

CALIFORNIA COASTAL COMMISSION

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TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: Charles Lester, Executive Director
John Ainsworth, Deputy Director
Al J. Padilla, Ports Coordinator

SUBJECT: Staff Recommendation on Port of Los Angeles Port Master Plan Amendment No. 28 [Port Master Plan update combines the original 1980 Port Master Plan and its subsequent amendments into a comprehensive user-friendly long range master planning document that reflects recent land use and planning projects and accommodates forecasted cargo growth; change to the number of planning areas from nine to five; use changes, including consolidating commercial fishing uses into one area and changing a recreational marina to maritime support; three minor landfills (6, 16, and 18 acres); revisions to implementation guidelines and to the methodology for performing risk analyses for hazardous liquid cargo facilities]. For Commission consideration at meeting of March 12, 2014.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends the Commission certify the Port of Los Angeles Master Plan Amendment No. 28, which would allow: change to the number of planning areas; land use changes, including consolidating commercial fishing uses and changing a recreational marina to maritime support; three minor landfills (6, 16, and 18 acres); revisions to implementation guidelines and to the methodology for performing risk analyses for hazardous liquid cargo facilities in the Risk Management Plan. The staff recommends that the Commission find that the proposed amendment conforms with and carries out the policies of Chapter 3 and Chapter 8 of the Coastal Act.

The proposed amendment to the Port Master Plan (PMP) raises major Coastal Act issues with regards to priority uses within the port; the need for additional fill projects to create more land area; public access and recreation, including the loss of recreational boating space; impacts to commercial boating; and environmental impacts associated with projects that would be allowed by the amendment if certified. Some proposed changes, such as, administrative or procedural changes, reorganization of the plan or minor revisions, are considered minor and do not raise significant

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Coastal Act issues. A summary of the proposed changes is included in Section D of this report and is broken down by Plan chapters. Staff's analysis of the changes and their consistency with the Coastal Act can be found in section E.

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EXHIBITS

- Exhibit 1—Regional Map**
- Exhibit 2—Existing Planning Areas Map**
- Exhibit 3—Proposed Planning Areas Map**
- Exhibit 4—Existing Land Uses Map**
- Exhibit 5—Proposed Land Use Map**
- Exhibit 6— Pedestrian Pathway Map**
- Exhibit 7—California Coastal Trail Map**

Substantive File Documents:

1. Port of Los Angeles Port Master Plan (as amended), Port of Los Angeles.
2. Port of Los Angeles Master Plan Update, Final Environmental Impact Report, dated July 2013.

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 August 26, 2013. Within 90 days (November 24, 2013) of this submittal date, the Commission, after public hearing, must have certified or rejected 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. The date by which the Commission originally needed to take final action was November 24, 2013. However, the original submitted amendment raised a number of issues that Commission staff requested Port staff to address. Commission staff requested that the Port waive the time limit in order for Port and Commission staff to continue to work together to resolve any outstanding issues prior to Commission action. Subsequently, on October 30, 2013, the Port of Los Angeles provided a letter waiving the time limit.

Section 30714 of the Coastal Act states that the Commission shall certify the plan or amendment, or portions of a plan or amendment, and reject any portion of a plan or amendment which is not certified, and may not modify the master plan or amendment, as submitted, as a condition of certification. Section 30714 also states that the Commission shall certify the amendment if the Commission finds both that:

1. The certified portions of the amendment conforms with and carries 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 a consolidated Port Master Plan by incorporating all previously approved Port Master Plan amendments into a single more comprehensive document so that the Plan is more reader friendly. In addition, the amendment includes three minor fill projects; land use changes, including to commercial fishing land use; and revisions to implementation guidelines and to the methodology for performing risk analyses for hazardous liquid cargo facilities in the Risk Management Plan to conform to current industry standards.

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The port's plan amendment includes development listed as appealable in Section 30715(a). The amendment includes land use changes that include Liquid Bulk that under the proposed revised land use categories would allow the storage, transmission, and processing of liquefied natural gas, and crude oil and petroleum products terminals. The amendment also includes changes that would affect recreational small craft marina related facilities and commercial fishing facilities, which are also appealable development. Therefore, the standard of review under the Coastal Act for the proposed amendment is Chapter 3 for the appealable development and Chapter 8 for the non-appealable development.

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. 28.*

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. 28 and adopts the findings set forth below on grounds that the amendment is consistent with Chapter 3 and 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 approved twenty amendments while another six amendments were initiated but withdrawn. Generally, the previous amendments were project-driven to allow development of specific projects that would allow new landfills and adding land use designations.

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Other amendments included approval of the Risk Management Plan, Implementation Guidelines, and establishing a mitigation banking program for port fill projects.

Public comment for the Draft Port Master Plan (PMP) and Draft Program Environmental Impact Report (PEIR) were received by the Port electronically, in written letters, in public hearings, and in comment cards for public hearings. On March 13, 2013, a public meeting was held on the Draft PEIR. On April 4, 2013, a public hearing was held on the Draft PMP during a regularly scheduled meeting of the Board of Harbor Commissioners (Board). The Board subsequently approved the PMP on August 8, 2013.

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 3 and Chapter 8 policies of the Coastal Act.

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:

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(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....

As stated above the port's plan amendment does provide for development listed as appealable in Section 30715(a). The amendment includes land use changes that include Liquid Bulk that under the proposed revised land use categories would allow the storage, transmission, and processing of liquefied natural gas, and crude oil and petroleum products terminals; recreational small craft marina related facilities; and commercial fishing facilities. Therefore, the standard of review under the Coastal Act for the proposed amendment is Chapter 3 for the appealable development and Chapter 8 for the non-appealable development.

D. Summary of Proposed Plan Amendment.

The Port of Los Angeles Port Master Plan Amendment No. 28 amends the Port's certified port master plan and does not replace that document. The purposes of this amendment are to update the amended port master plan to reflect changes that have occurred in the Port since 1980, including current market analysis and forecasts on cargo trends; and to request Commission certification of minor revisions to the port master plan's land uses, to allow three minor fill projects (totaling 40 acres). The amendment would also modify the implementation plan procedures; and Risk Management Plan to incorporate more conservative thresholds for defining hazardous areas using current industry standards.

The certified plan is comprised of nine Chapters consisting of: Objectives; Implementation; General Background; Factors Affecting Demand for Port Development; Regulations & Guidelines for Development Projects; Development Areas & Plans; Risk Management & Safety Planning; Summary of Environmental Impact Report; and Compliance with the California Coastal Act. The proposed amendment will keep most of the Chapters but will reorganize and or combine sections to improve organization and readability. Chapters under the proposed amendment include: Introduction; Background; Development Goals; Factors Affecting Demand For Port Development; Planning Areas and Development; Development Guidelines; Coastal Development Permit Policies; Risk Management; Summary of Final Program Environmental Impact Report. A general description of each chapter and proposed changes follows:

1. Introduction. The Introduction chapter under the proposed amendment provides a general description of the Port, authorizing State legislation, and general Coastal Act policy requirement (which are more fully listed in Chapter 7 of the proposed amendment). The objectives listed in the Objective section under the certified plan have been revised and moved under the Introduction chapter of the new plan. Under the proposed amendment the major objectives (Subsection 1.3) remain the same but have been modified by streamlining the objectives to be more concise than in the certified plan. The major objectives listed in the amendment include:

- To develop the Port in a manner that is consistent with federal, state, county and city laws, including the California Coastal Act of 1976 and the Charter of the City of Los Angeles.
- To integrate economic, engineering, environmental and safety considerations into the Port development process for measuring the long-term impact of varying development options on the Port's natural and economic environment.
- To promote the orderly long-term development and growth of the Port by establishing functional areas for Port facilities and operations.
- To allow the Port to adapt to changing technology, cargo trends, regulations, and competition from other U.S. and foreign seaports.

2. Background. The background section was a subsection of the Introduction section of the certified plan and addressed hazardous materials, risk assessment and implementation. Under the proposed amendment these topics are included under the Risk Management Plan (Chapter 8). The Background chapter under the proposed amendment provides a general description of the certified Port Master Plan and approval process.

