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## **COASTAL DEVELOPMENT PERMIT APPLICATION NO. 21-04**

### **STAFF REPORT**

(Under the authority of the California Coastal Act, Section 30600(b) of the California Public Resources Code and Chapter 1, Article 2, Section 12.20.2 of the Los Angeles City Municipal Code)

#### **I. PROJECT DESCRIPTION**

**Project Title:** Pier B On-Dock Rail Support Facility

**Applicant(s):** Port of Long Beach

**Project Location:** The Port of Long Beach (POLB) Pier B On-Dock Rail Support Facility (Project) is situated between the Dominguez Channel to the west, Interstate 710 (I-710) to the east, Ocean Boulevard to the south, and Anaheim Street to the north. The proposed Project area includes rail tracks that extend west beyond the Terminal Island Freeway (State Route [SR] 103) to just west of the Dominguez Channel, where they connect with the Alameda Corridor, and south as far as Ocean Boulevard. The entire Project area is approximately 182 acres. The portion of the Project within the City of Los Angeles (COLA) is approximately 28 acres, within which approximately 7 acres are within the coastal zone (Figure 1). The majority of the Project is within the City of Long Beach (COLB), for which a coastal development permit/Harbor Development Permit has been issued. The 28 acres of improvements within the COLA are subject to a Los Angeles Coastal Development Permit.

Council District: 15

Community: Wilmington - Harbor City

District: Harbor

#### **A. PROJECT DESCRIPTION WITHIN THE CITY OF LOS ANGELES**

The proposed Project is designed to improve rail operations to accommodate on-dock rail cargo; maximize on-dock intermodal operations; provide a facility that can accept and handle longer container trains; provide a rail yard that is cost-effective and fiscally prudent. The proposed Project would provide more efficient rail operations, both within

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and to/from the San Pedro Bay Ports complex; address physical deficiencies of the existing Pier B Rail Yard with respect to supporting on-dock rail operations; and improve local roadways, utilities, and infrastructure.

The Pier B Rail Yard, located within the COLB in its entirety, is the only rail-serving facility within the Port Complex that can assist the on-dock terminals to assemble and dispatch trains onto the Alameda Corridor and then, subsequently, to the Class I railroad main lines.

### **Project Objectives**

The objectives of the Project are to transition to a more efficient, more economically competitive, and less polluting freight transport system; support the increase of regional Port, rail, and highway capacities; transition from containers shipped by truck to near-dock and/or off-dock facilities to containers shipped by rail from the on-dock and supporting rail yards; increase rail capability and intermodal operations to a targeted goal of 30 to 35 percent of containers handled by on-dock rail; receive and depart up to 10,000-foot-long trains.

The Project includes reconfiguring, expanding, and enhancing the capacity of the existing Pier B Rail Yard Facility. The Project would provide a marshaling area to receive and handle the intermodal rail volume growth, provide a layover facility for westbound trains when on-dock track space is unavailable, and allow the marine terminals to send small cuts of rail cars to be assembled into destination trains.

### **Proposed Project Elements**

Proposed elements and actions located within the COLA include the following:

- Realign the existing Alameda Corridor Transportation Authority (ACTA) mainline tracks (outside the Coastal Zone)
- Widen the existing Dominguez Channel Bridge to accommodate an additional track (outside the Coastal Zone)
- Provide pier protection walls for the existing SR-103 (outside the Coastal Zone)
- Provide pier protection for the Anaheim Street Overcrossing bridge columns. (within the Coastal Zone)
- Construct a new retaining wall in the Anaheim Street Overcrossing eastern embankment for maintenance vehicle access along the improved rail corridor (within the Coastal Zone)
- Reconfigure existing tracks and add additional tracks to allow five arrival/departure tracks with direct connection to the ACTA mainline tracks (outside the Coastal Zone)
- Realign/reconfigure the Long Beach Lead tracks and the Terminal Island Lead Tracks (TILT) tracks (partially within the Coastal Zone)
- Provide enhanced rail signal facilities (outside the Coastal Zone)

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- Provide additional switching leads and rail car storage and staging tracks (partially within the Coastal Zone)
- Provide a potential locomotive layover/fueling facility north of Anaheim Street (outside the Coastal Zone)
- Provide potential ancillary yard facilities including material storage, laydown areas, and office facilities (partially within the Coastal Zone)
- Provide site grading and drainage enhancements (partially within the Coastal Zone)
- Provide Low Impact Development (LID) improvements to minimize the impact of the proposed development on the environment, including water quality best management practices (BMPs) to treat runoff (portions within the Coastal Zone)
- Widen and realign Pier B Street (private road) to enhance safety and accommodate the expanded rail yard (the intersection with Anaheim Way is within the LA Coastal Zone)
- POLB Driveway Improvement: Reconfigure the Anaheim Way and Pier B Street intersection to accommodate the realigned Pier B Street (within the Coastal Zone)
- Provide street lighting and drainage (partially within the Coastal Zone)
- Reconfigure the east end of the Mead Yard rail facility to accommodate the Pier B Rail Yard improvements (within the Coastal Zone)
- Reconfigure the Anaheim Way at-grade rail crossing including potential at-grade crossing warning devices (within the Coastal Zone)
- Reconstruct Anaheim Way and Farragut Avenue: The intersection of Anaheim Way and Farragut Avenue would be widened/realigned to make room for the proposed new Heavy Haul Route. Reclassify Anaheim Way and Farragut Street from local streets to collector streets and include both streets in the COLA Overweight Vehicle Special Permit Routes and/or the Overweight Container Corridor list and map. The realignment will accommodate oversized truck turning movements along Anaheim Way from Pier B Street to Farragut Avenue.

The alternative route for oversized trucks accessing the POLB via Farragut Avenue, Anaheim Way, and Anaheim Street will replace the 9th Street at-grade crossing route scheduled to be permanently closed under the Program (outside the Coastal Zone)

- Provide a new entrance to the Valero facility from the existing Pier B Street (within the Coastal Zone)
- Provide new rail yard lighting (partially within the Coastal Zone)
- Provide self-mounted lighting under the Anaheim Street Bridge (within the Coastal Zone)
- Provide a new yard air system including an air compressor building (outside the Coastal Zone)

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- Provide yard access and maintenance roadways within the rail yard (partially within the Coastal Zone)
- Provide landscaping enhancements (partially within the Coastal Zone)
- Relocate/protect-in-place impacted utilities (partially within the Coastal Zone)
- Vacate the northwest portion of Southern Pacific Drive from Pennington Avenue to Schley Avenue, Pennington Avenue from Southern Pacific Drive to Sigsbee Avenue, a portion of Sampson Avenue south of South Pacific Drive, a portion of Schley Avenue south of South Pacific Drive, the southeast portion of South Pacific Drive from Sampson Avenue to Terminal Island Freeway, a portion of Cushing Avenue north of South Pacific Drive, a portion of Foote Ave north of South Pacific Drive, a portion of Farragut Avenue north of South Pacific Drive for the expansion of trains and train tracks in the reconfigured, expanded and enhanced Pier B Rail Yard facility (Figure 2). (outside the Coastal Zone)

### **Site Drainage Improvement and Utility Relocations**

The Project elements include site drainage improvements and partial relocation of the existing storm drain system to ensure water quality protection. The utility relocation and drainage improvement design is provided by POLB in consultation with the COLA, COLB, and the Regional Water Quality Control Board. The current design approach is outlined below.

The conceptual design approach to the storm drain system improvement is discussed as a condition of approval in section *V. Special Conditions of Approval* of this Staff Report.

Improvements of site drainage for I Street and 9th Street would include the following:

- Improvements on the north side of access roads would drain runoff away from the tracks to be intercepted by drainage ditch/inlets.
- Track areas designed for the runoff on the access roads between the track pans will drain to the track pans since these access roads are very narrow. The rest will be captured by under drains.
- Improvements on the south side of the access road would be designed for runoff to drain away from the track pans into ballasted track and underdrain system.
- The track pans would be designed for storm events for water quality treatment and a track pan overflow system would be constructed to accommodate larger storm events. The runoff from the railroad track pans and access roads will be directed towards a weir manhole designed to convey the up to a  $\frac{3}{4}$ -inch of flow towards an oil-water separator and would be directed to the COLB sewer pipe at a controlled rate according to the LA County SAN design requirements, and not to COLA storm drains or sewer pipes. The flows beyond the  $\frac{3}{4}$ -inch will bypass the oil-water separator and flow to the POLB's storm drain relief line. Any overflow which overtops the track pans would drain to the sub-ballast and to the proposed French drains, where the excess will infiltrate into the ground.

