

3.8

LAND USE

3.8.1 Introduction

This section describes the environmental setting for land use within the PMPU area, identifies applicable regulations, and analyzes the potential impacts that could result from implementing the proposed Program. Mitigation measures and the significance of impacts after mitigation also are described.

3.8.2 Environmental Setting

3.8.2.1 Regional Setting

The Port is an area of mixed uses that support various maritime-related activities. Port operations are predominantly centered on cargo shipping activities, including containerized, break bulk, dry bulk, liquid bulk, auto, and intermodal rail shipping. In addition to the large shipping industry at the Port, however, there is a cruise ship industry, a commercial fishing fleet, and a large recreational boating fleet. The Port also accommodates a variety of maritime support uses such as boat repair yards, marine fuel facilities, canneries, and vessel supply services. The Port has recreation, community, and educational facilities, such as a public swimming beach, Cabrillo Beach Youth Waterfront Sports Center, the Cabrillo Marine Aquarium, the Los Angeles Maritime Museum, 22nd Street Park, and the Wilmington Waterfront Park.

3.8.2.2 PMPU Area

The PMPU area includes the Port's coastal zone boundary. In general, the PMPU area is bounded by the community of Wilmington to the north, lands surrounding the Consolidated Slip to the northeast, the City of Los Angeles boundary and lands surrounding the Cerritos Channel to the east, Los Angeles Harbor to the south, and the community of San Pedro to the west (Figure 1.1-2).

The existing PMP divides the Port into nine planning areas (Figure 2.3-1). Existing land uses (i.e., the CEQA baseline) are listed in Table 3.8-1 and depicted in Figure 2.3-2.

Table 3.8-1. Existing Land Uses in the PMP Planning Areas

<i>PMP Planning Area</i>	<i>Existing Land Uses*</i>
1 (West Channel/Cabrillo Beach)	Commercial, Recreation (marinas and open space), Institutional, General Cargo (break bulk), and Other (vacant)
2 (West Bank)	General Cargo (Break Bulk), Institutional, Liquid Bulk, Commercial Fishing, Commercial, Recreation (open space), Industrial, Other (vacant)
3 (West Turning Basin)	Commercial (passenger/supporting), General Cargo (container), Recreation (open space), Institutional, Industrial, Other
4 (West Basin)	General Cargo (Container), Liquid Bulk, Dry Bulk, Industrial, Other (vacant)
5 (Wilmington District)	General Cargo (Break Bulk), Industrial, Dry Bulk, Liquid Bulk, Recreation (marinas), Other (vacant)
6 (Cerritos Channel)	Recreation (marinas), Other (vacant)
7 (Terminal Island/Main Channel)	General Cargo (container), Liquid Bulk, Dry Bulk, Commercial Fishing, Institutional, Industrial, Other (vacant)
8 (Fish Harbor)	Commercial Fishing, Industrial, Liquid Bulk, Other (vacant)
9 (Terminal Island/Seaward Extension)	General Cargo (container), Recreation (open space), Institutional, Industrial, Other (vacant)

Note: * Existing (2011) land uses are depicted in Figure 2.3-2.

3.8.3 Applicable Regulations

Land use planning and development within the Port and its vicinity are governed by federal, state, and local regulations, as described below.

3.8.3.1 Federal Regulations

3.8.3.1.1 Coastal Zone Management Act

In 1972, the U.S. Congress passed the CZMA to “preserve, protect, develop, and where possible, to restore or enhance, the resources of the nation’s coastal zone for this and succeeding generations” and “encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone” (16 USC 1452, Section 303[1] and [2]).

Section 307(c)(3)(A) of the CZMA states that “any applicant for a required federal license or permit to conduct an activity, in or outside the coastal zone, affecting any land or water use or natural resource of the coastal zone of that state shall provide a certification that the proposed activity complies with the enforceable policies of the state’s approved program and that such activity would be conducted in a manner consistent with the program.” In order to participate in the coastal zone management program, a state is required to prepare a program management plan. Once the plan and its enforceable program policies are approved, a state program gains “federal consistency” jurisdiction. This means that any deferral action (e.g., a project requiring federally issued licenses or permits) that occurs within a state’s coastal zone must be found to be consistent with state coastal policies before the federal action can occur.

3.8.3.2 State Regulations

3.8.3.2.1 California Tidelands Trust Act

In California, tidelands are those lands that lie between the mean high tide and the mean low tide while submerged lands are those lands that lie between the mean low tide and the 3-mile seaward extent of the state's jurisdictional limit. In 1929, the state of California granted the submerged lands and tidelands comprising the Port in trust to the City of Los Angeles (Chapter 651 of the Statutes of 1929, as amended). The grant provides that the submerged lands and tidelands be used in connection with, or for the promotion and accommodation of, commerce, navigation, and fishery, and that any harbor constructed on the lands always remain a public harbor for all purposes of commerce and navigation. Subsequent amendments to the Los Angeles Tidelands Trust Grant expanded uses of the tidelands to include 40 commercial and industrial buildings, public buildings, public parks, convention centers, playgrounds, small harbors, restaurants, motels, hotels, and the protection of wildlife habitats and open space. CSLC has oversight responsibility for all submerged lands and tidelands. With respect to submerged lands and tidelands that have been granted in trust to municipalities, the CSLC is authorized to ensure that all revenues received from trust lands and trust assets are expended only for those uses and purposes consistent with the public trust for commerce, navigation and fisheries, and the applicable statutory grant (PRC Section 6306).

3.8.3.2.2 California Coastal Act

The CCA of 1976 (PRC Section 30000 *et seq.*) was enacted to establish policies and guidelines that provide direction for the conservation and development of the California coastline. The CCA established the CCC and created a state and local government partnership to ensure that public concerns regarding coastal development are addressed. The following are the basic goals of the state for the coastal zone:

- Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources;
- Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state;
- Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources, conservation principles, and constitutionally protected rights of private property owners;
- Assure priority for coastal-dependent and coastal-related development over other development on the coast; and,
- Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone (PRC Division 20 30001.5).