3. Development Goals. Under this new section, the proposed amendment lists five goals to help guide the future development and expansion of the Port. The goals are general in nature to allow the port flexibility to respond to tenant needs and national and international economic trends. The five goals are:

- Optimize Land Use
- Increase Cargo Terminal Efficiency
- Accommodate Diverse Cargoes
- Increase Public Access to the Waterfront
- Protect Historic Resources.

4. Factors Affecting Demand for Port Development. As stated in the proposed amendment, over the last 30 years since the PMP was certified, the port has developed to become the United States' major waterborne containerized trade gateway with Asia, where it once was a port primarily dedicated to serving the local market. This section has been revised to reflect the shifts in the domestic and world economies and how these changes affect the development of the port. Projections that were made 30 years ago are being revised to reflect current data. Projections have been updated for Containerized Cargo, Dry Bulk Cargo, Liquid Bulk Cargo, and General/Break Bulk Cargo.

5. Planning Areas and Development. The certified PMP divides the Port into nine planning areas (see Exhibit 2) and allows a variety of land uses within each planning area. The proposed amendment will change the number and boundaries of the planning areas (see Exhibit 3); change existing PMP land use categories (see Maps, Exhibits 4 and 5) ; and make revisions to allowable land uses within the planning areas (see Table 1).

The nine planning areas in the certified plan will be reduced to five (see table below for list of planning areas and Exhibit 3 for Planning Area map). The intent of the reduction is to consolidate general areas with similar land use patterns within the Port.

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Table 1

Planning Area	Location	Acreage	Allowable Land Uses*
1 (San Pedro)	From the Breakwater up to the Vincent Thomas Bridge	413	Recreational Boating, Commercial, Break Bulk, Open Space, Institutional, Cruise Operations and Maritime Support
2 (West Basin and Wilmington)	From the Vincent Thomas Bridge to north of the Cerritos Channel	1,098	Container, Open Space, Liquid Bulk, Break Bulk, Dry Bulk, Maritime Support, Recreational Boating, and Commercial
3 (Terminal Island)	Terminal Island, excluding Fish Harbor	1,940	Container, Liquid Bulk, Dry Bulk, Maritime Support, Open Space
4 (Fish Harbor)	Fish Harbor, including former Southwest Marine Shipyard site	92	Commercial Fishing, Maritime Support, Break Bulk, and Institutional
5 (Water)	All water excluding areas adjacent to marinas	3,209	Navigable Waterways, Maneuvering Areas, Anchorage Areas, and Shallow Water Habitat
Note: *Proposed land uses would be confined to the specific sites identified on the PMPU Land Use Designations Map.			

The certified plan allows multiple land uses on single sites. The number of land uses will be consolidated within each planning area under the proposed amendment and the plan would specify a single land use for most sites. This chapter also provides the land use categories and their definitions. See Table 2 below:

Table 2

Existing PMP Land Use Categories	PMPU Land Use Categories	Comments
General Cargo	Container	The General Cargo land use category is divided into three categories to provide more specificity.
	Break Bulk	
	Cruise Operations	
Liquid Bulk	Liquid Bulk	Liquid Bulk and Other Liquid Bulk (nonhazardous) are consolidated into one category.
Other Liquid Bulk		
Dry Bulk	Dry Bulk	No change.
Commercial Fishing	Commercial Fishing	No change.
Recreational	Recreational Boating	This category is divided to differentiate marinas from parks/beaches due to their different land use and water requirements.
	Open Space	
Industrial	Maritime Support	This category is renamed to provide more clarity to the land use description.
Institutional	Institutional	No change.
Commercial	Visitor Serving Commercial	This category is renamed to provide more clarity to the land use description.
Other	N/A	This land use category is no longer needed.

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As shown in the table above, the land use categories have been broken down into additional categories to provide for more specificity for the various activities within the port. The land use categories, for the most part, are the same as the certified plan, with a few modifications as listed below:

- General Cargo changed to Container
- Liquid Bulk and Other Liquid Bulk consolidated into Liquid Bulk
- Recreational changed to Recreational Boating
- Industrial changed to Maritime Support
- Commercial changed to Visitor Serving Commercial

Water has also been added as a new Land Use category to cover existing activities, such as, navigation, environmental mitigation areas, recreational boating, and berthing.

The proposed amendment also makes changes to the acreages for each individual land use category, as shown in table 3 below:

Table 3

Land Use Type	Existing (2011) (acres)	PMPA Acreage (acres)	Overall Difference (acres)
Container	2,050	2,371	321
Liquid Bulk	119	168	49
Dry Bulk	45	15	-29
Commercial Fishing	20	48	38
Recreational Marina (Recreational Boating)	66	91	25
Industrial (Maritime Support)	45	133	88
Institutional	115	92	-22
Commercial (Visitor Serving/ Commercial)	88	109	21
Break Bulk	160	219	59
Open Space	92	231	138
Passengers/ Supporting Commercial (Cruise Operations)	54	69	15
Vacant	658	0	-658
Open Water	3,224	3,180	-44
Total	6,735	6,735	0

As shown in the table, most high priority port uses, such as, Container, Liquid Bulk, Industrial, and Commercial Fishing, are increasing in acreage. Dry Bulk, which is non-containerized cargo, shows a reduction. Other uses, such as visitor-serving and recreational, will also increase in total area,

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with Institutional use showing a reduction. Although there is an overall gain in acreage for the individual land uses the total port acreage remains the same (6,735 ac) due to additional fill projects, and designating areas that were vacant and/or designated “Other” in the certified plan with specific land uses (“Other” was used in the certified plan for vacant land, proposed acquisitions, and areas not designated for a specific use). Under the proposed plan all areas will be designated with an individual land use and “Other” will no longer be a land use type.

Under the plan amendment there will be 18 new proposed projects within the various planning areas. Under the certified plan, projects that were to take place in the short term, found to be consistent with the certified Plan, and would not require an amendment to the plan, but still required the issuance of Coastal Development Permit, were listed as “Anticipated projects”. The proposed amendment will change the term “Anticipated projects” to “Proposed Projects”.

Under the proposed amendment the 18 new “Proposed Projects” vary from changing land uses, relocating a specific project to another location that would require a change in land use, and three new landfills as shown in Table 4 below:

Table 4

Planning Area	Appealable/Fill Projects	Land Use Change
Planning Area 1	None	1. (Mixed Land Use Site): Existing institutional uses at Warehouse No. 1 would remain and/or be changed to visitor-serving commercial.
Planning Area 2	Berths 187-189 Liquid Bulk Relocation	2. The liquid bulk terminal at Berths 187-189 (Vopak) would be relocated to Berths 191-194. Berths 187-189 would consist of open space and Institutional land uses.
	Yang Ming Terminal Redevelopment, including cut and fill	3. An additional 6 acres of fill at Berths 120-121 and cut of 3 acres of land at Berths 121-127 for the Yang Ming Terminal would be designated as container area.
		4. The liquid bulk facility at Berths 118-120 (Kinder Morgan) would be eliminated and replaced with container cargo uses.
	China Shipping fill	5. An additional 16 acres of fill would be added at Berth 102 for the China Shipping container terminal and designated for container cargo uses.
	None	6. (Optional Land Use Site): Vacant land on Mormon Island between San Clemente Avenue and Hermosa Street would be changed to liquid bulk or break bulk.

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Table 4, continued

Planning Area	Appealable/Fill Projects	Land Use Change
Planning Area 3	Berth 300 Development (18-acre fill)	7. An additional 18 acres of fill would be added at Pier 300 and designated for container cargo uses.
	None	8. (Mixed Land Use Sites): Vacant land at Berths 206-209 would be changed to container, break bulk, and/or dry bulk and dry bulk land at Berths 210-211 would be changed to dry bulk and/or container.
		9. Vacant land between Seaside Avenue and Reeves Avenue and south of Reeves Avenue would be changed to maritime support
		10. Vacant land along Ferry Street would be changed to maritime support.
		11. The land use consisting of the existing liquid bulk area (ExxonMobil) north of the Terminal Island Water Reclamation Plant (TIWRP) would be replaced with container cargo uses.
		12. The institutional area south of Pier 400 would be changed to open space (least tern habitat).
		13. Existing container area on Pier 400 would be changed to maritime support.
		14. Vacant land, commercial fishing, and industrial areas near Fish Harbor would be changed to container cargo uses.
		15. (Optional Land Use Site): Existing maritime support uses at Berth 301 would be changed to container or liquid bulk.
Planning Area 4	Tri Marine Expansion	None
	338 Cannery Street Adaptive Reuse	None
	Al Larson Marina	16. Land use change from recreational boating to maritime support.
	None	17. (Mixed Land Use Site): Vacant land at Southwest Marine Shipyard would be changed to break bulk and/or maritime support. The surrounding area would be changed to maritime support
		18. Vacant land, commercial fishing, liquid bulk, and institutional land uses at Fish Harbor would be replaced with commercial fishing and maritime support.
Planning Area 5	None	None

The three proposed landfill projects, as shown in the above table, are for redevelopment of two existing container terminals (Yang Ming and China Shipping) and one landfill totaling 18 acres at Beth 300 to create additional container backland for either container or liquid bulk vessels.