The water quality protection approach includes the following:

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- Areas with track pans would be designed to capture ¾-inch storm events, provide a storage tank for holding the ¾-inch storm runoff, and meter the discharge to the Los Angeles County sewer system based on Los Angeles County allowance.
- Design for areas without track pans would consider the inclusion of structural BMPs before discharging to COLA storm drain system, shut-off valves for spill control, high-efficiency bio-filtration system, and Delaware sand filter structures per the COLA LID requirements before a Contech Stormfilter system or equivalent would be considered for approval.
- Anaheim Street has the stormwater infrastructure in place to protect water quality in the area underneath Anaheim Street Grade Separation.

**List of Anticipated City of Los Angeles Permits and Approvals**

- Los Angeles Coastal Development Permit (COLA Bureau of Engineering)
- Los Angeles B Permit Process, Pier B Street Realignment (Private Road) (COLA Bureau of Engineering) (PROPOSED)
- Los Angeles B Permit Process, Heavy Haul Route - Anaheim Way and Local Streets (COLA Bureau of Engineering)
- Los Angeles B Permit Process, Pier B Railyard Locomotive Facility - Storm Drain Abandonment and Realignment (COLA Bureau of Engineering)
- Los Angeles B Permit Process, Anaheim Street Bridge Protection - Column & Abutment (COLA Bureau of Engineering)
- Los Angeles Property Acquisition Process
- Street Vacations, COLA (COLA Public Works, Council District 15)
- Highway Dedication, COLA (COLA Public Works, Council District 15) for the Heavy Haul Route - Anaheim Way and Local Streets.
- General Plan Amendment to change the designation of Anaheim Way and Farragut Ave (COLA Department of City Planning)
- Los Angeles Building and Safety Grading Permit
- Other Permits that may impact COLA properties
  - Floodway Modification Permits for Dominguez Channel (LA County Flood Control District & U.S. Army Corps of Engineers[USACE])
  - Regional Water Quality Control Board & 404 Nationwide Permit (USACE)

**B. PROJECT BACKGROUND**

**Existing Conditions - Environmental Setting**

The proposed Project (within the COLA) accounts for approximately 15 percent of the entire Pier B On-Dock Rail Support Facility area. Land uses within the jurisdiction of both the COLA and POLA are dominated by heavy and light industrial and port-related

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industries. Open Space (Dominguez Channel) and Public Facilities (e.g., Terminal Island Freeway and local streets) are also present. The trackage is surrounded by industrial and commercial uses. Residential areas near the harbor complex include the communities of Wilmington and San Pedro in the COLA and the neighborhoods of West Long Beach and Downtown Long Beach in the COLB.

The proposed Project within the COLA would require approximately 28 acres. In addition to POLB-owned property within the COLA, a portion of the area contains privately owned properties and businesses. Several public agencies also own property in the proposed Project area and vicinity, including the COLA, POLA, ACTA, and Los Angeles County Flood Control District (LACFCD). In addition, Southern California Edison (SCE) and other utilities have property interests in the proposed Project area and vicinity. Tracks near Dominguez Channel provide a direct connection to the Alameda Corridor and the remainder of the San Pedro Bay railroad network.

### **Project History**

On January 22, 2018, the POLB Board of Harbor Commissioners (the Board) approved the Project. The Board certified the Final Environmental Impact Report per the California Environmental Quality Act, made specific findings regarding the significant environmental impacts and the mitigations measures to reduce or avoid such impacts, adopted a Statement of Overriding Considerations, adopted a Mitigation Monitoring and Reporting Program to track the mitigation, and approved the Application Summary Report and the Harbor Development Permit per the California Coastal Act and the POLB certified Port Master Plan.

### **C. PROJECT COST:**

The Project cost is estimated to be approximately \$1,547,000,000.

### **D. RELATED REGULATORY ACTIONS:**

On October 17, 1978, the California Coastal Commission certified the POLB Port Master Plan as being in conformance with the policies of Chapter 8 (Ports) of the California Coastal Act. The Port Master Plan was amended and certified by the California Coastal Commission in 1983 and 1990.

On January 22, 2018, the POLB certified the Final Environmental Impact Report for the Pier B On-Dock Rail Support Facility, made Findings, adopted a Statement of Overriding Considerations, a Mitigation Monitoring and Reporting Program, an Application Summary Report, approved the Program, and issued Harbor Development Permit #07-021 for the area within COLB per the California Coastal Act and the certified Port Master Plan, as amended.

## II. REGULATORY BASIS OF REVIEW

### A. LOCAL (CITY OF LOS ANGELES) COASTAL DEVELOPMENT PERMIT

PRC Section 30600(b) allows local governments to assume authority to issue coastal development permits within their jurisdiction before certification of its local coastal program and the Project is within the City Engineer's jurisdiction (LAMC Section 12.20.2 et seq.). The application filed with the City Engineer was deemed adequate.

Section 30601 (1) of the Coastal Act requires any development receiving a local coastal development permit to also obtain a second (or dual jurisdiction) coastal development permit from the Coastal Commission for proposed "developments between the seas and first public road paralleling the sea or within 300 feet of the inland extent of the beach of the mean high tide line of the seas where there is no beach, whichever is the greater distance." Portions of this Project are within this area requiring the issuance of dual permits from both the City of Los Angeles and the Coastal Commission. The majority of the Project is located within the COLB Harbor District and requires a Harbor Development Permit from the POLB in compliance with their Port Master Plan. A Harbor Development Permit was issued on January 22, 2018.

The City of Los Angeles implements the provisions of the Coastal Act under Section 30600(b) of that act and Los Angeles Municipal Code (LAMC), Chapter 1, Article 2, Section 12.20.2 et. seq.

The LAMC, Chapter 1, Article 2, Section 12.20.B, specifies in the relevant part:

**"Coastal Zone"** means the land and water area within the City of Los Angeles as specified on maps prepared by the California Coastal Commission, copies of which are on file with the Department of City Planning and the Office of the City Engineer. Such a "coastal zone" extends seaward to the City's outer limit of jurisdiction, and generally extends inland 1000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is lean and in developed urban areas the zone extends inland 1000 yards.

**"Development"** means, on land, ... the placement or erection of any solid material or structure; ... change in density or intensity of use of land ... change in intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility....

**"Local Coastal Program"** means the City's land use plans and other applicable general plans element, zoning ordinances, zoning district maps, and proposed implementing actions, which when taken together, meet the requirement of, and implement the provisions and policies of, the California Coastal Act of 1976,

**"Public Project"** means any development initiated by the Department of Public Works or any of its bureau, any development initiated by any other department or agency of the City of Los Angeles or another public agency...which is required to obtain a local government permit.

*“Sea” means the Pacific Ocean and all harbors, bays, channels, canals, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.*

The LAMC, Chapter 1, Article 2, § 12.20.2C, specifies in the relevant part:

*Where the particular coastal project requires a coastal development permit from the Commission in addition to the one obtained from the City, no development may be commenced until both permits have been obtained, and both have become final.*

As discussed, this Project crosses multiple jurisdictions and portions of the Project are within the area requiring the issuance of permits from both the COLA and the California Coastal Commission. The POLB, according to the certified Port Master Plan issued a Harbor Development Permit for the Project within the Long Beach Harbor District in January 2018.

A portion of the Project is within the Los Angeles, including a quarter of the Project area in the coastal zone, and constitutes a development within the meaning of the Coastal Act; therefore, the Project must be authorized by coastal development permit(s) processed according to the requirements of the LAMC and the California Coastal Act of 1976.

## **B. COASTAL GUIDELINES**

Per the provisions of Section 30620 of the Public Resources Code; and, to sustain the findings contained in Section 12.20.2-G(c) of the LAMC which requires a review and consideration of “...Interpretative Guidelines for Coastal Planning and Permits...”, the State Coastal Commission has issued Interpretative Guidelines for the South Coast Region of Los Angeles including certain subareas of the COLA. These subareas are defined as Pacific Palisades, Venice, Playa Del Rey, San Pedro, and Wilmington. However, following prevailing case law (e.g., Pacific Legal Foundation v. Coastal Commission (1982) 33 Cal.3d 158), the City Engineer’s determination is based on the cited provisions of the California Coastal Act and other legally-established laws and regulations.

