

## Group 1 Organizations

1. Sierra Club Harbor Vision Task Force
2. Port Community Advisory Committee Coordinated Plan Subcommittee Letter
3. Port Community Advisory Committee Coordinated Plan Subcommittee Appendix B
4. Dalmatian-American Club of San Pedro, Inc.
5. Foreign Trade Association of Southern California
6. Los Angeles County Economic Development Corporation
7. Royal Caribbean Cruises Ltd.
8. Latham & Watkins
9. Latham & Watkins
10. Hurricane Gulch Yacht Club
11. Crystal Cruises
12. The Seamen's Church Institute
13. Torrance Chamber of Commerce
14. Cruise Lines International Association, Inc.
15. Florida-Caribbean Cruise Association
16. Los Angeles Maritime Museum
17. Metro Cruise
18. Pacific Cruise Ship Terminals LLC



# Harbor Vision Task Force

Post Office Box 1256, San Pedro CA 90733-1256

September 22, 2008

RE: Corps File Number 2005-01271-SDM

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division, Ventura Field Office  
ATTN: Dr. Spencer D. MacNeil  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

Los Angeles Harbor Department  
c/o Dr. Ralph G. Appy  
425 S. Palos Verdes Street  
San Pedro, CA 90731

Dear Dr. MacNeil:

On behalf of the **Sierra Club**, I would like to ask for extended time to speak on the Waterfront DEIR/S at the hearing on October 27, 2008, to be held in San Pedro.

The Sierra Club has about 50,000 members in the Los Angeles - Orange County area, and we have had long-standing interest in the environmental opportunities represented by the restoration of the Los Angeles waterfront area.

Our Harbor Vision Task Force has concerned itself with issues affecting San Pedro Bay and its connected transportation corridors since January 2001. Before the formation of the task force, the Sierra Club has been involved in San Pedro Bay issues since at least the 1970s.

We would like an opportunity to make a slide presentation (PowerPoint) during our presentation. We will hand in a digital copy for your records, if you like.

We may use one or more speakers during our presentation. When you have determined it, please let us know how much time will be allotted, so that we can plan our presentation accordingly and finish on a timely basis.

A reply by e-mail would be appreciated to the address below.

Thanks you for your consideration,

Tom Politeo  
Co-Chair, Harbor Vision Task Force  
Sierra Club  
tom@politeo.net  
562-618-1127

October 2, 2008

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division, Ventura Field Office  
ATTN: Dr. Spencer D. MacNeil  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

and

Los Angeles Harbor Department  
c/o Dr. Ralph G. Appy  
425 S. Palos Verdes Street  
San Pedro, CA 90731

Dear Drs. MacNeil and Appy:

The Coordinated Plan Subcommittee of the Port Community Advisory Committee is requesting a group time slot of twenty minutes at the DEIR/DEIS public meeting to be held at the Crowne Plaza Hotel in San Pedro October 27. We are requesting this time frame to allow enough time to fully submit an alternative community plan that the Port has chosen not to incorporate into the DEIR/DEIS for the San Pedro Waterfront.

Please respond to:

June Burlingame Smith, Chair  
San Pedro Coordinated Plan Subcommittee  
3915 Carolina Street  
San Pedro, Ca 90731  
310-831-0726  
[Burling102@aol.com](mailto:Burling102@aol.com).

Thank you.

Yours sincerely,



June Burlingame Smith

October 27, 2008

Dr. Ralph Appy  
Port of Los Angeles  
425 S. Palos Verdes Street  
San Pedro, California 90731

Dr. Spencer MacNeil  
U.S. Army Corps of Engineers, Los Angeles Division  
915 Wilshire Boulevard  
Los Angeles, California 90017

Dear Dr. Appy and Dr. MacNeil:

The enclosed materials will act as a supplement to Appendix B, Port Community Advisory Committee (PCAC) Project Involvement. Attached are:

1. A list of the motions from the San Pedro Coordinated Plan Subcommittee (CPSC) and the actions taken by the Port Community Advisory Committee on those motions since January 2008.
2. A copy of the Port's report on all the motions CPSC has recommended to PCAC that have been approved for the Board of Harbor Commissioners' consideration, and the subsequent actions of the staff and the board on those motions. Note that since May 20, 2008, no staff or board actions have been taken.
3. A copy of the seven specific goals of the San Pedro Waterfront Sustainability Plan approved by PCAC on July 15, 2008 but not yet forwarded to the Board of Harbor Commissioners.
4. A map of the approved sustainability plan.
5. A CD with all the minutes from the CPSC's work through September, 2008.

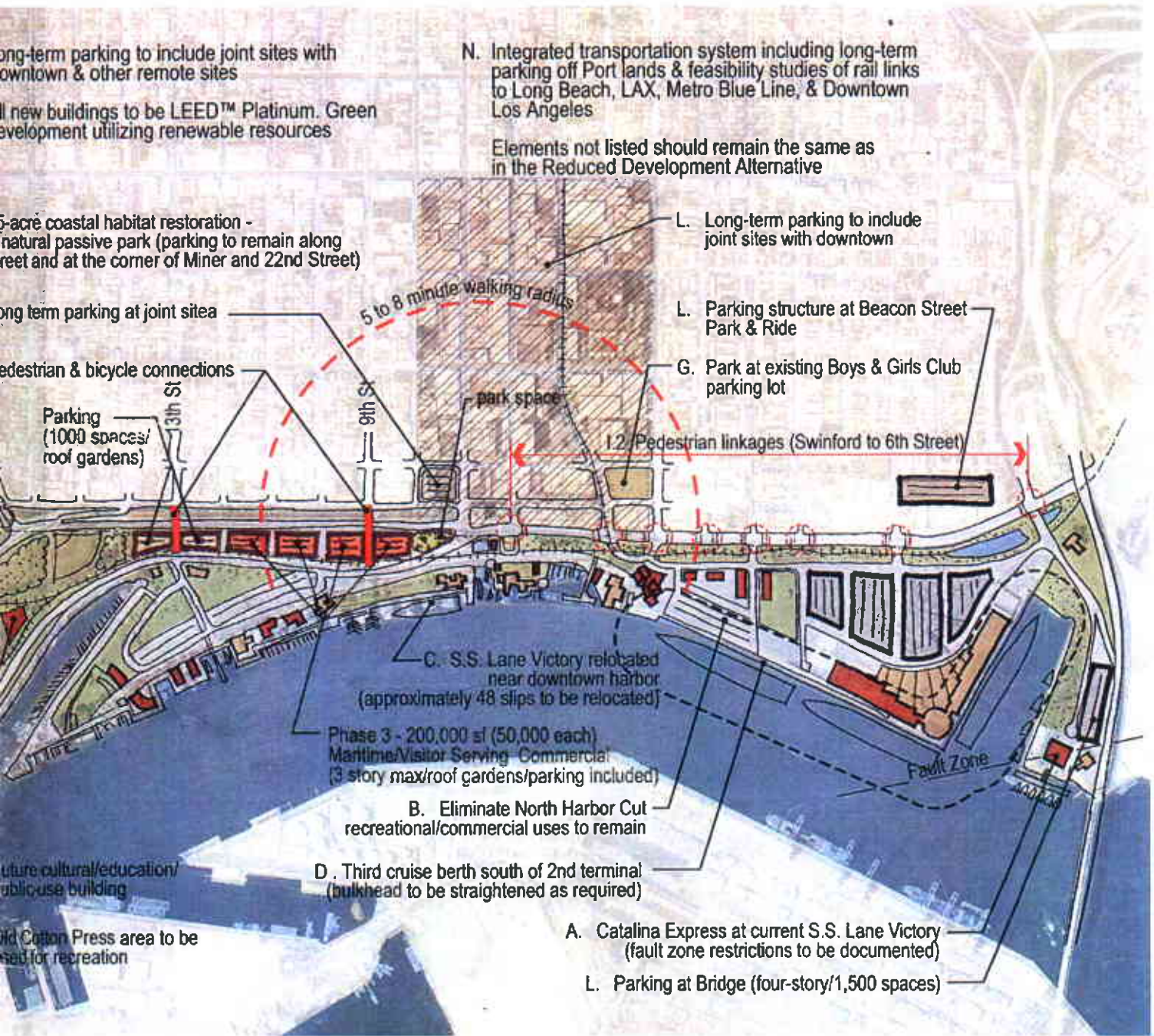
I am asking that these materials be included in Appendix B to make it complete.

Yours sincerely,



June Burlingame Smith, Chair  
San Pedro Coordinated Plan Subcommittee  
of the Port Community Advisory Committee

Mrs. June Burlingame Smith  
3915 S Carolina St  
San Pedro CA 90731-7115



Long-term parking to include joint sites with downtown & other remote sites

All new buildings to be LEED™ Platinum. Green development utilizing renewable resources

5-acre coastal habitat restoration - natural passive park (parking to remain along street and at the corner of Miner and 22nd Street)

Long term parking at joint site

Pedestrian & bicycle connections

Parking (1000 spaces/ roof gardens)

31st St

29th St

park space

12 Pedestrian linkages (Swinford to 6th Street)

C. S.S. Lane Victory relocated near downtown harbor (approximately 48 slips to be relocated)

Phase 3 - 200,000 sq ft (50,000 each) Maritime/Visitor Serving - Commercial (3 story max/roof gardens/parking included)

B. Eliminate North Harbor Cut recreational/commercial uses to remain

D. Third cruise berth south of 2nd terminal (bulkhead to be straightened as required)

Future cultural/education/public-use building

Old Cotton Press area to be used for recreation

N. Integrated transportation system including long-term parking off Port lands & feasibility studies of rail links to Long Beach, LAX, Metro Blue Line, & Downtown Los Angeles

Elements not listed should remain the same as in the Reduced Development Alternative

L. Long-term parking to include joint sites with downtown

L. Parking structure at Beacon Street Park & Ride

G. Park at existing Boys & Girls Club parking lot

A. Catalina Express at current S.S. Lane Victory (fault zone restrictions to be documented)

L. Parking at Bridge (four-story/1,500 spaces)

**GENERAL ITEMS:**

F. 50 total acres "Coastal Habitat Restoration"

G. Relocate parking to joint-use facilities Downtown

I.1 Total development at 1,911,585 sf  
(50% education / cultural)

J. Identify public art locations in accordance with Art Master Plan

K. Knoll Hill outside Bridge to Breakwater project area

F. Coastal habitat restoration (Bluffs)

F. 10-acre coastal habitat restoration (expand existing salt marsh)

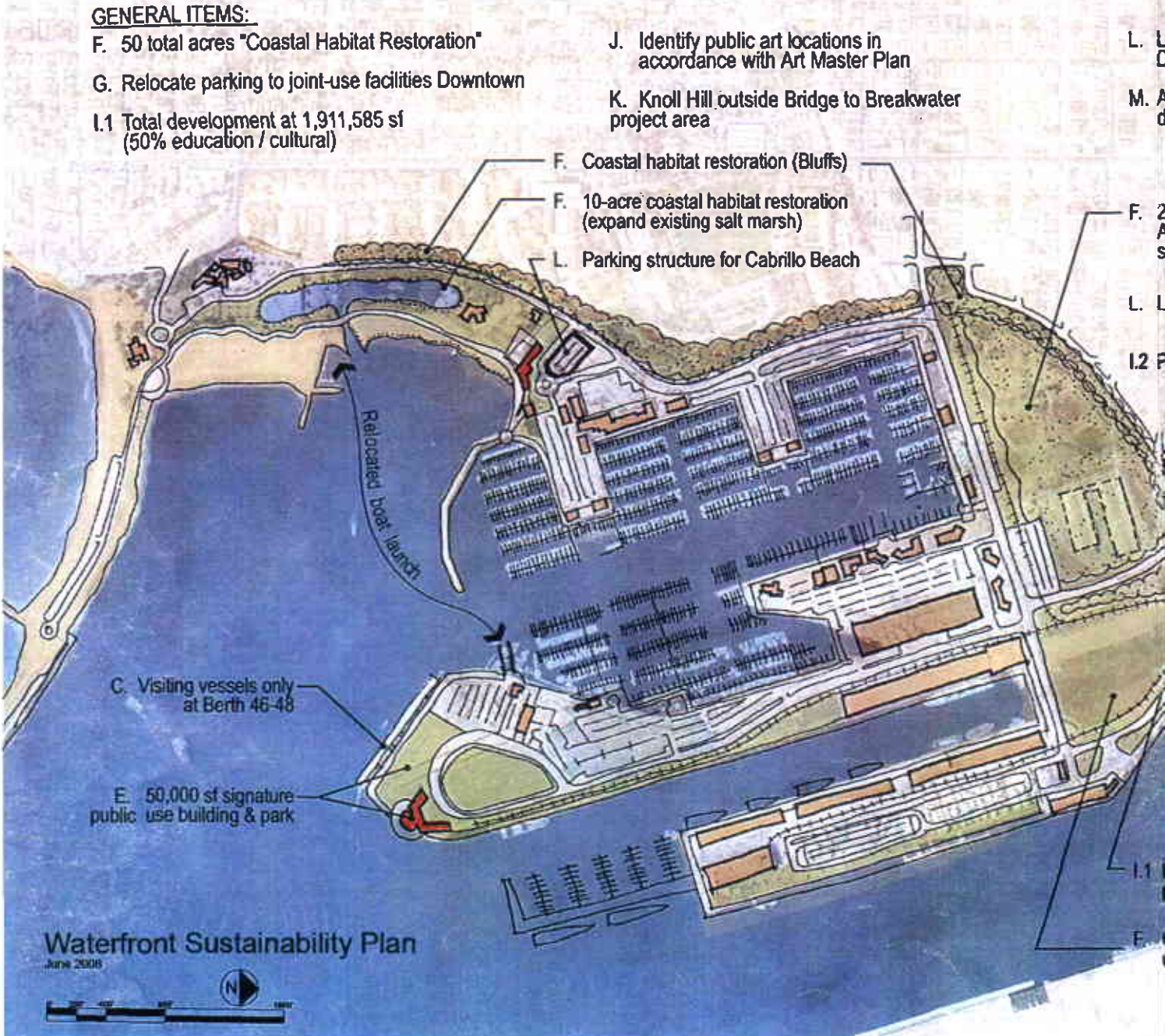
L. Parking structure for Cabrillo Beach

C. Visiting vessels only at Berth 46-48

E. 50,000 sf signature public use building & park

**Waterfront Sustainability Plan**

June 2008



## **Port DEIR/DEIS on the San Pedro Waterfront**

October 12, 2008

The following comments are a supplement to Appendix B, Port Community Advisory Committee Project Involvement. Appendix B only lists interaction between port staff and the San Pedro Coordinated Plan Subcommittee (CPSC) through January, 2008. Since then, the San Pedro Coordinated Plan Subcommittee and The Port Community Advisory Committee (PCAC) have taken the following actions:

### **September 16, 2008 PCAC**

Motion from the CPSC:

Resolved that the Port designate 20 minutes during the waterfront DEIR hearing for a presentation by the LA Working Group of its Sustainable Waterfront Plan, and

Be it further resolved that the LA Working Group be allowed to present its plan to the public via the PORT email list and have it posted prominently on the PORT website, with links from the Waterfront DEIR page.

Motion adopted 17/1/1

### **September 10, 2008 CPSC**

Whereas the San Pedro Waterfront Plan will have significant impacts on neighborhoods, businesses, traffic, light, noise, recreation waterfront access and aesthetics, and

Whereas a cruise ship development at Kaiser Point will also significantly affect air quality and have major impacts on the economy of downtown, and

Whereas the PORT through the project can demonstrate leadership in the fight against global warming by reducing green house gasses through smart transportation programs and alternative energy uses, and

Whereas the PORT has chosen not to include the PCAC recognized Sustainable Waterfront Plan as a project alternative in the DEIR, now

Therefore be it Resolved that the Port designate 20 minutes during the waterfront DEIR hearing for a presentation by the LA Working Group of its Sustainable Waterfront Plan, and

Be it further resolved that the LA Working Group be allowed to present its plan to the public via the PORT email list and have it posted prominently on the PORT website, with links from the Waterfront DEIR page.

(The Sustainable Waterfront Plan proposes a new cruise ship terminal near downtown, creates local and regional alternative and public transportation links in and around San Pedro, focuses parking away from the waterfront, builds a promenade along the water from the bridge to breakwater, AND truly integrates the four key elements of San Pedro Waterfront; the cruiser ship business, ports of call, downtown, and the outer harbor area, which is reserved for recreation, as well as environmental, educational and research developments.)

**June 11, 2008 CPSC**

**RESOLUTION, PART #1**

Whereas preliminary versions of the Bridge to Breakwater plan do not offer a viable, community-supported alternative for keeping the cruise ship terminal and berths near downtown and north of 5th Street, and

Whereas the community has produced past alternatives with features that are not included in one comprehensive alternative in the Port's current draft for the San Pedro Waterfront,

Therefore be it Resolved that the PCAC strongly advises that a new alternative be developed before release of the DEIR and incorporated in the DEIR that contains these elements in a newly revised alternative four:

- Leaves Harbor Boulevard as is and maintains the scenic designation of Harbor Boulevard, preserving views and view corridors
- Contains three cruise ship berths north of 5th Street
- Requires amping of all cruise ships
- Runs the Red Car line extensively all along the waterfront with stops from Cabrillo Beach to the north harbor including downtown as well as Kaiser Point and the Warehouse One Peninsula
- Moves parking, especially long-term parking, away from the waterfront by undergrounding day-trip visitor parking along Harbor Boulevard and building parking structures for cruise ship passengers along John S. Gibson Boulevard and on Terminal Island
- Creates a promenade from the Bridge to the Breakwater along the waterfront, completing the north/south California Coastal Trail through San Pedro
- Creates a second pedestrian walkway on the landside of Ports of Call
- Builds a boat launching ramp at Kaiser Point
- Expands by 10 acres the tidal pool and salt marsh at Salinas de San Pedro
- Builds land bridges between downtown and Ports of Call, including roof gardens on the parking structures and east-west connecting walkways
- Maintains all berths as shared berths with no terminals dedicated to one vender



## RESOLUTION, PART #2.

Whereas the Port project description places a cruise ship terminal south of 5th Street as its preferred location,

PCAC requests that the DEIR/DEIS for the San Pedro Waterfront investigate another alternative that berths a cruise ship along the Main Channel with a watercut to offset navigation problems.

## BACKGROUND INFORMATION

For the motion for the addendum to the Bridge to Breakwater EIR/EIS:

1. The San Pedro Coordinated Plan recommends that the PCAC advise the Board of Harbor Commissioners to:
  - Maintain 3 cruise ship berths at existing cruise terminal, build new terminal if necessary
  - Amp cruise ships
  - No new terminal or parking at Berth 46, some agreement that a limited temporary berth may continue with restrictions
2. Cabrillo Bay is recreational east to Main Channel including East Channel
3. Public access to water and enhancing Downtown is primary goal w/linkages with green, sustainable infrastructure and development
4. Master plan the entire waterfront, do not exclude Westways, Warehouse One, Fruit Terminal and Scout Camp
5. Red Car loop through downtown with shared parking facilities for downtown & waterfront
6. Do not widen Harbor Blvd. (third lane and lost parking) or close at 13<sup>th</sup>
7. No parking structures on waterfront blocking view corridors, structures where the topography will enhance access and views (railroad tracts between 8th & 13th)
8. Limited development (Community Growth) plans approved by Coordinated Plan Committee and Chamber maybe a common starting point including drawing with the Cruise Terminal at South end removed

## May 20, 2008 PCAC

MOTION: The San Pedro Coordinated Plan Subcommittee (SPCP) moves that PCAC recommends that the BHC direct Port staff to implement the original Ports O' Call enhancement project.

The motion carried with 12 Ayes, 4 Nays, and 1 Abstention.

**May 14, 2008 CPSC**

MOTION: The San Pedro Coordinated Plan Subcommittee move to request that the Board of Harbor Commissioners authorize 90 days for comment from the day the San Pedro Waterfront EIR/EIS is submitted.

**April 9, 2008 CPSC**

RESOLUTION

Whereas, the Board of Harbor Commissioners (BHC) approved the San Pedro Waterfront Enhancement Projects under a negative declaration in September 2006, and

Whereas, the Harbor Department has already contracted to do some of these projects, including the parking on 22nd Street that is to replace parking that will be lost when the Ports O' Call enhancements are done, and

Whereas, the Port has indicated that it intends to redesign the Ports O'Call enhancements but is doing so without public hearings, now therefore

The San Pedro Coordinated Plan Subcommittee (SPCP) moves that PCAC recommends that the BHC direct Port staff to implement the original Ports O' Call enhancement project.

San Pedro Waterfront Sustainability Plan  
Specific Goals of the Community of San Pedro

July 15, 2008

- 1. All berths to be located at the inner harbor.**
  - a. Set aside Cabrillo Beach/Outer Harbor area for recreational/educational uses that preclude cruise service.
  - b. Maintain all berths as shared berths, with no terminals dedicated to one vendor.
  - c. Create some agreement that a limited temporary berth at existing Kaiser Point location may continue with restrictions.
  - d. No new terminal or parking at Berth 46.
- 2. Provide linkages to downtown and community.**
  - a. Create pedestrian-oriented design, from bridge to breakwater and to downtown.
  - b. Incorporate/enhance regional transportation, such as express and Amtrac buses to L.A., L.B., Wilmington and other regional destinations, in order to reduce car trips to waterfront, beaches and off-site parking areas.
  - c. Run the Red Car line extensively all along the waterfront with stops from Cabrillo Beach to Dock One, to Kaiser Point, to the north harbor cruise ship terminal and through downtown.
  - d. Build land bridges between downtown and Ports of Call, including roof gardens and pedestrian walkways on the parking structures and east-west connecting walkways.
  - e. Create pedestrian links to downtown, both physical and economic, to provide access to the water and POC.
  - f. Incorporate sustainable infrastructure and development such as green streets, bicycle streets, urban runoff treatment, constructed wetlands and LEED buildings.
- 3. Provide links to and protection of existing open space.**
  - a. Enhance link to Bandini Canyon, Leland Park and Peck Park.
  - b. Incorporate links to Harbor View Trail.
  - c. Incorporate/complete California Coastal Trail through San Pedro Waterfront, including pedestrians, jogging, skating & bicyclists lanes.
  - d. Enhance Coastal Trail links to Royal Palm Beach, White Point nature Conservancy, Angles Gates and Point Fermin Park.
  - e. Create a promenade from the Bridge to the Breakwater along the waterfront.
  - f. Create a second pedestrian walkway on the landside of Ports of Call.
  - g. Maintain the scenic designation of Harbor Boulevard, preserving views and view corridors.
  - h. Create an Outer Harbor Park along the east edge of Kaiser Point.
- 4. Expand salt water marsh habitat.**
  - a. Expand by 10 acres the tidal pool and salt marsh at Salinas de San Pedro.
- 5. Ports O Call - Develop/enhance 150,000 SF of commercial space, a conference center, open space and a promenade in POC.**
  - a. Commit to extensive "commons" area between shops.
  - b. Do not widen Harbor Blvd., add a third lane or remove parking or close at 13<sup>th</sup>.
- 6. Create diversity of parking options to discourage traffic/pollution and encourage pedestrian activity downtown.**
  - a. Create shared parking facilities for downtown & waterfront.
  - b. Minimize parking and roadways in tidelands, waterfront and beach areas.
  - c. Create off-site parking, not just in downtown, but possibly between San Pedro & Wilmington for full day and longer use.
  - d. Move parking, especially long-term parking, away from the waterfront by under-grounding day-trip visitor parking along Harbor Boulevard, and building parking structures for cruise ship passengers along John S. Gibson Boulevard and on Terminal Island.
  - e. Create no parking structures on the waterfront that block view corridors.
- 7. Create a plan that reflects the Port's sustainability goals.**
  - a. Require amping of all cruise ships.
  - b. Plan the entire waterfront, including Westways, Warehouse One, Fruit Terminal and Scout Camp.
  - c. Maintain Cabrillo Bay for recreational use.
  - d. Create a waterfront business plan to describe the economic development goals, determine the mix of commercial, retail and educational/cultural uses development and enhance downtown businesses.
  - e. Create a steering committee comprised of a variety of business, neighborhood and environmental stakeholders to meet with the port and their designated planning consultant.

