



Executive Director's
Report to the
Board of Harbor Commissioners

DATE: JANUARY 22, 2014

FROM: PLANNING & ECONOMIC DEVELOPMENT

SUBJECT: RESOLUTION NO. _____ – ADOPTION OF PORT MASTER PLAN ADDENDUM

SUMMARY:

Staff recommends that the Board of Harbor Commissioners (Board) adopt a Port Master Plan Addendum (Addendum) to the comprehensive update to the Port Master Plan and authorize the Executive Director to submit the Addendum to the California Coastal Commission (Coastal Commission) for certification, as required by the California Coastal Act (Coastal Act). The updated Port Master Plan was approved by the Board on August 8, 2013, and was received by the Coastal Commission for certification on August 26, 2013, after mandatory City Council review. Subsequent to formal receipt, Coastal Commission staff responded with comments and recommended changes. Staff has incorporated the changes into the Addendum. They generally consist of clarifications to policies and corrections to Implementation Guidelines that do not substantially alter the plan. Adoption of the Addendum would be contingent on a finding by the Board that the changes would not result in new significant environmental impacts.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners:

1. Reopen the public hearing of April 4, 2013, to the Port Master Plan update for the proposed Addendum;
2. Consider the Addendum to the certified Final Program Environmental Impact Report for the Port of Los Angeles Master Plan and find that, in accordance with the provisions of the California Environmental Quality Act Guidelines Section 15164, the proposed modifications will not result in any new significant environmental effects or any substantially more severe effects than previously analyzed in the certified Final Program Environmental Impact Report;
3. Authorize the Environmental Management Division to file a Notice of Determination with the Los Angeles County Clerk, the Los Angeles City Clerk, and the State Secretary of Resources;
4. Upon closure of the public hearing, adopt the Port Master Plan with Addendum;

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5. Authorize the Executive Director to submit the Port Master Plan Addendum to the California Coastal Commission for certification; and
6. Adopt Resolution No. _____.

DISCUSSION:

Background/Context – The Port Master Plan establishes policies and procedures to direct the future development of the Port of Los Angeles (Port) and was originally approved by the Board in July 1979 and certified by the Coastal Commission in August 1980, consistent with the policies of the Coastal Act. Coastal Commission certification of a port master plan is necessary to allow a port governing body the authority to issue coastal development permits for projects within the port's jurisdiction.

On February 21, 2013, pursuant to the Coastal Act, the Board authorized the distribution of a Draft Port Master Plan to the Coastal Commission, interested persons, organizations, and government agencies. The Notice of Completion for the draft plan update was published on February 22, 2013. The public comment period for the plan and its supporting Program Environmental Impact Report (PEIR) closed on April 8, 2013. Over 30 written comments and 75 oral comments were received from stakeholders and tenants. No comments were received from the Coastal Commission.

Staff prepared a revised Port Master Plan that addressed comments received during the public review period. With stakeholder support and no opposing comments, the Board adopted the revised plan and authorized staff to submit the plan to the Coastal Commission for certification on August 8, 2013 (Transmittal 1).

Coastal Commission Comments – After Board adoption and mandatory City Council review, the Coastal Commission formally received the plan on August 26, 2013 and tentatively scheduled the item for Coastal Commission review in its November 2013 meeting. This was consistent with Section 30714 of the Coastal Act, which requires the Coastal Commission to take action on a plan within 90 days of receipt. The 90-day review period limit for the Port Master Plan ended on November 24, 2013; however, the Harbor Department agreed to waive the limit.

The waiver was in response to an October 24, 2013 letter from Coastal Commission staff requesting the Port waive the 90-day period in order to allow Coastal Commission staff to work with Harbor Department staff in revising the adopted Port Master Plan (Transmittal 2). Coastal Commission staff stated they had been unable to submit comments during the review period for the draft plan between February 22, 2013, and April 8, 2013, due to staffing and workload issues. With the understanding that an incomplete review by Coastal Commission staff would likely result in a recommendation to reject the plan, Harbor Department staff sent a letter to the Coastal Commission waiving the 90-day time limit, on October 28, 2013 (Transmittal 3).

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Responses to the comments received from the Coastal Commission are reflected in the Addendum (Transmittal 4). These revisions focus on clarifications and do not significantly change any major policy or procedure. They are:

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

To date, all issues have been resolved. On January 24, 2014, a notice was mailed to interested persons and organizations regarding the Board's consideration of the Port Master Plan Addendum.

Process – Pursuant to Section 30714 of the Coastal Act, the Coastal Commission must certify or reject portions of the plan without modifications. Therefore, the changes recommended by the Coastal Commission staff must be first adopted by the Board and submitted to the Coastal Commission. Staff is recommending that the Board adopt the Port Master Plan Addendum and authorize the Executive Director to submit the previously adopted Port Master Plan reflecting the addendum language to the Coastal Commission for certification, contingent upon Board certification of the supporting Final PEIR Addendum.

Should the Coastal Commission certify the revised plan, further actions relative to the certification process required by Title 14, Section 13632(e) of the California Code of Regulations, include the Board adopting the Coastal Commission's certification and the Coastal Commission accepting the Board's action as being consistent with its certification.

ENVIRONMENTAL ASSESSMENT:

The proposed action is for approval of modifications to the Port Master Plan. The Port Master Plan was assessed in the Port of Los Angeles Master Plan PEIR, certified by the Board on August 8, 2013 (ADP#110518-060/SCH#2012071081). Since Board certification, consultation with the Coastal Commission has resulted in modifications to the Port Master Plan that clarify information presented in the original Port Master Plan or involve slight modifications to procedures for the processing of Coastal Development Permits. These modifications are analyzed in the PEIR Addendum attached as Transmittal 5. According to Section 15164(a) of the State CEQA Guidelines, the lead agency will prepare an addendum to a previously certified PEIR 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 does not need to be circulated for public review but can be included in or attached to the EIR. Based on the findings of the Addendum, the proposed action will not result in any new

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significant environmental effects or any substantially more severe effects than previously analyzed in the certified EIR and therefore, does not trigger any of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent or supplemental EIR . All previously approved mitigation measures would not change. The Addendum has been made publicly available and is posted on the Port's website.

ECONOMIC BENEFITS:

This Board action will have no employment impact.

FINANCIAL IMPACT:

Financial impacts of adoption of the update to the Port Master Plan Addendum and its associated EIR Addendum are limited to budgeted staff costs.

CITY ATTORNEY:

The Office of the City Attorney has reviewed this resolution and determined that it raises no legal issues at this time.

TRANSMITTALS:

- 1. Port Master Plan, adopted by Board on August 8, 2013
- 2. October 24, 2013, Letter from Coastal Commission
- 3. October 28, 2013, Letter to Coastal Commission
- 4. Port Master Plan Addendum
- 5. Program Environmental Impact Report Addendum



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FIS Approval:  (initials)
CA Approval:  (initials)



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APPROVED:



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