The LAMC, Chapter 1, Article 2, Section 12.20.2.G gives the City Engineer the authority to approve, conditionally approve or disapprove any application for a Coastal Development Permit under the provisions of the California Coastal Act of 1976; standards as established by Division 5.5 Title 14 of the California Administrative Code (CAC); and, by the passage of the COLA Ordinance No. 151,603 on November 25, 1978.

## **C. ISSUES OF LEGAL ADEQUACY OF THE APPLICATION**

None.

## **III. FINDINGS**

Six findings are required for a Coastal Development Permit to be issued. The six findings are:



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(1) That the development is in conformity with Chapter 3 of the California Coastal Act of 1976 (commencing with Section 30200 of the California Public Resources Code (PRC)).

(2) That the permitted development will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program that is in conformity with Chapter 3 of the California Coastal Act of 1976.

(3) That the Interpretative Guidelines for Coastal Planning and Permits as established by the California Coastal Commission dated February 11, 1977, and any subsequent amendments thereto have been reviewed, analyzed, and considered in the light of the individual project in making its determination.

(4) That the decision of the permit granting authority has been guided by any applicable decision of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code.

(5) If the development is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone that the development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.

(6) Any other finding or findings as may be required for the development by the California Environmental Quality Act.

Staff finds as follows:

**1. THE DEVELOPMENT, AS CONDITIONED, IS IN CONFORMITY WITH CHAPTER 3 OF THE CALIFORNIA COASTAL ACT OF 1976 (COMMENCING WITH SECTION 30200 OF THE CALIFORNIA PUBLIC RESOURCES CODE).**

Chapter 3 of the California Coastal Act of 1976 provides for the following policies:

**a. PUBLIC ACCESS (Article 2, of Chapter 3 of Public Resources Code, Sections 30210 through 30214) and RECREATION (Article 3, of Chapter 3 of Public Resources Code, Sections 30220 through 30224)**

*Sections 30210, 30211, 30212, and 30213 of the Public Resources Code state that maximum access and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse (30210), development shall not interfere with the public's right of access to the sea (30211), public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected (30212), lower-cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred (30213), and the*

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*public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the (2) The capacity of the site to sustain use and at what level of intensity (30214).*

*Sections 30220, 30221, 30222, and 30223 of the Public Resources Code state coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses (30220), oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area (30221), the use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry (30222), upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible (30223).*

Given the industrial land use of the Project site and surrounding area, no recreational facilities, except for bicycle lanes, occur on or near the Project site. For safety reasons, access to the Pier B Rail Yard is restricted to rail yard workers only and will remain as such after the implementation of the Pier B On-Dock Rail Support Facility Project. Pedestrians and bicyclists may access streets adjacent to the rail yard. Pedestrians and bicyclists would continue to have access to all businesses on streets outside of the rail yard. Anaheim Street and many of the surrounding streets have sidewalks in Long Beach and Los Angeles. In other areas, the streets along the proposed Project route have gravel or dirt shoulders and do not have concrete sidewalks. The nearest bike lane in the COLA (Wilmington neighborhood) is on Anaheim Street between Western Avenue to North Henry Ford Avenue (SR 47) and is part of the COLA backbone bikeway network. This Anaheim Street bike lane continues from Henry Ford Avenue to 9<sup>th</sup> Street/I Street in the Project area (POLB, 2016a).

POLB plans to add to its existing bicycle facilities. In May 2021, the Pier J South Waterfront Bicycle Path project was completed and opened to the public, providing more public access along the Port's waterfront. Other proposed bicycle and pedestrian facilities in the POLB are being evaluated and include the Mark Bixby Memorial Bicycle and Pedestrian Path on the new Long Beach International Gateway Bridge, the Ocean Boulevard Bicycle Gap Closure Project, and the connection to the California Coastal Trail in the North Long Beach Harbor Area (POLB, 2022).

There are no plans to construct bicycle or pedestrian facilities on streets adjacent to the Project site as part of the proposed Project. Construction of the Project would not affect the existing bike facilities in the Project area because they are elevated above the rail yard in the COLA or adjacent to the Los Angeles River in COLB. Project construction and operations would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise, decrease the performance or safety of such facilities.

The Project site provides no public access to the sea, coastal or oceanfront areas. Therefore, the proposed Project is not expected to impede coastal or oceanfront access, or low-cost visitor or recreational facilities and activities. The Project conforms with the Public Access policies (PRC § 30210 through 30214) of Chapter 3 of the California Coastal Act. Given the industrial land use of the Project site and surrounding area, no recreational facilities, except for bicycle lanes, occur on or near the Project site. The Project is not expected to impede coastal or oceanfront recreation activities. The Project conforms with the Recreation policies (PRC § 30220 through 30224) of Chapter 3 of the California Coastal Act.

**b. MARINE ENVIRONMENT (Article 4, of Chapter 3 of Public Resources Code, Sections 30230 through 30236).**

*Sections 30230 through 30236 of the Public Resources Code address the maintenance, enhancement, and where feasible, restoration of marine resources within the coastal zone (30230), maintenance of biological productivity and quality of coastal waters (30231), protection from spillage of hazardous substances (30232), allowable diking, filling, dredging of open coastal water, as well as expansion related to boating facilities (30233), protection of facilities for commercial fishing and recreational boating industries (30234), protection of fishing activities (30234.5), the permitting of marine structures to serve coastal-dependent uses or to protect existing structures or public beaches (30235), and allowable channelization or alterations to rivers and streams (30236).*

The Project site is in the developed, industrial area of the Port complex that does not contain natural plant communities, biological communities, or natural habitats. The southernmost point of the Project site is approximately 2.0 miles north of the open ocean. The Project site is bounded by the Dominguez Channel to the west and the Los Angeles River to the east. No marine resources, such as wetlands, rocky intertidal areas, and the open ocean, exist on the Project site or in the surrounding industrial areas. In addition, the proposed Project would not have any significant effects on any rare, threatened, or endangered species or their habitat. Species within the Project area are adapted to the industrialized conditions of the Project area. The Project area contains no features important to movement or migration by birds or terrestrial wildlife. Mitigation measures shall be implemented to protect bird and bat species. Construction and operation of the Project would not involve construction or operation activities that would occur within the harbor waters and, therefore, would not result in any loss of marine habitat. No marine resources exist within the Project site. The construction and operation of the Project would not impact marine resources. The Project is in conformity with PRC Section 30230.

**Water Quality Risk Due to Flooding**

The portion of the Project (i.e. within the COLA dual permitting jurisdiction of the Coastal Zone) is in an area of moderate flood hazard between the limits of the 100-year and 500-year flood level, thus there is an estimated 0.2 percent chance of a flood event in any given year (POLB, 2016a, 3.3-8).

POLB developed a technical memo detailing the water quality risks due to flooding on the Project site during construction and operation. (See Attachment 1. POLB Water Quality

Risk Due to Flooding Technical Memo). Construction activities would require the relocation of various utility lines and infrastructure, including water, wastewater, storm drains, natural gas, electrical utility lines and infrastructure, and oil lines. Any new construction would be in conformance with current design standards that affect utilities and service systems. Construction activities would result in minor reconfiguration of existing drainage basins that would redirect stormwater flows; the drainage system would convey flows to ensure that there would be no adverse effects on the area's hydrology, floodplain and the overall elevation of the site would not be changed. Additionally, there are no nearby levees or dams that would be subject to failure or expose people and/or structures associated with the Project.

The POLB is required by law to ensure that a Stormwater Pollution Prevention Plan (SWPPP) for construction activities on construction sites over one acre is developed and implemented to comply with California's General Permit for Storm Water Discharges Associated with Construction Activity (Construction General Permit [CGP]). The SWPPP shall include BMPs to control pollutants, sediment from erosion, stormwater, non-stormwater runoff, and other construction impacts. Some examples of SWPPP BMPs include the following:

#### *Non-Stormwater Management*

- Measures to control all non-stormwater discharges during construction shall be implemented.
- Vehicles shall be washed in a manner to prevent non-stormwater discharges to surface waters or stormwater conveyance systems.
- The streets will be cleaned in such a manner as to prevent unauthorized non-stormwater discharges from reaching surface water or MS4 drainage systems.
- Erosion and Sediment Controls
- Effective wind erosion control measures will be implemented on-site.
- Effective soil cover will be provided for inactive areas and all finished slopes, open space, utility backfill, and completed lots.
- Sustainable, environmentally friendly alternative products for erosion control and site stabilization will be used on-site whenever feasible. Where plastic materials are deemed necessary, the contractor shall consider the use of plastic materials resistant to solar degradation.
- Effective perimeter controls will be implemented and maintained on-site.
- All construction entrances and exits will be sufficiently stabilized to control erosion and sediment discharges from the site.

