

September 24, 2009

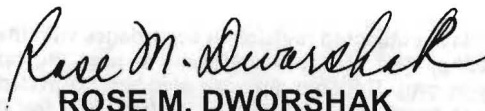
NOTICE

**SUBJECT: SPECIAL MEETING OF THE LOS ANGELES
BOARD OF HARBOR COMMISSIONERS –
TUESDAY, SEPTEMBER 29, 2009 AT 6:00P.M.**

The Los Angeles Board of Harbor Commissioners has called for a special meeting on:

***Tuesday, September 29, 2009, at 6:00p.m.
Liberty Hill Plaza
100 West 5th Street
San Pedro, Ca 90731***

The attached agenda specifies the business to be conducted at the special meetings. NO OTHER BUSINESS WILL BE CONSIDERED.


**ROSE M. DWORSHAK
Commission Secretary**

**AGENDA OF THE SPECIAL MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
TUESDAY, SEPTEMBER 29, 2009 AT 6:00 P. M.
LIBERTY HILL PLAZA
100 WEST 5TH STREET
SAN PEDRO, CA 90731**

**BOARD OF HARBOR COMMISSIONERS
President Cindy Miscikowski
Vice President Jerilyn López Mendoza
Commissioner Kaylynn L. Kim
Commissioner Douglas P. Krause
Commissioner Joseph R. Radisich**

**A. OPENING STATEMENT – AN OPPORTUNITY FOR MEMBERS OF
THE PUBLIC TO ADDRESS THIS BOARD**

**PERSONS IN THE AUDIENCE MAY ADDRESS THIS BOARD IN
CONNECTION WITH ANY AGENDA ITEM OR DURING THE PUBLIC
COMMENT PERIOD.**

**AS PROVIDED BY THE BROWN ACT, THE BOARD HAS LIMITED
EACH INDIVIDUAL’S SPEAKING TIME TO THREE MINUTES.
ANYONE DESIRING TO SPEAK DURING THE PUBLIC COMMENT
PERIOD IS REQUESTED TO COMPLETE A SPEAKER CARD AND
SUBMIT IT TO THE COMMISSION SECRETARY, VIA THE
SERGEANT AT ARMS, PRIOR TO THE START OF THE MEETING.**

Commission actions, except actions which are subject to appeal or review by the Council pursuant to other provisions of the Charter, ordinance or other applicable law, are not final until the expiration of the next five meeting days of the City Council during which the Council has convened in regular session. If the Council asserts jurisdiction during this five meeting day period the Council has 21 calendar days thereafter in which to act on the matter.

Please note that this agenda is subject to revision in accordance with the Brown Act. In the event the agenda is revised prior to the meeting, Port staff will endeavor to post the revised agenda on the Port’s web site (<http://www.portoflosangeles.org>). Updated agendas also will be available in hard copy at the meeting. Live Board meetings can also be heard at: (213) 621-City (Metro), (818) 904-9450 (Valley), (310) 471-City (Westside) and (310) 547-City (Harbor).

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities.

Assistive listening devices, and Spanish translation services will be provided. Sign language interpreters may be provided. To ensure availability, 72-hour advance notice is required. Contact the Commission office at (310) 732-3444.

Sistemas auditivos y servicios de traducciones están disponibles. Interpretes de señas pueden ser proporcionados. Para asegurar disponibilidad, se requiere solicitarlos con 72 horas de anticipación. Para hacer la solicitud, llame a la oficina de la Comisión al (310) 732-3444.

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B. COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

C. EXECUTIVE DIRECTOR REMARKS

D. REPORTS OF THE EXECUTIVE DIRECTOR

REGULAR ITEMS (1 & 2)

Environmental Management

1. Re: RESOLUTION NO. _____ - STAFF RESPONSE TO THE PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE RECOMMENDATION NO. 102 – REQUEST FOR AN ADDITIONAL 30 DAYS TO REVIEW THE SAN PEDRO WATERFRONT PROJECT FEIS/FEIR

SUMMARY: On September 15, 2009, the Port of Los Angeles Community Advisory Committee (PCAC) approved an emergency motion (Recommendation No. 102) requesting an additional 30 days to review the San Pedro Waterfront Project Final Environmental Impact Report (EIR). Currently, the Board of Harbor Commissioners is scheduled to consider the document at a special meeting on September 29, 2009. The Final EIR and a condensed project summary, which reflects Staff recommendation on the project was made available to the public on September 16, 2009. Staff recommends denial of PCAC Recommendation No. 102.

Recommendation: Board resolve to (1) consider and deny PCAC Recommendation No. 102 that the Board allow an additional 30 days for review of the Final Environmental Impact Report for the San Pedro Waterfront Project; and (2) adopt Resolution No

2. Re: RESOLUTION NO. _____ - FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) FOR THE SAN PEDRO WATERFRONT PROJECT (LAHD ADP NO. 041122-208;SCH NO. 2005061041)

SUMMARY: Staff recommends that the Board of Harbor Commissioners (Board) certify the Final Environmental Impact Report (EIR) for the San Pedro Waterfront Project (Project) in accordance with the California Environmental Quality Act (CEQA), and approve the proposed Project. The proposed Project would connect the community with the waterfront,

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2. (Continued)

create waterfront promenades and open space, expand cruise facilities, and develop visitor-serving commercial development. Prior to approving the proposed Project, the Board will need to certify the EIR, make specific Findings regarding the significant environmental impacts of the proposed Project and mitigation measures to reduce or avoid such impacts, adopt a Statement of Overriding Considerations, and adopt a Mitigation Monitoring and Reporting Program to track mitigation. However, should the Board choose not to follow staff's recommendations, the analysis contained in the Draft and Final EIR would allow the Board to choose among six Project Alternatives, which have been co-equally analyzed.

