

**CALIFORNIA COASTAL COMMISSION**

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# Th 18b

May 23, 2011

**TO:** COMMISSIONERS AND INTERESTED PERSONS

**FROM:** PETER M. DOUGLAS, Executive Director  
John Ainsworth, Deputy Director  
Al J. Padilla, Ports Coordinator

**SUBJECT:** Staff Recommendation on Port of Los Angeles Port Master Plan Amendment No. 26 [for public access improvements to the waterfront by providing for new harbor basins, totaling 1.82 acres of new water area at Berths 83 and 85 in San Pedro Waterfront; and minor fills, totaling approximately 2,200 square feet of land, and the addition of "Recreational and Commercial" land uses to the backland area at Berths 183-186 in the Wilmington Waterfront]. For Commission consideration at meeting of June 15-17, 2011.

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## SUMMARY OF STAFF RECOMMENDATION

Staff recommends the Commission certify the Port of Los Angeles Master Plan Amendment No. 26, which would allow: public access improvements to the waterfront by providing for new harbor basins, totaling 1.82 acres of new water area at Berths 83 and 85 in San Pedro Waterfront; and minor fills, totaling approximately 2,200 square feet of land, and add "Recreational and Commercial" land uses to the backland area at Berths 183-186 in the Wilmington Waterfront. The staff recommends that the Commission find that the proposed amendment conforms with and carries out the port development, water quality, and marine resource policies of Chapter 8 of the Coastal Act.

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### **Substantive File Documents:**

1. Port of Los Angeles Port Master Plan (as amended), Port of Los Angeles.
2. Port of Los Angeles Port Master Plan Amendment No. 16.
3. Wilmington Waterfront Development project Final EIR, 2009.
4. San Pedro Waterfront Project Final EIS/EIR, 2009.

### **I. PORT MASTER PLAN AMENDMENT PROCEDURE.**

Coastal Act Section 30716(a) and California Code of Regulations, Title 14 Section 13636 call for port master plan amendments to be certified in the same manner as provided in Section 30714 of the Coastal Act for certification of port master plans. Section 13628 of

the regulations states that upon the determination of the Executive Director that the master plan amendment and accompanying materials required by Section 13628(a) are sufficient, the master plan amendment shall be deemed submitted to the Commission for purposes of Section 30714 of the Coastal Act. The subject amendment was deemed submitted on April 21, 2011. Within 90 days (July 20, 2011) of this submittal date, the Commission, after public hearing, shall certify or reject the amendment, in whole or in part. The Commission may not modify the amendment as a condition of certification. If the Commission fails to take action on the amendment submittal within the 90-day period, without a waiver of the time period by the applicant, the proposed amendment is deemed certified.

Section 30714 also states that the Commission shall certify the amendment if the Commission finds both that:

1. The certified portions of the amendment conform with and carry out the policies of Chapter 8 of the Coastal Act.
2. Where the amendment provides for development listed as appealable in Section 30715, such development is in conformity with all the policies of Chapter 3 of the Act.

The proposed amendment provides for: public access improvements to the waterfront by providing for new harbor basins, totaling 1.82 acres of new water area at Berths 83 and 85 to accommodate tugboats, Port-owned vessels and tall ships, in San Pedro Waterfront; and minor fills, totaling approximately 2,200 square feet of land, and the addition of "Recreational and Commercial" land uses to the backland area at Berths 183-186 in the Wilmington Waterfront.

The proposed amendment does not include appealable development under Section 30715. Therefore, the sole standard of review would, thus, be the policies of Chapter 8.

## **II. STAFF RECOMMENDATION**

The staff recommends the Commission adopt the following resolution:

**MOTION:**        *I move that the Commission certify the Port of Los Angeles Port Master Plan Amendment No. 26.*

### **STAFF RECOMMENDATION OF CERTIFICATION:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Port Master Plan Amendment and adoption of the following resolution and findings. The motion to certify passes only upon an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY PORT MASTER PLAN AMENDMENT:**

The Commission hereby certifies the Port of Los Angeles Master Plan Amendment No. 26 and adopts the findings set forth below on grounds that the amendment is consistent with Chapter 8 of the Coastal Act. Certification of the amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the port master plan amendment.

**III. FINDINGS AND DECLARATIONS**

The Commission finds and declares as follows:

**A. Previous Commission Port Master Plan Action and Public Comments.**

The Commission certified the Port of Los Angeles Port Master Plan on March 19, 1980, and April 15, 1980. The Commission has reviewed twenty-three amendments to the master plan since that date, most recently in September 2009.

In 1996, the Commission approved Port Master Plan Amendment No. 16 for the Banning's Landing Waterfront Access Project, which is located within the area of the proposed amendment involving the Wilmington Waterfront project site. The 1996 amendment added "Community Building" as a permitted port-related commercial land use under the port master plan and allowed the port to construct a 10,000 square foot community building, parking and a waterfront promenade adjacent to berths 185 and 186. The proposed access improvements that would be allowed by this amendment would incorporate the Banning's Landing waterfront promenade and extend the promenade along the new bulkhead of berths 183 to 186.

