

PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE
EIR/AESTHETIC MITIGATION SUBCOMMITTEE

Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, California

Minutes
July 24, 2008

ATTENDEES

COMMITTEE MEMBERS/PCAC

Kathleen Woodfield, Acting Chair
Skip Baldwin, Alternate Member
Donna Ethington, Voting Member
Janet Gunter, Alternate Member
Chuck Hart, Voting Member
Lucy Mejia, Voting Member
Pat Nave, Voting Member
Frank O'Brien, Voting Member
Gordon Teuber, Exofficio

PORT STAFF

Dr. Ralph Appy
Teresa Scognamillo

PUBLIC PARTICIPANTS

Diana Nave
Richard Pawlowski
Sharon Rubalcava
David Wright

LOCATION OF MEETING: Banning's Landing, 100 E. Water St., Wilmington, CA

- A. Call to Order: 4:15PM
- B. Sign In / Introductions
- C. Agenda Approved
- D. Public Comment: None
- E. POLA Staff Update:
 - 1. Status on RFP for China Shipping Aesthetic Mitigation Fund
The Subcommittee held a working group meeting with Teresa Scognamillo, the POLA Aesthetic Mitigation Coordinator, on July 7, 2008. The purpose of the meeting was to review and finalize any modifications to the new Request for Proposals (RFP) for China Shipping Aesthetic Mitigation Projects for San Pedro.
 - a. Feedback from Port on Committee's Recommended Revised Language:
The Port and Committee agreed on final revisions to be made to the RFP.
 - b. Port's Decision on Need for RFP
The committee has been informed by the City Attorney that they need an RFP for projects received. They can consider moving forward on projects received outside of the RFP process. Dr. Appy suggested that they consider waiting until all the mitigation proposals were in so that all the projects could be prioritized before making any decisions.

2. Status of China Shipping Settlement Mitigation Projects

a. Current Wilmington and San Pedro Projects

- San Pedro Welcome Park

\$5 Million was allocated, however, mitigation funds were never spent on this project. It was constructed by Rec and Parks.

- Plaza Park

Plaza Park is a project that was approved by PCAC. The project however, has not been presented to the Board, because it is in the China Shipping EIR as mitigation. The project will be approved at the same time the EIR is approved.

The Committee raised the question about the funds needed to complete this project that exceed the \$1 Million allocation.

Whereas waterfront access is appropriate mitigation, Ms. Woodfield asked if the funding in excess of the allocated \$1 Million, could be funded through the China Shipping EIR, rather than through the Amended Stipulated Judgment. Ms. Scognamillo will look into funding options. She will also verify the location (on or off Port property) for the proposed stairs within the project.

Frank O'Brien stated that the initial projection of \$1 Million was just an estimate. He specified that a grant was covering the design cost, and that other resources were being explored for the costs above and beyond the \$1 Million.

- Northwest San Pedro Beautification Project

The project area is to improve the east side of North Gaffey Street from Westmont Avenue to Channel Street in San Pedro, with groundcover, trees, shrubs, a pedestrian/bike path, and sidewalks, curbs, and gutters. The Request for bids will open on Tuesday, July 29, 2008. Construction is expected to begin in the fall, with completion by May 2009.

- Wilmington Youth Sailing Center

Port staff met with the applicant, Donna Ethington, to review some basic layouts for different locations for the sailing center. Ms. Ethington is taking the proposed ideas to her Board. In the meantime, she was asking the Port to consider the cost estimates for their preferred location on the Consolidated Slip.

- Wilmington Open Space, a Park Project

Ms. Scognamillo spoke with Jennifer Lucchesi, from State Lands, who stated that they were going to reassess the project and that they would respond early next week (July 28th – Aug.1st). If State Lands does not respond, Dr. Appy will contact them.

Skip Baldwin commented on the lapse in communication between agencies and stated that this matter has not been handled in a timely business like manner.

When State Lands responds Port staff will report back to the Subcommittee, who will then make the determination on the next step for this project. The motion adopted by this committee on February 28, 2008, regarding the Wilmington Open Space, a Park, project can be brought forward at any time.

