

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Th13a

March 29, 2018

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: John Ainsworth, Executive Director
Steve Hudson, Deputy Director
Dani Ziff, Coastal Program Analyst

SUBJECT: Staff Recommendation on Port of Los Angeles Port Master Plan Amendment No. 29 [Port Master Plan update adds Maritime Support land use designations to two areas designated Visitor-Serving Commercial, Berths 73A and 51, and one area designated Institutional, Canetti's Building, in Planning Area 1]. For Commission consideration at meeting of April 12, 2018.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends the Commission certify the Port of Los Angeles Master Plan Amendment No. 29, which would allow: the addition of Maritime Support land use designations to two areas designated as Visitor-Serving Commercial (Berths 73A and 51) and one area designated as Institutional (Canetti's Building) in Planning Area 1. The staff recommends that the Commission find that the proposed amendment conforms with and carries out the policies Chapter 8 of the Coastal Act.

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EXHIBITS

- Exhibit 1—Regional Map
- Exhibit 2—Subject Sites
- Exhibit 3—Land Use Maps
- Exhibit 4—Waterfront Promenade

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 June 2017.

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 December 29, 2017. Within 90 days (March 29, 2018) 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 March 29, 2018. 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 March 12, 2018, 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 conform with and carry out the policies of Chapter 8 of the Coastal Act.
2. Where the amendment provides for development listed as appealable in Section 30715, such development is in conformity with all the policies of Chapter 3 of the Act.

The proposed amendment provides for adding the land use designation of Maritime Support to two areas designated Visitor-Serving Commercial (Berths 73A and 51) and one area designated Institutional (Canetti's Building at 309 E. 22nd Street, San Pedro).

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

II. MOTION AND RESOLUTION

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. 29.*

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

III. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

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

The Commission certified the Port of Los Angeles Port Master Plan on March 19, 1980 and April 15, 1980. The Commission has approved twenty-one amendments. Another six amendments were initiated and then withdrawn. Generally, previous amendments to the Port Master Plan (PMP) were project-driven to allow development of specific projects that would allow new landfills and add land use designations. The subject PMP amendment request follows this model. Other amendments included approval of the Risk Management Plan, Implementation Guidelines, and the establishment of a mitigation banking program for port fill projects. The most recent amendment, Amendment No. 28, consolidated the PMP and included three minor fill projects; land use changes; 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. Prior to the approval of PMP Amendment No. 28, the certified plan allowed multiple land uses on single sites. The number of land uses was consolidated within each planning area under Amendment No. 28 and specified a single land use for most sites ([Exhibit 3a](#)). The proposed amendment would allow

multiple land uses in three areas cumulatively encompassing an area of approximately 4.9 acres ([Exhibit 3b](#)).

On September 29, 2009, the Board of Harbor Commissioners certified the San Pedro Waterfront Environmental Impact Report (EIR)/Statement (EIS). An addendum to the certified EIR/EIS for the relocation of the Jankovich Company was submitted to the Board of Harbor Commissioners on August 17, 2017. The proposed action was determined to be categorically exempt from California Environmental Quality Act (CEQA) requirements because no new significant environmental effects or a substantial increase in the severity of previously identified significant effects were found.

A public hearing was held on the Port Master Plan Amendment (PMPA) during the Board of Harbor Commissioners' monthly meeting on December 14, 2017 where four community members provided comment. These comments centered on concerns for loss of recreational area. One speaker also raised concern about the existing and proposed continuation of the storage and dispersal of hazardous materials. No written comments were received.

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 PMPA submittal and associated materials for the Commission to make a determination of the proposed amendment's consistency with Chapter 8 policies of the Coastal Act.

C. Appealable Development.

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

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

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

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

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

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

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

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

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

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

(5) Oil refineries.

(6) Petrochemical production plants....

The port's plan amendment does not provide for development listed as appealable in Section 30715(a). The Jankovich Company's marine fueling facilities, which are proposed to be relocated to Berths 71A and 54, provide gasoline (not liquefied gas or crude oil) to the users of the Port, but they do not store, transmit, or process liquefied gas or crude oil. The office building at 309 East 22nd Street is proposed to be renovated and devoted to marine fueling operations serving vessels within the Port of Los Angeles—a use principally devoted to the administration of activities within the Port. Therefore, the development is non-appealable and the standard of review under the Coastal Act for the proposed amendment is Chapter 8.