There were no public comments received by the Los Angeles Board of Harbor Commissioners during the hearing adopting Port master Plan Amendment No. 26.

**B. Contents of Port Master Plan Amendments.**

Section 30716(a) of the Coastal Act and California Code of Regulations Title 14, Section 13656 call for port master plan amendments to be certified in the same manner as port master plans. Section 30711 of the Coastal Act provides, in part, that a port master plan shall include all the following:

1. *The proposed uses of land and water, where known.*

2. *The proposed design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body.*
3. *An estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impacts.*
4. *Proposed projects listed as appealable in Section 30715 in sufficient detail to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of this division.*
5. *Provisions for adequate public hearings and public participation in port planning and development decisions.*

The Commission finds that the proposed Port Master Plan Amendment conforms with the provisions of Section 30711 of the Coastal Act. There are adequate details in the Port Master Plan Amendment submittal and associated materials for the Commission to make a determination of the proposed amendment's consistency with Chapter 8 policies of the Coastal Act.

The draft Port Master Plan Amendment was approved for public distribution by the Board of Harbor Commissioners on February 3, 2011. Written comments were solicited and a public hearing on the draft amendment was held during the March 17, 2011 Board of Harbor Commissioners meeting. On April 7, 2011, the Board of Harbor Commissioners approved the amendment for submittal to the Coastal Commission.

### **C. Appealable Development.**

In determining the standard of review for the proposed master plan amendment, Section 30714 of the Coastal Act provides guidance and states in part that:

*The Commission shall certify the plan, or portion of the plan, if the Commission finds both of the following:*

*(a) The master plan, or certified portions thereof, conforms with and carries out the policies of this chapter.*

*(b) Where a master plan, or certified portions thereof, provide for any of the developments listed as appealable in Section 30715, the development or developments are in conformity with all policies of Chapter 3 (commencing with Section 30200).*

Section 30715(a) of the Coastal Act provides, in part, that:

*(a) ...After a port master plan or any portion thereof has been certified,... approvals of any of the following categories of development by the port governing body may be appealed to the commission:*

*(1) Developments for the storage, transmission, and processing of liquefied natural gas and crude oil in such quantities as would have a significant impact upon the oil and gas supply of the state or nation or both the state and nation. A development which has a significant impact shall be defined in the master plans.*

*(2) Waste water treatment facilities, except for those facilities which process waste water discharged incidental to normal port activities or by vessels.*

*(3) Roads or highways which are not principally for internal circulation within the port boundaries.*

*(4) Office and residential buildings not principally devoted to the administration of activities within the port; hotels, motels, and shopping facilities not principally devoted to the sale of commercial goods utilized for water-oriented purposes; commercial fishing facilities; and recreational small craft marina related facilities.*

*(5) Oil refineries.*

*(6) Petrochemical production plants....*

The port's plan amendment does not provide for development listed as appealable in Section 30715(a). The two harbors at the San Pedro waterfront that would be allowed by this amendment are not proposed as "recreational small craft marinas" which is a category of development that would be appealable to the Commission. The proposed harbors will be for Los Angeles Maritime Institute vessels, tugboats, Port owned vessels and other visiting ships. Therefore, the standard of review for the proposed amendment is Chapter 8 of the Coastal Act.

#### **D. Summary of Proposed Plan Amendment.**

The Port of Los Angeles proposes to amend its port master plan (PMP) by obtaining Commission certification to add the land use designation of "Recreational and Commercial" to the backland area at Berths 183-186, an existing 7 acre land area that currently allows "General Cargo, Liquid Bulk, Dry Bulk, Commercial Fishing, Industrial, Institutional and Other" land uses within Wilmington waterfront area of Port Planning District No. 5 and to allow for the creation of two new harbor basins (Downtown Harbor and 7<sup>th</sup> Street Harbor) in the San Pedro waterfront area within Port Planning District No. 2 located along the western section of the Port (see Exhibits No. 1 and 2).

The "Recreational and Commercial" land use designations in the Wilmington waterfront area would allow for the planned development of approximately seven acres of open

space, public access improvements and visitor-serving commercial development (see Exhibit No. 3). The amendment will allow two minor fills to create approximately 2,200 square feet of land that will improve the existing bulkhead at Berths 183 and 186 for improving public access to and along the waterfront area. The new harbors, located at Berths 83 and 85 along the San Pedro waterfront area, would create approximately 1.82 acres of new water area with a total estimated volume of 146,000 cubic yards of material removed to create the new water area (see Exhibit No. 4). The new harbors will accommodate Los Angeles Maritime Institute vessels, tugboats, Port owned vessels and other visiting ships.

According to the Port the two minor fills totaling approximately 2,200 square feet, or .05 acres, proposed at Berths 183 and 186 at the Wilmington waterfront site are necessary to improve the existing seawall to address seismic design standards and strengthen the seawall to accommodate enhanced public access to and along the waterfront through the development of a waterfront promenade and public viewing piers.