#### *Waste Management*

- Secondary containment will be provided around sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants to the stormwater drainage system and/or receiving water.
- Sanitation facilities will be regularly inspected for leaks and spills. Facilities will be regularly cleaned or replaced.
- Stockpiled waste material will be contained and securely protected from wind and rain at all times when the stockpile is not in active use.

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- Site trash will be collected daily, especially during windy or rainy conditions, to maintain a clean construction site. Additional containers and more frequent pickup will be provided during the demolition phase of construction.

*Spill Prevention and Control*

- If a spill were to occur at the site, it will never be cleaned by hosing off the area. Dry material spills will never be hosed down or buried. Minor spills that may occur will be controlled as follows:
  - The site construction manager or his designated representative will be notified immediately.
  - The spilled material will be identified and the approximate quantity will be estimated.
  - The spread of the spill will be contained using absorbent material or barriers.
  - If the spill has occurred on a paved/impermeable surface, it will be cleaned up using dry methods (absorbent materials, cat litter, and/or rags). Encircling it with absorbent materials will contain the spill. If the spilled material is hazardous, then the used cleanup materials are also hazardous and will be sent to either a certified laundry (rags) or disposed of as hazardous waste.
  - If the spill has occurred on an unpaved or permeable surface, constructing an earthen dike will immediately contain the spill. The contaminated soil will be excavated and properly disposed of.
  - If the spill has occurred during a rain event, the area will be covered as quickly as possible. The spill will be cleaned up as soon as possible after the cessation of rain.

The design, construction, and operation of the Project will be in conformance with COLB and COLA Fire Codes. Construction personnel will be required to receive training in POLB protocols in the event contaminated soils or groundwater are encountered during construction activities.

The operation of the Project will continue in the same manner as under the existing conditions of the dual permitting jurisdiction. Project operations would not interfere with any existing contingency and emergency response plans and the plans would be updated to incorporate operational changes. New structures in the COLA will be similar to existing structures in the Project area consisting of rail tracks, crash walls (SR-103), track supports, pavement, track drainage, and lighting. These are not expected to induce or exacerbate flooding. The Project will be designed to not impede or redirect flood flows during site operations that would result in flooding. The storm drain design will convey flows during operation and ensure that there will be no adverse effect on the area hydrology or floodplain (POLB, 2016a, Pg. 3.3-8).

**Erosion Control**

Construction of the Project would expose soils during grading and excavation that would be subject to wind and water erosion and subsequent deposition. Erosion and runoff from the construction of the proposed Project would be short-term and localized. Erosion Control BMPs would be required and implemented through the SWPPP. These BMPs could include periodic watering to prevent wind erosion, minimization of the extent and duration of soil exposure, and implementation of temporary erosion and runoff control measures (e.g., straw and fabric barriers, temporary berms, and stabilizing inactive areas).

In addition, the operation of the Project would not change the existing topography, no slopes are proposed, existing soils are not erodible, and climatic conditions are relatively stable. The Project area would be ballasted, minimizing exposed soils. Therefore, the operation of the Project will not result in wind or water erosion that causes substantial runoff or deposition not contained or controlled.

The Project is not expected to impact the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health. This is in conformity with PRC Section 30231.

### **Hazardous Substances and Materials**

As discussed in the certified EIR, demolition and construction equipment could spill oil, gasoline, or other fluids during normal use or during refueling. Spills would be local and appropriate containment and clean-up procedures per the SWPPP would be implemented. The Project site has the potential for asbestos-containing materials, lead-based paints, and polychlorinated biphenyls (PCB) to be present. Disturbance of such materials, if not properly managed, could be harmful if inhaled or ingested during demolition and disposal activities. Implementation of standard health and safety protocols during construction activities, such as respiratory and skin protection would prevent adverse health and safety effects on onsite personnel. Applicable BMPs include spill prevention and control; solid and hazardous waste management; and contaminated soil management.

There are industrial properties within the Project footprint in the COLA that are known to contain or handle hazardous materials, including the Valero Refinery and the BP Calciner Plant. Sites that contain or handle hazardous materials are responsible for compliance with all local, state, and federal rules and regulations, including the development and implementation of safety and emergency plans, SWPPP, and spill prevention, control, and countermeasure plans which are all designed to mitigate risks of hazardous materials releases (POLB, 2016a, Pg. 3.3-8).

Proposed Project operations would involve the use of potentially hazardous materials onsite. During the operation of the proposed Project, the cargo would be transported in shipping containers moving at very low speeds, which would significantly reduce the risk of derailment and potential release of hazardous materials that may be stored inside the containers. Project operations could also have the potential for incidents involving hazardous materials in marine containers, although this potential would be minimal. The proposed Project would not involve the risk of fire or explosion hazards from sources such

as tanker vessels, oil tanks, or refineries. During operations, limited onsite handling of hazardous materials would occur. Some examples of hazardous materials handling include fueling and servicing equipment onsite, and the transport of fuels, lubricating fluids, and solvents. All storage, handling, and disposal of these materials are regulated by the California Department of Toxic Substances Control, Environmental Protection Agency, California and federal OSHA, Los Angeles County Fire Department, and Los Angeles County Health Department. Should an incident occur involving hazardous materials in the routine transport of containers within the Harbor Complex, standard response, containment, and cleanup procedures would be followed per the Port of Los Angeles (POLA)/POLB Joint Risk Management Plan (RMP) (POLB, 2016a, 3.9-10).

Oil field infrastructure would continue to be used within the Wilmington Oil Field. Appropriate physical separation would be maintained between ongoing rail and oil recovery operations, and appropriate procedures would be followed. Project design, construction, and operation would be in conformance to the Municipal Fire Codes and with all existing hazardous waste laws and regulations, including the federal Resource Conservation and Recovery Act of 1976 (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act 18 of 1980 (CERCLA), and California Code of Regulations (CCR) Title 22 and Title 26. Compliance would ensure that potentially hazardous materials would be handled acceptably. Project construction and operation will involve the transport or use of hazardous substances and, thus, there will be effective containment and cleanup facilities and procedures to ensure that spillage of crude oil, gas, petroleum products, or hazardous substances does not occur as prohibited by PRC Section 30232.

The Project will not involve the diking, filling, or dredging of open coastal waters (PRC Section 30233), commercial fishing and recreational boating facilities (PRC Sections 30234 and 30234.5), constructing revetments, breakwaters, or other construction altering the natural shoreline (PRC Section 30235). The Project does not alter rivers or streams and, therefore, does not affect water supply and flood control (PRC Section 30236).

**c. LAND RESOURCES (Article 5 of Chapter 3 of Public Resources Code, Sections 30240 through 30244).**

*Sections 30240 and 30244 of the Public Resources Codes state environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas, development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas (30240), and where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required (30244).*

The Project is not located within an environmentally sensitive habitat area (ESHA) as discussed in the certified EIR. Construction and operational activities would not disrupt the existing local biological resources of the proposed Project area. There is a potential

for bats to be present at the Dominguez Channel rail bridge and migratory birds to be nesting in landscaping, including ornamental trees that would be removed as part of the construction. To avoid potentially significant impacts on bats and migratory birds that could result from construction activities, the two following mitigation measures are required: (MM BIO-1 Bats): a qualified bat specialist will conduct a pre- construction survey, and appropriate subsequent actions would be identified and implemented; and (MM BIO-2 Migratory Birds): construction activities that could remove trees or structures that may support the nests of protected birds would follow the requirements of the Migratory Bird Treaty Act (MBTA) (POLB, 2018). With the incorporation of these two mitigation measures, impacts on bats and migratory birds would be protected against significant disruption and would allow for the continuance of their habitation per PRC Section 30240.

