



## Instructions for Filing an Application for Discretionary Project

Los Angeles Harbor Department  
Planning and Research Division

425 S Palos Verdes Street, San Pedro, CA 90731  
P.O. Box 151, San Pedro, CA 90733-0151  
310-732-3850 – [www.portoflosangeles.org](http://www.portoflosangeles.org)  
[developmentprojects@portla.org](mailto:developmentprojects@portla.org)

### **Introduction**

**Development** activities at the Port of Los Angeles are subject to **discretionary** review and approval by the Port of Los Angeles (Port) pursuant to the California Environmental Quality Act (CEQA) and the certified Port Master Plan (PMP). In addition, a **Harbor Engineer's Permit** must be issued before any physical development can take place on Port property. Therefore, all **applicants** proposing development activity on Port property must submit an Application for Discretionary Project (ADP), and related supplemental applications, to initiate the review and approval process. This review is required in addition to applicable City of Los Angeles, State, or Federal permits (i.e. Fire, Building and Safety, Air District, Water District, Army Corps of Engineers, etc.).

### **Who Should Apply?**

An Application for Discretionary Project must be submitted to the Port for any **Project** located on Port property. The **Applicant** is the entity who proposes to carry out a project that needs a lease, **permit**, license, certificate, or other **entitlement** for use or financial assistance from the Port. The Application for Discretionary Project and all related supplemental applications must be signed by the **Authorized Representative** of the Port tenant proposing the project, who is the individual that has the authority to act as the applicant's representative and to bind the applicant in all matters concerning the application. The Authorized Representative of the tenant must sign even if a contractor or consultant is submitting the Application on behalf of the tenant.

### **Where do I get an Application?**

All Application for Discretionary Project forms are available online at [www.portoflosangeles.org/business/forms](http://www.portoflosangeles.org/business/forms), and can be downloaded using Adobe Acrobat 7.0.

Forms are also available from:

Planning Permit Coordinator  
Port of Los Angeles  
425 S Palos Verdes Street  
San Pedro, CA 90731  
310-732-3850  
[developmentpermits@portla.org](mailto:developmentpermits@portla.org)

**Definitions for Words/Phrases in  
Bold Italics and Other Relevant Terms  
Are in the Glossary**



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### Which Forms do I Submit?

Forms should be filled out as completely as possible, and have attachments included, such as site plans, maps, photographs, utility plans, grading and drainage plans, etc.

All Applicants must complete the following forms for all development projects:

- Application for Discretionary Project Summary (Form #407 )
- Environmental Assessment Questionnaire (Form #408 )
- Application for Coastal Development Permit (Form #410 )

Depending on the nature of the proposed project\*, the Applicant may need to submit the following supplemental forms:

- Site Assessment Questionnaire (Form #409 )  
*\*Required for all Applicants whose proposed project includes either or both of the following:*
  1. *Ground Invasive Activity, i.e. trenching, dredging, boring, grading, excavating, etc.*
  2. **Hazardous Materials and/or Waste.**
- Risk Management Analysis Questionnaire (Form #411 )  
*\*Required for all Applicants whose proposed project involves the handling, transportation, or storage of **hazardous liquid bulk commodities**.*
- Application for Permit to Use Port Property (Form #412 )  
*\*Required for all Applicants who are seeking a new Permit or an amendment to an existing Permit to occupy Port property.*
- Application for Temporary Entry and Use of Port Property (Form #413 )  
*\*Required for all Applicants who are seeking short-term use or right of entry to Port Property.*

### How do I Get Help with the Application or the Development Review Process?

Applicants are encouraged to contact the Port of Los Angeles Planning Permit Coordinator in the Planning and Research Division at (310) 732-3850, for a pre-application consultation with Port staff to discuss the project and assist the Applicant in submitting a complete application.

### How Do I Submit the Application?

All Applications for Discretionary Projects can be submitted by appointment to the Planning Permit Coordinator in the Planning and Research Division at the Port of Los Angeles Headquarters in San Pedro, CA. The original application, with the signature of the Authorized Representative, and SEVEN (7) COPIES of all attachments can be submitted in person by appointment, or by postal mail.

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### **What Happens After I Submit the Application?**

The Planning Permit Coordinator will receive and review the Application for Discretionary Projects for completeness. The Applicant will be notified within twenty (20) calendar days if the application is deemed complete, or if additional information will be needed.

Once the Application is deemed complete, project determinations will be made and permits may be issued pursuant to CEQA and the PMP. Once approved, these actions would be followed by the issuance of a Harbor Engineer's Permit for development projects.