The filling of the approximately 2,200 square feet, or 0.05 acres, allowed under this amendment, would result in the loss of approximately 0.05 acres of inner harbor habitat. The loss of marine habitat due to the inner harbor fill would be unavoidable since the project is infeasible without the landfill. To compensate for the loss of marine resources, the Port intends to apply mitigation credits from the Harbor Landfill Mitigation Credit Account and/or the port's Bolsa Chica mitigation account. These mitigation credit accounts were established through interagency memorandum of agreements and Port Master Plan Amendments to create mitigation credits through the funding of wetland restoration projects in the harbor and at the Bolsa Chica lowlands. Impacts to marine resources and mitigation credits are discussed in Section 3 and 4 below.

The improvements that would be allowed by this amendment will be part of the larger San Pedro Waterfront Project and Wilmington Waterfront Development Project that include elements that are permitted under the current PMP. The San Pedro Waterfront Project extends from the Vicente Thomas Bridge to Cabrillo Beach and includes cruise ship terminal improvements, commercial/retail complex (Ports O' Call Village) redevelopment, public access, parking, open space and traffic improvements. The Wilmington Waterfront Development Project, which includes areas within the Port and City of Los Angeles planning jurisdictions, involves approximately 94 acres, and includes public access improvements, Red Car (rail line) extension and visitor-serving commercial development.

#### **E. Conformance with the Coastal Act.**

In order for the Commission to certify the proposed amendment, the Commission must determine that the amendment conforms to the following Chapter 8 policies of the Coastal Act. The following sections discuss the proposed development and its conformance with the applicable Chapter 8 policies.

##### **1. Allowable Development**

Section 30705 of the Coastal Act states:

*(a) Water areas may be diked, filled, or dredged when consistent with a certified port master plan only for the following:*

*(1) Such construction, deepening, widening, lengthening, or maintenance of ship channel approaches, ship channels, turning basins, berthing areas, and facilities as are required for the safety and the accommodation of commerce and vessels to be served by port facilities.*

*(2) New or expanded facilities or waterfront land for port-related facilities.*

*(3) New or expanded commercial fishing facilities or recreational boating facilities.*

*(4) Incidental public service purposes, including, but not limited to, burying cables or pipes or inspection of piers and maintenance of existing intake and outfall lines.*

*(5) Mineral extraction, including sand for restoring beaches, except in biologically sensitive areas.*

*(6) Restoration purposes or creation of new habitat areas.*

*(7) Nature study, mariculture, or similar resource-dependent activities.*

*(8) Minor fill for improving shoreline appearance or public access to the water.*

Section 30708(c) states in part that:

*All port-related developments shall be located, designed, and constructed so as to:*

*...*

*(c) Give highest priority to the use of existing land space within harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities.*

The Port Master Plan states that the objective of the plan is to:

*...consistently develop, expand, alter the port in both the short-term period and long-range period for purposes of commerce, navigation, fisheries, port-dependent activities and general public recreation...*

The amendment will allow for the addition of "Recreational and Commercial" as a permitted use to 7 acres currently designated as "General Cargo" and "Commercial" in the Wilmington waterfront project area for public access improvements; and allow for the creation of two new harbors for Port related shipping within the San Pedro waterfront project area, which will be part of the overall San Pedro waterfront/promenade improvement project currently allowed under the certified Port Master Plan.

The new land use designation for the 7 acres and the 0.05 acre landfill within the Wilmington waterfront area, and the San Pedro waterfront improvements allowing dredging of 137,000 cubic yards of material, will improve the shoreline appearance and improve public access to the water with the construction of public promenades and access piers in these locations. Furthermore, according to the port, focusing public access in these areas

allows the Port to continue to develop cargo handling activities in the remaining areas of the port, thereby minimizing or eliminating the need to create new ports in new areas of the State. The Commission, therefore, finds that the proposed dredging and landfills, for improving public access to the water and to create harbors for port-related support vessels and larger recreational ships is allowable under Section 30705(a) and 30708(c).

## **2. Project Need.**

Section 30701 of the Coastal Act states:

*The Legislature finds and declares that:*

*(a) The ports of the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, constitute one of the state's primary economic and coastal resources and are an essential element of the national maritime industry.*

*(b) The location of the commercial port districts within the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, are well established, and for many years such areas have been devoted to transportation and commercial, industrial, and manufacturing uses consistent with federal, state and local regulations. Coastal planning requires no change in the number or location of the established commercial port districts. Existing ports, including the Humboldt Bay Harbor, Recreation, and Conservation District, shall be encouraged to modernize and construct necessary facilities within their boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state.*

Section 30706 of the Coastal Act states:

*In addition to the other provisions of this chapter, the policies contained in this section shall govern filling seaward of the mean high tide line within the jurisdiction of ports:*

*(a) The water area to be filled shall be the minimum necessary to achieve the purpose of the fill.*

The Coastal Act policies require that any approved landfill be the minimum necessary in order to achieve the purpose of the project. In this regard, the Commission has required that the port demonstrate the need for any proposed landfill through the use of a well-documented and conservative approach to justify the requested landfill acreage.