As discussed in the certified EIR, no known archaeological resources are located within or near the Project site. Project construction, therefore, would not reasonably be expected to disturb, damage, or degrade archaeological resources, and mitigation measures are not required. One potentially significant architectural resource is located within the proposed Project area, but it is beyond the northern limit of the proposed Project; therefore, the proposed Project would not have a direct impact on the resource. Project construction could result in the permanent loss of, or loss of access to, paleontological resources that are unearthed at the site. To avoid or minimize the potential for a significant impact to paleontological resources, two mitigation measures will be implemented: MM CR-1 Paleontological Monitoring - a monitoring program during earthmoving with excavation at 5 feet or more below ground surface in areas underlain by younger alluvium, or where such activities encounter younger alluvium below any artificial fill; and MM CR-2 Inadvertent Discovery of Paleontological Resources which requires temporary halting of construction work in the immediate vicinity of a discovery of potentially fossiliferous materials until a qualified vertebrate paleontologist can evaluate the discovery and implement appropriate treatment measures (POLB, 2018). No known cultural, paleontological, or historical resources would be affected during the construction or operation of the proposed Project and the Project would be in conformity with PRC Section 30244.

**d. DEVELOPMENT (Article 6 of Chapter 3 of Public Resources Code, Sections 30250 through 30255).**

*Sections 30250 through 30255 state the following:*

*30250. (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be*



*located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

*30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

*30252. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

*30253. New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazards. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural land forms along the bluffs and cliffs. (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development. (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

*30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remains a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services, and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

*30255. Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.*

The portion of the proposed Project study area located within the COLA is dominated by heavy and light industries, open space (Dominguez Channel), and public facilities (Terminal Island Freeway). The Project is sited within an industrial area and consists of improvements to an existing industrial facility.

The Project would temporarily alter the scenic and visual quality of the Project site during construction, however, would not substantially contrast with the existing industrial visual character of the proposed Project area. The Project site is not located in any scenic vista that can be viewed from a scenic route identified by the COLA. The proposed Project would not introduce aesthetic or visual elements that would degrade the character or quality of existing views. The Project is designed to protect views to and along the ocean and scenic coastal areas, minimize the alteration of natural landforms and be visually compatible with the character of the surrounding areas (POLB, 2016, 3.13-9). The Project as proposed and located will not impact the scenic views and visual qualities of coastal areas and is in conformity with the PRC Section 30521.

### **Air Quality**

Construction activities have the potential to generate temporary pollutant emissions in the COLA. Exceedance of the 1-hour NO<sub>2</sub> standard (federal) and Annual NO<sub>2</sub> standard would occur at a maximum-impacted location in the COLA during phases 1 and 2 of construction activities and exceedance of the Annual NO<sub>2</sub> standard would occur during phase 3 of construction activities. Mitigation Measures AQ-1 through AQ-5 would reduce the ambient air quality impacts during construction. During Project operations, exceedances of the federal 1-hour NO<sub>2</sub> standards would occur in the years 2020, 2025, and 2035 at maximum impacted locations in the COLA. The Annual NO<sub>2</sub> concentration would exceed the significance thresholds in 2020 and 2025, but not 2035. To reduce cumulative air quality impacts associated with the operation of the Project, Mitigation Measure AQ-6 aims to reduce cumulative air quality impacts associated with Project operation through the contribution of \$149,757 to the POLB's Community Grants Program, which was established to provide grant funding towards projects to reduce air quality impacts to vulnerable groups adjacent to the POLB area and reduce greenhouse gas (GHG) emissions that contribute to global climate change.

In addition to the mitigation measures, a Special Condition of the Harbor Development Permit requires a mandatory 5-year technology review to identify new air quality technological advancements and consider their feasibility for implementation.

The EIR was reviewed by the South Coast Air Quality Management District (SCAQMD), through the CEQA process. The SCAQMD provided comments on the Draft EIR and the POLB responses are in the Final EIR. Also, POLB engaged and met with community and environmental groups, including the Wilmington Neighborhood Council (WNC),

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Wilmington Chamber of Commerce, and several Long Beach neighborhood groups including the West Long Beach Neighborhood Association and Willmore City Heritage Association to hear their input on the Project (POLB, 2022).

As part of the General Conformity process pursuant to the National Environmental Policy Act, the SCAQMD confirmed that the Project conforms with the SCAQMD's Air Quality Management Plan and that the NO<sub>x</sub> emissions associated with the Project can be accommodated within their emissions budget.

### **Greenhouse Gas Emissions**

The proposed Project would produce GHG emissions during construction and operations. Annual carbon dioxide equivalent (CO<sub>2e</sub>) emissions operations of the proposed Project would remain higher than the SCAQMD interim significance threshold for industrial projects of 10,000 metric tons (MT) per year of CO<sub>2e</sub> in all analysis years. The greatest contributor to GHG emissions in all analysis years would be the line haul locomotives. While not quantified in the analysis, implementation of air quality Mitigation Measures AQ-1 and AQ-3 would also reduce GHG emissions during the construction of the proposed Project. Additional mitigation measures GCC-1 through GCC-7 would further reduce GHG emissions, as will mitigation measure GCC-8 where the Port will mitigate GHG impacts by implementing and funding the Community Grant Program in the amount of \$1.4 million. However, the effectiveness of these mitigation measures was not quantified and cannot be determined, the impacts of GHG emissions from the proposed Project would remain significant and unavoidable.

### **Statement of Overriding Conditions**

When certifying the EIR, the POLB also adopted a Statement of Overriding Conditions due to findings of significant and unavoidable impacts related to air quality and greenhouse gas emissions. The Project would allow POLB to meet its goal of moving 30 to 35 percent of cargo by on-dock rail and support the San Pedro Bay Ports' Clean Air Action Plan (CAAP) planning and investment initiative to transform the Port's infrastructure to maximize on-dock rail and the State's Sustainable Freight Action Plan. The Project is also consistent with the COLB Mobility Element which calls for increased on-dock rail support. The Project also helps to implement the Regional Transportation Plan (RTP) which states that the use of on-dock rail eliminates truck vehicle miles of travel (VMT) and associated emissions by allowing trains to be loaded and unloaded inside marine terminals.

### **Environmental Justice**

The Coastal Act mandates providing maximum public access, recreational, and development opportunities for all, and protecting, encouraging, and providing lower-cost visitor and recreational opportunities, which embody the fundamental principles of environmental justice. The Commission will ensure equitable access to clean, healthy, and accessible coastal environments for pollution-burdened communities or with natural resources that have been permanently damaged for the benefit of wealthier communities. The Coastal Commission's commitment includes air quality and soil health protection in

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disadvantaged communities to maximize the positive health and recreational benefits associated with coastal access and coastal resources for pollution-burdened communities within the Coastal Zone as a fundamental part of coastal access (California Coastal Commission, 2019).

As stated in the certified EIR, significant and unavoidable air quality impacts would constitute a disproportionately high and adverse effect on low-income and/or minority populations. Even with the application of mitigation measures to reduce pollutant emissions, residual impacts from CO and NO<sub>x</sub> would continue to be significant and unavoidable (POLB, 2018). While the EIR identifies that the Project would have residual significant and unavoidable impacts to air quality disproportionately affecting low-income and minority populations near the Project site, the Project may actually produce air emissions and health impacts that are less than the values presented in the EIR with the replacement of drayage truck trips with rail trips from the marine terminals served by the Project. The POLB will implement all required mitigation measures to ensure that environmental impacts associated with the Project are reduced and continue to provide public engagement; access to information, educational opportunities, and access to coastal resources, while advancing environmental justice for communities surrounding the POLB.

The POLB prepared a technical memo discussing the Project's emissions and mitigation measures included in the certified EIR and how they address environmental justice through their Port policies and programs (See Attachment 2. POLB *Environmental Justice Memorandum*). The certified EIR acknowledges that residual significant and unavoidable impacts to air quality and greenhouse gasses associated with the construction and operation of the Project could disproportionately affect low-income and minority populations near the Project site. As previously discussed, among the mitigation measures that are required to be implemented pursuant to CEQA to reduce air quality and greenhouse gas impacts to the extent feasible, POLB aims to contribute funds to their Community Grants Program including \$149,757 to reduce cumulative air quality impacts associated with Project operation (Mitigation Measure AQ-6) and \$1.45 million to address the cumulative GHG impacts of the proposed Project (Mitigation Measure GCC-8).

In addition to the mitigation measures, a Special Condition of the Harbor Development Permit requires a mandatory 5-year technology review to identify new air quality technological advancements and consider their feasibility for implementation.