The CCA also influences Port operations, and the CCC has made a series of recommendations for its implementation. The CCC has been charged to protect national, state, and regional interests in assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being

1 of the people of the state; to avoid long-term costs to the public and a diminished
2 quality of life resulting from the misuse of coastal resources; and to provide
3 continued state coastal planning and management through the CCC (PRC 30004).

4 The CCC is responsible for assisting in the preparation, review, and certification of
5 LCPs. The LCPs are developed by municipalities for that portion of their jurisdiction
6 that falls within the coastal zone. Following certification of the LCP, regulatory
7 responsibility is then delegated to the local jurisdiction. The PMP acts as the LCP for
8 the Port.

9 Chapter 8 (Ports) of the CCA establishes specific planning and regulatory procedures
10 for California's "commercial ports." The act requires that a CDP be obtained from the
11 CCC for certain development within these ports. However, a commercial port is
12 granted the authority to issue its own CDPs once it completes a master plan certified
13 by the CCC. The standards for master plans, contained in Chapter 8 of the CCA,
14 require environmental protection while expressing a preference for port-dependent
15 projects. Additionally, Section 30700 establishes the number and locations of
16 California ports. This section of the CCA encourages existing ports to modernize and
17 construct necessary facilities within their boundaries in order to minimize or
18 eliminate the necessity for future dredging to create new ports. The logic behind this
19 process is that it is environmentally and economically preferable to locate major
20 shipping terminals and other existing maritime facilities in the major ports rather than
21 create new ports in new areas of the state. Each commercial port in California has a
22 certified PMP that identifies acceptable development uses. If a port desires to conduct
23 or permit developments that are not included in the approved PMP, the port must
24 apply to the CCC for either a CDP or an amendment to the PMP.

25 The CCA (PRC Division 20 Section 30700 *et seq.*) identifies the Port and its facilities
26 as a "primary economic and coastal resources of the state, and an essential element of
27 the national maritime industry" (PRC Section 30701). The LAHD is responsible for
28 modernizing and constructing necessary facilities to accommodate deep-draft vessels
29 along with the demands of foreign and domestic waterborne commerce as well as
30 other traditional and water-dependent and related facilities to preclude the necessity
31 for developing new ports elsewhere in the state (Sections 30007.5 and 30701 [b]).
32 The CCA also establishes that the highest priority for any water or land area use
33 within the jurisdiction of the LAHD shall be for developments that are completely
34 dependent on such harbor water areas and/or harbor land areas for their operations
35 (Sections 30001.5 [d], 30255 and 31260). The CCA further provides that the LAHD
36 should "[g]ive highest priority to the use of existing land space within harbors for
37 port purposes, including, but not limited to, navigational facilities, shipping
38 industries, and necessary support and access facilities (Section 30708 [c])."

39 Under the CCA, water areas may be diked, filled, or dredged when consistent with a
40 certified PMP only for specific purposes, including: 1) construction, deepening,
41 widening, lengthening, or maintenance of ship channel approaches, ship channels,
42 turning basins, berthing areas, and facilities that are required for the safety and the
43 accommodation of commerce and vessels to be served by port facilities; and 2) new
44 or expanded facilities or waterfront land for Port-related facilities.

3.8.3.3 Local Regulations

3.8.3.3.1 City of Los Angeles General Plan

California state law (Government Code Section 65300) requires that each city prepare and adopt a comprehensive, long-term plan for its future development. This general plan must contain seven elements: land use; circulation; housing; conservation; open space; noise; and, safety. In addition to these, state law permits cities to include optional elements in their general plans, thereby providing local governments with the flexibility to address the specific needs and unique character of their jurisdictions. California state law also requires that the day-to-day decisions of a city follow logically from and be consistent with the general plan. More specifically, Government Code Sections 65860, 66473.5, and 65647.4 require that zoning ordinances, subdivision, and parcel map approvals be consistent with the general plan.

The *City of Los Angeles General Plan* is a comprehensive, long-term plan for the physical development of the city (City of Los Angeles 2012). The *City of Los Angeles General Plan* includes the following citywide elements: Framework; Transportation; Infrastructure Systems; Housing; Noise; Air Quality; Conservation; Open Space; Historic Preservation and Cultural Resources; Safety; Public Facilities and Services; and, Land Use. The Land Use Element includes 35 local area plans, known as Community Plans, as well as plans for the Port and LAX.

General Plan Framework Element

The *City of Los Angeles General Plan Framework Element*, adopted December 1996 (re-adopted August 2001), is a strategy for long-term growth that creates a citywide context in which to guide updates of community plans and citywide elements (City of Los Angeles 1996). The General Plan Framework Element responds to federal and state mandates to plan for the future. The Framework Element does not mandate or encourage growth. The city uses population forecasts provided by SCAG to plan for long-term growth.

The General Plan Framework Element sets forth a citywide comprehensive long range growth strategy. It defines citywide policies that will be implemented through subsequent amendments of the city's community plans, zoning ordinances, and other programs. The Framework Element includes policies for the following seven areas:

- Land Use;
- Housing;
- Urban Form and Neighborhood Design;
- Open Space and Conservation;
- Economic Development;
- Transportation; and,
- Infrastructure and Public Services.

San Pedro Community Plan

The PMPU area is entirely located within the *Port of Los Angeles Plan* area; however, the San Pedro Community is located immediately adjacent to the Port of Los Angeles Plan boundary. Accordingly, goals, objectives, policies, and associated implementing programs addressing Port land uses and operations are considered in the *San Pedro Community Plan* (City of Los Angeles 1999a). The *San Pedro Community Plan* land use designations are shown in Figure 3.8-1.

Relevant goals in the *San Pedro Community Plan* are as follows:

- The development of the Port should be coordinated with surrounding communities to improve the efficiency and operational capabilities of the Port to better serve the economic needs of Los Angeles and the region while minimizing adverse environmental impacts to neighboring communities from Port-related activities;
- Future development of the Port should be coordinated with the San Pedro Community Plan, the Beacon Street Redevelopment Project, and development of the Central Business District of San Pedro; and,
- Planning the remaining commercial and industrial development opportunity sites for needed job-producing uses that improve the economic and physical condition of the San Pedro Community Plan.