As stated by the Port, the purpose of the amendment is to allow adding "Recreation and Commercial" as a permitted use to 7 acres currently designated as "General Cargo" and allow for a minor 2,200 square foot fill to build a public promenade along the Wilmington waterfront; and to create two harbors for port-related vessels and other large recreational ships. The amendment would allow for the development of greater public access opportunities to the waterfront in both the Wilmington and San Pedro waterfront areas.



According to the Port, the existing seawall along the Wilmington Waterfront project site does not meet current seismic design standards. In order to construct the proposed waterfront improvements and safely accommodate public access, the seawall has to be strengthened or replaced. Soil behind portions of the existing seawall will be strengthened by deep soil mixing to allow the seawall to remain in place. Other areas along the seawall will require a new sheet pile wall driven 4 feet outboard of the existing seawall. Approximately 2,200 square feet of fill will be needed between the new and existing walls. This amount of fill is the minimum necessary to improve the promenade along the waterfront for public access. The Commission, therefore, finds, that the proposed landfill will be the minimum necessary in order to achieve the purpose of the project, will provide additional area for improving public access within the port and will be consistent with Section 30701(a) and (b) and 30706(a) of the Coastal Act.

### **3. Water Quality**

Section 30705 of the Coastal Act provides in part that:

(c) Dredging shall be planned, scheduled, and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation. Bottom sediments or sediment elutriate shall be analyzed for toxicants prior to dredging or mining, and where water quality standards are met, dredge spoils may be deposited in open coastal water sites designated to minimize potential adverse impacts on marine organisms, or in confined coastal waters designated as fill sites by the master plan where such spoil can be isolated and contained, or in fill basins on upland sites. Dredge material shall not be transported from coastal waters into estuarine or fresh water areas for disposal.

*(d) For water areas to be diked, filled, or dredged, the commission shall balance and consider socioeconomic and environmental factors.*

Section 30706 of the Coastal Act provides in part that:

*In addition to the other provisions of this chapter, the policies contained in this section shall govern filling seaward of the mean high tide line within the jurisdiction of ports:*

*(a) The water area to be filled shall be the minimum necessary to achieve the purpose of the fill.*

*(b) The nature, location, and extent of any fill, including the disposal of dredge spoils within an area designated for fill, shall minimize harmful effects to coastal resources, such as water quality, fish or wildlife resources, recreational resources, or sand transport systems, and shall minimize reductions of the volume, surface area, or circulation of water. . . .*

Section 30708 of the Coastal Act provides in part that:

*All port-related developments shall be located, designed, and constructed so as to:*

*(a) Minimize substantial adverse environmental impacts.*

*(d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible. . . .*

The associated SEIS/SEIR documented the existing water quality conditions in the Port of Los Angeles, and examined the potential project impacts and proposed mitigation measures. Those documents are incorporated by reference into this report.

Water quality would be affected during fill and dredging operations, due primarily to increases in turbidity, decreases in dissolved oxygen, increases in nutrients, and increases in contaminants in the immediate vicinity of operations. These localized water column impacts will in turn affect fish and marine birds in the project area. However, any adverse effects will be limited due to the nature of the fill dredged materials, the short-term nature of the water column changes, and the ability of fish and birds to avoid the turbidity plumes generated by project operations.

Mitigation measures that will be incorporated include sediment testing for contaminants, disposal of dredge material only at upland sites that meet the sediment quality criteria for disposal, monitoring and management of turbidity, conducting nesting bird surveys and establishment of a safety zone to protect marine mammals.

The development proposed under this amendment would be subject to Federal and State water quality protection measures, including:

- An amended, Clean Water Act Section 401 -Certification from the RWQCB for dredging and filling activities that contains conditions including standard Waste Discharge Requirements (WDR).

Additionally, the Port of Los Angeles is subject to the requirements of the Los Angeles County Storm Water Permit for operation of Port facilities and the Construction Activities Storm Water General Permit for Port construction activities. The Port is actively involved in ensuring compliance with these NPDES permits, including (1) participation by various Port divisions in storm drain maintenance activities, street sweeping, implementation of BMPs, spill response activities, etc.;, (2) ongoing participation in various City-wide and regional task forces (including the Dominguez Channel Watershed Advisory Committee, the L.A. Region Contaminated Sediment Task Force) to facilitate interagency coordination and remain current on applicable storm water regulations and activities; (3) periodic training of Port employees, contractors and tenants to ensure compliance; (4) development of guidance documents for use by Port employees, contractors and tenants to ensure permit compliance; (5) inspection of construction sites by Port inspectors to ensure compliance with construction BMPs; (6) application of the recently adopted SUSMP criteria

in the design of Port facilities to capture and treat the first 0.75 inches of rainfall from storm events; and (7) active participation in various studies to support Total Maximum Daily Load (TMDL) development in the harbor area, including the Dominguez Channel.

In conclusion, the Commission finds that the development proposed by this amendment will generate only minor, short-term effects on water quality and marine resources in the Port of Los Angeles. With the proposed mitigation measures required through the State and Federal permitting processes, and compliance with those standards, the adverse effects on water quality and marine habitat will not be significant and the proposed amendment is consistent with Sections 30705, 30706, and 30708 of the Coastal Act.