- Banning Museum

The Board of Harbor Commissioners has approved the allocation of \$900,000 for the project. The applicant and his Board are currently reviewing a draft agreement. A meeting has been scheduled for the Friends of Banning Museum President and the POLA City Attorney to discuss issues within the agreement.

- YMCA Aquatic Center

The YMCA has notified the Port that they will be taking the draft agreement to their Board in September/October.

- Alameda Beautification Project

Ms. Scognamillo has a meeting scheduled with the CRA to work on their agreement.

- Ocean Water Resource Center

There has been no activity on this project.

- The Rowing Center

No money was allocated for this project. The recommendation was to combine it with the Youth Sailing Center. Port staff is waiting to hear back from the applicant, Gene Kininmonth.

b. Submittal Process for New San Pedro Projects

The committee was concerned about a lack of communication with Port staff on mitigation project issues like when the appropriation of the funds for a particular project change radically, and when various obstacles interrupt the momentum of implementing a particular project. The EIR Subcommittee/PCAC should be notified of these issues immediately.

Ms. Scognamillo stated that she received from the San Pedro & Peninsula Homeowners Coalition, a replacement project for the Welcome Park proposal. The proposal is for a ten year study to reevaluate/identify over time, nexus, and mitigation projects that would beautify and maintain the integrity of Wilmington, San Pedro and Rancho Palos Verdes. This project will move forward in the process as soon as the San Pedro RFP is released.

A working group meeting will be scheduled for Janet Gunter and the Homeowner Coalition to present their proposal to the committee. Ms. Gunter will contact the consultants to check on their availability.

3. Ports Response to Committee's Request to Extend the Amended Stipulated Judgment Fund Term Date

Ms. Woodfield sent a letter to Dr. Geraldine Knatz, the POLA Executive

Director and to the Board of Harbor Commissioners asking for an extension on the June 2009 China Shipping Mitigation Fund deadline.

Dr. Ralph Appy stated that it was premature to extend the date at this time. The goal is to allocate the funds by June 2009. Further consideration can be discussed as that date draws nearer.

Ms. Woodfield asked if the Port had responded to a letter submitted by the Natural Resources Defense Council (NRDC). Dr. Appy stated that he had received the letter and that he would respond within the next couple of days. Ms. Woodfield asked that the EIR Aesthetic Mitigation Subcommittee be copied in on the Port response to that letter.

4. EIR Schedule: No Update

F. Presentation - Channel Deepening Project

Public Meeting will be held on August 6, 2008, at 6:00PM in the POLA Board Room. Comments are due by September 1, 2008. The lead agency is the Army Corp of Engineers.

Dr. Ralph Appy presented a brief overview of the project. The proposed project is to deepen the Channel to a required depth of -53 feet for larger vessels calling on the Port. In the process, it has become evident that there is more dredge material than initially estimated and additional disposal capacity is needed. The Supplemental EIR/ SEIS analyzes the completion of the project with additional disposal capacity.

Alternative 1 considers the disposal of dredged material at Berths 243-245; Northwest Slip; CSWH Expansion Area; Eelgrass Habitat Area; and LA-2.

Alternative 2 considers environmental enhancement and ocean disposal, placing dredge material at CSWH Expansion Area, Eelgrass Habitat Area, Anchorage Road Soil Storage Site (ARSSS), and LA-2.

The Committee raised concerns that the proposed shallow water habitat/eel grass area would create negative impacts to recreational access/use and possible negative impacts to water circulation at the inner Cabrillo Beach.

G. Action Items:

1. Comments on SEIS/SEIR Pacific L.A. Marine Terminal LLC Pier 400 Berth 408. Comments are due August 13, 2008. David Wright and Sharon Rubalcava, representing Plains All American Pipeline, were present to address committee comments on the project.

Committee issues that were discussed for the comment letter included emergency preparedness/evacuation plan and community safety. The committee

voted to have Ms. Woodfield prepare and send a comment letter to the Port /Army Corp of Engineers on behalf of the Subcommittee.
4 Ayes, 2 Nays.

