



**THE PORT  
OF LOS ANGELES**  
Executive Director's  
Report to the  
Board of Harbor Commissioners

**DATE: JANUARY 13, 2016**

**FROM: WATERFRONT AND COMMERCIAL REAL ESTATE**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ – APPROVAL OF THE  
COMMEMORATIVE ART POLICY**

**SUMMARY:**

The Waterfront and Commercial Real Estate Division recommends the Board of Harbor Commissioners (Board) approve the Commemorative Art Policy (Policy), which outlines the standards and procedures for City of Los Angeles Harbor Department (Harbor Department) review of commemorative art proposals. The review process includes: a feasibility determination by Harbor Department staff (Staff); a recommendation by an Advisory Panel (Panel); Board action to approve or deny the proposal; and a final Memorandum of Understanding (MOU) between the Harbor Department and applicant, where applicable. The Policy incorporates feedback received from a Board presentation on November 10, 2015 and a revised draft Policy previously submitted to the Board on November 21, 2015. The proposed revised policy addresses input from the Board regarding the required contents of applications, the composition of the Panel, and evaluating potential controversy related to the memorial subject.

**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners:

1. Find that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines as determined by the Director of Environmental Management;
2. Approve the Commemorative Art Policy; and
3. Adopt Resolution No. \_\_\_\_\_.

**DISCUSSION:**

Background/Context - At the November 10, 2015 Board meeting, Staff gave a presentation on a Policy to provide procedures and standards for Harbor Department review for new commemorative art proposals. Steps included a feasibility determination by Staff, review from an Advisory Panel, Board action to approve or deny the proposal, and an MOU to provide terms and obligations between the Harbor Department and applicant. At the November 21, 2015 Board meeting, Staff submitted a draft Policy and received feedback from the Board on considerations to be included in the Policy. Staff

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has revised the Policy (Transmittal 1), addressing the comments received (described below), and recommends that the Board approve the revised Policy.

Board input and staff revisions are identified below (Board suggestions are italicized):

*Include a requirement that applicants submit a funding plan that discloses how costs related to the commemorative art will be covered as part of their application:* The revised Policy requires that applications be complete with all pertinent information, including a funding plan, prior to initiating the review process. The funding plan must address how the applicant intends to cover all costs related to the commemorative art, including maintenance, and any Harbor Department funds requested. Other application requirements include design plans, the proposed location, historical information regarding the subject, cost estimates, and any information necessary to complete the review process.

*Clarify the composition of the Panel:* The revised Policy requires that the application be reviewed by a Panel that includes three or more members. Selection of the Panel by Staff will be based upon the type of memorial proposed so as to have a meaningful review. All members will be screened against and required to attest that they have no conflicts of interest in participating in the Panel. At a minimum, the Panel must include one person with professional or educational training related to the type of memorial or subject proposed, one representative of the community either through elected office, neighborhood council, or local community organization, and one Harbor Department staff person. The selection of a Panel will be communicated with the Board President and Vice-President prior to the Panel's review of the applications.

*Provide consideration for potential controversy regarding the memorial subject:* The revised Policy includes review of potential controversy regarding the memorial subject as one of the criteria for review. When an application is submitted to the Board, Staff will prepare a detailed report that evaluates the application based on the criteria under the Policy, including, but not limited to, potential controversies, compliance with applicable laws, rules and regulations, compliance with the Port of Los Angeles Master Plan and any current or future plans for the proposed location, whether Harbor Department funds are requested and if the Department can accommodate the requested financial impact, and any other information deemed necessary to make a recommendation to the Board.

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is approval of a Commemorative Art Policy to set procedures and standards for Harbor Department review of commemorative art proposals. As an administrative activity, the Director of Environmental Management has determined that the proposed action is exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines. Each individual memorial will be subject to CEQA as part of its review.

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**FINANCIAL IMPACT:**

If approved, there is no immediate impact to the financial condition of the Harbor Department; however, the Policy as proposed will provide clear direction to the Harbor Department in reviewing and recommending commemorative art for approval. Any proposed operating or capital expenditures associated with commemorative art will be brought before the Board in a separate action.

**CITY ATTORNEY:**

The Office of the City Attorney has reviewed this Board report and the Policy, and the proposed recommendations raise no legal issues at this time.

**TRANSMITTAL:**

- 1. Commemorative Art Policy

*Ed Robles*

*FOR*

MICHAEL J. GALVIN  
Director of Waterfront and Commercial Real Estate

FIS Approval: MB (initials)  
CA Approval: JM (initials)

*Michael DiBernardo*

MICHAEL DiBERNARDO  
Deputy Executive Director

APPROVED:

*[Signature]*  
EUGENE D. SEROKA  
Executive Director

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