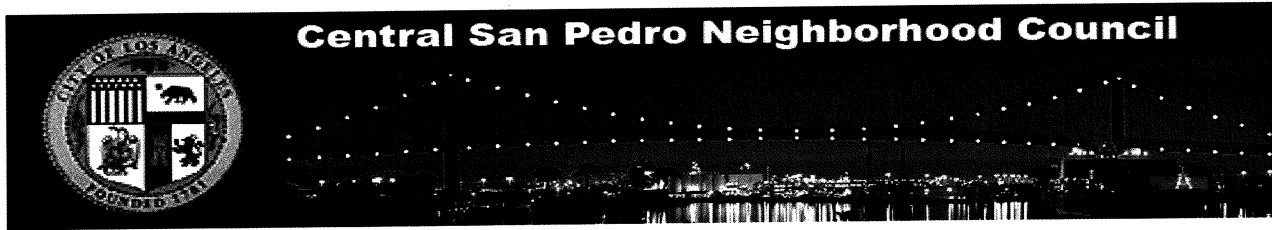


**PCAC Motions Recommended to Board of Harbor Commissioners as of 9/16/08**  
 Changes since last report in red

PCAC NO.	PCAC NO.	Date Approved by Full PCAC	Board Motion Date	Abbreviated Description	Staff Report Target Date	Staff Report Compl. & Presented to Board	Board Action - Synopsis (Refer to Board Report Relative to each Motion for Details)	Comments
4	CP-001	6/25/03	07/23/03	Coordinated Plan Subcommittee recommends to BHC the adoption of SMWM concepts as presented, subject to final comments from the Neighborhood Councils and community	10/22/03	Staff Recommendation Approved - (Exceptions to Motion noted in Staff Report) Board received the Waterfront Concept Framework with considerations given to limitations as discussed in detail in the staff report; and directed staff to utilize the SMWM "Framework" as a principal reference for the continuing implementation of the Bridge to Breakwater Planning Program.		
5	CP-002	5/26/03	07/23/03	Coordinated Plan Subcommittee recommends to BHC that Phase I of the Waterfront Promenade move forward with project schematic design based on Phase I Preliminary Draft Framework and in accordance to guidelines presented	10/22/03	Staff Recommendation Approved - (Exceptions to Motion noted in Staff Report) Board received the Waterfront Concept Framework with considerations given to limitations as discussed in detail in the staff report; directed staff to utilize the framework and guidelines as a reference for the continuing implementation of the planning and design conditional upon further analysis and directed staff to utilize the framework to implement the "immediate" component.		
6	CP-003	6/25/03	07/23/03	Coordinated Plan Subcommittee recommends to BHC the motion relative to Cabrillo Marina Phase II	10/22/03	Staff Recommendation Approved - (Exceptions to Motion noted in Staff Report) Board directed staff to initiate a Project Design review on issues developed by PCAC as Exhibit "B", direct Port staff to incorporate project modifications into the Final EIR and ensure individual projects and cumulative impact evaluations reflect the revised project; direct staff to evaluate the feasibility of locating boat launch facilities on Port property; and direct staff to include PCAC Exhibit C.1 (A through O conditions) in the Final EIR.		
21	CP-004	3/18/04	04/28/04	Recommendation to PCAC to recommend to the BHC the adoption of the SMWM Final Framework Plan for Waterfront Development from the 'Bridge to the Breakwater.'	06/09/04	Staff Recommendation approved - Motion adopted. Subject to further analysis by EEK/Garlon Plan.		
22	CP-005	4/15/04	04/28/04	Commitment to relocate the existing Cabrillo Beach Launch Ramp and the relocation be included in the EEAK Plans for Bridge to Breakwater development.	07/14/04	Staff Recommendation Approved. No action taken until boat launch ramp alternatives are evaluated in appropriate environmental assessment.		
32	CP-006	9/21/04	09/29/04	PCAC recommends to the Board the approval of the Bridges to Breakwater plan in concept subject to the following conditions: a) The Department move forward with the Downtown Waterfront as the next phase of the project, and that b) The Commission direct staff to include a 22nd St. Park and linkages with downtown and San Pedro neighborhoods in the next phase of the project, and that c) The Commission direct staff to develop the proposed Bridge to Breakwater concept into a detailed project description, and continue to work cooperatively with all stakeholders and PCAC to provide input and issue resolution on the project description to be used in the EIR/EIS process. and, that the Commission expedite the approval of the Wilmington Preferred Plan within the next 45 days.	02/09/05	Staff Report approved with comments.		
44	CP-007	8/16/05	09/14/05	PCAC recommends to the Board that the BHC considers PCAC Motion #44 with its amendments outlined in this report and staff be directed to use the reduced development/reduced density project alternative crafted by the working group and approved by PCAC as the basis for the reduced development alternative that will be coequally analyzed in the Draft EIR/EIS for the Bridge to Breakwater Project.	09/14/05	Staff recommendation approved, exclusive of housing and final completion of EIR/EIS.		

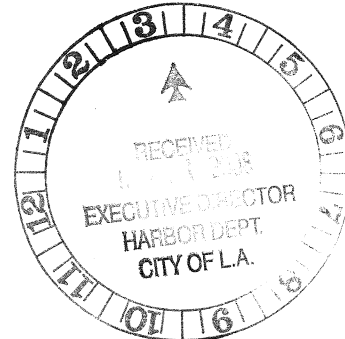


Ralph  
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November 18, 2008

Dr. Ralph G. Appy, Director of Environmental Management  
Port of Los Angeles  
425 South Palos Verdes Street  
San Pedro, CA 90731



Dr. Spencer D. MacNeil  
U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division, Ventura Field Office  
2151 Alessandro Drive, Suite 110  
Ventura, California 93001

Subject: Response to POLA's San Pedro Waterfront Project

The Central San Pedro Neighborhood Council (CSPNC) was created by the City of Los Angeles to advocate for the interests of the stakeholders in downtown San Pedro. Since our inception in 2002, we have consistently supported the redevelopment of the waterfront to serve residents, local business interests, and all who have a stake in the Los Angeles waterfront. We see this redevelopment as being essential to improving the quality of life for residents, the local economy, and providing good stewardship of our precious waterfront resources.

Upon review of the San Pedro Waterfront Project DEIR released in September of 2008, we have come to the conclusion that the Port's Alternative 4 with certain modifications best meets the goals of our stakeholders. As decided by official action of CSPNC on November 18, 2008, we strongly support moving forward with Alternative 4, and provide the following additional comments to clarify the conditions of our support:

1. All passenger terminals serving the cruise industry should remain concentrated in the downtown area. The Port needs to make a significant investment in the downtown cruise terminal complex as this is situated at the visitor entrance to our waterfront and should be a significant architectural landmark. The existing Berth 93 terminal building is in great need of renovation, and the expansive parking lots fronting it are an eyesore. The renovation or reconstruction of the existing terminal buildings along with the construction of needed ancillary structures should occur in the near future to stimulate waterfront redevelopment and to generate interest among other potential investors. The development of pedestrian-level uses that take advantage of the plaza at the new Swinford water feature should also be a priority. Although the creation of a new North Harbor is appealing, this should not be allowed to take away from the acreage needed to establish an attractive and functional world-class cruise passenger terminal.

2. We agree with other community organizations that find large parking lots on the east side of Harbor Boulevard to be both a waste of prime waterfront property and a barrier to our connection with the waterfront. Off-site structured parking should be built as needed west of Harbor Boulevard in such a manner as to be available for the joint use of cruise passengers and other downtown visitors. We urge the Port to consider providing multi-level structured parking at the site of the Boys and Girls Club surface parking lot, at the Caltrans' Beacon Street parking lot (either in partnership with Caltrans or by purchasing this lot from them), or at one of the Community Redevelopment Agency's downtown opportunity sites. We also support the development of parking structures along the rail yard bluff as proposed by the Port. Any prime parking retained on the cruise terminal complex should be architecturally integrated with redeveloped terminal buildings to be attractive and to retain views of the waterfront.
3. We are especially enthusiastic about the construction of the waterfront promenade, the proposed Downtown Harbor, the 7<sup>th</sup> Street Harbor, the 7<sup>th</sup> Street Pier, the Town Square fronting the Maritime Museum, and the pedestrian bridge linking the community at 13th and Beacon Streets to the waterfront. The completion of these projects will do much to generate waterfront excitement and link the community to the waterfront, and should be made a high priority for early completion.
4. The proposed reconfiguration of the connection between Harbor Blvd and Sampson Street, eliminating the 6th Street connection in favor of a streamlined, freeway-like intersection designed to move large quantities of private vehicular traffic from Harbor Boulevard onto the primary waterfront thoroughfare, is a poor plan that neglects its role in providing a key linkage to downtown San Pedro. This intersection, over 300 feet long, would be less safe and not function as well, traffic-wise, as a tried and true compact 90-degree intersection. More importantly, it squanders an unnecessarily large area for roadbed, does not respect our urban-grid formula, and severs a vital connection between downtown and the waterfront. We ask the Port to go back to the drawing board and connect Harbor Boulevard and Sampson Way with a 7th Street extension.
5. We wholeheartedly support the Port's efforts to redevelop and repurpose the Ports O'Call property in order to maximize the benefits which should accrue to this central parcel of waterfront property. Firstly, we ask that redevelopment focus on providing additional regional attractions which do not compete with our downtown economy or cause negative impacts on our stakeholders. While determining how to best meet this goal, we feel it essential in terms of sustainability that the existing key tenants of Ports O'Call who are successful in terms of the numbers of visitors and local customers they serve should be supported with the improvements they need to continue to be successful. We note that the current DEIR simply specifies a certain number of square feet of new development, but we ask the Port to be wary of a generic, developer-created plan that provides standard commercial opportunities without the investment of vision that should be dedicated to a prime waterfront resource. Both urban planning experts and the community should be consulted as to what the highest and best use of this property might be prior to seeking developer proposals for a new master plan. Finally, as we must recommend the elimination of the North Harbor watercut in order to optimize the Downtown Cruise Terminal, we

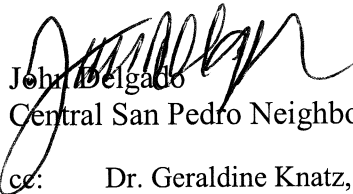


suggest that "tugboats, visiting historic and naval vessels, and the SS Lane Victory" be located in either the Downtown Harbor or along the Ports O'Call waterfront in order to keep these essential services and attractions prominently positioned along our waterfront.

6. With respect to the proposed conference center in Ports O'Call, we ask that the Port do all that is possible to place this needed facility at a waterfront location that is integrated into a visionary master plan for waterfront redevelopment. We note that these large facilities have the potential to create a zone of relative inactivity when sited within a regional tourist-serving attraction. A water-view location closer to downtown with integrated parking facilities is most desirable. We ask the Port to consider locating it atop the proposed bluff-fronting parking structures.
7. Finally, we have these concerns about three major elements that were NOT included in the DEIR:
  - a) The Port should meet its commitment to linking downtown to the waterfront by extending the Red Car line or providing some other attractive form of public transport that connects downtown to the 6th Street Red Car station.
  - b) The City of Los Angeles Community Redevelopment Agency has been advocating for linkages between downtown and the waterfront that include a partnership between their organization and POLA for the creation of a joint use parking structure on one of their downtown opportunity sites. Providing downtown parking options for cruise passengers would encourage these visitors to enjoy San Pedro before being shuttled off to the cruise terminal.
  - c) The much discussed Maritime and Marine Science Research Center should be included in the Port's master planning for the waterfront, as this single institution alone has a tremendous potential for positive impact on our economy and the long-term sustainability of the region.

We hope that the Port of Los Angeles will take these comments from the official City of Los Angeles-sanctioned representatives of the stakeholders of downtown San Pedro to heart, and incorporate them into their plans for a truly great waterfront for the City of Los Angeles.

Sincerely,

  
John Delgado  
Central San Pedro Neighborhood Council President

cc: Dr. Geraldine Knatz, POLA Executive Director, P.O. Box 151, San Pedro, CA 90733-0151  
Mr. S. David Freeman, President, Los Angeles Harbor Commission;  
Mayor Antonio Villaraigosa, 200 North Spring Street, Room 303, Los Angeles, CA 90012  
Hon. Janice Hahn, 638 S. Beacon St., Suite 552, San Pedro, CA 90731  
Camellia Townsend, San Pedro Chamber of Commerce, 390 West 7th Street, San Pedro, CA 90731  
CSPNC Boardmembers



# Dalmatian-American Club of San Pedro, Inc.

*"Preserving Our Ethnic & Cultural Heritage"*

1639 So. Palos Verdes Street, San Pedro, CA 90731  
Telephone: (310) 831-2629 • Fax: (310) 831-9355  
Email: [info@dalmatianamericanclub.com](mailto:info@dalmatianamericanclub.com)

November 14, 2008

Dr. Ralph Appy  
Director of Environmental Management  
Los Angeles Harbor Department  
425 South Palos Verdes Street  
San Pedro, CA 90731



**Re: San Pedro Waterfront Project**

Dear Dr. Appy:

The Board of Directors of the Dalmatian-American Club of San Pedro is altogether in supporting the Port of Los Angeles' "Proposed Project" for the San Pedro Waterfront. We have taken a vote at our October Board meeting and unanimously approved the Port's Propose Project.

Established in 1926, the Dalmatian-American Club has over 650 active members which represent thousands of families in the Harbor Area. We are a social ethnic club where a majority of our members can trace their ancestry to the country of Croatia. Our clubhouse continues to be a landmark built and decorated in art-deco style and it remains as one of the most known buildings in San Pedro. We are located on 17th and Palos Verdes Streets overlooking the proposed site for the outer cruise ship terminals (Kaiser Point).

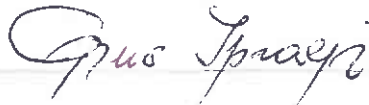
We are strongly in favor of seeing the Outer Harbor turned into a World Class Cruise Ship Terminal. For too long, it has been an eyesore which contained a dirty coke pile, oil tankers and most recently a steel dock. We are looking forward to beautiful cruise ships at that site which would greatly enhance our views and bring commerce to our local area.

Because the Dalmatian-American Club supports local businesses, we believe that the Port has it right by having a master developer redevelop Ports O' Call as stated in the EIR. Ports O' Call has also become an eyesore over the past 20 years. We support the Port's efforts in completely redeveloping this entire site and support the concept of having a conference center being built there.

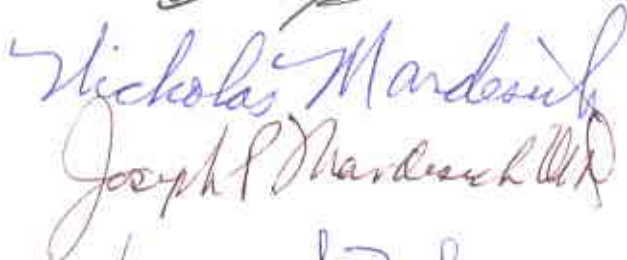
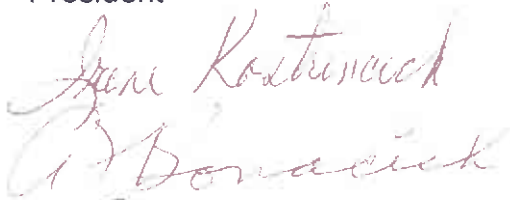
We support the new harbors being placed in the Downtown area and especially the North Harbor Cut. We support the concept of having the Lane Victory and tugs being relocated into this North Harbor Cut. We also support the Port's proposals in regards to the Red Car Extension, San Pedro Park which we overlook here at the club, a Town Square with a Fountain and a continuous Waterfront Promenade.

We look forward to seeing these projects being built. San Pedro is a wonderful community, and yet our town is in serious need of economic revitalization. People need jobs! The Port should move forward with the San Pedro Waterfront Proposed Project as soon as possible.

Sincerely,



Gojko Spralja  
President



cc Honorable Antonio Villaraigosa, Los Angeles City Mayor  
Honorable Janice Hahn, Los Angeles City Councilwomen  
Dr. Geraldine Knatz, Ph.D., Executive Director Port of Los Angeles  
S. David Freeman, President of the Los Angeles Board of Harbor Commissioners



# FOREIGN TRADE ASSOCIATION of SOUTHERN CALIFORNIA

*Serving the  
international  
trade community  
since 1919*

November 21, 2008

Dr. Ralph Appy  
Director of Environmental Management  
Port of Los Angeles  
425 S. Palos Verdes Street  
San Pedro, CA 90731



Dear Dr. Appy:

On behalf of the Foreign Trade Association (FTA) we wish to express our support for the Port of Los Angeles Proposed Waterfront Project. The FTA is a private, non-profit trade association that represents over 250 members of the local international trade community. Founded in 1919, the FTA is the oldest organization promoting the growth of international trade in the Southern California area. It acts as an informational resource and network center for its members, and monitors and advocates legislative issues at the local, state and federal levels.

In particular, we wish to express our strong support for the addition of a cruise terminal in the Outer Harbor. Both the direct and indirect economic benefits of the cruise industry to our region are very significant. Without new and additional facilities we will not be able to retain existing customers or attract new ones, due to the increasing size of cruise ships.

With approximately 2,500 jobs and in excess of 280 million in business revenues at stake, it is imperative that this DEIR / DEIS be approved.

The rehabilitation of Ports O' Call Village will also complement the beneficial goal of attracting cruise tourism while giving the Port of Los Angeles a more welcoming gateway to both local citizens and visitors.

The current economic conditions make these improvements even more urgent.

We also support the inclusion of a conference center that can accommodate seminars and meetings related to international trade and shipping matters. The FTA is always looking for appropriate venues at which to hold its meetings and conferences.

Sincerely,

Hudson R. Warren, Jr.  
President



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PHONE (818) 352-6753 • FAX (818) 353-5976 • www.ftasc.org • e-mail: info@ftasc.org



**LOS ANGELES COUNTY ECONOMIC DEVELOPMENT CORPORATION**

November 20, 2008

Dr. Spencer D. MacNeil  
Senior Project Manager  
U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division, Ventura Field Office  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

Dr. Ralph G. Appy  
Director of Environmental Management  
Port of Los Angeles  
425 South Palos Verdes Street  
San Pedro, CA 90731



Dear Mr. MacNeil and Dr. Appy:

On behalf of the Los Angeles County Economic Development Corporation (LAEDC), an organization dedicated to promoting job growth, economic expansion, and preserving the overall global competitiveness of Los Angeles County, I am submitting this letter in support of the San Pedro Waterfront Project (the "Waterfront Project") proposed by the Port of Los Angeles. The LAEDC believes that the Waterfront Project is a worthy infrastructure and public access improvement project that supports economic growth, job creation and the environment by re-energizing Los Angeles' waterfront, strengthening the Port's position as the number one cruise market on the West Coast, and incorporating green building and emissions reduction principles.

The proposed 400-acre, five- to seven-year redevelopment project would connect the San Pedro community with the waterfront via three new harbors and significantly enhance commercial opportunities in and around the Port by revitalizing and further developing the Ports O' Call village area. The project would also provide the Port's burgeoning cruise operations with new terminal facilities to accommodate larger cruise vessels and to service the anticipated growth in cruise demand over the next couple of decades.

The short- and long-term potential economic benefits of the Waterfront Project are striking. During the construction phase, the project would add an estimated 7,400 direct construction-related jobs and help support another 17,600 indirect jobs throughout the region. The prospect of delivering immediate jobs is particularly important as we look to provide some relief for our region's weakened construction industry and work for thousands of construction workers who have lost their jobs during the current economic downturn.

The Port of Los Angeles is currently the largest cruise ship center on the West Coast of the United States, serving over 590,000 embarking passengers on 228 home-ported vessel calls during the 2006 cruise season.\* The importance of the Port's cruise operations to the regional and local economy is clear. During 2006, the Port's cruise industry generated almost \$282 million in business revenues and \$11.2 million in state and local taxes. Cruise

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\* See, Martin Associates, *Economic Impacts of the Port of Los Angeles*, dated: August, 2007.

activity at the Port of Los Angeles also supported an estimated 2,500 jobs for Southern California residents with about \$99 million in annual wages.<sup>†</sup> Of these jobs, nearly 1,300 were generated in the San Pedro area alone.<sup>‡</sup>

Once completed, it is estimated that the new cruise terminals would handle 287 vessel calls annually serving 1.13 million passengers. The potential economic impact of expanding cruise operations and the resulting increase in passenger volumes is significant. An additional 645 permanent jobs with tens of millions of dollars in annual wages would be generated through expanded cruise operations.<sup>§</sup> Passenger spending in the region would swell to over \$30 million due to the increase in passenger activity.<sup>\*\*</sup> And state and local tax revenues would be boosted by about \$6.5 million.<sup>\*\*</sup>

As unmistakable as the potential economic and job impacts of expanded cruise operations are, the green aspects of the new cruise facilities are also of note. The two new terminal buildings would incorporate Leadership in Energy and Environmental Design (LEED)-Gold building standards; cruise ships would be required to use lower sulfur fuels to reduce smoke emissions while transiting in and out of the Port; and cruise vessels would also be required to plug into shore-side electrical power (“cold ironing”) when docked to practically eliminate emissions while at berth.

