

# 2014061071 Redondo Bch Waterfront\_DEIR

Hearnley, Diana@SLC <Diana.Hearnley@slc.ca.gov>

Thu 1/14/2016 2:01 PM

To: Katie Owston <Katie.Owston@redondo.org>;

Cc: OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>; Boggiano, Reid@SLC <Reid.Boggiano@slc.ca.gov>; Colson, Kathryn@SLC <Kathryn.Colson@slc.ca.gov>; Herzog, Cynthia@SLC <Cynthia.Herzog@slc.ca.gov>;

📎 2 attachments

2014061071 Redondo Bch Waterfront ATTACHMENT.pdf; 2014061071 Redondo Bch Waterfront\_DEIR LETTER.pdf;

Thank you for the opportunity to comment. Attached is an electronic copy of the California State Lands Commission staff comment letter on the above-referenced document.

AS001-1

The original hard-copy has been mailed via postal mail to the lead agency also.



**Diana Hearnley**  
California State Lands Commission  
100 Howe Avenue, Suite 100-S  
Sacramento, CA 95825  
' (916) 574-1890 M-F/9-3  
Fax: (916) 574-1885  
[diana.hearnley@slc.ca.gov](mailto:diana.hearnley@slc.ca.gov)  
Website: [www.slc.ca.gov](http://www.slc.ca.gov)

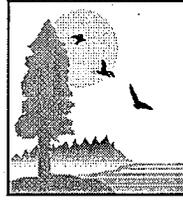
🌱 Please consider the environment before printing - thank you.

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THE WATERS OF THE STATE OF CALIFORNIA*



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California Relay Service TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

**Contact Phone: (916) 574-1890**  
**Contact FAX: (916) 574-1885**

January 19, 2016

File Ref: SCH #2014061071

Katie Owston  
City of Redondo Beach  
415 Diamond Street  
Redondo Beach, CA 90277  
E-mail: Katie.Owston@redondo.org

**Subject: Draft Environmental Impact Report (EIR) for The Waterfront Project, Los Angeles County**

Dear Ms. Owston:

The California State Lands Commission (CSLC) staff has reviewed the subject Draft EIR for The Waterfront Project (Project), which is being prepared by the city of Redondo Beach (City). The City, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency for projects that could directly or indirectly affect sovereign lands and their accompanying Public Trust resources or uses. CSLC staff previously commented on the Notice of Preparation for the EIR on July 18, 2014 (see attached).

**CSLC Jurisdiction and Public Trust Lands**

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c), 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership

AS001-2

extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

A portion of the proposed Project will involve lands that have been legislatively granted to the City, pursuant to Chapter 57, Statutes of 1915, and as amended by Chapter 1555, Statutes of 1971. The City, as trustee, of these sovereign lands must ensure that the specific uses proposed on the lands are consistent with the granting statutes and the Public Trust Doctrine.

### **Project Description**

As presented in the Draft EIR, the proposed Project, located in the City's Coastal Zone south of Portofino Way, North of Torrance Boulevard, and west of Harbor Drive/Catalina Avenue, would revitalize approximately 36 acres (land and water) of the 150-acre waterfront, by redeveloping and expanding local and visitor serving commercial uses, enhancing public access and recreational opportunities and facilities, and improving the aging support infrastructure and parking facilities. The Project also proposes substantial improvements in site connectivity, public access and public views to and along the waterfront. The main components of the proposed Project are demolition of approximately 207,402 square feet of existing structures, replacement of the existing Pier Parking Structure, retention of 12,479 square feet of existing development, and construction of up to 511,460 square feet to include retail, restaurant, creative office, specialty cinema, a public market hall, and a boutique hotel. The total amount of new and remaining development on-site would be 523,939 square feet (304,058 square feet of net new development).

The proposed Project also includes public recreation enhancements such as a new small craft boat launch ramp, improvements to Seaside Lagoon (opening of the lagoon to King Harbor as a protected beach), new parking facilities, expanded boardwalk along the water's edge, enhanced public open space, and pedestrian and bicycle pathways. Site connectivity and public access to and along the water would be improved by the establishment of a new pedestrian/bicycle bridge across the Redondo Beach Marina/Basin 3 entrance and the reconnection of Pacific Avenue.

### **Land Exchange/Tidelands Description**

1. As stated in the Draft EIR, implementation of the Project may require the CSLC to consider and approve a land exchange between the CSLC and the City consistent with Public Resources Code section 6307. Please contact Reid Boggiano in the Granted Public Trust Lands Program (see contact information below) to discuss a land exchange proposal.
2. Tidelands Property Exchange. Page 2-78 states "As described in Section 2.2.1, the Tidelands held in trust by the City..." however, there is no Section 2.2.1 in the document. Please provide the location of the relevant description.

AS001-2  
cont'd

AS001-3

CSLC staff has no further comments on the content of the Draft EIR. Thank you for the opportunity to comment. Please send copies of future Project-related documents, including electronic copies of the Final EIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available (and refer questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at (916) 574-1310 or via e-mail at [Cynthia.Herzog@slc.ca.gov](mailto:Cynthia.Herzog@slc.ca.gov)). For questions concerning granted lands and the potential land exchange, please contact Reid Boggiano, in the Granted Public Trust Lands Program, at (916) 574-0450, or via e-mail at [Reid.Boggiano@slc.ca.gov](mailto:Reid.Boggiano@slc.ca.gov).