2. Committee Letter Requesting Renewal of Consultant Contract
The Committee agreed that Ms. Woodfield would draft and forward a letter to Dr. Geraldine Knatz, requesting that the EIR consultant contract be renewed.

H: Old Business:

Pat Nave commented that perhaps the Port might modify their Foreign Trade Zone (FTZ) agreements to have the FTZ participants contribute to some kind of fund to use for mitigation. The Chair asked him to draft a potential action item for the August meeting.

I. New Business/Non Agenda Items: None

J. Committee Project:

Working group meeting started at 6:00PM. Subcommittee worked with Port staff and CDM consultants to develop an improved Executive Summary for future Environmental Impact Reports

K. Next Subcommittee Meeting - Thursday, August, 28, 2008

L. Subcommittee Adjournment: 6:00PM

Signature on File

Kathleen Woodfield, Acting Chair
EIR/Aesthetic Mitigation Subcommittee

Signature on File

Debra Babcock-Doherty
PCAC Executive Assistant

PORT OF LOS ANGELES CALL FOR AESTHETIC MITIGATION PROJECTS IN SAN PEDRO

1.0 BACKGROUND

The Port of Los Angeles (Port) is operated by the Harbor Department of the City of Los Angeles (City) under a Tidelands Grant from the State of California. The Port comprises 35 miles of waterfront and approximately 7,500 acres of lands and water. The Port is a “landlord” port, with tenants operating maritime related activities in the Harbor District under agreements with the Harbor Department. The Harbor District includes a wide variety of industrial, commercial, recreational and fishing operations. These include: automobile, container, Omni, and lumber terminals; liquid and dry bulk facilities, cruise trade and passenger traffic facilities; commercial fishing, fish canneries, shipyards, and boat repair yards; and marinas for pleasure craft, sport fishing boats, and charter vessels.

The Port joined environmental and Harbor-area community groups in a settlement agreement (China Shipping Amended Stipulated Judgment (ASJ)) that includes commitments to improve the area’s air quality and aesthetics. In accordance with the settlement agreement, approved in March 2003, and later, amended in June 2004 (*Natural Resources Defense Council, Inc., et al. v. City of Los Angeles et al.*, No. BS070017 (ASJ)) the Port shall act to mitigate the aesthetic impacts from Port operations on the neighboring communities of San Pedro and Wilmington.

A solicitation for conceptual aesthetic mitigation proposals was developed in collaboration with the Port Community Advisory Committee (PCAC), and was released by the Port in November 2003. Pursuant to the evaluation process set forth in the amended settlement agreement, a PCAC Working Group evaluated the proposals and recommended the following projects: San Pedro Welcome Park, Northwest San Pedro Beautification, Wilmington Youth Sailing Center, Plaza Park, and East Wilmington Greenbelt. Of those projects the Port has approved implementation of the Northwest San Pedro Beautification and Wilmington Youth Sailing Center.

A subsequent solicitation was released by the Port in January 2007 for aesthetic projects in the Wilmington Community. As a result of that solicitation, the PCAC Working Group recommended the following projects: Alameda Street/Harry Bridges Buffer Project, YMCA Aquatics Center, Banning Museum Transportation Exhibit, Ocean Water Resource Center, and Youth Rowing Program. As a result of this solicitation the Board of Harbor Commissioners, has approved the YMCA Aquatics Center and the Banning Museum Transportation Exhibit. They will consider the remaining projects as more information is available.

As of June 2008, there have been deposits of approximately \$16.8 million identified for aesthetic mitigation projects in the San Pedro Community. The Northwest San Pedro Beautification project was approved by the Board of Harbor Commissions and is currently being funded. The PCAC also requested funding for enhancements to Plaza Park. This is a project which is anticipated to be considered by the Board of Harbor Commissioners later this year. This leaves a remaining balance of \$6.6 million available for the San Pedro Community.

2.0 INTRODUCTION

In this Request for Aesthetic Mitigation Projects, the Port is seeking proposals for aesthetic mitigation projects that are located in the San Pedro Community and reflect the intent of the settlement agreement. All projects funded under this program shall comply with all laws, rules, and regulations; be port-related projects on Port land; or shall be projects off Port land that have a demonstrable nexus or connection to the “environmental, aesthetic, and/or public health impacts of the Port’s operations and facilities” (ASJ). It is also important that, if the proposed project cost exceeds the available funding (\$6.6 million), the *applicant* is responsible for showing how the balance of the project cost will be funded.