In conclusion, it is imperative for the Port of Los Angeles to revitalize the San Pedro waterfront and maintain its position as the number one West Coast cruise port, which has been and will continue to be a growing source of economic strength for the San Pedro community and the regional economy. Through its proposed Waterfront Project, the Port of Los Angeles would enhance its tourism-related commercial opportunities in and around the Port, add thousands of much-needed, short-term construction-related jobs, and augment its cruise operations – generating still more new jobs, income, and business and tax revenues, while continuing its commitment to create the greenest port in the nation

For the above reasons, the LAEDC supports the San Pedro Waterfront Project proposed by the Port of Los Angeles.

Sincerely,



William C. Allen  
President & CEO

cc: Los Angeles Board of Harbor Commissioners  
Geraldine Knatz, Ph.D., Executive Director, Port of Los Angeles

<sup>†</sup> Id. figures in 2006. (Of these jobs, 1,254 were direct, 649 indirect and 606 induced as a result of the purchases by the 1,254 direct job holders).

<sup>‡</sup> Id. (665 direct, 283 indirect and 345 induced jobs)

<sup>§</sup> Id. (based on an estimate of \$35,000 per job).

<sup>\*\*</sup> Id. (based on \$57 spent per passenger).

<sup>\*\*</sup> Id.

Kathryn McDermott, Deputy Executive Director, Business Development, Port of Los Angeles  
Ralph Hicks, Director of Economic Development, Port of Los Angeles  
Arley Baker, Senior Director of Communications & Legislative Affairs, Port of Los Angeles  
Rep. Jane Harman  
Senator Alan Lowenthal, Chair Sub-Committee on Ports and Goods Movement  
Assembly Member Betty Karnette, Chair Select Committee on Ports  
Supervisor Don Knabe  
City of Los Angeles Mayor Antonio Villaraigosa  
Members of the Los Angeles City Council

# Royal Caribbean Cruises Ltd.

1050 Caribbean Way  
Miami, FL 33132.2096 USA

tel: 305.539.6000  
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**Dr. Spencer D. MacNeil**  
**U.S. Army Corps of Engineers, Los Angeles District**  
**Regulatory Division, Ventura Field Office**  
**2151 Alessandro Drive, Suite 110**  
**Ventura, California 93001**

**Dr. Ralph G. Appy,**  
**Director of Environmental Management**  
**Port of Los Angeles**  
**425 South Palos Verdes Street**  
**San Pedro, CA 90731**



## **Re: San Pedro Waterfront Project EIR**

As a customer of the Port of Los Angeles, we have a significant stake in the future of the Port. We are supportive of the waterfront project that seeks to enhance the visitor-serving portions of the Port. Our customers and crew members have a direct relationship with the waterfront businesses and the businesses adjacent to the waterfront such as hotels, shopping, and transportation. In addition, our ships utilize harbor area suppliers for much of their operations and employ local labor for our shore side operations.

Royal Caribbean Cruises Ltd. ("RCCL") welcomes the opportunity to comment on the San Pedro Waterfront EIR. RCCL is in support of the San Pedro Waterfront Project and the goal of sustainable development that will bring people, prosperity and revitalization to the waterfront of the Port of Los Angeles.

While the proposed project meets most of our needs, **alternative number 2** with the parking for cruise passengers at both the inner harbor and at the new outer harbor development is our preferred option. We feel this is the best solution for efficient and cost effective operations and would be the best solution for our customers.

We support the idea of building the greenest cruise terminal possible and reiterate our support in working with the Port to help design cruise terminals that meet the needs of the passengers, community and the Port. All the parties need to develop terminals that work for the ships calling today and for the ships calling in the future. In addition, we understand the desire to have the public interact with the waterfront and park areas near the cruise terminal while also maintaining a safe and secure operation for our ships. The waterside security zone and the affect it has on small boats in the harbor is important to note. RCCL fully cooperates with the security regulations put forth by the Coast Guard, but we do want to work with the concerned parties to utilize all the options available to create a secure environment for our ships and our passengers. Also of note is the "floating



# Royal Caribbean Cruises Ltd.

1050 Caribbean Way  
Miami, FL 33132-2096 USA

tel: 305.539.6000  
[www.royalcaribbean.com](http://www.royalcaribbean.com)

barrier" concept discussed in the EIR; this is the type of alternative that creates a good secure location while also addressing the needs of the small boat community.

We are excited about the prospects of revitalizing the waterfront and are encouraged by the steps the Port has taken to move this project to the next level.

Sincerely,



John F. Tercek  
Vice President, Commercial Development

# LATHAM & WATKINS LLP

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Moscow	Washington, D.C.

November 28, 2008

Los Angeles Harbor Department  
c/o Dr. Ralph G. Appy  
425 S. Palos Verdes Street  
San Pedro, CA 90731

Re: Port of Los Angeles San Pedro Waterfront Draft EIS/EIR Comment Period

Dear Dr. Appy,

We are writing on behalf of our clients, San Pedro Waterfront, LLC and San Pedro Fish Market, LLC, regarding the proposed public comment period for the San Pedro Waterfront Project Draft Environmental Impact Statement/Environmental Impact Report. Our clients own Ports O'Call Restaurant and the San Pedro Fish Market, respectively, which are two longstanding, successful local businesses located within the Ports O'Call village at the Port of Los Angeles ("Port"). We respectfully request that the comment period be extended to January 15, 2009, in order to permit the issuance of a clarification and/or correction by the Port that the proposed project does not involve the destruction of these businesses and give community stakeholders ample time to work with the Port to achieve consensus on a plan that incorporates existing successful local businesses in Ports O'Call and meets the needs of the both the Port and the local community. For these reasons and the others set forth below, unusual circumstances exist warranting an extension of the comment period.

As acknowledged in the Draft EIS/EIR, one of the main attractions at the proposed project area, i.e., generally the Port, is Ports O'Call. Established in 1963, Ports O'Call is styled as a New England fishing and seaside village along the western edge of the Port. Local residents and visitors can meander along the promenade of cobblestone streets that connect specialty shops and many restaurants, including Ports O'Call Restaurant and San Pedro Fish Market, which overlook the Harbor.

We are concerned and confused by the Draft EIS/EIR's discussion of the proposed project's "redevelopment" of Ports O'Call. The Draft EIS/EIR states that the Port plans to partner with a master developer to redevelop the entire Ports O'Call homogeneously and references throughout a concept plan for Ports O'Call. Yet, the "concept plan" is without substance outlining only the land area that comprises Ports O'Call. The Draft EIS/EIR is vague about what constitutes the "redevelopment", but it appears that most, if not all, of the existing Port O'Call development, including successful businesses, will be demolished. Indeed, the graphic depictions of the various alternatives all show the Ports O'Call area as a blank slate

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suggesting complete demolition of the complex. If this is true, the project is a dramatic change to the City of Los Angeles, the San Pedro community, and the Port of Los Angeles, which will lose historic landmark institutions that have been serving the community for over 40 years, including the Ports O'Call Restaurant and the San Pedro Fish Market. This challenging economy is not the time to be destroying popular local businesses which provide jobs and much needed revenue to the Port.

Since 1959, the family-owned San Pedro Fish Market has been proudly importing and serving fish from around the world to the San Pedro community and visitors to San Pedro waterfront. San Pedro Fish Market operates a retail and wholesale facility for fish and seafood products and a restaurant. This waterfront landmark draws standing room only crowds seven days a week. The Draft EIS/EIR states that Ports O'Call Phase I, scheduled from June 2009 through June 2010, involves construction of the promenade between Berths 74 and 78, inclusive of the San Pedro Fish Market lease area. The Draft EIS/EIR does not specify, but suggests, that the San Pedro Fish Market will be demolished and will not be relocated or allowed to locate within the redeveloped Port O'Call.

Since 1961, Ports O'Call Restaurant has provided waterfront dining at its existing location. Ports O'Call Restaurant is everything that a waterfront dining should be: the setting, the food, and the service in a comfortable, unrushed atmosphere that captures the essence of a waterfront dining experience. Diners experience the Harbor – hearing the lapping of the water, feeling the gentle breeze, and watching the Port traffic glide by – from the patio. The Draft EIS/EIR notes that Ports O'Call Phase III, scheduled from July 2013 through July 2014, involves construction of a new promenade in the area currently occupied by Ports O'Call Restaurant and assumes voluntary acquisition negotiations and relocation prior to construction. The environmental document suggests that this landmark waterfront restaurant will be demolished. There is no statement in the document which indicates that the business will be allowed to locate within a redeveloped Ports O'Call.

We agree that Ports O'Call needs a plan for revitalization. However, we suggest the Port work with the successful Ports O'Call institutions to come up with a plan that incorporates the successful businesses which represent the flavor and history of the local San Pedro community rather than demolish the entire site. The ability to find a master developer to double the amount of leaseable space as proposed by the Port may not even be feasible, as pointed out by market study undertaken by the Urban Land Institute in its report prepared in February 2008. Today's development climate is even more uncertain than it was back in February when the report was prepared. H.D. Palmer, a spokesman for the California Department of Finance, was quoted recently in The New York Times stating that "[t]he fiscal landscape is fundamentally altered from where it was six weeks ago." We suggest the Port take a look at what works at Ports O'Call, and celebrate and work with the Ports O'Call businesses rather than the age old paradigm of wiping out the good with the bad without regard for community history and culture. Now is not the time to eliminate local jobs when the unemployment rate in California – 8.2% in October and likely rising – is the highest in 14 years.

If we are wrong and the Port intends to retain the San Pedro Fish Market and Ports O'Call Restaurant, we suggest that the Port clarify and/or correct that the record so it is clear that

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the project does not involve demolition of these existing successful local businesses. This clarification will go a long way to alleviate the concerns of the many families who fear that they are about to lose their livelihood.

We also understand that there are ongoing discussions with community stakeholders which may result in a consensus plan that incorporates the San Pedro Fish Market and Ports O'Call Restaurant into the proposed redevelopment. We believe it is in the best interests of the Port and the community to continue these discussions without the pressure of parties needing to comment on the Draft EIR/EIS to protect their legal rights. Since the comment period is drawing to a close on December 8, 2008, an extension of time to January 15, 2009, would provide some breathing room for the parties to complete the consensus plan discussions and obtain the clarifications from the Port concerning the fate of the San Pedro Fish Market and Ports O'Call Restaurant. We believe that under the circumstances and given the complexity and breadth of the proposed project and the number of agencies involved, an extension of the comment period is legally justified.

Absent an extension of the comment period, our clients will be forced to submit comments opposing the Draft EIR/EIS by the December 8, 2008 deadline. The stakes are high. Under the proposed project, the San Pedro Fish Market may be demolished without any provision for its relocation as soon as next summer. Ports O'Call Restaurant also may be significantly impacted in the next few years. We believe it would be more productive to concentrate our efforts on finding a path to resolution by continued work on a consensus plan, and we hope the Port agrees.

We respectfully request that you extend the comment period to January 15, 2009.

Sincerely,



Peter J. Guierrez  
of LATHAM & WATKINS LLP

cc: Councilwoman Janice Hahn, Council District 15  
Bud Ovrom, Deputy Mayor  
Kathryn McDermott, Port of Los Angeles  
Connie Pallini-Tipton, Los Angeles City Planning Department  
Theresa Stamus, City Attorney's Office  
Thomas Russell, City Attorney's Office  
Dr. Spencer D. MacNeil, U.S. Army Corps of Engineers  
San Pedro Waterfront, LLC  
San Pedro Fish Market, LLC  
Lucinda Starrett, Esq., Latham & Watkins  
Beth P. Gordie, Esq., Latham & Watkins

---

**From:** Peter.Gutierrez@lw.com [mailto:Peter.Gutierrez@lw.com]  
**Sent:** Monday, December 08, 2008 5:00 PM  
**To:** Appy, Ralph; Spencer.D.MacNeil@usace.army.mil  
**Cc:** Commissioners; councilmember.hahn@lacity.org; bud.ovrom@lacity.org; McDermott, Kathryn; connie.pallini-tipton@lacity.org; theresa.stamus@lacity.org; thomas.russell@lacity.org; jsw.spiritcruises@sbcglobal.net; mdibernardo@sbcglobal.net; nizich@pacbell.net; john@ek-ek.com; CINDY.STARRETT@lw.com; Beth.Gordie@lw.com  
**Subject:** Comments to San Pedro Waterfront Project Draft EIS/EIR

Dear Dr. Appy and Dr. MacNeil:

Attached on behalf of our clients San Pedro Waterfront, LLC and San Pedro Fish Market, LLC are comments to the Draft EIS/EIR prepared and circulated in connection with the San Pedro Waterfront Project. A hard copy will follow by Federal Express.

<<Scan001.PDF>>

**Peter J. Gutierrez**

**LATHAM & WATKINS LLP**

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December 8, 2008

Los Angeles Harbor Department  
c/o Dr. Ralph G. Appy  
425 S. Palos Verdes Street  
San Pedro, CA 90731

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division, Ventura Field Office  
Attn: Dr. Spencer D. MacNeil  
2151 Alessandro Drive, Suite 110  
Ventura, CA 93001

Re: Comments on the Port of Los Angeles San Pedro Waterfront Draft EIS/EIR

Dear Dr. Appy and Dr. MacNeil:

We are writing on behalf of our clients, San Pedro Waterfront, LLC and San Pedro Fish Market, LLC, to provide comments on the San Pedro Waterfront Project ("Project") Draft Environmental Impact Statement/Environmental Impact Report ("Draft EIS/EIR"). Our clients own Ports O'Call Restaurant and the San Pedro Fish Market, respectively, which are two longstanding, successful local businesses located within the Ports O'Call village at the Port of Los Angeles ("Port").

The Draft EIS/EIR both depicts and describes the complete destruction of our clients' businesses in Ports O'Call. Demolition is slated to begin in the summer of 2009. In fact, soon after the environmental document was released, a senior Port official quoted in the Los Angeles Times characterized Ports O'Call as "a big blank canvas." Such statements combined with graphics in the environmental document which portray Ports O'Call as a blank space with all businesses removed understandably evokes fear and concern about the Port's intentions. Many families rely on the Ports O'Call Restaurant and the San Pedro Fish Market for their livelihood as the two businesses alone employ close to 250 persons. These employees include in some instances multiple generations of family members. When combined, we estimate that the various businesses throughout Ports O'Call employ well over 500 persons. This means that literally thousands of people are relying on Port's O'Call for their livelihood.

The Draft EIS/EIR was issued before the recent, horrific impacts of the economic meltdown, yet our requests for an extension have been denied and written assurances to our clients have not been provided. Unemployment and layoffs are increasing, record numbers of homes are in foreclosure, and there is no end in sight. In these uncertain economic times as we

**LATHAM & WATKINS LLP**

approach the year end holidays, the thought of losing one's livelihood and becoming another statistic is understandably unsettling to all of those who rely on the Ports O'Call businesses to make ends meet. Yet, despite the economic climate, the Project's Draft EIS/EIR proposes to scrape Ports O'Call to the ground in the hope of finding a master developer to double the amount of commercial and retail space. We are forced to comment on this document as the environmental clearance for the Request for Proposals for a master developer that the Port has stated will be issued in the spring of 2009. Yet, is this a realistic outcome in this depressed economy? What will happen to all of the employees who work at Ports O'Call businesses during the search for a developer, and what will become of their families? Not a single one of the displaced employees or business owners has any written assurance that they will even be allowed to return.

The Ports O'Call Restaurant and San Pedro Fish Market must be accommodated as part of both the short term and long term future of the San Pedro waterfront. These two businesses reflect the history and character of the San Pedro community. Both the San Pedro Chamber of Commerce and Central San Pedro Neighborhood Council have submitted comment letters recognizing the need to retain existing, successful businesses in Port's O'Call such as our clients. The LA Waterfront Working Group has submitted comments recognizing the need to protect Ports O'Call jobs, and questions the sustainability of the Project given current economic and environmental conditions. If the site is to be redeveloped, a thoughtful phasing plan which respects the existing workers must be developed.

As we set forth in more detail below, the Project's Draft EIS/EIR needs to consider and further analyze a number of issues in order to be legally adequate. As it stands now, the environmental document is woefully inadequate when it comes to its assessment of Ports O'Call, and is not sufficient to serve as environmental clearance for a master development process. It fails to consider the potential impact on local San Pedro businesses outside of the Port, which are sure to be impacted by the proposed doubling of commercial and retail space in Ports O'Call. The Pacific Corridor Community Advisory Committee comments reflect this concern as well. The analysis of potential impacts during construction of the many Project components also needs to be supplemented.

Additionally, we believe the comment period has not been sufficient for the public to adequately analyze the thousands of pages that comprise the Draft EIS/EIR and its many appendices. Though the Los Angeles Harbor Department ("Harbor Department") and Army Corps of Engineers ("Corps") spent years assembling these proposals, and huge economic changes have occurred since the document was issued, extensions to the comment period were refused. Therefore, we reserve the right to supplement these comments up to and through public hearings the Harbor Department and Corps intend to hold on the Project and its environmental review, and we expect that all such comments will be responded to before any final decisions are made regarding the Project. As set forth below, the law requires that many questions about the Project must be answered in order to provide the full and complete disclosure of potential environmental impacts which the public deserves.

## I. BACKGROUND

Ports O'Call is one of the main attractions within the proposed Project area. Established in 1963, Ports O'Call is styled as a New England fishing and seaside village along the western edge of the Port. Ports O'Call is approximately 10 acres and contains approximately 150,000 square feet of commercial uses, including restaurant and retail space. Existing uses within Ports O'Call also include sport fishing, helicopter site seeing operations, marina, and harbor cruise operations. Annual festivals, including the Lobster Festival and the Tall Ship Festival, occur here and attract visitors from throughout Southern California. Local residents and visitors can meander along the promenade of cobblestone streets that connect specialty shops and many restaurants, including Ports O'Call Restaurant and San Pedro Fish Market, which overlook the Harbor. In May 2008, the Urban Land Institute ("ULI") submitted a draft report (the "ULI Study") on the proposed redevelopment of Ports O'Call. The ULI Study is attached hereto as Exhibit A. The independent experts in the ULI Study identified the Ports O'Call redevelopment as the centerpiece of the Project.

Since 1959, the family-owned San Pedro Fish Market has been proudly importing and serving fish from around the world to the San Pedro community and visitors to San Pedro waterfront. San Pedro Fish Market operates a retail and wholesale facility for fish and seafood products and a restaurant and banquet facility. This waterfront landmark draws visitors from throughout Southern California. The ULI Study noted that the San Pedro Fish Market has a large and loyal following within the City of Los Angeles that should remain a central component of Ports O'Call. This customer base reflects the diversity of Los Angeles, and the affordability of the San Pedro Fish Market and other Ports O'Call businesses have been a critical factor in maintaining these businesses.

Since 1961, Ports O'Call Restaurant has provided waterfront dining at its existing location. Ports O'Call Restaurant exemplifies waterfront dining by providing the setting, the food, and the service in a comfortable, unrushed atmosphere that captures the essence of a waterfront experience. Diners experience the Harbor – hearing the lapping of the water, feeling the gentle breeze, and watching the Port traffic glide by – from the patio. Such experiences are available to all with free public parking, supporting the extensive public access currently offered by Ports O'Call Restaurant and the other businesses at Ports O'Call.

The Draft EIS/EIR is not consistent with the recommendations of the ULI Study that selected existing restaurants should be allowed to remain in their existing structures so they can maintain their intimacy with the waterfront. Our clients are these businesses. Additionally, the ULI Study suggests that the Harbor Department "[w]ork with the [San Pedro Fish Market] and select existing restaurants to expand and enhance facilities, maintain intimacy between the restaurants and the water." (ULI Study, 4) The proud owners built their businesses literally from the ground up. As noted in the ULI Study, these businesses represent the character, flavor, and history of the San Pedro community. Generations of San Pedro residents have worked at these institutions and their long and important contributions to the history of this community should be respected. We believe it would be a travesty to lose either of these two businesses in the name of redevelopment. Their continued existence should be stated as an objective of the Project and reaffirmed during this environmental review process.



## II. OVERVIEW

The owners of the San Pedro Fish Market and Ports O'Call Restaurant, two longstanding, locally owned businesses, support revitalization of Ports O'Call. This ambitious Project represents a laudable goal, that is, to restore the waterfront and draw visitors to San Pedro. However, compliance with CEQA is critical if this effort is to be successful. Given the scope and importance of this Project, a clear and thorough analysis of the Project components and potential significant impacts from its construction and operation is of paramount importance. The Draft EIS/EIR has not met its burden of disclosure because it inadequately identifies and inadequately addresses potentially significant environmental impacts from the Project. For the reasons set forth in this letter, and as briefly described below, additional information and analysis must be provided for CEQA's disclosure mandate to be satisfied and the Draft EIS/EIR must be recirculated since some of the missing information will be significant new information.

The Draft EIS/EIR's Project Description is deficient because it fails to provide enough information to evaluate and review potential significant environmental impacts associated with the various Project components and their processes. For example, the Project Description is vague and ambiguous about what constitutes the "redevelopment" of Ports O'Call. On the one hand the demolition schedule implies that most, if not all, of the existing Ports O'Call structures, including those housing successful businesses, would be demolished. Yet the document also claims that some businesses may be retained, and staff has described the maps as "mistakes". If they are mistakes, they should be rectified. However, the Draft EIS/EIR does not provide sufficient information about which existing businesses will be allowed to remain or whether they will remain in existing buildings or relocate to new buildings within the redeveloped Ports O'Call. Moreover, the Draft EIS/EIR does not provide sufficient detail about potential new tenants and businesses so it is impossible to fully analyze potential significant impacts from the introduction of new commercial space on downtown San Pedro. The Draft EIS/EIR's failure to provide detail about the Ports O'Call redevelopment has a domino effect on other sections of the Draft EIS/EIR. Without adequate information in the Project Description about what the Project entails, evaluation and review of environmental impacts in the body the Draft EIS/EIR is incomplete and leaves governmental decision makers and the public without adequate information to fully consider the Project's potential significant environmental impacts.