AS001-3  
cont'd

Sincerely,

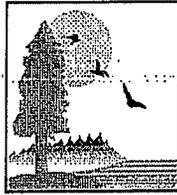


Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

## Attachment

cc: Office of Planning and Research  
R. Boggiano, CSLC  
K. Colson, CSLC  
C. Herzog, CSLC

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



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from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1890  
Contact FAX: (916) 574-1885

July 18, 2014

File Ref: SCH # 2014061071

Katie Owston  
Project Planner  
Community Development Department  
415 Diamond Street  
Redondo Beach, CA 90277

**Subject: Notice of Preparation (NOP) for an Environmental Impact Report (EIR)  
for the Redondo Beach Waterfront Project, Los Angeles County**

AS001-4

Dear Ms. Owston:

The California State Lands Commission (CSLC) staff has reviewed the subject NOP for an EIR for the Redondo Beach Waterfront Project (Project), which is being prepared by the City of Redondo Beach (City). The City, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency for projects that could directly or indirectly affect sovereign lands, and their accompanying Public Trust resources or uses. In addition, the CSLC may act as a responsible agency.

#### **CSLC Jurisdiction and Public Trust Lands**

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal

waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

A portion of the proposed Project will involve lands that have been legislatively granted to the City, pursuant to Chapter 57, Statutes of 1915 and as amended by Chapter 1555, Statutes of 1971. The City, as trustee of these sovereign lands, must ensure that the specific uses proposed on lands impressed with the public trust are consistent with the provisions of the relevant granting statutes and the common law Public Trust Doctrine. Future approvals from the Commission may be necessary as the project proceeds. Please contact Reid Boggiano, Public Land Management Specialist (see contact information below) for more information.

### **Project Description**

The proposed Project, located in the City's Coastal Zone south of Portofino Way, North of Torrance Boulevard, and west of Harbor Drive/Catalina Avenue, would revitalize approximately 35.6 acres of land and water by redeveloping and expanding local and visitor serving commercial uses, enhancing public access and recreational opportunities and facilities, and improving the aging support infrastructure and parking facilities. The main components include proposed demolition of approximately 221,347 square feet of existing structures, demolition/renovation of the existing pier parking structure, and construction/renovation of up to approximately 523,732 square feet (289,906 square feet net new development) to include retail, restaurant, creative office, specialty cinema, a market hall, and a boutique hotel. The Project includes public recreation enhancements such as a new boat launch ramp, improvements to Seaside Lagoon, new parking facilities, and pedestrian and bicycle pathways. In addition, a new pedestrian bridge would be constructed that spans the approximately 250-foot Basin 3 entrance.

AS001-4  
cont'd

### **Environmental Review**

CSLC staff requests that the following potential impacts be analyzed in the EIR.

#### **General Comments**

1. **Project Description:** Page 12 of the NOP states that "Construction activities associated with project elements such as the boat launch ramp, Seaside Lagoon, and pedestrian bridge, may include dredging, filling, rock placement, in-water concrete placement, sheetpile installation, pile driving, shoreline protection and other above and below water activities." A thorough and complete Project Description should be included in the EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or deposited, seasonal work windows, locations for

material disposal, etc.), as well as the details of the timing and length of activities. Thorough descriptions of all Project phases will make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.

### Biological Resources

2. Consultation: The EIR should include a discussion of consultation with the Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS), including any recommended mitigation measures and potentially required permits identified by these agencies for any special-status plant or wildlife species that may occur in the Project area.
3. Construction Noise: The EIR should also evaluate noise and vibration impacts on fish and birds from construction, flood control activities in the water, on the levees, and for land-side supporting structures. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS). Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.

AS001-4  
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### Cultural Resources

4. Submerged Resources: The EIR should evaluate potential impacts to submerged cultural resources in the Project area. The CSLC maintains a shipwrecks database that can assist with this analysis. CSLC staff requests that the City contact Assistant Chief Counsel Pam Griggs (see contact information below) to obtain shipwrecks data from the database and CSLC records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.
5. Title to Resources: The City should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. CSLC staff requests that the City consult with Assistant Chief Counsel Pam Griggs (see contact information below), should any cultural resources on state lands be discovered during construction of the proposed Project.

Thank you for the opportunity to comment on the NOP for the Project. As a trustee and potential responsible agency, we request that you consider our comments prior to certification of the EIR. Please send copies of future Project-related documents, including electronic copies of the Final EIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Cynthia Herzog, Senior Environmental

Scientist, at (916) 574-1310 or via e-mail at [Cynthia.Herzog@slc.ca.gov](mailto:Cynthia.Herzog@slc.ca.gov). For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Assistant Chief Counsel Pam Griggs at (916) 574-1854 or via email at [Pamela.Griggs@slc.ca.gov](mailto:Pamela.Griggs@slc.ca.gov). For questions concerning CSLC jurisdiction, please contact Reid Boggiano, in the Granted Public Trust Lands Program, at (916) 574-0450, or via email at [Reid.Boggiano@slc.ca.gov](mailto:Reid.Boggiano@slc.ca.gov).

