavoidable. All mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project.

Table 10. GHG Emissions—Proposed Project without Mitigation

Year	*CO_2e (mty)*
2011 CEQA Baseline	1,789
2016	
Amortized Construction	363
Operation	9,042
Total	9,405
Threshold	3,000
CEQA Increment	7,616
Significance Determination	**Yes**
2017	
Amortized Construction	363
Operation	9,042
Total	9,405
Threshold	3,000
CEQA Increment	7,616
Significance Determination	**Yes**
2018	
Amortized Construction	363
Operation	9,042
Total	9,405
Threshold	3,000
CEQA Increment	7,616

Year	*CO_2e (mty)*
Significance Determination	**Yes**
2019	
Amortized Construction	363
Operation	9,042
Total	9,405
Threshold	3,000
CEQA Increment	7,616
Significance Determination	**Yes**
2020	
Amortized Construction	363
Operation	9,042
Total	9,405
Threshold	3,000
CEQA Increment	7,616
Significance Determination	**Yes**
2021	
Amortized Construction	363
Operation	24,916
Total	25,279
Threshold	3,000
CEQA Increment	23,490
Significance Determination	**Yes**
2022	
Amortized Construction	363
Operation	24,916
Total	25,279
Threshold	3,000
CEQA Increment	23,490
Significance Determination	**Yes**
2023	
Amortized Construction	363
Operation	24,916
Total	25,279
Threshold	3,000

Year	*CO_2e (mty)*
CEQA Increment	23,490
Significance Determination	**Yes**
2024	
Amortized Construction	363
Operation	29,561
Total	29,924
Threshold	3,000
CEQA Increment	28,135
Significance Determination	**Yes**
Note: OFFROAD 2011, EMFAC 2011, and output and energy emissions calculation worksheets are provided in Appendix B.	

3.5.2 Cultural Resources

As discussed in Section 3.4 of the Draft EIR, there would be one significant and unavoidable impact on Cultural Resources as a result of the proposed Project.

Impact CR-5: The proposed Project would result in a substantial adverse change in the significance of a historical resource, involving demolition, relocation, conversion, rehabilitation, alteration, or other construction that reduces the integrity or significance of important resources on the site or in the vicinity.

The size and massing of the proposed wave tank building would result in significant impacts on the setting of adjacent historic structures, as well as to the Municipal Pier 1 Historic District as a whole. As such, the proposed wave tank building would result in a significant impact on historic resources prior to mitigation.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The implementation of Mitigation Measure **MM CR-1** as follows would reduce impacts to historic resources.

MM CR-1. HABS/HAER Recordation of Municipal Pier No. 1 Historic District Setting. *Prior to construction of the wave tank and undertaking the Berths 57–60 wharf upgrades and ground improvements, LAHD will record the existing setting of the Municipal Pier No. 1 Historic District, including recordation of the western elevation of the wharf, in accordance with the federal Historic American Building*

Survey/Historic American Engineering Record (HABS/HAER) program. This program consists of large-format, black and white photographs, preparation of a historic resources report, and archiving of both at local repositories of historical information.

Although Mitigation Measure **MM CR-1** would reduce the impact of the proposed wave tank on the historic setting of individually eligible buildings and contributors to the potential Municipal Pier No. 1 Historic District, it would not reduce the impact to a less-than-significant level. Therefore, the Board finds that the specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed Project alternatives identified in the Final EIR. In this case all mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project. Nevertheless, even with the incorporation of feasible mitigation measures, impacts would remain significant and unavoidable. The No Project and Reduced Project Alternatives would eliminate or reduce to less than significant levels the cultural resources impacts identified in Impact CR-5, which as discussed in Sections 3.9.5.1 and 3.9.5.2, would not achieve the proposed project objectives and therefore are not considered feasible alternatives.

Rationale for Finding

The Final EIR discusses the impacts of the proposed 5-story wave tank building on the historic setting of individually eligible buildings and contributors to the potential Municipal Pier No. 1 Historic District. Changes and alternations in the form of mitigation measures have been incorporated into the proposed Project as Mitigation Measure MM CR-1, which reduces the significant impact on historic resources. Although reduced as a result of the mitigation measure, impacts on historic resources remain significant and unavoidable. All mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project.

3.5.3 Noise

As discussed in Section 3.9 of the Draft EIR, there would be one significant and unavoidable impact on Noise as a result of the proposed Project.

Impact NOI-1: Construction of the proposed Project would last more than 1 day but would not exceed existing ambient exterior noise levels by 10 dBA or more at a noise-sensitive use; construction activities lasting more than 10 days in a 3-month period would not exceed existing ambient exterior noise levels by 5 dBA or more at a noise-sensitive use. Control measures are required as mitigation to reduce the noise levels to the greatest extent practicable.

Construction activities would typically last more than 10 days in any 3-month period. Construction noise levels are estimated to be approximately 77 dBA L_{max} during the loudest sub-phase of both Phase 1 and 2 (these subphases include pile driving).

These noise levels would result in an approximately 16 dBA increase above the existing noise environment at the closest liveaboard in the Cabrillo Way Marina. Therefore, proposed project construction noise would be significant prior to mitigation.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The implementation of Mitigation Measures **MM NOI-1** through **MM NOI-4** as follows would reduce the impact of construction noise.

MM NOI-1: Maintain Construction Equipment. *All construction equipment powered by internal combustion engines will be properly muffled and maintained.*

MM NOI-2: Locate Equipment away from Noise-Sensitive Land Uses. *All stationary noise-generating construction equipment, such as air compressors and portable power generators, will be located as far as practical from existing noise-sensitive land uses.*

MM NOI-3: Utilize Quiet Equipment. *Quiet construction equipment (such as pneumatic tools) will be utilized where practicable. Noise limits established in the City of Los Angeles Noise Ordinance will be fully complied with.*

MM NOI-4: Notify Sensitive Receptors. *Cabrillo Way Marina liveaboards will be notified of the construction schedule in writing prior to the beginning of construction.*

Although Mitigation Measures **MM NOI-1** through **MM NOI-4** would reduce the impact of construction noise, construction would exceed the noise standards of more than a 5 dB increase in ambient noise levels at the closest sensitive receiver, and thus would not sufficiently reduce the impact to a less-than-significant level. Therefore, the Board finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIR. In this case all mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project. Nevertheless, even with the incorporation of feasible mitigation measures, impacts would remain significant and unavoidable. Only the No Project Alternative would eliminate or reduce to less than significant levels the construction noise impacts identified in Impact NOI-1, which as discussed in Section 3.9.5.1, would not achieve the proposed project objectives and is therefore not considered a feasible alternative.

Rationale for Finding

Due to the proximity of liveaboards to the proposed project site, no additional mitigation would reduce construction noise to below a 5 dB increase in ambient noise levels. There are no additional feasible mitigation measures that would reduce the potential for impacts due to construction noise near sensitive receptors because the potential for such impacts cannot be eliminated. Changes or alterations have been incorporated into the proposed Project in the form of Mitigation Measures **MM NOI-**

1 through **MM NOI-4**, which reduce noise impacts related to construction but not to a level less than significant. All mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project.

3.6 Significant Environmental Impacts that are Reduced to Less Than Significant by Mitigation Measures Required in or Incorporated into the Proposed Project

The Final EIR determines that significant impacts in the following resource areas would be reduced to less-than-significant levels through the implementation of appropriate mitigation measures. With mitigation, impacts of the proposed Project in these resource areas are found to be less than significant:

- Air Quality and Greenhouse Gases
- Biological Resources
- Hazards and Hazardous Materials
- Land Use and Planning
- Transportation and Circulation (Ground)

The Board hereby finds that mitigation measures have been identified in the EIR that will avoid or substantially lessen significant environmental impacts to a less-than-significant level. The significant impacts and the mitigation measures are discussed below. In addition, lease measures are also identified where impacts would be less than significant prior to mitigation but are applied to ensure impacts would be minimized.

3.6.1 Air Quality and Greenhouse Gases

As discussed in Section 3.3 of the Draft EIR, there would be one significant impact on Air Quality and Greenhouse Gases that would be mitigated to a less-than-significant level as a result of mitigation measures incorporated into the proposed Project. The impact and mitigation measures are discussed below.

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

Localized construction emissions would exceed the SCAQMD localized significance threshold (LST) for NO_X in years 2014 and 2015; therefore, the proposed Project would potentially contribute to exceedances of the state ambient air quality standard for NO_2 in the immediate proposed project vicinity. Localized construction emissions would also exceed the federal threshold for NO_X in year 2015; therefore,

the proposed Project would potentially contribute to exceedances of the federal ambient air quality standard for NO_2 in the immediate proposed project vicinity.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. Implementation of Mitigation Measures **MM AQ-1** through **MM AQ-7** would reduce ambient pollutant impacts from proposed project construction to a less than significant level.