In addition, the Draft EIS/EIR does not sufficiently analyze the Project's potential significant environmental impacts. The document fails to adequately consider the Project's potential to cause physical impacts to the neighboring San Pedro community from oversaturation of commercial and retail space and possible urban decay. Land use impacts are potentially significant as the Project potentially conflicts with the Port of Los Angeles Community Plan, the adopted goals or policies of other applicable plans, and could physically disrupt the San Pedro community. The potential groundwater, soils, hazards, traffic, air quality, and noise impacts associated with aspects of the Project such as the San Pedro Park mitigation are also not fully discussed. Fire and police public service impacts could be significant and are not adequately analyzed. Moreover, the Draft EIS/EIR proposes many mitigation measures that are either not enforceable or that actually defer mitigation in violation of CEQA.

### III. THE DRAFT EIS/EIR'S ANALYSIS OF THE PROJECT'S POTENTIAL SIGNIFICANT IMPACTS IS LEGALLY DEFICIENT

An EIR's primary purpose is the identification and evaluation of a project's potential significant environmental impacts. The information provided must be thorough enough to permit decision makers to make fully informed decisions on projects. This is particularly true where, as in this case, the public agencies intend to use one document as environmental clearance for a series of individual projects. The assembly of these projects into one plan does not relieve the public agencies of their obligation to provide details about each individual project. To this end, it is vitally important that the EIR address every potential significant environmental impact and discuss each in sufficient detail to facilitate full disclosure. The Harbor Department's and Corps' Draft EIS/EIR has not met its burden because it has failed to adequately describe the Project and identify or address potentially significant environmental impacts, and those that are discussed are not done so with enough specificity to permit the public or the decision makers to understand the full force and impact of the Project.

As to Ports O'Call, the Draft EIS/EIR does not fully apprise the community or the decision makers of the details of the proposed nearly 400,000 square feet plus parking structures that are contemplated for the Ports O'Call redevelopment. Accordingly, the Draft EIS/EIR also fails to adequately address and study the potential of the Ports O'Call redevelopment to have significant impacts. This failure has trickled down and affects the Draft EIS/EIR analysis of the Project's impact on aesthetics, urban decay, land use, groundwater and soils, hazards, noise, air quality, and transportation. Many mitigation measures are also deficient under CEQA. To cure these CEQA violations, the Harbor Department and Corps must revise the Draft EIS/EIR and again circulate it for public review. Project approval using the Draft EIS/EIR would be a legally fatal error, and any such approval would not withstand a court challenge.

#### A. The Draft EIS/EIR's Project Description Is Inadequate To Inform Evaluation And Review of the Project's Environmental Impact

##### 1. CEQA Requires a Project Description with Sufficient Detail to Evaluate and Review Environmental Impacts

A basic principle of CEQA is to inform governmental decision makers and the public of potential significant environmental effects of a Project. (CEQA Guidelines, § 15003) So that a draft EIR may inform governmental decision makers and the public of the potential significant environmental effects, the draft EIR must contain a project description providing sufficient detail for evaluation and review of the environmental impact. (CEQA Guidelines, § 15124) Among the items required in a project description is a general description of the project's characteristics which considers the principal engineering proposals. (*Id.*) In other words, enough basic information about a proposed project is necessary to allow the public and decision makers to fully evaluate potential environmental impacts.

“An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.”<sup>1</sup> *Sine qua non* is Latin for “without which not.” (Black’s Law Dictionary 1418 (8th ed. 1999)) The phrase is defined as “[a]n indispensable condition or thing; something on which something else necessarily depends.” (*Id.*) The California Court of Appeal has further explained the possible result of an inaccurate, incomplete project description:

A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decisions-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposals (i.e., the “no project” alternative) and weigh other alternatives in the balance. (*County of Inyo* (1977) 71 Cal.App.3d 185, 193)

Moreover, “[a] legally adequate EIR ... ‘must contain sufficient detail to help ensure the integrity of the process of decisionmaking by precluding stubborn problems or serious criticism from being swept under the rug.’” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733) Where, as here, a project involves extensive demolition and construction, CEQA demands a “degree of specificity” in the EIR that corresponds with the degree of specificity involved in the underlying project. (CEQA Guidelines § 15146(a))

The Draft EIS/EIR’s Project Description fails to provide enough specificity to evaluate and review the environmental impacts associated with the various Project components and their processes.

2. The Draft EIS/EIR Project Description of the Ports O’Call “Redevelopment” Is Inadequate

The Draft EIS/EIR provides an inadequate Project Description. The Project Description states the Project would allow for construction of a waterfront promenade through Ports O’Call as a “paseo” on the landside of the Port O’Call commercial building, the “redevelopment” of the 150,000 square feet of existing commercial, retail, and restaurant uses, approximately 150,000 square feet of new commercial and restaurant uses, and a 75,000 square foot conference center. The Project Description fails to provide sufficient detail about the “redevelopment” of the existing uses. The Draft EIS/EIR states that the Harbor Department “plans to partner with a master developer in order to redevelop the entire area homogeneously” (Draft EIS/EIR, 2-33), but fails to provide any information or detail about what that means. While the Draft EIS/EIR references a concept plan for Ports O’Call, the “concept plan lacks substance and outlines only the land area that comprises Ports O’Call. (Draft EIS/EIR, Figure 2-7)

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<sup>1</sup> *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 193 (italics in original); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 738; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4<sup>th</sup> 713, 730; *Santiago Water District v. County of Orange* (1981) 118 Cal. App. 3d 818, 830; *Christward Ministry v. County of San Diego* (1993) 13 Cal. App. 4<sup>th</sup> 31, 45; *Dusek v. Anaheim Redevelopment Agency* (1986) 173 Cal. App. 3d 1029, 1040.

The Project Description also notes that the “redevelopment” will occur over a period of approximately 5-10 years and references a “detailed” construction phasing table and Project phasing, demolition, and construction plan. (Draft EIS/EIR, Table 2-5; 2-43-44) The Draft EIS/EIR states that Ports O’Call Phase I, scheduled from June 2009 through June 2010, involves construction of the promenade between Berths 74 and 78, inclusive of the San Pedro Fish Market lease area. The Draft EIS/EIR notes that Ports O’Call Phase III, scheduled from July 2013 through July 2014, involves construction of a new promenade in the area currently occupied by Ports O’Call Restaurant and assumes voluntary acquisition negotiations and relocation prior to construction. The “detailed” construction phasing table and Project phasing, demolition, and construction plan do not actually detail what existing uses will be demolished or what will be constructed. Further, it does not specify, but suggests, that the existing 150,000 square feet of existing commercial, retail, and restaurant use, including the San Pedro Fish Market and Ports O’Call Restaurant, would be demolished as part of the “redevelopment.” Moreover, the Draft EIS/EIR Project Description notes, with regard to the “redevelopment”, that “[s]ome of the existing businesses would be retained.” No statement in the Draft EIS/EIR indicates which businesses would be retained or are even being considered to be retained or whether they will be retained in their existing location or at a new location built as part of the redevelopment. Interestingly, the “concept plan” shows Ports O’Call as a blank slate, but depicts the Acapulco Restaurant. The Draft EIS/EIR fails to state the “net new” development at Ports O’Call.

The Project Description violates the basic CEQA principle to inform governmental decision makers and the public of potential significant environmental effects of the Project. Without detailed information about what the Project provides for, evaluation and review of the environmental impact of the Project is incomplete and the governmental decision makers and the public are not informed of the potential significant environmental effects. For example, where will the ingress and egress to Harbor Boulevard be located and how will that impact traffic? Will the buildings be located close to the water or close to the street? What are the visual impacts from placing the structures at one part of the site or other? How tall will the building be? The accuracy and completeness of the Project Description is a condition upon which the validity of the Draft EIS/EIR depends. Without an adequate Project Description, impacts cannot be analyzed and an informed decision cannot be made.

3. The Draft EIS/EIR Project Description Is Flawed Because It Does Not Describe the Potential Tenants and Businesses

The Project proposes 300,000 square feet of restaurant and retail uses at Ports O’Call. In addition, a 75,000 square foot conference center and parking structures are proposed. However, the Draft EIS/EIR does not describe either the characteristics of the tenants or what types of businesses are proposed. In *Bakersfield Citizens for Local Control v. City of Bakersfield*, the court stated that the characteristics of the tenants and the types of businesses proposed by a project must be analyzed in an EIR:

Recognition of the characteristics of the [Project’s] tenants is a necessary prerequisite to accurate identification and analysis of the environmental consequences that will result from approval of the proposed projects. When the particular type of retail business planned for a proposed project will have unique

or additional adverse impacts, then disclosure of the type of business is necessary in order to accurately recognize and analyze the environmental effects that will result from the proposed project. ((2004) 124 Cal.App.4<sup>th</sup> 1184, 1213)

The Draft EIS/EIR's analysis of the Project's potential significant environmental impact is incomplete and potentially inaccurate since the analysis does not take into consideration the characteristics of potential tenants or proposed types of restaurant and retail uses at Ports O'Call.

4. The Draft EIS/EIR's Failure to Provide Any Detail About the Ports O'Call Redevelopment Leads to Incomplete Analysis Throughout the Draft EIS/EIR

As noted above, the Draft EIS/EIR proposes 300,000 square feet of restaurant and retail development, a 75,000 square foot conference center, a 30-foot wide promenade, and parking at Ports O'Call. The Draft EIR provides no specific information or detail about the redevelopment, except that the Harbor Department "plans to partner with a master developer in order to redevelop the entire area homogeneously." (Draft EIS/EIR, 2-33) Except for stating that a considerable amount of new square footage will be developed at Ports O'Call, the Draft EIS/EIR is silent on details of the development. CEQA requires enough basic information about a proposed project to allow the public and decision makers to fully evaluate potential environmental impacts.

The lack of information about the Ports O'Call redevelopment reverberates throughout the Draft EIS/EIR. For example, detailed information about demolition associated with Ports O'Call is necessary for the traffic study. It is not possible to accurately analyze the number of construction worker commutes and trips associated with hauling demolished materials away from the site and bringing construction materials to the site to replace the demolished structures without such information. In addition, without information as to the characteristics of tenants and types of businesses proposed for Ports O'Call, the traffic study cannot assess trips for the Project operation which inform the Project's traffic impacts and parking demand. Moreover, the Draft EIS/EIR does not fully analyze potential impacts to land use and planning. The absence of details about the Ports O'Call redevelopment makes it impossible to assess the full Project's potential conflicts with the Port of Los Angeles Community Plan, the adopted goals or policies of other specific plans, and disruption to the San Pedro community. Finally, without specific information as to building envelope locations, heights, and design, the Draft EIS/EIR cannot assess impacts to visual resources that could result in a substantial adverse effect on a scenic vista, degrade the existing visual character or quality of the site, or create a new source of substantial light or glare.

5. The Project Description Fails to Provide Information About the Proposed Port Master Plan Amendments, General Plan Amendments, and Zone Changes

The Draft EIS/EIR identifies actions that could be undertaken by the Harbor Department following preparation of the final EIR including amendments to the Port Master Plan. The Draft EIS/EIR further states that other agencies are expected to use this EIS/EIR as part of their approval or permit process. For example, the Draft EIS/EIR states that the City of Los Angeles

Planning Department should rely on the document for “[z]one changes or amendments, general plan amendments, variances for zoning or parking code requirements.” (1-7 (Table 1-1))

Despite the required legislative approvals that will follow Project approval, there is no information in the Draft EIS/EIR as to what Port Master Plan amendments are required to implement the Project. Moreover, the Draft EIS/EIR does not provide any detail as to what General Plan amendments or zone changes would be required for the Project. The Port Master Plan, General Plan, and zoning code each have a broader scope than the Project. Amendments to the Port Master Plan and General Plan and zone changes have the potential to significantly impact the environment. The Project Description is inadequate because it does not identify the scope of the amendments and zone changes or the properties that would be affected. The Harbor Department must redraft the Draft EIS/EIR to consider the Project as a whole, which would include the discretionary approvals discussed above, and recirculate it for public comment.

**B. The Draft EIS/EIR is Inadequate Environmental Clearance For the Ports O’Call Request For Qualification or Request For Proposal**

The Draft EIS/EIR states that the Harbor Department plans to partner with a master developer for the Ports O’Call redevelopment. The California Supreme Court, in *Save Tara v. City of West Hollywood*, recently addressed the required environmental review of a public entity / private developer agreements:

A public entity that, in theory, retains legal discretion to reject a proposed project may, by executing a detailed and definite agreement with the private developer and by lending its political and financial assistance to the project, have as a practical matter committed itself to the project. When an agency has not only expressed its inclination to favor a project, but has increased the political stakes by publicly defending its objections, putting its official weight behind it, devoting substantial public resources to it, and announcing a detailed agreement to go forward with the project, the agency will not be easily deterred from taking whatever steps remain toward the project’s final approval. ((2008) 45 Cal. 4<sup>th</sup> 116, 135)

CEQA requires agencies to prepare EIRs on any project “which they propose to carry out or approve” that may have a significant effect on the environment. (Public Resources Code §§ 21100, 21151) “Approval” means “the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out.” (CEQA Guidelines § 15352) “[A]n EIR must be prepared before a project is approved, for ‘[i]f postapproval environmental review were allowed, EIR’s would likely become nothing more than *post hoc* rationalizations to support action already taken.’” (*Save Tara v. City of West Hollywood* (2008) 45 Cal. 4<sup>th</sup> 116, 130, quoting *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 394) “Approval” includes preparation and issuance of a request for qualifications (“RFQ”) or a request for proposals (“RFP”), which are proposed for the Ports O’Call redevelopment, since these documents reflect the Port’s expressed inclination to favor the Project and thereby increasing the pressure and devoting public resources in furtherance of the Project.

The Draft EIS/EIR appears intended to serve as the Harbor Department's environmental clearance for the entire Ports O'Call redevelopment including any RFQ or RFP intended to carry out the Ports O'Call redevelopment. The Project and its Draft EIS/EIR for the Ports O'Call redevelopment set the Harbor Department on a "definite course of action" for the Ports O'Call redevelopment; accordingly, the time for environmental review associated with an RFQ or RFP is now. However, the Draft EIS/EIR is so lacking in detail that potential environmental effects from the Ports O'Call redevelopment cannot be adequately evaluated. Consequently, the Draft EIS/EIR does not contain sufficient detail to serve as the environmental clearance for the Ports O'Call redevelopment RFQ or RFP.

**C. The Draft EIS/EIR Does Not Sufficiently Analyze The Project's Potential Significant Environmental Impacts**

The Draft EIS/EIR does not sufficiently address the Project's potential to cause urban decay or adequately address potential significant impacts on land use, public services, groundwater and soils, hazards, geology, noise, air quality, transportation, parking, and marine navigation. As discussed below, since the Draft EIS/EIR does not adequately discuss such impacts, the Harbor Department must revise the Draft EIS/EIR to include discussions of such impacts and recirculate it for public review.

1. The Draft EIS/EIR Does Not Adequately Address Potential Urban Decay Impacts

The Draft EIS/EIR fails to adequately consider whether the Project could cause physical impacts from urban decay. A project's potential to cause urban decay is an environmental impact that EIRs must address. In *Bakersfield*, the court set aside the EIR that the City had certified for two retail complexes because Bakersfield failed to evaluate the projects' potential to cause urban decay. The court stated:

[E]xperts are now warning about land use decisions that cause a chain reaction of store closures and long term vacancies, ultimately destroying existing neighborhoods and leaving decaying shells in their wake. In this case, the trial court recognized that the shopping centers posed a risk of triggering urban decay or deterioration and it concluded that CEQA required an analysis of this potential impact... We... agree that CEQA requires analysis of the shopping centers' individual and cumulative potential to indirectly cause urban decay. ((2004) 124 Cal.App.4th 1184, 1204)

The court particularly faulted Bakersfield for failing to study the projects' potential to cause urban decay because: (a) the record contained evidence about the projects' potential to cause urban decay; and (b) the projects would impact a diverse number of businesses. (*Id.* at 1212-1213)

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The Draft EIS/EIR has a discussion of urban decay which summarily dismisses the topic in a cursory one page section. The brief and inadequate analysis claims that the Project would not trigger urban decay because it is within the Port property and because it is consistent with adjacent land uses and the governing policy plans. The Draft EIS/EIR further alleges that because the Port is chiefly a regional focus as a center for cruise-related tourism, it will not impact the local businesses outside the Port that service a local market primarily and have a neighborhood/communitywide focus. Finally, the Draft EIS/EIR contends that the Project would avoid commercial installations and other uses that strictly serve neighborhoods and that could be provided outside the Port.

The Draft EIS/EIR's conclusion that the Project will not trigger urban decay is not supported in the analysis, which does not, as required under CEQA, *meaningfully* consider whether the 300,000 square feet of proposed development in Ports O'Call "will displace older retail stores, leaving long-term vacancies that deteriorate and other unsightly conditions. (*Bakersfield* (2004) 124 Cal.App.4th 1184, 1212) No specificity is provided regarding the retail uses to be developed in Ports O'Call to support such a conclusion. For example, would the retail space be for large, national chain stores or small, local shops? Will there be an anchor tenant? Would the tenants include bookstores, apparel stores, or shoe stores? Would the restaurants include large chain restaurants, bakeries or coffee shops, or specialty restaurants? In addition, the Draft EIS/EIR does not identify or analyze the existing commercial, restaurant and retail space in the adjacent San Pedro community or adequately address whether the proposed introduction of 300,000 square feet of new commercial, retail and restaurant space in Ports O'Call will compete for tenants with downtown San Pedro. How can anyone tell whether new leaseable space at Ports O'Call would take away existing or potential tenants from downtown San Pedro without analyzing what exists downtown now and the characteristics of tenants intended to be attracted to Ports O'Call? Without such analysis, the Draft EIS/EIR has not provided decision makers or the public with sufficient information to assess whether the Project would cause urban decay. The Draft EIS/EIR should be revised to address these inadequacies and recirculated.

The independent ULI Study on the redevelopment of Ports O'Call raised the specter of potential urban decay. The ULI Study recognized that while Ports O'Call does have many genuinely successful businesses, Ports O'Call is not as successful as it once was. The ULI Study suggests that Ports O'Call and the neighboring community, including downtown San Pedro, are suffering from economic decline. This could be further exacerbated by the current economic downturn.

The independent experts who prepared the ULI Study raised reasonable concern that the Project's proposed 300,000 square feet of development at Ports O'Call has the potential to trigger urban decay in the San Pedro community. The ULI Study concludes that based on its estimate of the demand for restaurant and retail uses at Ports O'Call, the "appropriate size of the redeveloped project is likely closer to 150,000 square feet than it is to the Port's proposed 300,000 square feet." The impact of additional restaurant and retail space could significantly oversaturate this local community with leaseable space. Moreover, while revitalization of Ports O'Call is necessary, depending on the characteristics of tenants and types of new businesses,



which are not discussed in detail in the Draft EIS/EIR, the Ports O'Call redevelopment could draw customers away from downtown San Pedro and the neighboring community.

As noted above, the Draft EIS/EIS fails to even mention potential types of retailers in violation of CEQA's mandate that the type of retailers proposed by a project be factored in urban decay analysis. (*Id.* at 1209) No facts support the conclusion that the Project will not impact the local businesses outside the Port. Moreover, the ULI Study concludes that Ports O'Call must be supported by the local community to succeed. The synergies must be analyzed.

Since the Draft EIS/EIR for the Project failed to provide any meaningful consideration of whether the Project could trigger a series of events that ultimately cause urban decay, the decision makers do not have the information they need to make an informed decision. Accordingly, the Harbor Department is not proceeding in a manner required by law and should not move forward with the Draft EIS/EIR until and unless the Project's potential to cause urban decay is analyzed fully.

## 2. Land Use Impacts are Potentially Significant and Unmitigated

The Draft EIS/EIR concludes that the Project would not result in any significant direct or indirect impacts related to land use. As set forth below, the Project potentially conflicts with the Port of Los Angeles Community Plan, adopted goals and policies of other specific plans, and could physically disrupt the San Pedro community.

### a. The Project Conflicts with the Port of Los Angeles Community Plan

The Port of Los Angeles Community Plan is part of the City of Los Angeles General Plan Land Use Element. Port of Los Angeles Community Plan Policy 18 requires that Port development projects be consistent with the Port of Los Angeles Community Plan. The Project has many inconsistencies with the Plan.

Two of the primary purposes of the Port of Los Angeles Community Plan are:

- To guide the development, betterment and change within the Port to meeting existing and anticipated needs and conditions.
- To reflect economic potentialities and limitations, land and water developments and other trends.

The Project is not consistent with these primary purposes. The proposed Project provides for 300,000 square feet of new restaurant and retail development at Ports O'Call. The Harbor Department commissioned ULI Study concludes that the appropriate size of the redeveloped Project is likely closer to 150,000 square feet than it is to the Harbor Department's proposed 300,000 square feet. The ULI Study evidences that the Project greatly exceeds the existing and anticipated needs for the Port. The impact of additional restaurant and retail could significantly oversaturate Ports O'Call and the local community.

The Project is inconsistent with Port of Los Angeles Community Plan Policy 5:

When a facility project involving a change in either land or water use is proposed for those areas in the Port which are adjacent or contiguous to residential, commercial or industrial areas in the surrounding communities, an analysis of the location, design effect and operation of the proposed facility shall be made to ensure the compatibility of such a Port facility with the provisions of the Risk Management Plan and with the existing and/or planned uses in adjacent areas.

Ports O'Call is adjacent to the San Pedro residential and commercial communities. While the Draft EIS/EIR claims that the Project is consistent with Policy 5 because the Project would be appropriate and all aspects of the Project have been subjected to community participation, the Draft EIS/EIR is devoid of any information, let alone analysis, of the proposed location, design, or operation of the promenade, 300,000 square feet of restaurant and retail uses, 75,000 square foot conference center, and parking proposed at Ports O'Call. Accordingly, it is impossible for the Harbor Department to ensure compatibility with the Risk Management Plan and with the existing or planned uses in the adjacent areas.

For those same reasons, the Project is inconsistent with Port of Los Angeles Community Plan Policy 7, which provides that “[d]ecisions to undertake individual and specific development projects shall be based on considerations of alternative locations and designs to minimize environmental impacts. The Draft EIS/EIR does not include the location, any alternative location, or any design details for the Ports O'Call redevelopment; accordingly, the decision makers cannot make a decision to minimize environmental impacts.

The Project also violates Port of Los Angeles Community Plan Objective 3, which requires the Harbor Department to coordinate the development at the Port of Los Angeles with the adjacent communities as set forth in the San Pedro Community Plan. (*See* Section.III.B.2.b below)

b. The Project Conflicts with the San Pedro Community Plan

The Project site is adjacent to and shares a common border with the San Pedro Community Plan area. The Draft EIS/EIR incorrectly concludes that it is consistent with the San Pedro Community Plan.

