



**THE PORT  
OF LOS ANGELES**  
Executive Director's  
Report to the  
Board of Harbor Commissioners

**DATE: JANUARY 14, 2020**

**FROM: ENVIRONMENTAL MANAGEMENT**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - ADOPTION OF A FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE AVALON BOULEVARD AND FRIES STREET SEGMENTS CLOSURE PROJECT (LOS ANGELES HARBOR DEPARTMENT APPLICATION FOR PORT PROJECT NO. 120809-510; SCH NO.2014041019)**

**SUMMARY:**

Staff requests the adoption of the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Avalon Boulevard and Fries Street Segments Closure Project (Project), along with the comments and responses to comments; make specific findings regarding the environmental impacts of the proposed Project and mitigation measures to reduce or avoid such impacts; adopt a Mitigation Monitoring and Reporting Program; and approve the proposed Project described in the Final IS/MND.

The proposed Project involves the permanent physical closure of segments of Avalon Boulevard and Fries Avenue by installing street modifications that include cul-de-sacs or curbs and gutters, and fencing and signage. The primary goal of the proposed Project is to respond to improvements in rail operational efficiency and reduce rail traffic congestion along the West Basin Branch mainline track serving the West Basin Terminal area at the Port of Los Angeles (Port). These rail operational changes would improve the efficiency of service to TraPac, Yang Ming, and China Shipping container terminals, and other Port rail customers and reduce congestion by allowing simultaneous moves of unit container trains destined for the Yang Ming and TraPac container terminals. The proposed Project would also comply with the California Public Utilities Commission (CPUC) General Order 135 rule, which limits road-crossing blockages due to stopped or switching train cars to 10 minutes. The proposed Project is the financial responsibility of the City of Los Angeles Harbor Department (Harbor Department)

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**RECOMMENDATION:**

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

1. Find that, based on the information contained in this report and the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the Avalon and Fries Street Segments Closure Project, and with incorporation of mitigation measures contained in the IS/MND, that the project would not have a significant effect on the environment pursuant to Public Resources Code § 21080 and the State California Environmental Quality Act Guidelines § 15070;
2. Adopt, pursuant to State California Environmental Quality Act (CEQA) Guidelines § 15074, the Final Initial Study/Mitigated Negative Declaration for the Avalon and Fries Street Segments Closure Project which (a) has been completed in compliance with CEQA, the State CEQA Guidelines, and the Los Angeles City CEQA Guidelines; (b) was presented to the Board for review and was reviewed and considered by the Board prior to approving the Project; and (c) reflects the independent judgment and analysis of the City of Los Angeles Harbor Department as the CEQA Lead Agency;
3. Find that all information added to the Final Initial Study/Mitigated Negative Declaration after the public review period, but before adoption, merely clarifies, amplifies, or makes insignificant modifications, and that recirculation is not necessary;
4. Adopt the Mitigation Monitoring and Reporting Program contained in the Final Initial Study/Mitigated Negative Declaration as required by Public Resources Code Section 21081.6 and State California Environmental Quality Act Guidelines § 15074. The Mitigation Monitoring and Reporting Program is designed to ensure compliance with the mitigation measures adopted to mitigate or avoid significant effects on the environment, and identifies the responsibilities of the City of Los Angeles Harbor Department as lead agency and other applicable entities, to monitor and verify project compliance with those mitigation measures and conditions of project approval;
5. Approve the Avalon and Fries Street Segments Closure Project, in consideration of the Final Initial Study/Mitigated Negative Declaration, together with the comment letters received and the response to comments;
6. Authorize the Environmental Management Division to file the Notice of Determination for the subject project with the Los Angeles City and County Clerks; and
7. Adopt Resolution No. \_\_\_\_\_.

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**DISCUSSION:**

Project Background/Context – The proposed Project site refers to and encompasses: 1) the segment of Fries Avenue between Water Street at the rail tracks and the intersection with West A Street proposed for closure (1,337 linear feet of roadway); and 2) the segment of Avalon Boulevard between the Union Pacific Rail Tracks and the intersection of North Broad Avenue proposed for closure (438 linear feet of roadway).

Project Objectives – The overall project objective is to minimize rail traffic delays/lengthy blockages at existing roadways that will occur due to recent and projected rail operational changes for the West Basin Terminal area.

The specific objectives of the proposed Project include:

- Remove at grade crossings on segments of Avalon Boulevard and Fries Avenue to enable improved rail operations for the West Basin Terminal area rail customers.
- Comply with the CPUC General Order 135 rule, which limits crossing blockages due to stopped or switching train cars to 10 minutes.
- Maintain sufficient access and circulation (via private driveways or other means) to adjacent parcels with sufficient crossing protection.
- Provide safe and clear segment closures using innovative street closure techniques such as cul-de-sacs and signage designed to slow/re-direct traffic.

Project Description – Operational changes with train assembly, combined with the requirement to comply with CPUC regulations, have necessitated the consideration of the street segment closures. The addition of three tracks south of the existing track on Avalon Boulevard included in the Berths 136-147 [TraPac] Terminal Project Environmental Impact Report (EIR); certified and approved by the Board in 2007 and subsequent 2012 Addendum to the EIR (TraPac Project) is unaffected by the proposed Project and accounted for in the preliminary engineering design for the proposed Project.

