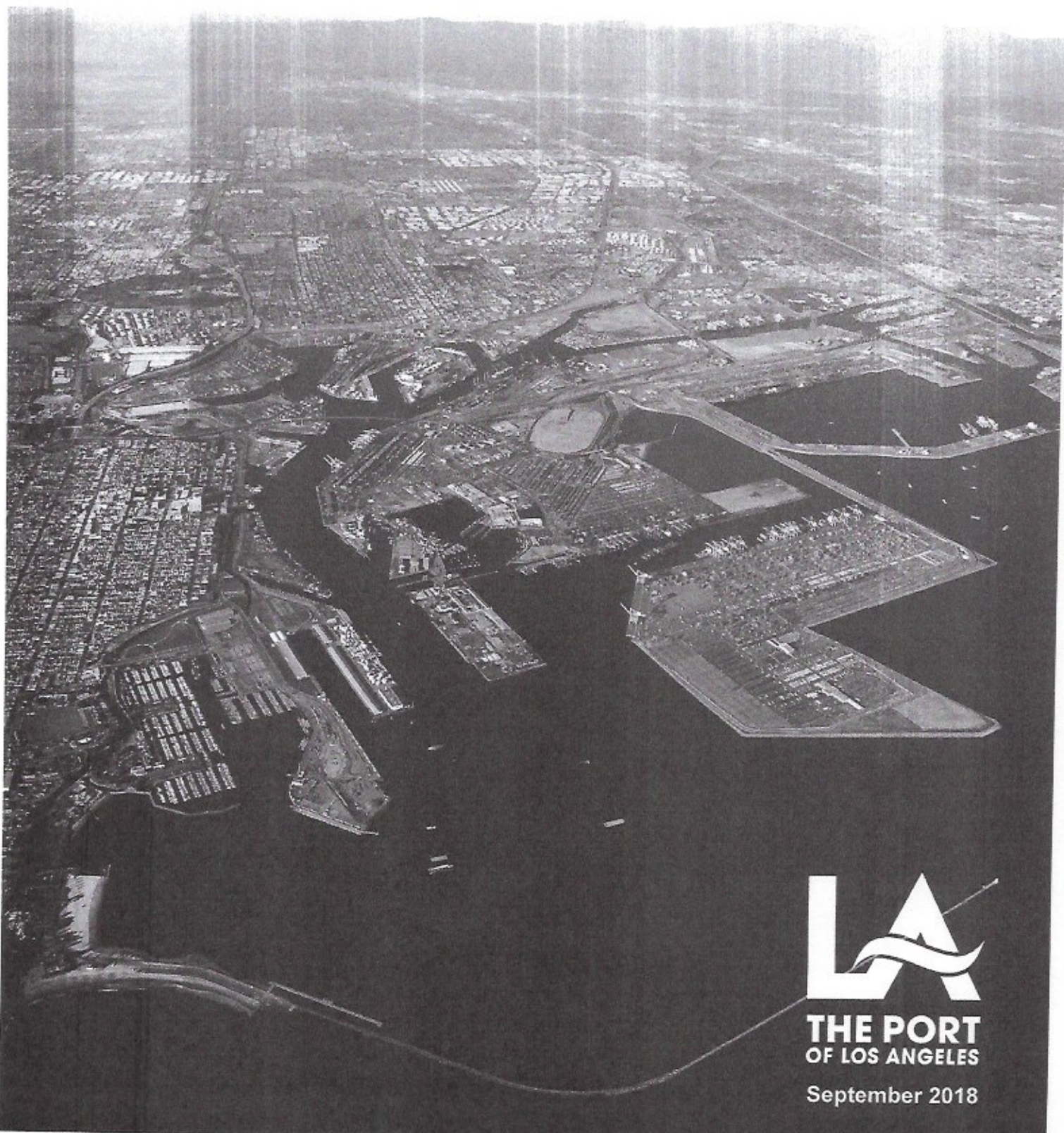


Port Master Plan



**THE PORT
OF LOS ANGELES**

September 2018

1.0 INTRODUCTION

1.1 About the Port of Los Angeles

The Port of Los Angeles (Port) is America's premier port and Southern California's gateway to international commerce. Located in San Pedro Bay, 20 miles south of downtown Los Angeles, the Port encompasses 7,500 acres, 43 miles of waterfront and features 25 cargo terminals, including passenger, container, breakbulk, dry and liquid bulk, and automobile terminals. Additionally, the Port is home to a variety of uses including commercial fishing, ship repair facilities, commercial retail, open space, and cultural destinations.

The Port is governed by a five-member Board of Harbor Commissioners (Board), whose members are appointed by the Mayor and approved by the Los Angeles City Council. Public lands and water are held in trust by the City of Los Angeles under the State Tidelands Trust. A self-supporting department of the City of Los Angeles, the Harbor Department does not receive taxpayer dollars. The Port derives its fees from shipping and other services and is considered a landlord port, leasing property to tenants who operate their own facilities.

The Port Master Plan (Plan) establishes policies and guidelines to direct the future development of the Port. This updated Plan 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 Plan 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.