San Pedro Community Plan Goal 19 provides for coordination between the Port and the surrounding community in support of improved efficiency and operational capabilities of the Port, “while minimizing adverse environmental impacts to the neighboring communities from Port-related activities.” The Draft EIS/EIR claims that the Project is consistent with this goal because members of the community have been involved in the public CEQA process. However, as shown in this Section III, the Draft EIS/EIR does not sufficiently analyze the Project’s potential significant environmental impacts, including urban decay, which could have an adverse environmental impact on the San Pedro community.

San Pedro Community Plan Objective 19-1 recognizes that the Port is a “predominant influence on the economic well being” of the San Pedro community. However, as discussed in Section III.B.1 above, there is substantial evidence in the Harbor Department commissioned ULI Study to support the conclusion that the Project has the potential to cause urban decay and substantially disrupt in the San Pedro community.

Moreover, City Planning has commenced a San Pedro Community Plan update. Given that the Ports O’Call redevelopment will contain restaurant and retail uses that may have some impacts on the neighboring San Pedro community, any redevelopment of Ports O’Call should be deferred until completion of the San Pedro Community Plan Update and a complete urban decay analysis in the San Pedro Community Plan EIR.

### 3. The Draft EIS/EIR’s Environmental Justice Analysis is Deficient

The San Pedro and Wilmington communities are the “affected community” for the required environmental justice impacts of the proposed Project. Both communities have significant minority and low-income populations. The Draft EIS/EIR fails to adequately analyze the Project’s adverse impact on minority and low-income populations.

Executive Order 12898 and its implementing guidance require that Federal agencies must make achieving environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health or environmental effects of projects on minority and low-income populations. “Disproportionately high and adverse effect ” includes an adverse effect or impact that “will be suffered by a minority population and/or low income population and its appreciably more severe or greater in magnitude than the adverse effect or impact that will be suffered by a non-minority population and/or non-low-income population.” (EPA 2008). The California Government Code, Public Resources Code, South Coast Air Quality Management District, and City of Los Angeles General Plan have also adopted environmental justice policies.

The Project would cause disproportionately high adverse effects on the minority and low-income populations in the San Pedro and Wilmington communities. Currently, residents in the San Pedro and Wilmington communities enjoy unfettered access to the harbor, including free parking at Ports O’Call and other parking areas that provide access to waterfront amenities. Contrary to the Draft EIS/EIR’s contention that it will provide greater access to the harbor, the Project will convert free parking to paid parking. This element of the Project alone will have a significant impact on the minority and low-income population. Moreover, the complete demolition of Ports O’Call and its redevelopment by a master developer – who will expect a certain return on investment – is likely to result in higher rents and, therefore, higher prices. Therefore, the proposed redevelopment may preclude many people in the neighboring communities from accessing the waterfront at all or visiting the Ports O’Call restaurants, which many local families have traditionally enjoyed together for decades. Detailed analysis of this impact is required in a recirculated Draft EIS/EIR.

4. Potential Significant Impacts Associated with Remediation and Development of the Proposed San Pedro Park Site Have Not Been Adequately Analyzed Making the Park an Empty Promise to the Community

San Pedro Park is intended to be a focal point and gathering place near the waterfront. The proposed park would encompass 18 acres north of 22<sup>nd</sup> Street south of Crescent Avenue and be programmed as described in the Draft EIS/EIR Project Description:

San Pedro Park would be designed to foster waterfront gatherings, host special civic and cultural events, encourage recreation, and allow for children's play areas. The San Pedro Park would also be designed to include an informal amphitheater for harbor viewing and hosting waterfront events and concerts with lawn seating for approximately 3,000 people. The park would include botanical and culturally themed gardens, an overlook for harbor viewing, a sculpture garden, public art, water features, promenades, children's play areas, picnic areas, and an expansive lawn to host special events, including movies / theater / performances in the park.

This Park could be a substantial community benefit, however, there is no real certainty that it can be built. The use of the land is currently restricted because of environmental contamination. There is no specificity concerning the extent of required remediation at the property or potential future restrictions which might be placed on the use of the land. These uncertainties make it unclear as to whether the Park can be successfully developed.

The proposed San Pedro Park and its associated parking is proposed at a location that partially overlays the former GATX Annex Terminal, a reported contaminated site listed on the ERNS database for groundwater contamination and characterized as high risk site for the proposed Project and each Alternative. The Draft EIS/EIR describes the site-specific restrictions on the GATX site:

The formal site remediation agreement signed by Los Angeles Health District and DTSC expressly restricts the use of the former GATX site in Area E. DTSC has imposed a deed restriction prohibiting the following land uses: residential, park, hospital, school, or child day-care uses. Written approval by DTSC is required before any improvements to the site are made that require the complete removal of the 1-foot soil cap currently in place at the site. Finally, the agreement requires the approval of DTSC for the delisting of the site as a hazardous waste site and a removal of the land use restrictions. It describes the process and the data and information required to delist the site and remove the land use restrictions. (City of Los Angeles 1994).

Construction of San Pedro Park will undoubtedly require significant environmental remediation. Based on current land-use restrictions, a Park would be prohibited at the proposed location. The Draft EIS/EIR proposes Mitigation Measure GW-1 as the panacea for issues related to site contamination. This mitigation measure requires the Harbor Department to

complete site remediation within the Project boundaries prior to or during demolition and grading activities:

The GATX Annex Terminal Facility is subject to land-use restrictions imposed by the DTSC. Because of this, prior to implementing the previously listed mitigation measures, it will be necessary to negotiate with the DTSC conditions for remediation and construction at this property. The current proposed use of the GATX Annex Terminal Facility is a park. Currently, DTSC land-use restrictions exclude this use. If LAHD intends to redevelop this area as a park, it will be necessary to modify the land use restriction. If the land use restriction is to be modified, it will likely be necessary to follow DTSCs [sic] remedial investigation/feasibility study (RI/FS) or remedial action workplan (RAW) process under an environmental consultative oversight agreement will likely involve additional site characterizations including preparation of a health-based risk assessment, removal of contamination hot spots [sic], and, possibly, an extensive public comment process. If LAHD is planning the construction of buildings and structures on the site, the requirement will be more extensive.

Potential significant impacts which could arise from the remediation work itself need to be disclosed and analyzed by the Port since CEQA requires that potentially significant effects caused by mitigation measures must be discussed in an environmental document. (CEQA Guidelines, § 15126.4(a)(1)(D)) The Court of Appeal held in *Save Our Peninsula Committee v. Monterey County Bd. Of Supervisors* (2001) 87 Cal.App.4<sup>th</sup> 99, 130, that the discussion must come early enough in the planning process to allow for critical evaluation. Implementation of Mitigation Measure GW-1a could cause significant effects that have not been disclosed or analyzed. The Draft EIS/EIR fails to disclose or discuss how the remediation work would impact the environment since we do not know what the extent of the contamination is or what remedial work will be required. For example, how many trucks will be needed to haul away contaminated soil and what will be their impact on traffic during construction? We cannot answer these and other questions without having some information about the extent of the required remediation. Will there be noise impacts from the remediation? The Draft EIS/EIR's failure to discuss these potential impacts violates CEQA. Moreover, as discussed above, all of this uncertainty begs the questions as to whether the development of this park is even realistic.

5. Traffic and Parking Impacts During Construction are Not Adequately Analyzed

The Ports O'Call Restaurant and San Pedro Fish Market have already suffered from construction delays by the Port. The Harbor Department's 2008 street construction at the intersections of Harbor Boulevard and 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> Streets was planned during the busy summer season, created significant impediments for access to Ports O'Call, and is still not completed. While improvements are welcome, they must be carefully managed to avoid unnecessary disruption. This experience does not bode well for the impacts of construction through the Project. The Draft EIS/EIR does not even contain a traffic impact study for construction.

Demolition and construction associated with the Project would generate truck and other vehicular traffic including worker commutes, transport and staging of equipment, transport of construction materials to the Port, and hauling excavated and demolished materials from the site, all of which would result in significant construction-generated traffic impacts. However, the Draft EIS/EIR does not adequately analyze the potential impacts from construction-generated traffic. The *Traffic Study for the San Pedro Waterfront Project Environmental Impact Statement/Environmental Impact Report*, May 2008, does not contain a construction period impact analysis. The Draft EIS/EIR does not provide the estimated number of construction workers, the expected peak trucks per day, where construction workers will park, and how much parking will be displaced by construction activities. How will all of this traffic affect the existing businesses in Ports O'Call or the ability of persons to patronize the waterfront? Even though the Draft EIS/EIR states that the impact is significant, the decision makers and public cannot evaluate the adequacy of the proposed traffic mitigation without adequate analysis of the actual impacts themselves. In addition, the failure to quantify the traffic impacts during construction affects other areas in the Draft EIS/EIR, including air quality and noise impacts during construction.

6. Marine Navigation Impacts During Construction are Not Adequately Analyzed

Project construction involves dredging, waterside demolition, and waterside construction that would require the use of barges and other boats to transport and stage construction equipment, transport construction materials to the site, and haul dredged and demolished material away from the site. This includes waterside construction in the vicinity of Ports O'Call. The Draft EIS/EIR states that construction activities would generate marine traffic consisting of approximately 180 vessels, with each proposed Project element consisting of 23 to 35 vessels.<sup>2</sup> Waterside construction activities for various elements of the proposed Project would overlap. It is conceivable that all 180 vessels could be working at the same time given the overlapping schedules. However, the Draft EIS/EIR does not analyze the potential impacts which this overlapping construction with its 180 vessels could have on designated vessel traffic lanes and/or whether the construction vessels could impair the level of safety for vessels navigating in the Port. We are not told how large these vessels will be or what their hours of operation will be. The Draft EIS/EIR simply dismisses any potential impacts by positing that all such vessels will be required to comply with navigation regulations. That is not adequate reasoned analysis under CEQA.

7. Public Services Impacts are Potentially Significant and Unmitigated

The Project could significantly impact fire protection and police services at the Port and adjacent San Pedro community. The Project would add significant pedestrian amenities, expand restaurant, retail, and other visitor-serving commercial development, parking, and create space for new, 1,250 foot long super cruise ships. Cruise operations alone would significantly increase the number of people utilizing the Port. In 2006, there were 258 annual cruise ship calls at the

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<sup>2</sup> Draft EIS/EIR, 3.12-16 – 3.12-19.

Port; the Project anticipates an increase to 275 in 2015 and 287 at the maximum demand year 2037. The annual cruise passengers will increase from 1,150,548 in 2006 to 1,440,946 and 2,257,335 in 2015 and 2037, respectively. The maximum daily passenger throughput more than doubles from 2006 to 2037: the 2006 maximum daily passenger throughput was 24,540; maximum daily passenger throughput is projected at 20,959 in 2015 and 31,472 in 2037. There are similar increases in daily cars parking and dropping off, taxis, and buses.

a. Police Services Impacts are Potentially Significant and Unmitigated

The Draft EIS/EIR claims that there will be no impact to the Los Angeles Police Department, Port Police, or United States Coast Guard because Port Police do not base staff levels on the amount of proposed development, but based on the current Homeland Security Data, and because the Port Police, LAPD, and USCG could adequately respond. There is no analysis to support this conclusion. How does the Homeland Security Data determine staffing levels? Are there property facilities to support a likely increase in staffing?

b. Fire Protection Services Impacts are Potentially Significant and Unmitigated

The Project will significantly intensify the number of uses at and users of the Port. The Draft EIS/EIR also contends, without analysis, that there will be no impact to the Los Angeles Fire Department because the Harbor Department and Fire Department discussed the Project and decided that no additions would be necessary. The Draft EIS/EIR fails to analyze any impacts to the fireboats that provide fire protection services to the Port. Are the fireboats adequate to provide fire protection services to the new, super cruise ships? Are there sufficient numbers of fire trucks and fireboats to deal with multiple cruise ships berthing at different locations at the Port? What about at the redeveloped Ports O'Call? With the significant increase in the number of people and development, there may be potentially significant impacts, which should be analyzed in the Draft EIS/EIR.

8. Geology Impacts Are Significant and Unmitigated

The Draft EIS/EIR states that construction and operation of the proposed Project or any suggested Alternative design would result in substantial damage to structures or infrastructure, or expose people to substantial risk of injury from fault rupture, seismic ground shaking, liquefaction, or other seismically induced ground failure. The Draft EIS/EIR concludes that no mitigation measures are available that would reduce impacts below significance. As the impacts are expected to be considerable, CEQA requires the agency to analyze potential mitigation measures in the Draft EIS/EIR to off-set the anticipated significant impact. Alternatively, the Draft EIS/EIR must be amended to disclose what measures were considered and why they were rejected as infeasible.

9. Noise Impacts Are Significant and Unmitigated

The proposed Project and all suggested Alternative designs would cause noise from motor vehicle traffic to increase by 3 A-weighted sound levels to fall within the "normally unacceptable" or "clearly unacceptable" category for the street segment on Miner Street south of 22<sup>nd</sup> Street. The Draft EIS/EIR concludes that no mitigation measures are available that would reduce noise levels to a less-than-significant level. As the impacts are expected to be considerable, CEQA requires the agency to analyze potential mitigation measures in the Draft EIS/EIR to off-set the anticipated significant impact. Alternatively, the Draft EIS/EIR must be amended to disclose what measures were considered and why they were rejected as infeasible.

10. Ground Transportation Impacts Are Significant and Unmitigated

The Draft EIS/EIR states that operation of the proposed Project or Alternative 2 would increase traffic volumes and degrade level of service on neighborhood streets within the proposed project vicinity to exceed CEQA thresholds, specifically on West 17<sup>th</sup> Street between Centre and Palos Verdes. The Draft EIS/EIR concludes that no feasible mitigation measures exist that would fully eliminate the addition of significant or adverse traffic volumes to this segment of 17<sup>th</sup> Street. Additionally the Draft EIS/EIR fails to mention what mitigation measures were considered and why they were rejected as unfeasible. As the impacts are expected to be considerable, CEQA at minimum requires the agency to disclose what measures were considered and why they were rejected as unavailable. The Draft EIS/EIR must be amended to disclose these details.

**IV. THE DRAFT EIS/EIR FAILS TO PRESENT ADEQUATE, ENFORCEABLE MITIGATION MEASURES TO REDUCE THE PROJECTS SIGNIFICANT IMPACTS**

A mitigation measure is an action, activity, or program designed to minimize a significant environmental impact. (CEQA, §§ 21002.1(a), 21100(b)(3)) Significant impacts can be "mitigated" by: (1) avoiding an impact by not taking a certain action; (2) minimizing an impact by limiting the magnitude of a proposed action; (3) rectifying an impact through repair, restoration, or the like; (4) reducing an impact over time via preservation or maintenance; or (5) compensating for the impact by providing substitute resources or environments. (CEQA Guidelines, § 15370)

While agencies are given latitude on the form that mitigation measures may take, CEQA and the courts are clear that agencies must avoid vague and incomplete measures. Additionally, mitigation measures must not be remote or speculative. Thus, where mitigation measures are so undefined that it is impossible to gauge their effectiveness, a court should find the EIR inadequate. Mitigation measures that "defer" the mitigation are also improper and serve as grounds for invalidating EIRs. Mitigation is said to be "deferred" when it calls for a plan to be devised based on future studies and does not describe the nature of the actions expected to be incorporated in the plan.



Here, in addition to the inadequacy of mitigation measures associated with the redevelopment of Ports O'Call and the proposed San Pedro Park, the Draft EIS/EIR contains a multitude of mitigation measures that fail to meet the bar set by CEQA. Several are highlighted below. Some of the proposed mitigation measures fail for lack of specificity and many others fail because they improperly defer mitigation to a later date. Since the Draft EIS/EIR fails to provide adequate, enforceable mitigation measures, the Harbor Department cannot certify the Draft EIS/EIR as presented.

**A. The Draft EIS/EIR Contains Inadequate, Unenforceable Mitigation Measures That Fail For Lack Of Specificity**

1. The Mitigation Measure Concerning Harbor Craft Engine Standards Lacks the Requisite Specificity

Mitigation Measure AQ-1 (MM AQ-1) requires all harbor craft used during the Project's construction phase to be repowered to meet cleanest existing marine engine emission standards, or EPA Tier 2. Additionally, the harbor craft shall meet the higher EPA Tier 3 standards where available. MM AQ-1 fails for lack of specificity. It does not define criteria by which to judge whether the harbor craft can meet the higher EPA Tier standards. It is so vague and incomplete that it is impossible to gauge its effectiveness. Therefore, the Draft EIS/EIR is inadequate.

2. The Mitigation Measure Concerning Fleet Modernization for Construction Equipment Lacks the Requisite Specificity

Mitigation Measure AQ-4 (MM AQ-4) requires the Harbor Department to utilize construction equipment that incorporates, where feasible, emissions savings technology such as hybrid drives and specific fuel economy standards. MM AQ-4 fails for lack of specificity. It is so vague and incomplete that it is impossible to gauge its effectiveness. It does not define what is considered "feasible" nor does it require implementation of any emissions savings technology at all. The measure sets forth no standards by which to judge it. The measure allows for, but does not mandate, the Harbor Department to implement the mitigation plan, and therefore the Draft EIS/EIR is inadequate.

3. The Mitigation Measure Concerning Low-Sulfur Fuel Lacks the Requisite Specificity

Mitigation Measure AQ-10 (MM AQ-10) requires all ships calling at both the Inner and Outer Harbor Cruise Terminals to use low-sulfur fuel in their engines and boilers within 40 nautical miles of Point Fermin beginning on the first day of operation. Ships with mono-tank systems prohibiting low-sulfur fuel would be exempt from this requirement. The tenant will notify the Port of the presence of such exempted ships and should make every effort to retrofit said ships within one year. MM AQ-4 fails for lack of specificity. It does not define what "every effort" entails and fails to set forth standards by which to judge the measure's effectiveness. It does not commit the Harbor Department to a realistic performance standard or criterion that will ensure the mitigation of the significant effect. Therefore, the mitigation measure is inadequate.

4. The Mitigation Measure Concerning New Vessel Construction Lacks the Requisite Specificity

Mitigation Measure AQ-12 (MM AQ-12) requires a vessel purchaser to confer with the ship designer and engine manufacturer to determine the feasibility of incorporating emission reduction technology when ordering ships bound for the Port of Los Angeles. MM AQ-12 fails for lack of specificity. It does not define what is considered “feasible” and so there is no standard by which to judge it. It is so vague and incomplete that it is impossible to gauge its effectiveness, and it is unclear whether this mitigation measure will effectively reduce pollutant emissions and GHG emission. Therefore, the mitigation measure is inadequate.

5. The Mitigation Measure Concerning Clean Terminal Equipment Lacks the Requisite Specificity

Mitigation Measure AQ-13 (MM AQ-13) requires that all terminal equipment used at the Port be electric, where available. MM AQ-13 fails for lack of specificity. It is so vague and incomplete that it is impossible to gauge its effectiveness. It does not define standards by which to judge whether implementing electric equipment would be “available”. It does not commit the Harbor Department to a realistic performance standard or criterion that will ensure the mitigation of the significant effect, and leaves the measure’s implementation to the Harbor Department’s discretion. Therefore, the Draft EIS/EIR is inadequate.

6. The Mitigation Measure Concerning Reduction of Truck Idling Lacks the Requisite Specificity

Mitigation Measure AQ-16 (MM AQ-16) requires the cruise terminal building operator to ensure that heavy-duty truck idling is reduced at both the Inner and Outer Harbor Cruise Terminals. Suggested methods to reduce idling include, but are not limited to, maximizing time when gates are left open and designing a gate to exceed truck-flow capacity to ensure queuing is minimized. MM AQ-16 fails for lack of specificity. It is so vague and incomplete that it is impossible to gauge its effectiveness. It does not commit the Harbor Department to a realistic performance standard or criterion that will ensure the mitigation of the significant effect.

7. The Mitigation Measure Concerning Reduction of Tugboat Idling Lacks the Requisite Specificity

Mitigation Measure AQ-19 (MM AQ-19) requires tug companies to ensure that tug idling is reduced at the cruise terminal building. MM AQ-19 fails for lack of specificity. It is so vague and incomplete that it is impossible to gauge its effectiveness. Additionally, it does not commit the Harbor Department or the tug companies to a realistic performance standard or criterion that will ensure the mitigation of the significant effect. It is impossible to enforce this mitigation measure to any ascertainable degree, nor possible to ensure its effectiveness at reducing impact to air quality.

8. The Mitigation Measure Concerning Reduction of Catalina Ferry Idling Lacks the Requisite Specificity

Mitigation Measure AQ-20 (MM AQ-20) requires the Catalina ferry to ensure that ferry idling is reduced at the cruise terminal building. MM AQ-20 fails for lack of specificity. It is so vague and incomplete that it is impossible to gauge its effectiveness. It does not contain a performance standard or criterion that will ensure the mitigation. It is impossible to enforce the mitigation measure to any ascertainable degree, and it is unclear whether it will reduce any impact upon air quality due to its ambiguity.

9. The Mitigation Measure Concerning Port Tenant Energy Audits Lacks the Requisite Specificity

Mitigation Measure AQ-28 (MM AQ-28) requires Port tenants to conduct third-party energy audits every five years and install power-saving technology, where feasible. MM AQ-28 fails for lack of specificity. The mitigation measure does not define what is considered "feasible" and so there is no standard by which to judge it. It is so vague and incomplete that it is impossible to gauge its effectiveness. It is impossible to enforce this mitigation measure to any ascertainable degree.

10. The Mitigation Measure Concerning Tree Planting Lacks the Requisite Specificity

Mitigation Measure AQ-30 (MM AQ-30) requires the Harbor Department to plant shade trees around the cruise terminal building, purportedly to act as insulators from weather and thereby decrease energy requirements. MM AQ-30 fails for lack of specificity. It is so vague and incomplete that it is impossible to gauge its effectiveness. It does not commit the Harbor Department to a realistic performance standard or criterion that will ensure the mitigation of the significant effect. It is not clear whether this mitigation measure will actually reduce energy requirements due to its ambiguity.

11. The Mitigation Measure Concerning Noise Generated From Equipment Operation Lacks the Requisite Specificity

Mitigation Measure NOI-1 (MM NOI-1) requires the Harbor Department to construct temporary noise barriers and use quiet construction equipment. The Harbor Department must select quiet construction equipment whenever possible and comply with noise limits established in the City of Los Angeles Noise Ordinance, where feasible. MM NOI-1 fails for lack of specificity. It is so vague and incomplete that it is impossible to gauge its effectiveness. It does not define what is considered "feasible" or "possible", so there is no standard by which to judge its effectiveness in reducing noise levels. It does not require the Harbor Department's compliance with a realistic performance standard or criterion that will ensure the mitigation of the significant effect. Furthermore, it is unclear whether it will in fact reduce the significant noise impacts due to the measure's ambiguity.