AS001-4  
cont'd

Sincerely,



Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
Reid Boggiano, Granted Lands, CSLC  
Cynthia Herzog, DEPM, CSLC  
Kathryn Colson, Legal, CSLC

# The Waterfront Project

Edmonson, Miya R@DOT <miya.edmonson@dot.ca.gov>

Tue 1/19/2016 3:07 PM

To: Katie Owston <Katie.Owston@redondo.org>;

 2 attachments

151136-DEIR Redondo Waterfront Project.pdf; 2014 07-21 IGR140646 The Waterfront NOP.PDF;

Good afternoon Ms. Owston,

Attached please find Caltrans' comment letter for the Waterfront Project. I will be sending out the hardcopy today as well.

AS002-1

Thank You,

**Miya Edmonson**

Associate Transportation Planner  
Caltrans District 7, IGR/CEQA Branch  
(213) 897-6536 Office  
(213) 897-1337 Fax

AS002

**DEPARTMENT OF TRANSPORTATION**  
 DISTRICT 7-OFFICE OF TRANSPORTATION PLANNING  
 100 S. MAIN STREET, MS 16  
 LOS ANGELES, CA 90012  
 PHONE (213) 897-9140  
 FAX (213) 897-1337  
 www.dot.ca.gov



*Serious Drought.  
 Serious drought.  
 Help save water!*

January 19, 2016

Ms. Katie Owston  
 Community Development Department  
 City of Redondo Beach  
 415 Diamond Street  
 Redondo Beach, CA 90277

Re: The Waterfront  
 SCH # 2015121076  
 Vic: LA-I-10, I-405/PM 4.409  
 IGR#151136ME -DEIR

Dear Ms. Owston:

The California Department of Transportation (Caltrans) has reviewed the Draft Environmental Impact Report (DEIR) for the proposed Waterfront Project.

The main components of the proposed project are demolition of approximately 207,402 square feet of existing structures, replacement of the existing Pier Parking Structure, retention of 12,479 square feet of existing development, and construction of up to 511,460 square feet to include retail, restaurant, creative office, specialty cinema, a public market hall, and a boutique hotel.

AS002-2

Please reference our comment letter dated July 21, 2014 and consider the following comments. The comments letter has been attached for your convenience:

- The DEIR excludes a project trip assignment map and/or maps. There should be a trip assignment map referencing the study intersections depicted in figure 3.13-1. More specifically, a trip assignment map should also include the affected mainline freeways (I-405, I-110) and the affected on/off-ramps within those routes, as identified in the draft Memorandum on the Caltrans facility analysis dated October 20, 2015.
- Mitigation was identified for affected intersections on Pacific Coast Highway at Anita/Herondo (intersection #7), PCH at Catalina Avenue (intersection #10) and PCH at Beryl (intersection #19). However, it would be beneficial to include financial costs and funding sources and financing, including sequence and scheduling considerations, for those intersections.
- Please identify specific percentage shares for mitigation identified for PCH at Palos Verdes Drive (intersection #36) and PCH at Torrance Boulevard (intersection #26). It would also be helpful to include financial costs and funding sources and financing, including sequence and scheduling considerations, for these locations.

AS002-3

AS002-4

AS002-5

Ms. Owston  
January 19, 2016  
Page 2

If you have any questions, please feel free to contact Ms. Miya Edmonson, the project coordinator, at (213) 897-6536 should you have any questions. Please reference IGR/CEQA No. 151136ME. | AS002-6

Sincerely,



DIANNA WATSON  
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 7, OFFICE OF TRANSPORTATION PLANNING  
IGR/CEQA BRANCH  
100 MAIN STREET, MS # 16  
LOS ANGELES, CA 90012-3606  
PHONE: (213) 897-9140  
FAX: (213) 897-1337



*Flex your power!  
Be energy efficient!*

July 21, 2014

Ms. Katie Owston  
City of Redondo Beach  
415 Diamond Street  
Redondo Beach, CA 90277

**Re: The Waterfront**

Notice of Preparation of a Draft EIR  
SCH #2014061071, IGR No. 140646FL  
Vic. SR-1/PM 19.5

Dear Ms. Owston:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. Based on the Initial Study (IS), the proposed project is to revitalize approximately 35.6 acres of land and water: mainly proposed demolition of approximately 221,347 square feet of existing structures, demolition/renovation of the existing parking structure, and construction/renovation of up to approximately 523,732 square feet for retail, restaurant, creative office, specialty cinema, a market hall, and a boutique hotel.

AS002-7

As mentioned in the IS, the proposed project would generate new vehicle trips and traffic increases would occur; therefore, to assist Caltrans in our effort to evaluate the impacts of this project on State Transportation Facilities, please forward a copy of the environmental document once it's prepared. Currently, Caltrans has the following comments:

Please evaluate potential transportation impacts to State Route 1 (Pacific Coast Highway), SR-405, and SR-110, associated with this project and from future growth in the surrounding area in a Traffic Impact Analysis (TIA). Please refer traffic engineers to follow the *Caltrans Guide for the Preparation of Traffic Impacts Studies*, it is accessible online at:  
[http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)

Listed below are elements of what Caltrans generally expects in a traffic impact study:

- Presentations of assumptions and methods used to develop trip generation, trip distribution, trip assignments, and choice of travel mode. Travel modeling should be consistent with other regional and local modeling forecasts and with travel data.
- Inclusion of all appropriate traffic volumes. Analysis should include a) traffic from the project under consideration, b) cumulative traffic from all specific approved developments in the area, c) cumulative traffic from likely not-yet-approved developments in the area, and d) traffic growth other than from the project and developments. Scenarios involving different assumptions on development and growth should be considered.