1.2 Authorizing State Legislation

The Plan was originally adopted and certified in 1980 in conformance with the policies of the California Coastal Act (Coastal Act). The Coastal Act, enacted by the State Legislature in 1976, provides for the protection of California's coastline through the authorization of local coastal programs and port master plans to manage development in the coastal zone. The Coastal Act is administered by the California Coastal Commission (Coastal Commission), whose mission is to protect, conserve, restore, and enhance the environment of the California coastline.

1.2.1 California Coastal Act Port Policies

The Coastal Act recognizes the importance of ports to California's economy and the national maritime industry. Ports are understood to be necessary to ensure that inland and coastal resources are preserved and that economic development continues within the state. Further, existing ports are encouraged to modernize and construct necessary facilities within their

boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state.

Chapter 8 (Ports) of the Coastal Act presents the policies of the state that are consistent with coastal protection in the port and govern the certification of port master plans. Port master plans are required to contain the following elements: 1) land and water uses; 2) port facilities; 3) environmental inventory, impact analysis, and mitigation measures; 4) a listing of appealable projects; and 5) provisions for public hearings and public participation in port planning and development decisions.

Under the Coastal Act, development activities within the Coastal Zone generally require a permit to ensure that the activity is consistent with the policies of the Coastal Act. A certified port master plan transfers coastal permit jurisdiction relative to port development from the Coastal Commission to the port authority, with limited appeal jurisdiction remaining with the Coastal Commission.

1.2.2 Coastal Zone Boundary

The jurisdiction of the Coastal Act, and by extension, the jurisdiction of the Plan is the Coastal Zone. On land, the Coastal Zone varies in width from several hundred feet in highly urbanized areas up to five miles in certain rural areas. On land the coastal zone varies in width from several hundred feet in highly urbanized areas up to five miles in certain rural areas, and offshore the coastal zone includes a three-mile-wide band of ocean.

1.3 Port Master Plan Objectives

The major objectives of the Plan are:

- To develop the Port in a manner that is consistent with federal, state, county and city laws, including the California Coastal Act of 1976 and the Charter of the City of Los Angeles.
- To integrate economic, engineering, environmental and safety considerations into the Port development process for measuring the long-term impact of varying development options on the Port's natural and economic environment.
- To promote the orderly long-term development and growth of the Port by establishing functional areas for Port facilities and operations.
- To allow the Port to adapt to changing technology, cargo trends, regulations, and competition from other U.S. and foreign seaports.

2.0 BACKGROUND

2.1 1980 Port Master Plan

The original Plan became effective in April 1980 after it was approved by the Board and certified by the Coastal Commission. Since that time, twenty amendments to the Plan have been approved with another six amendments initiated but withdrawn. The 1980 Plan, as amended, organized the Port into nine planning and water areas. Each planning area identified existing conditions, short-term plans, long-range preferred uses, and anticipated development projects. Proposed projects were required to be consistent with a broad range of land uses allowed within each planning area. Additionally, the 1980 Plan included guidelines for the issuance of coastal development permits and a Risk Management Plan that addressed developments related to liquid bulk commodities, including petroleum and chemical products.

2.2 Port Master Plan Update Process

While amendments to the 1980 Plan addressed changes relating to specific projects, a comprehensive review and update of the Plan has not been completed since the Plan's original certification. Over time, changes and trends in the maritime industry have caused portions of the Plan to be outdated. For example, trends in containerization since the certification of the original Plan have resulted in the need for deeper draft channels and additional backland to accommodate the cargoes of the larger vessels. Additionally, in 1980, the Port had several high density working populations associated with shipyards and commercial fishing activities. However, due to changing economic conditions, there are no longer any large-scale ship building operations in the Port and commercial fishing activities such as fish processing and canneries have significantly contracted.

On January 19, 2012, the Board authorized Port staff to initiate an update of the Plan. The effort would combine the plan and its subsequent amendments into a more manageable and concise document that reflects all recent land use planning and projects, replace outdated language, and provide an easy to understand specific land use plan. The update would also reflect recommendations from recent Port planning studies, including the Terminal Island Land Use Plan and Wilmington Marinas Planning Study.

The Plan reflects input from Port stakeholders, including tenants, Port customers, labor, governmental agencies, and the community. On July 19, 2012 and October 25, 2012, the Harbor Department held public workshops at Banning's Landing Community Center to receive input on initial concepts for the Plan update. The Draft Port Master Plan was released on February 21, 2013, along with the supporting Draft Program Environmental Impact Report (PEIR). The comment period ended on April 8, 2013. Through the process, Staff received comments on a variety of issues relating to land use designation changes, accommodation of diverse cargoes, preservation of historic resources, and integration of public access opportunities in the San Pedro and Wilmington communities.

3.0 DEVELOPMENT GOALS

3.1 Approach

Long-range development goals are essential for guiding the future development and expansion of the Port. These planning goals are necessarily general to maintain flexibility and to allow the Port to respond to tenant needs. In addition, since development decisions can be driven by national and international economic trends, general goals allow the Port to respond to immediate and short-term requirements dictated by these trends.