Wilmington-Harbor City Community Plan

The *Wilmington-Harbor City Community Plan* boundary is located immediately adjacent to the *Port of Los Angeles Plan* boundary. Therefore, the goals, objectives, policies, and associated implementing programs of the *Wilmington-Harbor City Community Plan* addressing Port land uses and operations are considered in the Port of Los Angeles Plan. The *Wilmington-Harbor City Community Plan* area is generally bounded by Sepulveda Boulevard, Normandie Avenue, Lomita Boulevard, the Los Angeles City boundary, Los Angeles Harbor, Harry Bridges Boulevard, John Gibson Boulevard, Taper Avenue, and Western Avenue.

The *Wilmington-Harbor City Community Plan*, adopted in 1999, sets forth goals to maintain the individuality of the community (City of Los Angeles 1999b). The *Wilmington-Harbor City Community Plan* land use designations are shown in Figure 3.8-2.

3.8.3.3.2 Port of Los Angeles Plan

The *Port of Los Angeles Plan* is part of the *City of Los Angeles General Plan Land Use Element*, which is intended to serve as the official 20-year guide for the continued development and operation of the Port (City of Los Angeles 1982). The primary purposes of the Port of Los Angeles Plan are to:

- Promote an arrangement of land and water uses, circulation, and services that contribute to the economic, social, and physical health, safety, welfare, and convenience of the Port, within the larger context of the city;