The POLB holds quarterly Project Stakeholder Outreach meetings to provide the latest updates on the Project's status. The Stakeholder Outreach meetings are typically held at locations adjacent to the Project footprint. The POLB has also provided presentations to the Coastal, Central, and Northwest San Pedro Neighborhood Councils, in which representatives from the Wilmington Neighborhood Council (WNC) participated and provided remarks at the Coastal San Pedro Neighborhood Council meeting on April 19, 2021. In addition, on May 10, 2021, the POLB's Deputy Chief Harbor Engineer provided a presentation on the Project at the WNC's Special Joint Committee Meeting of the Planning & Land Use and Beautification Committees and provided remarks to the

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Neighborhood Council's Governing Board meeting on May 10, 2021. Also on May 10, 2021, staff from the POLB's Environmental Planning Division held a call with a representative of the WNC to discuss the potential environmental impacts associated with the Project and the POLB's Community Grants Program. The WNC submitted a letter addressed to COLA and POLB in opposition to this Project (See Attachment 3. Wilmington Neighborhood Council Letter, dated May 25, 2021).

The POLB team conducted two Project site tours with the WNC. On Monday, January 31, 2022, the team conducted a site tour with Valerie Contreras, WNC Parliamentarian and Beautification Committee chair, and Gayle Fleury, board member. Mark Erickson, Deputy Chief Harbor Engineer, Program Management Division of the POLB, conducted the tour. Several key locations were visited where Mark identified the scope of Project work to be performed at each of the locations. The group was also taken to the Anaheim Street overlook where the entire Project layout could be envisioned. A second tour was conducted on Tuesday, February 8, 2022, that included Gina Martinez, WNC Chair. The same locations were visited as in the January 31, 2022 tour, and similar Project scope identification and analysis were discussed.

Based on discussions during both tours, the POLB committed to meeting with the WNC regularly to give updates on the Project's progress and address any questions posed by the community. The POLB also remains open to another tour for those WNC board members who could not participate in the previous two tours.

Under Assembly Bill 617, the communities of Wilmington, Carson, and West Long Beach were selected by the California Air Resources Board for community emissions reduction programs and/or air monitoring. The South Coast Air Quality Management District, in partnership and collaboration with these communities, developed a Community Air Protection Program (CERP) identifying actions to address the disproportionate impacts of air pollution in environmental justice communities. The actions identified in the CERP include support of statewide regulations and implementation of the San Pedro Bay Ports Clean Air Action Plan (CAAP), which includes a planning and investment initiative to transform the Port's infrastructure to maximize on-dock rail and optimize supply chain efficiencies to reduce air emissions from port-related sources.

## **Energy**

As discussed in the certified EIR, construction, and operation of the Project would result in greater energy efficiency, and impacts related to energy consumption were found to be less than significant. Energy consumption for the proposed Project construction would be approximately 180 billion British thermal units (GBtu) over 8 years or approximately 23 GBtu per year. Energy consumption for the proposed Project represents a negligible portion of Statewide energy consumption. Operational energy consumption under the proposed Project would employ state-of-the-art methods and equipment. Onsite refueling and brake testing under the proposed Project would be more efficient than accomplished offsite. The expanded facilities would allow longer rail car cuts, reducing switching locomotive operations and decreasing the time and energy to assemble and disassemble trains. New equipment would be required to meet California energy efficiency standards. Furthermore, moving containers by rail instead of truck drayage operations would offset

at least 90 percent of the increase in energy consumption from expanded rail yard operations by the year 2035 (POLB, 2016a).

The Project would not affect geologic, flood, or fire risks (30253 [1] [2]) and would be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development (30253 [3]) would not affect energy consumption and vehicle miles traveled (30253 [4]) and would protect special communities and neighborhoods which are popular visitor destination points for recreational uses (30253 [5]). The Project is not located on State Highway Route 1. State Highway Route 1 is found on Pacific Coast Highway, approximately 0.5 miles north of the Project site. The Project is in conformity with PRC Section 30254.

**e. INDUSTRIAL DEVELOPMENT (Article 7 of Chapter 3 of Public Resources Code, Sections 30260 through 30265.5).**

*Sections 30260 of the Public Resources Code states coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.*

The Project would expand the existing Pier B rail yard to expedite and allow for more cargo containers to be transported by rail through the Project site and subsequently onto the national rail network via the Alameda Corridor. The entire area of the Project within the COLA is located within the Wilmington-Harbor City Community Plan and is consistent with the existing land uses for Heavy Industrial uses. The proposed Project would require the acquisition of adjacent parcels occupied by a variety of industrial, commercial, and institutional uses. Alternative locations for siting the Project are discussed in the Project's certified EIR. However, the alternative locations are infeasible due to lack of available space within the Port area, increase truck traffic to and from the site, insufficient adjoining rail lead tracks, topographical constraints, poor site configuration, and projected loss of land uses that serve the Port. Potential alternatives would also affect public welfare due to grade crossing delays, increased train noise exposure, congestion on regional rail networks, and additional air emission from diesel locomotives. Mitigation measures have been developed for the proposed Project to reduce significant impacts to the extent feasible. The Final EIR identified potentially significant environmental impacts of the proposed Project will be rendered less than significant through mitigation measures, but the following proposed Project impacts on air quality and greenhouse gas emissions are considered to be significant and unavoidable.

The Project site is located on the Wilmington Oil Field. Pier B has been an active oil and gas production field since the 1930s. Oil reserves beneath the site are still being extracted from offsite locations through directional drilling techniques. Numerous active and

abandoned oil lines and wells are within the proposed Project area. Approximately 400 large and small oil pipelines traverse the Project site. There are more than 30 different owners and operators of these lines. Most of the existing oil lines within the Project footprint would be removed or relocated. Oil wells would be capped and abandoned per the guidelines set forth by the California Geologic Energy Management Division (CalGEM). Completion of the proposed Project would preclude future onsite oil or gas extraction from within the proposed Project boundaries; however, petroleum reserves beneath the site (i.e., the Wilmington Oil Field) could be recovered from nearby locations using directional (e.g., slant) drilling techniques. The utility relocations and reconstructions, including the oil lines, could require temporary interruptions of service as lines are relocated. These interruptions would be scheduled to minimize inconvenience and damage. Replacement utility infrastructure would be designed and constructed per utility provider requirements, current design standards, and COLB and COLA code requirements. Impacts from the replacement of utility lines would be less than significant, and mitigation measures are not required.

The proposed Project involves the expansion of industrial developments as addressed in Article 7. The Project would be within an industrial area and would expand within existing industrial, commercial, and institutional uses consistent with the harbor and port complex. Alternative locations were found to be infeasible and would affect the public welfare. The proposed Project addresses environmental impacts through the implementation of feasible mitigation measures. The proposed Project is in conformity with the PRC Section 30260.

**f. SEA LEVEL RISE (Article 8 of Chapter 3 of the Public Resources Code, Section 30270)**

*Section 30270 of the Public Resources Code states that the California Coastal Commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.*

POLB has prepared the Pier B On-Dock Rail Support Facility Project Sea Level Rise Technical Report (See Attachment 4. POLB *Sea Level Rise Technical Report*), which includes information regarding the Project's design elements, design life, the constraints on the elevation of the Project elements, and infrastructure adaptation approaches as the Project area experiences potential flooding impacts due to sea level rise in the coming decades.

Based on modeling results, more periodic and predictable flooding impacts to the Project footprint due to sea level rise would likely occur late in or after the design life (50 years) of the Project or after the further redevelopment of the area. The POLB could experience seawater inundation on railroad tracks and infrastructure on a somewhat regular basis late in the Project's life during extreme storm surges or king tides. The rail infrastructure can withstand short-term flooding. If rails are submerged, train movement will stop and is expected to resume quickly post-flood. The Project is designed to the highest possible elevation based on the existing height constraints of connecting rail and utility lines,

nearby overhead structures, adjoining roads and freeways, and land elevation of neighboring properties (See Attachment 5. POLB *Profile Technical Memo*).