D. Summary of Proposed Plan Amendment.

The purpose of Port of Los Angeles Port Master Plan Amendment No. 29 is to amend the Port's certified PMP to add Maritime Support land use designations to two areas designated Visitor-Serving Commercial (Berths 73A and 51) and one area designated Institutional (Canetti's building) in Planning Area 1 (San Pedro). These three areas cover approximately 1.1, 1.4, and 2.4 acres, respectively. Once the amendment has been approved by the Commission, any future development in these areas, including the Jankovich Company relocation project associated with the proposed amendment, would require a coastal development permit (CDP) from the Port of Los Angeles.

Planning Area 1 encompasses 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 ([Exhibit 3](#)). Planning Area 1 primarily includes land uses focused on public access to the waterfront, but also has limited cargo operations, fueling services, and commercial fishing activities.

The proposed amendment would allow for the relocation of the Jankovich Company (Jankovich), a company which ran public marine fuel operations out of Berth 74, to Canetti's building at 309 East 22nd Street, Berth 73A, and Berth 51 ([Exhibit 2](#)). A portion of Berth 73A was owned and operated by Mike's Main Channel Marine (Mike's), the only other vessel fueling company in the Port. As proposed, Jankovich would be decommissioned from Berth 74 and enter into a lease to take over Mike's fueling station at Berth 73A. The land use for Berth 73A was changed from Liquid Bulk to Visitor-Serving Commercial under Port Master Plan Amendment No. 28 (PMPA No. 28). Mike's fueling station, however, was allowed to continue operations. Thus, as a new tenant, Jankovich requires the proposed amendment to continue operations at Berth 73A and renovate Mike's facilities. In so doing, Jankovich would become the only public fuel vendor in the Port of Los Angeles.

The portion of Berth 73A not owned by Mike's would be used for the storage of a contained 8,000-gallon gasoline storage tank. Two floating fuel docks and an oil spill response vessel float, supported by four piles each, are proposed to be installed at Berth 73A. Berth 51 is used for barge berthing and is also designated Visitor-Serving Commercial through PMPA No. 28. A fuel truck turning area with traffic bollards and security fencing would be added to Berth 51. Additionally, new metal fender elements would be attached to the wharf face to prevent barges from drifting under the wharf at low tide. Canetti's building, a currently vacant historical building most recently used as a restaurant and office complex, was designated Institutional through PMPA No. 28. This historic building—once the United States Immigration Station—is eligible for listing for the national and state registers of historic places and as a City of Los Angeles Historic-Cultural Monument. With the proposed relocation of the Jankovich facilities, Canetti's building would be renovated to support administrative offices and warehouse space that would directly support the administration activities within the Port.

The Jankovich Company's facilities would be decommissioned at Berth 74 which is an approximately 1.5-acre area. Also designated Visitor-Serving Commercial, Berth 74 would be

incorporated into the design and development of the proposed San Pedro Public Market that would transform the Ports O' Call area into a public park, market, and education center including a waterfront promenade that would provide approximately 29,000 feet (5.5 miles) of continuous waterfront access from Ports O' Call to the S.S. Lane Victory Museum and Cabrillo Beach ([Exhibit 4](#)). This project has not yet received a CDP from the Port of Los Angeles.

In order for the Jankovich relocation project to be consistent with the PMP, Maritime Support would need to be added as a land use to the three areas described above. Thus, the Port of Los Angeles has proposed PMPA No. 29.

E. Conformance with the Coastal Act.

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

1. Allowable Development

Section 30705 of the Coastal Act states, in part:

- (a) *Water areas may be diked, filled, or dredged when consistent with a certified port master plan only for the following:*
 - ...
 - 1. *New or expanded facilities or waterfront land for port-related facilities*
 - ...

Section 30706 of the Coastal Act states:

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

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

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(d) The fill is consistent with navigational safety.

Section 30708 states:

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

(a) Minimize substantial adverse environmental impacts.

(b) Minimize potential traffic conflicts between vessels.

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

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

(e) Encourage rail service to port areas and multicompany use of facilities.

The relocation of the Jankovich facilities would allow for the continued existence of a marine fueling station which provides necessary support for port purposes. 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 Jankovich Company would be the only marine fueling operation serving vessels in the Port of Los Angeles using, in part, existing marine fueling facilities at Berth 73A. The proposed amendment would add Maritime Support, a port-related use, to Visitor-Serving Commercial and Institutional uses. Thus, the land use changes continue to provide highest priority to the use of existing land space within the harbor for port purposes, including Maritime Support. The proposed land use changes will be consistent with the land uses currently allowed within the port, and the addition of Maritime Support to Institutional and Visitor-Serving Commercial within Planning Area 1 is consistent with Section 30708(c).

