

Appendix C

**California Coastal Act Consistency Analysis**

## TERMINAL ISLAND MARITIME SUPPORT FACILITY

### California Coastal Act Consistency Analysis

#### Introduction

The California Coastal Act (CCA) established the California Coastal Commission (CCC) and created a State and local government partnership to ensure that public concerns regarding coastal development are addressed. The CCC has regulatory jurisdiction over the coastal zone, which extends seaward to the State's outer limit of jurisdiction (three nautical miles), including offshore islands, and inland generally 1,000 yards from the mean high tide line of the sea. Most of the Port of Los Angeles (POLA) is located within the coastal zone.

To enforce the CCA, local governments in coastal areas are required to develop Local Coastal Programs (LCPs) as part of their general plans. LCPs serve as local governments' land use plans, zoning ordinances, zoning district maps, and identify specific requirements for development within the coastal zone. The CCA provides rules for California ports outlined in Chapter 8 (Sections 30700-30721). A Port Master Plan (PMP) carries out the provisions of Chapter 8 of the CCA. The CCC originally certified the Port of Los Angeles Master Plan (POLA PMP) in 1980. The PMP establishes policies and guidelines to direct the future development of the POLA. The POLA PMP is designed to better promote and safely accommodate foreign and domestic waterborne commerce, navigation, and fisheries in the national, state, and local public interests. The POLA PMP also provides for public recreation facilities and visitor serving areas to facilitate public access to the waterfront and better integrate the Port with the surrounding community, consistent with the State Tidelands Trust.

#### CCA Consistency Analysis

Chapter 8 of the CCA recognizes California ports, including POLA, as primary economic and coastal resources that are essential elements of the national maritime industry (Section 30701[a]). CCA Article 2 of Chapter 8 establishes policies governing port operations, including the protection of commercial fishing within port areas, diking, filling, and dredging, and tanker terminals (Section 30707). These policies are listed below, and their relationship to the Proposed Project are discussed.

#### Section 30702. Public Policy

The Proposed Project would develop a chassis support facility providing services such as chassis storage/support and wheeled empty container storage for marine terminals across the POLA. Section 30702 of the CCA states:

*...the policies of the state with respect to providing for port-related developments consistent with coastal protection in the port areas to which this chapter applies, which require no commission permit after certification of a port master plan and which, except as provided in Section 30715, are not appealable to the commission after certification of a master plan, are set forth in this chapter.*

The proposed improvements at the existing site are not among the appealable project categories in Section 30715 of Chapter 8 of the CCA (see discussion of Section 30715 that follows).

#### Section 30703. Protection of Commercial Fishing Harbor Space

Section 30703 of the CCA states that ports shall not eliminate or reduce existing commercial fishing harbor space, unless the demand for commercial fishing facilities no longer exists or adequate space has been provided. Proposed recreational boating facilities within port areas shall, to the extent feasible, be designed and located in such fashion as not to interfere with the needs of the commercial fishing industry.

The Proposed Project does not involve the elimination, reduction, or use of existing commercial fishing space or recreational boating facilities. Therefore, the Proposed Project is consistent with Section 30703 of the CCA.

### **Section 30705. Diking, Filling, or Dredging Water Areas**

Section 30705 states that diking, filling, and dredging may occur when consistent with the certified PMP for a variety of purposes including the construction and modification of facilities required for the safety and accommodation of the vessels served by the port, the construction and modification of commercial fishing and recreational boating facilities, public service purposes involving utilities, mineral extraction, and nature study.

The Proposed Project does not involve the diking, filling, or dredging of water areas. As such, the Proposed Project would be consistent with Section 30705.

### **Section 30706. Fill**

Section 30706 contains four conditions that govern fill:

- (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.*

The Proposed Project does not involve the fill of water areas and would thus be consistent with the conditions listed under Section 30706 of the CCA.

### **Section 30707. Tanker Terminals**

Section 30707 contains four conditions that govern tanker terminals:

- (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.*

The Proposed Project would not involve the development of a new or expansion of an existing tanker terminal and would not involve the use of vessels; therefore, the Proposed Project would not conflict with Section 30707 of the CCA.

**Section 30708. Location, Design and Construction of Port-related Developments**

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

*a) Minimize substantial adverse environmental impacts.*

The California Environmental Quality Act (CEQA) requires LAHD, as the CEQA Lead Agency, to evaluate and disclose the potential environmental impacts of the Proposed Project and propose feasible alternatives or mitigation measures that avoid, eliminate, or reduce Project-related environmental impacts. Section 2, *Project Description*, describes in detail the history of the site and existing setting. A detailed discussion of the Project's characteristics is provided in Section 2.5, including a description of the Proposed Project's construction activities, equipment, schedule, and design.

Section 3, *Environmental Analysis*, provides detailed discussion of the environmental analyses and significance impacts for each environmental resource area evaluated for the Proposed Project. EIR Section 3.1, *Air Quality and Health Risk*, identifies a significant and unavoidable impact stemming from operational emissions of NO<sub>x</sub> exceeding South Coast Air Quality Management District (SCAQMD) peak day regional emissions threshold for both the opening year (2027) and buildout year (2046) conditions. While it is possible that statutes such as the California Air Resources Board Advanced Clean Trucks and Advanced Clean Fleets regulations may result in accelerated conversion from traditional gas engine trucks to electric or other zero-emission models, it is currently unknown to what degree this conversion would affect the operations of the Proposed Project. To reduce operational NO<sub>x</sub> emissions, Project Feature (PF) AQ-1 would require a 100 percent transition to zero-emissions equipment by January 1, 2030, and any non-conforming equipment would be a breach of the Permit/Lease. Additionally, mitigation measure (MM) AQ-1 (*Zero-Emission Cargo-Handling Equipment*) would require zero emission off-road cargo-handling equipment to be utilized at the start of Project operations. However, mitigation of operational NO<sub>x</sub> emissions may have limited feasibility depending on Tenant capabilities, and NO<sub>x</sub> emissions may still be significant until January 1, 2030. As such, NO<sub>x</sub> impacts are determined to be significant and unavoidable even with implementation of all feasible mitigation.

