

**Port of Los Angeles Master Plan
Addendum to the Final Program Environmental Impact Report (PEIR)**



Prepared by:

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1.0 INTRODUCTION

1.1 Overview

This document analyzes proposed modifications to the update to the Port of Los Angeles Master Plan (PMP) since certification of the Final Program Environmental Impact Report (PEIR) (hereinafter the "EIR") and plan approval on August 8, 2013 (SCH No. 2012071081 and ADP No. 110518-060). The Los Angeles Harbor Department (LAHD) has prepared this addendum to the EIR in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] 21000 et seq.), and the State CEQA Guidelines (California Administrative Code [CAC] 15000 et seq.) to adequately assess the proposed modifications to the PMP.

1.2 CEQA and the Purpose of an Addendum

According to Section 15164(a) of the State CEQA Guidelines, the lead agency or the responsible agency will prepare an addendum to a previously certified EIR if changes or additions are necessary, but none of the conditions described in Section 15162 calling for the preparation of a subsequent or supplemental EIR have occurred. An addendum need not be circulated for public review but can be included in or attached to the EIR. The decision-making body considers the addendum with the EIR prior to making a decision on the project.

Section 15162 of the State CEQA Guidelines states that, for a project covered by a certified EIR, preparation of a subsequent or supplemental EIR rather than an addendum is required only if one or more of the following conditions occur:

- 1) Substantial changes are proposed in the project that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR, was certified as complete or the negative declaration was adopted, shows any of the following:
 - a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

- d) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

1.3 Previous Environmental Documents Incorporated by Reference

Consistent with Section 15150 of the California State CEQA Guidelines, the following documents were used in preparation of this addendum and are incorporated herein by reference:

- Port of Los Angeles, January 2014, Port Master Plan Addendum.
- Port of Los Angeles, August 2013, Port Master Plan.
- Port of Los Angeles, July 2013, Final Program Environmental Impact Report for the Port Master Plan Update (SCH No. 2012071081 and ADP No. 110518-060). Port of Los Angeles, February 2013, Draft Program Environmental Impact Report for the Port Master Plan Update (SCH No. 2012071081 and ADP No. 110518-060).
- Port of Los Angeles, July 2012, Notice of Preparation of a Program Environmental Impact Report for the Port Master Plan Update (SCH No. 2012071081 and ADP No. 110518-060).
- Port of Los Angeles, August 2011, Port Master Plan with Amendments, As Revised.

2.0 PROPOSED PROJECT MODIFICATIONS

The PMP would serve as a long-range plan to establish policies and guidelines for future use of Port lands within the coastal zone, as required under the California Coastal Act (CCA). The PMP includes all required sections under CCA including permitted uses, design and location of land use areas, estimates of the effects of development on environmental resources and anticipated appealable/fill projects. It would also update language related to the procedures to approve or deny Coastal Development Permits (CDPs), as well as the process to review liquid bulk development proposals.

The modifications herein are based upon receipt of, consideration of, and response to late comments from California Coastal Commission (CCC) staff. Generally, the changes are:

- A new subsection that addresses the Port's existing mitigation bank;
- Clarifications on Coastal Development Permit processing;
- Corrections to procedures that cite Coastal Act regulations;
- Increase notification requirements for tenants acting in emergency situations; and
- Revised land use maps that clarify the location of proposed cut and fill projects.

The specific changes are described below, by Chapter and Subsection. Deleted text is ~~struck through~~ and new text is underlined.

Chapter 5, Planning Areas and Development

Subsection 5.1, Approach – Located in the last sentence of the second paragraph, the revised text clarifies that minor boundary adjustments do not allow for arbitrary changes to land use designations.

Determinations for minor boundary adjustments ~~and changes in their land use designations~~ are at the discretion of Staff, based on the proposed ~~land use's~~ boundary change's consistency with the planning framework for the overall planning area, and potential impacts that would result from the proposed change.

Subsection 5.1.1, Amendments – Located in the last sentence of the section, the revised text refers to “Proposed Projects” rather than “Anticipated Projects” since later sections only use the former.