12. The Mitigation Measure Concerning Maintenance of Parking During Construction Lacks the Requisite Specificity

Mitigation Measure REC-3 (MM REC-3) states that the Harbor Department and construction contractors will minimize parking obstructions during construction periods by placing construction areas out of roadways and parking lots, where possible. MM REC-3 fails for lack of specificity. It does not commit the Harbor Department to a realistic performance standard or criterion that will ensure the mitigation of the significant effect. It is unclear whether impacts to parking obstructions and traffic congestion will be reduced due to the measure's ambiguity.

13. The Mitigation Measure Concerning Maintenance of Vehicle Access During Construction Lacks the Requisite Specificity

Mitigation Measure REC-4 (MM REC-4) directs the Harbor Department and construction contractors to minimize obstructions to vehicle access during construction periods by placing construction areas out of roadways and parking lots, where possible. MM REC-4 fails for lack of specificity. It does not give an estimated standard of criterion by which to judge the measure's effectiveness at minimizing obstructions. It also does not hold the Harbor Department to a realistic performance standard to ensure mitigation of the significant effect, and allows Harbor Department to determine independently the feasibility of implementing the plan.

14. The Mitigation Measure Concerning Use of Materials With Recycled Content Lacks the Requisite Specificity

Mitigation Measure PS-3 (MM PS-3) requires materials with recycled content to be used in Project construction. The measure also requires utilizing wood chippers registered through the California Air Resources Board's Portable Equipment Registration Program on site during construction, and using wood from tree removal rather than from demolished structures to further reduce excess wood for landscaping cover. MM PS-3 fails for lack of specificity. It does not set forth an ascertainable standard by which excess wood usage would be reduced. It is unclear whether the impact would be reduced due to the vagueness of the measure. The Harbor Department is not held to a realistic performance standard or criterion that will ensure the mitigation of the impact.

15. The Mitigation Measure Concerning Use of Energy Conservation Measures Lacks the Requisite Specificity

Mitigation Measure PS-6 (MM PS-6) requires the Harbor Department and its tenants to incorporate measures to meet, or if possible, exceed minimum efficiency standards for Title XXIV of the California Code of Regulations. MM PS-6 fails for lack of specificity. Every building project within California is required to meet the criteria of Title XXIV. The mitigation measure does not commit the Harbor Department to a performance standard beyond that which is required within the state of California; therefore it is not certain to ensure the mitigation of a significant effect. It is so vague and incomplete that it is impossible to gauge its effectiveness.

**B. The Draft EIS/EIR Contains Inadequate, Unenforceable Mitigation Measures That Fail Because They Improperly Defer Mitigation**

1. The Mitigation Measure Concerning the Harbor Department's Landscaping Plan Improperly Defers Mitigation

Mitigation Measure AES-1 (MM AES-1) requires the Harbor Department to consult a professional landscape architect or similar landscaping expert to evaluate the visual and historic significance of mature landscaping before construction begins. The professional will identify significant trees, and incorporate their relocation and replacement into landscape plans. The landscaping planting will be developed in conformity with design guidelines for the San Pedro community and the Port of Los Angeles. MM AES-1 fails because it improperly defers mitigation to a later date. It calls for a landscaping plan to be devised and does not describe the selection or location of the trees expected to be incorporated in the plan. The time to evaluate the visual and historic significance of the landscaping is now and not at a later date. The mitigation measure does not commit the Harbor Department to a realistic performance standard or criterion that will ensure the mitigation of the significant effect.

2. The Mitigation Measure Concerning Design Alternatives to Minimize Visual Aesthetic Impacts Improperly Defers Mitigation

Mitigation Measure AES-2 (MM AES-2) requires the Harbor Department to develop design alternatives to minimize impacts on views to the Vincent Thomas Bridge from Harbor Boulevard. It calls for development of alternatives that explore siting, setbacks, stepped construction, among other architectural detailing. A review committee will evaluate the alternatives and choose the final design based on its ability to best preserve sight lines and visually integrate with the aesthetic character of the waterfront area. MM AES-2 fails because it improperly defers mitigation to a later date. It calls for design alternatives to be developed as part of the design process, but does not describe the specific thresholds and standards to be used. It allows for but does not mandate the Harbor Department's commitment to a realistic performance standard or criterion that will ensure the mitigation of the significant effect.

3. The Mitigation Measure Concerning a Treatment Plan and Archaeological Testing for Mexican Hollywood Improperly Defers Mitigation

Mitigation Measure CR-1 (MM CR-1) requires the Harbor Department to generate a treatment plan and conduct archaeological testing for historic deposits associated with Mexican Hollywood prior to construction. The testing plan would describe the evaluation methods a qualified archaeologist would use to determine whether new historic archaeological finds associated with Mexican Hollywood are eligible for inclusion in the California Register. If the methods reveal that the newly identified deposits do not necessitate inclusion in the California Register, no further mitigation would be required. MM CR-1 fails because it improperly defers mitigation to a later date. The time to craft and evaluate the archaeological impact is now and not at a later date. It calls for evaluation methods to be devised but does not describe the specific steps that will ensure mitigation of the significant effect to cultural resources. The mitigation

measure does not commit the Harbor Department to a realistic performance standard or criterion by which it can be judged.

4. The Mitigation Measure Concerning a Harbor Department Emergency Response Plan Improperly Defers Mitigation

Mitigation Measure GEO-1 (MM GEO-1) requires the tenants within the Project area to work with Port engineers and Harbor Department police to develop tsunami response training and procedures to assure that construction and operations personnel will be prepared to act in the event of a large seismic event. Such procedures shall be included in any bid specifications for construction or operations personnel, and a copy shall be given to the Harbor Department prior to the beginning of construction. MM GEO-1 fails because it improperly defers mitigation to a later date. It calls for an emergency response plan to be devised at some undetermined time in the future and does not address the specific measures that will be incorporated into the plan to reduce the significant geological impacts. The mitigation measure does not commit the Harbor Department to a realistic performance standard or criterion that will ensure the mitigation of significant damage to structures or infrastructure, or prevent substantial risk to individuals. The time to develop such a plan is now as it must be in place prior to commencement of construction.

5. The Mitigation Measure Concerning Removal of a Navy Fuel Surge Line Improperly Defers Mitigation

Mitigation Measure GW-1c (MM GW-1c) requires submission of a work plan to the California State Fire Marshall (CSFM) prior to abandonment and removal of the Navy fuel surge line. It also requires testing of the line prior to abandonment or excavation of the North Harbor to determine whether any contamination exists. If contamination is found, the mitigation measure requires appropriate remedial or removal action to take place prior to or in conjunction with the Project's construction. MM GW-1 fails because it improperly defers mitigation to a later date. It calls for an abandonment and removal plan to be devised based on future contamination testing and studies. No such plan has yet been developed, nor has one been disclosed to the public or decision makers. The mitigation measure does not commit the Harbor Department to a realistic performance standard or criterion that will ensure the mitigation of the significant environmental impacts due to toxic substances or other contaminants associated with historical uses of the Port.

**V. THE HARBOR DEPARTMENT'S COMMENT PERIOD WAS INADEQUATE UNDER CEQA**

While the CEQA Guidelines generally limit the public review period for a draft EIR to 60 days, CEQA allows for longer review periods under "unusual circumstances." (CEQA Guidelines, § 15005(a)) The Harbor Department and Corps have already acknowledged that "unusual circumstances" are presented, given that the comment period was over 60 days. As previously indicated in our November 28, 2008, letter to the Harbor Department, the Project presents unusual circumstances, thus an extended review period to permit the public to analyze and comment on the Draft EIS/EIR is warranted and necessary.

**LATHAM & WATKINS** LLP

First, the sheer volume of the Draft EIS/EIR—the document is thousands of pages—constitutes an unusual circumstance that justifies extending the public review period. Thousands of pages of highly technical documents plus appendices require more time to analyze and comment on.

Second, for the reasons set forth in this letter, the Draft EIS/EIR has failed to identify or address potentially significant environmental impacts, and those that are discussed are not done so with enough specificity to permit the public or the decision makers to understand the full force and impact of the Project. The proposed Project has a 2015 buildout year, but a 2037 horizon, and has important ramifications for the Port of Los Angeles, the adjoining San Pedro neighborhood, and greater Los Angeles. The importance necessitates that the Draft EIS/EIR is done right. Unusual circumstances exist to provide additional time for further comments.

## **VI. CONCLUSION**

The Draft EIS/EIR does not satisfy CEQA's strict requirements. It contains an inadequate Project Description and fails to identify and mitigate many of the Project's potential significant impacts. In order to remedy these failings, the Harbor Department and Corps must revise and the Draft EIS/EIR and add the significant new information addressed in this letter.

Under CEQA, where significant new information is added to an EIR after public review, but before certification, the EIR must be recirculated. The only way for the Harbor Department and Corps to cure the Draft EIS/EIR's failings will be to add significant new information to the document. Therefore, once this step is complete, and before the Harbor Department takes any further action on the Project, the Draft EIS/EIR must be recirculated to give the public the opportunity to review the document that seeks to significantly redevelop the Port of Los Angeles impacting Port tenants, the San Pedro community, and great Los Angeles.

LATHAM & WATKINS LLP

We appreciate your attention to this matter.

Sincerely,



Peter J. Gutierrez  
of LATHAM & WATKINS LLP

cc: Los Angeles Board of Harbor Commissioners  
Councilwoman Janice Hahn, Council District 15  
Bud Ovrom, Deputy Mayor  
Kathryn McDermott, Port of Los Angeles  
Connie Pallini-Tipton, Los Angeles City Planning Department  
Theresa Stamus, City Attorney's Office  
Thomas Russell, City Attorney's Office  
San Pedro Waterfront, LLC  
San Pedro Fish Market, LLC  
Lucinda Starrett, Esq., Latham & Watkins  
Beth P. Gordie, Esq., Latham & Watkins



EXHIBIT A

Antonio R. Villaraigosa, Mayor  
City of Los Angeles

Board of Harbor  
Commissioners

S. David Freeman  
President

Jerilyn López Mendoza  
Vice President

Kaylynn L. Kim

Douglas P. Krause

Joseph R. Radtsich

Geraldine Knatz, Ph.D.  
Executive Director

May 8, 2008

Robert W. Nizich  
Café International  
839 S Beacon St., Suite # 332  
San Pedro, CA 90731

Dear Mr. Nizich:

Enclosed is the draft Ports O' Call Technical Assistance Panel (TAP) report from the Urban Land Institute (ULI). Please provide any comments to me no later than Friday, May 23, 2008. I will compile the comments and forward to the ULI for inclusion in the final report.

Please call me at (310) 732-3850 if you have any questions.



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Sincerely,

A handwritten signature in black ink, appearing to read "D. Mathewson".

DAVID L. MATHEWSON

Director of Planning & Research

**ULI-LA Technical Assistance Panel (TAP)  
Ports O' Call Village  
San Pedro, CA**

## **INTRODUCTION**

### **Project History**

San Pedro was once home to a massive shipbuilding industry, a large commercial fishing fleet, and a working cannery row, historical elements which still infuse the community with its unique character and personality. Today, San Pedro is home to the busiest cargo port in the nation, handling over 190 million metric tons of cargo every year. Though the massive increase of global trade into Southern California brought great expansion and prominence to the Port of Los Angeles, the working-class community of San Pedro did not share in this growth. At the turn of the 21<sup>st</sup> century, downtown San Pedro was blighted and stagnant, home predominantly to low-income housing, half-occupied office buildings, and numerous vacant storefronts. In 2002, community stakeholders, including the CRA, the Port of Los Angeles, and the San Pedro Peninsula Chamber of Commerce, commissioned a ULI Advisory Services Panel to advise them on moving past the maze of endless planning and inaction into which they had fallen.

San Pedro has witnessed substantive changes since the ULI Advisory Services Panel provided recommendations for integrating the disconnected, and sometimes divergent, plans that had been laid for the revitalization of the central business district and the waterfront by the CRA and the Port of Los Angeles. Whether the result of sound advice provided by the ULI panel, the commitment of numerous stakeholders to work intently and collaboratively toward a unified development plan, or the uplift provided by a strong regional housing market and economy, these changes have primarily taken two forms.

### **Resurgence of Downtown San Pedro**

The first change has been the development of several high-quality residential and mixed-use projects in downtown San Pedro, currently in various stages of occupancy, construction, or planning. In total, these new projects will add over 1,400 much-needed residential units to downtown San Pedro. These new downtown residential units have already contributed to the widely-held goals of increased vibrancy, the introduction of moderate and high-income residents into downtown, and heightened demand for neighborhood-serving retail uses. Emblematic of the change currently underway in downtown San Pedro is a development named Vue, a 16-story luxury high-rise condominium project offering harbor views and high-end amenities. Penthouse units at Vue approach \$1,600,000, and the developer has pre-sold eighty percent of the units with eight months of construction remaining.

### **Waterfront Redevelopment Project**

The second important change has been earnest master planning work undertaken by the Port of Los Angeles toward the redevelopment of 400 acres of property along the eight-mile stretch of waterfront from the Vincent Thomas Bridge to the Federal Breakwater at Cabrillo Beach, designed to remove industrial uses from the western portion of the Main Channel, bring the San Pedro community closer to the waterfront, develop greater linkages to downtown San Pedro, and make Los Angeles a world-class waterfront city. The waterfront redevelopment project is a component of over \$1 billion of planned improvements at the Port, for which the Port is currently awaiting EIR/EIS certification. Out of \$1 billion of proposed improvements, the Port has allocated \$300 million towards waterfront redevelopment. Illustrating the seriousness of its intent, the Port has already completed several components of its waterfront development project, including the Cabrillo Marina and Cruise Ship promenades. In addition to dramatically changing the appearance of the waterfront, the Port is also aiming to catalyze future waterfront-adjacent development by providing much-needed infrastructure, such as a planned parking structure located at 22<sup>nd</sup> street.

The Port envisions the redeveloped waterfront as a "window on the water" that offers visitors the opportunity to witness the Port in action while they enjoy myriad recreational, restaurant, and retail amenities. Among its numerous elements, the Port's plan calls for a threefold increase in the amount of open space and a substantial increase in the amount of green space available at the waterfront.

Despite the success of downtown's resurgence, the multi-faceted task of reconnecting downtown San Pedro to the waterfront still remains a work in progress. Importantly, several components of the Port's waterfront redevelopment project directly address this goal. Among these elements are the construction of 8.7 miles of continuous promenades and public walkways from the Vincent Thomas Bridge to the Federal Breakwater at Cabrillo Beach, waterfront access provided at 1<sup>st</sup>, 3<sup>rd</sup>, 7<sup>th</sup> and 13<sup>th</sup> Streets, the 7<sup>th</sup> Street Pier, three downtown-adjacent harbors, a new town square at 6<sup>th</sup> street, and improved access and circulation provided by the planned extension of the Red Car Line.

The Port has been working with CRA to integrate the work the CRA has undertaken with the Los Angeles Planning Department on downtown San Pedro with the Port's waterfront redevelopment project.

### **Ports O' Call Village**

Another important element of the Port's waterfront redevelopment plan is the redevelopment of Ports O' Call Village, a 150,000 square foot commercial development located along the Main Channel of the harbor. Built in 1963, Ports O' Call Village is designed in the style of a New England fishing village and consists of numerous small buildings, built on the water's edge, that are connected by pedestrian walkways. The property is situated on 30 acres of Port-controlled land, houses various retail, restaurant, and maritime uses, and contains 1800 surface parking spaces. The siting of the buildings along the water's edge largely prevents public access to the waterfront and is a primary driver of the Port's desire to redevelop the property.

Though Ports O' Call was once a successful retail and restaurant destination, today it suffers from both functional and economic obsolescence. The property currently houses 30 tenants, though only a handful are genuinely successful. Rental rates at the property are below market rates, and the property suffers from extensive deferred maintenance. Furthermore, in addition to the aforementioned disconnection from downtown San Pedro, Ports O' Call suffers from poor access and inadequate parking capacity during peak hours.

Port's O' Call Village is operated primarily by two private firms that hold ground leases, with differing expiration schedules, on a majority of the buildings at the property. The ground lease for the southern end of the site expires shortly, while the ground lease for the northern portion of the site expires in approximately six years.

### **ULI TAP**

The Port of Los Angeles has engaged the Los Angeles District Council of the Urban Land Institute to organize a Technical Assistance Panel (TAP) to advise the Port on its plans to redevelop Ports O' Call Village. The Port plans to redevelop Ports O' Call with 300,000 square feet of visitor-serving retail uses, a 3-acre park, and possibly, a 75,000 square foot conference center. The Port plans to retain a small number of the existing tenants at the property and to pursue a tenant mix that maximizes synergies with existing and future retail amenities available in downtown San Pedro. As a focal point of its redevelopment of Ports O' Call, the Port envisions extending its proposed 8.7 mile promenade through Ports O' Call along the Main Channel, thereby creating a continuous waterfront promenade that originates from the Vincent Thomas Bridge and extends through to the Breakwater at Cabrillo Beach.

Specifically, the Port has requested the ULI TAP to offer strategies for maximizing the success of soliciting, selecting, and working with a private development firm to undertake the redevelopment of Ports O' Call Village through a formal Request for Proposals (RFP) process. Furthermore, the Port has asked the ULI panel to determine the feasibility of various uses at the site, the optimal role of the development

partner, a phasing strategy for construction given the staggered leaseholds on the land, and the optimal operational structure for the property once the property has been redeveloped.

## **Summary of Recommendations**

The panel's vision for Ports O' Call is to create a regional visitor destination that builds on the maritime history of San Pedro and features a regional fish market, unique destination restaurants, and other waterfront- and Port-related public attractions. This destination would offer the pedestrian a walkable connection to downtown San Pedro, and would offer motorists plentiful parking and easy access into Ports O' Call.

The Port should embrace the assets Ports O' Call possesses and should be mindful of the project's constraints. Project assets include the visual spectacle of a working port, a thriving fish market, several successful destination restaurants, and a rich maritime history. Project constraints include the site's disconnection from downtown San Pedro, a restriction on residential development, limited parking capacity, and the Port's lack of retail development expertise.

Based on its estimation of the demand for restaurant and ancillary retail uses at Ports O' Call, the panel believes that the appropriate size of the redeveloped project is likely closer to 150,000 square feet than it is to the Port's proposed 300,000 square feet. The panel believes that viable uses at Ports O' Call include restaurants, ancillary retail, a promenade, family-oriented activities, charter boats, and green open space.

The panel does not recommend the pursuit of large-format national retailers for Ports O' Call due to inadequate market demand in the markets surrounding the property.

The panel has identified four distinct development approaches—each with own unique set of advantages and disadvantages—through which the Port can achieve the redevelopment. The panel recommends that the Port work with a professional development firm, either as a fee consultant who will deliver the project back to the Port when construction is completed, or as a ground lessee who finances, leases, builds, and operates the property when it is completed. The panel believes that retail development expertise is a crucial component to the success of this project and that the Port should not attempt to undertake this process on its own.

The Port will likely need to make certain infrastructure investments in Ports O' Call in order to improve access into the property, increase the availability of parking, and ensure the presence and quality of community-serving components at the property. These infrastructure investments include a Harbor Boulevard crosswalk, parking structures, viewing platforms, a promenade, open green space, and outdoor performance space.

The panel believes that a significantly expanded fish market, oriented on the site as a central element of the property and housed in a distinctive and expansive structure, would serve as an excellent centerpiece for Ports O' Call. Additionally, certain successful existing restaurants should be allowed to remain in their existing structures so they can maintain their intimacy with the waterfront.

The panel recommends that the Port embark on an RFQ/RFP process that utilizes feedback from the development community early in the process to shape the project vision. The panel has detailed a procurement process for the Port that favors maximum project quality over maximum land value.

## MARKET POTENTIAL

### Vision and Goals

The panel shares in the Port's belief that Ports O' Call holds tremendous potential. Aptly described by a Port representative as "a jewel that needs to be cut and set to be something important," Ports O' Call represents one of the last remaining waterfront development opportunities available in the City of Los Angeles. The San Pedro waterfront, with its constant activity of cruise ships, cargo carriers, tug boats, and fishing vessels, is a natural attraction. Additionally, while the maritime activities at the Port offer unique visuals and an authenticity and scale of experience that is likely unmatched anywhere in Los Angeles, they also represent an aspect of Los Angeles that deserves to be appropriately featured and celebrated. The Port embodies Los Angeles' history—one that includes transporting the lumber used to erect Los Angeles in the early 1900's and building warships during WWII—and serves today as the city's primary economic engine. This sense of combined past and present vitality should be embodied in a redeveloped Port O' Call that celebrates the Port, as well as the community of San Pedro, in a spirit that reflects their role in Los Angeles' history and their contribution to its prosperity.

Specifically, the panel's vision for Ports O' Call is to create a regional visitor destination that builds on the maritime history of San Pedro and features a regional fish market, unique destination restaurants, and other Port- and waterfront-related public attractions. This destination would offer the pedestrian a walkable connection to downtown San Pedro, and would offer motorists plentiful parking and easy access into Ports O' Call.

Based on briefing materials provided to the panel and the testimony of numerous stakeholder groups, the panel has identified the following seven goals for the redevelopment of Ports O' Call Village.

→ Increase public access to the waterfront.

A widely-held goal of the numerous stakeholder groups interested in the redevelopment of Ports O' Call, increased public access to the waterfront will offer community members and visitors intimate proximity to the water's edge, allowing them to enjoy retail, restaurant, and recreational amenities while partaking in the unique visual and experiential offerings of a bustling port.

Enabling the community of San Pedro to better access its waterfront is an important goal. Though Port's of Call is a destination with regional appeal, local support will also be crucial to its success.

→ Promote safe and clean environment.

The perception exists within the community of San Pedro that downtown San Pedro and the waterfront are unsafe. To succeed, Ports O' Call must earn the reputation of a destination that is safe for families at various hours throughout the week. Furthermore, Port's of Call must be maintained with the care and attention that competing destinations, such as the Del Amo Fashion Center and the Grove, receive from their owners.

→ Encourage community vitality.

The centerpiece of the Port's waterfront redevelopment project, a redeveloped Port O' Call Village will serve as a town center of sorts, drawing the San Pedro community together to enjoy the retail, restaurant, and recreational amenities available at its waterfront. The panel also recommends that Ports O' Call include outdoor performance space, a feature that will likely serve as the staging ground for numerous community-oriented events. On a broader scale, Ports O' Call will offer the greater Los Angeles community a unique and special destination to congregate and experience the City of Los Angeles, and its history, in a unique and exciting way.