If approved, the proposed Project with mitigation applied, would result in significant unavoidable impacts to: Aesthetics; Air Quality; Biological Resources; Geology; Noise; Recreation; Ground Transportation and Circulation; and Water Quality, Sediments and Oceanography. The proposed Project would also result in a cumulatively considerable contribution to significant cumulative impacts in Aesthetics; Air Quality; Biological Resources; Cultural Resources; Geology; Noise; Recreation; Ground Transportation and Circulation; and Water Quality, Sediments, and Oceanography. Alternatives to the proposed Project would either not significantly avoid or reduce project impacts or would not adequately meet project objectives.

If approved, the proposed Project would result in a number of overriding benefits. Project implementation would enhance Tideland Trust uses, including maritime commerce, including, but not limited to navigation, public recreational facilities, open space and public access to the waterfront. The proposed Project would increase non-vehicular access to the waterfront, promote Los Angeles Harbor Department and City of Los Angeles sustainability program elements, and create significant new areas of open space. Project implementation would also implement Clean Air Action Plan (CAAP) measures for the cruise facilities resulting in reduced residential health risk in the San Pedro area.

Public spending under the proposed project would also result in 14,301 new construction-related jobs including 7,416 direct construction jobs and 6,885 indirect construction jobs. Private spending under the proposed project would result in up to 4,899 construction-related jobs including 2,523 direct construction jobs and 2,376 indirect construction jobs. At full build-out and utilization, operation of the proposed Project would support 5,660 jobs including 3,060 direct jobs and 2,600 indirect jobs. The cruise industry would generate 4,100 of the jobs, of which 2,400 would be new jobs. Project construction is expected to generate local and regional tax revenues of \$95.4 million due to public spending and up

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2. (Continued)

to \$32.0 million due to private spending. At full build-out and utilization, cruise and commercial operations are expected to generate \$30.3 million each year in local and regional tax revenues.

Recommendation: Board resolve to (1) certify, pursuant to California Environmental Quality Act (CEQA) Guidelines §15090(a), that the Final Environmental Impact Report (EIR) for the San Pedro Waterfront Project (Project) (Transmittal 1) (a) has been completed in compliance with the CEQA, with the State CEQA Guidelines, and the Los Angeles City CEQA Guidelines; (b) was presented to the Board for review and the Board reviewed and considered the information contained in the Final EIR prior to approving the project; and (c) reflects the independent judgment and analysis of the Board, and that all required procedures have been completed; (2) adopt and make the attached CEQA Findings of Fact pursuant to CEQA Guidelines §15091, and Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 (Transmittal 2); (3) find that, in accordance with the information contained in the Final EIR for the San Pedro Waterfront Project, the proposed Project a) will have significant environmental effects on Aesthetics; Air Quality and Meteorology; Biological Resources; Cultural Resources, Geology; Groundwater and Soils; Hazards and Hazardous Materials; Land Use and Planning; Noise; Recreation; Ground Transportation and Circulation; Utilities and Public Services; Water Quality, Sediments and Oceanography; and Cumulative Impacts, as defined by Public Resources Code §§21068, 21080, 21082.2, and 21083 and the State CEQA Guidelines, §§15064, 15064.5, and 15382; b) will not have significant effects for Marine Transportation; (4) find that, in accordance with the provisions of the State CEQA Guidelines §15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project, which substantially lessen or avoid the significant adverse environmental impacts identified in the Final EIR; (5) find that, in accordance with the provisions of the State CEQA Guidelines §15091(a)(3), specific economic, legal, social, technological, or other considerations, make infeasible certain mitigation measures and Project Alternatives identified in the Final EIR. Impacts to Aesthetics; Air Quality; Biological Resources; Geology; Noise; Recreation; Ground Transportation and Circulation; Water Quality, Sediments and Oceanography; and Cumulative Impacts remain significant and unavoidable even after all feasible mitigation is adopted; (6) find that all information added to the Final EIR after public notice of the Draft EIR availability for public review, but before certification, merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR, and recirculation is not necessary; (7) find that, in accordance with Public Resources Code §21081(b) and State CEQA Guidelines §15093, the

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2. (Continued)

benefits of the project outweigh the significant and unavoidable environmental impacts of the project, and adopt the Findings of Fact and Statement of Overriding Considerations (Transmittal 2); (8) adopt the Mitigation, Monitoring and Reporting Program (MMRP) transmitted herewith (Transmittal 3) as required by Public Resources Code, §21081.6 and CEQA Guidelines §15097. The MMRP is designed to ensure compliance with the mitigation measures adopted to mitigate or avoid significant effects on the environment, and identifies the responsibilities of Los Angeles Harbor Department (LAHD) as lead agency and other applicable entities, to monitor and verify project compliance with those mitigation measures and conditions of project approval; (9) approve the proposed Project identified in the Final EIR, including all feasible mitigation measures set forth in the EIR with consideration of the Findings of Fact and Statement of Overriding Considerations, and the MMRP; (10) authorize the Engineering Division to proceed with final design and direct them to incorporate the mitigation measures, conditions, Environmental Compliance Plan requirements, MMRP, and project environmental commitments into all Engineering Plans and Specifications and/or Engineering Permits for the proposed Project; (11) direct the Real Estate Division to incorporate the EIR, mitigation measures and the MMRP into any and all lease agreements or assignments encompassed in the approved Project; (12) authorize the Environmental Management Division to file the Notice of Determination for the subject project with the Los Angeles City Clerk; and (13) adopt the proposed Recommendations and this Resolution No. _____.