Landfills and water cuts described under ~~Anticipated~~ Proposed Projects in this chapter do not require an amendment, as those projects are consistent with this Plan as certified by the Coastal Commission.

Subsection 5.1.7, Mitigation Bank – This new subsection provides background on the Port’s existing mitigation banking system that would be used for cut and fill projects.

Projects that result in the loss of marine habitat are mitigated through the use of credits available from mitigation banks 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 (available at the Port website). These agencies include the US Fish and Wildlife Service, NOAA Fisheries, California Department of Fish and Wildlife (formerly California Department of Fish and Game), California State Lands Commission, California Coastal Conservancy, US Environmental Protection Agency, and US Army Corps of Engineers. The MOA also establishes how these credits are to be applied to various areas of the Port and the accounting procedures to be followed. The types of mitigation projects performed in the past include restoration of Batiquitos and Bolsa Chica Wetlands, and creation of harbor cuts and shallow water habitat within the harbor. The Harbor Department keeps a ledger of credits available for each mitigation bank. When debiting from a mitigation bank, the Harbor Department submits as-built drawings for the impact project, and calculations of the area of impact. When Agencies have provided approval of these submittals, the agreed upon number of credits are debited from the bank. Inner Harbor credits may only be used to mitigate for loss of Inner Harbor habitat and are applied on a credit to acres lost ratio of 1:1. Outer Harbor credits may be used to mitigate for loss of any harbor habitat and are applied at a ratio of 0.5:1 for Inner Harbor Habitat, 1:1 for deep Outer Harbor habitat, and 1.5:1 for shallow Outer Harbor habitat.

Subsection 5.1.2., Amendment Process – Located in the second sentence of the section, the revised text now accurately states Coastal Act procedures for amendments.

Within ninety (90) calendar days after ~~submittal receipt~~ of the final amendment by the Coastal Commission, the Coastal Commission shall hold a public hearing and either certify the amendment or portion(s) of the amendment, or reject the amendment.

Subsection 5.6.1, General Overview – This new sentence at the end of the section clarifies that as Federal land, Reservation Point is exempt from the PMP.

South of Planning Area 4 is Federal land, which is exempt from Port Master Plan Provisions.

Subsection 5.6.3, Proposed Projects – Located in the third sentence of the Al Larson Marina project, “ships” is corrected with “slips.”

The loss of the recreational boating ~~ships-slips~~ in Fish Harbor could be accommodated at existing marinas in the Outer Harbor (Cabrillo) and Wilmington areas of the Port.

Chapter 6, Development Guidelines

Subsection 6.4.1(d), Development Exempt from Coastal Development Permit – Located at the end of the subsection, this change references applicable Coastal Act guidelines.

The replacement of any structure, other than a public works facility, destroyed by a disaster and/or temporary event, consistent with Section 30610.

Subsection 6.4.3, Level II Coastal Development Permit – The subsection is revised and reorganized to clarify procedures for Level II Coastal Development Permit.

Level II Coastal Development Permits can be non-appealable or appealable as defined in Section 30715 of the Coastal Act and always require a public hearing. They are required for developments occurring within the Harbor District that are determined to have the potential to create a significant impact on the port or the surrounding environment, and conform to at least one of the following requirements.

- a. Significant resources are involved;
- b. Cause major changes in land and/or water use and in the density or intensity of the use; and
- c. Have the potential of creating significant environmental impacts that can or cannot be mitigated.

Examples of Level II Coastal Development Permits include, but are not limited to: marine terminals; major structures for recreational purposes; creation of new upland or coastal water fills; major dredging of water areas whether or not they are presently used for navigation, maneuvering or berthing; and crane additions and/or replacements.

Non-appealable Level II Coastal Development Permit Procedures

The Board may approve or deny proposed development projects that require a non-appealable Level II Coastal Development Permit and may impose reasonable terms and conditions thereon as may be required for the development to conform to the Plan and the Coastal Act.