A new section on Public Access, not covered under the certified plan, is also being proposed. This section includes a brief summary of the waterfront promenade, which has been approved by the Port on a number of coastal development projects along the San Pedro and Wilmington waterfront; connection with the California Coastal Trail; bicycle access; and alternative transportation. Two new map has been included showing existing and proposed pedestrian pathways through the port and the California Coastal Trial (see Exhibit 6 and 7).

The Port is also adding a section describing the Port's existing mitigation bank program which was approved as an amendment to the certified PMP (amendment no. 15). Projects that result in the loss of marine habitat are mitigated through the use of credits available from the mitigation bank that have been established by and are governed according to a Memoranda of Agreement (MOA) between the Harbor Department, and a number of regulatory and resource agencies.

6. Development Guidelines. The Guidelines provide the necessary procedures for the implementation of the Plan in accordance with the provisions of the Coastal Act. The guidelines generally remain the same with a few changes. Under the certified PMP, the plan had three levels of Coastal Development Permits (Level I, II, and III). Level I permits are required for developments occurring within the Harbor District that are emergency, administrative or minor, expected to have insignificant impacts and are only for development that is non-appealable pursuant to section 30715 of the Coastal Act. Level II permits are required for developments that have potential minor changes in land and/or water use and in the density or intensity of the use and have minor environmental impacts which can be mitigated. Level III permits are for developments with large capital expenditures, substantial adverse environmental impacts that can be mitigated, potential for unavoidable impacts that cannot be mitigated, potential major change in land and/or water, and major increase in the density or intensity of land and/or water.

The proposed amendment would limit types of coastal development permits to only two levels, Level I and II, by consolidating Level II and Level III. In addition, the Ports Executive Director would be authorized to approve Level I permits, which are then reported to the Board of Harbor Commissioners. Under the certified Plan, all permits (Level I, II, and III) were required to be approved by the Board.

The proposed amendment also removes the Implementation chapter that was in the certified plan and places the implementation procedures in the Development Guidelines chapter. The Implementation section listed criteria for implementing the policies of the Plan and defined appealable and nonappealable projects, pursuant to Section 30715 of the Coastal Act. The Port determined that this section should be incorporated under the Development Guidelines so that all procedures for implementing the plan would be located in a single section/chapter.

7. Coastal Development Permit Policies. This chapter includes policies of general applicability, to determine projects consistency with the Plan. This is a new section to the PMP; however, the content of the section is not new because it is a reorganization of the plan that incorporates all Coastal Act policies that were referenced in various sections of the certified PMP into a single chapter. Under the proposed amendment the policies are grouped into various Policy subsections as listed below:

- Policy 1: Land Use (California Coastal Act Sections 30250, 30255, 30701 and 30220)
- Policy 2: Location, Design, and Construction of Development (California Coastal Act Sections 30707, 30708, 30211, 30212, 30212.5 and 30223)
- Policy 3: Diking, Filling, and Dredging of Water Areas (California Coastal Act Sections 30705, 30706 and 30233)
- Policy 4: Commercial Fishing (California Coastal Act Section 30703)
- Policy 5: Recreational Marinas (California Coastal Act Sections 30234 and 30224)
- Policy 6: Tanker Terminal Safety (California Coastal Act Section 30707, 30232 and 30261)

Under each of these main policy categories the plan includes general policies that would help carry out development consistent with the Plan and ensure that the intent of the Act is carried out in the implementation of the Plan.

8. Risk Management. The Risk Management Plan (RMP) was certified by the Commission in 1983, in amendment no. 3. The certified RMP is 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.

Specific policies of the RMP are intended to minimize or eliminate overlap between the footprints of facilities that store or handle hazardous cargo and vulnerable resources. The concept of hazard footprints was developed to identify the potential extent of, and a safe distance from potential damage due to an accident or casualty involving hazardous materials. Hazardous footprints define the zone or zones around a hazardous cargo facility for which radiant heat, hazardous gas or vapor, blast overpressure, or flying debris could result in injury or property damage.

The proposed amendment modifies the RMP to simplify the background text but keeps the policies and implementation procedures. The proposed plan amendment would revise the methodology for performing risk analyses using computer modeling with the criteria set forth in the certified plan, and include establishing a more conservative threshold for defining a blast overpressure hazard footprint and utilize Emergency Response Planning Guidelines (ERPGs) which have been developed by the National Oceanic and Atmospheric Administration (NOAA) and widely accepted by industries and governmental agencies for establishing toxic vapor hazards.

The Blast Overpressure criteria has been changed from having a blast overpressure hazard footprint based on a distance where a 5 psi blast can be felt, down to 1.0 psi. By lowering the psi criteria the hazard footprint will be larger and much more conservative and protective of any surrounding vulnerable resources.

The certified PMP did not provide criteria for establishing the hazard footprint for toxic gases or vapors other than a fatality threshold after ½ hour exposure. The proposed amendment will use current ERPG (level 2) criteria that specifically establishes concentrations for all gases/vapors with a maximum airborne concentration expose for up to 1 hour without experiencing or developing irreversible or other serious health effects of symptoms. By adding this criteria the hazardous footprint for vapors will be more protective of any surrounding vulnerable resources.

A third proposed change is to the flying debris footprint. Under the original plan, for flying debris (Flying Missiles or Fragments under the certified plan), the plan lists a distance of 1,500 feet for the hazard footprint boundary. The Port has stated the boundary set in the certified plan was arbitrary and that calculating the distance is more precise based on current modeling that is required for each hazardous development. Each project will be evaluated by accounting for the size and type of structure and the amount of energy that would be produced rather than applying a set distance for all hazardous sites.

9. Summary of Final Program Environmental Impact Report. This section of the original plan included a summary of Environmental Impact Report to provide a general overview of the port's environmental setting, and the adverse and beneficial environmental impacts of the Plan. The summary has been rewritten to reflect the Final PEIR that was prepared for the proposed amendment.

E. Conformance with the Coastal Act.

As noted earlier in this report, the Port of Los Angeles proposes, as a part of its plan amendment, a number of "Proposed Projects", that range from land use changes, relocating existing uses to other areas which require land use changes, and three new landfill projects. 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 and in the case of proposed appealable developments, the resource protection policies of Chapter 3 of the Coastal Act. Some of the proposed changes raise significant Coastal Act issues. These changes to the plan and conformance with the Coastal Act policies are addressed in Subsection 1 below. Other changes to the Plan are considered minor and do not raise significant Coastal Act issues. These changes are addressed and listed separately in Subsection 2.

An issue not addressed in the Plan amendment and not covered in the certified plan is the issue of sea level rise. Sea level rise would not only affect port development and the port's economy if not properly planned for, but also impact public access and how access is planned for in the future.

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Over the last few years sea level rise has been a major issue with the Commission with development along the coast. This issue has also been a concern with the Port. According to the Port, sea level rise is being considered when reviewing and developing port developments. Sea level rise has been addressed in the Port of Los Angeles Sustainability Assessment and Plan Formation report, the Port's 2011 Sustainability Report, Physical Vulnerability Assessment report, and a joint study with the Rand Corporation, Characterizing Uncertain Sea Level Rise Projections to Support Investment Decisions, July 2012. The Port is taking a proactive role in planning for sea level rise and although they were not prepared to address sea level rise in this amendment, the Port has agreed to address this issue and incorporate it into the PMP through another amendment in the near future.

Chapter 3 policies of the Coastal Act:

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 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

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 30224

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing

harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30233

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

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(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

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

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

Section 30234 of the Coastal Act states:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30234.5

The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

Section 30235

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required

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to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

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.