Section 30705 states, in part, that water areas may be diked, filled, or dredged for port-related facilities. The proposed installation of twelve new pilings to support two floating fuel docks and a spill response vessel float at Berth 73A constitutes fill pursuant to Coastal Act Section 30108.2. However, with the decommissioning of the Jankovich's facilities at Berth 74, there is no net increase in the amount of fill within the Port as result of the proposed PMPA No. 29 (discussed in more detail in Section 4, below). The facilities supported by these pilings would extend into the San Pedro Slip, but they would not protrude into the Main Channel (past the SP Slip) and, thus, would not hinder vessel traffic or threaten navigational safety along the Main Channel consistent with Section 30706(d). The fuel docks and response vessel float are port-related facilities and would serve to meet the fueling needs of vessels in the Port of Los Angeles consistent with Sections 30705, 30706, and 30708 of the Coastal Act.

2. Project Need

Section 30701 of the Coastal Act states, in part:

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 30701(a) of the Coastal Act recognizes the local and national importance of ports. The proposed land use additions would allow for the relocation of the Jankovich Company which, in turn, would allow for the continued provision of fuel to vessels in the Port of Los Angeles without developing new facilities elsewhere in the Port. In addition, decommissioning the Jankovich facilities at Berth 74 would allow the Ports O' Call expansion project to use that Berth as part of a proposed continuous Visitor-Serving Commercial area intended to attract local residents, tourists, and members of the public to the Port. Therefore, PMPA No. 29 supports the construction of necessary facilities to support the Port of Los Angeles consistent with Section 30701(b).

3. Water Quality

Section 30705 of the Coastal Act states, in part:

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

(c) Dredging shall be planned, scheduled, and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation. Bottom sediments or sediment elutriate shall be analyzed for toxicants prior to dredging or mining, and where water quality standards are met, dredge spoils may be deposited in open coastal

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water sires designated to minimize potential adverse impacts on marine organisms, or confined in coastal waters designated as fill sites by the master plan where such spoil can be isolated and contained, or in fill basins on upland sites. Dredge material shall not be transported from coastal waters into estuarine or fresh water areas for disposal.

Section 30706 of the Coastal Act states, in part:

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

Section 30708 states, in part:

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

- (a) Minimize substantial adverse environmental impacts.*
- (d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible.*

PMPA No. 29 proposes land use changes that involve marine fueling operations. The impacts on water quality resulting from this change should be less than current conditions because the total number of marine fueling facilities would be decreasing from two to one—the Jankovich facilities at Berth 74 would be decommissioned and would replace Mike’s facilities at Berth 73A. Adherence to current water quality standards and emergency response regulations, including stormwater pollution and spill prevention plan requirements, would minimize potential impacts from spills, deposition of debris, or release of other hazardous materials into coastal waters.

The potential installation of larger metal fenders at Berth 51 would extend into the water during higher tides; however, according to the 2017 Addendum to the certified EIR/EIS, they would be adequate to allow water to flow, in turn, preventing stagnation. In addition, these structures would serve to protect barges from drifting under the wharf at low tide. The design of the fenders conforms with the Port’s engineering standards and marine construction requirements.

According to the 2017 addendum to the certified EIR/EIS, the decommissioning of the Jankovich facilities and relocation and renovation at the three subject sites would not expand any contaminated areas nor introduce or increase significant water quality impacts. The

enforcement of construction and demolition standards should minimize temporary impacts to water quality. For example, the demolition of the existing Jankovich facilities at Berth 74 would be subject to review by the Port for conformance with their Sustainable Construction Guidelines, which include measures to avoid adverse impacts to seawater and groundwater quality. Water quality in the Port must also meet the requirements of the Port's National Pollutant Discharge Elimination System Permit subject to oversight by the Regional Water Quality Control Board. In addition, mitigation measures in the certified EIR/EIS, including requirements to monitor and manage turbidity, would reduce impacts of in-water construction turbidity during the potential pile driving.

The minimization of impacts on water quality through the reduction of fueling stations, design of new structures, and implementation of construction best management practices is consistent with the water quality provisions of Sections 30705 and 30708 of the Coastal Act.