EIR Section 3.4, *Hazards and Hazardous Materials*, discusses the Project's potentially significant impacts from contaminated soil, groundwater, and soil vapor. MM HAZ-1 (*Characterize Soil, Soil Vapor, and Ground Water Contamination*) would have requirements for soil and groundwater testing, handling, storage, transport, and disposal, and outlines procedures for vapor sampling and determining the need for a vapor intrusion mitigation system. With mitigation, impacts from contaminated soil, groundwater, and soil vapor would be less than significant.

*b) Minimize potential traffic conflicts between vessels*

The Project site is located on Terminal Island. Vessel trips would not be generated during construction or operation of the Terminal Island Maritime Support Facility Project. Construction equipment and materials would be transported via regional and local roadways. During Project operations, the new grade separation (not part of the Proposed Project) on the western end of the site would serve as the access point for the chassis support facility. As such, construction and operational activities would not result in traffic conflicts between vessels. The Proposed Project would be consistent with CCA Section 30708(b).

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

The proposed chassis support facility would fall under the category of support facilities, as it would provide a storage yard for chassis and wheeled empty containers that would increase the efficiency of overall Port

operations. Moreover, while the Project site was formerly used as an empty container storage yard as recently as 2023, it is currently vacant. Because the Proposed Project would utilize existing land space within the harbor for port purposes, it would be consistent with CCA Section 30708(c).

- 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 Project site is located in Planning Area 3 – Terminal Island. This planning area is the largest in the Port, consisting of approximately 1,940 acres and more than 9.5 miles of usable waterfront, and is primarily focused on container operations. The Project site has been unoccupied and vacated since mid-2023 and has not been operated by any entity. The Proposed Project would increase the efficiency of container operations by providing a chassis and wheeled empty container storage yard. As required under CCA Section 30708(c), the highest priority is given to the use of existing land space for port purposes such as the Proposed Project, which would use the land for the shipping industry and support facilities. The Proposed Project would be consistent with CCA Section 30708(d).

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

Rail service is not needed for the Proposed Project; all construction materials and site access during operations would be autos (cars, trucks). Project operations would involve the storage of chassis and wheeled empty containers. The Proposed Project operations would not impact the rail operations surrounding the site, keeping intact the rail service tracks that facilitate cargo movement port-wide. Therefore, the Proposed Project would be consistent with CCA Section 30708(e).

### **Appealable Approvals**

A Coastal Development Permit (CDP) is required for development within the coastal zone and would be subject to review and approval by the Board of Harbor Commissioners. Once a PMP has been certified, the port governing body has the authority to issue a CDP for any development found consistent with the certified PMP. The Board of Harbor Commissioners has the ability and the responsibility to amend the PMP as needed; however, any PMP amendment must be certified by the CCC (CCA Section 30716(a)).

Approval of any of the following categories of development may be appealed to the CCC.

### **Section 30715. Permit Authority; Appealable Approvals**

Chapter 8, Section 30715 (a) of the CCA states that the following categories of development may be appealable to the CCC:

- (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.*

The Proposed Project does not involve development for the storage, transmission, or processing of liquefied natural gas in any quantity. Therefore, the Proposed Project is not appealable under Coastal Act Section 30715(a)(1).

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

The Proposed Project is not a waste water treatment facility. Therefore, the Proposed Project is not appealable under Coastal Act Section 30715(a)(2).

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

The Proposed Project does not involve the construction or modification of roads or highways which are not principally for internal circulation within port boundaries. Therefore, the Proposed Project is not appealable under Coastal Act Section 30715(a)(3).

*(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.*

The Proposed Project does not involve the construction of 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; or recreational small craft marina related facilities. The Proposed Project would modify the interior of approximately 2,900 square feet of office space that would be principally devoted to the administration of the chassis support facility. Therefore, the Proposed Project is not appealable under Coastal Act Section 30715(a)(4).

*(5) Oil refineries.*

The Proposed Project would involve the construction and operation of a chassis support facility. The Proposed Project does not include the construction and operation of a new oil refinery. Therefore, the Proposed Project is not appealable under Coastal Act Section 30715(a)(5).

*(6) Petrochemical production plants.*

The Proposed Project would involve the construction and operation of a chassis support facility. The Proposed Project does not include the construction and operation of a new petrochemical production plant. Therefore, the Proposed Project is not appealable under Coastal Act Section 30715(a)(6).

### **Section 30715.5. Finding of Conformity**

Section 30715.5 states that:

*No developments within the area covered by the certified port master plan shall be approved by the port governing body unless it finds that the proposed development conforms with such certified plan.*

Section 2.4.2, *Project Site and Surrounding Uses*, discusses the Proposed Project's conformity with the PMP, noting that the Proposed Project would require a PMP amendment to update the land use designation of Maritime Support (23.6 acres), Liquid Bulk (53.3 acres), and Container (12.3 acres) to a dual designation of Container and Maritime Support (full 89.2 acres). The Board of Harbor Commissioners must determine that the Proposed Project aligns with the PMP prior to Project approval. Land uses of the Project site and surrounding parcels are shown in Figure 1.

Figure 1. Zoning Designations Near the Project Site

