

CALIFORNIA COASTAL COMMISSION

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Staff:	LJS-SF
Staff Report:	Nov. 15, 1996
Hearing Date:	Dec. 11, 1996
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-96-213

APPLICANT: PORT OF LONG BEACH

PROJECT LOCATION: 400 Henry Ford Avenue, Wilmington (City of Los Angeles), Los Angeles County (Exhibit 1).

PROJECT DESCRIPTION: Construction of that part of the Port of Long Beach's Pier A Container Terminal located outside the jurisdictional boundary of the Port of Long Beach and within the City of Los Angeles dual coastal permit jurisdiction area, including the remediation of contaminated soil, importing 340,000 cubic yards of fill, upgrading utilities and infrastructure, and construction of roadways, on-dock railyard, and paved container storage yard.

Lot area:	90.0 acres
Building coverage:	1.6 acres
Pavement coverage:	88.4 acres
Parking spaces:	440
Zoning:	M3-IVL
Plan designation:	Heavy Industrial
Ht abv fin grade:	55 feet

LOCAL APPROVALS RECEIVED: City of Los Angeles Coastal Development Permit No. CDP 96-002.

SUBSTANTIVE FILE DOCUMENTS: Port of Long Beach Port Master Plan (as amended); Final Environmental Impact Report, Port of Long Beach Pier A Marine Terminal, June 1995; City of Los Angeles Coastal Development Permit No. CDP 96-002 (Port of Long Beach); Coastal Development Permit No. 5-91-200 (Port of Long Beach)

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SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of coastal development application 5-96-213 (Port of Long Beach) for construction of cargo terminal backland support facilities at that portion of Pier A located in the City of Los Angeles.

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STAFF NOTE.

The subject permit application is for marine cargo terminal development essentially the same as that approved by the Commission in 1991 under coastal development permit application 5-91-200 (Port of Long Beach). That permit expired due to difficulties the Port had in meeting conditions attached to a coastal development permit the Port received from the City of Los Angeles for the terminal project (The project site is in the dual permit jurisdiction area of the City). The aforementioned difficulties with the City of Los Angeles-issued coastal permit are now resolved, and there are no new Coastal Act issues associated with the current project that were not addressed in 5-91-200. Therefore, the staff recommends that the Commission approve the subject permit application.

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STAFF RECOMMENDATION.

The staff recommends that the Commission adopt the following resolution:

APPROVAL WITH CONDITIONS.

The Commission hereby grants, subject to the conditions below, a coastal development permit on the grounds that the development, as conditioned, is in conformance with the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

STANDARD CONDITIONS: See Attachment 1

FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares as follows:

A. Project Description. The Port of Long Beach proposes to redevelop the former Ford/Melamed manufacturing site into a container terminal at Pier A on the Cerritos Channel (Exhibits 1 and 2). The 200-acre project site is located partially within the Port of Long Beach (110 acres) and partially within the City of Los Angeles (90 acres). The subject permit application is only for construction of that part of the project (terminal backland support facilities) located with the City of Los Angeles. On the subject property the Port proposes to import 314,000 cubic yards of fill from dredging in the Cerritos Channel (in order to raise the elevation of the site from 0.0 feet MLLW to +3 MLLW), remediate contaminated soils, pave the site, construct roadways, install fencing and utilities, and construct support buildings for container terminal operations. The seven proposed buildings would range in height from 15 to 55 feet above finished grade and total approximately 77,500 square feet of floor area.

In September 1990 the Commission approved that portion of the subject container terminal located within the Port of Long Beach when it certified the Port's master plan amendment No. 6, which included the Berth 95-97 (now Pier A) marine terminal project. In addition, the Commission issued a waiver to the Port of Long Beach in June 1990 for demolition of abandoned manufacturing structures on the subject property within the City of Los Angeles, and the Port issued Harbor Development Permit No. 88003 for demolition activities on the project site within the Port. Both of these permit actions were undertaken in preparation for construction of the proposed container terminal, and demolition is now complete.

The project area within the City of Los Angeles is in the dual-permit jurisdiction area of the coastal zone, and therefore the Port is required to meet not only the conditions attached to this permit, but must also meet the conditions contained in the City's coastal development permit No. 96-002 (see special condition No. 1 of this permit). The City conditionally approved a coastal development permit for the project on August 8, 1996. That approval was not appealed and became effective on August 22, 1996. That permit was received by the Commission on September 3, 1996, and at the end of the 20-working-day appeal period on October 1, 1996, no appeals to the Commission had been filed, making the City's permit action final. The Port then filed a coastal development permit application with the Commission, for that part of the project located with the City of Los Angeles, and that application is the subject of this staff report and recommendation. Because there is no certified LUP or LCP for the project area within the City of Los Angeles, the proposed development must be evaluated for conformance with the resource protection policies of Chapter 3 of the Coastal Act.