Ms. Katie Owston

July 21, 2014

Page 2 of 2

- Analysis of AM, and PM peak-hour volumes for both existing and future conditions in the affected area.
- Discussion of mitigation measures appropriate to alleviate anticipated traffic impacts, including a description of transportation infrastructure improvements, financial costs, funding sources and financing, sequence and scheduling considerations, implementation responsibilities, controls and monitoring.
- A plan of realistic mitigation measures under the control of the lead agency or project sponsors or specification percent shares of the costs for various mitigation actions undertaken by other agencies. Any traffic mitigation fees may be assessed proportionally with the additional traffic generated by the project. (See Caltrans' Traffic Impact Study Guide for a suggested formula).

Although the lead agency is required to comply with Los Angeles County Congestion Management Program (CMP) standards and thresholds of significance, Caltrans does not consider the Los Angeles County's CMP criteria alone to be adequate for the analysis of transportation impacts pursuant to a CEQA review. The CMP does not adequately address cumulative transportation impacts and does not analyze for safety, weaving problems, or delay. Caltrans' Guide directs preparers of traffic impact analysis to consult with the local District as early as possible to determine the appropriate requirements and criteria of significance to be used in the traffic impact analysis.

AS002-7  
cont'd

Generally, when traffic is added to already deficient highway conditions (LOS "F"), it is considered a cumulatively significant impact, as it may contribute to the extension of the congestion period and deterioration of safety.

As a reminder, various permits may be needed for this project, such as but not limit to – oversize vehicle permits, transportation permits (any wide loads or unusual loads), encroachment permits (any work performed within the State Right-of-Way), etc. – For information on the Permit process, please contact Caltrans District 7 Office of Permit at (213) 897-3631.

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful of the project's need to discharge clean run-off water and it is not permitted to discharge onto State highway facilities.

If you have any questions or concerns, please feel free to contact me at (213) 897 – 9140 or project coordinator Frances Lee at (213) 897 – 0673 or electronically at [frances.lee@dot.ca.gov](mailto:frances.lee@dot.ca.gov).

Sincerely,



DIANNA WATSON  
IGR/CEQA Branch Chief  
Caltrans District 7

cc: Scott Morgan, State Clearinghouse



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

January 20, 2016



Katie Owston  
City of Redondo Beach  
415 Diamond Street  
Redondo Beach, CA 90277

Subject: The Waterfront  
SCH#: 2014061071

Dear Katie Owston:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 19, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2014061071  
**Project Title** The Waterfront  
**Lead Agency** Redondo Beach, City of

**Type** EIR Draft EIR  
**Description** Note: Extended Per Lead

The project would revitalize a portion of the waterfront by redeveloping and expanding commercial uses, enhancing public access and recreational facilities, and improving the aging infrastructure and parking while enhancing site connectivity, public access and public views. The main components are demolition of approx. 207,402 sf of existing structures, replacement of the existing Pier Parking Structure, and construction of up to 511,460 sf to include retail, restaurant, creative office, specialty cinema, a public market hall, and a boutique hotel for a total amount of 523,939 sf (304,058 net new) development. Project also includes a new small craft boat launch ramp, opening of Seaside Lagoon to harbor, and pedestrian/bike paths. Site connectivity elements include a new pedestrian/bicycle bridge across Basin 3 and the reconnection of the Pacific Ave.

**Lead Agency Contact**

**Name** Katie Owston  
**Agency** City of Redondo Beach  
**Phone** 310 318-0637 x1-2895  
**email**  
**Address** 415 Diamond Street  
**City** Redondo Beach **State** CA **Zip** 90277  
**Fax**

AS003-1  
cont'd

**Project Location**

**County** Los Angeles  
**City** Redondo Beach  
**Region**  
**Lat / Long** 33° 50' 30.9" N / 118° 23' 30.7" W  
**Cross Streets** Portofino Way, Torrance Boulevard, Harbor Drive/Pacific Avenue  
**Parcel No.** Multiple  
**Township** 4S **Range** 14W **Section** 07 **Base**

**Proximity to:**

**Highways** SR-1 (Pacific Coast Hwy)  
**Airports** No  
**Railways** No  
**Waterways** King Harbor and Pacific Ocean  
**Schools** Multiple  
**Land Use** CR Commercial Rec (subarea 1,2,3); P-PRO Parks, Rec & Open Space/CC Coastal Commercial; P Public or Institutional

**Project Issues** Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues

**Reviewing Agencies** Resources Agency; Department of Boating and Waterways; California Coastal Commission; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Resources, Recycling and Recovery; Caltrans, District 7; Air Resources Board; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

Document Details Report  
State Clearinghouse Data Base

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*Date Received* 11/17/2015      *Start of Review* 11/17/2015      *End of Review* 01/19/2016

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1-17-16  
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CALIFORNIA STATE LANDS COMMISSION  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202



Established in 1958

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(916) 574-1800 Fax (916) 574-1810  
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from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1890

Contact FAX: (916) 574-1885

July 18, 2014.

