

CALIFORNIA COASTAL COMMISSION

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October 17, 1996

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER M. DOUGLAS, Executive Director
Chuck Damm, South Coast Area District Director
Larry Simon, Ports Coordinator

SUBJECT: Report by Executive Director to the Commission on Determination of Minor Port Master Plan Amendment, Port of Los Angeles Plan Amendment No. 16 (Banning's Landing Waterfront Access Project), Item No. 8a at the Commission meeting of November 12, 1996.

I. INTRODUCTION. The purpose of this report is to inform the Commission of action taken by the Executive Director on the Port of Los Angeles' Minor Port Master Plan Amendment No. 16. The amendment would add "community building" as a permitted port-related commercial land use under the port master plan, and as a result would allow the Port of Los Angeles to permit and construct a 10,000 square-foot community building, parking, and a waterfront promenade at a 1.4-acre site at the head of Slip 5 in the Port of Los Angeles (Exhibits 1 and 2). The proposed development made possible by the amendment would be non-appealable under Section 30715 of the Coastal Act. Section 30716(b) of the Coastal Act and California Code of Regulations, Title 14 Section 13637 (the full citations are found in Section II, below) provide for a process whereby the Executive Director can determine that a port plan amendment is minor in nature, and require that any such determination be reported to the Commission at its next regularly scheduled meeting. This determination does not require a vote by the Commission, and becomes effective ten working days after the Executive Director's determination of October 17, 1996. The subject plan amendment therefore becomes effective on November 1, 1996.

II. MINOR PORT MASTER PLAN AMENDMENT PROCEDURE. Section 30716(b) of the Coastal Act states that:

The commission shall, by regulation, establish a procedure whereby proposed amendments to a certified port master plan may be reviewed and designated by the executive director of the commission as being minor in nature and need not comply with Section 30714 [which provides for Commission review and action on proposed port master plans and amendments]. Such amendments shall take effect on the 10th working day

after the executive director designates such amendments as minor.

California Code of Regulations, Title 14, Section 13637 states that:

(a) The governing body of a port may request the executive director of the commission to designate an amendment to the port master plan as being minor in nature pursuant to Public Resources Code, Section 30716(b). Any such amendment shall be submitted to the executive director and shall be accompanied by the same information supporting such amendment as would be required for any other amendment. Notice of such amendment shall be given to all persons who the executive director has reason to know may be interested. No sooner than 15 working days from the date that such notice was transmitted, the executive director shall make a determination as to whether to designate such amendment as minor in nature. Any such determination shall be in writing with findings supporting the determination and the conformance of the amendment with the provisions of this division. The determination shall be transmitted to those receiving notice. No amendment shall be designated minor in nature if it involves significant filling, dredging or diking or a type of use not specifically provided for in the certified master plan or if in the opinion of the executive director the proposed amendment would not be consistent with the provisions of this division, would materially alter any significant condition or situation that formed the basis for certification of the port master plan, would result in any substantial adverse environmental effect, or would have a reasonable risk of producing such a result. An amendment designated as being minor in nature shall not become effective for 10 working days following the designation by the executive director.

(b) Any determination pursuant to subsection (a) shall be reported to the commission at its next regularly scheduled meeting by the executive director.

III. PREVIOUS COMMISSION ACTION. The Commission certified the Port of Los Angeles Port Master Plan in 1980. The Commission has reviewed 15 amendments since then, most recently in October 1996.

IV. CONTENT OF PORT MASTER PLAN AMENDMENT. As noted above, California Code of Regulations, Title 14, Section 13637 requires that a minor port master plan amendment be accompanied by the same information that is required of regular amendments, as called for under Section 30711 of the Coastal Act and the California Code of Regulations, Title 14, Section 13628(a). The Executive Director finds that the proposed plan amendment meets the requirements of Section 30711 and Section 13628(a). The proposed changes in land and water uses are outlined, and there are adequate details in the port master plan submittal for the Executive Director to make a determination of the proposed amendment's conformance with the Chapter 8 policies of the Coastal Act.

The Port of Los Angeles determined that submission of the proposed amendment to the Commission is exempt from the requirements of the California Environmental Quality Act. The amendment was subject to public review and hearing, and was certified by the Board of Harbor Commissioners on July 31, 1996. The proposed amendment was received by the Commission on September 3,

1996. Notice of the proposed amendment was transmitted by the Executive Director to interested individuals and agencies on September 9, 1996. The determination as to whether the amendment is minor in nature could be made by the Executive Director no sooner than September 30, 1996, 15 working days after notice was made. No comments were received by that date and the Executive Director determined on October 17, 1996, that the proposed amendment was minor in nature.

V. SUMMARY OF AND NEED FOR THE PROPOSED AMENDMENT. The certified port master plan currently allows general cargo, liquid and dry bulk, commercial fishing, institutional, and port-related industrial and commercial development in Planning Area 5 of the port. The proposed plan amendment states that:

For several years, the Wilmington community has sought the development of waterfront access at Banning's Landing (the head of Slip 5). The Port has been working with the Wilmington community towards this goal and has proposed a waterfront access development on a site of approximately 1.4 acres. The proposed development would include a 10,000 square-foot building suitable for community meetings, functions and displays showing port and community activities, support parking, a waterfront promenade and streetscape along Avalon Blvd....