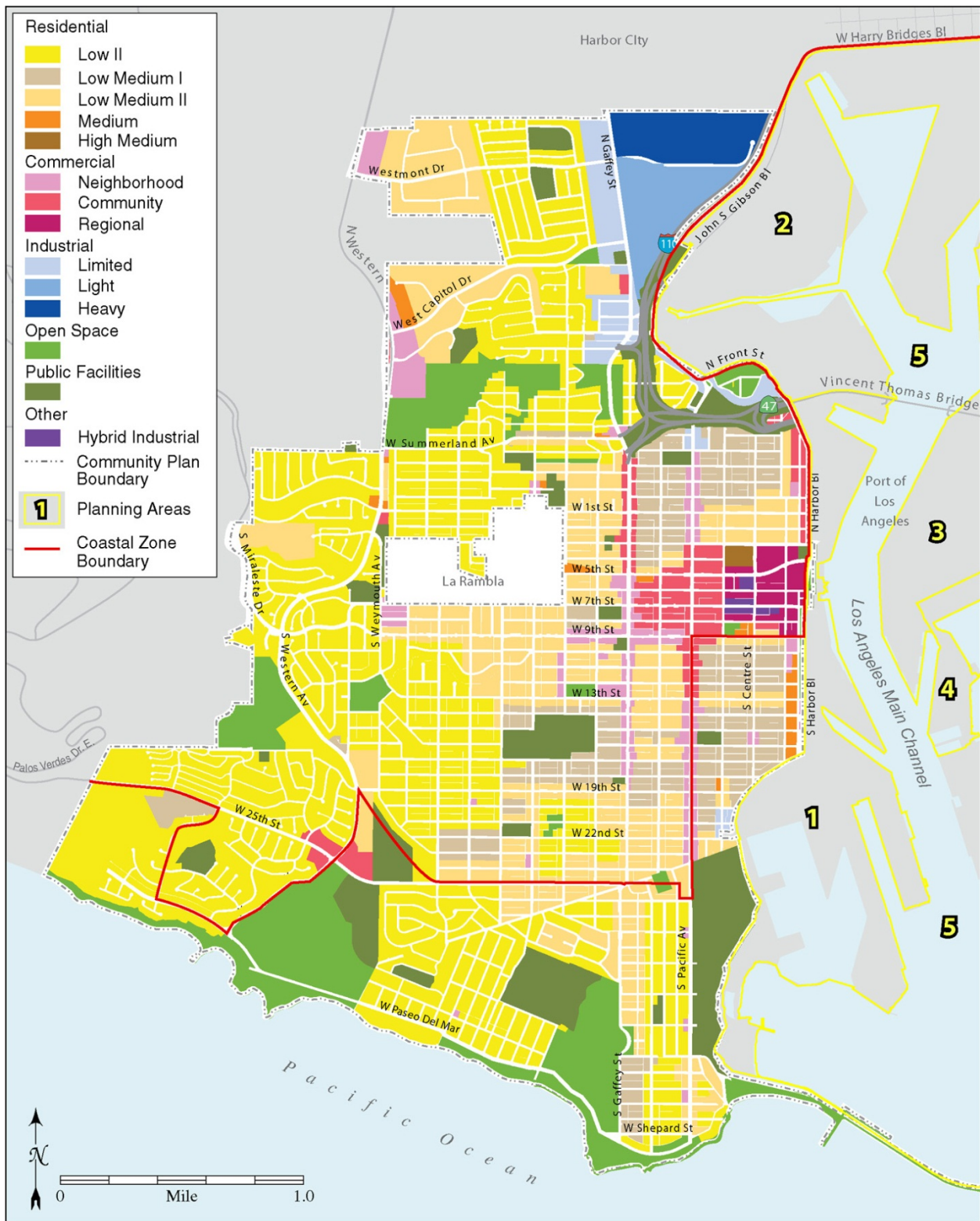


Figure 3.8-1. San Pedro Community Plan Land Use Designations

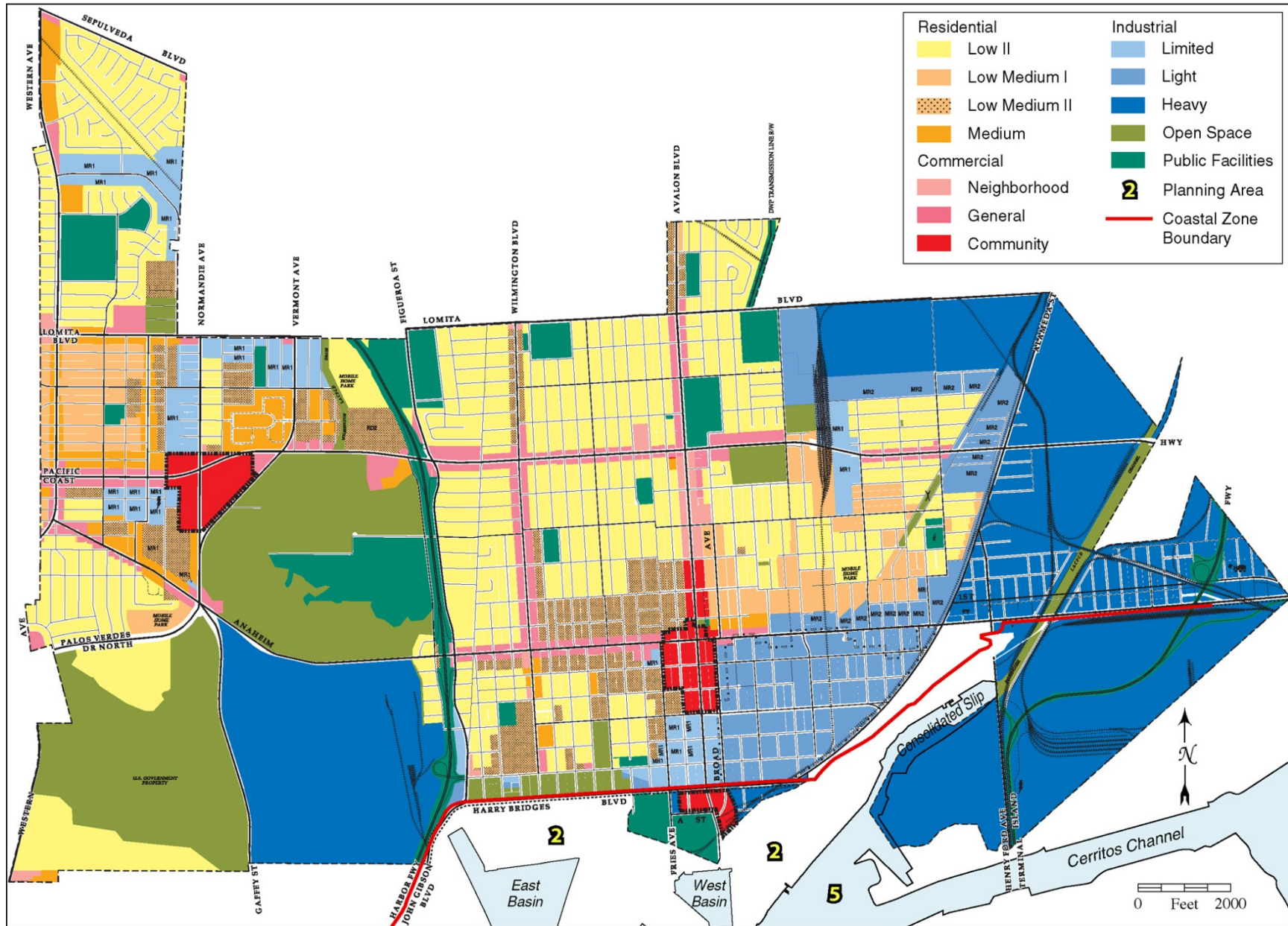


Figure 3.8-2. Wilmington-Harbor City Community Plan Land Use Designations

- 1 ■ Guide development, betterment, and change within the Port to meet existing and
2 anticipated needs and conditions;
- 3 ■ Contribute to a safe and healthful environment;
- 4 ■ Balance growth and stability;
- 5 ■ Reflect economic potentialities and limitations, land and water developments,
6 and other trends; and,
- 7 ■ Protect investment to the extent reasonable and feasible.

8 The *Port of Los Angeles Plan* designates the Port as General/Bulk Cargo and
9 Commercial/Industrial land uses (Figure 3.8-3).

10 General Cargo includes container, break bulk, neo-bulk, and passenger facilities.
11 Commercial uses include restaurants and tourist attraction, offices, retail facilities,
12 and related uses. Industrial uses include light manufacturing/maritime- related
13 industrial activities, ocean-resource industries, and related uses. In addition to these
14 land use categories, the Port of Los Angeles Plan distinguishes hazardous uses as
15 facilities that handle or store bulk hazardous cargo defined in the *Port Risk*
16 *Management Plan* (refer to Section 3.7, Hazards and Hazardous Materials).

17 Port of Los Angeles Plan Objectives

18 The *Port of Los Angeles Plan* contains the following objectives and policies
19 applicable to the PMPU area.

20 **Objective 1.** To maintain the Port as an important local, regional and national
21 resource and to promote and accommodate the orderly and continued development of
22 the Port so as to meet the needs of foreign and domestic waterborne commerce,
23 navigation, the commercial fishing industry and public recreational users.

24 **Objective 2.** To establish standards and criteria for the long-range orderly expansion
25 and development of the Port by the eventual aggregation of major functional and
26 compatible land and water uses under a system of preferences that will result in the
27 segregation of related Port facilities and operations into functional areas.

28 **Objective 3.** To coordinate the development of the Port and the development of
29 adjacent communities as set forth in the community plans for San Pedro and
30 Wilmington-Harbor City.

31 **Objective 4.** To assure priority for water and coastal dependent development within
32 the Port, while maintaining and, where feasible, enhancing, the coastal zone
33 environmental and public views of and access to coastal resources.