Rationale for Finding

As shown in Table 11, localized construction emissions would exceed the SCAQMD localized significance threshold (LST) for NO_X in years 2014 and 2015, and would also exceed the federal threshold for NO_X in year 2015. Implementation of Mitigation Measures **MM AQ-1** through **MM AQ-7** would substantially lessen emissions from criteria pollutants associated with construction of the proposed Project, as shown in Table 12, resulting in a level of insignificance. No further mitigation is required to reduce significant impacts on these biological resources

Table 11. Construction—Localized Significance Determination without Mitigation

	Compliance with State Standards				*Compliance with Federal Standards*	
	Peak Day Emissions (lb/day)				*Annual Emissions (ton/yr)*	
Year				*PM2.5*	*NO_X*	*SO_X*
2014	96	186	43	12	7	0
Threshold	2,613	126	142	80	10	40
Significance Determination	No	**Yes**	No	No	No	No
2015	121	227	60	16	10	0
Threshold	2,613	126	142	80	10	40
Significance Determination	No	**Yes**	No	No	**Yes**	No
2016	20	32	9	2	3	0
Threshold	2,613	126	142	80	10	40
Significance Determination	No	No	No	No	No	No
2017	28	50	19	4	3	0
Threshold	4,184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No
2018	28	50	19	4	3	0
Threshold	4,184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No

Year	Compliance with State Standards				Compliance with Federal Standards	
	Peak Day Emissions (lb/day)				Annual Emissions (ton/yr)	
2019	56	84	38	8	4	0
Threshold	4,184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No
2020	56	84	38	8	4	0
Threshold	4,184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No
2021	2	2	7	1	0	0
Threshold	4,184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No
2022	0	0	0	0	0	0
Threshold	4,184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No
2023	7	9	1	0	1	0
Threshold	4,184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No
2024	7	9	1	0	1	0
Threshold	4,184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No

Table 12. Construction—Localized Significance Determination with Mitigation

Year	Compliance with State Standards				Compliance with Federal Standards	
	Peak Day Emissions (lb/day)				Annual Emissions (ton/yr)	
	CO	*NO_X*	*PM10*	*PM2.5*	*NO_X*	*SO_X*
2014	95	102	23	4	4	0
Threshold	2,613	126	142	80	10	40
Significance Determination	No	No	No	No	No	No
2015	121	106	32	5	4	0
Threshold	2,613	126	142	80	10	40
Significance Determination	No	No	No	No	No	No
2016	20	3	5	1	0	0

	Compliance with State Standards				Compliance with Federal Standards	
	Peak Day Emissions (lb/day)				Annual Emissions (ton/yr)	
Year	CO	NO_X	PM10	PM2.5	NO_X	SO_X
Threshold	2,613	126	142	80	10	40
Significance Determination	No	No	No	No	No	No
2017	28	13	12	2	1	0
Threshold	4,184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No
2018	28	13	12	2	1	0
Threshold	4,184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No
2019	55	11	23	4	1	0
Threshold	4,184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No
2020	55	11	23	4	1	0
Threshold	4,184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No
2021	2	1	5	1	0	0
Threshold	4184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No
2022	0	0	0	0	0	0
Threshold	4,184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No
2023	7	1	0	0	0	0
Threshold	4,184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No
2024	7	1	0	0	0	0
Threshold	4,184	141	142	80	10	40
Significance Determination	No	No	No	No	No	No

3.6.2 Biological Resources

As discussed in Section 3.3 of the Draft EIR, there would be one significant impact on Biological Resources that would be mitigated to a less-than-significant level as a

result of mitigation measures incorporated into the proposed Project. The impact and mitigation measures are discussed below.

Impact BIO-1a: Construction activities could cause a loss of individuals or the reduction of existing habitat, of a state- or federally listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or the loss of federally listed critical habitat.

Despite the soft-start procedure for impact pile driving, pile-driving for construction of the proposed Project could exceed the National Marine Fisheries Service (NMFS) threshold criteria for underwater sound pressure, which could result in Level A (potential injury) and Level B (disturbance) harassment of marine mammals, specifically sea lions and harbor seals. The potential for noise-related effects on special-status marine mammals is considered a significant impact.

Proposed construction could adversely affect birds protected by the Migratory Bird Treaty Act (MBTA) if they were to nest in the construction area. This impact is considered significant.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. Implementation of Mitigation Measures **MM BIO-1** and **MM BIO-2** as follows would reduce construction impacts on marine mammals to less than significant levels, and Mitigation Measure **MM BIO-3** would reduce potential impacts on night heron, great blue heron, and swallow nesting to a less-than-significant level.

MM BIO-1. Avoid Marine Mammals. *Via the construction contract and the development permit the LAHD will require that pile driving activities for construction of the proposed Project include establishment of a safety zone and monitoring of the area surrounding the operations for pinnipeds by a qualified marine biologist. The monitor will have the authority to halt operations unless, in the opinion of the Port's project engineer (Engineer), halting operations would be unsafe. The safety zone will extend out to 500 meters from the site of the pile driving, wherever that activity is taking place.*

Before pile driving is scheduled to commence, observers on shore or in boats will survey the safety zone to ensure that no marine mammals are present. If marine mammals are observed within the safety zone, driving will be delayed until they move out of the area. If a marine mammal is seen above water and then dives below, the contractor will wait at least 15 minutes, and if no marine mammals are seen, it may be assumed that the animal has moved beyond the safety zone. This 15-minute criterion is based on a study indicating that pinnipeds dive for a mean time of up to about 4 minutes; the 15-minute delay will allow a more than sufficient period of observation to be reasonably sure the animal has left the vicinity.

If pinnipeds enter the safety zone after pile has begun, pile driving will continue. The monitor will record the species and number of individuals observed and make note of their behavior patterns. If animals appear distressed, and if it is operationally safe to do so, the monitor will inform the Engineer that pile driving will cease until the animal leaves the area. In certain circumstances pile driving cannot be terminated safely and without severe operational difficulties. Therefore, if it is deemed operationally unsafe by the Engineer to discontinue pile driving activities, and a pinniped is observed in the safety zone, pile driving activities will continue only until the Engineer deems it safe to discontinue.

MM BIO-2. Minimize In-water Pile Driving Noise. *Via the construction contract the LAHD will require the contractor to use sound abatement techniques to reduce both noise and vibrations from pile driving activities. In addition to the "soft-start technique, which will be required at the initiation of each pile driving event or after breaks of more than 15 minutes, sound abatement techniques will include, but not be limited to, vibration or hydraulic insertion techniques, bubble curtains, isolation cage technology, sound aprons, and use of a cushion block on top of the pile being driven. Use of these techniques will reduce both the intensity of the underwater sound pressure levels radiating from the pile driving location and the area in which levels would exceed the Level A and B harassment levels for marine mammals.*

MM BIO-3. Conduct Nesting Bird Surveys. *Between February 15 and September 1 and prior to ground-disturbing activities, a qualified biologist will conduct surveys for the presence of nesting birds protected under the MBTA and/or similar provisions of the California Fish and Game Code within areas of the proposed project study area that contain potential nesting bird habitat. Surveys will be conducted 24 hours prior to the clearing, removal, or grubbing of any vegetation or ground disturbance. If active nests are located, then a barrier installed at a 50–foot radius from the nest(s) will be established and the tree/location containing the nest will be marked and will remain in place and undisturbed until a qualified biologist performs a survey to determine that the young have fledged or the nest is no longer active.*

Rationale for Finding

Construction noise impacts on marine mammals would be reduced to less than significant after implementation of Mitigation Measures **MM BIO-1** and **MM BIO-2**. Also, potential impacts on night heron, great blue heron, and swallow nesting would be reduced to less than significant after implementation of Mitigation Measure **MM BIO-3**. With implementation of Mitigation Measure **MM BIO-1 to MM-BIO-3**, residual impacts to biological resources would be less than significant.

3.6.3 Hazards and Hazardous Materials

As discussed in Section 3.7 of the Draft EIR, there would be two significant impacts on Hazards and Hazardous Materials that would be mitigated to less-than-significant levels as a result of a mitigation measure incorporated into the proposed Project. The impacts and mitigation measure are discussed below.

RISK-6a: Construction of the proposed Project would introduce the general public to hazard(s) defined by the EPA and the Port RMP associated with offsite facilities.

Construction activities associated with the proposed Project could potentially expose people to the release of hazardous materials associated with risks from operations of Mike's fueling station near the proposed project site.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. Implementation of Mitigation Measure **MM RISK-1** as follows would mitigate potential construction impacts related to exposure of people to hazardous conditions associated with operations at Mike's fueling station to a less-than-significant level.

MM RISK-1. Remove all hazardous materials with flashpoints below 140°F from Mike's fueling station. *Mike's fueling station will cease to handle hazardous materials with flashpoints below 140°F per the letter sent from LAHD to Mike Albano dated June 16, 2008, regarding the successor permit to revocable permit No. 98-14 prior to the operation of the proposed waterfront promenade. Products with a flashpoint below 140°F will not be permitted within the project area (i.e., San Pedro Waterfront Project area). The successor permit to RP No. 98-14 to allow the operation for Mike's fueling station and continued lease of Mike's fueling station will only allow handling of products above said threshold. Prior to the operation of the waterfront promenade, Mike's fueling station will submit written confirmation identifying the complete removal of all hazardous materials on site with a flashpoint below 140°F as directed by the letter dated June 16, 2008. At the time of the written confirmation, Mike's fueling station will also provide copies of all Material Safety Data Sheets (MSDS) for each product stored in bulk on site.*

Rationale for Finding

Per Mitigation Measure **MM RISK-1** of the San Pedro Waterfront Project EIS/EIR, Mike's fueling station would not continue to handle hazardous materials with flashpoints below 140°F. With implementation of Mitigation Measure **MM RISK-1**, residual impacts as a result of proposed project construction would be less than significant.