The adjacent and surrounding properties are developed with petroleum refining facilities, oil fields, and cargo terminals. The subject property has long been used for industrial and manufacturing purposes. The Final EIR for the Pier A project (June 1995) describes the project site as follows:

The Pier A Marine Terminal site encompasses approximately 200 acres comprised of three separate parcels: the former Ford Motor Company property [72 acres], the former UPRC oil production site [96 acres], and a 32-acre parcel leased to Toyota Motor Sales, Inc....

The central 96 acres were part of the Union Pacific Resources Corporation (UPRC) Wilmington Oil Field from the late 1930s until recently. This area is currently used for oil production and contains wells and piping, a tank farm, wastewater facilities, a wastewater reinjection plant, and a three-phase separator plant. In 1951 portions of the project site were leased by UPRC to the now-defunct TCL Corporation, which used the site to dispose of oil and gas drilling waste. Testing conducted in the early 1980s determined that TCL also accepted materials other than those permitted under the lease agreement.

The soil contamination resulting from these activities required inclusion of the site on the California State Bond Expenditures (Superfund) list. The western 72 acres, previously known as Berths A95-A97, were the subject of a previous EIR that evaluated a proposed marine terminal (POLB 1990c). They were part of the Ford Motor Company holdings and included an automobile assembly plant until 1963. From 1963 until 1986 the plant was

owned by William Melamed of Port Terminal Transportation, Inc. and was converted to mixed uses including offices, auto storage, restaurants, and manufacturing. Oil production occurred adjacent to these uses. The Port of Long Beach purchased the property in 1986. The building, significantly damaged in the 1987 Whittier earthquake, was demolished in 1990, [and] a marina located adjacent to the building was removed in 1988. Limited oil production currently occurs on the northern portion of this property.

B. Public Access and Recreation. The Coastal Act provides the following:

Section 30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212. (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30220. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Although the 200-acre container terminal site includes 1,300 feet of frontage along the north side of Cerritos Channel in the Port of Long Beach, the 90 acres in the City of Los Angeles which are the subject of this permit application are landlocked and do not front on any body of water. There are no opportunities for coastal recreation or access on or across the project site. The site has been dedicated to industrial use for over 50 years and remains zoned for heavy industrial use by the City of Los Angeles. Adjacent and surrounding parcels are used for oil extraction and refinement and marine cargo handling. Adjacent and surrounding Port of Long Beach and Port of Los Angeles areas are designated for primary port and port-related industrial uses. Port recreational facilities are not located in or near the project area, but instead are concentrated along the eastern perimeter of Pier J in the Port of Long Beach and in the Ports-of-Call and Cabrillo Marina areas in the Port of Los Angeles. The Commission, in certifying port master plans and amendments for both ports, has concurred with the policy of separating recreational and primary port activities for operating efficiency and public safety reasons.

The subject property, while not located within either port, is situated in and adjacent to industrial areas ill-suited for the provision of coastal access or recreational opportunities. In addition, the Commission reviewed and approved the Berths 95-97 (now Pier A) Marine Terminal Project when it certified the Port of Long Beach's port master plan amendment No. 6 in September 1990. The Commission found that redevelopment of the Ford property within the Port was in conformance with the resource protection policies of Chapter 8, and the public access and recreation policies of Chapter 3 of the Coastal Act. In 1991 the Commission approved coastal development permit 5-91-200 for construction of container terminal backland support facilities essentially identical to those proposed in the subject permit application. Therefore, the Commission finds that the proposed development conforms with the public access and recreation policies of Chapter 3 of the Coastal Act, and is consistent with and complements its earlier actions certifying the Port of Long Beach plan amendment No. 6 and coastal development permit 5-91-200.

C. Land Resources. The Coastal Act provides the following:

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The Final Environmental Impact Report for the Pier A Marine Terminal identified no environmentally sensitive resources on that part of the project site within the City of Los Angeles. (The only sensitive habitat at the cargo terminal site was the seven acres of Cerritos Channel within the Port of Long Beach to be filled as a part of the project. That impact was addressed by the

Commission in its port master plan amendment certification in September 1990.) The 90 acres which are the subject of this permit application have been dedicated to industrial and manufacturing uses for over 50 years and support no sensitive plant or animal habitats. As a result, the proposed import of fill material to raise the ground elevation from sea level to +3 feet MLLW and the construction of terminal support facilities will not affect sensitive terrestrial habitat or resources. Therefore, the Commission finds that the proposed development conforms with the land resource policies of Chapter 3 of the Coastal Act.