4. Biological and Marine Resources

Section 30705 of the Coastal Act states, in part:

- (b) The design and location of new or expanded facilities, shall, to the extent practicable, take advantage of existing water depths, water circulation, siltation patterns, and means available to reduce controllable sedimentation so as to diminish the need for future dredging.*
- (c) Dredging shall be planned, scheduled, and carried out to minimize disruption to fish and bird breeding and migrations, marine habitats, and water circulation. Bottom sediments or sediment elutriate shall be analyzed for toxicants prior to dredging or mining, and where water quality standards are met, dredge spoils may be deposited in open coastal water sites designated to minimize potential adverse impacts on marine organisms, or confined in 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 areas to be diked, filled or dredged, the commission shall balance and consider socioeconomic and environmental factors.*

Section 30706 of the Coastal Act states, in part:

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

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Section 30708 states, in part:

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

(a) Minimize substantial adverse environmental impacts.

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

The addendum to the San Pedro Waterfront Project EIR/EIS associated with the Jankovich relocation project stated that the proposed land use changes would not have a significant impact on environmentally sensitive resources. The relocation of the Jankovich Company would require driving twelve pilings into Inner Harbor soft bottom habitat. While this habitat type is not considered environmentally sensitive, mitigation measures to manage turbidity and minimize impacts to marine mammals would be in place under the certified EIR/EIS and addendum and would be incorporated into any future Port of Los Angeles coastal development permit. Pile driving also has the potential to adversely impact marine species, including marine mammals which are known to be sensitive to in-water acoustics. Thus, the EIR/EIS requires mitigation measures, including the use of sound abatement techniques, to minimize impacts to marine wildlife. Shading by the floating structures supported by the pilings was considered minor and would not adversely impact marine habitat. In addition, the floating facilities would be relocated from Berth 74 to Berth 73A which would not result in a net increase in bay coverage.

Similarly, there would be no net increase in the number of pilings associated with the Jankovich relocation project because the twelve pilings would be removed from the bay bottom at Berth 74 and new piles would be driven 46 feet into similar habitat approximately 500 feet away (across the SP Slip) at Berth 73A. These precast pilings are each 16 inches in diameter which is significantly smaller than the size of most pilings in the Port (24 inches in diameter). According to the Port, the proposed 16-inch piles are the smallest necessary to meet engineering standards. The number of proposed pilings is also substantially reduced from the installation of 46 piles at Berth 240 which was analyzed in the subject addendum to the 2009 EIR/EIS and subsequently eliminated from the Jankovich relocation project proposal. Therefore, with the subject alternative, there are less pilings and no net increase in fill which minimizes the water area to be filled and adverse environmental impacts. Thus, PMPA No. 29 is consistent with Sections 30605, 30706, and 30708.

The other structures that would extend into the water due to the relocation of the Jankovich Company, as proposed, would be the fenders at Berth 51. According to the 2017 addendum to the EIR/EIS, these would not be an impediment to wildlife movement or migration.

The potential above-water construction, including the rehabilitation of Canetti's building, installation of the fuel tank, and the addition of security fencing and bollards would occur in

an urban industrial setting with no designated natural habitat, plant communities, special aquatic communities, or wetlands. According to the EIR/EIS addendum, little vegetation is present in these areas and the vegetation that does exist would not be removed during construction. Nonetheless, work in these areas would be subject to construction best management practices and mitigation measures which, if appropriate, would require surveys for nesting bird habitat and avoidance of any habitat found to support nesting birds.

No federally or state listed critical habitat or species were found at the proposed sites of the land use changes. Adding Maritime Support to the proposed areas is not expected to have a significant adverse impact on environmentally sensitive resources. Therefore, the proposed amendment is consistent with Sections 30705, 30706, and 30708 of the Coastal Act.

