

DATE: JANUARY 31, 2023

FROM: ENVIRONMENTAL MANAGEMENT

SUBJECT: RESOLUTION NO. _____ - ADOPTION OF THE FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE STAR-KIST CANNERY FACILITY PROJECT (LOS ANGELES HARBOR DEPARTMENT APPLICATION FOR PORT PERMIT NO. 190311-032; STATE CLEARINGHOUSE NO. 2019129042)

SUMMARY:

Staff requests adoption of the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Star-Kist Cannery Facility Project (Project) along with comments and responses to comments, and approval of the proposed Project as described in the Final IS/MND.

The proposed Project involves demolition of the former Star-Kist cannery facilities on an approximately 14-acre site on Terminal Island within the Port of Los Angeles (Port). For the purposes of this evaluation, it is assumed that the site will be developed as a chassis repair and maintenance depot, which is consistent with the Port Master Plan (PMP) designation of maritime support. The demolition area would be covered with crushed miscellaneous base (CMB) until such time when the area is ready for development. The City of Los Angeles Harbor Department (Harbor Department) has attempted to reuse these facilities through the Request for Proposal process several times, and no viable options have been found. Demolition has been deemed necessary to create a parcel of land that is more marketable for future development, to reuse and capitalize the site more efficiently, and to remove safety hazards posed from leaving the cannery buildings erect and vacant. This item was originally brought before the Board of Harbor Commissioners (Board) on October 20, 2022, with no Board vote taken. Since that time, staff has been in communication with stakeholders to coordinate on actions to commemorate Star-Kist's association with the historic canning industry. Payment of the costs associated with the Final IS/MND as well as the costs associated with the proposed Project and potential commemorative actions are the responsibility of the Harbor Department.

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RECOMMENDATION:

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

1. Find that, pursuant to the State California Environmental Quality Act Guidelines (CEQA) Section 15074, the Final Initial Study/Mitigated Negative Declaration for the Star-Kist Cannery Facility Project, (a) has been completed in compliance with the State CEQA Guidelines and the Los Angeles City CEQA Guidelines; (b) was presented to the Board for review and was reviewed and considered by the Board prior to approving the Star-Kist Cannery Facility Project; and (c) reflects the independent judgment and analysis of the City of Los Angeles Harbor Department as the Lead Agency;
2. Find that, based on the whole record before it, including (a) the information contained in this report and (b) the Final Initial Study/Mitigated Negative Declaration for the Star-Kist Cannery Facility Project, the proposed Project would not have a significant effect on the environment pursuant to Public Resources Code Section 21080 and State California Environmental Quality Guidelines Section 15070;
3. Find that all information added to the Final Initial Study/Mitigated Negative Declaration after the public review period, but before adoption, merely clarifies, amplifies, or makes insignificant modifications, and that recirculation is not necessary;
4. Adopt the Final Initial Study/Mitigated Negative Declaration for the Star-Kist Cannery Facility Project;
5. Adopt the Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and State California Environmental Quality Act Guidelines Section 15074. The Mitigation Monitoring and Reporting Program is designed to ensure compliance with the mitigation measures adopted to mitigate or avoid significant effects on the environment, and identifies the responsibilities of the City of Los Angeles Harbor Department as lead agency and other applicable entities, to monitor and verify project compliance with those mitigation measures and conditions of project approval;
6. Authorize the Environmental Management Division to file the Notice of Determination for the Star-Kist Cannery Facility Project with the Office of Planning and Research State Clearinghouse and the Los Angeles County Clerk; and
7. Adopt Resolution No. _____.

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DISCUSSION:

Project Background/Context – The site for the proposed Project is at 1000, 1040, 1050, 1054, and 1098 S. Ways Street on Terminal Island. The site is bounded by Bass Street to the north, Earle Street to the east, Marina Street to the south, and Ways Street to the west. Access to the proposed Project site is provided from State Route (SR) 47, the Harbor Freeway (Interstate [I] 110), the Long Beach Freeway (I-710), and the San Diego Freeway (I-405).

From 1952 to 1984, the site for the proposed Project was used as a cannery facility for Star-Kist tuna operations, with the buildings constructed between 1947 and 1979. Four of the seven main buildings from the cannery operation have been demolished. None of the remaining buildings are eligible for the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR) or as a Los Angeles Historic-Cultural Monument (HCM).