RISK-6b: Operation of the proposed Project would introduce the general public to hazard(s) defined by the EPA and the Port RMP associated with offsite facilities.

Proposed project operations could result in exposure of people to the release of hazardous materials associated with operations of Mike's fueling station near the proposed project site.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. Implementation of Mitigation Measure **MM RISK-1** as follows would mitigate potential operational impacts related to exposure of people to hazardous conditions associated with operations at Mike's fueling station to a less-than-significant level.

Rationale for Finding

Per Mitigation Measure **MM RISK-1** of the San Pedro Waterfront Project EIS/EIR, Mike's fueling station would not continue to handle hazardous materials with flashpoints below 140°F. With implementation of Mitigation Measure **MM RISK-1**, residual impacts as a result of proposed project operations would be less than significant.

3.6.4 Land Use and Planning

As discussed in Section 3.8 of the Draft EIR, there would be one significant impact on Land Use and Planning that would be mitigated to a less-than-significant level as a result of a mitigation measure incorporated into the proposed Project. The impact and mitigation measure is discussed below.

Impact LU-2b: Operation of the proposed Project would be inconsistent with the General Plan or adopted environmental goals or policies contained in other applicable plans, which would result in an adverse physical effect on the environment.

Proposed project operations would be inconsistent with the objective of the Risk Management Plan (RMP) of the PMP to locate vulnerable populations away from hazardous facilities due to the location of Mike's fueling station near the proposed project site. This land use inconsistency could result in adverse physical environmental impacts on vulnerable populations (i.e., public recreators) should Mike's fueling station ever have an accidental release, spill, or explosion of the hazardous liquid bulk materials.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. Implementation of Mitigation Measure **MM RISK-1** would mitigate potential inconsistencies with adopted plans and policies associated with exposure of people to hazardous conditions from operations at Mike's fueling station to a less-than-significant level.

Rationale for Finding

The proposed Project could result in conflicts with adopted environmental goals or policies contained in other applicable plans, including the RMP of the PMP. Operation of the proposed Project (including implementation of the proposed waterfront promenade as planned in the San Pedro Waterfront Project) adjacent to Mike's fueling station, which stores and handles hazardous liquid bulk materials, could expose people to significant hazards. With implementation of Mitigation Measure **MM RISK-1**, residual impacts as a result of proposed project operations would be less than significant.

3.6.5 Transportation and Circulation (Ground)

As discussed in Section 3.11 of the Draft EIR, there would be one significant impact on Transportation and Circulation that would be mitigated to a less-than-significant level as a result of a mitigation measure incorporated into the proposed Project. The impact and mitigation measure is discussed below.

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

Demolition and landside construction associated with various elements of the proposed Project would generate truck and other vehicular traffic associated with construction worker commutes, transport and staging of construction equipment, transport of construction materials to the construction site, and hauling excavated and demolished materials away from the site. Potential construction effects on roadway operations include a temporary increase in traffic associated with construction, temporary roadway lane closures (i.e., Signal Street) or narrowings in areas directly abutting construction activities (i.e., the eastbound lane of 22nd Street), temporary increases in parking demand from construction workers and construction equipment not in use, the closure of parking spaces adjacent to the proposed project site, temporary sidewalk and lane closures (i.e., 22nd Street) that would interfere with bicycle or pedestrian circulation in these areas, and heavy and slow-moving construction vehicles that would mix with general-purpose vehicular and non-motorized traffic in the area.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant impact identified in the Final EIR. Implementation of Mitigation Measure **MM TC-1** as follows would reduce potential impacts related to temporary increases in construction-related traffic.

MM TC-1: Develop and Implement a Traffic Control Plan throughout Proposed Project Construction. *In accordance with the City's policy on street closures and traffic diversion for arterial and collector roadways, the construction contractor will prepare a traffic control plan (to be approved by City engineers) before construction. The traffic control plan will include:*

- *a street layout showing the location of construction activity and surrounding streets to be used as detour routes, including special signage;*
- *a tentative start date and construction duration period for each phase of construction;*
- *the name, address, and emergency contact number for those responsible for maintaining the traffic control devices during the course of construction; and*
- *written approval to implement traffic control from other agencies, as needed.*

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

- *provide access for emergency vehicles at all times;*
- *avoid creating additional delay at intersections currently operating at congested conditions, either by choosing routes that avoid these locations, or constructing during nonpeak times of day;*
- *maintain access for driveways and private roads, except for brief periods of construction, in which case property owners will be notified;*
- *provide adequate off-street parking areas at designated staging areas for construction-related vehicles;*
- *maintain pedestrian and bicycle access and circulation during proposed project construction where safe to do so; if construction encroaches on a sidewalk, a safe detour will be provided for pedestrians at the nearest crosswalk; if construction encroaches on a bike lane, warning signs will be posted that indicate bicycles and vehicles are sharing the roadway;*
- *utilize flag persons wearing OSHA–approved vests and using a "Stop/Slow" paddle to warn motorists of construction activity;*
- *maintain access to Metro and LADOT transit services and ensure that public transit vehicles are detoured if necessary;*
- *post standard construction warning signs in advance of the construction area and at any intersection that provides access to the construction area;*
- *post construction warning signs in accordance with local standards or those set forth in the Manual on Uniform Traffic Control Devices (FHWA 2009) in*

advance of the construction area and at any intersection that provides access to the construction area;

- *during lane closures, have contractor and/or LAHD notify LAFD and LAPD, as well as the Los Angeles County Sheriff's and Fire Departments, of construction locations to ensure that alternative evacuation and emergency routes are designed to maintain response times during construction periods, if necessary;*
- *provide written notification to contractors regarding appropriate routes to and from construction sites, and weight and speed limits for local roads used to access construction sites; submit a copy of all such written notifications to the City of Los Angeles Planning Department; and*
- *repair or restore the road right-of-way to its original condition or better upon completion of the work.*

Rationale for Finding

Construction-related truck and auto traffic could potentially affect auto traffic, roadway capacity, and non-motorized travelers. With implementation of Mitigation Measure **MM TC-1**, temporary construction impacts as a result of construction-related traffic would be less than significant.

3.7 Cumulatively Considerable Impacts

The State CEQA Guidelines (Section 15130) require an analysis of a project's contribution to significant and unavoidable cumulative impacts. Cumulative impacts 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). A total of 146 present or reasonably foreseeable future projects (approved or proposed) were identified within the general vicinity of the proposed Project that could contribute to cumulative impacts. The 146 projects include projects in the Ports of Los Angeles and Long Beach, the City of Long Beach, the communities of San Pedro, Wilmington, and Carson, and other areas such as Harbor City, Lomita, and Torrance.

The discussion below identifies cumulatively significant impacts that can either be mitigated to less-than-significant levels or that cannot be mitigated to less-than-significant levels and, therefore, represent significant unavoidable impacts. All feasible mitigation measures to reduce or avoid the cumulatively considerable contribution of the proposed Project to these impacts have been required in, or incorporated into, the proposed Project. However, even with the incorporation of all feasible mitigation measures, cumulative impacts to these environmental resources would remain significant and unavoidable. The Board has determined that no additional feasible mitigation measures or alternatives would reduce significant cumulative impacts to less than significant levels, and in light of specific economic, legal, social, technological, and other considerations, the Board intends to adopt a Statement of Overriding Considerations (See Section 4 of this document for additional details). The impacts, mitigation measures, findings, and rationale for the findings are presented for all significant and unavoidable cumulative impacts identified in the Final EIR below.

According to State CEQA Guidelines Section 15130(b): "The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness..." The information presented in the Draft EIR in Chapter 4, "Cumulative Analysis," meets this criterion.

3.7.1 Air Quality and Greenhouse Gases

Cumulative Impact AQ-1: The proposed Project would result in construction-related emissions that exceed an SCAQMD threshold of significance—Cumulatively Considerable and Unavoidable

Construction of the proposed project would increase emissions of VOCs, CO, NO_X, SO_X, PM10, and PM2.5. These emission increases would combine with construction emission construction projects, which would already be cumulatively considerable. As a result, emissions from proposed project construction would make a cumulatively considerable contribution to a significant cumulative impact for VOCs, CO, NO_X, SO_X, PM_{10}, and $PM_{2.5}$ emissions.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The implementation of Mitigation Measures **MM AQ-1** through **MM AQ-7** would help reduce cumulatively considerable construction emissions.

Although Mitigation Measures **MM AQ-1** through **MM AQ-7** would reduce the cumulative effect of construction emissions, the mitigation would not sufficiently reduce the proposed Project's cumulatively considerable contribution of the impact to a less-than-significant level. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the EIR. In this case all mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project. Nevertheless, even with the incorporation of feasible mitigation measures, impacts would remain significant and unavoidable. Only the No Project Alternative would eliminate or reduce to less than significant levels the construction emissions identified in Cumulative Impact AQ-1, which would not achieve the proposed project objectives and is therefore not considered a feasible alternative.