5. Recreation

Section 30705 of the Coastal Act states, in part:

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

Section 30706 of the Coastal Act states, in part:

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

Section 30708 states, in part:

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

- (a) Minimize substantial adverse environmental impacts.*
- (d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible.*

Given 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 Ports O' Call in Planning Area 1. Berth 74, where the existing Jankovich facilities would be decommissioned, is an approximately 1.5-acre, waterfront area at the tip of the Ports O' Call area which is a continuous stretch of land designated Visitor-Serving Commercial. The combined area of Berth 73A and Berth 51, both designated Visitor-Serving Commercial, is approximately 2.5

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acres. As proposed in PMPA No. 29, Visitor-Serving Commercial land uses would still be allowed on these 2.5 acres and the approximately 2.4 acre Canetti's area. For at least the ten-year duration of Jankovich's lease, however, the use of these areas would be Maritime Support. Thus, by relocating the Jankovich facilities, the Port would have a net loss of approximately one acre of useable visitor-serving area for, at least, the duration of the Company's lease. Considering there is a total of 109 acres of Visitor-Serving Commercial area, the loss of one acre would not adversely impact the benefit of recreational resources and would be consistent with Sections 30706(b) and 30708(d).

During the construction of the floating docks and pilings associated with the proposed relocation of the Jankovich facilities, access to dock space at Berth 73A would be temporarily impeded; however, the area is not used by recreational boaters and, thus would not restrict public recreation. In addition, PMPA No. 29 does not change, modify, or otherwise alter any existing designated recreational boating uses. In fact, without the relocation of Jankovich, local recreational boaters would need to find fueling services outside of the Port because there would be no other maritime fuel facilities in the Port of Los Angeles.

One of the Port's objectives has been to create a continuous waterfront promenade to allow the public to access the water's edge and provide for enhanced visitor-serving commercial opportunities within Ports O' Call. This promenade would extend along the water's edge from North Harbor to Cabrillo Beach, a distance of approximately 5.5 miles. The use of Berth 51 by Jankovich would require the relocation of approximately 750 linear feet, of the approximately 29,000 foot-long bike and pedestrian promenade, inland ([Exhibit 4](#)). Nevertheless, the promenade would still encourage access to the waterfront and to maritime-related museums including the neighboring S.S. Lane Victory Museum. No CDP has been approved by the Port of Los Angeles for this project.

The historic Canetti's building had a restaurant called Canetti's Grotto which closed after 60 years in 2010. The building is currently vacant. With the relocation of the Jankovich administrative offices to this location, the building would be restored and would preserve the architectural details that are characteristic of the property for public enjoyment.

Thus, the proposed amendment would have no significant adverse impacts to public recreation and access to these sites. The proposed land use additions are consistent with Sections 30705, 30706, and 30708 of the Coastal Act.

6. Risk Management Plan

Section 30706 of the Coastal Act states:

(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.

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Section 30708 states, in part:

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

(a) Minimize substantial adverse environmental impacts.

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

According to the addendum to the certified EIR/EIS associated with this project, the sites subject to the proposed land use changes are exposed to the same seismic and coastal hazards as assessed in the certified EIR/EIS and would not introduce or increase potential impacts. Design and construction in accordance with applicable regulations would minimize damage in the event of seismic events, tsunamis, or storm surge. The proposed relocation of the Jankovich Company would be subject to review through the Port's CDP process and would be designed and constructed in accordance with current safety standards.

Sea level rise is an issue that would not only affect port development and the port's economy if not properly planned for, but would also impact public access and how access is planned for in the future. The issue of sea level rise is not yet covered in the certified Port Master Plan, but the City of Los Angeles Harbor Department is currently preparing a sea level rise adaptation plan (scheduled to be completed in Summer 2018) and the Port has agreed to address this issue and incorporate it into the PMP through another amendment in the near future. 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. Sea level rise is also being considered when reviewing and constructing port developments. The Port is taking a proactive role in planning for sea level rise and ensuring the incorporation of designs that account for sea level rise projections. According to the Port, there is no overtopping projected at the locations of the subject PMP amendment by 2050 with a two foot sea level rise scenario. In addition, the Jankovich relocation project, including the removal of the Jankovich facilities at Berth 74, must go through the Port's full CDP review process prior to development, so the Port will consider any sea level rise issues specific to the project at that time.

Therefore, the Commission finds that the proposed amendment will be consistent with the Port's Risk Management Plan and will minimize substantial adverse environmental impacts consistent with Sections 30706 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. On September 29, 2009, the Board of Harbor Commissioners certified the San Pedro Waterfront Environmental Impact Report (EIR)/Statement (EIS). An addendum to the certified EIR/EIS for the relocation of the Jankovich Company was submitted to the Board of Harbor Commissioners on August 17, 2017. The proposed action was determined to be categorically exempt [Article II, Section 2(i)] from CEQA requirements because no new significant environmental effects or a substantial increase in the severity of previously identified significant effects were found.

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.