RECEIVED

Ref: SCH # 2014061071

JAN 14 2016

STATE CLEARINGHOUSE

Katie Owston  
Project Planner  
Community Development Department  
415 Diamond Street  
Redondo Beach, CA 90277

**Subject: Notice of Preparation (NOP) for an Environmental Impact Report (EIR)  
for the Redondo Beach Waterfront Project, Los Angeles County**

Dear Ms. Owston:

The California State Lands Commission (CSLC) staff has reviewed the subject NOP for an EIR for the Redondo Beach Waterfront Project (Project), which is being prepared by the City of Redondo Beach (City). The City, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency for projects that could directly or indirectly affect sovereign lands, and their accompanying Public Trust resources or uses. In addition, the CSLC may act as a responsible agency.

**CSLC Jurisdiction and Public Trust Lands**

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal

waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

A portion of the proposed Project will involve lands that have been legislatively granted to the City, pursuant to Chapter 57, Statutes of 1915 and as amended by Chapter 1555, Statutes of 1971. The City, as trustee of these sovereign lands, must ensure that the specific uses proposed on lands impressed with the public trust are consistent with the provisions of the relevant granting statutes and the common law Public Trust Doctrine. Future approvals from the Commission may be necessary as the project proceeds. Please contact Reid Boggiano, Public Land Management Specialist (see contact information below) for more information.

### Project Description

The proposed Project, located in the City's Coastal Zone south of Portofino Way, North of Torrance Boulevard, and west of Harbor Drive/Catalina Avenue, would revitalize approximately 35.6 acres of land and water by redeveloping and expanding local and visitor serving commercial uses, enhancing public access and recreational opportunities and facilities, and improving the aging support infrastructure and parking facilities. The main components include proposed demolition of approximately 221,347 square feet of existing structures, demolition/renovation of the existing pier parking structure, and construction/renovation of up to approximately 523,732 square feet (289,906 square feet net new development) to include retail, restaurant, creative office, specialty cinema, a market hall, and a boutique hotel. The Project includes public recreation enhancements such as a new boat launch ramp, improvements to Seaside Lagoon, new parking facilities, and pedestrian and bicycle pathways. In addition, a new pedestrian bridge would be constructed that spans the approximately 250-foot Basin 3 entrance.

### Environmental Review

CSLC staff requests that the following potential impacts be analyzed in the EIR.

#### General Comments

1. Project Description: Page 12 of the NOP states that "Construction activities associated with project elements such as the boat launch ramp, Seaside Lagoon, and pedestrian bridge, may include dredging, filling, rock placement, in-water concrete placement, sheetpile installation, pile driving, shoreline protection and other above and below water activities." A thorough and complete Project Description should be included in the EIR in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or deposited, seasonal work windows, locations for

material disposal, etc.), as well as the details of the timing and length of activities. Thorough descriptions of all Project phases will make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.

#### Biological Resources

2. Consultation: The EIR should include a discussion of consultation with the Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS), including any recommended mitigation measures and potentially required permits identified by these agencies for any special-status plant or wildlife species that may occur in the Project area.
3. Construction Noise: The EIR should also evaluate noise and vibration impacts on fish and birds from construction, flood control activities in the water, on the levees, and for land-side supporting structures. Mitigation measures could include species-specific work windows as defined by CDFW, USFWS, and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS). Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.

#### Cultural Resources

4. Submerged Resources: The EIR should evaluate potential impacts to submerged cultural resources in the Project area. The CSLC maintains a shipwrecks database that can assist with this analysis. CSLC staff requests that the City contact Assistant Chief Counsel Pam Griggs (see contact information below) to obtain shipwrecks data from the database and CSLC records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.
5. Title to Resources: The City should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. CSLC staff requests that the City consult with Assistant Chief Counsel Pam Griggs (see contact information below), should any cultural resources on state lands be discovered during construction of the proposed Project.

Thank you for the opportunity to comment on the NOP for the Project. As a trustee and potential responsible agency, we request that you consider our comments prior to certification of the EIR. Please send copies of future Project-related documents, including electronic copies of the Final EIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Cynthia Herzog, Senior Environmental

Scientist, at (916) 574-1310 or via e-mail at [Cynthia.Herzog@slc.ca.gov](mailto:Cynthia.Herzog@slc.ca.gov). For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Assistant Chief Counsel Pam Griggs at (916) 574-1854 or via email at [Pamela.Griggs@slc.ca.gov](mailto:Pamela.Griggs@slc.ca.gov). For questions concerning CSLC jurisdiction, please contact Reid Boggiano, in the Granted Public Trust Lands Program, at (916) 574-0450, or via email at [Reid.Boggiano@slc.ca.gov](mailto:Reid.Boggiano@slc.ca.gov).

AS003-2  
cont'd

Sincerely,



Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
Reid Boggiano, Granted Lands, CSLC  
Cynthia Herzog, DEPM, CSLC  
Kathryn Colson, Legal, CSLC

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



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JENNIFER LUCCHESI, Executive Officer  
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California Relay Service TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1890  
Contact FAX: (916) 574-1885

January 19, 2016

RECEIVED

File Ref: SCH #2014061071

Katie Owston  
City of Redondo Beach  
415 Diamond Street  
Redondo Beach, CA 90277  
E-mail: Katie.Owston@redondo.org

JAN 14 2016

STATE CLEARINGHOUSE

**Subject: Draft Environmental Impact Report (EIR) for The Waterfront Project, Los Angeles County**

Dear Ms. Owston:

The California State Lands Commission (CSLC) staff has reviewed the subject Draft EIR for The Waterfront Project (Project), which is being prepared by the city of Redondo Beach (City). The City, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency for projects that could directly or indirectly affect sovereign lands and their accompanying Public Trust resources or uses. CSLC staff previously commented on the Notice of Preparation for the EIR on July 18, 2014 (see attached).

#### CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6009, subd. (c), 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership

extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

A portion of the proposed Project will involve lands that have been legislatively granted to the City, pursuant to Chapter 57, Statutes of 1915, and as amended by Chapter 1555, Statutes of 1971. The City, as trustee, of these sovereign lands must ensure that the specific uses proposed on the lands are consistent with the granting statutes and the Public Trust Doctrine.

### **Project Description**

As presented in the Draft EIR, the proposed Project, located in the City's Coastal Zone south of Portofino Way, North of Torrance Boulevard, and west of Harbor Drive/Catalina Avenue, would revitalize approximately 36 acres (land and water) of the 150-acre waterfront, by redeveloping and expanding local and visitor serving commercial uses, enhancing public access and recreational opportunities and facilities, and improving the aging support infrastructure and parking facilities. The Project also proposes substantial improvements in site connectivity, public access and public views to and along the waterfront. The main components of the proposed Project are demolition of approximately 207,402 square feet of existing structures, replacement of the existing Pier Parking Structure, retention of 12,479 square feet of existing development, and construction of up to 511,460 square feet to include retail, restaurant, creative office, specialty cinema, a public market hall, and a boutique hotel. The total amount of new and remaining development on-site would be 523,939 square feet (304,058 square feet of net new development).

The proposed Project also includes public recreation enhancements such as a new small craft boat launch ramp, improvements to Seaside Lagoon (opening of the lagoon to King Harbor as a protected beach), new parking facilities, expanded boardwalk along the water's edge, enhanced public open space, and pedestrian and bicycle pathways. Site connectivity and public access to and along the water would be improved by the establishment of a new pedestrian/bicycle bridge across the Redondo Beach Marina/Basin 3 entrance and the reconnection of Pacific Avenue.

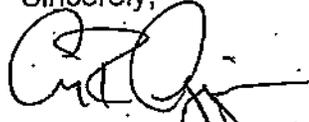
### **Land Exchange/Tidelands Description**

1. As stated in the Draft EIR, implementation of the Project may require the CSLC to consider and approve a land exchange between the CSLC and the City consistent with Public Resources Code section 6307. Please contact Reid Boggiano in the Granted Public Trust Lands Program (see contact information below) to discuss a land exchange proposal.
2. Tidelands Property Exchange. Page 2-78 states "As described in Section 2.2.1, the Tidelands held in trust by the City..." however, there is no Section 2.2.1 in the document. Please provide the location of the relevant description.

CSLC staff has no further comments on the content of the Draft EIR. Thank you for the opportunity to comment. Please send copies of future Project-related documents, including electronic copies of the Final EIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available (and refer questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at (916) 574-1310 or via e-mail at [Cynthia.Herzog@slc.ca.gov](mailto:Cynthia.Herzog@slc.ca.gov)). For questions concerning granted lands and the potential land exchange, please contact Reid Boggiano, in the Granted Public Trust Lands Program, at (916) 574-0450, or via e-mail at [Reid.Boggiano@slc.ca.gov](mailto:Reid.Boggiano@slc.ca.gov).

AS003-3  
cont'd

Sincerely,



Cy R. Oggins, Chief  
Division of Environmental Planning  
and Management

## Attachment

cc: Office of Planning and Research  
R. Boggiano, CSLC  
K. Colson, CSLC  
C. Herzog, CSLC



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT

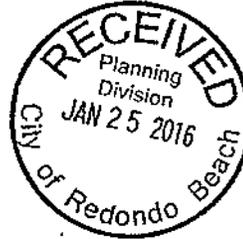


KEN ALEX  
DIRECTOR

January 22, 2016

Katie Owston  
City of Redondo Beach  
415 Diamond Street  
Redondo Beach, CA 90277

Subject: The Waterfront  
SCH#: 2014061071



Dear Katie Owston:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on January 19, 2016. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2014061071) when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures

cc: Resources Agency

AS003-4

**DEPARTMENT OF TRANSPORTATION**  
 DISTRICT 7-OFFICE OF TRANSPORTATION PLANNING  
 100 S. MAIN STREET, MS 16  
 LOS ANGELES, CA 90012  
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late  
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 E

Governor's Office of Planning & Research

January 19, 2016

JAN 22 2016

STATE CLEARINGHOUSE

Ms. Katie Owston  
 Community Development Department  
 City of Redondo Beach  
 415 Diamond Street  
 Redondo Beach, CA 90277

Re: The Waterfront  
 SCH # 2015121076  
 Vic: LA-I-10, I-405/PM 4.409  
 IGR#151136ME -DEIR

Dear Ms. Owston:

The California Department of Transportation (Caltrans) has reviewed the Draft Environmental Impact Report (DEIR) for the proposed Waterfront Project.

The main components of the proposed project are demolition of approximately 207,402 square feet of existing structures, replacement of the existing Pier Parking Structure, retention of 12,479 square feet of existing development, and construction of up to 511,460 square feet to include retail, restaurant, creative office, specialty cinema, a public market hall, and a boutique hotel.