#### **4. Environmentally Sensitive Habitat.**

Section 30705 of the Coastal Act states in part:

*(b) The design and location of new or expanded facilities shall, to the extent practicable, take advantage of existing water depths, water circulation, siltation patterns, and means available to reduce controllable sedimentation so as to diminish the need for future dredging.*

*(c) Dredging shall be planned, scheduled, and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation. Bottom sediments or sediment elutriate shall be analyzed for toxicants prior to dredging or mining, and where water quality standards are met, dredge spoils may be deposited in open coastal water sites designated to minimize potential adverse impacts on marine organisms, or in confined coastal waters designated as fill sites by the master plan where such spoil can be isolated and contained, or in fill basins on upland sites. Dredge material shall not be transported from coastal waters into estuarine or fresh water areas for disposal.*

Section 30706 of the Coastal Act states in part:

*In addition to the other provisions of this chapter, the policies contained in this section shall govern filling seaward of the mean high tide line within the jurisdiction of ports... (b) The nature, location, and extent of any fill, including the disposal of dredge spoils within an area designated for fill, shall minimize harmful effects to coastal resources, such as water quality, fish or wildlife resources, recreational resources, or sand transport systems, and shall minimize reductions of the volume, surface area, or circulation of water.*

Section 30708 of the Coastal Act states in part:

*All port-related developments shall be located, designed, and constructed so as to...a) Minimize substantial adverse environmental impacts.*

The Port of Los Angeles's Wilmington Waterfront Development Project EIR addresses the potential for adverse effects on marine resources. The EIR states that the proposed fill would permanently cover approximately 0.05 acres of existing rocky and soft-bottom marine substrate. Fill will consist of constructing approximately 550 lineal feet of new sheet pile wall 4 feet outboard of the existing seawall and placing fill behind the new wall, resulting in a total fill amount of approximately 2,200 square feet. Fill effects include direct mortality from organisms being buried by fill material, and possible temporary localized effects to nearby biota due to turbidity.

The EIR states that the "inner-harbor" location is not considered significant foraging areas for terns or pelicans, and the related turbidity effects that will occur due to the filling in these areas are not expected to adversely affect either species. The project area is not considered significant habitat area for any sensitive fish or wildlife species. No foraging is known or expected to occur in the proposed project area.

The 0.05-acre landfill will result in a net loss of 0.05 acres of "inner-harbor" marine habitat. According to the Port, the loss of marine habitat would be unavoidable since the project is infeasible without the landfill. To compensate for the loss of marine resources due to the landfill, the Port intends to apply mitigation credits from the Harbor Landfill Mitigation Credit Account approved by the Coastal Commission. The Harbor Landfill Mitigation Credit Account was created through the Port's participation in a multi-agency wetland restoration at the Bolsa Chica lowlands. The Commission approved the Port landfill mitigation credit account in Port Master Plan Amendment No. 8 (Port of Long Beach). Under PMPA No. 8, mitigation credits would be obtained by the Port through funding of land acquisition and wetland restoration at the Bolsa Chica lowlands. The Port's participation created a total of 267 acres of landfill mitigation credits (Port Master Plan Amendments No.8 and No.10) to be used for future landfill projects. The Commission found that the proposed wetland restoration project at Bolsa Chica would adequately compensate for marine resource losses that would occur from landfill projects within the port.

Under the Landfill Mitigation Credit Account agreement, the Port can use the mitigation credits at a ratio of 1:2 for "inner-harbor" landfills and 1:1 for "outer-harbor" landfills. The proposed landfill site involves "inner-harbor" area. The proposed "inner-harbor" loss of 0.05 acres will require .025 acres of the available Bolsa Chica mitigation credits based on the "inner-harbor" mitigation ratio of 1:2.

The use of mitigation credits for port landfill projects has been approved by the Commission as proper mitigation for loss of habitat within the Ports. The Commission has found that by purchasing mitigation credits for the restoration of Bolsa Chica wetlands, adverse landfill impacts on marine habitat would be minimized and would provide numerous beneficial uses consistent with the public trust. The Commission, therefore, finds, that the proposed landfill will be consistent with Section 30705(b)(c) and 30706(b) of the Coastal Act.

## **5. Recreation**

Section 30705 of the Coastal Act states in part:

(a) Water areas may be diked, filled, or dredged when consistent with a certified port master plan only for the following:

...  
(8) Minor fill for improving shoreline appearance or public access to the water.

Section 30708 of the Coastal Act provides, in part:

*All port-related developments shall be located, designed, and constructed so as to:*

*(a) Minimize substantial adverse environmental impacts.*

...  
*(d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible...*

The proposed project and final design decisions must be consistent with the aforementioned recreational resource policies of the Coastal Act. The proposed 2,200 square feet of fill that would occur is a minor amount of fill to improve and replace the existing bulkhead, and the design would minimize harmful effects to coastal resources and increase recreational access in the Port. Due to industrial activities in the Wilmington waterfront project area, the waterfront is inaccessible to the public, with the exception of limited access to the water's edge at Banning's Landing. The amendment will allow the existing industrial areas to be converted to recreational and commercial uses to improve public access to and along the water in the Wilmington waterfront area. The San Pedro waterfront improvements will improve the water area for harbor improvements and enhance public access within the existing commercial and visitor-serving area along the new harbors. Therefore, the Commission finds that the proposed amendment is consistent with Sections 30706(b) and 30708(a)(d) of the Coastal Act.