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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

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 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

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.

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30260

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

Section 30261

Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oil spills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

Chapter 8 policies of the Coastal Act:

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 30703 of the Coastal Act states:

The California commercial fishing industry is important to the State of California; therefore, ports shall not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate alternative space has been provided. Proposed recreational boating facilities within port areas shall, to the extent it is feasible to do so, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30705

(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.

(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.

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

Section 30706

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.

(c) The fill is constructed in accordance with sound safety standards which will afford reasonable protection to persons and property against the hazards of unstable geologic or soil conditions or of flood or storm waters.

(d) The fill is consistent with navigational safety.

Section 30707

New or expanded tanker terminals shall be designed and constructed to do all of the following:

(a) Minimize the total volume of oil spilled.

(b) Minimize the risk of collision from movement of other vessels.

(c) Have ready access to the most effective feasible oil spill containment and recovery equipment.

(d) Have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.

Section 30708(c) states in part that:

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.

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(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 multicompany use of facilities.

1. Changes that Raise Significant Coastal Act Issues

a. Allowable Development

Section 30705 states in part that water areas may be diked, filled or dredged for port related facilities and Section 30708(c) states in part that all port-related development shall be located, designed, and constructed so as to give highest priority to the use of existing land for port purposes.

The proposed Plan amendment includes a number of land use changes that are for port related development, including designating space for liquid bulk, break bulk, dry bulk and maritime use. Under the certified Plan these are all port related facilities. One of the changes under the proposed Plan amendment will be the expansion of Institutional Use in Planning Area 1. Institutional use is not a port related use but is permitted under the certified plan.

Planning Area 1 would encompass the San Pedro Waterfront, extending from the breakwater to the Vincent Thomas Bridge along the western boundary of the Port. This area includes Berths 19-95, the Port's cruise operations, institutional uses, open space (Cabrillo Beach), and recreational boating activities. Planning Area 1 primarily includes land uses focused on public access to the waterfront, but also has limited cargo operations and commercial fishing activities.

The only area that shows an increase in institutional use under the proposed amendment is in Planning Area 1. A site that was designated for Liquid Bulk, and occupied by Westways Terminals, will be changed to Institutional in the proposed amendment. The land use change is located at Berths 69-71 and covers approximately 14 acres which will be added to the existing approximately 23 acres currently designated as Institutional for a total of approximately 37 acres. Under the plan, this site will be part of the Alta Sea project, which is a marine research facility, port pilot station, and the historic Warehouse No. 1, which is used by the Port.

According to the Port, the land use change allows for a water related use that is more compatible with the visitor- serving uses in Planning Area 1. The full build out of Alta Sea will feature circulating sea-water labs, offices, classrooms, lecture halls, support facilities, an interpretive center, and an opportunity to develop the world's largest seawater wave tank for studying tsunamis and rogue waves.

Institutional use is an approved use under the certified Plan in five of the nine Planning Areas, and allows for uses and facilities operated mostly by government agencies, such as public safety, education; and marine research facilities. Such use, however, is not port dependent, and expanding the Institutional use is not giving priority to the port's higher priority uses or support facilities, consistent with Section 30708(c). However, the Port, through this amendment, is consolidating uses, designating lands for port related uses that were designated Vacant, that did not have a specific land use, in order to make the port more efficient in use of land which results in an overall increase in port related land uses (see Table X in previous section). Furthermore, although the Institutional acreage in Planning Area 1 is increasing, the overall acreage for Institutional use in the port is being reduced from an existing total 115 acres to 92 acres (see table below) and Liquid Bulk, which is the land use that is being replaced, will increase overall in the port from 119 acres to 168 acres.

The land use changes continue to provide highest priority to the use of existing land space within harbor for Port purposes, such as, container terminals, areas for Liquid and Break and Dry Bulk facilities, and Maritime Support. The proposed land use changes will be consistent with the land uses currently allowed within the port, and the increase in Institutional use within Planning Area 1, with an overall reduction in Institutional uses, is consistent with Section 30708(c).

The proposed Plan will also allow the creation of an additional 40 acres of land through the filling of coastal waters. The new land use designation for the 22 acres of total landfills in Planning Area 2 are minor additions to the existing container facilities as a whole, but will allow the existing terminal to become more efficient through better use of space. The land use designation and 18 acres of landfill at Berth 301 in Planning Area 3 would allow improvements to the wharf and provide additional container backland area to increase shipping facilities and provide areas for necessary support. The Commission, therefore, finds that the proposed landfills, for the accommodation of commerce and vessels to be served by port facilities, is for port-related facilities and is allowable under Section 30705 and 30708(c).

b. Project Need

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 three new proposed landfill projects is to create needed area for container facilities and to improve the efficiency of the existing port facilities.

The Port has previously indicated that the Port of Los Angeles handled 4.99 million TEUs (twenty-foot equivalent units) in fiscal year 2002, an increase of 137 percent from fiscal year 1990. Forecasts project that the port will continue to experience significant growth as overall trade with Asia grows, primarily due to trade with China, and the port's rail operations enter a new phase with the completion of the Alameda Corridor Transportation Project. According to current Port forecasts, by the year 2030, cargo throughput at the San Pedro Bay ports is estimated to exceed 17

million TEUs, more than tripling current cargo flows (see proposed amendment, Chapter 4, Demand for Cargo Handling Facilities).

For the Port to accommodate this increasing flow of international cargo, additional cargo handling facilities are necessary. Additional cargo handling capacity is typically created through expansion of existing facilities or construction of new facilities on available land or new landfill sites. Where possible, the Port has acquired private land areas within the Harbor District and surrounding area to accommodate the construction of new facilities on existing land area. Without a major landfill, the Port is attempting to increase the operating efficiencies within the Port by reuse of existing parcels of land and minor landfills. In addition, the Port has administered a policy of consolidating ancillary uses and oil operations located throughout the Harbor District to allow expansion of existing marine terminals. The Port has also been constructing on-dock and near-dock rail yards and other rail related infrastructure improvements to limit congestion and improve the movement of cargo through the terminals and the Port. As available land areas within the San Pedro Harbor District are developed for marine cargo terminal purposes, landfill projects, such as those that would be allowed by this amendment, will postpone the need for future major landfill expansion projects within the Port or other areas of the State.

The proposed landfills are the minimum necessary to expand the existing terminals and increase operating efficiencies within the existing port. The Commission, therefore, finds, that the three proposed landfills will be the minimum necessary in order to achieve the purpose of the project, will provide additional area for a high priority port use and will be consistent with Section 30701(a) and (b) and 30706(a) of the Coastal Act.

c. Public Access and Recreation

Coastal Act Sections Section 30211 and 30212 requires and protects public access except where it is inconsistent with public safety. Because of the heavy industrial nature of the port and the safety concerns it raises, public access to and along the water is limited except for a few areas, such as in Cabrillo Beach, Ports O' Call In Planning Area 1 and the Wilmington area. The proposed amendment does not change these public access and recreational areas, however, the amendment does provide a new Public Access section under Chapter 5--Planning Areas and Development, that discusses various public access improvements that the Port has undertaken over the years, such as, waterfront promenade, bike paths, California Coastal Trail, and alternative visitor transportation.

Although the Port does not have, nor is proposing at this time, implementing policies that would ensure that such public access improvements are incorporated into future projects, existing and proposed land uses, such as visitor-serving commercial, recreational boating, and open space, provide areas and allow these public access improvements.

Bicycle Access

One major issue that was not covered under the amendment is providing bicycle access through the port to connect to the City's and Regional bicycle routes and connections with the community of San Pedro and City of Long Beach, which would include a bicycle route across the Vincent Thomas

Bridge. This is a significant public access issue. Although there are major safety issues throughout the port that would preclude safe bicycle access, there are locations that could be designed to accommodate bike routes to improve public access through the port. However, the Port's main focus with the proposed amendment was on consolidating and cleaning up the PMP and subsequent amendments, therefore, bicycle access was not addressed at this time. In discussions with the Port, the Port agreed on the importance of bicycle access and has indicated that this issue would be addressed in the near future through a subsequent amendment.