D. Development. The Coastal Act provides the following:

Section 30250(a). New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253. New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

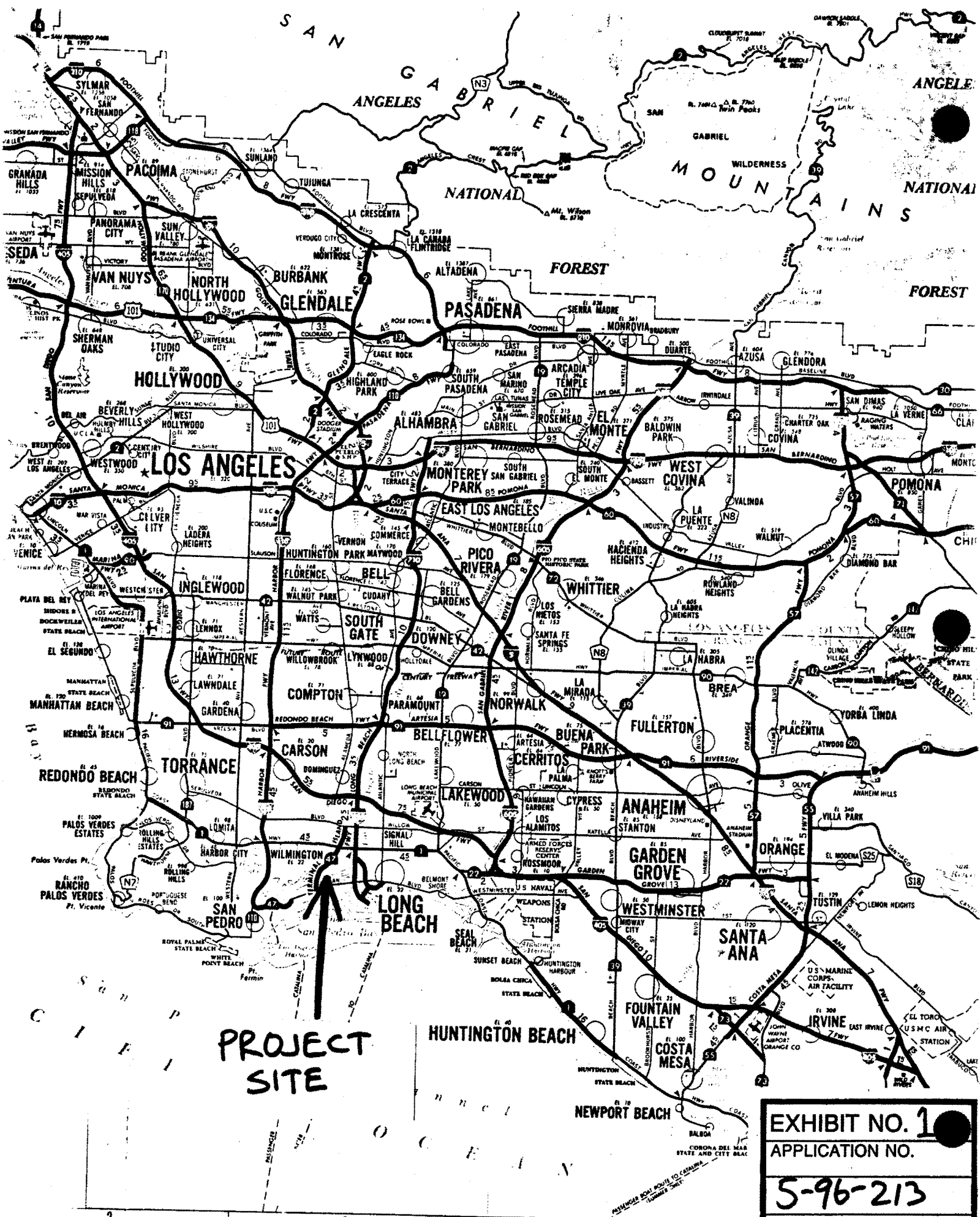
(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development....

In regards to Section 30250, the proposed development is located in an area dedicated to port-related and non-port-related industrial uses. The Commission has previously approved a waiver for demolition and site preparation for the project, a port master plan amendment for that part of the project located in the Port of Long Beach, and a coastal development permit (now-expired) for that part of the project in the City of Los Angeles. The

development proposed in this application is essentially the same as previously approved by the Commission in 5-91-200, and conforms with Section 30250 of the Coastal Act.

The proposed development will introduce marine cargo terminal facilities into an industrial area currently developed with similar facilities and structures (buildings, roads, pavement, cranes, etc.). There are no public viewpoints to or along the shoreline that would be affected by the project, which will be visually compatible with the surrounding area. Therefore, the Commission finds that the proposed development conforms with the visual resource protection policies of Section 30251 of the Coastal Act.