3.2 Goals

3.2.1 *Goal 1: Optimize Land Use*

Development and the land uses designated on Port land should be compatible with surrounding land uses in order to maximize efficient utilization of land and minimize conflicts. Individual terminals within the Port should be compatible with neighboring Port tenants. When incompatible, port areas should be deliberately redeveloped or relocated to eliminate the conflict. Cargo handling facilities should be primarily focused on Terminal Island and other properties that are buffered from the neighboring residential communities of San Pedro and Wilmington. Non-water dependent use facilities should be eliminated from Port cargo-designated waterfront properties. Land use decisions should also take into consideration opportunities for Port tenants to grow and expand their businesses.

3.2.2 *Goal 2: Increase Cargo Terminal Efficiency*

Cargo terminals should be utilized to their maximum potential in order to meet current and future needs of the Port's customers and region. The Port should develop and maintain the infrastructure necessary to support the terminals, while Port tenants should be encouraged to modernize their facilities and implement new technologies, including automated container terminal technology. Long-term development plans should maximize the utilization of low-performing assets, environmentally contaminated facilities, and unused assets.

3.2.3 *Goal 3: Accommodate Diverse Cargoes*

The Port should continue its commitment to accommodating a variety of water-dependent cargo handling facilities, including container, breakbulk, dry bulk, and liquid bulk uses. While revenues generated from each land use vary, overall plans for the Port should allow for some capacity for different modes of cargo to serve the larger economic and public interest of the State. Ancillary uses, such as ship and boat repair, harbor craft, and barge and tug operations, are vital support industries and are also important customers that should be prioritized, based on need. Additionally, existing commercial fishing and recreational boating facilities will be protected consistent with the policies of the Coastal Act.

3.2.4 **Goal 4: Increase Public Access to the Waterfront** *

As a part of a larger community, the Port will provide for enhanced public access to the waterfront and visitor-serving facilities including retail restaurants, museums, and parks. Waterfront access should be provided to both the local communities of San Pedro and Wilmington. These visitor-serving areas should be developed to connect with local commercial districts directly outside the port district, such as Downtown San Pedro and the Wilmington Avalon Corridor. Within the visitor-serving areas, pedestrian and bicycle pathways should connect a series of commercial and open space destinations as well as allow the opportunity to network into regional resources such as the California Coastal Trail. Public access areas and residential areas adjacent to the port should be buffered through landscaping, as feasible.

3.2.5 **Goal 5: Protect Historic Resources** *

The Port shall identify and pursue the preservation of the historic resources within its jurisdiction. The history of the Port, including significant periods such as the era of shipbuilding, commercial fishing, and the Japanese American Fishing Village, should continue to be memorialized, as appropriate, through monuments and preservation of associated existing buildings and sites. Nothing stated herein shall be interpreted to impede the Port's ability to meet its mandates identified in the Coastal Act to operate as a commercial port and accommodate transportation, commercial, industrial and cargo handling activities. The Built Environment Historic, Architectural, and Cultural Resource Policy, adopted by the Board of Harbor Commissioners, established the formal procedures to potentially adaptively reuse and preserve historic resources.

The goal to adaptively reuse historic resources shall be included among other goals when considering a proposed use for the site. Further, the Port shall encourage the productive reuse of historic resources in the future by periodically reviewing, as needed, with stakeholder input, whether additional port related land uses in certain areas with identified historic resources would enhance the opportunity to the reuse vacant or underutilized historic resources.

5.3 Planning Area 1 – San Pedro

5.3.1 General Overview

Planning Area 1 encompasses the San Pedro Waterfront, from the breakwater to the Vincent Thomas Bridge along the western boundary of the Port. The area extends from Berths 19 to 95 and includes cruise operations, institutional uses, and recreational activities. Planning Area 1 primarily includes land uses focused on public access to the waterfront, but also has limited cargo operations and commercial fishing activities. Planning Area 1 emphasizes waterfront access through a waterfront promenade, parks, museums, academic uses, and visitor-serving commercial uses and attractions.

5.3.2 Planning Framework

The land use map for Planning Area 1 reflects the overall deindustrialization of the area. In September 2009, the Board certified the Final Environmental Impact Report (EIR) and approved the San Pedro Waterfront Project. The project focused on increased public access to the waterfront, additional visitor-serving commercial development within the Port, and expanded cruise activities. Additionally, academic uses are anticipated with marine research activities focused at City Dock No. 1. Table 9 summarizes total acreage for each land use category for Planning Area 1.

Table 9. Planning Area 1 Acreages

Land Use Type ⁽¹⁾	Acres
Container	
Liquid Bulk	
Dry Bulk	
Commercial Fishing	9
Recreational Boating	59
Maritime Support	1
Institutional	35
Visitor-Serving Commercial	97
Breakbulk	18
Open Space	118
Cruise Operations	67
Mixed Land Use:	10
SUM ⁽²⁾	413

(1) Area calculated for individual land use types within each Planning Area

(2) Summed differences are due to rounding to whole integers.

5.3.3 Proposed Projects

Outer Harbor Cruise Terminal – The project would provide for two cruise terminals at Berths 45–47 and Berths 49–50 in the Outer Harbor to accommodate the berthing of a Freedom Class or equivalent cruise vessel (1,150 feet length). The proposed project would include construction of two cruise terminals (approximately 100,000 square feet each) and supporting parking. Implementation of this project would be initiated upon demand, for additional cruise facilities.