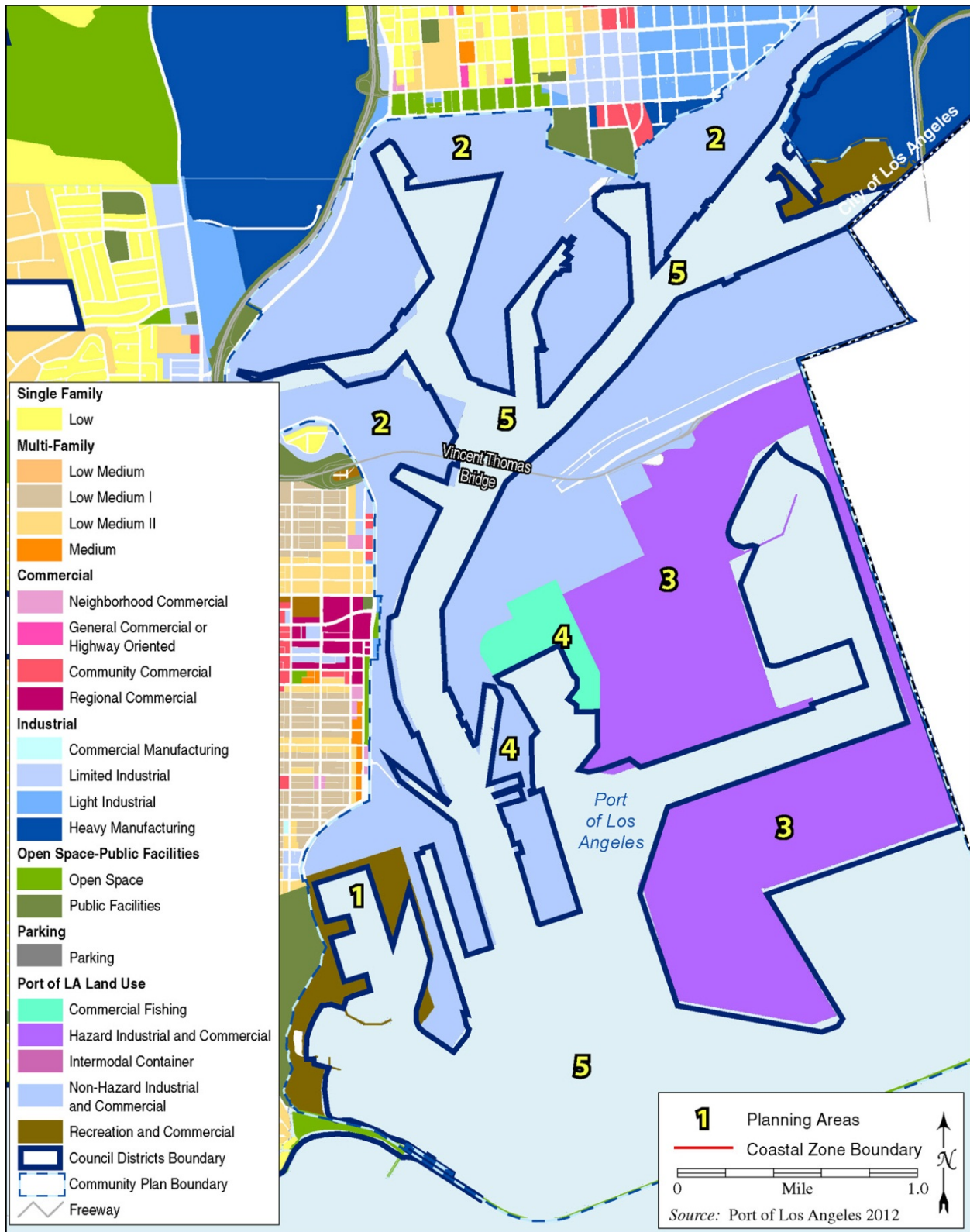


Figure 3.8-3. Port of Los Angeles Plan Land Use Designations

1 **Objective 5.** To permit the Port to have the flexibility in its development processes to
2 adequately respond to the pressures and demands placed upon it by:

- 3 ■ Changing technologies in the ocean and land movement of waterborne commerce;
- 4 ■ Changing patterns in the commodity mix and form of waterborne commerce;
- 5 ■ Changing developments in the Port of Long Beach and the surrounding
6 residential and industrial areas adjacent to and affected by the Port;
- 7 ■ Changing laws and regulations affecting the environmental and economic uses of
8 the Port; and,
- 9 ■ Changes in other U.S. ports affecting the competitive position of the Port.

10 **Objective 6.** To relocate hazardous and incompatible land uses away from adjacent
11 residential, public recreational, and tourist areas when appropriate land areas for
12 relocation become available.

13 **Objective 7.** To promote efficient transportation routes within the Port consistent
14 with external systems to connect employment, waterborne commerce, commercial,
15 and recreational areas.

16 **Objective 8.** To upgrade the existing rail transportation system to keep pace with
17 Port development and to abolish redundant trackage (with railroad company
18 concurrence) so that valuable land can be better used and operations improved.

19 **Objective 9.** To minimize conflicts between vehicular, pedestrian, railroad, and
20 Harbor-oriented industrial traffic, tourist and recreational traffic, and commuter
21 traffic patterns within the Port.

22 **Objective 12.** To stimulate employment opportunities for workers residing in
23 adjacent communities, such as San Pedro and Wilmington.

24 **Port of Los Angeles Plan Policies**

25 The *Port of Los Angeles Plan* contains the following policies applicable to the PMPU
26 area.

27 **Policy 6.** The highest priority for any water or land area use within the jurisdiction of
28 the LAHD shall be for developments that are completely dependent on harbor water
29 areas and/or harbor land areas for their operations.

30 **Policy 7.** Decisions to undertake individual and specific development projects shall
31 be based on considerations of alternative locations and designs to minimize
32 environmental impacts.

33 **Policy 10.** Necessary facilities to accommodate deep-draft vessels and to
34 accommodate the demands of foreign and domestic waterborne commerce and other
35 traditional and water-dependent facilities shall be maintained and developed to
36 preclude the necessity for new ports elsewhere in the state.

1 **Policy 11.** It shall be long-range Port development policy to have facilities used for
2 the storage or transfer of hazardous liquid and hazardous dry bulk cargoes that are
3 inappropriately located, phased out, and relocated to more appropriate sites in areas
4 relatively remote from adjacent communities. Such policy shall be subject to the
5 following criteria: 1) changes in economic conditions that affect types of
6 commodities traded in waterfront commerce; 2) the economic life of existing
7 facilities handling or storing hazardous cargoes; and, 3) precautions deemed necessary
8 to maintain national security.

9 **Policy 13.** Road, rail, and access systems within the Port and connecting links with
10 road, rail, and access systems outside the Port shall be located and designed to
11 provide necessary, convenient, and safe access to and from land and water areas
12 consistent with the long-term preferred uses for the Port and consistent with the
13 applicable elements of the *City of Los Angeles General Plan* and the LCP.