3.0 MITIGATION PROJECT PROPOSAL REQUIREMENTS

Project proposals are meant to be conceptual and shall not be considered bid specifications or contracts. Projects that are recommended for funding shall be subject to appropriate contracting or procurement processes.

All Aesthetic Mitigation Project Proposals submitted shall include the Cover Sheet transmitted herewith (Attachment 1).

Project proposals shall, to the best of applicant’s ability, include the following sections:

- I. **Title and Category.** Title of project. Indicate which of the following categories the project best fits: Open space and parks; Landscaping and beautification; or Educational, arts and athletic facilities. The project may fit more than one category.
- II. **Project description.** Give a detailed description of the project. For example, if the project proposes planting trees, tell how many and what type. Be as specific as possible. Include plans for project management. Also, detail any on-going maintenance efforts which would be required, including who is envisioned being responsible for these efforts and expenses.
- III. **Project location.** Indicate where the project will be located. Is it off Port land with a demonstrable nexus to the Port or on Port land? Describe what the location is currently being used for and whether it is available for the project. If land needs to be purchased for the project. The approximate cost of the land should be included as the project cost estimate.
- IV. **State Public Trust.** State how you believe the proposed project is consistent with the California State Lands Commission Public Trust Doctrine. The Doctrine and the Public Trust Policy are available at:
http://www.slc.ca.gov/Policy_Statements/Public_Trust_Home_Page.html
California State Lands Commission staff can also be reached by phone at (916) 574-1900.
- V. **Nexus.** Describe the demonstrable nexus or “connection to mitigating the environmental, aesthetic, and/or public health impacts of the Port’s operations and facilities” (ASJ). Explain how the implementation of this project will mitigate impacts from Port projects. This information is useful for the subsequent review by State Lands.

- VI. Cost estimate.** Give your best estimation of cost for the implementation of the project. Include operating and maintenance costs if applicable. Please contact port staff (Teresa Scognamillo (310) 732-3057) if you require any assistance in this area.
- VII. Statement of Ability.** Indicate what organization you envision will manage the project, if funded, and whether the organization has indicated its willingness to take on the responsibility to manage and maintain the facility or project area when implemented.

As your project moves through the process, you will be required to work with Port staff to further develop your concept, project detail, and cost.

4.0 EVALUATION CRITERIA AND PROCESS

4.1 PROPOSED PROJECT EVALUATION CRITERIA

Projects that are recommended for funding shall be subject to appropriate contracting and procurement processes. All projects funded under this program shall comply with all applicable laws, rules, and regulations, be port-related project on Port land, or shall be projects off Port land that have a demonstrable nexus or “connection to the environmental, aesthetic, and/or public health impacts of the Port’s operations and facilities” (ASJ). Projects to receive funding shall fall within the following categories, and shall be prioritized as follows:

1. Open space and parks;
2. Landscaping and beautification, and
3. Educational, arts, and athletic facilities.

Expenditures of Port of Los Angeles Community Aesthetic Mitigation Program funds must be:

- For programs that mitigate existing or future impacts of Port operations on the surrounding communities;
- Consistent with the State Tidelands Trust and the Public Trust Doctrine http://www.slc.ca.gov/Policy_Statements/Policy_Statements_Home.htm;
- Consistent with the Los Angeles City Charter;
- Consistent with the California Coastal Act; and
- Consistent with any other applicable laws and regulations.

4.2 PROPOSED CONCEPTUAL PROJECT EVALUATION PROCESS

In accordance with the China Shipping Stipulated Judgment the evaluation process consists of several steps.

- 1) The Port Community Advisory Committee EIR Subcommittee Working Group shall evaluate each proposal according to the priorities set forth in the ASJ and determine whether a nexus exists between the proposed project and the impact of Port

operations. If a demonstrable nexus is not found, the proposed project will be rejected.