Outer Harbor Park – The proposed Outer Harbor Park would encompass approximately 6 acres at the Outer Harbor and would be designed as an integral feature complementary to the proposed Outer Harbor Cruise Terminals.

City Dock No. 1 – The project would allow for the development of a marine research center within a 28-acre site located between Berths 57 and 72 that will provide world-class marine research facilities and space to bring together leading researchers and entrepreneurs, including the Southern California Marine Institute (SCMI), Southern California universities and colleges, government research agencies, and businesses to conduct marine and ocean research and education. This would be achieved through the rehabilitation of the existing sheds and wharves to house state-of-the-art marine research and educational facilities and provide berthing space for research vessels.

Ports O' Call Redevelopment – This project would redevelop the 30-acre Ports O' Call Village into a vibrant, world-class urban waterfront destination. The Ports O' Call site is entitled to support up to 300,000 square feet of visitor-serving commercial uses and up to 75,000 square feet for a conference center. A waterfront promenade and three acres of open space are also included.

6.0 DEVELOPMENT GUIDELINES

6.1 Purpose

The Board has been delegated Coastal Development Permit authority by the Coastal Act as a result of action of the Coastal Commission certifying the Plan. The purpose of these Guidelines is to provide the necessary procedures for the implementation of the Plan in accordance with the provisions of the Coastal Act and related State guidelines. These Guidelines incorporate, to the extent applicable, the guidelines issued by the Coastal Commission pursuant to Public Resources Code, Section 30333, contained in Division 5.5 of Title 14, California Administrative Code.

6.2 Assignment of Duties

The Board is the port governing body to whom the permit authority of the Coastal Commission has been delegated by the provision of the Coastal Act, and is the entity responsible for the implementation of the certified Plan in accordance with the Coastal Act, and its interpretative guidelines (Division 5.5, Title 14, California Administrative Code).

The Board designates the Executive Director of the Port as the person primarily responsible for such implementation, as is provided herein, or his or her designee.

6.3 Application Procedures

An application for a Coastal Development Permit is required to be filed with the Harbor Department by any person wishing to perform or undertake any public or private development in the Harbor District where such development is within the boundaries of the Plan.

Applications require, but are not limited to: (1) a description of the proposed development, including plans in sufficient detail to determine whether the proposed development complies with the Plan; (2) documentation of the Applicant's interest in the property; (3) dated signature by or on behalf of the Applicant, attesting to the truth, completeness, and accuracy of the contents of the application; and (4) names of any persons the Applicant knows to be interested in the proposed development.

6.3.1 Review of Applications

A submitted permit application, together with all necessary attachments and exhibits, shall be deemed "filed" after having been received, reviewed and found in proper order by the Executive Director. The Executive Director shall cause a date of receipt stamp to be placed on all applications for permits on the date they were received. Within thirty (30) calendar days from the date of receipt of such application, the Executive Director's review of the application shall result in either the filing of the application or a request to the Applicant for additional information. After an application is filed, Applicants are notified if a coastal development permit is required and if so, what level.

Upon a finding that an application is incomplete, the Executive Director shall notify the Applicant and identify what additional information is required. The Applicant has thirty (30) calendar days to submit the additional information requested. Subsequent requests for more information may follow. Any subsequent request for additional information will allow the applicant an additional thirty (30) calendar days to submit the information requested. If information is not received within the timeframe stipulated above, the application can be rejected.

A determination that the application is incomplete may be appealed to the Board for its determination as to whether the permit application is complete and may be filed. The appeal must be submitted in writing for consideration by the Board within 30 calendar days of the application's rejection by the Executive Director.

6.4 Permit Types and General Procedures

Developments subject to the Plan fall under different permit types based on provisions of the Coastal Act and the type and intensity of the work proposed. Proposed developments may be exempt from a Coastal Development Permit, require a Level I Coastal Development Permit, or require a Level II Coastal Development Permit. Additionally, depending on the type of development, Level II Permits may be appealable to the Coastal Commission.

6.4.1

Development Exempt from Coastal Development Permit

Section 30610 of the Coastal Act describes developments that are exempt from a Coastal Development Permit. They include, but are not limited to:

- a. Maintenance dredging of existing navigation channels or moving dredged material from such channel to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.
- b. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; provided, however, if the Board determines that certain extraordinary methods of repair and maintenance will be used that involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained under the Coastal Act.
- c. The installation, testing, or the placement of any necessary utility connection between an existing service facility and any development approved pursuant to the regulations; provided the Board may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.
- d. The replacement of any structure, other than a public works facility, destroyed by a disaster and/or temporary event, consistent with Section 30610.

The Executive Director shall notify the Applicant if the proposed project is determined to be exempt. Such projects do not require any further procedures for Coastal Development Permit review.

6.4.2 **Level I Coastal Development Permit**

Level I Coastal Development Permits are non-appealable as defined in Section 30715 of the Coastal Act and do not require a public hearing. They are required for development occurring within the Harbor District that are minor in nature and are determined to have insignificant impacts on the Port or surrounding environment. They must conform to all of the following requirements:

- a. Minimal resources are involved;
- b. Only minimal change in land and/or water use and in the density or intensity of the use of land and water area may occur; and
- c. There are no significant adverse environmental impacts.