14 **Policy 14.** Programs designed to improve or modify roadway circulation in the Port
15 shall be developed, in part, to eliminate hazardous situations caused by inadequately
16 protected rail/highway crossings, dual use of streets (by rails in the pavement),
17 service and other roads crisscrossing the tracks, and random use of land areas by both
18 highway and rail movement.

19 **Policy 15.** When an existing facility in the Port requires alteration or modifications to
20 maintain its level of service or improve the safety of the facility or its operations,
21 such changes shall be made regardless of the fact that the particular facility is not
22 necessarily designated to remain in its existing location on a long-term basis.

23 **Policy 16.** Location, design, construction and operation of all new or expanded
24 development projects under the LAHD's jurisdiction shall be based on the latest
25 safety standards appropriate to the intended facility.

26 **Policy 18.** Port development projects shall be consistent with the specific provisions
27 of the Port of Los Angeles Plan, the certified PMP, the CCA, and other applicable
28 federal, state, county and municipal laws and regulatory requirements.

29 **3.8.3.3.3 City of Los Angeles Zoning Ordinance**

30 The *City of Los Angeles General Plan* has adopted generalized land use maps for
31 each of the city's 35 Community Plans. These land use categories are associated with
32 a set of land use zone classifications that could be considered in rezoning applications
33 (City of Los Angeles 2003). Lands within the PMPU area are zoned [Q]M2
34 (Qualified Light Industrial) or [Q]M3 (Qualified Heavy Industrial) by the City of Los
35 Angeles Zoning Ordinance. The majority of land use designations have been
36 qualified, as indicated by the bracketed [Q] symbol. The "qualified" designation
37 indicates that a property so designated might be restricted or prohibited for some uses
38 ordinarily permitted in the underlying zone classification, and/or that development on
39 such designated sites may be required to conform to certain additional use standards.
40 Accordingly, the [Q] in these zones restrict uses to General Cargo, limited Port-
41 related commercial, industrial, and support uses. The zone limits the storage of
42 hazardous materials, liquid, or solid bulk that is flammable, explosive, or produces a
43 flammable, toxic, or suffocating gas (City of Los Angeles 2003).

1 The industrial zoning designation allows a building floor-area ratio of 1.5 times the
2 buildable area of the lot. Also, in industrial zones, building and structure heights on
3 industrially zoned property in Height District 1 are dependent on the zoning
4 classification of adjacent properties, project site distance from those properties, and
5 surrounding topography. Accordingly, building and structure floor-area ratio and
6 height limitations vary throughout the PMPU area. Exceptions to the height
7 limitation are permitted for equipment necessary to operate a structure in the height
8 zone, provided such structures are not constructed solely for the purpose of creating
9 additional floor area.

10 Relevant goals in the *Wilmington-Harbor City Community Plan* are as follows:

- 11 ■ To coordinate the development of the Port with surrounding communities to
12 improve the efficiency and operational capabilities of the Port to better serve the
13 economic needs of Los Angeles and the region, while minimizing adverse
14 environmental impacts to neighboring communities from Port-related activities;
- 15 ■ To coordinate the future development of the Port with all adopted city plans, the
16 Wilmington Industrial Park Redevelopment Project, and the Enterprise Zone;
- 17 ■ To continue to develop and operate the Port to provide economic, employment,
18 and recreational benefits to neighboring communities; and,
- 19 ■ To assure that Port programs for land acquisition and circulation improvements
20 will be compatible with and beneficial in reducing environmental impacts to
21 surrounding communities caused by Port-related activities, as well as beneficial
22 to the Port.

23 **3.8.3.3.4 Port of Los Angeles Strategic Plan 2012-2017**

24 On April 19, 2012, the Board approved a 5-year strategic plan that guides the Port's
25 priorities, objectives and various initiatives for developing infrastructure, enhancing
26 overall competitiveness, growing market share, optimizing land use, advancing
27 maritime technologies and sustainability efforts, and maintaining the Port's top
28 ranking as the nation's trade gateway to the Pacific Rim (Resolution # 12-7292) (Port
29 2012). The *Port of Los Angeles Strategic Plan 2012-2017* builds on the previous
30 2006-2011 5-year plan.

31 The strategic plan includes seven strategic objectives with metrics to measure the
32 Port's performance and success in implementing the initiatives and goals under each
33 objective:

- 34 ■ Objective 1: Develop and Maintain World Class Infrastructure;
- 35 ■ Objective 2: Retain and Grow Market Share;
- 36 ■ Objective 3: Advance Technology and Sustainability;
- 37 ■ Objective 4: Optimize Land Use;
- 38 ■ Objective 5: Create a Positive Workplace Culture;
- 39 ■ Objective 6: Increase Stakeholder and Community Awareness and Support; and,
- 40 ■ Objective 7: Strengthen Financial Performance.

1 Objectives 3 and 4 reduce the environmental impacts associated with operations at the
2 Port.

3 Objective 3 promotes the advancement of technology and sustainability initiatives. Of
4 the four initiatives under this objective, Initiative 1 establishes increasing the number of
5 zero emission trucks in the Port drayage fleet, focusing on trips to and from rail yards,
6 through the development of an action plan to be completed by the end of 2014, with a
7 goal of increasing zero emission trucks to 50 percent of the drayage fleet or 100 percent
8 of the trucks calling at the near-dock rail yards by the end of fiscal year 2019/20.
9 Initiative 2 is to partner with educational institutions to create workforce development
10 programs that provide a smooth transition to automated terminal technology,
11 recognizing the Port's commitment to work with customers to advance emerging
12 technologies that enhance the environment and result in more efficient cargo handling.
13 Initiative 3 is to examine opportunities for efficient and renewable energy for Port-
14 owned and customer facilities in partnership with PortTechLA and CleanTechLA.
15 Lastly, Initiative 4 is to examine and encourage AMP alternatives as a means to a more
16 rapid and efficient reduction of vessel emissions by implementing at least one
17 demonstration project by 2013.