...

The Port of Los Angeles has committed \$2.5 million for the construction of the public access project at Banning's Landing. The Port has also encouraged the community to organize a not for profit organization to provide management oversight of the community building. This has resulted in the formation of the Friends of Banning's Landing...[which] has been organized for the primary purpose of supporting the Banning's Landing project, providing management oversight of the facility and organizing fund raising efforts.

The purpose of this plan amendment is to add "community building" as a permitted land use for the 1.4 acre site at the head of Slip 5 in the Wilmington District (Master Planning Area 5) of the port. The proposed development made possible by the amendment would be non-appealable under Section 30715 of the Coastal Act.

VI. CONFORMANCE WITH THE COASTAL ACT. Port master plan amendments must conform to the policies of Chapter 8 of the Coastal Act. The applicable policy for the proposed amendment is Section 30708:

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

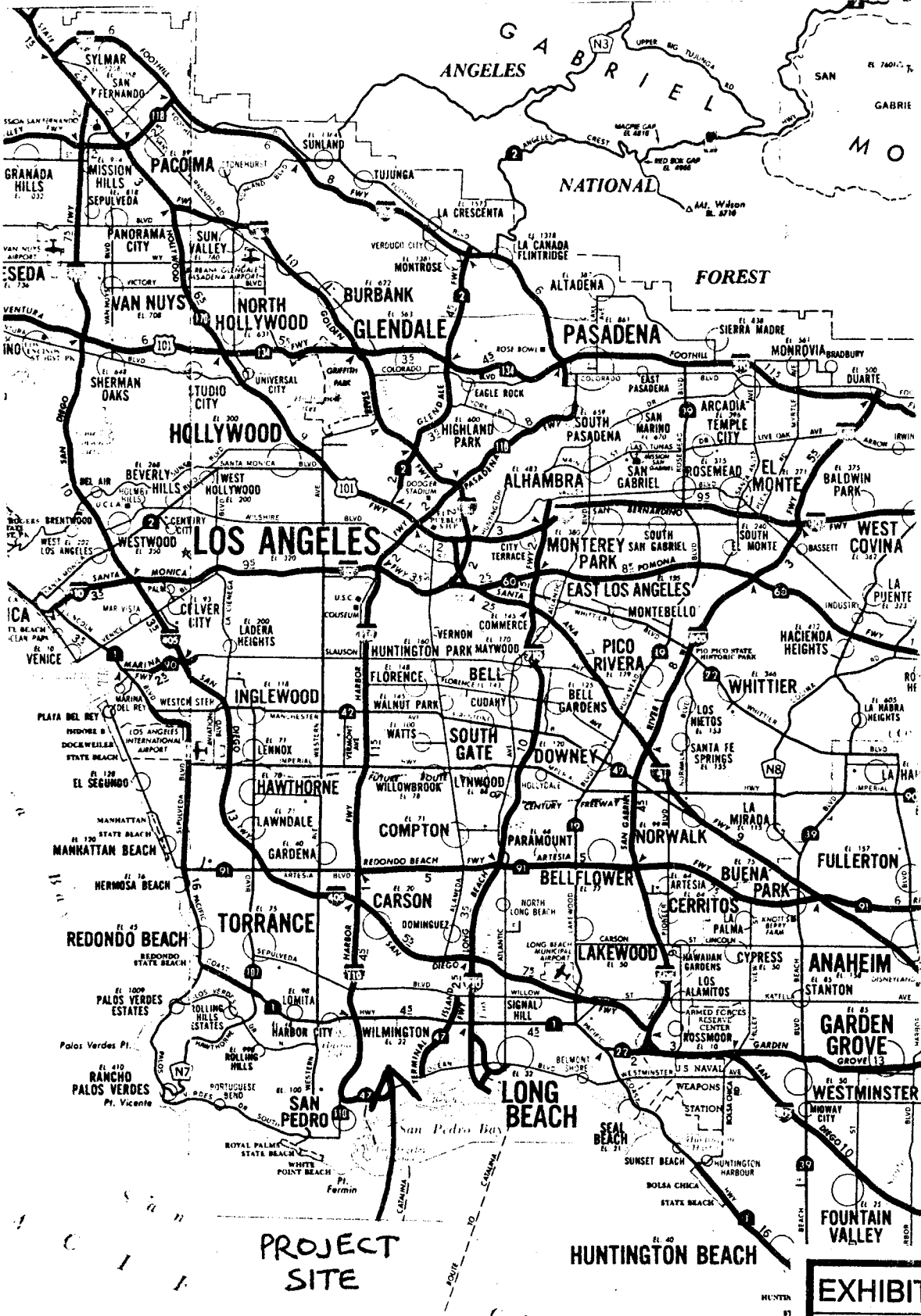
- (a) Minimize substantial adverse environmental impacts.
- (b) Minimize potential traffic conflicts between vessels.
- (c) Give highest priority to the use of existing land space within

harbors for port purposes, including, but not limited to, navigational facilities, shipping industries, and necessary support and access facilities.