Examples of Level I Coastal Development Permits include, but are not limited to: minor grading; paving; lighting; fencing; installation of structures such as modular offices/buildings, storage buildings, restrooms facilities, floating docks, and guard houses; demolition of wharves, buildings, tanks, or exterior equipment; removal of pipelines; and major building renovations.

Level I Coastal Development Permit Procedures

The Executive Director is designated with the authority to issue or deny Level I Coastal Development Permits. The Executive Director may approve or deny an application for a Level I 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. If the Executive Director denies an application for a Level I Coastal Development Permit, he or she shall promptly notify the Applicant in writing stating the reasons for the denial of the application.

A Level I Coastal Development Permit shall contain a statement that the permit shall not become effective until the issuance is reported to the Board. When being reported to the Board, any determination of approval or denial for a Level I Coastal Development Permit may be appealed to the Board. Upon appeal, the matter shall be promptly calendared for a public hearing before the Board.

by whom? Only a Board member?

Report of Level I Coastal Development Permits

The Executive Director shall report in writing to the Board at each regular meeting of the Board the Level I Coastal Development Permits issued or denied during the period intervening since the last regular meeting, with a description of the development authorized. In the event the Board does not take action to stay the issuance of a Level I Permit, such permit shall become effective immediately after that Board meeting.

If any two members of the Board so request, the Level I Coastal Development Permit shall not go into effect and must be agendaized for the next regular meeting.

6.4.3 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).

6.4.4 Appealable Projects

Development projects that are identified as appealable and are not exempt from a Coastal Development Permit require a Level II Coastal Development

how different from an appeal?

Permit Chapter 8, Section 30715 of the Coastal Act identifies the following types of development as appealable:

- a. 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.
- b. Wastewater treatment facilities, except for those facilities which process waste water discharged incidental to normal port activities or by vessels.
- c. Roads or highways which are not principally for internal circulation within the port boundaries.
- d. 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.
- e. Oil refineries.
- f. Petrochemical production plants.

If maintenance dredging is part of, or is associated with, any category of development described above, the commission shall not consider that maintenance dredging in its review and approval of those categories.

Appealable Level II Coastal Development Permit Procedures

The Board may approve or deny proposed development projects that require an 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.

This type of development requires a public hearing (Section 6.5 of these Guidelines), Staff recommendation (Section 6.6 of these Guidelines), action by the Board (Section 6.7 of these Guidelines) and is appealable to the Coastal Commission (Section 6.11 of these Guidelines).

6.5 Public Hearings

Consideration of a Level II Coastal Development Permit requires a public hearing. The Board's public hearing on a permit shall be conducted during a regularly scheduled or a specifically convened meeting in a manner deemed most suitable to ensure fundamental fairness to all parties concerned, and with a view toward securing all relevant information and material necessary to render a decision without unnecessary delay. All dates for public hearing shall be set with a view toward allowing adequate public dissemination of the information contained in the application prior to the time of the hearing, and

toward allowing public participation and attendance at the hearing, while affording Applicants expeditious consideration of their permit application.

6.5.1 *Notice of Public Hearings*

The Executive Director shall provide to the Applicant and to all persons known or thought to have particular interest in the application notice of; the filing of the application; description of the development and its proposed locations; and the date, time, and place at which the application will be heard by the Board.

Notices of the public hearings shall be mailed and posted at least fifteen (15) calendar days prior to the scheduled date of the hearing. The method of notification for public hearings shall be as follows:

- a. Publication in a newspaper of general circulation in the area where the proposed development would occur.
- b. Publication on the Port of Los Angeles website.
- * c. Mailed to known organizations, public agencies and individuals having or expressing an interest in the development.
- d. Mailed to all known individuals and firms owning, leasing or using property within a radius of 300 feet from the perimeter of the development project.

Correspondences for all notices to be mailed shall be stamped on the outside "IMPORTANT- PUBLIC HEARING NOTICE".

6.5.2 *Speaker's Presentation*

The Board may establish reasonable time limits for presentation(s). Such time limits shall be made known to all affected parties prior to any hearing. Any person wishing to speak on an application shall be heard, subject to the chairperson's right to accept a motion to conclude the taking of oral testimony or to close the public hearing when a reasonable opportunity to present all questions and points of view has been allowed.

6.5.3 *Recordation of Meetings*

Public hearings on applications shall be recorded. The recording can be viewed on the Port of Los Angeles website. Per the Brown Act, the Board secretary will make records of such proceedings. All records shall be retained for the period of time required by the applicable law for retention of public records.

6.5.4 *Submission of Additional Written Evidence*

At any point before or after the public hearing is opened on a permit application, up until the time the public hearing is closed by the Board, any

interested party may submit written evidence, including rebuttal arguments, to the Board.

6.5.5 Continuation of Hearings

A public hearing on an application may be completed in one Board meeting, provided that the requirements of California Environmental Quality Act (CEQA) have been met. However, a hearing may be continued to another date if, in the discretion of the chairperson such continuance is necessary or appropriate.