A non-appealable Level II Coastal Development Permit requires a public hearing (Section 6.5 of these Guidelines), Staff recommendation (Section 6.6 of these Guidelines), and action by the Board (Section 6.7 of these Guidelines). ~~They can be non-appealable or appealable as defined in Section 30715 of the Coastal Act and special conditions may apply.~~

~~Examples of Level II Coastal Development Permits include, but are not limited to: marine terminals; major structures for recreational purposes; creation of new upland or coastal water fills; major dredging of water areas whether or not they are presently used for navigation, maneuvering or berthing; and crane additions and/or replacements.~~

Subsection 6.5.1, Notice of Public Hearings – Located in the last paragraph of the subsection, this revision clarifies that notice is to be stamped on the outside of mailings.

Correspondences for all notices to be mailed shall be stamped on the outside “IMPORTANT – PUBLIC HEARING NOTICE.”

Section 6.8, Coastal Development Permits – Located at the end of the subsection, new text requires an explanation of appeal procedures on Coastal Permits.

k. A statement that approval of an appealable development (as defined in Section 30715 of the Public Resources Code) shall become effective after the tenth (10th) working day after notification of its approval, unless an appeal is filed with the Coastal Commission within that time, subject to receipt of that acknowledgement.

- *Subsection 6.8.2, Time for Issuing Permits and Distribution* – Located in the first sentence of the second paragraph, text changes correct Coastal Act appeal procedures.

After Board approval subject to the requirements of Los Angeles City Charter 245, a Level II Coastal Development Permit shall become effective when executed by the Executive Director or his or her designee and the Applicant; provided, however, that a permit for an appealable development shall not be issued by the Executive Director until the expiration of the ten (10) ~~calendar~~ working days for filing an appeal after Coastal Commission receipt, and then only if no valid appeal is filed.

Subsection 6.8.4, Amendments to Permits – Located in the last sentence of the third paragraph, the text revision matches Coastal Act regulations.

If no written objection is received at the Board’s office within ten (10) ~~calendar~~ working days of such mailing, the determination of immateriality shall be conclusive.

Subsection 6.8.5, Extension of Coastal Development Permit – Located in the first sentence of the second paragraph, the text revision matches Coastal Act regulations.

At least five (5) ~~calendar~~ working days prior to such report to the Board, notice shall be given to all parties who previously participated in the original permit, or to persons who the Director has reason to know may be interested in the extension.