Please reference our comment letter dated July 21, 2014 and consider the following comments. The comments letter has been attached for your convenience:

- The DEIR excludes a project trip assignment map and/or maps. There should be a trip assignment map referencing the study intersections depicted in figure 3.13-1. More specifically, a trip assignment map should also include the affected mainline freeways (I-405, I-110) and the affected on/off-ramps within those routes, as identified in the draft Memorandum on the Caltrans facility analysis dated October 20, 2015.
- Mitigation was identified for affected intersections on Pacific Coast Highway at Anita/Herondo (intersection #7), PCH at Catalina Avenue (intersection #10) and PCH at Beryl (intersection #19). However, it would be beneficial to include financial costs and funding sources and financing, including sequence and scheduling considerations, for those intersections.
- Please identify specific percentage shares for mitigation identified for PCH at Palos Verdes Drive (intersection #36) and PCH at Torrance Boulevard (intersection #26). It would also be helpful to include financial costs and funding sources and financing, including sequence and scheduling considerations, for these locations.

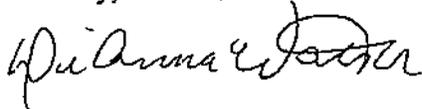
AS003-5

Ms. Owston  
January 19, 2016  
Page 2

AS003-5  
cont'd

If you have any questions, please feel free to contact Ms. Miya Edmonson, the project coordinator, at (213) 897-6536 should you have any questions. Please reference IGR/CEQA No. 151136ME.

Sincerely,



DIANNA WATSON  
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



**DEPARTMENT OF TRANSPORTATION**  
 DISTRICT 7, OFFICE OF TRANSPORTATION PLANNING  
 IGR/CEQA BRANCH  
 100 MAIN STREET, MS # 16  
 LOS ANGELES, CA 90012-3606  
 PHONE: (213) 897-9140  
 FAX: (213) 897-1337

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Governor's Office of Planning & Research

July 21, 2014

JAN 22 2016

STATE CLEARINGHOUSE

Ms. Katie Owston  
 City of Redondo Beach  
 415 Diamond Street  
 Redondo Beach, CA 90277

Re: **The Waterfront**  
 Notice of Preparation of a Draft EIR  
 SCH #2014061071, IGR No. 140646FL  
 Vic. SR-1/PM 19.5

Dear Ms. Owston:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. Based on the Initial Study (IS), the proposed project is to revitalize approximately 35.6 acres of land and water: mainly proposed demolition of approximately 221,347 square feet of existing structures, demolition/renovation of the existing parking structure, and construction/renovation of up to approximately 523,732 square feet for retail, restaurant, creative office, specialty cinema, a market hall, and a boutique hotel.

As mentioned in the IS, the proposed project would generate new vehicle trips and traffic increases would occur; therefore, to assist Caltrans in our effort to evaluate the impacts of this project on State Transportation Facilities, please forward a copy of the environmental document once it's prepared. Currently, Caltrans has the following comments:

Please evaluate potential transportation impacts to State Route 1 (Pacific Coast Highway), SR-405, and SR-110, associated with this project and from future growth in the surrounding area in a Traffic Impact Analysis (TIA). Please refer traffic engineers to follow the *Caltrans Guide for the Preparation of Traffic Impacts Studies*, it is accessible online at:

[http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)

Listed below are elements of what Caltrans generally expects in a traffic impact study:

- Presentations of assumptions and methods used to develop trip generation, trip distribution, trip assignments, and choice of travel mode. Travel modeling should be consistent with other regional and local modeling forecasts and with travel data.
- Inclusion of all appropriate traffic volumes. Analysis should include a) traffic from the project under consideration, b) cumulative traffic from all specific approved developments in the area, c) cumulative traffic from likely not-yet-approved developments in the area, and d) traffic growth other than from the project and developments. Scenarios involving different assumptions on development and growth should be considered.

*"Caltrans Improves mobility across California"*

Ms. Katie Owston  
 July 21, 2014  
 Page 2 of 2

- Analysis of AM, and PM peak-hour volumes for both existing and future conditions in the affected area.
- Discussion of mitigation measures appropriate to alleviate anticipated traffic impacts, including a description of transportation infrastructure improvements, financial costs, funding sources and financing, sequence and scheduling considerations, implementation responsibilities, controls and monitoring.
- A plan of realistic mitigation measures under the control of the lead agency or project sponsors or specification percent shares of the costs for various mitigation actions undertaken by other agencies. Any traffic mitigation fees may be assessed proportionally with the additional traffic generated by the project. (See Caltrans' Traffic Impact Study Guide for a suggested formula).

Although the lead agency is required to comply with Los Angeles County Congestion Management Program (CMP) standards and thresholds of significance, Caltrans does not consider the Los Angeles County's CMP criteria alone to be adequate for the analysis of transportation impacts pursuant to a CEQA review. The CMP does not adequately address cumulative transportation impacts and does not analyze for safety, weaving problems, or delay. Caltrans' Guide directs preparers of traffic impact analysis to consult with the local District as early as possible to determine the appropriate requirements and criteria of significance to be used in the traffic impact analysis.

AS003-6  
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Generally, when traffic is added to already deficient highway conditions (LOS "F"), it is considered a cumulatively significant impact, as it may contribute to the extension of the congestion period and deterioration of safety.

As a reminder, various permits may be needed for this project, such as but not limit to – oversize vehicle permits, transportation permits (any wide loads or unusual loads), encroachment permits (any work performed within the State Right-of-Way), etc. – For information on the Permit process, please contact Caltrans District 7 Office of Permit at (213) 897-3631.