For the CEQA analysis, the Environmental Management Division will review the application and determine that the project requires one of the following:

***Exemption***

***Initial Study***

***Negative Declaration***

***Mitigated Negative Declaration***

***Environmental Impact Report***

For the Coastal Development Permit, which is issued for projects that are consistent with the Port Master Plan, the Planning and Research Division will review the application and determine that the project requires one of the following:

***Coastal Development Permit Exemption***

***Level I Coastal Development Permit***

***Level II Coastal Development Permit***

***Level III Coastal Development Permit***

The CEQA determination and the Coastal Development Permit may require any of the following: a public hearing; approval by the Board of Harbor Commissioners; City Council review for the five City Council meeting dates following the Board Action; additional regulatory approvals for developments that are appealable to the California Coastal Commission; and compliance with any additional CEQA guidelines. Upon completion of these requirements, the Engineering Division will process and issue the Harbor Engineer's Permit. The Applicant will submit a deposit of \$2000, or 2% of the project cost, whichever is more, at this time. The deposit will be refunded to the Applicant by mail within 30 days of verification the project was built to plan, and/or submittal of the as-built drawings, when the project is complete.

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### **How Long Will It Take for my Project to be Approved?**

Projects that are exempt from both CEQA and the Coastal Development Permit can be approved and a Harbor Engineer's Permit issued within thirty (30) to sixty (60) days from when the Application is deemed complete.

Projects that require a Negative Declaration and/or a Level I Coastal Development Permit can be approved and a Harbor Engineer's Permit issued within six (6) months from when the Application is deemed complete.

Projects that require an Environmental Impact Report and/or a Level II or III Coastal Development Permit may take twelve (12) to eighteen (18) months from when the Application is deemed complete to be approved and a Harbor Engineer's Permit to be issued. Projects that require an Environmental Impact Statement (EIS) pursuant to NEPA may be subject to additional time requirements.

### **How do I get my Permit(s)?**

Upon completion of the CEQA and PMP analysis, the Planning and Research Division will prepare the Coastal Development Permit. The Applicant will be contacted by the Planning Permit Coordinator to come to the Port Administration Building to sign the Coastal Development Permit, or the permit can be executed by postal mail between the Port and the Applicant. The Coastal Development Permit becomes effective when all copies have been signed by all parties and they have been received by the Planning Permit Coordinator.

The Engineering Division will prepare the Harbor Engineer's Permit and contact the Applicant to come into the Engineering Division at the Port Administration Building to sign the Harbor Engineer's Permit, and to place the deposit of \$2000, or 2% of the project cost, whichever is more. The Applicant will be instructed to schedule a pre-construction inspection with the Harbor Department Chief Inspector by calling (310) 732-3522. Upon completion of construction, the Applicant is responsible for scheduling a post-construction inspection with the Harbor Department Chief Inspector, as well as verifying that the project was built to plan, and/or providing the as-built drawings. The deposit will be refunded to the Applicant by mail within 30 days of verification the project was built to plan, and/or submittal of the as-built drawings, when the project is complete.

Please contact the Port of Los Angeles Planning Permit Coordinator, Planning and Research Division, at 310-732-3850 or [developmentpermits@portla.org](mailto:developmentpermits@portla.org) with any questions.

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### Glossary

Term	Definition
<b>Applicant</b>	An entity who proposes to carry out a project which needs a lease, permit, license, certificate, or other entitlement for use or financial assistance from one or more public agencies, specifically, the Harbor Department of the City of Los Angeles
<b>Authorized Representative</b>	Individual that has the authority to act as the applicant's representative and to bind the applicant in all matters concerning the application
<b>Change of Use</b>	A proposed project to conduct activities on a property that are not currently allowable under the entitlement to use that property, or an increase in the intensity of an allowed use under the entitlement, that would result in exceeding any threshold established in the terms and conditions of the current entitlement.
<b>Coastal Dependent</b>	Any development or use which requires a site on, or adjacent to, harbor waters to be able to function
<b>Coastal Development Permit</b>	A permit for any development within the Harbor District that is required pursuant to subdivision (a) of Section 30600 of the California Coastal Act
<b>Concession Agreement</b>	Commercial use of formerly Federal Property (Fort MacArthur, Lower Reservation). Long-term agreements, typically 30+ years.
<b>Deposit</b>	\$2000, or 2% of the project cost, whichever is more
<b>Development</b>	The placement or erection of any solid material or structure on land, in, or under water; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extracting of any materials; change in the density or intensity of use of land; change in the intensity of use of water, or of access thereto; and the construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility. As used herein, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.
<b>Discretionary Action</b>	The exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations
<b>Emergency</b>	A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to life, health, property, or essential public services. Includes such occurrences as fire, flood, earthquake, or other soil or geological movements, as well as such occurrences as riot, accident, or sabotage.
<b>Entitlement</b>	Right to Use Port Property, i.e. Agreement, Permit, Revocable Permit, Space Assignment, Temporary Entry and Use Permit