2) All projects that are found to have a demonstrable nexus will be forwarded to the California State Lands Commission (CSLC) for evaluation of consistency with the Tidelands Trust and the Public Trust Doctrine. With respect to past project proposals reviewed by CSLC, the following are some comments on projects that CSLC could not support and may provide an indication of the types of projects that have not been determined to be consistent with Tidelands Trust and Public Trust Doctrine:

- project causes a local or municipal benefit but fails to demonstrate statewide or regional benefit;
- land use and zoning issues are municipal in nature and should not be attributed to the Port;
- proposal lacks demonstrating a nexus with port operations or how those impacts would be mitigated;
- proposal fails to explain the impact of the Port, and show how these impacts relate to the proposed project; and
- any operations that are the responsibility of another local agency or municipal department should not be attributed to the Port.

The following language is directly from the Public Trust Doctrine:

“Uses of trust lands, whether granted to a local agency or administered by the State directly, are generally limited to those that are water dependent or related, and include commerce, fisheries, and navigation, environmental preservation and recreation. Public trust uses include, among others, ports, marinas, docks and wharves, buoys, hunting, commercial and sport fishing, bathing, swimming, and boating. Public trust lands may also be kept in their natural state for habitat, wildlife refuges, scientific study, or open space. Ancillary or incidental uses, that is, uses that directly promote trust uses, are directly supportive and necessary for trust uses, or that accommodate the public’s enjoyment of trust lands, are also permitted. Examples include facilities to serve visitors, such as hotels and restaurants, shops, parking lots, and restrooms. Other examples are commercial facilities that must be located on or directly adjacent to the water, such as warehouses, container cargo storage, and facilities for the development and production of oil and gas. Uses that are generally not permitted on public trust lands are those that are not trust use related, do not serve a public purpose, and can be located on non-waterfront property, such as residential and non-maritime related commercial and office uses.”

“Because public trust lands are held in trust for all citizens of California, they must be used to serve statewide, as opposed to purely local, public purposes.” (*Public Trust Policy* for The California State Lands Commission).

3) After the review by CSLC, the PCAC shall vote to prioritize proposals they wish to forward to the Board of Harbor Commissioners (BOHC) for consideration and potential funding.

4) The BOHC will be provided with a copy of the CSLC’s evaluation of PCAC-recommended proposals for their consideration. The BOHC will review the PCAC-recommended proposals and request Port staff to report on the technical, economic, and implementation feasibility of the proposed project. Ultimately, the BOHC will consider input from Port staff, CSLC, and the PCAC when determining whether to recommend funding of a proposal.

5.0 PROPOSED PROJECT SUBMITTAL REQUIREMENTS.

Mitigation project proposals shall be attached to AESTHETIC MITIGATION PROJECT PROPOSAL COVER SHEET” (Attachment 1) and submitted to the following:

Ms. Teresa Gioiello Scognamillo
Environmental Mitigation Coordinator
Port of Los Angeles
425 S. Palos Verdes Street
San Pedro, CA 90731

Project proposals shall be stapled or clipped in the upper left hand corner—no folders or bindings please.

Project proposals are due by September 22, 2008. Applicants may mail or hand-deliver proposals to the LAHD Administrative Port reception/security desk at the above address.

Any information submitted as part of this solicitation becomes public information and may be released without further notification. If you have any questions Teresa Scognamillo may be reached at tsognamillo@portla.org or (310) 732-3057.



**SAN PEDRO
AESTHETIC MITIGATION
PROJECT PROPOSAL COVER SHEET**

Name and Address of Applicant: _____

Contact Person Name: _____

Telephone Number: _____

Email Address: _____

- Category of Proposed Project:
- Open space and parks
 - Landscaping and beautification
 - Educational, arts, and athletic facilities

Estimated total cost of proposed project: _____

Applicant Signature

Date

SUBMIT APPLICATION AND PROJECT PROPOSAL TO: Teresa Gioiello
 Scognamillo Port of Los Angeles
 425 South Palos Verdes St
 San Pedro, CA 90731

SUBMITTAL DEADLINE: September 22, 2008