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful of the project's need to discharge clean run-off water and it is not permitted to discharge onto State highway facilities.

If you have any questions or concerns, please feel free to contact me at (213) 897 – 9140 or project coordinator Frances Lee at (213) 897 – 0673 or electronically at [frances.lee@dot.ca.gov](mailto:frances.lee@dot.ca.gov).

Sincerely,



DIANNA WATSON  
 IGR/CEQA Branch Chief  
 Caltrans District 7

cc: Scott Morgan, State Clearinghouse

# Waterfront Redevelopment project

Paznokas, William@Wildlife <William.Paznokas@wildlife.ca.gov>

Mon 2/8/2016 11:39 AM

To: Katie Owston <Katie.Owston@redondo.org>;

Cc: Adams, Loni@Wildlife <Loni.Adams@wildlife.ca.gov>;

Hello Ms. Owston:

First off I want to apologize for this very late response to the proposed Redondo Beach/Kings Harbor Redevelopment Project Draft Environmental Impact Report (DEIR) . I want to take this opportunity to thank you for meeting with Loni Adams and giving her some very good insight into the proposed project. I completely understand that the comment period has ended but I still wanted to very briefly let you know our thoughts on the proposed project. Our comments are as follows:

## **Biological and Cultural Significance:**

Kings Harbor marine habitats and species have been extensively researched by local scientists and as pointed out in the DEIR, they have found that there are relatively abundant and diverse fish habitats and species present some of which are state and federal fishery management plan species (e.g. groundfish and anchovies). Kings Harbor is also a popular location for recreational fishing. Additionally, Kings Harbor includes Essential Fish Habitat (EFH) and a Habitat Area of Particular Concern (marina habitat) for various federally-managed fish species pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

AS004-1

## **Locally Unique Habitat and Species**

The DEIR indicates that a small population of Broomtail grouper (*Mycteroperca xenarcha*), (a relatively uncommon fish species for this area), is present inside of Kings Harbor. This occurrence of the Broomtail grouper (rare in California) indicates that the fish foraging habitats and fish communities in this location are relatively stable and healthy. Additionally, the DEIR included a 2015 marine bio-survey report which indicated that other indicator species are also present within the Harbor. For example, soft corals (a long lived invertebrate species), and Giant kelp and understory kelp are also present in Kings Harbor.

AS004-2

## **Eelgrass and Kelp**

The eelgrass and kelp spp. surveys conducted in 2014 and 2015 indicate that kelp is prevalent, but eelgrass was not present within the construction footprints and vicinity. Additionally, eelgrass has been observed historically in Kings Harbor. These observations and findings indicate that potential eelgrass substrate is likely present

AS004-3

in Kings Harbor.

### **Marine Habitat Impacts:**

It is our understanding that there are several alternative locations for the boat ramp portion of the project. In order to address fill and rock riprap impacts associated with this portion of the project we believe that the least impactful would be the Mole B, C or D alternatives.

If open water fill associated with the breakwater is the preferred alternative, then the FEIR should include a comprehensive discussion of an appropriate mitigation and monitoring plan that will need to be developed to address unavoidable impacts. It is our understanding that the details of the mitigation plan will be developed as a condition of other regulatory permits such as the Army Corps 404 permit and the Coastal Commission's Coastal Development permit. We look forward to participating in the development of the mitigation plan conditions that will be included in these permits.

Open Water Habitat: The Department concurs that Seaside Lagoon could be restored to compensate for the intertidal and subtidal open water fill losses where appropriate if the current lagoon area is non-jurisdictional upland area.

### **Pile Construction Activities:**

It is our understanding that there is potential barotrauma impacts to marine resources as a result of pile driving which could occur during construction activities. These potential pile driving impacts are associated with the portion of the project dealing with the construction or repair Horseshoe Pier, Sportfishing Pier, pedestrian bridge, boat ramp and marina replacement.

The Department relies on guidance from the Fisheries Hydroacoustic Working Group for setting sound pressure level safety criteria for fish resources, in particular for pile driving projects. The agreed upon criteria consists of sound pressure levels (SPL) of 206 dB peak and 187 dB accumulated sound exposure level (SEL) for all listed fish within a project area. Impacts to marine organisms from underwater sound are influenced by the SELs, SPLs, sound frequency, and depth and distance from the sound output source. The FEIR should include a comprehensive discussion of impacts associated with pile driving. The discussion should include the avoidance and minimization measures and best management practices that will be implemented to address these impacts.

### **Recommendations**

- The FEIR should include a comprehensive discussion of all mitigation alternatives that will be used to offset habitat losses and shading impacts associated with the proposed Project. In addition, we recommend that the project proponent collaborate with the Department and others on appropriate mitigation alternatives.

We appreciate the opportunity to review and comment on the DEIR. As always,

Department personnel are available to discuss our concerns, comments, and recommendations. Please contact Ms. Loni Adams, Environmental Scientist, at (858) 627-3985 or [Loni.Adams@wildlife.ca.gov](mailto:Loni.Adams@wildlife.ca.gov) if you have any questions.

William Paznokas  
Senior Environmental Scientist, Supervisor  
Environmental Review and Water Quality Project  
Marine Region  
3883 Ruffin Road, San Diego CA, 92123  
858-467-4218