



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

**DATE: AUGUST 9, 2022**

**FROM: WATERFRONT AND COMMERCIAL REAL ESTATE**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - APPROVE PROPOSED FIRST AMENDMENT TO LEASE AGREEMENT NO. A17-3512 BETWEEN THE ARCHDIOCESE OF LOS ANGELES EDUCATION & WELFARE CORPORATION AND THE CITY OF LOS ANGELES HARBOR DEPARTMENT**

**SUMMARY:**

Staff requests approval of the First Amendment to Lease Agreement No. A17-3512 (Agreement) for the City of Los Angeles Harbor Department (Harbor Department) to continue leasing from the Archdiocese of Los Angeles Education & Welfare Corporation (Archdiocese) approximately 920 square feet of storage space at the Saint Peter and Paul School for air quality measurement activities.

Since 2005, the Harbor Department's Environmental Management Division (EMD) has conducted monitoring for various pollutants and meteorological conditions at the Saint Peter and Paul School (Site) located at 706 Bayview Avenue in Wilmington. The Harbor Department uses the Site to conduct air quality measurement activities in the Wilmington community as part of the Port of Los Angeles' (Port) Air Quality Monitoring Program.

The proposed First Amendment will extend the lease for an additional five years to September 13, 2027. The compensation rate will be \$1,200 per month (\$14,400 per year), with no adjustments during the five-year term. The Harbor Department is responsible for payment of \$1,200 per month to the Archdiocese.

**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Article III Class 1(14) and Class 6(2) of the Los Angeles City CEQA Guidelines;
2. Approve the First Amendment to Lease Agreement No. A17-3512 with the Archdiocese;
3. Authorize the Executive Director to execute and the Board Secretary to attest to the First Amendment for and on behalf of the Board; and
4. Adopt Resolution No. \_\_\_\_\_.

SUBJECT: FIRST AMENDMENT TO LEASE AGREEMENT NO. A17-3512

**DISCUSSION:**

Background – The proposed First Amendment to the Agreement by and between the Archdiocese and the Harbor Department grants the Harbor Department occupancy and use of the Site to operate and service its air quality monitoring equipment (Transmittal 1). The Agreement will expire on September 13, 2022. Continued use of the site is recommended in order to provide long-term use and operation of the air quality monitoring station to maintain ongoing and consistent air quality monitoring data.

The Harbor Department uses air quality monitoring data from this Site to measure ambient air concentrations in accordance with the Clean Air Action Plan (CAAP). The air quality monitoring meteorological data has also been, and will continue to be, utilized for environmental analyses purposes. Consistency in monitoring station locations enables meaningful comparisons and trend analyses of air quality conditions within and around the Port over time.

Saint Peter and Paul School Monitoring Site - In 2004, EMD evaluated potential Wilmington locations for the Port Air Quality Monitoring Program and concluded that the Site (Transmittal 2) was best due to its location within a residential community area, on-site security, long-term measurement effectiveness, and compliance with Environmental Protection Agency criteria. The Site was evaluated by the South Coast Air Quality Management District and approved by the Port Community Advisory Committee as the best Wilmington community location for the air quality monitoring station.

Saint Peter and Paul School allowed the Harbor Department to use the facility at no cost from 2005-2008. In 2008, the Air Quality Monitoring Program was expanded to collect additional data and the Harbor Department requested additional storage space and facility access. The Harbor Department invested approximately \$50,000 to upgrade the Site to make it suitable for the air quality monitoring equipment. These upgrades included the installation of a separate electric meter, an air conditioning system, and security doors. At that time, the Archdiocese also requested that the Harbor Department enter into a formal agreement for the continued occupancy and use of the Site to include payment of rent and administrative costs, as access to the equipment requires Harbor Department staff and contractors to go through school property.

Previous Agreements between the Archdiocese and the Harbor Department:

Entitlement	Effective Date	Term	Monthly Compensation	Annual Compensation
User Agreement No. E-6412	9/14/2007	1 year	\$1,500	\$18,000
1 <sup>st</sup> Amendment to UA No. E-6412	9/14/2008	1 year extension	\$1,500	\$18,000
Lease Agreement No. 10-2911	9/14/2009	1 year, with option to extend for two additional 1-year terms	\$1,700 (1 <sup>st</sup> year) \$1,800 (2 <sup>nd</sup> year) \$1,900 (3 <sup>rd</sup> year)	\$20,400 (1 <sup>st</sup> year) \$21,600 (2 <sup>nd</sup> year) \$22,800 (3 <sup>rd</sup> year)

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Lease Agreement No. A12-3091	9/14/2012	5 year	\$1,000	\$12,000
Lease Agreement No. A17-3512	9/14/2017	5 year	\$1,100	\$13,200

Staff requests Board approval for the First Amendment to Lease Agreement No. A17-3512 extending the lease by an additional five-year term, beginning on September 14, 2022 and expiring on September 13, 2027. Staff negotiated a market rental rate of \$1,200 per month at an annual cost of \$14,400 for approximately 600 square feet of the north end of the roof and a storage room of approximately 320 square feet in the building on which the existing rooftop equipment is affixed. This new rate is competitive with market rates for properties with similar use. Advantages of remaining at the current site include: the importance of data continuity; its ideal location within the Wilmington community; and avoiding the significant costs to upgrade an alternative site to accommodate the air monitoring equipment.

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is the approval of the First Amendment to the Agreement with the Archdiocese for Harbor Department occupancy and use of the Saint Peter and Paul School to operate and service air quality monitoring equipment, which is an activity involving amendment to any lease, license, or permit to use an existing structure or facility involving negligible or no expansion of use, and basic data collection, field testing, and research activities of City departments which do not result in serious or major disturbances to an environmental resource. Therefore, the Director of Environmental Management has determined that the proposed action is categorically exempt from the requirements of CEQA in accordance with Article III Class 1(14) and 6(2) of the Los Angeles City CEQA Guidelines.

**FINANCIAL IMPACT:**

Approval of the proposed Amendment would increase annual rent by \$1,200 from \$13,200 currently to \$14,400 as proposed. Funds for Fiscal Year 2022/2023 in the amount of \$14,400 are available within Account 59955 (Property Rental/User Licenses), Center 0429, Program 000. Future fiscal year funding will be requested as part of the annual budget adoption process.

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**CITY ATTORNEY:**

The Office of the City Attorney has reviewed and approved the proposed Amendment as to form and legality.

**TRANSMITTALS:**

1. Proposed First Amendment to Lease Agreement No. A17-3512
2. Site Map

FIS Approval: MB  
CA Approval: SO

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MICHAEL J. GALVIN  
Director of Waterfront & Commercial Real Estate

*Michael DiBernardo*  
MICHAEL DIBERNARDO  
Deputy Executive Director

APPROVED:

*Marla Bleavins* For

EUGENE D. SEROKA  
Executive Director

ES:MD:MG:VV:ss  
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