Rationale for Finding

Due to its substantial amount of emission sources and topographical/meteorological conditions that inhibit atmospheric dispersion, the South Coast Air Basin is a "severe-17" nonattainment area for 8-hour ozone (O_3), a "serious" nonattainment area for PM10, a nonattainment area for PM2.5, and a maintenance area for CO in

regard to the National Ambient Air Quality Standards (NAAQS). The South Coast Air Basin is in attainment of the NAAQS for sulfur dioxide (SO_2), nitrogen dioxide (NO_2), and lead. In regard to the California Ambient Air Quality Standards (CAAQS), the South Coast Air Basin is presently in nonattainment for O_3, PM_{10}, and PM2.5. The South Coast Air Basin is in attainment of the CAAQS for SO_2, NO_2, CO, sulfates, and lead; and is unclassified for hydrogen sulfide and visibility-reducing particles. These pollutant nonattainment conditions within the proposed project region are therefore cumulatively significant. In the time period between 2014 and 2023, a number of large construction projects will occur at the two ports and surrounding areas that will overlap and contribute to significant cumulative construction impacts. The construction impacts of the related projects would be cumulatively significant if their combined construction emissions would exceed the SCAQMD daily emission thresholds for construction. Mitigation Measures **MM AQ-1** through **MM AQ-7** would help reduce construction emissions; however, they would not reduce impacts below significance. After implementation of Mitigation Measures **MM AQ-1** through **MM AQ-7**, emissions from construction of the proposed Project would be reduced, but would continue to exceed SCAQMD significance thresholds for VOC and NOX. Overlapping construction and operational emissions, during the construction period, would also continue to exceed SCAQMD significance thresholds for VOC, CO, and NOX. These emission increases would combine with construction emissions from concurrent construction projects in the vicinity of the proposed project site and would therefore make a cumulatively considerable and unavoidable contribution to significant cumulative impacts for VOCs, CO, and NOX.

Cumulative Impact AQ-2: The construction of the proposed Project would result in offsite ambient air pollutant concentrations during construction that exceed a threshold of significance—Cumulatively Considerable and Unavoidable

Construction of the proposed Project would produce impacts that would exceed SCAQMD LSTs for NO_X and result in a significant NO_2 impact. Any concurrent emission-generating activity that occurs near the proposed project site would add an additional ambient air burden to this already significant level. In addition, although the proposed Project would not produce emissions of CO, PM10, and PM2.5 above SCAQMD LSTs or SO_X emissions above federal ambient standards, these emissions would combine with construction emissions from other projects that would already be cumulatively significant. As a result, without mitigation, emissions from proposed project construction would make cumulatively considerable contributions to significant cumulative ambient NO_2, SO_2, PM10, and PM2.5 levels.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The implementation of Mitigation Measures **MM AQ-1** through **MM AQ-7** would help reduce cumulatively considerable construction emissions.

Although Mitigation Measures **MM AQ-1** through **MM AQ-7** would reduce the cumulative effect of construction emissions, the mitigation would not sufficiently reduce the proposed Project's cumulatively considerable contribution of the impact to a less-than-significant level. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIR. In this case all mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project. Nevertheless, even with the incorporation of feasible mitigation measures, impacts would remain significant and unavoidable. Only the No Project Alternative would eliminate or reduce to less than significant levels the construction emissions identified in Cumulative Impact AQ-2, which would not achieve the proposed project objectives and is therefore not considered a feasible alternative.

Rationale for Finding

The past, present, and reasonably foreseeable future projects for Cumulative Impact AQ-2 would result in significant cumulative impacts if their combined ambient pollutant concentrations, during construction, would exceed the SCAQMD ambient concentration thresholds for pollutants from construction. Mitigation Measures **MM AQ-1** through **MM AQ-7** would help reduce construction emissions; however, they would not reduce impacts below significance. Cumulative air quality impacts from proposed project construction would exceed NO_2, SO_2, PM10, and PM2.5 thresholds. Construction emissions could still make a cumulatively considerable and unavoidable contribution to a significant impact relative to ambient NO_2, SO_2, PM10, and PM2.5 levels from concurrent related project construction.

Cumulative Impact AQ-3: The operation of the proposed Project would result in operational emissions that exceed a SCAQMD threshold of significance—Cumulatively Considerable and Unavoidable

Operation of the proposed Project would produce emissions of VOC, CO, and NO_X that would exceed SCAQMD emissions thresholds. Any concurrent emission-generating activities that occur near the proposed project site would add an additional air emission burden to these significant levels. As a result, without mitigation, emissions from proposed project operation would make a cumulatively considerable contribution to a cumulatively significant impact for criteria pollutant emissions of VOCs, CO, and NO_X.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The implementation of Mitigation Measures **MM AQ-4** and **MM AQ-7** would help reduce cumulatively considerable operational emissions.

Although Mitigation Measures **MM AQ-4** and **MM AQ-7** would reduce the cumulative effect of operational emissions, the mitigation would not sufficiently reduce the proposed Project's cumulatively considerable contribution of the impact to a less-than-significant level. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIR. In this case all mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project. Nevertheless, even with the incorporation of feasible mitigation measures, impacts would remain significant and unavoidable. Only the No Project Alternative would eliminate or reduce to less than significant levels the operational emissions identified in Cumulative Impact AQ-3; however, as discussed in Section 3.9.5.1, the No Project Alternative would not achieve the proposed project objectives and is therefore not considered a feasible alternative.

Rationale for Finding

The emissions from cumulative projects would be cumulatively significant if their combined operational emissions would exceed the SCAQMD daily emission thresholds for operations. This almost certainly would be the case for all analyzed criteria pollutants; therefore, the past, present, and future related projects would result in a significant cumulative air quality criteria pollutant impact. Mitigation Measures **MM AQ-4** and **MM AQ-7** would help reduce operational emissions; however, they would not reduce the proposed Project's contribution below a cumulatively considerable level. Consequently, emissions from operation of the proposed Project would produce cumulatively considerable and unavoidable contributions to a significant cumulative impact for VOCs, CO, and NO_X.

Cumulative Impact AQ-7: The proposed Project would expose receptors to significant levels of TACs—Cumulatively Considerable and Unavoidable

The proposed project construction and operations would emit TACs that could affect public health in the proposed project vicinity. However, emissions would not increase cancer risks above future baseline levels and were determined to be less than significant at the proposed project level. Cancer risk, non-cancer chronic, and non-cancer acute impacts would each have a prioritization score of less than 1, and the cancer risk and non-cancer chronic impacts in fact indicate a reduction from existing conditions. Although the proposed Project would not produce acute impacts above significance thresholds, emissions of TACs associated with the proposed Project would combine with impacts from other projects in the vicinity. As a result, without mitigation, impacts from TAC emissions would make a cumulatively considerable contribution to significant impacts related to exposing visitors to significant health risk impacts associated with air pollutants from non-proposed Project–related sources.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The implementation of Mitigation Measures **MM AQ-1** through **MM AQ-7** would help reduce cumulatively considerable exposure to significant TACs.

Although Mitigation Measures **MM AQ-1** through **MM AQ-7** would reduce the cumulative effect of exposure to TACs, the mitigation would not sufficiently reduce the proposed Project's cumulatively considerable contribution of the impact to a less-than-significant level. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIR. In this case all mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project. Nevertheless, even with the incorporation of feasible mitigation measures, impacts would remain significant and unavoidable. Only the No Project Alternative would eliminate or reduce to less than significant levels the operational emissions identified in Cumulative Impact AQ-7, which would not achieve the proposed project objectives and is therefore not considered a feasible alternative.

Rationale for Finding

The *Multiple Air Toxics Exposure Study* (MATES-II) conducted by the SCAQMD in 2000 estimated the existing cancer risk from toxic air contaminants in the South Coast Air Basin to be 1,400 in a million (SCAQMD 2000). In MATES III, completed by SCAQMD, the cancer from toxic air contaminants was estimated at 1,000 to 2,000 in a million in the San Pedro and Wilmington areas. In their *Diesel Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and Long Beach*, CARB estimates that elevated levels of cancer risks due to operational emissions from the Ports of Los Angeles and Long Beach occur within and in proximity to the two ports (CARB 2006). Based on this information, airborne cancer and noncancer levels within the proposed project region are therefore cumulatively significant.

Implementation of proposed project mitigation measures that reduce diesel combustion and other TAC emissions, specifically Mitigation Measures **MM AQ-1** through **MM AQ-7**, would reduce TAC emissions from the proposed Project. After implementation of these mitigation measures, although the proposed Project would not result in cancer, non-cancer chronic, and acute impacts on offsite receptors, any TAC emissions produced by the proposed Project would add to the TAC burden in the vicinity and result in a cumulatively considerable contribution to an existing cumulatively significant impact.

In addition, the proposed Project would attract visitors to the site, which is adjacent to other Port-related activities that generate emissions of DPM and other TACs. As such, in the short term, the recreational health risk impact on visitors to the proposed project site would remain significant due to the cumulative contribution from other Port activities.