## **6. Risk Management Plan**

Section 30708(a) of the Coastal Act requires that all port-related developments be located, designed and constructed so as to minimize substantial adverse environmental impacts. The Commission certified the Ports' Risk Management Plan (RMP) in November 1983. The certified RMP is to be used for the siting of new hazardous liquid cargo facilities and any proposed modification, expansion or relocation of existing hazardous liquid cargo facilities in a manner that minimizes or eliminates risks to life and property in and around the port through the physical separation of hazards and "vulnerable resources". Vulnerable resources are defined in the RMP as significant residential, recreational and working populations, and facilities that have high economic value or are critical to the economy or national defense.

The risk to “vulnerable resources” from hazardous materials is analyzed by determining the area in which people would be hurt and property would be damaged if a “worst case” accident occurred. The area where “vulnerable resources” could be injured or damaged by a worst case accident is called a “hazard footprint”. The boundary of a hazard footprint is determined by calculating the distance at which impacts of the worst probable events will be reduced to levels that are not likely to cause injury or property damage.

This generally does not allow placement of vulnerable resources within a hazard footprint. The design criteria of the RMP recognizes that there are situations where vulnerable resources may be located within a hazard footprint area. Under these situations, application of additional protection measures such as the installation of an approved early warning system, development of a comprehensive emergency evacuation plan, or personal training, may be required.

In the Port’s analysis of the project, there were no hazard footprints in the vicinity of the proposed project. Therefore, the Commission finds that the proposed project will be consistent with the Port’s RMP and will minimize substantial adverse environmental impacts consistent with Section 30708(a) of the Coastal Act.

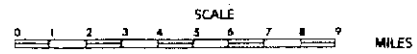
**7. Consistency with the California Environmental Quality Act (CEQA).**

The California Environmental Quality Act (CEQA) requires less environmentally damaging alternatives to be considered and the imposition of mitigation measures to lessen significant adverse effects that may result from the proposal. The Commission finds that for the reasons discussed in this report, all adverse effects have been mitigated to a level of insignificance; thus, there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. The Commission further finds that the proposed Port Master Plan Amendment will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