Furthermore, the proposed land use changes in the proposed plan amendment do not adversely impact any existing public access or open space recreational areas. In fact, under the plan amendment open space will increase from 92 acres to a total of 231 acres, and as part of the certified plan, the visitor-serving Ports O' Call will be redeveloped and the a Wilmington Waterfront project is proposed to improve public access and recreation. Therefore, the land use changes proposed are consistent with the relevant access policies of the Coastal Act.

Boating

Section 30220 require the protection of recreational and lower cost visitor and recreational facilities and Section 30224 states in part that increased recreational boating use of coastal waters shall be encouraged. Under the proposed amendment, the land use designation for the Al Larson Marina (Berth 256-257) would be changed from Recreational Boating to Maritime Support due to land use conflicts with surrounding uses. Located in Fish Harbor (Planning Area 4), the Al Larson Marina is located adjacent to commercial fishing and shipyard repair uses, which, according to the Port, are not preferable adjacent land uses with a visitor serving facility such as a recreational marina. The new designation of Maritime Support would be compatible with the predominant land use pattern for area.

The proposed change would result in the loss of 145 slips, with 106 slips in the 35 feet and under category. In past coastal development permit action, the Commission has heard testimony contending that reductions in the availability of slips that accommodate smaller boats reduces this option for those who want to own boats and use them but cannot afford a larger more expensive boat or even a larger slip. Cumulatively, reducing the number of small slips in existing marinas or not providing small slips in new marinas would not be consistent with Coastal Act provisions that encourage lower cost facilities and support of recreational boating opportunities.

According to the Port, the port provides a total of 13 marinas containing 3,685 recreational boat slips. There are seven marinas located in Wilmington, five in San Pedro and one on Terminal Island. Historically, there has been a 10% vacancy rate among Port marinas which would sufficiently cover the loss of the Al Larson Marina. Based on a survey conducted by the Port in September 2013, there is currently a 21% vacancy rate. The increased vacancy rate is due to the completed construction of Phase 2 for the Cabrillo Way Marina (Amendment no. 23) which provided an additional 145 new slips. The survey found that there are a total of 784 vacant slips (and 375 dry storage slips) at Port facilities (see chart below). This vacancy more than adequately provides substitute space for the 128 slips and 17 anchor ties located at the Al Larson Marina. Slips sized 35 feet or less are also

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sufficiently covered, as there are 375 small slips available to accommodate the loss of 106 small slips at the Al Larson Marina.

Substitute Slips		
SIZE	Al Larson	Vacant Slips
20 and under	0	1
21-25	6	79
26-30	45	224
31-35	55	71
36-40	6	92
41 and over	16	304
End/Side/Anchor	17	13
Dry Storage	0	375
Slips 35 and under	128*	375*
Total Slips	145*	784*

*Not including Dry Storage

Therefore, the Port's existing marinas and dry storage provide adequate substitute space for the loss of the 145 space Al Larson Marina, and, as proposed, based on the information provided by the Port, the amendment will be consistent with Chapter 3 Sections 30213, 30224, 30234 and Chapter 8 Section 30703 of the Coastal Act.

d. Commercial Fishing

Sections 30234, 30234.5 and 30703 of the Coastal Act protect commercial fishing and state that ports shall not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate alternative space has been provided.

The subject amendment proposes to reduce the size of the planning area encompassing Fish Harbor and consolidate existing commercial fishing uses to maximize the utility of port lands. Planning Area 8 is currently bounded by Terminal Way to the north and Earle Street to the east. The area, now identified as Planning Area 4 in the proposed amendment, would move the northern boundary one block south to Cannery Street, and the eastern boundary would be moved one block west of Barracuda Street. Additionally, Berth 240 would be added into Planning Area 4 and be designated for Maritime Support and Breakbulk uses. In total, the planning area surrounding Fish Harbor would be reduced from 134 acres to 92 acres in the proposed amendment.

According to the Port, the port is home to a stable commercial fishing industry. Historically, commercial fishing had a very large presence at the Port, but the offshoring of many major canneries to American Samoa in the 1980's and the pressures of overfishing both took their toll on the industry. California commercial fish landings have been relatively stable over the last decade. Given the lack of growth in this industry, it does not seem likely that there will be additional demand for commercial fishing facilities at the Port over the next few decades.

Under the certified plan, commercial fishing uses are prioritized and primarily located in Planning Area 8 on Terminal Island, which includes Fish Harbor and 134 acres of land area surrounding it. In 1980, 67 acres (or 50% of the total) were occupied by commercial fishing facilities. At present, much of the land in Planning Area 8 is vacant or occupied by other uses, including general cargo, fueling, ship repair, institutional and other maritime support uses. Currently, only 9 acres of Planning Area 8 are being used for commercial fishing and fish processing.

According to the Port, the new planning area will be sufficient to accommodate all existing Commercial Fishing tenants and provide for future growth. Under the new Planning Area 4, 48 acres are allocated for potential commercial fishing use; this is 5.3 times more acreage than is currently being used for this purpose. Berthing lengths allocated for commercial fishing would not change under the Plan amendment, and will remain at 4,670 linear feet.

Although the proposed amendment would reduce the area for commercial fishing by 19 acres from 67 acres to 48 acres, it is evident that the demand for commercial fishing facilities has significantly declined over the last 30 years. The acreage provided for commercial fishing under the proposed amendment is sufficient to meet the current demand for the use and, as stated by the Port, the Plan provides additional area if the demand increases in the future to warrant the provision of additional area devoted to this use. Therefore, the Commission finds that proposed Plan amendment will be consistent with Section 30234, 30234.5 and 30703 of the Coastal Act.

e. Environmentally Sensitive Habitat

The proposed changes in the Plan, including the land use changes, will not have a significant impact on environmentally sensitive resources. However, there are three new landfills that are proposed in the Plan amendment that could have significant environmental impacts. The landfills were specifically addressed in the Port of Los Angeles Master Plan Update, Final Environmental Impact Report, dated July 2013, which included biological studies that addressed the potential impact the landfills would have on the environment. Those documents are incorporated by reference into this report. The Fill at Berths 120-121 (6 acres) and Berths 102 (16 acres) will be designated for container activities and as proposed are not appealable projects, therefore, the standard of review is the Chapter 8 policies of the Coastal Act. The 18 acre landfill at Berth 300 will be designated for container or Liquid bulk, and Liquid Bulk is an appealable project, therefore, for this landfill the standard of review is the Chapter 3 policies of the Coastal Act. The following section addresses the impacts associated with the landfill projects.

Bird Impacts

According to the EIR no adverse effects on endangered California least terns would be expected from temporary in-water and land-based construction activities associated with the China Shipping Fill or Yang Ming Terminal Redevelopment projects in the West Basin or Berths 187-189 in the East Basin. The California least tern designated nesting site on Pier 400 is located more than 3 miles from the areas where in-water construction would occur, and the construction areas are not important foraging areas for the terns. In-water construction impacts would not substantially affect

foraging habitat used by other special status fish-eating birds (e.g., brown pelican, black skimmer) because the construction areas represent a very small proportion of the total available foraging area. USACE permits and RWQCB 401 certifications or waste discharge requirements (WDRs) would limit the extent of turbidity effects that could reduce the quality of foraging habitat. In addition, fish-eating birds forage broadly in the Outer Harbor (MEC 2002; SAIC 2010), which would not be affected by the construction activities.

Because of the closer proximity of Pier 300 to the California least tern nesting area, construction noise and activities could disturb the birds, if construction is scheduled during the nesting season (April 15 to September 15). To avoid this impact, the Port will limit construction to outside of the nesting season.

The EIR further found that there will be no adverse effects on peregrine falcons, burrowing owls or other special status bird species because construction or demolition activities would be approximately 0.5 mile or greater from potential nest sites at the Vincent Thomas or Schuyler F. Heim bridges. Peregrine falcons and loggerhead shrike prey on other birds (e.g., rock pigeons, starlings), which may be disturbed away from the work areas during construction. This temporary disturbance of potential foraging area would not adversely affect peregrine falcons or loggerhead shrike, which forage over several miles throughout the port complex.

Marine Impacts

The proposed fill would permanently cover approximately 40 acres of existing rocky and soft-bottom marine substrate. 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.

