



**THE PORT  
OF LOS ANGELES**  
Executive Director's  
Report to the

Board of Harbor Commissioners

**DATE: NOVEMBER 8, 2012**

**FROM: ENVIRONMENTAL MANAGEMENT**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - ADOPTION OF FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE WILMINGTON YOUTH SAILING AND AQUATIC CENTER (LOS ANGELES HARBOR DEPARTMENT APPLICATION FOR DISCRETIONARY PROJECT NO. 100325-026; SCH NO. 2012071095)**

**SUMMARY:**

Staff recommends that the Board of Harbor Commissioners (Board) adopt the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Wilmington Youth Sailing and Aquatic Center (WYSAC) Project (Project) at Berth 204 in Wilmington, along with the comments and responses to comments; make specific findings regarding the environmental impacts of the Project and mitigation measures to reduce or avoid such impacts; adopt a Mitigation Monitoring and Reporting Program (MMRP); and approve the Project as described in the Final IS/MND.

The Project includes construction of a sailing center facility with an adjacent boat dock and launch ramp and operation of a program that focuses on teaching local and inner-city youth how to sail. The primary objective of the program is to provide an opportunity for local and inner-city youths to develop life skills through sailing exercises, safe boating courses, and exposure to career opportunities at the Port of Los Angeles (Port). The program would accommodate up to 1,000 at-risk youths per year between the ages of 8-18. Students would be from the Wilmington community and surrounding areas. The Project also provides for a new lease and operating agreement of up to five years with the program operator. Approval of the lease and operating agreement will be brought before the Board in a separate future action.

**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners:

1. Find that, based on the information contained in this report and the Final Initial Study/Mitigated Negative Declaration for the Wilmington Youth Sailing and Aquatic Center Project, and with incorporation of mitigation measures in the Final Initial Study/Mitigated Negative Declaration, that the Project would not have a significant effect on the environment pursuant to Public Resources Code Section 21080 and the State California Environmental Quality Act Guidelines Section 15070;

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2. Adopt, pursuant to State California Environmental Quality Act Guidelines Section 15074, the Final Initial Study/Mitigated Negative Declaration for the Wilmington Youth Sailing and Aquatic Center Project which (a) has been completed in compliance with the California Environmental Quality Act, the State California Environmental Quality Act Guidelines, and the Los Angeles City California Environmental Quality Act Guidelines; (b) was presented to the Board for review and the Board reviewed and considered the information contained in the Final Initial Study/Mitigated Negative Declaration prior to approving the Project; and (c) reflects the independent judgment and analysis of the City of Los Angeles Harbor Department as the California Environmental Quality Act Lead Agency;
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 recirculation is not necessary;
4. Adopt the Mitigation Monitoring and Reporting Program contained in the Final Initial Study/Mitigated Negative Declaration 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;
5. In consideration of the Final Initial Study/Mitigated Negative Declaration, together with the comment letters received and the response to comments, approve the Wilmington Youth Sailing and Aquatic Center Project;
6. Direct the Real Estate Division to incorporate by reference the Final Initial Study/Mitigated Negative Declaration, mitigation measures, lease measures, and the Mitigation Monitoring Reporting Program contained in the Final Initial Study/Mitigated Negative Declaration into any and all permits, lease agreements, or assignments encompassed in the approved Project;
7. Direct the Real Estate Division to report to the Board the details regarding the lease and operating agreement once drafted;
8. Authorize the Environmental Management Division to file the Notice of Determination for the subject Project with the Los Angeles City and County Clerks; and
9. Adopt Resolution No. \_\_\_\_\_.

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**DISCUSSION:**

Project Background – The City of Los Angeles Harbor Department (Harbor Department) issued a Request for Proposals (RFP) for Wilmington Community Aesthetic Mitigation Projects that would increase public access to the waterfront and offset the loss of recreational resources in Wilmington impacted by the development and operation of the China Shipping Terminal. In response to the RFP, Pacific Unicom Corporation (PUC) submitted a proposal to operate the WYSAC as a non-profit organization. The proposed Project concept was approved by the California State Lands Commission and the Board approved \$3.1 million dollars in funding.

