

RECOMMENDATION APPROVED;  
RESOLUTION NO. 16-7898 ADOPTED  
BY THE BOARD OF HARBOR COMMISSIONERS

January 22, 2016

  
AMBER M. KLESGES  
Board Secretary



**DATE: JANUARY 13, 2016**

**FROM: WATERFRONT AND COMMERCIAL REAL ESTATE**

**SUBJECT: RESOLUTION NO. 16-7898 - 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. 16-7898.

**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

ES:MD:MG:MC:cb  
Author: M. Cham  
BL546cb Commemorative Art Policy

## COMMEMORATIVE ART POLICY

I. **PURPOSE:** The purpose of this Commemorative Art Policy (Policy) is to establish standards and procedures for the City of Los Angeles Harbor Department (Department) to review and approve the permanent installation of commemorative art (may also be referred to hereinafter as a “memorial”), within the Harbor District. Under this Policy, commemorative art is defined as a plaque or other work of art commemorating a person, place or event which has significant historical, economic, social or cultural importance to the State of California and the City of Los Angeles Harbor District. The Policy will ensure that commemorative art and memorials placed within the Harbor District comply with the Tidelands Trust, the Los Angeles City Charter and Administrative Code, and other applicable laws, rules and regulations regarding the Department and its operations.

II. **PROCEDURES AND STANDARDS:**

1. **APPLICATIONS:** Any person proposing that commemorative art or a memorial be placed within the Harbor District shall file an Application for Port Permit (APP) with the Department. After an application is filed, Department staff shall obtain any information from the applicant whenever necessary for completion of the review process, including but not limited to, design plans, proposed location, historical information, cost estimates including maintenance and funding plans.
2. **FEASIBILITY:** Upon submission of an Application, Department staff will review the Application and determine whether the proposed memorial is feasible.

Factors used to determine feasibility may include, but are not limited to:

- A. Whether the proposed memorial complies with Tidelands Trust, Los Angeles City Charter and Administrative Code, California Environmental Quality Act or other applicable environmental laws, and other applicable laws rules and regulations regarding the Department and its operations.
- B. The availability of Department property at the proposed location, which may include consideration of the Department’s Port Master Plan and any other issue regarding the use and development of property within the Harbor District.
- C. The Applicant’s ability to implement their plan and raise the necessary funds to produce, install and maintain the memorial.

- D. The Harbor Department's ability to accommodate the Application within the current or next fiscal year (e.g., where Department funds are requested or availability of a proposed location).

If Department staff determines that the proposed memorial is feasible, the Application shall be forwarded to an Advisory Panel for further review.

If Department staff determines that the proposed memorial is not feasible, the Application shall be rejected in written communication to the Applicant.

3. **ADVISORY PANEL:** An Advisory Panel (Panel) will review all Applications determined by Department staff to be feasible.

Panels will be formed by Department staff on an ad hoc basis after one or more Applications are determined to be feasible and based on the availability of Department staff and non-Department volunteers to participate on a Panel. Upon selection of any Advisory Panel, notice of pending applications and proposed panel members will be communicated in writing to the Board President and Vice-President for their information.

Panels may be comprised of three or more members and selection will be based upon the type of memorial proposed so as to have meaningful review. Panels shall consist of at least (i) one Department staff person, (ii) one person with training, education or other expertise in the fields of history, art, and/or design, and (iii) one person representing the local community through elected office, neighborhood councils, and/or local community organizations.

Panels shall use the following criteria when reviewing an Application:

- A. Whether the proposed memorial has significant historical, economic, social or cultural importance to the State of California or the Harbor District, and whether the proposed memorial may give rise to any potential controversy regarding the memorial subject under review.
- B. Whether the memorial complies with the Tidelands Trust and other applicable laws, rules and regulations regarding the Department and its operations.
- C. Whether the proposed memorial's location complies with the Department's Port Master Plan and any current or future plans for the proposed location.

- D. Whether and to what extent Department funds are requested or required for the proposed memorial and whether the Department can accommodate the requested funds.
- E. A review of any other information regarding the proposed memorial a Panel deems necessary for making a recommendation to the Board of Harbor Commissioners (Board).

Upon review of the criteria, the Panel shall make a recommendation to Department staff and the Board regarding the Panel's evaluation of the Application.

- 4. **BOARD CONSIDERATION:** The Application for each memorial reviewed by a Panel shall be presented to the Board at a publicly held meeting. The Executive Director report presented to the Board will include all pertinent information regarding the application including the proposed memorial subject, funding information, requested Department obligations, including financial impacts, and both staff and Panel recommendations to either approve or deny the Application. The Board shall not be bound by the findings or recommendations of Department staff or Panel and shall maintain its independent decision making authority regarding all Applications presented.
- 5. **MEMORANDUM OF UNDERSTANDING:** The Department and the Application proponent will enter into a memorandum of understanding (MOU) in order to undertake the memorial installation and delineate future responsibilities, if any. The MOU may be presented to the Board for approval at either the Board meeting at which the Application is approved or at a subsequent meeting after Board approval of the Application.

Separate from the MOU, the memorial proposal will be subject to all applicable permits and requirements (e.g., Harbor Engineer's Permit, Coastal Development Permit, etc.).