LAHD has approved Port-wide air pollution control measures through their CAAP (LAHD et al. 2006). Implementation of these measures will reduce the health risk impacts from the proposed Project and future projects at the Port. Currently adopted regulations and future rules proposed by CARB and EPA also will further reduce air emissions and associated cumulative health impacts from Port operations. However, because future proposed measures (other than CAAP measures) and rules have not been adopted, they have not been accounted for in the emission calculations or health risk assessment for the proposed Project. Therefore, it is unknown at this time how these future measures would reduce cumulative health risk impacts within the Port project area, and, therefore, airborne cancer and noncancer impacts within the proposed project region would still be cumulatively significant. Mitigation Measures **MM AQ-1** through **MM AQ-7** would help reduce TACs; however, they would not reduce impacts below a level of significance.

Cumulative Impact GHG-1: The proposed Project would produce GHG emissions that exceed CEQA thresholds—Cumulatively Considerable and Unavoidable

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. According to the Intergovernmental Panel on Climate Change (IPCC), the atmospheric concentration of CO_2 in 2005 was 379 parts per million (ppm) compared to pre-industrial levels of 280 ppm (IPCC 2007). Based on this information, past, current, and future global GHG emissions, including emissions from projects in the Ports of Los Angeles and Long Beach, and elsewhere in California, are cumulatively significant.

Considering Cumulative Impact GHG-1, which states that any GHG increase over the CEQA baseline is significant, without mitigation, emissions from proposed project construction and operation would contribute to a cumulatively considerable significant cumulative impact relative to global climate change.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The implementation of Mitigation Measure **MM GHG-1** would help reduce cumulatively considerable GHG emissions.

Although Mitigation Measure **MM GHG-1** would reduce the cumulative GHG emissions, the mitigation would not sufficiently reduce the proposed Project's cumulatively considerable contribution of the impact to a less-than-significant level. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIR. In this case all mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project. Nevertheless, even with the incorporation of feasible mitigation measures, impacts would remain significant and unavoidable. Only the

No Project Alternative would eliminate or reduce to less than significant levels the operational emissions identified in Cumulative Impact GHG-1; however, as discussed in Section 3.9.5.1, the No Project Alternative would not achieve the proposed project objectives and is therefore not considered a feasible alternative.

Rationale for Finding

Scientific evidence indicates a trend of warming global surface temperatures over the past century due at least partly to the generation of GHG emissions from human activities. Some observed changes include shrinking glaciers, thawing permafrost, and shifts in plant and animal ranges. Credible predictions of long-term impacts from increasing GHG levels in the atmosphere include sea level rise, changes to weather patterns, changes to local and regional ecosystems including the potential loss of species, and significant reductions in winter snow packs. These and other effects would have environmental, economic, and social consequences on a global scale. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors (California Energy Commission [CEC] 2006a). Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. In California alone, CO_2 emissions totaled approximately 477.77 million metric tons in year 2003 (CEC 2006), which was an estimated 6.4% of global CO_2 emissions from fossil fuels.

The challenge in assessing the significance of an individual project's contribution to global GHG emissions and associated global climate change impacts is determining whether a project's GHG emissions, which are at a micro-scale relative to global emissions, result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. The proposed Project would produce GHG emissions that would exceed SCAQMD significance thresholds for GHG and result in significant GHG impacts. Proposed project impacts would combine with impacts from related projects and add additional burden to existing cumulatively significant GHG impacts, thereby resulting in cumulatively considerable contributions to significant cumulative GHG impacts. Mitigation Measure **MM GHG-1** would help reduce GHG emissions; however, it would not reduce impacts below a level of significance.

3.7.2 Biological Resources

Cumulative Impact BIO-1: The proposed Project would cause the loss of individuals, or the reduction of existing habitat, of a state- or federally listed endangered, threatened, rare, protected, or candidate species, or a species of special concern, or the loss of federally listed critical habitat—Less than Cumulatively Considerable (with Mitigation)

No critical habitat for any federally listed species is present in the harbor; therefore, no cumulative impacts on critical habitat would occur.

Construction of the proposed Project would have significant impacts on special-status species related to noise from in-water construction and disturbance of upland nesting habitat. Mitigation Measures **MM BIO-1, MM BIO-2,** and **MM BIO-3** would reduce those impacts to less than significant. Because the cumulative impact of construction of the past, present, and future projects, including the proposed Project, is less than significant, and given the small scale of the proposed Project, construction of the proposed Project would not make a cumulatively considerable contribution to a significant cumulative impact on special-status species.

Operation of the proposed Project would not contribute to impacts on the California least tern or other sensitive bird species because it would have no measurable effect on these species. The proposed Project would slightly increase vessel traffic within and outside the harbor, due to the increase in research vessel traffic. Although the proposed Project's impact on marine mammals would be less than significant, it would contribute to a significant cumulative impact on marine mammals related to vessel strikes. However, given the small number of vessels associated with the proposed Project relative to the overall volume of vessel traffic at the Port, the operation of the proposed Project would not result in a cumulatively considerable impact on special-status species.

The slight increase in the risk of an accidental oil spill associated with the proposed Project's vessel traffic would contribute to a cumulatively considerable impact on sensitive species (i.e., sensitive bird species). The small number of vessels and the implementation of spill control measures (described in Section 3.13, "Water Quality, Sediments, and Oceanography" of the Draft EIR) would reduce the likelihood and the consequences of spills. Accordingly, the proposed Project's contribution to a significant cumulative impact would not be a cumulatively considerable impact on special-status species.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The implementation of Mitigation Measures **MM BIO-1** through **MM BIO-3** would reduce adverse effects of proposed project construction on sensitive species of birds and marine animals to less than significant levels. In view of the small scale of proposed project construction and the application of mitigation measures to further reduce impacts, the proposed Project's contribution to cumulative impacts on special-status species would not be cumulatively considerable after mitigation.

Rationale for Finding

Project-level mitigation (**MM BIO-1** through **MM BIO-3**) would be effective in eliminating the significant cumulative impact on sensitive species of birds and marine animals. Therefore, there would be no significant cumulative impact on special-status species after mitigation.

3.7.3 Cultural Resources

Cumulative Impact CR-5: The proposed Project would result in a substantial adverse change in the significance of a historical resource, involving demolition, relocation, conversion, rehabilitation, alteration, or other construction that reduces the integrity or significance of important resources on the site or in the vicinity—Cumulatively Considerable and Unavoidable

There are seven properties, including one potential historic district, in the proposed Project's Area of Potential Effects that are listed in or have been determined to be eligible for the NRHP, the CRHR, and/or the Los Angeles Historic-Cultural Monument List. The proposed Project could make a cumulatively considerable contribution to a significant cumulative impact related to the disturbance of structures that have been determined eligible for the CRHR or the NRHP, or otherwise considered unique or important historic architectural resources. Construction of the wave tank building would adversely affect the integrity of the Municipal Pier No. 1 Historic District, which when combined with other past, present, and foreseeable future projects, represents a significant cumulative impact

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The implementation of Mitigation Measure **MM CR-1** would help reduce cumulatively considerable impacts to cultural resources.

Although Mitigation Measure **MM CR-1** would reduce the cumulative impacts to cultural resources, the mitigation would not sufficiently reduce the proposed Project's cumulatively considerable contribution of the impact to a less-than-significant level. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIR. In this case all mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project. Nevertheless, even with the incorporation of feasible mitigation measures, impacts would remain significant and unavoidable. Only the No Project Alternative would eliminate or reduce to less than significant levels the operational emissions identified in Cumulative Impact CR-5, which would not achieve the proposed project objectives and is therefore not considered a feasible alternative.

Rationale for Finding

The proposed project area includes seven properties, including one potential historic district, that are listed in or have been determined to be eligible for the NRHP, the CRHR, and/or the Los Angeles Historic-Cultural Monument List. Two properties,

Westway/Pan-American Oil Company Pump House and the Municipal Wholesale Fish Market, have been determined eligible for the NRHP by the Lead Agency. Five properties have been identified as eligible for listing in the NRHP as a result of a historical resources survey. These are Transit Sheds at Berth 57 and Berths 58–60, the United States Immigration Station, Municipal Pier No. 1, and a potential Municipal Pier No. 1 Historic District. The District encompasses all of Municipal Pier No. 1, including six contributors and two non-contributors. The proposed Project would rehabilitate Transit Sheds 57 and 58–60 for reuse as a marine research center by SCMI, including associated wharf and ground improvements. Additionally, the proposed Project includes construction of a new 100,000-square-foot wave tank near Berths 70 and 71. The location of the wave tank building would result in an adverse effect on the historic setting of individually eligible buildings and contributors to the potential Municipal Pier No. 1 Historic District due to its mass and height. Although Mitigation Measure **MM CR-1** would help to reduce the impacts of most proposed project components to a less-than-significant level, indirect impacts of the wave tank would remain significant and unavoidable. Given the significant and unavoidable nature of the impact on historic resources, the contribution of the proposed Project would be cumulatively considerable under Impact CR-5 when combined with past, present, and reasonably foreseeable future projects.