PUC is a 501(c) (3) public benefits corporation established in May 2000 for educational and charitable purposes, primarily to improve the quality of life in the community of Wilmington. PUC initially published the Wilmington Community News and in 2006 formed the Wilmington Boat Owners Association. It sponsors and organizes many annual community events, such as the L.A. Harbor Holiday Afloat Parade and Coastal Cleanup Day within the Wilmington marinas. PUC also serves as administrator of the Clean Wilmington Program.

The Harbor Department evaluated potential sites for the sailing center and determined that a site on Consolidated Slip would be unavailable for a minimum of ten years due to ongoing remediation plans. The Harbor Department evaluated other potential sites in Wilmington and determined that the underutilized storage site at Berth 204 would be the most suitable location for the sailing center because it provided existing slips and docks that required some repairs, along with modification and installation of utilities.

The site selected is located on a small portion of the water and land premises Colonial Yacht Anchorage previously operated as a marina, boat yard, and dry dock storage facility. Colonial Yacht Anchorage ceased operations on March 1, 2012, and the premises were closed due to the condition of the premises and safety concerns.

Project Objectives – The primary objective of the Project is to provide an opportunity for local and inner-city youths to develop life skills through sailing exercises, safe boating courses, and exposure to career opportunities at the Port. The Project would accommodate up to 1,000 at-risk youths per year between the ages of 8-18. Students would be from the Wilmington community and surrounding areas.

The WYSAC will provide year-round after school, weekend and summer sailing courses and recreational activities for local and inner-city, low-income and at-risk youth ages 8 to 18. All new enrollees will take CPR, First Aid classes and participate in boat capsizing exercises, and if needed, swimming lessons at the new Wilmington YMCA pool. On-the-water training would include: Beginning, Intermediate and Advanced sailing and racing utilizing junior sail boats and keelboats, solo and group exercises, safe boating practices, basic water safety and emergency and rescue procedures, launching and docking. Classroom instruction, activities and tours include: a safe boating course,

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proper boat maintenance, an educational series with environmental and maritime guest speakers and harbor, vessel or facilities tours, regattas, other local competitions and events, and day sails with the TopSail Youth Program. The WYSAC also plans to offer accredited maritime and environmental certification courses in partnership with the International Trade Education Programs (ITEP) and U.S. Coast Guard adult Safe Boating and Navigation Courses, and maintain an eBay store that students will operate.

Project Description – The Project would construct and operate facilities supporting a youth sailing program. The Project would construct an approximately 6,650-square foot sailing center building, with 11,000 square feet of on-site parking, and install utilities (water, power, sewage), security fencing, lighting, and landscaping. The Project also would reconfigure and refurbish the existing boat dock by removing 11 slips to accommodate a new 100-foot dock and a 12 by 40-foot boat launch/gangway, and enlarge the remaining 14 slips to accommodate more than one boat per slip. Project operations would include classroom instruction and on-water sailing exercises. The Project is anticipated to be fully operational by 2014.

The WYSAC has formed partnerships with the Boys & Girls Clubs of the Los Angeles Harbor, the Gang Alternatives Program, Wilmington and San Pedro YMCAs, and through Council District 15, the Watts Community Center. These organizations will provide 10-20 students per day and a staff member to transport students to and from their facilities to the WYSAC in youth organization-owned vans and buses. ITEP and other high school students may provide their own transportation, and parents will potentially drop off children for weekend and summer programs and events.