The 40 acre total landfill for the three projects will result in a net loss of approximately 37 acres of “inner-harbor” marine habitat (the redevelopment project at the Yang Ming Terminal will create 3 acres of water area, therefore, the net loss is 37 acres). According to the Port, the loss of 37 acres of marine habitat would be unavoidable since the projects are infeasible without the landfill. To compensate for the loss of marine resources due to the landfills, the Port intends to apply mitigation credits from the Harbor Landfill Mitigation Credit Account approved by the Coastal Commission which created a total of 267 acres of landfill mitigation credits to be used for future landfill projects.

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 37 acres will require 18.5 acres of the available Bolsa Chica mitigation credits based on the “inner-harbor” mitigation ratio of 1:2. 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 concurs with the EIR's findings, and finds that the proposed landfill will be consistent with Section 30705(b)(c), 30706(b) and the relevant Chapter 3 policies of the Coastal Act.

f. Water Quality

The associated Final EIR documented the existing water quality conditions in the Port of Los Angeles, and examined the potential project impacts and proposed mitigation measures.

Water quality would be affected during fill 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 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.

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

- 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 Plan amendment will generate only minor, short-term effects on water quality and marine resources in the Port of Los Angeles and concurs with the findings made in the EIR. 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, 30708 and the relevant Chapter 3 policies of the Coastal Act.

g. 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.

As stated, 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". Only one of the three proposed landfills include a land use that would allow liquid cargo (Berth 300). According to the EIR, the development of a liquid cargo terminal in this location will not have a hazard footprint overlapping any vulnerable resources. 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.

2. Changes to the PMP that do not raise significant coastal issues

a. Introduction. The Introduction chapter under the proposed amendment provides a general description of the Port, authorizing State legislation, and general Coastal Act policy requirement (which are more fully listed in Chapter 7 of the proposed amendment). The objectives listed in the Objective section under the certified plan have been revised and moved under the Introduction chapter of the new plan. Under the proposed amendment the major objectives (Subsection 1.3) remain the same but have been modified by streamlining the objectives to be more concise than in the certified plan. As such, the chapter conforms to the relevant policies of the Coastal Act.

b. Development Goals. Under this new chapter, the proposed amendment lists five goals to help guide the future development and expansion of the Port. The goals are general in nature to allow the port flexibility to respond to tenant needs and national and international economic trends. The proposed changes to the goals and objectives are minor changes to the previously listed goals and objectives in the certified plan and continue to conform to the relevant policies of the Coastal Act.

c. Background. The background chapter was a subsection of the Introduction chapter of the certified plan and addressed hazardous materials, risk assessment and implementation. Under the proposed amendment these topics are included under the Risk Management Plan (Chapter 8). The Background chapter under the proposed amendment provides a general description of the certified Port Master Plan and approval process and is consistent with the relevant policies of the Coastal Act.

d. Habitat Mitigation Bank. The proposed amendment does not change the mitigation bank program that were certified by the Commission and incorporated into the PMP. The proposed amendment includes a summary of the Port's mitigation land fill banking program under Chapter 5 Planning Areas and Development, to ensure developers/tenants within the port are aware of the certified mitigation program. Since there are no changes to the program and the program will continue to remain part of the certified PMP, the Commission finds that the proposed summary section describing the certified mitigation landfill banking program conforms with the port development policies of Chapter 8 of the Coastal Act.

e. Summary of Final Program Environmental Impact Report. This section of the original plan included a summary of the Environmental Impact Report (Port of Los Angeles Master Plan Update, Final Environmental Impact Report, dated July 2013,) to provide a general overview of the port's environmental setting, and the adverse and beneficial environmental impacts of the Plan. The Summary has been rewritten to reflect the Final PEIR that was prepared for the proposed amendment. The Commission finds that the EIR is adequate in addressing all environmental impacts associated with the proposed Plan amendment. As such, the chapter conforms to the relevant policies of the Coastal Act.

f. Risk Management. As stated earlier, the Port's RMP contains rigorous policies to prevent or minimize risks associated with hazardous cargo transportation, storage, and handling in the Port. Siting is the main method of controlling risks, and the RMP precludes the siting of new hazardous liquid bulk facilities and modifications to existing facilities near vulnerable resources that could be impacted. The RMP also precludes vulnerable resources from being sited near existing hazardous liquid bulk facilities. Vulnerable resources include substantial residential, recreational, or visitor populations, as well as high-density working populations and critical impact facilities or facilities that are considered of major economic importance.

The proposed amendment modifies the RMP to simplify the background text but keeps the policies and implementation procedures. The proposed plan amendment will revise the methodology for performing risk analyses using computer modeling with the criteria set forth in the certified plan, and include establishing a more conservative threshold for defining a blast overpressure hazard footprint and utilize Emergency Response Planning Guidelines (ERPGs) which have been developed by the National Oceanic and Atmospheric Administration (NOAA) and widely accepted by industries and governmental agencies for establishing toxic vapor hazards.

Therefore, the Commission finds that the proposed amendment will be consistent with the Port's RMP and will minimize substantial adverse environmental impacts consistent with Section 30708 of the Coastal Act.

F. 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.

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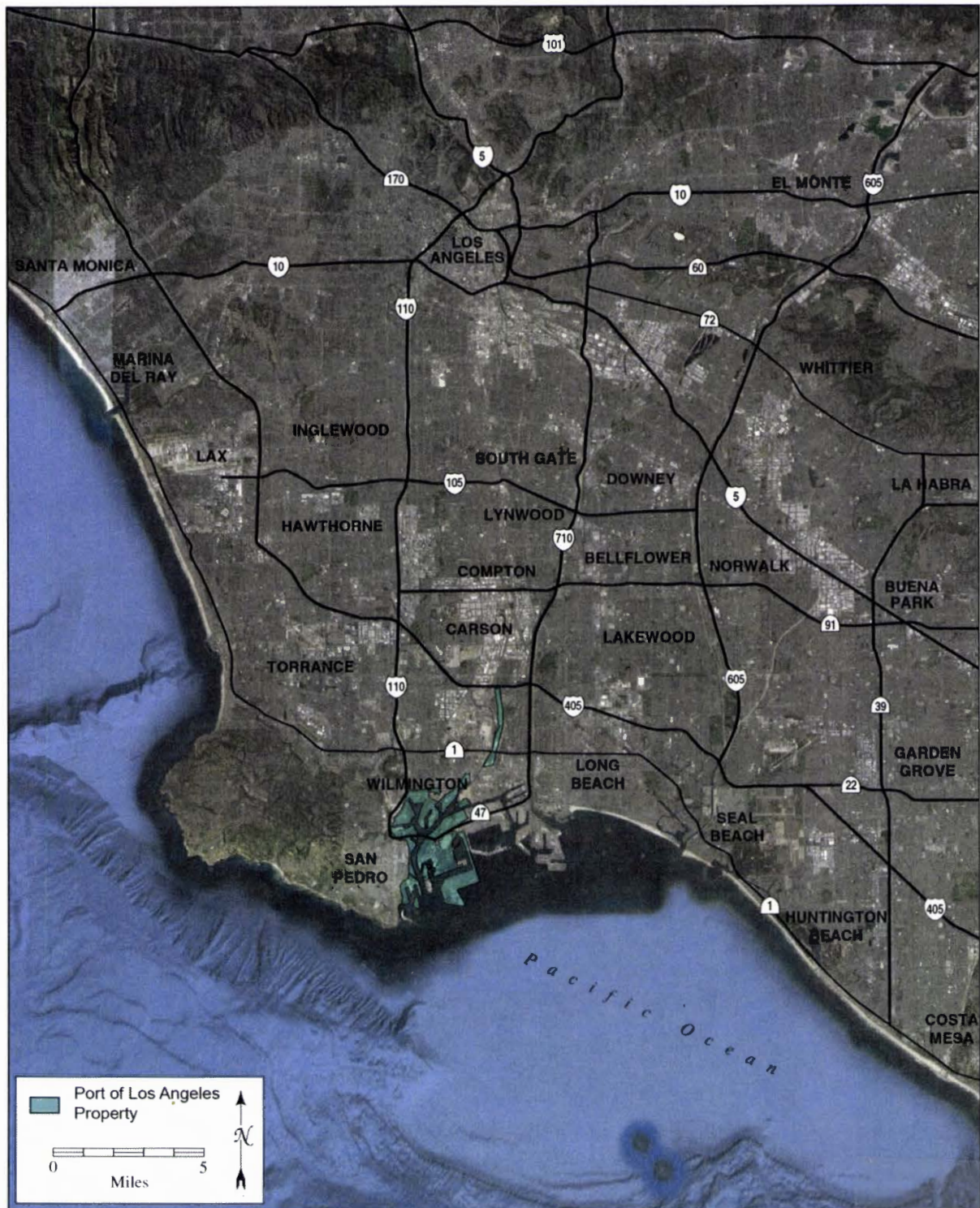


Figure 1.3-1. Regional Location

EXHIBIT NO. 1

APPLICATION NO.