6.5.6 Public Hearings for Amended Applications

If, prior to a public hearing at which an application is scheduled to be heard, an Applicant wishes to amend his or her permit application in a manner which the Executive Director determines is material, the Applicant shall agree in writing to extend the date for public hearing not more than sixty (60) calendar days from the date of such amendment. If the Applicant does not agree to such an extension, the Board shall vote on the application as originally filed.

6.5.7 Applicant Withdrawal of Application

At any time before the Executive Director approves a Level I Coastal Development Permit or the Board commences calling the roll for a vote on a Level II Coastal Development application, an Applicant may withdraw the application, or remove it from the Executive Director or Board's active consideration. Withdrawal must be in writing or stated on the record and does not require Board concurrence. Withdrawal shall be permanent except that the Applicant may file a new application for the same development subject to these Guidelines.

6.6 Staff Report and Recommendation

The Executive Director shall prepare a recommendation from Staff to the Board for each proposed development application requiring a Level II Coastal Development Permit. The Staff report shall present a description of the significant features of the proposed development and shall be illustrated with appropriate material such as maps, drawings, photographs, and any other related material.

If the development involves the storage or transfer in liquid bulk form of any hazardous material, or if the development places a vulnerable resource within an existing hazard footprint as described in the Risk Management Plan, the report shall analyze the proposed development's consistency with the Risk Management Plan.

The Executive Director's recommendation shall include a summary of the project, any written comments and response to comments, and specific written findings, including the factual background and legal conclusions, as to whether the proposed development conforms to the requirements of the certified Plan.

6.6.1 Alternatives for Review of Staff Recommendations

Any vote on an application may be taken only at a properly noticed public hearing and shall proceed under one of three alternatives:

Staff Recommendation Included in a Board Report:

If the staff report and recommendation are complete and have been distributed prior to the public hearing, and if adequate public notice has been given, the Board may vote upon an application at the same meeting during which the public hearing on the application is held, provided the requirements of CEQA have been met. The Applicant shall be afforded the opportunity to rebut any information presented at the public hearing as set forth in Section 6.5 before the Board proceeds to vote on the application.

Verbal Staff Recommendation upon Conclusion of Public Hearing:

If the staff report does not include a recommendation, but the Board is prepared to vote immediately upon conclusion of the public hearing, a member of the Board may make a motion concerning the application stating the grounds and findings supporting the motions. Alternatively, the Executive Director may provide a verbal recommendation of summary of proposed findings. The Applicant and interested parties shall be afforded an opportunity to respond to the hearing as set forth in Section 6.5 before the Board proceeds to vote on the application.

Consideration of Staff Recommendation at a Meeting Subsequent to the Public Hearing:

Upon conclusion of the public hearing, the Board may put the vote on the application over to a subsequent meeting, but no later than twenty-eight (28) calendar days following the conclusion of the public hearing, unless the Applicant in writing waives the right to a decision within that time limit. Notice of such subsequent hearing shall be given in the same manner as presented in Section 6.5.1.

6.6.2 *Procedures for Presentation of Staff Recommendations and Responses of Interested Parties*

The Executive Director may orally summarize staff recommendations, including the proposed findings in the Board report. Immediately following the presentation of the Executive Director's recommendation, the parties who testified at the hearing or their representative(s), shall have an opportunity to state their views on the recommendation briefly and specifically. The order of presentation shall be the Applicant speaking first, followed by those opposed to the proposed development and other concerned parties.

At the discretion of the chairperson, the Applicant or other parties may present rebuttal responses or materials prior to the vote.

6.7 **Board Action**

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.

6.7.1 *Procedural Requirements for Board Action*

The Board shall not vote upon an application until it has received a staff recommendation.

Unless otherwise specified at the time of the vote, the action taken shall be deemed to have been taken on the basis of the reasons set forth in the staff recommendations. In other words, if consistent with the staff recommendation and not otherwise modified, the vote of the Board shall be deemed to adopt the findings and conclusions recommended by the staff.

6.7.2 *Voting by Board Members Absent from Hearing*

In the event a Board member did not attend a hearing and the Board does not take action at such meeting and must agendaize it for the next regular meeting, the member may vote on any application at the following hearing, provided that he or she has considered the Executive Director's recommendation and any summary, whether written or oral, of any matters presented at the prior public hearing which are inconsistent with the Director's recommendation.

6.7.3 *Board Findings*

All decisions of the Board relating to permit applications shall be accompanied by written conclusions about the consistency of the application with the certified Plan 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 certified Plan;

- 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. If feasible mitigation measures are not available, the Board can adopt a statement of overriding considerations.

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.

6.8 Coastal Development Permits

Permits shall be issued in a form signed by the Executive Director or his or her designee and shall include the following:

- a. Coastal Development Permit Number;
- b. Name and Address of Permittee;
- c. Permit type (Level I or Level II Coastal Development Permit);
- d. Development location, description and scope of work;
- e. A statement that the Executive Director or Board has made findings of fact as described in Section 6.7.3;
- f. Date the Executive Director or Board approved the Coastal Development Permit;
- g. A statement of all permit conditions imposed pursuant to the Plan, Coastal Act, or other requirement of the law;
- h. Public hearing date (if applicable);
- i. Expiration date of the permit. Except that where the Board or the Coastal Commission specifically state otherwise, the time for commencement of the project, shall be within two (2) years of the date the Board or Coastal Commission receive and file or vote upon the application. Each permit shall contain a statement that any request for an extension of the time of commencement must be submitted prior to the expiration date of the permit;
- j. A statement that the Permittee shall not commence construction under the permit until all other permits required by applicable laws have been obtained from agencies having jurisdiction over any aspect of the development;

- 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.