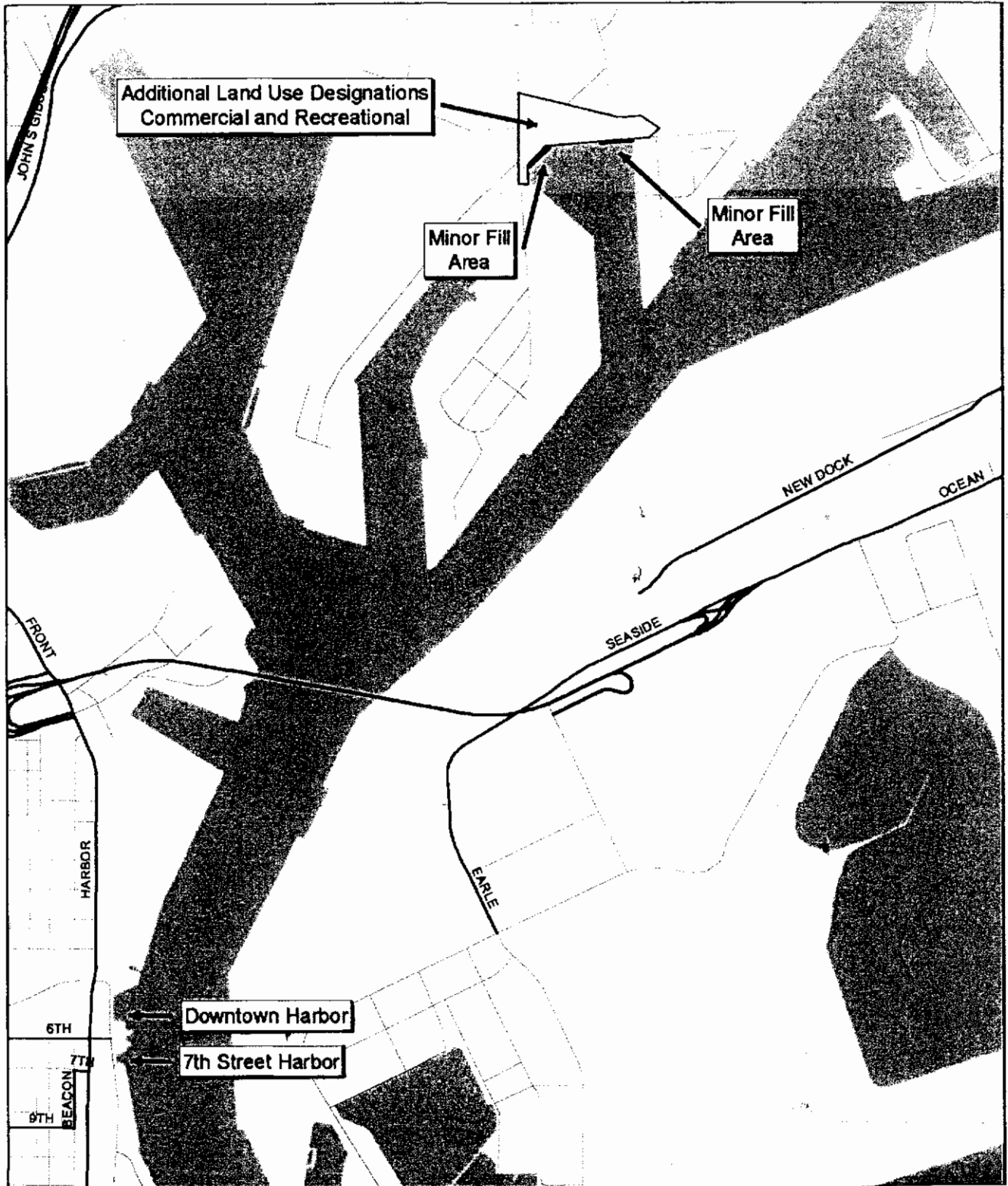


*Project Site*

**LOS ANGELES AREA**



<b>EXHIBIT NO. 2</b>
APPLICATION NO. <i>POLA PMPA #26</i>
<i>Vicinity Map</i>
California Coastal Commission



**Figure 1**

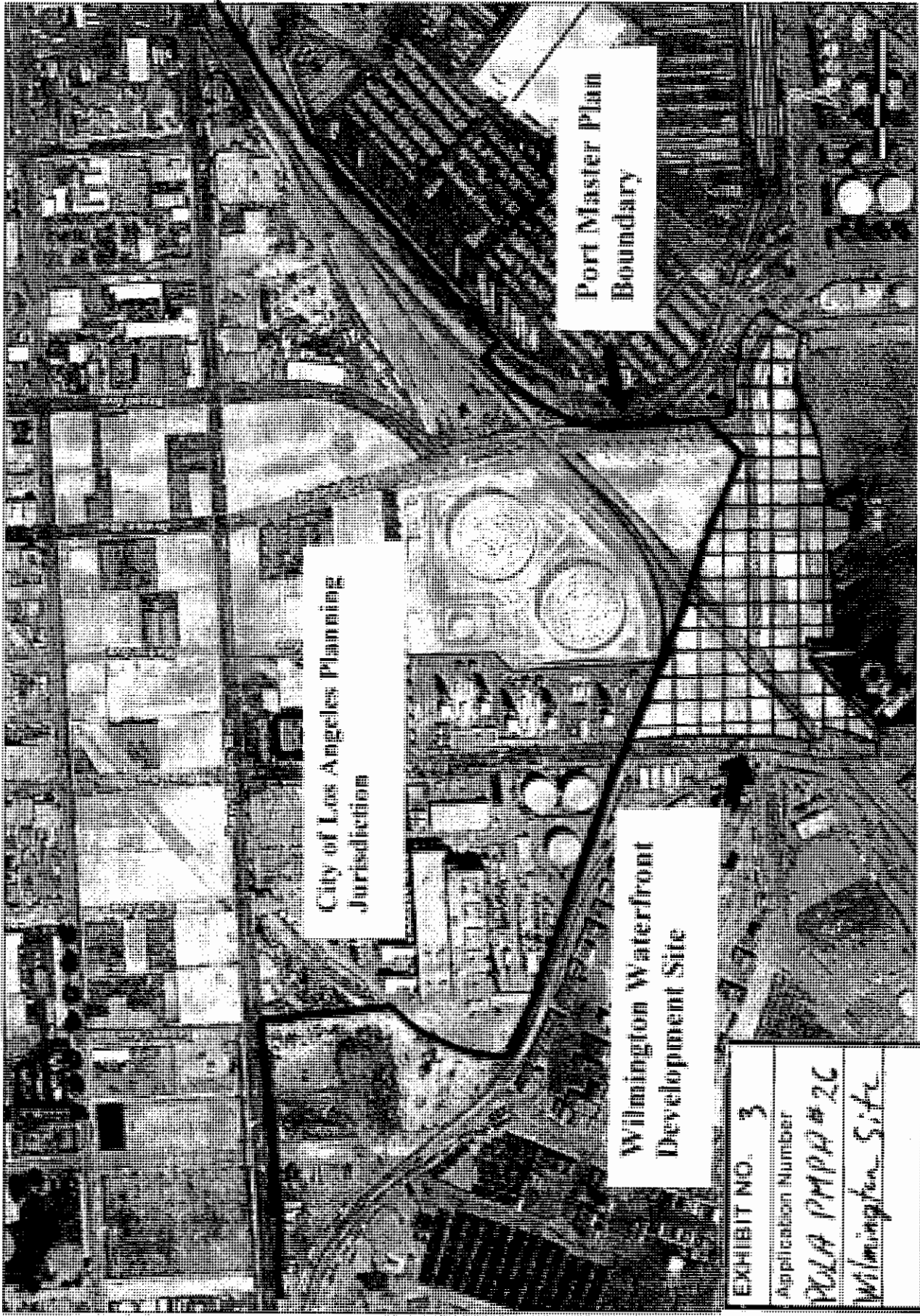
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Harbor Report  
Planning & Economic  
Map Produced 1