3.7.4 Hazards and Hazardous Materials

Cumulative Impact RISK-6: The proposed Project would introduce the general public to hazard(s) defined by the EPA and the Port RMP associated with offsite facilities—Less than Cumulatively Considerable (with Mitigation)

The proposed Project would introduce new uses in proximity to Mike's fueling station, which handles several different types of hazardous materials including clear diesel, lube oil, red dye diesel, and waste lube oil. Mike's fueling station currently meets all safety and environmental standards for the handling and storing of hazardous materials, and would not expand or increase its inventory of materials. However, operation of the proposed Project would potentially expose people to hazards associated with operations at Mike's related to potential spill, release, or explosion of hazardous materials.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. The implementation of Mitigation Measure **MM RISK-1** would help reduce cumulatively considerable impacts related to exposure to hazards.

Rationale for Finding

Per Mitigation Measure **MM RISK-1** of the San Pedro Waterfront Project EIS/EIR, products with a flashpoint below 140°F will not be permitted and Mike's fueling

station will cease to handle hazardous materials with flashpoints below 140°F. Therefore, the proposed Project would not result in a substantial increase in the potential for a hazardous materials spill, release, or explosion at Mike's fueling station with incorporation of Mitigation Measure **MM RISK-1**, as originally identified in the San Pedro Waterfront Project EIR/EIS.

3.7.5 Noise

Cumulative Impact NOI-1: Construction lasts more than 1 day and exceeds existing ambient exterior noise levels by 10 dBA or more at a noise-sensitive use; construction activities lasting more than 10 days in a 3-month period exceed existing ambient exterior noise levels by 5 dBA or more at a noise-sensitive use—Cumulatively Considerable and Unavoidable

There are 12 projects within a 1-mile radius of the proposed Project, and construction of several potential projects could overlap, thereby periodically elevating noise levels due to combined construction noise. It is likely that if these projects were to begin construction in the same timeframe as the proposed Project, they would increase noise levels at sensitive receptors in the vicinity of the proposed project sites. Therefore, the construction of past, present, and reasonably foreseeable future projects would have cumulatively significant noise impacts on sensitive receptors (residential land uses).

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The implementation of Mitigation Measures **MM NOI-1** through **MM NOI-4** would help reduce cumulatively considerable impacts from construction noise.

Although Mitigation Measures **MM NOI-1** through **MM NOI-4** would reduce the maximum noise levels during proposed project construction, the proposed Project could still contribute considerably to a cumulatively significant impact related to construction noise. Therefore, the Board hereby finds that specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or proposed project alternatives identified in the Final EIR. In this case all mitigation measures determined feasible by LAHD as identified in the Final EIR have been incorporated into the proposed Project. Nevertheless, even with the incorporation of feasible mitigation measures, impacts would remain significant and unavoidable. Only the No Project Alternative would eliminate or reduce to less than significant levels the operational emissions identified in Cumulative Impact NOI-1, which would not achieve the proposed project objectives and is therefore not considered a feasible alternative.

Rationale for Finding

Construction of the proposed Project independent of any other project would cause a significant noise impact on sensitive receptors in the vicinity, as documented in Draft EIR Section 3.9, "Noise." Noise from the construction of the proposed Project would result in up to a 14 dB increase over the ambient worst-case construction scenario. Noise from the other construction projects in the proposed project vicinity could increase noise levels in the area. Taking into consideration the location and scope of other projects (particularly the nearest such project, the San Pedro Waterfront Enhancements) noise from construction would exceed the 5 dBA significance threshold. Therefore, the contribution of the proposed Project and other proposed projects in the surrounding area would be cumulatively considerable under Impact NOI-1 when combined with past, present, and reasonably foreseeable future projects. The required controls and temporary noise barriers identified in Mitigation Measures **MM NOI-1** through **MM NOI-4** would not be sufficient to reduce the projected increase in the ambient noise level. This is due to the limited distances between the construction noise sources and receivers. Therefore, the impacts on the Cabrillo Way Marina liveaboard residents would remain cumulatively considerable and unavoidable.

3.7.6 Ground Transportation

Cumulative Impact TC-1: Construction activities would not result in a short-term, temporary increase in construction-related truck and auto traffic, decreases in roadway capacity, and disruption of vehicular and non-motorized travel—Less Than Cumulatively Considerable With Mitigation

The proposed Project in combination with other cumulative projects would result in impacts on roadways and intersections from a short-term temporary increase in construction truck and automobile traffic (associated with construction worker commutes), transport and staging of construction equipment, transport of construction materials to construction sites, and hauling excavated and demolished materials away from construction sites.

Finding

The Board hereby finds that changes or alterations have been required in, or incorporated into, the proposed Project that avoid or substantially lessen the significant environmental effect identified in the Final EIR. The Implementation of Mitigation Measure **MM TC-1** would reduce the contribution of the proposed Project to cumulative construction traffic impacts to less-than-significant levels.

Rationale for Finding

The exact trip generation expected from construction would be determined as part of the detailed construction phasing plans that are prepared for the proposed Project. At that time, traffic and/or road closures or narrowing that are expected from other concurrent construction activities would be taken into account, as a Traffic Control

Plan (i.e., WATCH Manual) is developed to mitigate the construction-related contribution of the proposed Project to the overall surface transportation operations. The proposed Project would result in similar construction impacts identified for past, present, and reasonably foreseeable future projects. When combined with cumulative projects, the cumulative effects of short-term temporary increases in construction truck and automobile traffic would be cumulatively considerable prior to incorporation of mitigation measures. Project-level mitigation (**MM TC-1**) would address potential impacts during construction by maintaining adequate access to adjacent roadways, maintaining access to transit and to pedestrian and bicycle facilities where safe to do so, providing parking for construction-related vehicles, and providing construction traffic control to minimize effects on roadway operations. With this measure in place, residual cumulative impacts on construction traffic would be less than cumulatively considerable.

3.7.7 Environmental Justice

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

After implementation of mitigation measures, the proposed Project would result in disproportionate effects on minority and low-income populations as a result of significant unavoidable project and cumulative impacts related to Air Quality.

3.8 Finding Regarding Responses to Comments on the Draft EIR

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

3.9 Alternatives to the Proposed Project

Two alternatives, the No Project Alternative and the Reduced Project Alternative, were considered and evaluated in regards to how well each could feasibly meet the basic objectives of the proposed Project and avoid or substantially lessen any of the significant effects of the proposed Project. Two alternatives were eliminated from detailed consideration either because they could not feasibly meet the basic objectives of the proposed Project and/or because they would not avoid or substantially lessen any of the significant effects of the proposed Project, as discussed

in Section 5.4 of the Draft EIR. Two of the alternatives were carried forward for further analysis to determine whether they could feasibly meet most of the proposed project objectives but avoid or substantially lessen any of the significant effects of the proposed Project. Chapter 5 of the Draft EIR compares the proposed Project and these two alternatives and identifies the environmentally superior alternative. The two alternatives that were compared to the proposed Project are:

- Alternative 1—No Project
- Alternative 2—Reduced Project

3.9.1 Reasonable Range of Alternatives

Lead agencies are required to evaluate a "reasonable range" of alternatives but are not required to evaluate every possible alternative, "an EIR need not consider every conceivable alternative to a project" (State CEQA Guidelines Section 15126.6(a)). The "range of alternatives required in an EIR is governed by a 'rule of reason' that requires an EIR to set forth only those alternatives necessary to permit a reasoned choice" (State CEQA Guidelines Section 15126.6(f)). The Draft EIR contained two alternatives (not including the proposed Project), discussed in Chapter 5 and shown in Table 13 below. This table compares different variations of development intensity compared to the proposed Project. The two alternatives plus the proposed Project constitute a reasonable range of alternatives, which permits the decision makers to make a reasoned choice regarding proposed project approval (or approval of one of its alternatives), approval with modifications, or disapproval. Furthermore, CEQA does not require an EIR to consider multiple variations on the alternatives analyzed in the Draft EIR. "What is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned" (*Village Laguna of Laguna Beach, Inc. v. Board of Supervisors of Orange County* (1982) 134 Cal.App.3d 1022).

Table 13. Summary of Proposed Project and Alternatives at Full Build-out (2024)

Feature	*Proposed Project*	*Alternative 1 – No Project*	*Alternative 2 – Reduced Project*
Total Project Area Redeveloped and Enhanced	33.8 ac	33.8 ac	18.85 ac
Project Area Structures	411,100 sf	NC	249,600 sf
Proposed Cafe	1,000 sf	NC	1,000 sf
Proposed Office-Related	132,000 sf	NC	82,000 sf
Proposed Laboratory	144,500 sf	NC	144,500 sf
Proposed Outdoor Space	38,100 sf	NC	38,100 sf
Learning Center at Berth 56	11,500 sf	NC	NC
Wave Tank Building	100,000 sf	NC	NC
ac = acres; sf = square feet; NC= No change from existing conditions			

3.9.2 Alternatives Eliminated from Further Consideration

Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (State 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 (State CEQA Guidelines, Section 15126.6(c)). The following alternatives were determined to be infeasible and were eliminated from further consideration in the EIR (additional details regarding reasons for rejection are included in Chapter 5 of the EIR):

1. New Construction at Berths 57–60
2. Alternative Site

3.9.3 Alternatives Analyzed in the EIR

Chapter 5 of the EIR contains a detailed comparative analysis of the alternatives that were found to achieve the proposed project objectives, are considered ostensibly feasible, and may reduce environmental impacts associated with the proposed Project.