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Term	Definition
<b><i>Environmental Assessment (EA)</i></b>	Term used by the Environmental Management Division to refer to the process and product of evaluating a project for compliance with CEQA
<b><i>Environmental Impact Report (EIR) Environmental Impact Statement (EIS)</i></b>	A detailed statement prepared under CEQA (NEPA for EIS) describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects.
<b><i>Exemption</i></b>	An exemption from CEQA for a class of projects based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.
<b><i>Fee</i></b>	\$500 standard fee, subject to additional fees for substantive CEQA or CDP review.
<b><i>Handler of Hazardous Materials</i></b>	Any business which handles hazardous materials, at any time during the reporting year, at or above the following quantities: 1) total volume of 55 gallons or total weight of 500 pounds or 200 cubic feet (at standard temperature and pressure) of a compressed gas OR 2) the applicable threshold planning quantity for an extremely hazardous substance listed in Appendix A, Part 355, Title 40, of the Code of Federal Regulations OR 3) the permit amounts for hazardous materials in LAFD Standard No. 68
<b><i>Harbor Engineers Permit</i></b>	Issued by the Engineering Division for work requested by Port tenants or their contractor or utility owners
<b><i>Hazardous Liquid Bulk Commodities</i></b>	Any liquid material designated as such by the Fire Department, in accordance with the fire code, or for planning purposes having a National Fire Protection Association (NFPA) hazard rating of two or more with respect to health hazard, flammability, reactivity, or presenting other special hazards determined by the Port.
<b><i>Hazardous Materials</i></b>	Substances that are flammable, toxic, corrosive, or reactive, and have shown through experience or testing to pose an extreme hazard to the public health because of its carcinogenicity, high acute or chronic toxicity, bioaccumulative properties, or persistence in the environment.
<b><i>Hazardous Waste</i></b>	Waste or combination of waste which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either: 1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating health or environment when improperly treated, stored, transported, or disposed of or otherwise managed
<b><i>Initial Study</i></b>	A preliminary analysis prepared by the Lead Agency to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.



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Term	Definition
<b><i>Coastal Development Permit Exemption</i></b>	Per Section 30610 of the California Coastal Act of 1976, certain types of development in certain areas are exempt from Coastal Development Permit requirements
<b><i>Level I CDP</i></b>	Required for developments occurring within the Harbor District that are emergency, administrative, or minor and expected to have insignificant impacts on the port or surrounding environment and which conform to the following requirements: 1) Minimal resources involved, 2) Estimated development costs are less than \$358,250 (2003 dollars), 3) Minimal changes in land and/or water use and in the density or intensity of the use of land and water area may occur, 4) There are no significant adverse environmental impacts, and 5) The development is not an appealable development as defined in Section 30715 of the Coastal Act.
<b><i>Level II CDP</i></b>	Required for developments occurring within the Harbor District that conform to the following requirements: 1) Estimated development costs are greater than \$358,250 (2003 dollars), 2) Potential minor changes in land and/or water use and in the density or intensity of the use, and 3) Minor environmental impacts which can be mitigated.
<b><i>Level III CDP</i></b>	Required for developments which may involve: 1) Large capital expenditures, 2) The risk of substantial adverse environmental impacts that can be mitigated, 3) The potential for unavoidable adverse impacts that cannot be mitigated, 4) Potential major changes in land and/or water use, and 5) A major increase in the density or intensity of land and/or water use.



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Term	Definition
<b>Material Safety Data Sheet</b>	Details of the hazards associated with a chemical, and gives information on its safe use.
<b>Mitigated Negative Declaration</b>	A negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.
<b>Negative Declaration</b>	A written statement by the Lead Agency briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and therefore does not require the preparation of an EIR.
<b>Permit</b>	Agreement for use of Port property with a tenant, can be long or short-term
<b>Port Related</b>	Reliant upon a coastal dependent development or use
<b>Project Description</b>	A brief, concise statement of what the proposed project entails.
<b>Project Location</b>	A description of where the project will take place, as described by an address, berth number, parcel number, boundaries, GPS location, Engineering Drawing Number, etc.
<b>Temporary Entry and Use Permit</b>	Right to use Port property on a short-term basis and improvements are not allowed
<b>Tenant</b>	Entitlement holder
<b>Vendor Permit</b>	Right to sell goods or services on Port property from a non-permanent establishment



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Term	Definition
<p><b>Project</b></p>	<p>(a) The whole of an action, which has a potential for resulting in either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700. (2) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies. (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.</p> <p>(b) Project does NOT include: (1) Proposals for legislation to be enacted by the State Legislature (2) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making (Except as they are applied to specific instances covered above); (3) The submittal of proposals to a vote of the people of the state or of a particular community that does not involve a public agency sponsored initiative, (4) The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. (c) The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval. (d) Where the Lead Agency could describe the project as either the adoption of a particular regulation under subsection (a)(1) or as a development proposal which will be subject to several governmental approvals under subsections (a) (2) or (a) (3), the Lead Agency shall describe the project as the development proposal for the purpose of environmental analysis.</p>