The site for the proposed Project totals approximately 14 acres and includes two main buildings: Plant No. 4 and the northern portion of the East Plant. The two separate buildings are linked by a bridge in the northern portion of the proposed Project site. The site also includes a small approximately 2,221-square-foot wooden waterside dock that is supported by approximately 20 wooden piles within Fish Harbor. A small tuna can manufacturing facility was still in operation in the northern portion of the East Plant until December 2018. Other than this small tuna can manufacturing facility, the proposed Project site has been largely vacant for the last 10 years.

Project Objectives – The primary objectives of the proposed Project are to create a parcel of land that is more marketable for future development, to reuse and capitalize the site more efficiently, and to remove safety hazards posed from leaving the cannery buildings erect and vacant. Prior to the release of the 2019 document, the site had undergone two requests for proposals but had no success in finding a viable future use. After the release of the Recirculated Draft IS/MND, a Request for Expressions of Interest (RFI) was released for the proposed Project site, receiving only one response that recommended demolition of the building. There are no reasonably foreseeable plans or proposals under which the Harbor Department would undertake or issue a lease, permit, license, or other type of entitlement. In addition, the buildings are challenging to secure and have been subjected to multiple incidents of vandalism and breaking-and-entering. Once a proposed use for the site has been determined, future development will be subject to the Harbor Department's entitlement requirements and may require additional environmental review pursuant to CEQA.

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Project Description – The proposed Project involves demolition of the former Star-Kist cannery facilities on an approximately 14-acre site on Terminal Island at the Port. Although the ultimate future use of the site is unknown, the potential future use of the site as cargo support, which can vary from container or chassis storage to chassis repair and maintenance, is a reasonably likely future use and representative of the types of industrial uses allowed in this location according to the applicable zoning and the PMP. Therefore, this analysis considers the impacts from development and operations of a chassis repair and maintenance depot for purposes of analyzing the impacts of potential future development of the site.

Phase 1 of the proposed Project would result in demolition of Main Plant No. 4, a small wharf structure, and a bridge connecting Main Plant No. 4 to the northern portion of the East Plant. After demolition, the Main Plant No. 4 site would be secured by laying down a compacted and bound CMB and installing lighting, fencing, and low-impact development (LID) best management practices (BMPs). Prior to demolition, lead and asbestos abatement would be required at the buildings, which would take approximately 75 days. Demolition activities would last approximately 60 days and include the removal of a 2,254-square-foot dock, including approximately 20 wooden piles. The piles would be removed by pulling the existing piles out of the sea floor using a vibratory pile driver wherever possible. For any piles that cannot be pulled out using this method, they would be cut approximately two feet below the sediment level and lifted out of the water with a crane.

Phase 2 would involve installation of a concrete pad and canopy structure at the Phase 1 site and demolition of the East Plant. Similar to Phase 1, after demolition activities have been completed, the Phase 2 site would be graded and covered with CMB. LID BMPs, perimeter fencing, and exterior perimeter lighting would be installed. At this time, only Phase 1 activities are proposed to occur in the immediate future. When future funding becomes available, Phase 2 could occur. As discussed above, the future use of the site is not known at this time; however, for the purposes of CEQA, this document considers the potential future use of the site is as a chassis repair and maintenance depot.

Construction of the proposed Project is estimated to begin in 2023. Phase 1 would take approximately 10 months; and Phase 2 would take an additional seven months. Construction activities would take place between 7 a.m. and 6 p.m. Monday through Friday, and as needed between 8 a.m. and 6 p.m. on Saturdays. Phase 2 funding has not been secured at this time, but it assumed that this portion of the proposed Project would not begin until fiscal year 2024/2025.

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ENVIRONMENTAL ASSESSMENT:

CEQA Documentation and Public Involvement – The Harbor Department, as the CEQA Lead Agency, has prepared a Recirculated IS/MND for the proposed Project in compliance with the State CEQA Guidelines and the Los Angeles City CEQA Guidelines which contains the following: a description of the proposed Project and location, an initial study checklist, an analysis of potential impacts and proposed findings.