A summary of the impact analysis for the proposed Project and the Alternatives is shown in Table 14 below, which identifies the resource areas where the proposed Project or alternative would result in an unavoidable significant impact, as discussed in resource analyzes in Chapter 3 of the Draft EIR. The table also presents the resource areas that would have significant impacts mitigated to less than significant, and less-than-significant impacts that are further reduced through incorporation of lease measures or standard conditions of approval. Detailed discussions of the resources with unavoidable significant impacts, significant impacts that can be mitigated to less than significant, and less-than-significant impacts that can be further reduced through incorporation of lease measures or standard conditions of approval are provided in Chapter 5 of the EIR.

As shown on Table 14, Alternative 2 would have significant unavoidable impacts in the areas of Air Quality and Greenhouse Gases and Noise while Alternative 1 would result in no impacts for all resources.

Table 14. Summary of CEQA Significance Analysis by Alternative

Environmental Resource Area	*Proposed Project*	*No Project Alternative 1*	*Reduced Project Alternative 2*
Aesthetics	L	N	L
Air Quality and Greenhouse Gases	S	N	S
Biological Resources	M	N	M
Cultural Resources	S	N	M

Environmental Resource Area	*Proposed Project*	*No Project Alternative 1*	*Reduced Project Alternative 2*
Geology	L	N	L
Groundwater and Soils	L	N	L
Hazards and Hazardous Materials	M	N	M
Land Use and Planning	M	N	M
Noise	S	N	S
Public Services and Recreation	L	N	L
Transportation and Circulation—Ground and Marine	M	N	M
Utilities	L	N	L
Water Quality, Sediments, and Oceanography	L	N	L

L = Less than Significant
N = No Impact
M = Significant but Mitigable
S = Significant Unavoidable

Table 15 ranks the alternatives based on a comparison of their environmental impacts with those of the proposed Project. The ranking is based on the significance determinations for the resource areas contained in Table 14, as discussed in Chapter 3 of the EIR, and reflects differences in the levels of impact among alternatives. This ranking also takes into consideration the relative number of significant impacts that are mitigated to a level below significance, and the number of impacts that remain significant after mitigation.

Table 15. Comparison of Alternatives to the Proposed Project (with Mitigation; CEQA Impacts)

Environmental Resource Area[a]	*No Project / Alternative 1*	*Alternative 2*
Air Quality and Greenhouse Gases	-2	-1
Biological Resources	-2	0
Cultural Resources	-2	-1
Hazards and Hazardous Materials	-1	-1
Land Use and Planning	-1	-1
Noise	-2	-1
Transportation and Circulation—Ground and Marine	-1	0
Total	-11	-5

[a] Only environmental resources with unavoidable significant impacts or significant but mitigable impacts are included in this table and the analysis used to rank alternatives; the analysis includes project-level impacts, not cumulative effects.

-2 = Impact considered to be substantially less when compared with the proposed Project.
-1 = Impact considered to be somewhat less when compared with the proposed Project.
0 = Impact considered to be equal to the proposed Project.
1 = Impact considered to be somewhat greater when compared with the proposed Project.

Environmental Resource Area[a]	*No Project / Alternative 1*	*Alternative 2*
2 = Impact considered to be substantially greater when compared with the proposed Project.		
Where significant unavoidable impacts would occur across different alternatives but there are impact intensity differences between those alternatives, numeric differences are used to differentiate alternatives (i.e., in some cases, there are differences at the individual impact level, such as differences in number of impacts or relative intensity).		

3.9.4 Environmentally Superior Alternative

As shown in Table 15, the No Project Alternative is the Environmentally Superior Alternative because it would create fewer adverse impacts, including those that would be significant and unavoidable. Under the No Project Alternative, impacts on air quality, biological resources, cultural resources, noise, and traffic would be reduced in comparison to the proposed Project. However, none of the proposed project objectives, such as the rehabilitation of the potentially historic transit sheds, would be met (see Section 5.3 of the EIR).

However, State CEQA Guidelines Section 15126.6(e)(2) requires that in cases where the No Project Alternative is determined to be the environmentally superior alternative, another must also be identified as environmentally superior. Consequently, the Reduced Project Alternative would be the environmentally superior alternative. Under the Reduced Project Alternative, Berths 57–60 would be developed in the same manner as the proposed Project. However, development of Berths 70–71, including the NOAA facilities, opportunity site, and installation of the wave tank, would not occur. Therefore, proposed project objectives #1 and #2 would not be met, which call for the redevelopment of Berths 70–71 and the construction of a wave tank, respectively. Significant and unavoidable impacts on cultural resources would be avoided; impacts on air quality, GHG, and noise would be slightly reduced; and impacts on biological resources, hazards and hazardous materials, land use and planning, and transportation and circulation would remain similar to the proposed Project.

3.9.5 CEQA Findings for Alternatives Analyzed

3.9.5.1 Alternative 1—No Project

Alternative 1 considers what would reasonably be expected to occur on the site if no future discretionary actions occurred. The No Project Alternative would maintain the existing conditions at the proposed project site and none of the proposed project objectives would be met.

Finding

The Board hereby finds that Alternative 1—No Project would not feasibly meet any of the proposed Project objectives, and on that basis, rejects the No Project Alternative. The No Project Alternative would not adaptively reuse Berths 56–60 and 70–71 for a world-class marine research facility (Objective 1), nor would it construct a natural seawater wave tank for wave research (Objective 2). The No

Project Alternative would not relocate, upgrade, and expand SCMI's operations (Objective 3), nor would it provide an opportunity for SCMI and its members to berth research vessels up to 300 feet adjacent to landside facilities (Objective 4). The No Project Alternative also would not provide a location for a marine-related business park (Objective 5) and would not provide public amenities such as public education classroom space and interpretive exhibits related to marine studies along the waterfront (Objective 6).

Facts in Support of Finding

The No Project Alternative would result in fewer environmental impacts than the proposed Project because its operational capacity would be lower, as would its level of capital development. These reduced environmental impacts include fewer air quality impacts (less construction and operational emissions), fewer cultural resource impacts (no changes to an historic district), and fewer noise impacts (no construction). Furthermore, the No Project Alternative would not result in significant and unavoidable impacts on air quality, cultural resources, or noise.

The No Project Alternative would include the operation of the proposed project area under current conditions. There would be no urban marine research center, no conversion of Berths, no improvements to the waterfront pedestrian promenade, no improvements to Signal Street, no utility improvements, and no SCMI facility with an interpretive center open to the public. The No Project Alternative would result in reduced impacts on all resource areas when compared to the proposed Project.

Under the No Project Alternative the wave tank would not be constructed, which in turn would not significantly affect the potentially historic district. This significant and unavoidable impact on a historical resource would be avoided under the No Project Alternative when compared with the proposed Project. However, the proposed Project would have a beneficial impact on the potentially historic transit sheds by rehabilitating them; an improvement that would not be implemented under the No Project Alternative. Overall, however, the No Project Alternative would have reduced impacts on cultural resources when compared with the proposed Project.

Finally, Alternative 1 would keep the existing uses in place and only allow modest improvements in future years that are allowed by right through the underlying zone. No significant construction would occur under this alternative, and, therefore, this alternative would not result in any construction-related traffic impacts. When compared to the proposed Project, Alternative 1 would have a reduced impact on ground transportation.

This alternative would not allow any discretionary approvals on the proposed project site beyond what is currently permitted in the existing plans. Thus, based on the analyses in Chapters 3 and 5 of the Draft EIR, the No Project Alternative would result in reduced environmental impacts compared to the proposed Project, but would not meet the overall proposed project purpose or objectives.

3.9.5.2 Alternative 2—Reduced Project

Under the Reduced Project Alternative, only Berths 57–60 would be developed into marine research space, with Berth 57 to be occupied by SCMI; repairs, rehabilitation, and upgrades would be made to Berth 57 and Berths 58–60 transit sheds and wharves as described under the proposed Project. SCMI would be relocated to Berth 57, and SCMI facilities at Berth 260 would be demolished. Development of Berths 70–71, including the NOAA facilities, opportunity site, and wave tank, would not occur, though the demolition of the Westway Terminal and remediation of Berths 70–71 is proceeding under a separate permitting process. The waterfront promenade would be constructed within City Dock No. 1 as part of implementation of the SPWP.

Finding

The Board hereby finds that the Alternative 2—Reduced Project would not meet the proposed Project's Objective 2, which includes development of a natural seawater wave tank, and part of Objective 1, which includes the lecture hall/auditorium and classroom development at Berth 56 and adaptive reuse of Berths 70–71. These are primary components and crucial to the unified vision for the overall redevelopment of City Dock No. 1. These facilities are part of the synergistic consortium of universities, government research agencies, and businesses to conduct cutting-edge research and education, and develop technologies to address the most pressing problems of the day: climate change, sea-level rise, the depletion of the world's fisheries, technologies to reduce air and water pollution, and exploration of new green energy production in the marine environment. The development of the largest wave tank in the world, and the only one using natural sea water, could attract researchers from all over the world to California to study the behavior of ocean waves. The co-location of researchers from various institutions, governmental agencies, and entrepreneurial marine related businesses would create synergies in research and approaches to real world problems, increasing the benefits of the Marine Research Center. Further, shared infrastructure, such as a saltwater system, storage areas, and vessel berthing facilities, could benefit all users/tenants of the Research Center by avoiding costs of duplicative infrastructure and by minimizing on-going operational and maintenance costs, providing investment of more funds into research efforts. Therefore, the Board rejects the Reduced Project Alternative.