POLB will implement engineering solutions to keep these assets dry and free from periodic sea water inundation as outlined in the Project's Sea Level Rise Technical Report as well as the POLB's 2016 Climate Adaptation and Coastal Resiliency Plan (CRP). Potential engineering solutions could include temporary measures such as sandbags or tiger dams or permanent barriers such as earthen berms, steel sheet pile walls, reinforced-concrete cantilevered walls, seawall retrofits, and additional drainage pathways, or embankments (POLB, 2016b). The existing policy to consider the feasibility of the potential engineering solutions and adaptation strategies is the POLB's CRP. The CRP addresses six sea level rise scenarios and the Project's Structural Analysis Report (see Attachment 6. *Final Structural Analysis*) includes a sea level rise and overtopping assessment at all the following Project design elements which are located within existing, dedicated rail right-of-way within the COLA jurisdiction including railroad tracks, railroad bridge expansion over Dominguez Channel (not in the Coastal Zone), crash walls (under SR-103) (not in the Coastal Zone), track supports (to protected existing structural footings), pavement (access roads), electrical (lighting for rail corridor), compressed air (for train brakes), utility relocations, track drainage, fire hydrants (at the locomotive facility) (not in the Coastal Zone), and minor street improvements.

POLB staff are currently working with a professional consultant to update the CRP with a new suite of sea-level rise inundation maps, per the latest 2018 Ocean Protection Council guidance. The POLB would perform a more comprehensive CRP update to evaluate the entire POLB rail network as a system, not just areas within the Project footprint when the next State-sanctioned sea level rise model becomes available and would change the vulnerabilities of POLB infrastructure to the point that current CRP adaptation strategies would need to be revised and/or reprioritized (See Attachment 7. POLB Adaptation Plan and Vulnerability Technical Memo).

As discussed in the certified EIR, the Project site is inland from the shoreline and has an elevation range of approximately +10 to +25 feet mean lower low water (MLLW). This elevation range is above the end-of-century projections of sea level rise, including those given by the California Sea Level Rise Task Force (3.4 feet), National Research Council (5.48 feet), and California State Coastal Conservancy (4.6 feet). The POLB is developing adaptation strategies, including design features and physical structures, to protect the POLB from future sea level rise and flooding (POLB, 2016, 3.14-24). These strategies are summarized in the POLB's CRP. The proposed Project would not expose people and structures to the risk of loss, injury, or death involving flooding as a result of sea level rise.

### **Groundwater Intrusion with Sea Level Rise**

The POLB prepared a technical memo discussing the high groundwater table at the Project site and considerations related to sea level rise (See Attachment 8. POLB High Groundwater Table Technical Memo). As discussed in the memo, groundwater table levels are relatively shallow throughout the POLB harbor district. Mitigation strategies are commonplace and often implemented on projects in this area.



Groundwater levels may rise within the Project footprint and surrounding areas. The design life of the Project may be reduced due to the impact of sea level rise on the groundwater table (See Attachment 9. POLB Design Life Technical Memo). Attachment 8 outlines potential impacts related to a rise in groundwater levels and identifies mitigation strategies. These impacts include increased buoyancy within pipelines, increased hydrostatic pressure on permanent structures, increased maintenance and cost, increased groundwater intrusion within sewer and storm drain infrastructure, and increased corrosion. Mitigation strategies include:

- **Buoyancy** -POLB will implement an inspection program for utilities that may be impacted by rising groundwater to identify any issues as early as possible and install anchors or other measures to counteract increased buoyancy.
- **Hydrostatic Pressure on Permanent Structures** - POLB will implement an increased inspection program for the structures within the Project footprint so that any impacts to the structures are identified early and mitigation measures can be implemented.
- **Increased Maintenance and Cost** - the Project has raised the elevation of the rail yard as high as possible while still providing a level grade for the rail yard operations and adequate vertical clearances under various other infrastructure. In addition, POLB will closely monitor the groundwater levels and implement a robust maintenance program for the rail yard and roadway improvements to ensure the increased maintenance due to rising groundwater will not impact POLB operations.
- **Increased Groundwater Intrusion within Sewer and Storm Drain Infrastructure** - Where sewer or storm drain utilities are proposed within existing groundwater, these utilities are constructed with rubber gasketed joints to prevent groundwater intrusion. POLB will explore providing rubber gasketed joints on utilities at the future anticipated groundwater depths to minimize future groundwater intrusion.
- **Increased Corrosion** - The Project will require utility companies to ensure cathodic protection is included within the design of any new or relocated pipelines associated with the Project. The Project will also consider alternative pipe materials that are more resistant to corrosion such as PVC or HDPE where the Project design requirements will allow. Corrosion protection experts are a part of the Project design team and will be analyzing specific site constraints for the proposed buildings and structures, such as the Dominguez Bridge Widening or the POLB Sewer Lift Station. As the design process moves forward, a corrosion analysis and protection recommendations technical memorandum will be prepared to document the best methods for protecting the various Project elements from corrosion and the potential increased risk of corrosion from rising groundwater.

- **Construction Costs, Risks & Challenges-** To minimize risks during construction, deep soil mixing will be performed before completing any deep excavations. Deep soil mixing helps to prevent the migration of groundwater. Groundwater levels will be monitored throughout the design and construction of the Project to ensure that any increased risks associated with rising groundwater are identified early and incorporated into the design.

The Project design would not contribute to inundation and incorporates elements to prevent or reduce the impacts of sea level rise on the Project site. The POLB has implemented its CRP as a planning and management policy to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise. The Project is in conformity with PRC Section 30270.

**2. THE PERMITTED DEVELOPMENT WILL NOT PREJUDICE THE ABILITY OF THE CITY OF LOS ANGELES TO PREPARE A LOCAL COASTAL PROGRAM THAT IS IN CONFORMITY WITH CHAPTER 3 OF THE CALIFORNIA COASTAL ACT OF 1976.**

The COLA General Plan's Wilmington-Harbor City Community Plan covers the entire area of the Project within the COLA. The Wilmington-Harbor City Community Plan includes objectives, policies, and programs and outlines the arrangement and intensities of land uses, the street system, and the location and characteristics of public service facilities. The Plan designates the proposed Project area within the COLA for Heavy Industrial use. The proposed Project is consistent with the COLA General Plan's Wilmington-Harbor City Community Plan goals and objectives because it represents a continuation of existing land uses.

Since the Project conforms to the applicable Community Plan and Specific Plans, and relevant provisions and policies of the Coastal Act, the Project will not prejudice the ability of the City to prepare a Local Coastal Plan in conformity with the Coastal Act and amendments.

**3. THE INTERPRETATIVE GUIDELINES FOR COASTAL PLANNING AND PERMITS AS ESTABLISHED BY THE CALIFORNIA COASTAL COMMISSION DATED FEBRUARY 11, 1977, AND ANY SUBSEQUENT AMENDMENTS THERETO HAVE BEEN REVIEWED, ANALYZED, AND CONSIDERED IN THE LIGHT OF THE INDIVIDUAL PROJECT IN MAKING THE CITY ENGINEER'S DETERMINATION.**

As noted in the preceding Sections, the California Coastal Commission's interpretive guidelines (State and Regional) have been reviewed and considered in the preparation of these findings and recommendations. However, following prevailing case law (e.g., Pacific Legal Foundation v. Coastal Commission (1982) 33 Cal.3d 158), the City Engineer's determination is based on the cited provisions of the California Coastal Act and other legally-established laws and regulations.

**4. THE DECISION OF THE PERMIT GRANTING AUTHORITY HAS BEEN GUIDED BY ANY APPLICABLE DECISION OF THE CALIFORNIA COASTAL COMMISSION PURSUANT TO SECTION 30625(C) OF THE PUBLIC RESOURCES CODE.**

The decision of the permit granting authority, as evidenced in the staff report of this Project, has been guided by applicable decisions of the California Coastal Commission pursuant to Section 30625(c) of the Public Resources Code. The guidance provided during pre-consultation with Coastal Commission staff has also been considered.

**5. IF THE DEVELOPMENT IS LOCATED BETWEEN THE NEAREST PUBLIC ROAD AND THE SEA OR SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL ZONE, THE DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE CALIFORNIA COASTAL ACT OF 1976.**

A portion of the Project in the COLA is located within the dual permitting jurisdiction of the Coastal Zone.