Areas of Environmental Concern – In 2008, the Star-Kist Facility was analyzed for historic eligibility for designation in the NRHP; CRHR; and/or an HCM. This report prepared a windshield survey of the site and determined that the Star-Kist Facility was eligible for historic designation under the NRHP, CRHR, and HCM under all criteria. In 2019 and in compliance with the Port's Built Environment Historic, Architectural and Cultural Policy, the Harbor Department prepared a re-evaluation of the Star-Kist Facility to determine if the proposed Project site maintained its historic eligibility since the previous analysis was greater than five years old. After robust research and an intensive walk-through of the site, architectural historians that meet the Secretary of Interior Qualifications determined that the facility no longer retained enough integrity to be eligible for listing as a historic resource in the NRHP, CRHR, or as an HCM. In 2021, the same architectural historians made revisions to the report to provide more clarity regarding the conclusions as well as analyze if the Star-Kist Facility would contribute to any potential historic districts in Fish Harbor. The 2021 revision determined that the Star-Kist facility did not contribute to any potential historic districts in the area. Additionally, a third-party consultant containing the Secretary of Interior's Professional Qualifications as a Historian, Architectural Historian and Archaeologist from Applied EarthWorks, Inc. reviewed the 2021 report and agreed that the Star-Kist Plant No. 4 no longer conveys its significance and therefore is not a historical resource for the purposes of CEQA.

A Draft Initial Study/Negative Declaration (IS/ND) dated December 2019, was circulated for public review and comment for a period of 30 days beginning on December 12, 2019 and ending on January 13, 2020. In accordance with State CEQA Guidelines §15072, a Notice of Intent (NOI) to adopt the IS/ND was issued on December 12, 2019. Approximately 140 notices were mailed to agencies, stakeholders, neighbors, and other interested parties. Additionally, three notices were posted near the entrances of the wharfs in Fish Harbor to notify the fishermen that work near the proposed Project. The NOI and accompanying Draft IS/ND was filed with the Los Angeles City and County Clerks and was made available for public review on the Port's website at: <http://www.portoflosangeles.org>; at the Harbor Department Environmental Management Division at 222 West 6th Street, San Pedro, CA 90731; at the Los Angeles City Library, San Pedro Branch at 931 S. Gaffey Street, San Pedro, CA 90731; and at the Los Angeles City Library, Wilmington Branch at 1300 North Avalon, Wilmington, CA 90744. Comment

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letters from the Los Angeles Bureau of Sanitation, California Coastal Commission (CCC), Los Angeles Conservancy, California Department of Transportation (Caltrans), and the Gabrieleño Band of Mission Indians-Kizh Nation were received during the public review period of the Draft IS/ND.

Based on the Harbor Department's decision to increase the scope of the assessment to include potential future use and the public comments received, the Harbor Department revised the proposed Project as described above and released a Recirculated Draft IS/MND. The Recirculated Draft IS/MND dated November 2021, was initially circulated for public review and comment for a period of 30 days beginning on November 4, 2021 and ending on December 6, 2021. However, due to community request, the comment period was extended an additional 15 days and concluded on December 21, 2021. In accordance with State CEQA Guidelines §15072, a NOI to adopt the Recirculated Draft IS/MND was issued on November 4, 2021. Approximately 90 notices were mailed to agencies, stakeholders, neighbors, and other interested parties. The NOI and accompanying Recirculated Draft IS/MND was filed with the Los Angeles County Clerk and was made available for public review on the Port's website at: <http://www.portoflosangeles.org> and available for pick up at the Harbor Department Environmental Management Division at 222 West 6th Street, San Pedro, CA 90731.

Pursuant to State CEQA Guidelines § 15073, the Recirculated Draft IS/MND was submitted to the State Clearinghouse for review by state agencies. A public hearing was not conducted during the public review period for the Recirculated Draft IS/MND and is not required pursuant to State CEQA Guidelines § 15202.

Public Comments Received for the Recirculated Draft IS/MND and Response to Comments – Comment letters from City of Los Angeles Bureau of Sanitation, Los Angeles County Supervisor Janice Hahn, the Los Angeles Conservancy, California Department of Fish and Wildlife, California Department of Transportation(Caltrans), the Dalmatian American Club, FuturePorts, Gabrieleño Band of Mission Indians-Kizh Nation, Northwest San Pedro Neighborhood Council, South Coast Air Quality Management District, Wilmington Historical Society, and seven members of the community were received during the public review period of the Recirculated Draft IS/MND. Copies of the comment letters and staff responses to comments are included in the Final IS/MND (Transmittal 1). Comments included concerns to marine flora and fauna during wharf removal, requested that we consider zero emission equipment, and urged the Harbor Department to pursue an option to preserve the building. One letter was in support of the proposed Project. These comments have been addressed in the Final IS/MND in the Response to Comments Section.