→ Feature port activities.

The colorful and impressive procession of cruise ships, cargo carriers, tug boats, and fishing vessels along the Main Channel of the Port is perhaps the strongest asset of a redeveloped Ports O' Call. The panel recommends highlighting this asset with infrastructure that further extenuates the harbor experience, such as viewing platforms and observation platforms.

→ Support local business.

The panel recommends that the redeveloped Ports O' Call include those local restaurants and businesses that are presently successful at Port O' Call, as they represent the history, character, and personality of San Pedro and should be defining elements of the redeveloped Port O' Call Village.

→ Increase economic activity.

The regional draw of a redeveloped Ports O' Call Village will attract visitors from a broad expanse of Los Angeles, who will spend their discretionary entertainment dollars at the property. Furthermore, improved linkages between downtown San Pedro and the waterfront will encourage Port O' Call visitors to stream into downtown San Pedro and patronize downtown businesses. Moreover, a redeveloped Ports O' Call will provide the San Pedro community with a compelling reason to spend their discretionary entertainment dollars locally, rather than traveling to competing venues in other cities, as has been the case for several years.

→ Expand public parks and recreation.

The panel recommends that Ports O' Call contain green space and recreational offerings so that it becomes more than a place to enjoy a great meal at a unique restaurant. Rather, Ports O' Call should be a place that offers a range of leisure and recreational experiences for the entire family. Ideas for this category include a carousel, playground, outdoor performance space, and observation towers.

→ Build on local history.

A successful redevelopment of Ports O' Call Village must embrace the history of the Los Angeles Port and the community of San Pedro. This is a rich history that reflects the shifting prominence of industries that have dominated the Port's activities, including ship building, commercial fishing and processing, and petroleum. The labor force fueling these industries has largely come from the community of San Pedro and each industry has infused the community with its own unique character. Whether through architectural design and detail, attractions, or event programming, this character must come through in the redevelopment of Ports O' Call.

### **Project Assets**

Ports O' Call village, in its present form, possesses certain undeniable assets that should drive the planning and design of its redevelopment. The first asset, aforementioned repeatedly, is the visual and experiential offering of a working port. The cruise ships, container carriers, tug boats, and fishing vessels that pass along the Main Channel, in front of Ports O' Call, give viewers a dynamic and entertaining visual experience that has proven to be a reliable regional draw.

The second asset of Ports O' Call Village is the successful San Pedro Fish Market. With nearly thirty years of history at Ports O' Call, this San Pedro institution offers its customers both a thriving fish market, featuring seafood imported from across the globe, as well as a 2,000 seat restaurant. A unique operation within the City of Los Angeles, the San Pedro Fish Market has a large and loyal following.

In addition to the San Pedro Fish Market, several unique destination restaurants boast lengthy histories at Ports O' Call and enjoy successful businesses. The panel believes that these restaurants should be included as central components of the redevelopment of Ports O' Call because, together with the San Pedro Fish Market, they represent the character, flavor, and history of the San Pedro Community.

The maritime history of San Pedro is also an important component of Ports O' Call Village that will serve as an asset in the redevelopment of the property. Leveraging this rich and storied history will offer the developer a range of influences to draw upon in the design of the new development, and will provide a range of ideas in programming the recreational components of the development.

### **Project Constraints**

Its assets notwithstanding, Ports O' Call also possesses certain constraints that must be addressed in order to achieve a successful redevelopment effort. The first constraint is the property's disconnection from downtown San Pedro, a vital issue that will have a great impact on the success of a redeveloped Ports O' Call. To gain the patronage of the San Pedro community, and to maximize market synergies between retailers located at Ports O' Call and those located in downtown San Pedro, the San Pedro community must be physically reconnected with its waterfront.

The Tidelands Trust Act, a governing edict that prohibits residential development of any kind on waterfront land controlled by the Port, is a second constraint that will impact the redevelopment effort. Notably, previous development proposals for Ports O' Call have included large numbers of residential units as among the highest and best uses for the site. Thus, Tidelands Trust Act limits the site's development potential in a meaningful way, essentially restricting the site's programming mix to retail, recreational, and maritime uses. Stakeholders have indicated that residential uses will likely be situated off of Harbor Boulevard, atop the bluff located at the westerly edge of the Ports O' Call site.

A third constraint on the redevelopment of Ports O' Call is the importance of preserving water views currently enjoyed by the San Pedro community. Building massing within the new development must be respectful of this constraint.

As with most development projects in Los Angeles, parking is also an important issue for the redevelopment of Ports O' Call Village. Though the property currently has 1,800 parking spaces, representing a relatively high 12 parking spaces per 1,000 square feet of gross leasable area, select businesses at the property complain that parking capacity is inadequate during peak hours. The Port has planned structured parking at the rear of the site along Sampson Way, and the panel strongly encourages this plan.

Additionally, safety issues at the property—be they real or perceived—are a crucial constraint that must be mitigated for a successful redevelopment. Ports O' Call must earn a reputation as a safe destination for the entire family at various hours throughout the week.

Lastly, the fact that shopping center development is not the core competency of the Port of Los Angeles is an important constraint that must be acknowledged and addressed. In the past, this constraint has proven detrimental to the reputation of the Port among the development community. Developers who have participated in previous efforts to redevelop Port's O' Call Village, often at considerable cost, have complained about the lack of feedback, communication, and consideration they received from the Port. In order to create a "jewel" that is an import asset for both the community of San Pedro and the City of Los Angeles, the Port must become a better client and learn to adopt best practices when working with the development community.

## Viable Uses

### ***Project Scale***

The Port has proposed 300,000 square feet of commercial uses at Ports O' Call. Though the panel is extremely enthusiastic about the potential of a redeveloped Ports O' Call, it believes that the Port's plans do not reflect the actual available market located within three miles of the project.

Though a redeveloped Ports O' Call will have a strong regional draw, this draw will be primarily concentrated on weekends. During the week, the support of the San Pedro community will be essential to the success of the tenants located at Ports O' Call, and this local customer base consists primarily of lower- and middle-income households with relatively limited spending power. Moreover, Ports O' Call faces stiff competition for the spending dollars of this local market from nearby large-scale shopping venues, such as Simon Property Group's 2.5 million square foot Del Amo Fashion Center in Torrance.

Based on its estimation of the demand for restaurant and ancillary retail uses at Ports O' Call, the panel believes that the appropriate size of the redeveloped project is likely closer to 150,000 square feet than it is to the Port's proposed 300,000 square feet.

### ***High Probability Grading***

#### → Restaurants

Unique restaurants are the most viable uses at Ports O' Call Village today, and they will continue to be the most successful uses when the property is redeveloped. The experience of dining, whether on a waterfront deck or behind massive ceiling-high windows, is a natural fit for the distinctive visual theater offered by the working port. Furthermore, unique restaurants are an important component of what has been described as the "3-hour vacation" that visitors travel from far and wide to experience at Ports O' Call.

The existing successful restaurants at Ports O' Call should anchor the redevelopment of the property. Their popularity, success, and existing customer bases—elements with substantial value—should not be disrupted or endangered.

#### → Ancillary Retail

The panel believes that the opportunity exists at Ports O' Call for additional small-format retail uses that will complement the restaurant and recreational uses at the property. These uses may include a bakery, coffee shop, flower shop, gift shop, or a quirky, privately-run book store.

#### → Promenade

A central component of the Port's waterfront redevelopment project, the planned promenade will run along the easterly edge of the Ports O' Call site, along the Main Channel. The panel believes that this planned promenade is an important feature for the project because it will offer visitors the opportunity to stroll along the waterfront and enjoy the visuals provided by the Port. The promenade will also bring a steady flow of pedestrians, joggers, bicyclists, and rollerbladers through Ports O' Call from downtown San Pedro and from the existing cruise terminal. The panel recommends that the Port remain flexible as to the route the promenade travels through Ports O' Call, allowing the promenade to meander around existing businesses at the site that are better served remaining in their present locations.



→ Family-Oriented Activities

The panel strongly supports the inclusion of family-oriented recreational uses, such as a children's playground or carousel, within Ports O' Call Village. Such uses will broaden the spectrum of experiences available at Ports O' Call and will increase the property's appeal to families. Furthermore, the rich colors, sounds, and movement created by a carousel and playground will increase the level of vibrancy and energy at the property.

→ Charter Boats

An important component of maintaining the maritime history of San Pedro and of continuing the tradition of offering visitors a "three hour vacation" that takes them out onto the water to enjoy both the expansiveness of the Port and the natural splendor of the Pacific Ocean, charter boats should continue to be an integral part of the experience available at Ports O' Call.

→ Observation Deck and Tower

An observations deck and tower at Ports O' Call will enable users greater access to the waterfront, allowing them to fully enjoy the visual theater offered by the working Port.

→ Outdoor Performance Space / Live Entertainment

The panel believes that outdoor performance space can be an important component of Ports O' Call, enabling the ultimate operator of the property to schedule live performances and events that add vibrancy to the property, draw the San Pedro community together to enjoy community-oriented events, and pull the Los Angeles community into San Pedro to enjoy performances that offer a broader appeal.

→ Farmer's Market

Farmer's markets offer an excellent opportunity to program a regularly-scheduled community-oriented event at Ports O' Call that pulls the San Pedro community—and particularly, downtown residents—into the property and offers them yet another positive recreational experience. The Farmer's Market would likely be scheduled during a weekday, and would be effective in building visitor traffic to the property during off-peak hours.

→ Green Open Space

In line with the Port's goals for its waterfront redevelopment project, the panel recommends that Ports O' Call include green open space to enhance the recreational experience available at the property. Green open space will allow visitors to picnic and play at the property while they enjoy both the vibrancy offered by the retail, restaurant, and recreational uses offered at Ports O' Call, as well as the visual show offered by the passing cruise ships, tug boats, and fishing vessels.

***Low Probability Grading***

→ Major Retail

During stakeholder briefings, certain important stakeholders expressed a vision for a redeveloped Ports O' Call that includes up-scale retail and the presence of national large-format retailers such as Barnes and Noble as project anchors. While the panel applauds the commitment and dedication of these stakeholders to the project and to the San Pedro community, it does not share in this vision. The panel believes that the high numbers of college educated shoppers that such retailers require are not available in the markets

proximate to Ports O' Call, and that attracting and retaining such retailers is not realistic given the demographic and socio-economic make-up of San Pedro.

→ Conference Center

Stakeholder groups, including the existing successful businesses located at Ports O' Call, expressed the vision of a 75,000 conference center located at the property to offer venue to large weddings and business conferences that currently do not have adequate accommodation in San Pedro. The panel also did not share in this vision, as it felt that existing San Pedro facilities, including the Crown Plaza and the Double Tree Hotel, adequately meet the present demand for such facilities.

→ Hotels

As with the proposed conference center, the panel does not believe that adequate demand presently exists in San Pedro to justify the development of additional hotel uses at Ports O' Call.

→ International Marketplace

The panel discussed at length the idea of an international marketplace that offered venue to companies to display the products that they bring into, or export out of, the country through the Port. Though this use would highlight the importance of the Port to the Southern California economy and would offer visitors greater detail on the impact of the Port on their everyday lives, the panel did not feel that the concept was viable in San Pedro. Similar projects that have enjoyed success in other parts of the world have benefited from extremely high population counts that San Pedro does not possess.

→ Museum

Though museums are an effective way of encapsulating and sharing the history of a place with visitors, and San Pedro has a rich and storied history worth telling, the panel did not feel that a museum was a viable use for Ports O' Call. Several museums already exist on the waterfront, and the panel did not feel that such a use would adequately contribute to the mix of retail, restaurant, and recreational uses which it felt were appropriate for Ports O' Call.

# DEVELOPMENT STRATEGIES

## *Organizational Options*

The panel has identified four distinct development approaches—each with its own unique set of advantages and disadvantages—through which the Port can achieve the redevelopment of Ports O' Call Village. The development approach the Port chooses will drive many of the related planning and design issues, as well the Port's path toward implementation.

### → Port as Master Developer – Port is Lessor

As the master developer, the Port undertakes the planning, design, leasing, and construction management of the project. Tenant leases are signed directly with the Port. Naturally, this approach offers the Port maximum control over the planning, design, and leasing strategy of the property. Accordingly, in this role, the Port would be best positioned to maximize the benefit, whether real or perceived, that the project offers to the San Pedro community.

The primary challenge with this approach, however, is that destination retail development is not a core competency or focus of the Port. The project may struggle due to the Port's lack of retail development expertise, or from the limited amount of the attention the Port is able to afford the project.

Moreover, this option requires the Port to finance the project, allocating and risking budget dollars that may be better spent on projects related to the Port's core operations, and to operate the property once it is completed, a task that the Port has not heretofore embraced.

### → Port with Fee Developer – Port is Lessor

Under this scenario, the Port essentially hires a professional development firm as a consultant to oversee and manage the planning, design, construction, and leasing of the project. Though leasing is overseen by the fee developer, the Port serves as landlord in a direct relationship with the tenants at the project. Though the Port benefits from the expertise and attention of a professional development firm, the Port must still remain intimately involved with the project, overseeing the work of its fee developer and making numerous vital decisions in a timely fashion.

This option also enables the Port to maintain total control of the project's planning, design, and leasing, and thus allows the Port to maximize the project's real or perceived community benefit.

The disadvantages with this approach are the same as if the Port assumed the role of mater developer: capital risk, capital allocation to non-core operations, and asset/property management responsibilities once the project is completed.

### → Private Master Developer – Port is Ground Lessor

The third development approach is for the Port to enter into a long-term ground lease with a private developer who then develops Ports O' Call within a set of guidelines established by the Port. Under this approach, the developer becomes the property landlord and tenant leases are signed directly with the developer. The developer takes on responsibility for planning, designing, leasing, financing, and constructing of the project, and for operating the property once it is completed.

The advantage of this approach is that the Port benefits from the expertise and ownership of a professional development firm. Additionally, besides certain infrastructure investments that the Port may be required to make in order to help the project become economically viable, the Port will not need to allocate or risk its capital for investments that are not related to its core function of goods movement. Furthermore, once the property is completed, the professional development firm will ably fulfill asset and property management responsibilities utilizing industry best practices.

The primary disadvantage of this approach is that the Port loses total control of project design, planning, and leasing, and accordingly, the Port is no longer in a position to drive the planning and design of the project based solely on real or perceived community benefits. Rather, planning and design are driven by the developer's vision, and by its focus on market response, profit maximization, and risk containment. The Port, however, can impact the planning and design of the project by including project guidelines as a component of its ground lease and development agreement.

→ Public / Private Partnership – Port is Ground Lessor and Equity Co-Investor

The fourth possible approach is for the Port to enter into a Public/Private Partnership (PPP) with a private development firm. The distinct aspect of this structure is that the Port becomes an equity co-investor in the project with its development partner. In this scenario, the Port benefits from the expertise and ownership of a professional development firm, both during the planning, design, leasing, financing, and construction phases, as well as during the subsequent operation phase.

The disadvantage of this approach is that the Port is required to allocate and risk its own capital toward a non-core project, though the size of the investment is reduced, as compared to the first two development approaches, because the development partner also invests equity into the project.

	Port as Master Developer (Port is Lessor)	Port with Fee Developer (Port is Lessor)	Private Master Developer (Port as Ground Lessor)	Public / Private Partnership (Port is Ground Lessor and Equity Co-Investor)
<b>ADVANTAGES</b>				
Port Has Total Control of Project Planning and Design	✓	✓		
Able to Focus Primarily of Serving Community Interest	✓	✓		
Benefit from Expertise and Project Management of Professional Development Firm		✓	✓	✓
Project Financing, as well as Asset/Property Management Left to Professional Development Firm.			✓	Shared Responsibility
Port Does Not Take on Capital Risk (besides certain infrastructure investments). Can Allocate Capital to Projects Related to Goods Movement.			✓	Shared Risk
Partner in Project Planning and Design				✓
<b>DISADVANTAGES</b>				
Port Loses Total Control of Project Planning and Design			✓	✓
Port is Required to Work with Private Developer Focused on Profit Maximization and Risk Containment			✓	✓
Retail Development is not Port's Core Competency/Focus	✓			✓
Port Takes on Project Financing, as well as Asset/Property Management Responsibilities after Project Completion	✓	✓		Shared Equity Investment
Port Takes on Development / Capital Risk	✓	✓		Reduced Development Risk
Port Allocates Capital to Retail Project, Rather than to Projects Related to Goods Movement	✓	✓		Reduced Investment

## PLANNING AND DESIGN

### *Design Recommendations*

→ Create a master plan

The Panel recommends that the Port create a master plan for Ports O' Call. Notably, the type of master plan it develops will be driven largely by the development approach the Port chooses.

If the Port chooses to serve as the master developer or to work with a fee developer, the panel recommends that the Port embark on its planning and design process by creating a site plan that includes a high level specificity as to the square footage to be built, the desired uses for the site, and the orientation of uses on the site.

Alternatively, if the Port chooses to enter into a ground lease with a master developer or to form a Public Private Partnership with a private development firm, the master plan could serve as a general guideline for the location of various desired uses on the site, but would leave the specific details of planning the income-producing portions up to the developer.

→ Include significantly larger fish market as project centerpiece.

The panel believes that a significantly expanded fish market, oriented on the site as a central element of the property and housed in a distinctive and expansive structure, would serve as an excellent centerpiece for Ports O' Call. Inspired by the bustling mercados of South America and the indoor/outdoor markets Europe, this structure would house a significantly expanded San Pedro Fish Market, as well as several ancillary retail uses such as a bakery, coffee shop, fruit stand, flower shop, and potentially, smaller gourmet eateries.

The owner of the San Pedro Fish Market has expressed a willingness to significantly expand his business, potentially up to three times its existing size, and this approach would give him that opportunity. This expanded fish market could build on its existing large customer base and become a celebrated destination throughout the region. Furthermore, by making the fish market a centerpiece of the entire development, this approach highlights and celebrates the maritime history of San Pedro.

→ Create a central gathering space incorporating extension of harbor

The panel recommends that Ports O' Call include a central gathering space that includes a water feature that is created by essentially extending the harbor into the property. This gathering space would further build on the goal that Ports O' Call be a destination that offers a multiplicity of experiences. Furthermore, this space would provide the community of San Pedro an exciting and lively space in which to congregate.

→ Retain eclectic historic character

An important design principle for the redevelopment of Ports O' Call should be the retention and celebration of San Pedro's eclectic maritime character, one that is tied to the Port's historical connection to commercial fishing, seafood processing, and ship building.

This goal can be achieved through architectural details that highlight the community's maritime history. Additionally, allowing certain successful restaurants to remain in their present locations on the waterfront will also contribute to the retention the city's unique character.

→ Demolish non-viable structures

Existing successful restaurants notwithstanding, the Port should demolish the remaining structures that presently comprise Ports O' Call Village. These structures suffer from both functional and economic obsolescence and should be cleared to make way for the planned Ports O' Call promenade.

→ Install Public Infrastructure

The Port will likely need to make certain infrastructure investments in Ports O' Call in order to improve access into the property. The Port should work collaboratively with the CRA and the Los Angeles Planning Department to install a Harbor Boulevard crosswalk so that pedestrian access into the property is dramatically improved.

Furthermore, because the many community-serving components of this project limit its revenue generating potential, the Port will likely be required to construct structured parking at the rear of the property, west of Sampson Way. By building the parking structures, the Port will help ensure that adequate parking is available at the property and that the project is economically viable for the developer.

To further augment its on-site parking stock, the Port should consider offering trolleys and shuttles so that Ports O' Call visitors who need to park in downtown San Pedro during peak hours can do so conveniently. The Red Car can serve an important role in this capacity.

Moreover, in order to fulfill its goal of bringing the San Pedro community closer to the waterfront and offering Angelinos a "window on the water," the panel recommends that the Port construct viewing platforms and towers to offer visitors unimpeded views of the Main Channel.

Additional public infrastructure that will have a great impact on the overall project include the planned promenade, open green space, and a performance venue.

→ Construct Promenade

The much-discussed promenade will offer Ports O' Call visitors an intimate proximity to the waterfront while they enjoy a variety of experiences. The panel recommends that the Port remain flexible as to the path that the promenade travels, and to allow it to meander around and integrate with existing structures that are better left in their present locations.

→ Extend city street fabric to water's edge.

An important overall goal of the Port's waterfront redevelopment project, extending the city street fabric to the water's edge is a goal that is equally appropriate for Ports O' Call. Connecting a redeveloped Ports O' Call with a downtown that is undergoing resurgence is an objective that is beneficial for both districts. Discussions among the panel included a bridge that extends 13<sup>th</sup> street into the heart of the Ports O' Call.

# IMPLEMENTATION PLAN

## *Project Recommendations*

→ Appoint a qualified team leader

As an important first step, the panel recommends that the Port appoint a qualified team leader within its organizational structure to take ownership of the redevelopment of Ports O' Call. This step will infuse the project with a central point of accountability and will allow the Port to place adequate focus and attention on the project.

→ Select a master developer, either at risk or as a fee consultant

The panel recommends that the Port work with a professional development firm, either as a fee consultant who will deliver the project back to the Port when construction is completed, or as a ground lessee who finances, leases, builds, and operates the property when it is completed. The panel believes that retail development expertise is a crucial component to the success of this project and that the Port should not attempt to undertake this process on its own.

→ Work with fish market and select existing restaurants to expand and enhance facilities, maintain intimacy between restaurants and water.

As previously mentioned, the Port and its development partner should work closely with the San Pedro Fish Market and select existing restaurants to ensure that they remain a central component of Ports O' Call. The panel recommends housing the fish market in a largely expanded and architecturally significant structure that serves as a defining centerpiece of the overall project. In exchange for its new structure, the San Pedro Fish Market should be required to pay market rents.

Additionally, certain successful existing restaurants should be allowed to remain in their existing structures so they can maintain their intimacy with the waterfront.

→ Extend leases on market terms to finance tenant improvements

The panel recommends that the restaurants invited to remain at the property be offered long-term leases and tenant improvement allowances that enable them to substantially remodel their restaurants and improve the quality of experience they offer their customers. In exchange for these two items, their leases should be set at market rents as well.

→ Expand charter boat operations

The panel believes that charter boats are an important component of the Ports O' Call experience and recommends that the Port increase opportunities for existing charter boat businesses to expand their operations and for new businesses to find a home at, or near, Ports O' Call.

→ Rationalize parking fees

A redeveloped Ports O' Call, with its expanded fish market, remodeled restaurants, new restaurants, and its host of recreational amenities, will likely attract large weekend crowds. These large weekend crowds will require the construction of additional parking structures, as well as off-site parking. The panel recommends that the Port be mindful of the demographic make-up of the property's existing customer base and that parking fees be set in a way that offers affordable parking opportunities for all Ports O' Call's visitors.