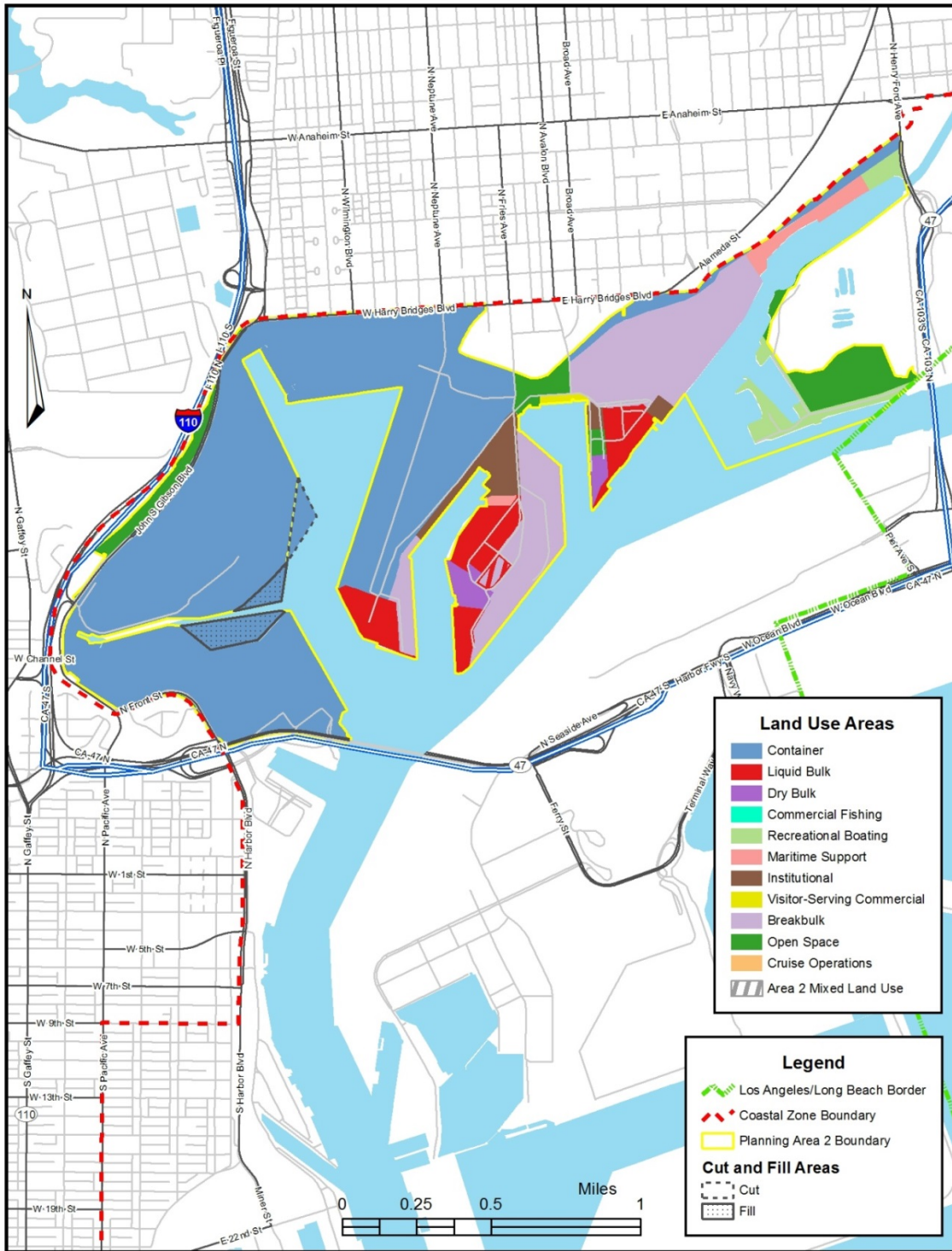
Subsection 6.9.1, Revocation Process – Located in the first sentence of the first paragraph, the text revision removes time limits on revocation requests, consistent with the Coastal Commission regulations

Any person who did not have an opportunity to participate fully in the original permit proceeding by reason of the Applicant's failure to provide information as required herein, may request revocation of a permit by application to the Executive Director, specifying the grounds for revocation ~~within thirty (30) calendar days from the Board's approval of the permit.~~

Section 6.12.3, Waiver of Emergency Permit Requirements – Located in the first two sentences of the second paragraph, new text increases time limitations on tenant notification to the port for emergency permit requirements, consistent with Coastal Commission regulations.

If the work was done prior to the issuance of an emergency permit, notice of the work shall be provided to the Executive Director within three (3) days of the disaster or the discovery of the danger. A written statement must be submitted to the Executive Director within seven (7) calendar days of taking such action.