18 Objective 4 encourages optimizing land uses within the Port. Because the San Pedro
19 Waterfront and portions of the Wilmington Waterfront are committed to enhanced
20 public access and recreational uses, Terminal Island and other areas of the Port must be
21 reserved and placed into service to accommodate the Port's primary cargo handling
22 business. This objective includes five initiatives to promote optimizing land uses within
23 the Port. Initiative 1 recommends updating the PMP, including the *Terminal Island*
24 *Land Use Plan*, by June 2013. Initiative 2 encourages optimizing job creation diversity
25 by expanding visitor-serving maritime commercial and academic uses within the San
26 Pedro Waterfront. Initiative 3 is to ensure that uses of Port property are revenue
27 efficient and enhanced by maximizing agreements that reflect current land values and
28 market-based compensation by cargo sector. Initiative 4 encourages creating
29 development plans for the full utilization of contaminated facilities, low performing
30 assets, and for the removal of unused assets. Initiative 5 promotes eliminating non-
31 water dependent use facilities from Port cargo-designated waterfront properties.

32 **3.8.4 Impacts and Mitigation Measures**

33 **3.8.4.1 Methodology**

34 This analysis evaluates the consistency or compliance of the proposed Program with
35 adopted plans and policies governing land use and development. Land use plans with
36 policies applicable to the PMPU were evaluated, including the CCA, *City of Los*
37 *Angeles General Plan*, the City of Los Angeles Planning and Zoning Code, and plans
38 prepared by other agencies with jurisdiction over areas in which the proposed
39 Program could create a land use impact.

40 Inconsistency with a land use policy or objective is only considered a significant
41 impact if the inconsistency would result in a significant impact on the physical
42 environment. Further, physical impacts on the environment that might result from an
43 inconsistency with land use policies or objectives are addressed in the appropriate
44 resource section, not in an analysis of land use.

1 The land use analysis also addresses the potential for the proposed Program to create
 2 physical incompatibilities between adjacent land uses or activities that would result in
 3 a significant impact on the physical environment. This is accomplished through the
 4 evaluation of the extent to which offsite land uses could be affected by a physical
 5 division, isolation, or other disruptions caused by the proposed Program.

6 **3.8.4.2 Thresholds of Significance**

7 The *L.A. CEQA Thresholds Guide* (City of Los Angeles 2006) is the basis for the
 8 following significance criteria and for determining significance of impacts on land
 9 use resulting from the proposed Program. The NOP/IS (Appendix B) concluded that
 10 the proposed Program would have no impact under the following thresholds;
 11 therefore, these significance criteria were not carried forward for detailed analysis:

- 12 ■ Would the project physically divide an established community?
 - 13 □ The proposed Program would not divide an established community. The
 - 14 PMPU area encompasses all lands within the Port's coastal zone boundary.
 - 15 The closest established communities are Wilmington and San Pedro. All
 - 16 proposed appealable/fill projects would be contained entirely within existing
 - 17 Port lands and future development would not be constructed or require any
 - 18 improvements within Wilmington or San Pedro. The proposed Program
 - 19 would have no impact related to the division of an established community.
- 20 ■ Would the project conflict with any applicable habitat conservation plan or
- 21 natural community conservation plan?
 - 22 □ The proposed Program would not be located within or near an adopted
 - 23 Natural Communities Conservation Plan or Habitat Conservation Plan.
 - 24 Therefore, no impacts would occur.

25 Land use impacts would be significant under the following condition.

26 **LU-1:** The proposed Program would be inconsistent with the General Plan or
 27 adopted environmental goals or policies contained in other applicable
 28 plans adopted for the purpose of avoiding or mitigating an environmental
 29 impact.

30 **3.8.4.3 Impacts and Mitigation**

31 **Impact LU-1: The proposed Program would be consistent with the**
 32 **General Plan or adopted environmental goals or policies**
 33 **contained in other applicable plans adopted for the purpose of**
 34 **avoiding or mitigating an environmental impact.**

35 **Planning Areas 2 - 4**

36 In itself, an inconsistency with a plan, policy, or regulation does not constitute a
 37 significant impact on the environment. CEQA is concerned with the physical changes
 38 in the environment. An inconsistency between a project and a plan is a legal
 39 determination rather than a physical impact. Where a plan is adopted for the purpose
 40 of avoiding or mitigating a physical impact on the environment, however, an

1 inconsistency may be evidence that the project could result in a significant impact on
 2 the environment. Thus, the PMPU would have a significant land use impact when 1)
 3 construction of a proposed appealable/fill project or development resulting from
 4 proposed land use changes are inconsistent with a land use plan adopted for the
 5 purpose of environmental protection, and 2) this inconsistency is evidence of an
 6 underlying significant physical impact.

7 **Construction**

8 Construction is an integral part of development, and thus the construction of facilities
 9 is implicit in plans and policies that address the minimization or avoidance of the
 10 environmental impacts of future development. Accordingly, construction activities
 11 associated with the proposed appealable/fill projects in the PMPU (i.e., Berths
 12 187-189 Liquid Bulk Relocation, Yang Ming Terminal Redevelopment, China
 13 Shipping Fill, Berth 300 Development, Tri Marine Expansion, 338 Cannery Street
 14 Adaptive Reuse, and Al Larson Marina) and land use changes would not conflict
 15 with plans or policies adopted for the purpose of avoiding environmental impacts.

16 **Operations**

17 Table 3.8-2 identifies the statutes, plans, and policies applicable to the PMPU and
 18 includes a discussion of the consistency between these regulations and plans and the
 19 proposed appealable/fill projects and land use changes included in the PMPU.