→ Organize to present and promote live entertainment in performance venue

The panel strongly recommends that the Port and its development partner take advantage of the planned performance venue at the property and organize a host of live performances at Ports O' Call. These performances will draw people into the property from across the region, improving the welfare of both Ports O' Call tenants and those located in downtown San Pedro. Furthermore, live performances will infuse the property with vibrancy and excitement, and they will offer the San Pedro community the opportunity to enjoy and experience their waterfront in an entirely new and exciting way.

→ RFQ/RFP Process Recommendations

#### Step 1: Before Request for Qualifications (RFQ)

Before issuing a Request for Qualification (RFQ), the Port should work with a consultant to develop a draft RFQ and a draft Request for Proposals (RFP). The Port should post the RFQ and RFP drafts on its website and should invite all interested parties to review the drafts, submit written comments, and attend a pre-bidders conference in which developer concerns can be discussed.

At the same time, the Port should work with its consultant to identify a select list of highly desirable bidders and should make sure that they are invited to participate.

#### Step 2: Request for Qualifications (RFQ)

The Request for Qualifications should be a relatively simple and inexpensive document to prepare and to evaluate. The RFQ should focus on qualifications and relevant experience, and should be used to short-list the pool of interested developers to three or four, at most. The RFQ can be reviewed and a selection made by Port staff, with outside consulting help.

#### Step 3: Request for Proposals (RFP)

In the next round, a Request for Proposals (RFP) should be issued to the finalists. The RFP selection process should focus on quality and value, not land price. In this manner, the Port can get the project it wants, as well as the developer it wants as a partner. Although the proposals should be specific with regard to uses, timing, and financial feasibility, the Port should understand that the real work of hammering out a final program, design, and budget will take place during an Exclusive Negotiating Period.

Proposals should be evaluated by a panel with an odd number (five or seven) outside experts, individuals who are known and respected by the bidding community, not by Port staff.

#### Step 4: Exclusive Negotiating Period

One developer should be selected and signed up for a Exclusive Negotiating Period lasting approximately six months. A backup developer should also be selected, for consideration in the event that the Port is not able to reach agreement with their first choice.

During the Exclusive Negotiating Period, the Port should work with the selected developer, and with the community, through an adequate community outreach process to fine tune the program, scale, and schedule of the project. A land price should also be



negotiated, as well as an allocation of responsibilities for predevelopment and development period work and expenses. The end product of the Exclusive Negotiating Period should be a Disposition and Development Agreement between the Port and the developer, stating the terms of the ground-lease, describing the project, and providing all material business terms. This agreement should be submitted to the Port Commission for approval.

This protocol focuses on quality and results, rather than bureaucratic processes, and has produced excellent buildings for both public and private use.



**Hurricane Gulch Yacht Club**

P.O. Box 425

San Pedro, CA 90733

[www.hgyc.org](http://www.hgyc.org)

Jeff LaBarre  
Commodore

Doug Iversen  
Vice Commodore

Leslie Roubal  
Rear Commodore

Gillian Groves  
Fleet Captain

Roger Murry  
Port Captain

Kathleen Durazo  
Secretary

Teresa Barron  
Treasurer

DEC 4 2008

December 1, 2008

Dr. Ralph G. Appy  
Director of Environmental Management Port of Los Angeles  
425 South Palos Verdes Street  
San Pedro, California 90731

**Ref: Citizen Comments on the Port of Los Angeles San Pedro Waterfront Project**

Dear Dr: Appy,

Our membership voted to send you a consensus of our concerns and recommendations regarding the San Pedro Waterfront Project. The membership is composed of a cross section of the population affected by the project – community residents and recreational waterfront users.

We met with Mr. Michael Cham of the Harbor Planning & Research Division of the Port of Los Angeles on Feb. 10. He presented an overview of the project and answered many of our questions. However, several questions remained unanswered. So our list includes suggestions for further study as well as recommendations.

Our concerns and recommendations are focused primarily on the planned Cruise Ship terminal at Berth 45:

1. We recommend that the Port planners investigate and catalog the impacts to recreational boating navigation of the Cabrillo Marina channel and Cabrillo beach and boat launch:
  - 700+ recreational boats reside in Cabrillo basin. All would have to navigate around a large ship parked at Berth 45 and avoid any turning basin activity.
  - Accessibility and security zone would have to be considered around any large ship at Berth 45. The current rule for 500-foot security clearance would prevent normal sail, rowing, anchorage, and stationery fishing boat activities.
2. We are concerned about the residential impacts to those living in San Pedro harbor and hills if large ships dock on the peninsula:
  - Water quality

- Noise pollution
  - Air quality
  - Visual degradation caused by high cruise ship loading ramps
3. We recommend the planners create an Alternative #3 to include:
- Cruise ship docking to Berth 50 on the East channel side only, with space developed to accommodate two moderately sized cruise ships, which will not impact recreational boating as much.
  - Green space to extend up to the overlook, now Berth 45 dock, with citizen shore-side activities available along peninsula and remodeled east boat basin:
    - Sailing/boating schools
    - Youth clubs
    - Additional public boat ramp and launch facilities
  - Ports O'Call Village improvements like guest docks for day use boat visitors to patronize restaurants, shops and museums, like the Long Beach Shoreline Village accommodations or the "long dock" at Alamitos.
4. We recommend the planners and port authority keep the users and residents of the area better informed about the comment periods and Environmental Impact findings. Many area users come from elsewhere in Southern California, so a wide scope of publicity is required.
- Advertise the public meetings in local papers and The Log.
  - Post meeting times/places at the Marina offices and bulletin boards, even notices on dock gates.
  - Send notices to local area yacht clubs.

Please do not hesitate to contact us for any further discussion. We look forward to participating in future public meetings and comment periods before the final decisions are made.

Sincerely,

Jeff LaBarre  
Commodore  
Hurricane Gulch Yacht Club  
cell phone (310) 218-9537



December 3, 2008

DEC

Dr. Ralph G. Appy,  
Director of Environmental Management  
Port of Los Angeles  
425 South Palos Verdes Street  
San Pedro, CA 90731

Re: San Pedro Waterfront Project EIR

Dear Dr.Appy,

The North American cruise industry continues to grow as more American and International travelers discover the value, satisfaction and the terrific vacation experience that a cruise provides. In 2008, Cruise Lines International Association (CLIA) forecasts that 12.8 million guests will cruise, an increase over the 12.56 million that sailed on CLIA member lines in 2007. And, in the period between 2009 and 2012, the CLIA member lines will introduce 31 new cruise ships at a capital investment of over \$20 billion. The industry needs new and improved port facilities.

CLIA is in support of the San Pedro Waterfront Project. We believe that the goal of sustainable development will bring additional cruise passengers and prosperity to the Waterfront of the Port of Los Angeles. According to the findings of the CLIA 2007 Cruise Industry Economic Impact Study, the State of California already holds the number two position in American in terms of cruise related economic impact. In 2007 California received \$2.2 billion in cruise industry direct spending and this spending generated nearly 48,000 jobs totaling almost \$2.4 billion in income for California workers. This terminal development project can increase calls at the Port of Los Angeles and further improve the cruise leadership position of the Port of Los Angeles and the State of California.

We support the idea of creating an environmentally friendly cruise terminal and one that best meets the needs of the passengers, community and the port. In reviewing the project proposals, alternative number 2 with the parking for cruise passengers at both the inner harbor and at the new outer harbor development appears to be the best solution for efficient and cost effective operations as well as for the cruise customer. The industry needs terminals that can accommodate the cruise ship of today and for the ships of tomorrow.



We are excited about the new opportunities of an improved Port of Los Angeles and a revitalized waterfront and look forward to seeing this project move forward.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gregg L. Michel", written over a faint, light blue grid background.

Gregg L. Michel  
Chairman, Cruise Lines International Association  
President, Crystal Cruises



# THE SEAMEN'S CHURCH INSTITUTE

## PORTS OF LOS ANGELES & LONG BEACH

Port of Los Angeles World Cruise Center • Berth 93A CLM101 • P.O. Box 1620 • San Pedro, CA 90733-1620  
[www.sealanes.org](http://www.sealanes.org) • 310-548-3200 • 888-317-7524 • Fax 310-832-0239

December 3, 2008

Dr. Ralph G Appy, Director of Environmental Management  
Port of Los Angeles  
425 South Palos Verdes Street  
San Pedro, CA 90731

Dear Dr. Appy,

The Seamen's Church Institute of Los Angeles (SCI) supports the San Pedro Waterfront Project. We believe the project will benefit the crew that works and lives aboard the cruise ships in several ways:

- Decrease congestion by adding the Outer Harbor Cruise Terminals.
- Increase accessible opportunities for shopping and recreation.
- Increase the safety by improved walkways and transportation.

For two decades the Seafarers' Communication Center in conjunction with the Port of Los Angeles has provided essential services to the crew that we land-based port workers find in our own community or home – a U.S. Post Office to send our greetings and gifts, a way to send money home to support the family, a relaxed place to telephone home, a pleasant environment to check our e-mail or chat on-line to friends and family, a quiet room to write a letter or just relax.

These simple community services become critical in helping to alleviate the isolation and stress that come from living and working at sea, providing a unique humanitarian service and help to create a safer and more productive business environment for the cruise industry.

We would encourage the Port of Los Angeles' planning department to seriously consider including a space for crew services in the Outer Harbor Cruise Terminals for these same essential services.

Thank you for your consideration,

The Rev. Kelly A. Crawford, Jr.  
Executive Director  
310.832.5171

[kelly.crawford@sealanes.org](mailto:kelly.crawford@sealanes.org)



Torrance Area Chamber of Commerce  
3400 Torrance Blvd., Ste. 100  
Torrance, California 90503  
Office (310) 540-5858  
Fax (310) 540-7662  
www.torrancechamber.com



November 26, 2008

Dr. Ralph Appy, Director of Environmental Management  
Port of Los Angeles  
425 S. Palos Verdes Street  
San Pedro CA 90731

SUBJECT: DEIR/DEIS FOR THE SAN PEDRO WATERFRONT PROJECT

Gentlemen,

The Torrance Area Chamber of Commerce lends its strong support to the proposal by the Port of Los Angeles for the development of its San Pedro Waterfront. The Torrance Chamber and its 1000+ businesses can only benefit from the positive economic impact of such an expansion.

In particular, the regional economic impact from a revitalized San Pedro Waterfront will benefit the South Bay and the entire region. New jobs will be created in the cruise industry, retail and restaurants, as well as Red Car Line related jobs — jobs for South Bay residents, among others. This translates into more discretionary income for workers to use for local area products and services. Expansion of cruise operations to accommodate the needs of larger cruise ships will increase the number of individuals visiting this area for pre- and post-cruise activities. In addition, crew members will take the opportunity to spend their monies at local eateries and shops. Our hospitality/tourism community — hotels and restaurants, specifically — can market these regional attractions to passengers expected to embark at the proposed cruise terminal.

Aside from the direct increased economic impact of this expansion, the ambiance of the development of the waterfront will be a Southern California attraction that will draw people to this region. New restaurants, historical attractions and shops along the newly-developed waterfront will only complement the entire South Bay area as a tourism destination.

Overall, the proposed waterfront development is a win-win for the entire South Bay. Expanded cruise operations and increased commercial development along the San Pedro Waterfront will enhance the local economic climate. The value is obvious and we wholeheartedly support this step toward the future.

Sincerely,

Barbara Glennie ACE, IOM  
President and CEO





**CRUISE LINES  
INTERNATIONAL  
ASSOCIATION, INC**



December 3, 2008

Dr. Ralph G. Appy,  
Director of Environmental Management  
Port of Los Angeles  
425 South Palos Verdes Street  
San Pedro, CA 90731

Re: San Pedro Waterfront Project EIR

Dear Dr.Appy,

The North American cruise industry continues to grow as more American and International travelers discover the value, satisfaction and the terrific vacation experience that a cruise provides. In 2008, Cruise Lines International Association (CLIA) forecasts that 12.8 million guests will cruise, an increase over the 12.56 million that sailed on CLIA member lines in 2007. And, in the period between 2009 and 2012, the CLIA member lines will introduce 31 new cruise ships at a capital investment of over \$20 billion. The industry needs new and improved port facilities.

CLIA is in support of the San Pedro Waterfront Project. We believe that the goal of sustainable development will bring additional cruise passengers and prosperity to the Waterfront of the Port of Los Angeles. According to the findings of the CLIA 2007 Cruise Industry Economic Impact Study, the State of California already holds the number two position in American in terms of cruise related economic impact. In 2007 California received \$2.2 billion in cruise industry direct spending and this spending generated nearly 48,000 jobs totaling almost \$2.4 billion in income for California workers. This terminal development project can increase calls at the Port of Los Angeles and further improve the cruise leadership position of the Port of Los Angeles and the State of California.

We support the idea of creating an environmentally friendly cruise terminal and one that best meets the needs of the passengers, community and the port. In reviewing the project proposals, alternative number 2 with the parking for cruise passengers at both the inner harbor and at the new outer harbor development appears to be the best solution for efficient and cost effective operations as well as for the cruise customer. The industry needs terminals that can accommodate the cruise ship of today and for the ships of tomorrow.



We are excited about the new opportunities of an improved Port of Los Angeles and a revitalized waterfront and look forward to seeing this project move forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Dale". The signature is written in a cursive style with a horizontal line through the middle of the letters.

Terry Dale  
President, Cruise Lines International Association.



# FLORIDA-CARIBBEAN CRUISE ASSOCIATION

11200 Pines Blvd., Suite 201 • Pembroke Pines, Florida 33026  
Phone: (954) 441-8881 • Fax: (954) 441-3171 • E-mail: [info@f-cca.com](mailto:info@f-cca.com) • Website: [www.f-cca.com](http://www.f-cca.com)

December 4<sup>th</sup>, 2008

Dr. Spencer D. MacNeil  
U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division, Ventura Field Office  
2151 Alessandro Drive, Suite 110  
Ventura, California 93001

Dr. Ralph G. Appy,  
Director of Environmental Management  
Port of Los Angeles  
425 South Palos Verdes Street  
San Pedro, CA 90731

Re: San Pedro Waterfront Project EIR

On behalf of the Florida-Caribbean Cruise Association Member Lines, as customers of the Port of Los Angeles we have a significant stake in the future of the Port. We are supportive of the waterfront project that seeks to enhance the visitor serving portions of the Port. Our passengers and crew have a direct relationship with the waterfront businesses and the businesses adjacent to the waterfront such as hotels, shopping, and transportation. In addition, the ships utilize harbor area suppliers for much of the ships operations plus employing local labor for our shore side operations.

The FCCA Member Lines welcome the opportunity to comment on the San Pedro Waterfront and are in support of the San Pedro Waterfront Project and the goal of sustainable development that will bring people, prosperity and revitalization to the waterfront of the Port of Los Angeles.

While the proposed project meets most of our needs, **alternative number 2** with the parking for cruise passengers at both the inner harbor and at the new outer harbor development is our preferred option. We feel this is the best solution for efficient and cost effective operations and would be the best solution for our customers.

We support the idea of building the greenest cruise terminal possible and reiterate our support in working with the port to help design cruise terminals that meet the needs of the passengers, community and the Port. All the parties need to develop terminals that work for the ships calling today and for the ships calling in the future. In addition, we understand the desire to have the public interact with the waterfront and park areas near the cruise terminal while also maintaining a safe and secure operation for our ships. In addition, the waterside security zone and the affect it has on small boats in the harbor is important to note. All FCCA Member Lines fully cooperate with the security regulations put forth by the Coast Guard; but we do want to work with the concerned parties to utilize all the option available to creating a secure environment for our ships and our passengers. Of note is the "floating barrier" concept discussed in the EIR, this is the type of alternative that creates a good secure location while also addressing the need of the small boat community.

We are excited about the prospects of revitalizing the waterfront and are encouraged by the steps the Port has taken to move this project to the next level.

Respectfully yours,

Michele M. Paige  
President  
Florida-Caribbean Cruise Association  
MMP/jl

## FCCA MEMBER LINES

Carnival Cruise Lines • Celebrity Cruises • Costa Cruise Lines  
Cunard Line • Disney Cruise Line • Holland America Line • MSC Cruises (USA) Inc.  
Norwegian Cruise Line • Princess Cruises • Regent Seven Seas Cruises • Royal Caribbean International



## Los Angeles Maritime Museum Foundation

*Preserving Local Maritime History*

Berth 84 • Foot of Sixth Street • San Pedro, CA 90731  
(310) 548-7618 • Fax (310) 832-6537 • [www.lamaritimemuseum.org](http://www.lamaritimemuseum.org)

December 4, 2008

Los Angeles Harbor Department  
c/o Dr. Ralph G. Appy  
425 S. Palos Verdes Street  
San Pedro, CA 90731

**SUBJECT: San Pedro Waterfront Project**

Dear Dr. Appy:

In response to the proposed San Pedro Waterfront Project as outlined in the Draft EIS/EIR dated October 27, 2008, the following issues are of major concern to the Los Angeles Maritime Museum, and need to be addressed prior to implementation of the project.

### VEHICLE PARKING

A parking facility within a close proximity to the museum is needed with a capacity of 100 cars for everyday visitors. In addition, please be aware that thousands of school children are bused to the museum throughout the year. It is essential that the drop-off point for the children be clear of traffic areas, and adjacent to the museum entrance. Lay-over parking for buses is also required.

### WATER CUTS

Without question, the water cuts would be aesthetically beautiful and provide an excellent setting for exhibiting and mooring watercraft. The construction of water cuts do, however, remove valuable and existing vehicle parking space from the project, and that is a concern to the museum's staff and board. Additionally, the water cuts present undetermined geotechnical consequences to the structural integrity of the museum's building which rests almost entirely on a pile foundation.

### TOWN PLAZA

Museum staff and Foundation Board members need to be involved with the design of that portion of the town plaza in the way of the museum's entry/exit area, and to develop the display design of the museum's existing artifacts that are now displayed outside the museum's building.

Dr. Ralph G. Appy  
December 4, 2008  
Page 2

It is stated that the plaza "will accommodate 170 people for formal seating arrangements". Have the sanitation requirements for a crowd of that size been thought out? You should be aware that the museum has very limited facilities in that regard, and cannot serve the public for that purpose.

**MUSEUM WATER CRAFT BERTHING AND DISPLAY**

In the various maps and artist renderings of the San Pedro Waterfront Project are depicted the museum's ferry building without the former Port of Los Angeles harbor tug "Angels Gate" being housed between the two wings of the building. This tug berthing/water display area is an important feature of the museum, and is to remain a part of the museum's operation.

Finally, we wish to commend the Port of Los Angeles for their efforts to work with community to promote and develop a concept to enhance the San Pedro waterfront. We look forward to working closely with those connected with this project.

Sincerely,

Stephen Cole  
President



Los Angeles Maritime Museum Foundation

cc: Dr. Spencer D. MacNeil



www.metrocruiseservices.com

P. O. Box 547  
Wilmington, CA 90748-0547

720 East E Street  
Wilmington, CA 90744-6014

Tel: (310) 816-6500  
Fax: (310) 816-6519

December 4, 2008

Dr. Spencer D. MacNeil  
U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division, Ventura Field Office  
2151 Alessandro Drive, Suite 110  
Ventura, California 93001

Dr. Ralph G. Appy  
Director of Environmental Management  
Port of Los Angeles  
425 South Palos Verdes Street  
San Pedro, CA 90731

**Re: San Pedro Waterfront Project EIR**

Dear Dr. MacNeil and Dr. Appy:

As the operator of the World Cruise Center for the Port of Los Angeles, Pacific Cruise Ship Terminals LLC has a significant stake in the future of the Port. We are supportive of the waterfront project that seeks to enhance the visitor serving portions of the Port. Our customers, the cruise lines, their guests and crew members have a direct relationship with the waterfront businesses and the businesses adjacent to the waterfront such as hotels, shops, and transportation. In addition, the cruise ships utilize harbor area suppliers for much of the ships' operations and employ local labor for our shoreside operations.

Pacific Cruise Ship Terminals LLC (as terminal operator) and Metro Cruise Services LLC (as stevedores to all cruise lines calling at Port of Los Angeles) welcome the opportunity to comment on the San Pedro Waterfront EIR, and we are in support of the San Pedro Waterfront Project and the goal of sustainable development that will bring people, prosperity and revitalization to the waterfront of the Port of Los Angeles.

**METRO CRUISE SERVICES**  
*A Nautilus Enterprise*

While the proposed project meets most of our cruise line customers' needs, **alternative number 2** with the parking for cruise passengers at both the inner harbor and at the new outer harbor development is our preferred option. We feel this is the best solution for efficient and cost-effective operations, and we further opine that this would be the best solution for our customers.

We support the idea of building the greenest cruise terminal possible and reiterate our support in working with the port to help design cruise terminals that meet the needs of the passengers, community and the Port.

All parties involved need to develop terminals that work for the ships calling today and in the future. In developing these terminals, it is important to understand and embrace the desire to have the public interact with the waterfront and park areas near the cruise terminal while also maintaining a safe and secure operation for the ships. It is important to note the waterside security zone and the effect it has on small boats in the harbor. Metro Cruise Services LLC currently complies fully with the security regulations promulgated by the U.S. Coast Guard, and wants to work with the concerned parties to utilize all the options available in creating a secure environment for the cruise ships and their passengers. Of note is the "floating barrier" concept discussed in the EIR, which is the type of alternative that creates a good secure location while also addressing the concerns of the small boat community.

We are excited about the prospects of revitalizing the waterfront and are encouraged by the steps the Port has taken to move this project to the next level.

Sincerely,



Stefano Borzone-Pinna  
President  
Pacific Cruise Ship Terminals LLC  
Metro Cruise Services LLC



PACIFIC CRUISE SHIP TERMINALS LLC

*www.pcsterminals.com*

December 4, 2008

Dr. Spencer D. MacNeil  
U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division, Ventura Field Office  
2151 Alessandro Drive, Suite 110  
Ventura, California 93001

Dr. Ralph G. Appy  
Director of Environmental Management  
Port of Los Angeles  
425 South Palos Verdes Street  
San Pedro, CA 90731

**Re: San Pedro Waterfront Project EIR**

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We are excited about the prospects of revitalizing the waterfront and are encouraged by the steps the Port has taken to move this project to the next level.

Sincerely,



Stefano Borzone-Pinna  
President  
Pacific Cruise Ship Terminals LLC  
Metro Cruise Services LLC