6.8.1 *Effective Date of Coastal Development Permit*

No permit shall become effective until the original and the copies of the permit have been executed and returned to the Port by the Permittee(s) or their authorized agent(s) and the Executive Director or his or her designee execute the permit.

6.8.2 *Time for Issuing Permits and Distribution*

Issuance of Permits

A Level I Coastal Development Permit shall become effective when executed by the Executive Director or his or her designee and the Applicant after it has been reported to the Board pursuant to the procedures discussed therein.

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) working days for filing an appeal after Coastal Commission receipt, and then only if no valid appeal is filed. The filing of an appeal shall suspend the effectiveness of the Board's approval until the Coastal Commission takes final action on the appeal.

Distribution of Permit Copies

A copy of the permits shall be sent to the Permittee(s) upon execution by the Executive Director or his or her designee.

6.8.3 *Disputes over Contents of Permits*

Any Permittee who challenges the development scope described in the permit or does not agree that the permit correctly embodies the action of the Board shall immediately inform the Executive Director. Any such questions that cannot be resolved by consultation between the Permittee and the Executive Director shall promptly be referred by the Executive Director to the Board for decision.

6.8.4 *Amendments to Permits*

Applications for amendments to permits shall be made in writing and shall include an adequate description of the proposed amendment, including maps or drawings where appropriate.

Amendments to Level I Coastal Development Permit

Amendments to Level I permits may be approved or denied by the Executive Director upon the same criteria and subject to the same requirements, procedures, and appeals as provided for the original issuance of such permits.

Amendments to Level II Coastal Development Permit

If the Executive Director determines that the proposed amendment is immaterial, notice of such determination, including a summary of the procedures set forth in this Section, shall be mailed to all parties notified when the permit was initially considered by the Board, or to those parties the Executive Director has reason to know may be interested in the application. If no written objection is received at the Board's office within ten (10) working days of such mailing, the determination of immateriality shall be conclusive.

If the Executive Director determines that the proposed amendment is a material change or if objection is made to the Executive Director's determination of immateriality or if the proposed amendment affects conditions required for the purpose of conformance with the certified Plan, the application shall be referred to the Board after notice to any person(s) the Executive Director has reason to know would be interested in the matter.

The Board shall determine by a majority vote of the appointed membership whether the proposed development with the proposed amendment is consistent with the requirements of the certified Plan. The decision shall be accompanied by the same findings required for a Coastal Development Permit.

6.8.5 *Extension of Coastal Development Permit*

Prior to the time that commencement of construction under a permit granted by the Board must occur under the terms of the permit, the Permittee may apply to the Executive Director for one extension of time not to exceed an additional one year period. The Executive Director may grant or deny the request for an extension. The extension shall not be effective until it is reported to the Board with a description of any pertinent changes in conditions or circumstances relating to each requested permit extension.

At least five (5) 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.

If a majority of the Board objects to an extension on the grounds that the proposed development may not be consistent with the certified Plan and the Coastal Act, the application shall be set for a full hearing as though it were a new application. If no such objection is raised, the Executive Director shall issue the extension authorized by this Section.

If the original permit expires during the review process for the extension and the extension is granted, the effective date shall be retroactive to the date that the Permittee applied for the extension.

6.8.6 Assignment of Coastal Development Permit

Any person who has obtained, pursuant to the certified Plan and these Guidelines, a permit for a development may assign such permit to another person subject to the following requirements:

- a. Affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit;
- b. Evidence of the assignee's legal interest in the real property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permits;
- c. The original Permittee's request to assign all rights to undertake the development of the assignee;
- d. A copy of the original permit showing that it has not expired; and
- e. Assignor shall remain liable for permit conditions.

The Applicant shall request approval of the permit assignment to the Executive Director, or his or her designee. The permit assignment shall be effective upon the Executive Director's written approval of the documentation submitted. The Executive Director's review shall ordinarily be completed within thirty (30) calendar days of the receipt of a completed application for assignment.

The permit may be assigned to multiple assignees as long as the scope of work falls within the described development scope in the Coastal Development Permit.

6.9

Revocation

A Coastal Development Permit previously granted by the Board can be revoked. The grounds for revocation are:

- a) Willful inclusion of inaccurate, erroneous or incomplete information in connection with an application, where the Board finds that accurate and complete information would have caused the Board to require additional or different conditions on a permit or deny an application;
- b) Failure to notice person(s) known to have an interest in the development, where the viewpoints of such persons were not otherwise made known to the Board, and could have lead the Board to require additional or different conditions on a permit or denial of an application.

- c. Performance of work outside the described developed scope contained in the Coastal Development Permit.

6.9.1 Revocation Process

Initiation by Persons or Executive Director

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. The Executive Director shall dismiss requests which are patently frivolous and without merit.