Table 3.8-2. PMPU Consistency Analysis

<i>Statutes, Plans, and Policies</i>	<i>Consistency Analysis</i>
CZMA	Determination of Consistency: Consistent. The PMPU serves as a long-range plan to establish policies and guidelines for future use of Port lands within the coastal zone, as required under the CCA. The CCC would rely on this PEIR to ensure compliance with the CZMA and consistency with the CCA, perform a federal consistency determination, and certify the PMPU. The PMPU is consistent with CCA policies that encourage existing ports to modernize and construct as necessary to minimize and/or eliminate the need for the creation of new ports; preserve commercial fishing and water-related recreational facilities and access; and locate coastal-dependent industrial facilities within existing sites whenever possible.
California Tidelands Trust Act	Determination of Consistency: Consistent. The PMPU would not involve the sale of any tidelands to any private entity and the PMPU area would remain under the control of the LAHD. Proposed appealable/fill projects included in the PMPU would be under the jurisdiction of the Port, as granted under the Tidelands Trust Act, and would be funded with Trust revenues. All property and improvements included as part of proposed appealable/fill projects would be dedicated to maritime-related uses and would, therefore, be consistent with the Tidelands Trust Act.
CCA	Determination of Consistency: Consistent. In accordance with provisions of the CCA, the proposed Program would be reviewed and certified by the CCC, which would provide the LAHD with CDP authority for actions/development consistent with the PMPU. The proposed appealable/fill projects and land use changes included in the PMPU are consistent with CCA policies that encourage existing ports to modernize and construct as necessary to minimize and/or eliminate the need for the creation of new ports; preserve commercial fishing and water-related recreational facilities and access; and locate coastal-dependent industrial facilities within existing sites whenever possible.

Table 3.8-2. PMPU Consistency Analysis

<i>Statutes, Plans, and Policies</i>	<i>Consistency Analysis</i>
City of Los Angeles General Plan – Framework Element	Determination of Consistency: Consistent. The proposed appealable/fill projects and land use changes included in the PMPU would support the <i>City of Los Angeles General Plan Framework Element</i> guidelines for future updates of the city’s community plans, including the <i>Port of Los Angeles Plan</i> . The PMPU is consistent with the goals, objectives, and policies of the Port of Los Angeles Plan.
City of Los Angeles General Plan – Port of Los Angeles Plan	Determination of Consistency: Consistent. The proposed appealable/fill projects and land use changes included in the PMPU would support the goals, objectives, and policies of the <i>Port of Los Angeles Plan</i> . The PMPU would promote the continued development of the Port to meet the needs of foreign and domestic waterborne commerce and the commercial fishing industry; consolidate Port land uses into functional areas; assure priority for water and coastal dependent development within the Port while maintaining/enhancing the coastal zone environment; stimulate employment opportunities for workers in San Pedro and Wilmington; and eliminate and relocate existing liquid bulk facilities to more appropriate sites away from residential areas.
City of Los Angeles Zoning Ordinance	Determination of Consistency: Consistent. Proposed appealable/fill projects and land use changes included in the PMPU are consistent with the land use zone classifications in the PMPU area (i.e., [Q]M2 [Qualified Light Industrial] or [Q]M3 [Qualified Heavy Industrial]).
San Pedro Community Plan	Determination of Consistency: Consistent. Proposed appealable/fill projects and PMPU land use designations adjacent to San Pedro (i.e., visitor serving commercial uses, recreational marina, and open space) would be consistent with the <i>San Pedro Community Plan</i> designation and zoning. The PMPU would be consistent with the San Pedro Community Plan goal for the Port to coordinate development with surrounding communities and improve the operational efficiencies of the Port to better serve the economic needs of the region, while minimizing adverse impacts to adjacent communities.
Wilmington-Harbor City Community Plan	Determination of Consistency: Consistent. PMPU land use designations adjacent to Wilmington (i.e., container and open space) would be consistent with the <i>Wilmington-Harbor City Community Plan</i> designation and zoning. The PMPU would be consistent with the Wilmington-Harbor City Community Plan goal for the Port to coordinate development with surrounding communities and improve the operational efficiencies of the Port to better serve the economic needs of the region, while minimizing adverse impacts to adjacent communities.
Port of Los Angeles Strategic Plan 2012-2017	Determination of Consistency: Consistent. The PMPU is consistent with the strategic plan because it would help to minimize land use conflicts, maximize the efficiency of existing facilities, and optimize land uses within the Port.

1 **Impact Determination**

2 **Construction**

3 Because construction activities associated with the proposed appealable/fill projects and
 4 land use changes in the PMPU would not conflict with plans or policies adopted for the
 5 purpose of avoiding environmental impacts, impacts would be less than significant.

6 **Operations**

7 The proposed appealable/fill projects and land use changes included in the PMPU
 8 would not conflict with the General Plan or adopted environmental goals or policies
 9 contained in other applicable plans adopted for the purpose of avoiding
 10 environmental impacts. Therefore, impacts would be less than significant.

1 **Mitigation Measures**

2 No mitigation is required.

3 **Residual Impacts**

4 Residual impacts would be less than significant.

5 **3.8.5 Summary Impact Determination**

6 Table 3.8-3 summarizes the impact determinations of the proposed Program related
 7 to land use, as described in detail above. Identified potential impacts are based on
 8 federal, state, and City of Los Angeles significance criteria, Port criteria, and the
 9 scientific judgment of the report preparers.

10 For each type of potential impact, the table describes the impact, notes the impact
 11 determination, any applicable mitigation measures, and residual impacts (i.e., the
 12 impact remaining after mitigation). All impacts, whether significant or not, are
 13 included in the table.

Table 3.8-3. Summary Matrix of Potential Impacts and Mitigation Measures for Land Use Associated with the Proposed Program

<i>Environmental Impacts</i>	<i>Impact Determination</i>	<i>Mitigation Measures</i>	<i>Impact After Mitigation</i>
<i>Construction</i>			
LU-1: Construction of the proposed Program would be consistent with the General Plan or adopted environmental goals or policies contained in other applicable plans adopted for the purpose of avoiding or mitigating an environmental impact.	Less than significant	No mitigation is required	Less than significant
<i>Operations</i>			
LU-1: Operation of the proposed Program would be consistent with the General Plan or adopted environmental goals or policies contained in other applicable plans adopted for the purpose of avoiding or mitigating an environmental impact.	Less than significant	No mitigation is required	Less than significant

14 **3.8.6 Significant Unavoidable Impacts**

15 No significant unavoidable impacts to land use would occur as a result of
 16 implementation of the proposed Program.