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**ENVIRONMENTAL ASSESSMENT:**

CEQA Documentation and Public Involvement – The Harbor Department as the CEQA Lead Agency has prepared an IS/MND for the proposed Project which contains the following: a description of the Project and location, a proposed finding that the proposed Project (with mitigation) will not have a significant effect on the environment, the environmental analysis to support the finding, and a Mitigation Monitoring and Reporting Program to avoid potentially significant effects (Transmittals 1-2).

The Draft IS/MND, dated April 4, 2014, was circulated for a period of 30 days for public review and comment and was filed with the Los Angeles City and County Clerks on April 4, 2014. The public review period for this IS/MND began on April 4, 2014, and was initially scheduled to conclude on May 5, 2014. However, the Harbor Department extended the public review period by an additional 30 days, which concluded on June 4, 2014. Approximately 116 notices were mailed to agencies, stakeholders, and other interested parties. The notice and accompanying Draft IS/MND was made available for public review on the Port of Los Angeles website at: <http://www.portoflosangeles.org>; at the Harbor Department Environmental Management Division at 222 West 6<sup>th</sup> Street, San Pedro, CA 90731; at the Los Angeles City Library, San Pedro Branch at 931 S. Gaffey Street, San Pedro, CA 90731; and at the Los Angeles City Library, Wilmington Branch at 1300 North Avalon, Wilmington, CA 90744. Notice of the comment period was also advertised in five newspapers: Los Angeles Times, Long Beach Press Telegram, Torrance Daily Breeze, Metropolitan News Enterprise, and Random Lengths.

Pursuant to State CEQA Guidelines § 15073, the Draft IS/MND was submitted to the State Clearinghouse for review by state agencies. Although not required by CEQA for an IS/MND, a Public Meeting was held at the Banning's Landing Community Center on April 22, 2014, to obtain public comments on the IS/MND.

Public Comments Received and Response to Comments – In addition to the verbal comments received during the April 22, 2014 Public Meeting, in 2014 the Harbor Department received 11 individual comment letters/e-mails and 76 copies of a single form letter, signed by 76 different parties, on the Draft IS/MND during the public review period. The proposed Project was also discussed at a public meeting at Banning's Landing Community Center in Wilmington held on July 25, 2019.

Issues raised by commenters in 2014 included concerns over direct pedestrian and bicycle access to the waterfront and Banning's Landing Community Center in Wilmington; cumulative environmental justice impacts; and the relation of the street segment closures to design elements of the Wilmington Waterfront Development Project for which a Final EIR was certified in June 2009. The Response to Comments in the Final IS/MND details changes made to the proposed Project and contains copies of the comment letters and staff responses.

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Based on the comments provided, staff has identified no new environmental effects that are not assessed and mitigated to a level of less than significant. Changes added to the Final IS/MND after the public review period, merely clarify, amplify, or make insignificant modifications. None of the issues raised during the comment period trigger the need to re-circulate the IS/MND pursuant to the requirements of State CEQA Guidelines § 15073.5.

Finding and Conclusions – The Final IS/MND includes a discussion of the proposed Project's effects on the existing environment, including the identification of mitigation measures to reduce potential impacts. No significant effects that could not be mitigated to a less than significant level were identified. Less than significant environmental effects after mitigation incorporated include potential impacts to buried archaeological or paleontological resources that may be encountered during construction. With incorporation of mitigation measures for the protection of such resources (CR-1 and CR-2) as described in the Final IS/MND, these impacts would be reduced to a less than significant level. The proposed Project was not found to have significant cumulative impacts or unavoidable adverse impacts.

Record of Proceedings – When adopting an MND as required by State CEQA Guidelines § 15074, the 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, Harbor Department, 222 West 6th Street, San Pedro, California 90731.

Notice of Determination – In accordance with Los Angeles City CEQA Guidelines, Article I, and the State CEQA Guidelines § 15075, a Notice of Determination (NOD) will be filed with the Los Angeles City and County Clerks after the proposed Project is approved. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA.

**FINANCIAL IMPACT:**

Costs associated with the preparation of the IS/MND amounted to approximately \$500,000 and were borne by the Harbor Department. This Board action neither authorizes any expenditures related to the proposed Project nor commits the Harbor Department to complete the proposed Project. Award of any capital construction contract related to the proposed Project would require Board approval under separate future actions.

**CITY ATTORNEY:**

The City Attorney's Office has reviewed this Board report and the Final IS/MND for the proposed Avalon and Fries Street Segments Closure Project and has determined that they raise no legal issues at this time.

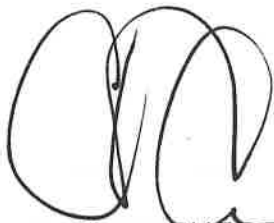
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**TRANSMITTAL:**

1. Final Initial Study/Mitigated Negative Declaration
2. Mitigation Monitoring and Reporting Program



CHRISTOPHER CANNON  
Director of Environmental Management

FIS Approval:   
CA Approval: 



MICHAEL DiBERNARDO  
Deputy Executive Director

APPROVED:



EUGENE D. SEROKA <sup>FOR</sup>  
Executive Director

CC/YO  
AUTHOR: TARA TISOPULOS

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