Facts in Support of the Finding

The Reduced Project Alternative would result in reduced environmental impacts compared to the proposed Project because this alternative would not include the learning center at Berth 56 (11,500 square feet) or the NOAA administration building (50,000 square feet), wave tank building (100,00 square feet), or the opportunity site at Berths 70–71. The reduced environmental impacts include fewer cultural resources impacts (no changes to the historic setting). Therefore, Alternative 2 would avoid the significant and unavoidable impacts the wave tank would impose on the historic setting of the Westway Terminal Building, the transit shed at Berth 57, and the Municipal Pier No. 1 Historic District.

Although the Reduced Project Alternative would result in fewer unavoidable significant adverse impacts than the proposed Project, it would not meet the proposed Project's stated objectives to develop a natural seawater wave tank and would partially meet the objective to include a lecture hall/auditorium and classroom at Berth 56 and adaptive reuse of Berths 70–71. Because of this, the Reduced Project Alternative is not considered to be a feasible project alternative that could achieve the proposed Project's objectives. Thus, based on the analyses in Chapters 3 and 5 of the Draft EIR, the Reduced Project Alternative would result in reduced environmental impacts compared to the proposed Project, but would not meet the overall proposed project purpose or objectives.

3.9.6 Summary

Based on the alternatives discussion provided in the Final EIR and the information presented above, the Board determines the proposed Project is the feasible alternative that, when taking into account environmental and economic factors, best meets proposed Project objectives to adaptively reuse existing Berths to allow for marine research and education; construct a natural seawater wave tank; relocate, upgrade, and expand SCMI's operations; provide accommodation for vessels of all sizes; provide a location for marine-related businesses; and provide for public amenities related to marine studies.

4 Statement of Overriding Considerations

Pursuant to Section 15093 of the State CEQA Guidelines, the Board must balance the benefits of the proposed Project against unavoidable environmental risks in determining whether to approve the proposed Project. As detailed in the Findings, the proposed Project would result in significant unavoidable impacts on Air Quality and Greenhouse Gases, Cultural Resources, and Noise. The proposed Project would also result in a cumulatively considerable contribution to significant cumulative impacts on Air Quality and Greenhouse Gases, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Noise, and Transportation (Ground).

4.1 Project Benefits

The proposed City Dock No. 1 Marine Research Center Project offers several benefits that outweigh the unavoidable adverse environmental effects. The Board of Harbor Commissioners adopts this Statement of Overriding Considerations. The Board recognizes that significant and unavoidable impacts will result from implementation of the proposed Project, as disclosed in the Final EIR and summarized in this document. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible any alternatives that would avoid or reduce the significant impacts of the proposed Project, as discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the proposed Project against the significant and unavoidable impacts, the Board hereby finds that the proposed

project objectives described in the Final EIR and the project benefits summarized below outweigh and override the significant unavoidable impacts of the proposed Project.

Many of the overriding considerations individually would be sufficient to outweigh the adverse environmental impacts of the proposed Project. Indeed, as stated in the Final EIR, one of important objectives of the proposed Project is to develop synergies among universities, colleges, government agencies, and businesses to solve the region's environmental problems. The proposed City Dock No. 1 Marine Research Center Project is an investment in the future, with substantial benefits that would accrue to the general public, including:

- Research facilities to address the most pressing issues of the day, such as climate change, sea-level rise, the depletion of the world's fisheries, and pollution control technologies.
- Educational activities to ignite the imaginations of today's students to inspire them to become tomorrow's scientists, educators and entrepreneurs, which is important to the on-going development of environmental solutions and green technologies in California.
- Opportunities to facilitate the transition of marine scientific discoveries to commercial applications to improve the environment.
- 21st century green job categories in the Los Angeles region and associated economic development opportunities.
- Redevelopment of historic warehouses into productive use, preserving the Port of Los Angeles's history, while transforming the area into public serving facilities.

4.1.1 Marine Research Facilities

The proposed 28-acre City Dock No. 1 Marine Research Center Project would provide facilities for SCMI (a consortium of the eight California State University (CSU) campuses, the University of Southern California (USC), Occidental College, and the University of California at Los Angeles (UCLA)), government research agencies (such as the National Oceanic and Atmospheric Administration [NOAA]), and businesses to conduct cutting-edge research and education, and develop technologies to address the most pressing problems of the day: climate change, sea-level rise, the depletion of the world's fisheries, technologies to reduce air and water pollution, and exploration of new green energy production in the marine environment. The Marine Research Center would offer on-the-water research facilities with extensive wharf space and water depth to accommodate large research vessels, extensive storage space for the latest ocean-study robotics, and enough space to bring together leading researchers and entrepreneurs.

The development of the largest wave-tank in the world, and the only one using natural sea water, could attract researchers from all over the world to California to study the behavior of ocean waves. The co-location of researchers from various institutions, governmental agencies, and entrepreneurial marine related businesses would create synergies in research and approaches to real world problems, increasing the benefits of the Marine Research Center. Further, shared infrastructure, such as a

saltwater system, storage areas, and vessel berthing facilities, could benefit all users/tenants of the Research Center by avoiding costs of duplicative infrastructure and by minimizing on-going operational and maintenance costs, providing investment of more funds into research efforts.

4.1.2 Educational Facilities

The Marine Research Center would be utilized by several public and private higher educational institutions and community colleges for undergraduate and graduate studies, courses, and educational programs. The state-of-the-art facilities would enhance current higher education programs by substantially increasing access to the ocean and associated hand-on learning opportunities.

The interpretive center, which is an element of the larger transformative City Dock No. 1 Marine Research Center Project, would not only provide unique hands-on learning opportunities related to ocean studies, but would also provide a novel "public access" portal into cutting-edge marine research. Integrating educational activities with on-going marine research would be a strong tool to ignite the imaginations of today's students to not only make them more aware of how they can help protect our oceans, but also inspire them to become tomorrow's scientists, educators and entrepreneurs.

4.1.3 Economic Development

Construction of the proposed Research Center (Phase 1 and 2) is currently estimated to create 4,100 direct and indirect construction related jobs, with an economic impact estimated at $192 million in income and $86 million in local, state, and federal taxes.

For every $1 million invested in research at the proposed Research Center, an average of 9 direct jobs is estimated to be created. Further, for every $1 invested in education, an estimated $5.43 is generated for the state economy. But perhaps the largest benefit would be the development of "green jobs" so important to the economic development of the region and the state.

4.1.4 21st Century Green Jobs

The City Dock No. 1 Marine Research Center would provide marine businesses and industries that utilize and are located within the Port and its adjacent communities with a direct connection with researchers and entrepreneurs to communicate problems, successes, and needs. This connection, along with waterside facilities for testing and refining marine technology and the synergies of co-locating academic researchers with entrepreneurial problem-solving enterprises would facilitate the transition of scientific discoveries to commercial applications that solve real world problems. Such commercial applications would create local technology development and manufacturing opportunities and the follow-on creation of new "green jobs."

Further, such technological advancements would feedback into the Marine Research Center's educational programs, ensuring a trained workforce to implement the new

technological solutions discovered to address current and future problems associated with the urban ocean.

4.1.5 Public Serving and Recreational Facilities

Current historic warehouses would be upgraded and transformed into productive marine research facilities that would benefit society in general. The preservation of the shells of the warehouses preserves the history of the Port through illustration of the past uses and jobs of the Port, while transitioning the buildings to accommodate the jobs of the future.

In addition, the marine research facility would also be integrated in the Port's larger waterfront development effort, including connection through the waterfront promenade and development of an interpretive center as discussed above, creating new recreational and public access opportunities. This expanded waterfront connection would serve to further enhance the Port's tourism and general commercial facilities, further augmenting the economic development of the Port's waterfront.

4.1.6 Port Legal Mandates and Objectives

The proposed Project would fulfill the Port's Tidelands Trust as amended by Assembly Bill (AB) 2769 to allow funds in the Port to be spent on education, recreation, culture, and tourism. This legislation allows the Port to further expend funds on non-maritime uses, such as the revitalization of a visitor-serving waterfront for Los Angeles County and the southern California area. Further, the Coastal Act provides that the Port should give highest priority to the use of existing land space within harbors for Port purposes, including, but not limited to, facilities necessary to support navigation, shipping, and fisheries. As discussed above, the proposed Research Center both supports public access and is intended to support maritime-related operations and uses, through research to develop information and technologies to support the sustained use of the world's ocean resources for future generations.

The proposed Project would also meet the Mayor's goal and the Port's strategic objectives, including the goal to "grow the Port green." The proposed project elements and design measures are consistent with the Port's Sustainability Program and policies. Further, as discussed above, the Research Center is intended to be a catalyst to create new green jobs within the southern California region.