The Executive Director may initiate permit revocation proceedings by the Board where the Executive Director determines that there is good cause to do so and the Board has not reviewed any requests to revoke the permits.

Suspension of Permit

Where the Executive Director determines that grounds exist for revocation of a permit, the permit shall be automatically suspended until the Board votes to deny the request for revocation. The Executive Director shall notify the Permittee by mailing a copy of the request for revocation and a summary of the procedures set forth in these Guidelines to the address shown in the permit application. The Executive Director shall also advise the Permittee in writing that any development undertaken during suspension of the permit may be in violation of the Plan, the Coastal Act and subject to the penalties set forth in Sections 30820 through 30823 of that Act, and any applicable ordinances of the City of Los Angeles.

Hearing on Revocation

After notice to the Permittee and any interested persons has been sent, the Executive Director shall report the request for revocation to the Board with preliminary recommendations on the merits of the request.

The person requesting the revocation shall be afforded a reasonable time to present the request and the Permittee shall be afforded a like time for rebuttal.

The Board shall ordinarily vote on the request at the same meeting, but the vote may be postponed to a subsequent meeting if the Board requests further information.

6.9.2 Finality of Board Decision

The determination of the Board on a request for revocation shall be final and not subject to appeal to the Coastal Commission.

6.10 Permit Reapplication

Following a final decision to either deny an application or revoke an existing Coastal Development Permit, neither Applicant nor the Applicant's successor in interest may reapply to the Board for a Coastal Development Permit for

substantially the same development for a period of one (1) year from the date of the prior final decision. Whether an application is “substantially the same” as that upon which a final determination has been rendered shall be decided by the Executive Director within thirty (30) calendar days from receipt of such application.

The Executive Director may refer the reapplication to the Board for its decision as to whether it is substantially the same. Elimination of conditions required for a permit shall not be considered a substantial change. Until a determination is made on whether the application is substantially the same, the reapplication shall not be deemed “filed” within the meaning of Public Resources Code, Section 30621.

6.11 Appealable Development Procedures

The provisions of Public Resources Code, Section 30715, guidelines adopted by the Coastal Commission relating thereto (Division 5.5, Title 14, California Administrative Code), govern the procedures of the Board and the Coastal Commission in reviewing appealable development projects. In the event that the provisions of this Chapter are found to be inconsistent with the provisions of the guidelines adopted by the Coastal Commission, the latter provisions shall control.

6.11.1 Appellants

In accordance with Public Resources Code, Section 30625, an appeal to the Coastal Commission pursuant to this Section may be taken by an Applicant, any aggrieved person (as defined in Public Resources Code, Section 30801, and below), or any two members of the Coastal Commission.

6.11.2 Notice and Hearing

Within thirty (30) calendar days of accepting an application or commencing review of a development (Public Resources Code, Section 30717) the Board shall inform and advise the Coastal Commission of any planning and design activities related to proposed appealable developments. Prior to approval of a proposed appealable development, the Board shall provide notice of the pending application to all persons requesting such notice and to the Coastal Commission. Such notice shall, at a minimum, conform to the standards of these Guidelines and Sections 13054 and 13063 of the Coastal Commission’s guidelines.

Consistent with Chapter 6.5 of this plan, a public hearing shall be held by the Board before approving an appealable development. Said hearing shall occur no earlier than fourteen (14) calendar days following the receipt by the Coastal Commission of the notice as provided for above.

6.11.3 Approval Notification

In accordance with Public Resources Code, Section 30717, after approval of a proposed appealable development, but prior to commencement of any work, the Board shall notify the Coastal Commission and other interested persons, organizations, and governmental agencies of the approval and indicate how it is consistent with the certified Plan and the Coastal Act. Such notice, in addition to complying with Public Resources Code, Section 30717, shall conform to the standards of Section 13302(g) of the Coastal Commission's guidelines. Approval of an appealable development shall be deemed to have occurred:

- a. When final review of the project has occurred;
- b. When, if applicable, all local rights of appeal have been exhausted; and
- c. When all required findings have been made.

The notification of approval requirement of Public Resources Code, Section 30717, and thus, starting a ten (10) working day appeal period, shall be deemed satisfied upon receipt by the Coastal Commission of the notice as required in these Guidelines. In accordance with Public Resources Code, Section 30717, approval of the appealable development by the Board pursuant to the certified Plan 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. No appealable development shall take place until the approval becomes effective or until final Coastal Commission action on the appeal has occurred.

6.11.4 Appeals

The guidelines of the Coastal Commission will provide the procedures and requirements for the filing and processing of appeals. The filing of an appeal shall suspend the effectiveness of the Board's approval until the Coastal Commission takes final action on the appeal.

The Board shall deliver to the Executive Director of the Coastal Commission, within the time prescribed by the Coastal Commission's guidelines after receipt by the Board of notice of appeal from the Coastal Commission, all relevant documents and materials used by the Board in its consideration of the appealable development.

6.11.5 Exhaustion of Administrative Remedies

In any situation where litigation has been initiated, administrative remedies pertaining to coastal development permits are not deemed to have been exhausted unless all appeal procedures provided for by the Coastal Act and regulations relating thereto adopted by the Coastal Commission have been utilized.