PMPA #28

Regional Map

California Coastal Commission



Figure 1.3-2. Existing PMP Planning Areas

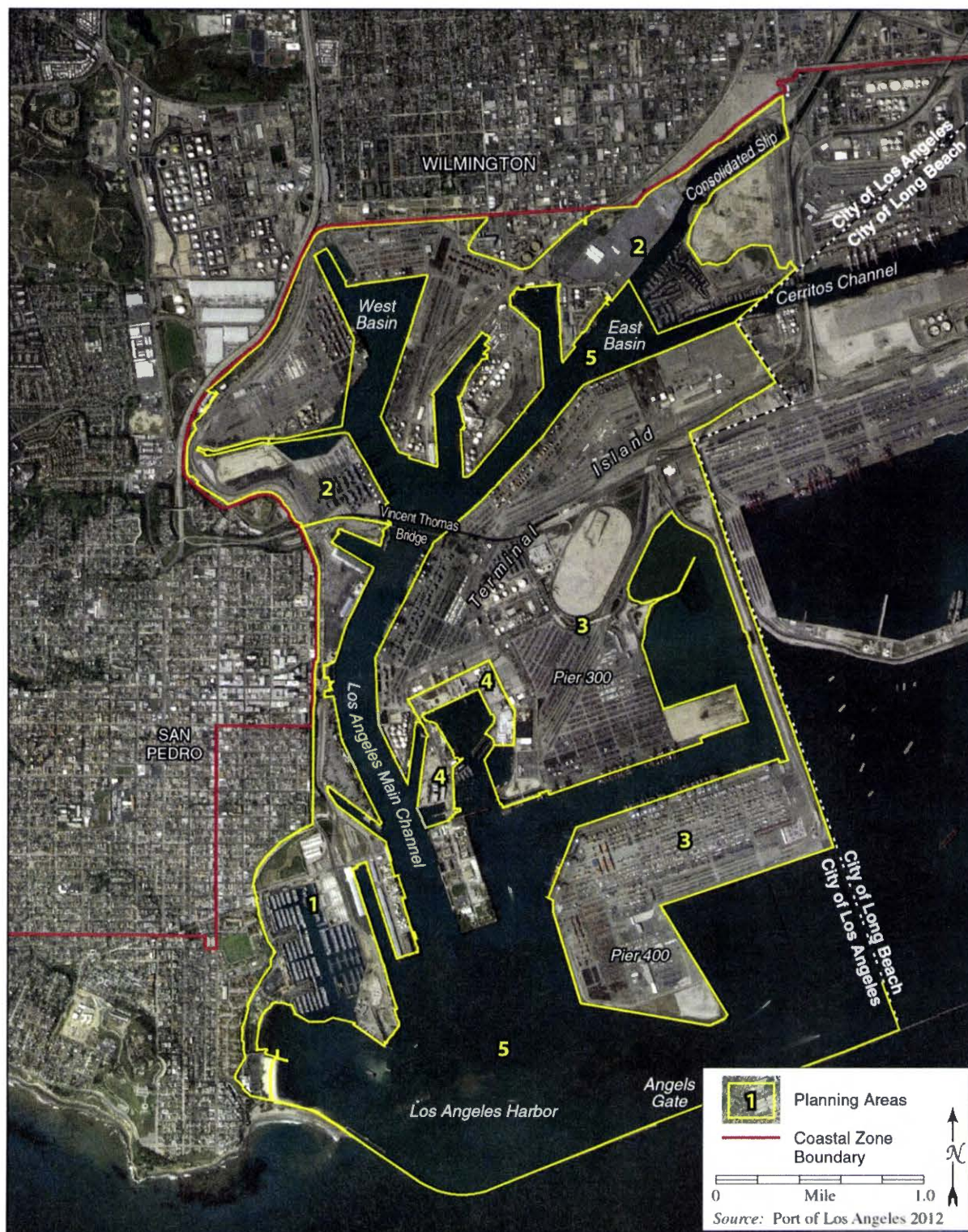


Figure 1.5-1. Proposed PMPU Planning Areas

EXHIBIT NO. 3

APPLICATION NO.

PMPA #28

Proposed
Planning Areas

California Coastal Commission

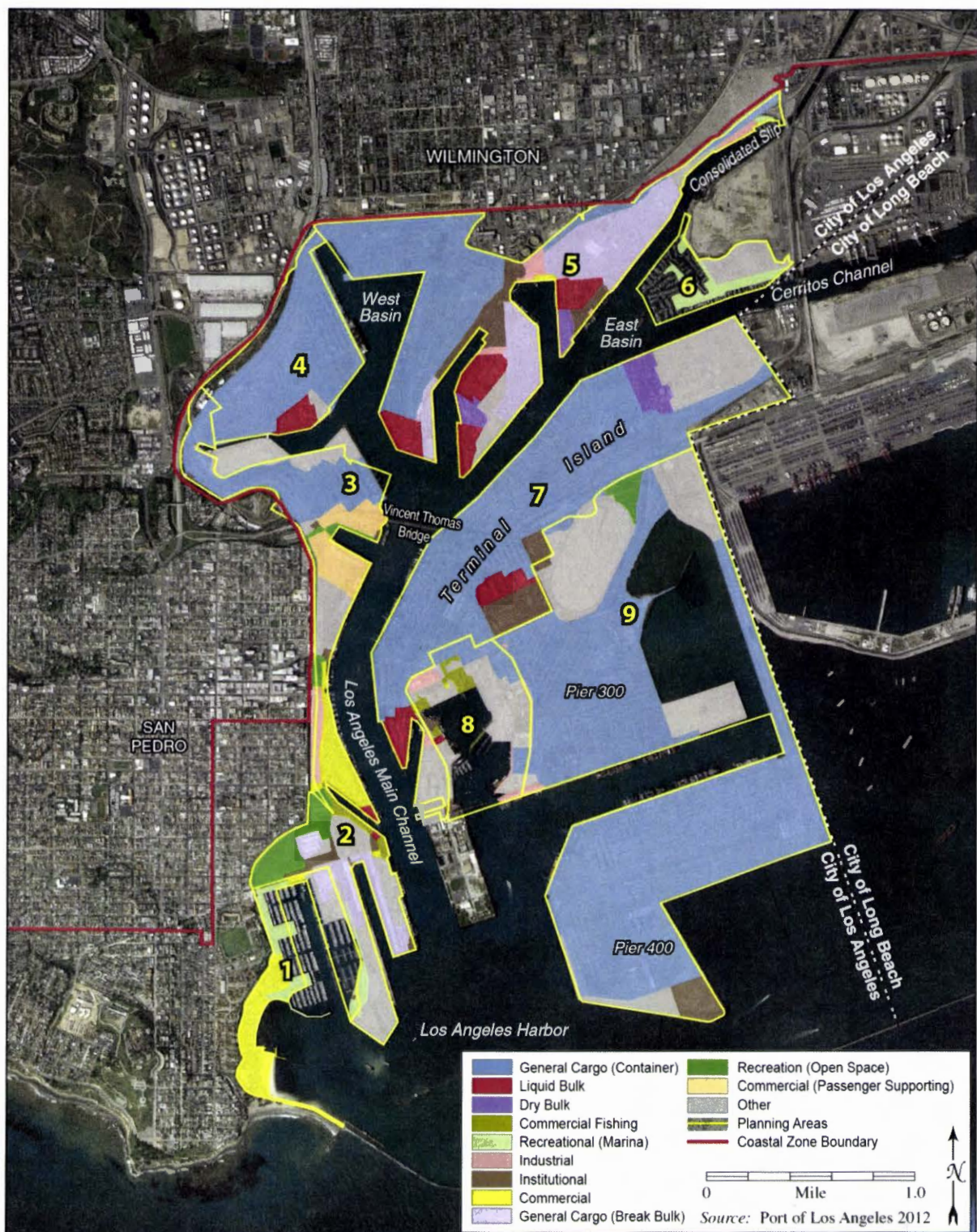


Figure 1.3-3. Existing Land Uses (2011)

EXHIBIT NO. 4

APPLICATION NO.

