

RESOLUTION NO. _____

A Resolution of the Board of Harbor Commissioners of the City of Los Angeles
("Board") concerning City Dock No. 1 Institutional Structure.

WHEREAS, the Board of Harbor Commissioners programmatically approved the use of City Dock No.1 for institutional/research and commercial purposes as part of the San Pedro Waterfront Project approval on September 29, 2009; and

WHEREAS, the proposed City Dock No. 1 Urban Marine Research Center ("Project") intends to diversify the economic base of the Port of Los Angeles ("Port") and create new job opportunities by creating both a world class urban marine research facility serving Southern California Universities, as well as drawing researchers from around the world, and by providing opportunities for new entrepreneurial business enterprises to commercialize technologies and discoveries made at the proposed Project; and

WHEREAS, the proposed Project could include an interpretive center to provide the general public with in-sight to the research being undertaken at the proposed Project's facilities and other public amenities such as a café and viewing areas; and

WHEREAS, the proposed Project's shared infrastructure, such as a saltwater system, storage areas, and vessel berthing facilities, could benefit all users/tenants by avoiding costs of duplicative infrastructure and by minimizing on-going operational and maintenance costs; and

WHEREAS, the long-term coordination and administration of the proposed Project's joint use marine research infrastructure by academic institutions and business interests, as well as public facilities, will require special expertise and dedicated resources; and

WHEREAS, the proposed Project has a Phase 1 cost of approximately \$63 million, with the total Project cost currently estimated at \$ 417 million; and

WHEREAS, the Harbor Department ("Department") is not proposing to significantly fund the capital costs of the proposed Project or on-going operational costs and therefore requires a significant outside fundraising effort; and

WHEREAS, a study, funded by the Annenberg Foundation ("Study"), of the institutional and organizational needs of the proposed multi-user/tenant City Dock No. 1 Urban Marine Research Center, recommends that an independent Nonprofit be established to fund, develop, operate, and manage the proposed Project; and

WHEREAS, the Study indicates that potential Project users/tenants support development of a independent Nonprofit; and

WHEREAS, the Nonprofit would establish cooperative agreements and enter into sub-leases with such potential Project users/tenants; and

WHEREAS, the Nonprofit's ability to be on-site to facilitate coordination, development and use of joint marine research facilities, create and manage relationships with multi- users/tenants of the proposed facilities, and to manage a capital fund raising campaign and manage operational funding, is fundamental to the development of the proposed Project; and

WHEREAS, this Resolution is a pre-decisional action of the Board that reflects its interest in the proposed Project and is not binding in nature. Nothing in this Resolution shall be construed to be legally binding nor does it commit the Department to approval of any permit or lease or any terms or conditions thereof, or any proposed Project. Any proposed Project concerning City Dock No. 1 would be subject to final action of the Board and the City Council as provided by the Charter of the City of Los Angeles and applicable law. The proposed Project is also subject to compliance with all relevant provisions of the California Environmental Quality Act ("CEQA"), National Environmental Policy Act ("NEPA"), and completion thereof, including the addition of any required modifications or adoption of appropriate alternatives, including the "no project" alternative under CEQA, as well as issuance of all relevant and necessary permit(s), all other applicable regulations, ordinances, policies and procedures governing development, leasing and use of Department property and approval by the Board and the Los Angeles City Council:

Now, THEREFORE, the Board of Harbor Commissioners resolves that:

- 1) The Board supports the development of an independent California nonprofit corporation ("Nonprofit") by a third party or parties as yet to be identified, with the capabilities to implement the proposed Project in collaboration with potential Project users and tenants, in order to enter into a lease with the Department to develop, operate and maintain the proposed Project, if approved by the Board.


- 2) The Board supports the Executive Director working with the Nonprofit, pending completion of environmental analyses of the proposed Project pursuant to CEQA and NEPA and Project approval, to discuss preliminary general lease terms for the future development, operation, and maintenance of the proposed Project, including but not limited to, expectations related to capital fund raising, user/tenant cooperative agreements and sub-leases, compensation, entitlement term, operations and maintenance responsibilities, and plans for the proposed Project to be self-sufficient.
- 3) The Board reserves the right to consider and act on the proposed Project, as well as the right to consider and act on any entitlement proposed with the Nonprofit.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Board of Harbor Commissioners at its meeting held

KORLA G. TONDREAULT
Commission Secretary

APPROVED AS TO FORM

April 26, 2012
CARMEN A. TRUTANICH, City Attorney

By 
HEATHER M. McCLOSKEY, Deputy City Attorney