(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.

(e) Encourage rail service to port areas and multi-company use of facilities.

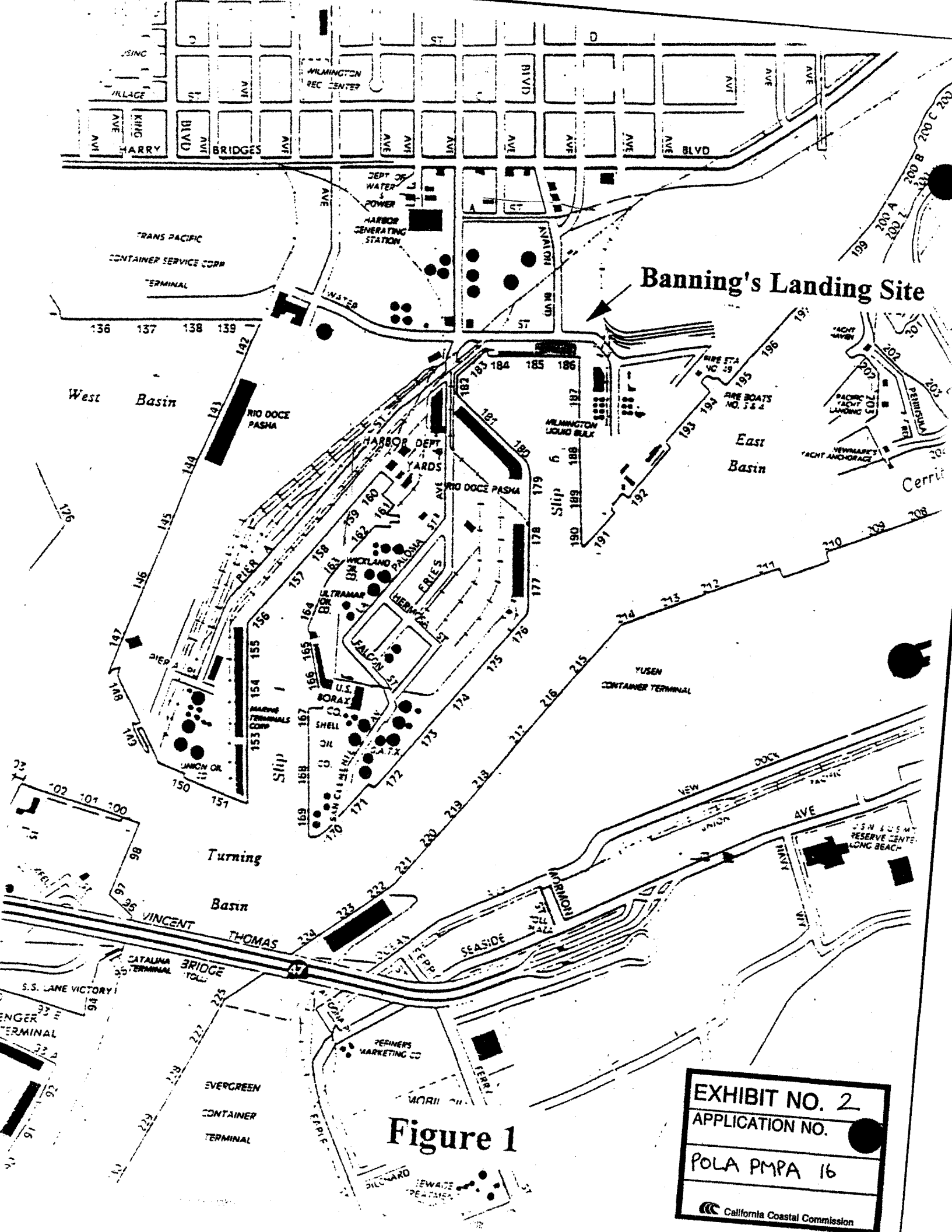
The proposed addition of "community building" to the list of allowable land uses in Master Plan Area 5 of the Port of Los Angeles must conform with the policies of Section 30708 of the Coastal Act. The Port states in its plan submittal that the amendment will not adversely affect the port's ability to accommodate existing port-related commerce and navigational activities or its ability to develop new port-related transportation, commercial, industrial, and manufacturing uses within the port. The amendment will not adversely affect boating operations in Slip 5 as the existing public landing at Berth 186 adjacent to the project site will remain operational. The amendment would provide for upland construction and would not adversely affect marine habitat or sensitive resources in the port. Finally, the proposed amendment would improve shoreline public access and recreation opportunities in the Wilmington area of Los Angeles and provide the public with a facility to view and interpret port activities. Therefore, the Executive Director finds that the proposed amendment will not result in any adverse environmental impacts to coastal resources and that the project conforms to the Chapter 8 resource protection policies of the Coastal Act.



PROJECT SITE

HUNTINGTON BEACH

EXHIBIT NO. 1
APPLICATION NO.
POLA PMPA 16
California Coastal Commission



Banning's Landing Site

Figure 1

EXHIBIT NO. 2
APPLICATION NO.
POLA PMPA 16
California Coastal Commission