PMPA #28

Existing Land Uses



California Coastal Commission

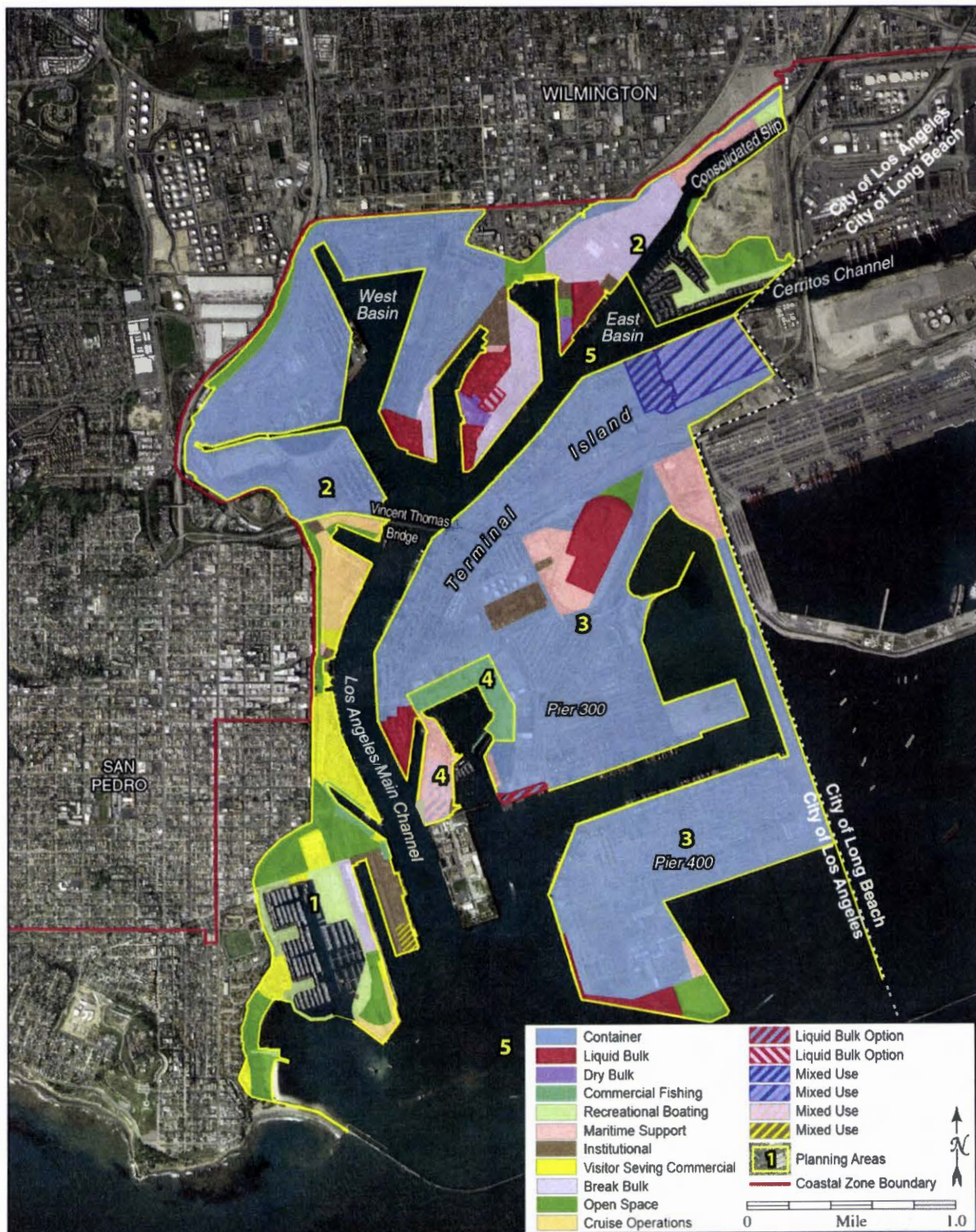


Figure 1.5-2. Proposed PMPU Land Use Designations

Figure 3. Pedestrian Pathways

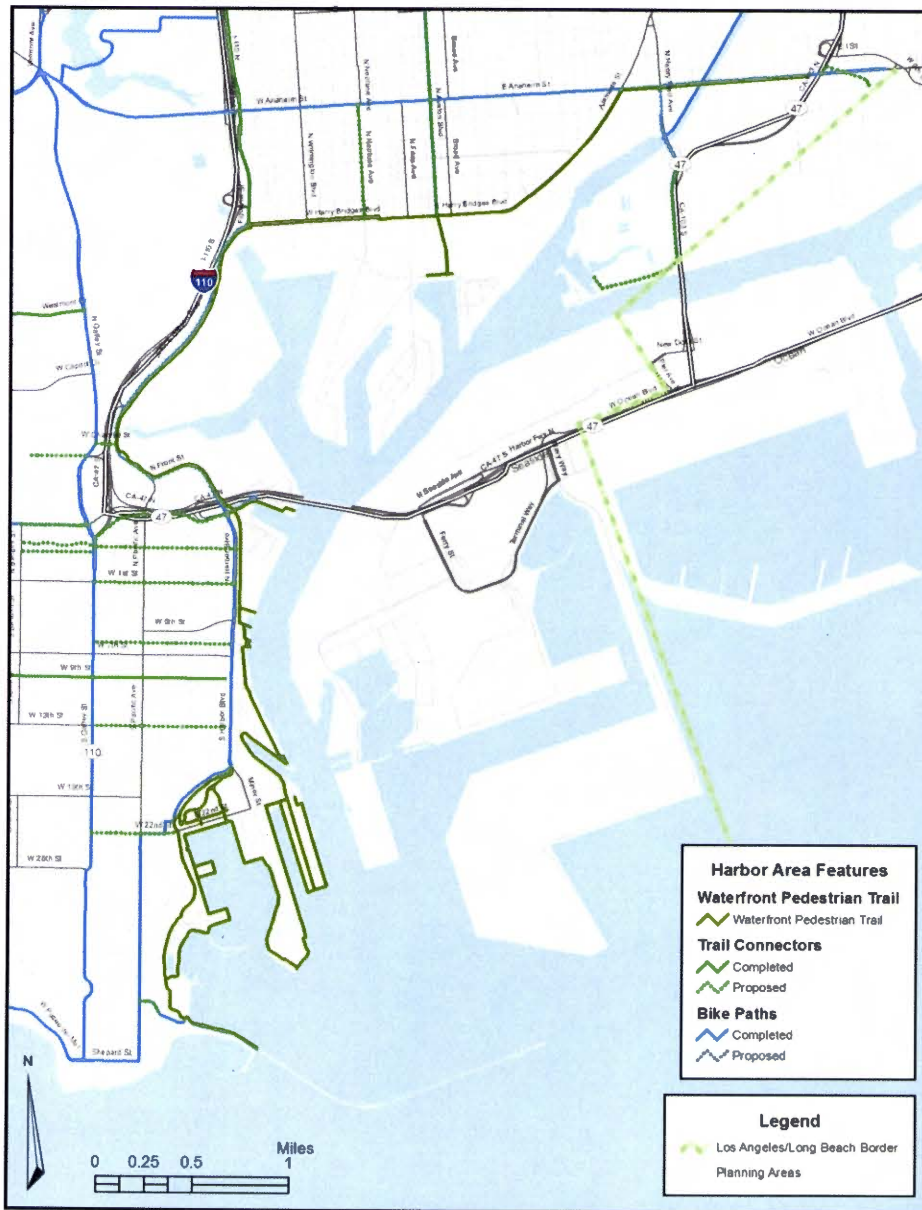



EXHIBIT NO. 6
APPLICATION NO. <i>PMIPA #28</i>
<i>Pedestrian Pathways</i>
California Coastal Commission

Figure 4. California Coastal Trail



Author: John Evans | SAIC | Date: 5/22/2013

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EXHIBIT NO. 7
APPLICATION NO. <i>DMPA #28</i>
<i>California Coastal Trail</i>
 California Coastal Commission