**EXHIBIT NO. 2**

Application Number  
POLA PMPA # 26  
San Pedro + Wilmington  
Development Sites  
California Coastal Commission





City of Los Angeles Planning  
Jurisdiction

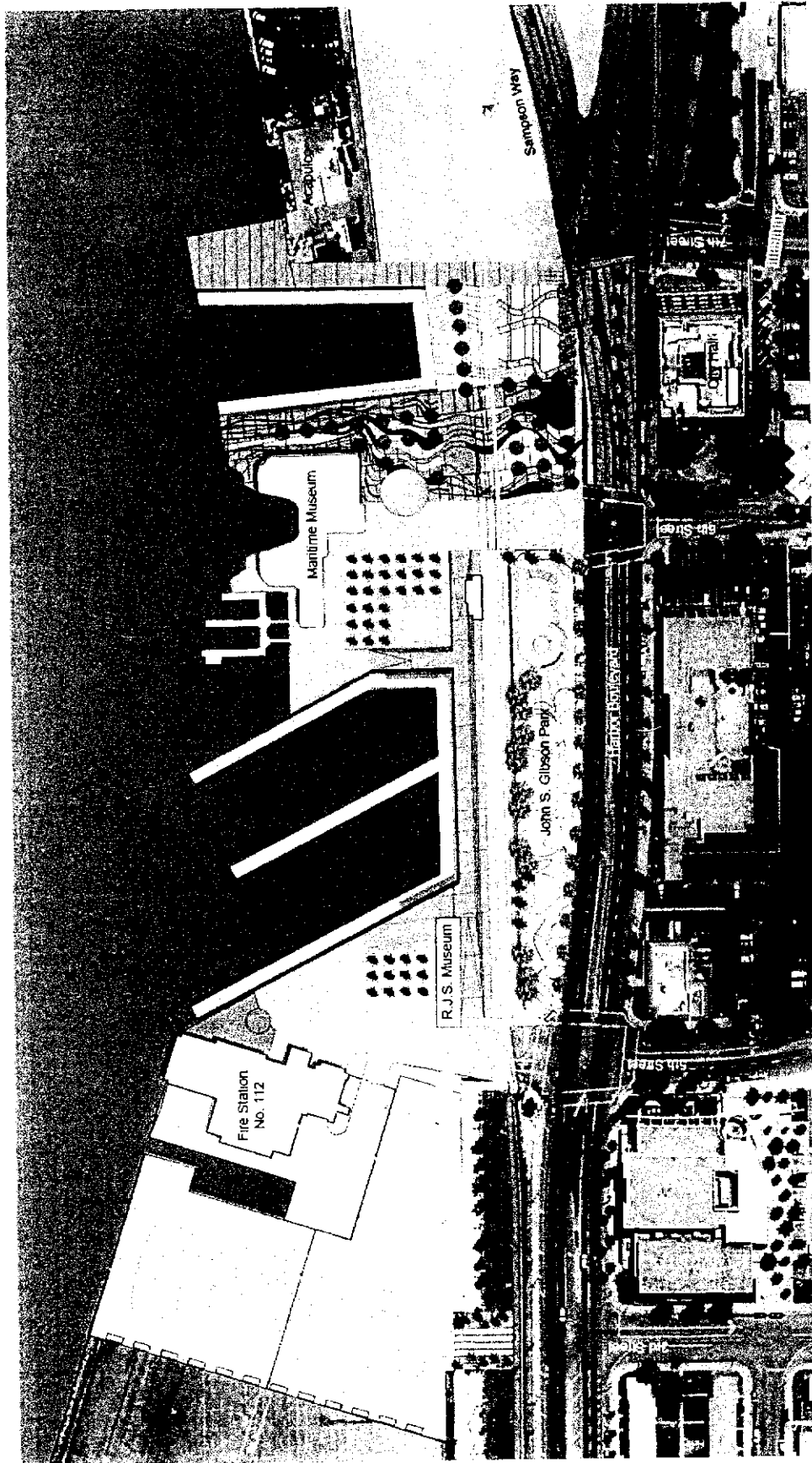
Port Master Plan  
Boundary

Wilmington Waterfront  
Development Site

EXHIBIT NO. 3
Application Number POLA PMPA# 26 Wilmington Site
California Coastal Commission

10/20/00

Figure 2-3  
Property Ownership  
Wilmington Waterfront Development Project



San Pedro Downtown Harbor and 7th Street Harbor

Figure 3

EXHIBIT NO. 4
Application Number POLA PMPA #20
San Pedro Harbor Development Sites
California Coastal Commission