The proposed project involves the import of approximately 314,000 cubic yards of fill material dredged from the Cerritos Channel to raise the elevation of the site from sea level to +3 feet MLLW. The Final EIR for the project concludes that the project is designed and will be constructed to withstand credible seismic events, and that the final project engineering plans will be reviewed by a registered geologist prior to approval to ensure that seismic design elements have been included. Therefore, the Commission finds that the proposed project conforms with the natural hazard policies of Section 30253 of the Coastal Act.



PROJECT  
SITE

EXHIBIT NO. 1

APPLICATION NO.

5-96-213

California Coastal Commission



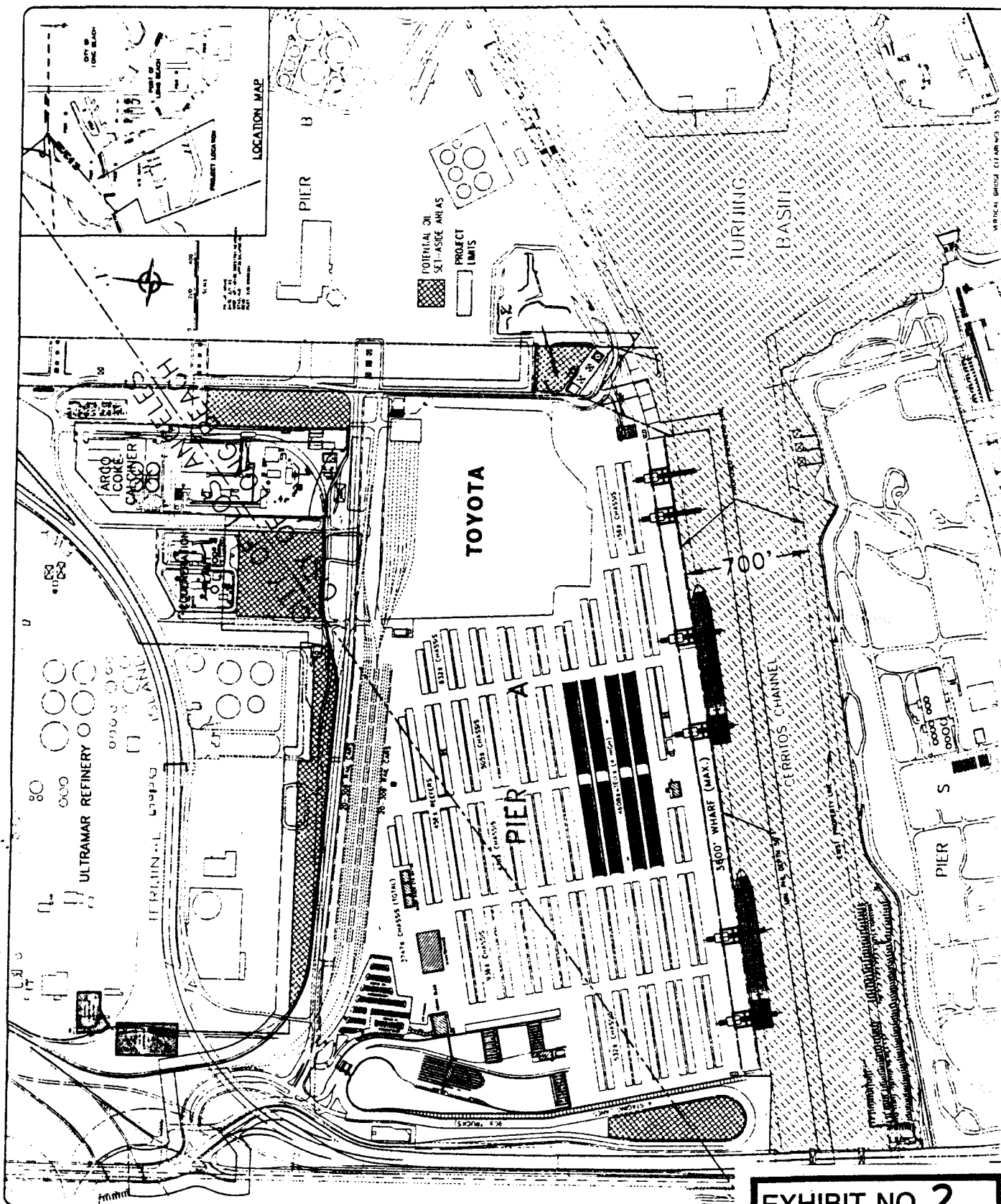


Exhibit 1-3. Pier A Marine Terminal, Phase I.

EXHIBIT NO. 2

APPLICATION NO.

5-96-213