

DATE: NOVEMBER 21, 2023

FROM: PLANNING AND STRATEGY

SUBJECT: RESOLUTION NO. _____ – ISSUANCE OF A NON-APPEALABLE LEVEL II COASTAL DEVELOPMENT PERMIT (NO. 23-03) TO APM TERMINALS PACIFIC LTD. FOR THE REPLACEMENT OF THREE CONTAINER CRANES AT PIER 400

SUMMARY:

Staff requests approval to issue a Level II non-appealable Coastal Development Permit (CDP) No. 23-03 to APM Terminals Pacific Ltd. (APMT) for the replacement of three ship to shore (STS) container cranes at Pier 400 to support ongoing terminal operations. APMT will be financially responsible for the payment of expenses related to the removal of existing cranes and installation of new cranes.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Hold a public hearing for the proposed Coastal Development Permit No. 23-03, a non-appealable Level II permit;
2. Find that the Director of Environmental Management has determined that the proposed action is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Article III, Class 2(2) of the Los Angeles City CEQA Guidelines;
3. Find that the proposed project conforms with the Port of Los Angeles certified Port Master Plan (PMP);
4. Upon closure of the public hearing, resolve to approve the issuance of CDP No. 23-03, consistent with the project description listed on Application for Port Permit No. 230208-021, and direct the Director of Planning and Strategy to execute and issue said permit on behalf of and as the designee of the Executive Director; and
5. Adopt Resolution No. _____.

**SUBJECT: NON-APPEALABLE LEVEL II CDP NO. 23-03 TO APMT PIER 400
CRANE PROJECT**

DISCUSSION:

Project Background/Context – Permit No. 827 grants APMT the use of approximately 512 acres of land, berths, and facilities for container terminal and ancillary operations. Permit No. 827 and the Supplemental Environmental Impact Report (SEIR) for the Pier 400 Container Terminal and Transportation Corridor Project were approved by the Board on October 5, 1999. Pier 400 opened with 10 cranes, and has added an additional 9 cranes since opening, which brings the total to 19 cranes. APMT is now proposing to remove three of its existing older container cranes and replace them with three new cranes. The total number of STS cranes at Pier 400 would remain 19. The replacement cranes are needed to yield the typical maximum number of cranes that could be deployed without being impeded by any structures on the vessel.

Project Description – The proposed project includes the delivery of three new STS cranes manufactured by Shanghai Zhenhua Heavy Industries Company Limited at Pier 400 (Transmittal 1). The three older cranes would be removed and replaced with three new cranes. The new STS cranes would be approximately 292 feet tall with the boom down. While this is approximately 40 feet taller than the older cranes being replaced, it is the same height as the current cranes. No demolition activities would occur on site, nor would any diking, filling, or dredging of any water areas occur.

Coastal Development Permit Requirements – The proposed project is a Level II non-appealable project in accordance with Section 6.4 of the PMP. A Level II permit is required for projects that involve significant resources; cause major changes in land and/or water use and in the density or intensity of the use; have the potential of creating significant environmental impacts that can or cannot be mitigated; or are appealable. The proposed project is a Level II CDP because the proposed project replaces three STS cranes which involves significant resources as outlined in Section 6.4.3 of the PMP (Transmittal 2).

Procedurally, a Level II non-appealable CDP requires a public hearing that is publicized at least fifteen calendar days prior to the scheduled date of the hearing. A public notice for the proposed development was published on November 14, 2023 (Transmittal 3).

The Director of Planning and Strategy has determined that the proposed project is consistent with the PMP and the Chapter 8 policies of the California Coastal Act of 1976 (Coastal Act). Located in Planning Area 3 of the PMP, this container crane STS project is consistent with its Container land use designation. The proposed project is consistent with Sections 30701 of the Coastal Act and Policy 1.3 of the PMP, which encourages the modernization of the Port and construction of necessary facilities within the boundaries of the Port in order to minimize future dredging and filling to create new ports in new areas of the state. The proposed project is consistent with Section 30708 of the Coastal Act and Policy 2.1 of the PMP on the location, design, and construction of development in order to 1) minimize substantial adverse impacts, 2) minimize potential traffic conflicts between vessels, and 3) prioritize the use of existing land use for the port purpose of shipping industries.

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Review and Consideration of the Proposed Project – Section 6.7.3 of the PMP provides that all decisions of the Board shall be accompanied by written conclusions about the consistency of the application with the PMP and the Coastal Act, and findings of fact and reasoning supporting the decision. Approval of an application shall be accompanied by specific findings of fact supporting the following legal conclusions: (a) that the development is in conformity with the PMP; and (b) that either the development will have no significant adverse environmental impacts, or there are no feasible alternatives or mitigation measures as provided in CEQA which would substantially lessen any significant adverse impact that the development as finally proposed may have on the environment.¹ Such findings are recommended in this Report, and if adopted through a Board resolution, are intended to effectuate compliance with the foregoing requirements.

Alternatively, should the Board in its discretion not elect to approve the proposed CDP it has the ability to make findings in connection with that action and in regard to conformity with the PMP, the Coastal Act, and/or CEQA.

It also should be noted that, while the PMP provides that “Board action on Level II Coastal Development Permits shall be decided by majority vote of those members present. Board members may vote “yes” or “no,” or may abstain from voting. An abstention shall not be deemed a “yes” vote,” the Los Angeles Administrative Code (LAAC) Division 21 - Departments & Commissions, Section 21.19 requires Commissioners who are present to vote with a “yes” or “no” vote without abstentions. If there is non-vote or an abstention by a Commissioner present when the question is put to the Board, the LAAC requires the record to reflect it as a “yes” vote. In connection with this item, the LAAC, not the PMP, will be followed on the subject of abstentions.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of the Non-Appealable Level II CDP No. 23-03 to APMT Pier 400 Crane Project, which is an activity for the replacement of an industrial structure with a new structure of substantially the same size and purpose. Therefore, the Director of Environmental Management has determined that the proposed action is categorically exempt from the requirements of CEQA in accordance with Article III Class 2(2) of the Los Angeles City CEQA Guidelines.

¹ The PMP also provides that, if feasible mitigation measures are not available, the Board can adopt a statement of overriding considerations, and that where the Board has placed conditions on a project, the impacts of which the previous CEQA analysis did not account for, the matter shall be deferred until the conditions of CEQA and other applicable laws have been met.

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FINANCIAL IMPACT:

Approval of the proposed CDP has no direct financial impact to The City of Los Angeles Harbor Department. Acquisition, installation, as well as ongoing annual operating, and maintenance costs associated with the cranes would be borne by APMT.

CITY ATTORNEY:

The City Attorney has reviewed this Report and has determined that it satisfies the requirements of Section 6.6 of the PMP.

TRANSMITTALS:

1. Site Location Map
2. CDP No. 23-03
3. Public Notice

FIS Approval: MB
CA Approval: SO

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APP No. 230208-021