Given the industrial land use of the Project site and surrounding area, no recreational facilities, except for bicycle lanes, occur on or near the Project site. For safety reasons, access to the Pier B Rail Yard is restricted to rail yard workers only. Pedestrians and bicyclists may access streets adjacent to the rail yard. Pedestrians and bicyclists would continue to have access to all businesses on streets outside of the rail yard, including the Multi-Service Center, using reconstructed sidewalks. Anaheim Street and many of the surrounding streets have sidewalks in Long Beach and Los Angeles. In other areas, the streets along the proposed Project route have gravel or dirt shoulders and do not have concrete sidewalks. The nearest bike lane in the COLA (Wilmington neighborhood) is on Anaheim Street between Western Avenue to North Henry Ford Avenue (SR 47) and is part of the COLA backbone bikeway network. This Anaheim Street bike lane continues from Henry Ford Avenue to 9th Street/I Street in the Project area.

POLB has plans to add to its existing bicycle facilities. In May 2021, the Pier J South Waterfront Bicycle Path project was completed and opened to the public, providing more public access along the Port waterfront. Other proposed bicycle and pedestrian facilities in the POLB are being evaluated and include the Mark Bixby Memorial Bicycle and Pedestrian Path on the new Long Beach International Gateway Bridge, the Ocean Boulevard Bicycle Gap Closure Project, and the connection to the California Coastal Trail in the North Long Beach Harbor Area.

There are no plans to construct bicycle or pedestrian facilities on streets adjacent to the Project site as part of the proposed Project. Construction of the proposed Project would not affect the existing bike facilities in the Project area because they are elevated above the rail yard in the COLA or adjacent to the Los Angeles River in COLB. Project construction and operations would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise, decrease the performance or safety of such facilities.

The Project site provides no public access to the sea, coastal or oceanfront areas. Therefore, the proposed Project is not expected to impede coastal or oceanfront access, or low-cost visitor or recreational facilities and activities. The Project conforms with the Public Access policies (PRC § 30210 through 30214) of Chapter 3 of the California Coastal Act. Given the industrial land use of the Project site and surrounding area, no recreational facilities, except for bicycle lanes, occur on or near the Project site. The Project is not expected to impede coastal or oceanfront recreation activities. The Project conforms with the Recreation policies (PRC § 30220 through 30224) of Chapter 3 of the California Coastal Act.

## **6. ANY OTHER FINDING OR FINDINGS AS MAY BE REQUIRED FOR THE DEVELOPMENT BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

Pursuant to the California Environmental Quality Act (CEQA), the POLB certified the Environmental Impact Report for the Project on January 22, 2018. Mitigation measures, described in the adopted mitigation monitoring program, have been incorporated into the Project.

### **III. PUBLIC COMMENT**

A public hearing regarding the Coastal Development Permit Application No. 21-04 for the Pier B On-Dock Rail Support Facility Project was held on May 11, 2022, at 6:00 PM via webinar. Approximately 30 people attended and four people provided verbal comments during the hearing expressing support for the project. Spanish interpretation services were made available at the hearing. A recording of the public hearing and the PowerPoint presentation can be viewed on the Bureau of Engineering's project webpage:

**[bit.ly/PierB-CDP-LA](https://bit.ly/PierB-CDP-LA)**

The comment period closed on May 18, 2022, at 4:00 PM. Six written comments were received via email. Three letters stated support for the project. One commenter raised issues regarding notification of the public comment period and requested an extension of the comment period. No issues were raised regarding consistency with the California Coastal Act, Chapter 3.

Prior to the public hearing, direct mail notices were sent to a mailing list of 124 stakeholders, email notifications to 398 stakeholders, and a notice was placed in two local papers, the Long Beach Press-Telegram and the Torrance Daily Breeze.

### **IV. STANDARD CONDITIONS OF APPROVAL**

- 1. Notice of Receipt and Acknowledgement.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the City Engineer's Office.
- 2. Expiration.** If the development has not commenced, the permit will expire two years from the permit date as reported by the Coastal Commission. Application for an extension of the permit must be made before the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the City Engineer.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the City Engineer an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the City Engineer and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
6. **Other Approvals.** An additional coastal development permit is needed from the State Coastal Commission. The project must also demonstrate compliance with the California Environmental Quality Act through the implementation of the Mitigation Monitoring Program adopted as part of the certified environmental impact report.

## V. SPECIAL CONDITIONS OF APPROVAL

1. Conditions are also intended to address issues related to the conceptual design process.

**Storm Drain System** - Water quality issues related to the POLB Pier B On-dock Rail Yard and Fueling Facility would still be the responsibility of the COLA due to the storm drain being within the COLA limits and the multiple cities' shared MS4 Permit. However, regarding the existing storm drain line from Anaheim St. (CLAMMS ID 61206461111004) to Farragut Street (CLAMMS ID 61205466262021): The storm drain system design for the Project shall meet the following criteria to the satisfaction of the COLA Bureau of Engineering, Harbor District, and the LA Sanitation & Environment (LASAN):

- The existing storm drain line east of Anaheim Way under the active tracks shall be either abandoned in place or will become the responsibility of the COLB/POLB. The COLA relinquishes all responsibility for the existing storm drain line.
- The responsibility for the storm drain lines and stormwater flow within the COLB/POLB's private property and the storm drain line crossing Anaheim Way (City of LA's public right-of-way) shall be the responsibility of the COLB/POLB.
- The Project shall ensure the separation of public and private runoff. Public and private stormwater must be separated.
- The COLA cannot accept the release of hydrocarbons into the storm drain or sewer system, neither intentionally nor accidentally. Potential design solutions include, but are not limited to, relocation and interception of flow from Anaheim St. catch basin (CLAMMS ID 61206461111003) to

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CALTRANS catch basin (CLAMMS ID 61206461313001 on I Street in COLB), regrading of Anaheim Way (public right-of-way) so that stormwater street flows towards Anaheim Way & Farragut Avenue and eliminate existing catch basins on Anaheim Way (public street) (CLAMMS ID 61205461111066 & 61205461111067), capture all contaminated rainwater, use of storage tanks to capture contaminated stormwater and have it treated offsite by others, or have an onsite treatment system which will clarify any stormwater or site run-off before it enters any public sewer or storm drain system.

- POLB will need to comply with COLA's Sanitation and Environment (LASAN) Watershed Protection Division (WPD)/LID requirements when applying for LADBS permit(s). WPD/LID would review any proposed post-construction stormwater mitigation devices proposed as part of the redevelopment of the site, if the scope of work is under the review of an LADBS building/grading permit and if that redevelopment results in more than 500 square feet of impervious area. Any approved post-construction mitigation devices would service only new and redevelopment impervious areas on the site.
2. Comply with all referenced mitigation measures, mitigation strategies, and best management practices (BMP) in the Environmental Impact Report and this Staff Report for CDP No. 21-04.

**VI. STAFF RECOMMENDATIONS**

Based on the preceding analysis and the comments received, we recommend that the City Engineer adopt the staff findings as stated above and issue Local Coastal Development Permit No. 21-04 for this Project with the above standard and special conditions of approval.

DOCUMENT APPROVED BY:



Jun 27, 2022

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Maria E. Martin

Date

Environmental Affairs Officer

Environmental Management Group

DOCUMENT PREPARED BY:

*Lauren Rhodes*

Jun 27, 2022

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Lauren Rhodes                                  Date  
Environmental Specialist II  
Environmental Management Group

## **VII. REFERENCES**

California Coastal Commission. (2019, 03 08). *Environmental Justice Policy*.  
[https://documents.coastal.ca.gov/assets/env-justice/CCC\\_EJ\\_Policy\\_FINAL.pdf](https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf)

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Port of Long Beach. (2018, 01 22). *Staff Report including Resolution, Statement of Overriding Considerations and Findings of Fact, and Mitigation Monitoring Report Program*. <https://polb.com/documents#ceqa-nepa>

Port of Long Beach. (2022, 02 01). *Pier B On-Dock Rail Support Facility Program Coastal Development Permit – City of Los Angeles Environmental Justice*. In *POLB EJ Memo*. Port of Long Beach.

## **VIII. FIGURES**

1. Figure 1. Project Location
2. Figure 2. Street Vacation - Portions of Southern Pacific Drive and Pennington Avenue

## **IX. ATTACHMENTS**

1. POLB Water Quality Risk Due to Flooding Technical Memo
2. POLB Environmental Justice Memo
3. WNC Letter, dated May 25, 2021
4. POLB Sea Level Rise Technical Memo

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5. POLB Profile Technical Memo
6. Final Structural Analysis
7. POLB Adaptation Plan & Vulnerability Technical Memo
8. POLB High Groundwater Table Technical Memo
9. POLB Design Life Technical Memo