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In response to comments received and direction from the Board, a RFI was released for the proposed Project site. The Los Angeles Conservancy shared the availability of the RFI in their newsletter in an attempt to bring more visibility to the potential reuse of the site. One entity responded to the RFI. The response did not include a proposed use where the Star-Kist facility would remain extant.

Based on the comments provided, staff identified no new environmental effects that were not assessed in the Recirculated Draft IS/MND and no new mitigation is required. Changes added to the Final IS/MND after the public review period merely clarify, amplify, or make insignificant modifications. None of the issues raised during the comment period trigger the need to re-circulate the Final IS/MND pursuant to the requirements of State CEQA Guidelines §15073.5.

During the October 20, 2022 Board meeting, the Los Angeles Conservancy, the San Pedro Bay Historical Society, and James Preston Allen provided public comments. Additionally, comment letters were received from Central San Pedro Neighborhood Council, Supervisor Hahn, Honorable Anthony Misetich, Robert Hopper, and Stephanie Mardesich and were provided to the Board for consideration. The Board elected not to vote on this item and directed staff to perform additional outreach. Additionally, on Nov. 25, 2022, we received an email from Yvonne Bogdanovich suggesting steps to commemorate Star-Kist. This letter was also provided to the Board for consideration. In December 2022, the LAHD received a Fire/Life Safety Violation requiring LAHD to fix deficiencies in the automatic fire sprinkler system and establish 24-hour watch of the Star-Kist Facility.

Finding and Conclusions – The Final IS/MND includes a discussion of the proposed Project’s effects on the existing environment. One mitigation measure was included to reduce potential impacts to below the level of significance for biological resources. Mitigation Measure BIO-1: To minimize the effect of nighttime lighting on wildlife species, exterior lighting around the perimeter of the proposed Project site will be designed to avoid light intrusion and spillage into surrounding areas, particularly Fish Harbor, through the use of shielding, height minimization (i.e., low to ground), and directional placement (i.e., downward facing lights). This mitigation measure is included in the Mitigation Monitoring and Reporting Program (Transmittal 2). Exterior lighting will also use bulbs that are of a spectrum, wavelength, and intensity that minimize disruption to wildlife. Prior to issuance of construction permits, exterior lighting plans and specifications will be identified in construction site plans and will be provided to Harbor Department for review and approval. With inclusion of this mitigation measure, no significant impacts are anticipated as a result of the proposed Project.

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Record of Proceedings – When adopting an IS/MND as required by State CEQA Guidelines §15074, the public agency shall specify the location and custodian of the documents or other material, which constitute the record of proceedings upon which its decision is based. These records are in the care of the Director of Environmental Management, City of Los Angeles Harbor Department, 425 S. Palos Verdes Street, San Pedro, CA 90731.

Notice of Determination (NOD) – In accordance with the State CEQA Guidelines §15075, a NOD will be filed with the Office of Planning and Research State Clearinghouse and the Los Angeles County Clerk after the proposed Project is approved. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA.

Finally, the Harbor Department would like to express that it fully recognizes the historic importance of the former Star-Kist facility and what it has meant to the local community. Since this item was brought to the Board in October 2022, the Harbor Department has reached out to stakeholders to discuss potential ways to honor Star-Kist’s association with the historic canning industry. The Harbor Department is considering the following commemorative actions: (1) rename the portion of Ways Street in front of the Main Star-Kist Plant to “Star Kist Foods Way;” (2) coordinate with the Maritime Museum to showcase can seamer equipment as part of their existing canning industry exhibit; and (3) acknowledge the historic impact the fishing industry had on the local community by installing a new monument or adding to the existing Fishing Industry Memorial. The final commemorative actions will be brought back to the Board for consideration and approval.

FINANCIAL IMPACT:

The cost to prepare the Final IS/MND is approximately \$340,000 inclusive of staff time, consultant services, and filing fees.

Construction costs associated with Phase 1 of the proposed Project are estimated to be approximately \$10.9 million while construction costs associated with Phase 2 are unknown at this time. Staff will seek Board approval for any construction contract and will request funds to be budgeted for construction efforts under a separate memo at a later date.

CITY ATTORNEY:

Based upon the information presented to the Office of the City Attorney, the Board may find that the Final IS/MND has been completed in compliance with CEQA and raises no legal issues at this time.

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TRANSMITTALS:

1. Final Initial Study/Mitigated Negative Declaration
2. Mitigation Monitoring and Reporting Program

FIS Approval: MB
CA Approval: SO


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