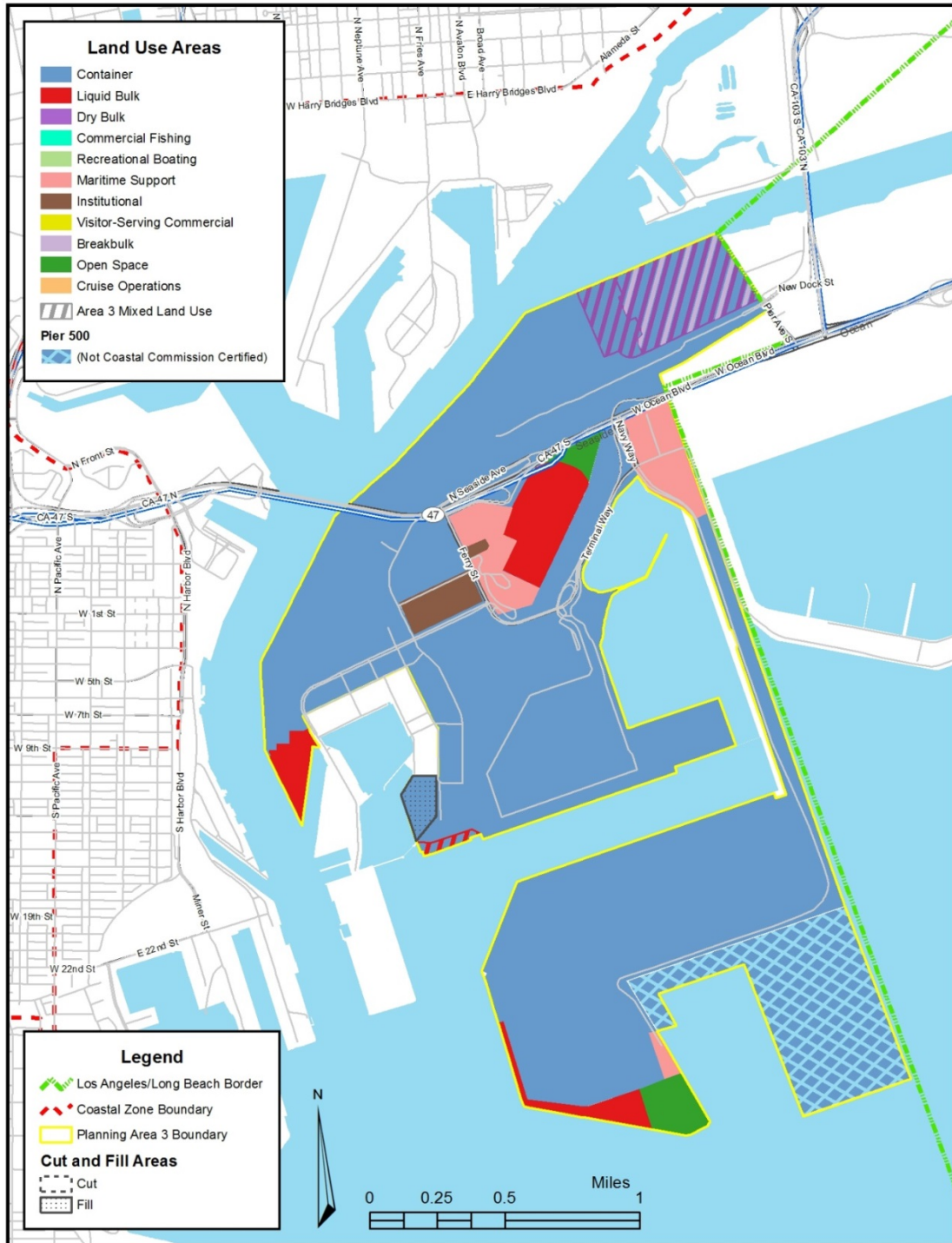
Figure 6, Planning Area 2 – This revised figure outlines the locations of proposed cuts/fills and associated land uses, whereas the earlier version of the figure only depicted the configuration and land uses upon completion of the proposed cut/fill projects.



Author: John Evans | SAIC | Date: 10/28/2013

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Figure 7, Planning Area 3 – This revised figure outlines the locations of proposed cuts/fills and associated land uses, whereas the earlier version of the figure only depicted the configuration and land uses upon completion of the proposed cut/fill projects.



Author: John Evans | SAIC | Date: 10/28/2013

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3.0 IMPACT ASSESSMENT

The proposed modifications to the PMP since certification of the EIR and plan approval merely clarify information presented in the previously certified PMP or involve slight modifications to procedures regarding the processing of CDPs, all of which are considered administrative changes. The proposed modifications do not pertain to land use changes or proposed appealable/fill projects that would result in changes and/or intensification of activities with the potential for causing direct or indirect impacts on the physical environment, including all the environmental resource areas that were previously analyzed in the certified EIR as well as to cumulative impacts, environmental justice, socioeconomic effects, and growth-inducing impacts. Therefore no new significant environmental effects and no substantial increase in the severity of previously identified significant effects would occur; and none of the conditions as described under Section 15162 of the State CEQA Guidelines requiring a subsequent or supplemental EIR have occurred.

4.0 PREPARERS AND CONTRIBUTORS

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