Project Milestones:

|                |   |
|----------------|---|
| March 2013     | Building design complete, includes a complex foundation design and methane mitigation system  |
| June 2013      | City of Los Angeles Department of Building and Safety approval<br>Purchase building kit with a General Services Administration contract |
| July 2013      | Bid entire scope of work, includes site work, building construction, and dock construction  |
| January 2014   | Award and start construction  |
| September 2014 | Complete construction   |
| November 2014  | Begin operations  |

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**ENVIRONMENTAL ASSESSMENT:**

CEQA Documentation and Public Involvement – The Harbor Department is the CEQA Lead Agency and has prepared an IS/MND for the Project which contains a description of the Project and location, a proposed finding that the Project, with mitigation, will not have a significant effect on the environment, the environmental analysis to support the finding, and a Mitigation Monitoring and Reporting Program to avoid potentially significant effects (Transmittal 1).

The Draft IS/MND was circulated for public review and comment for a period of 30 days beginning on August 1 and ending on August 31, 2012. In accordance with State CEQA Guidelines Section 15072, a Notice of Intent (NOI) to adopt the MND was released on July 30, 2012. Approximately 250 notices were mailed to agencies, stakeholders, and other interested parties. The notice and accompanying Draft IS/MND was made available for public review on the Port of Los Angeles website at: <http://www.portoflosangeles.org>; at the City of Los Angeles Harbor Department Environmental Management Division at 222 West 6<sup>th</sup> Street, San Pedro, CA 90731; at the Los Angeles City Library, San Pedro Branch at 931 S. Gaffey Street, San Pedro, CA 90731; and the Los Angeles City Library, Wilmington Branch at 1300 North Avalon, Wilmington, CA 90744. A special notice was sent to all Wilmington Marinas operators, who were encouraged to post the notice and share the information with their tenants. Notice of the comment period was also advertised in six newspapers: Los Angeles Times, Long Beach Press Telegram, Torrance Daily Breeze, Metropolitan News Enterprise, Hoy, and Random Lengths.

Pursuant to State CEQA Guidelines Section 15073, the 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 Draft IS/MND and is not required pursuant to State CEQA Guidelines Section 15202.

Public Comments Received and Response to Comments - A total of 11 comment letters were received on the Draft IS/MND. Comments were received from the following: Wilmington Neighborhood Council, three individuals, City of Los Angeles Bureau of Sanitation, State of California Office of Planning and Research, State of California Native American Heritage Commission, State of California Department of Conservation, and the State of California Department of Transportation.

In addition to letters of support, issues raised by commentors were related to Project siting; traffic, air quality and noise impacts; identification of abandoned oil wells; and maintenance of the methane control system. The Response to Comments in the Final IS/MND details changes made to the Project and contains copies of the comment letters and staff responses.

Based on the comments provided, staff has not identified any new environmental effects that need to be assessed and mitigated to a level of less than significant. Changes

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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 Draft IS/MND pursuant to the requirements of State CEQA Guidelines Section 15073.5.

Areas of Controversy - In making its determinations, it is important for the Board to be informed as to the areas of controversy associated with the Project. Some issues raised by commentators related to the appropriateness of the location for a youth sailing center, given the proximity of contaminated sediments, high levels of methane in the soil, and potential conflicts with commercial vessel traffic. However, these and other siting issues are addressed in the Final IS/MND. For example, the building site would be designed with a methane gas protection system. Sailing lessons would occur within a designated area between the Consolidated Slip and the East Basin (Transmittal 2), and prior to the sailing exercises, WYSAC personnel would check with the Pilots Traffic system to confirm that no commercial vessel traffic was scheduled at that time. Contact with contaminated sediments would be avoided by prohibiting swimming, tipping exercises, and sailing in the Consolidated Slip.

Finding and Conclusions - The Final IS/MND includes a discussion of the Project's effects on the existing environment, including the identification of mitigation measures to reduce potential impacts. No significant effects that could not be mitigated to a less than significant level were identified. Potential significant environmental effects prior to mitigation include impacts during construction and operations related to the following environmental resource areas: Biology, Cultural Resources, Noise, and Recreation. With incorporation of mitigation measures BIO-1, CUL-1 and CUL-2, NOI-1 – NOI-4, and REC-1 – REC-4, as described in the Final IS/MND, impacts would be reduced to a less than significant level. The Project was not found to have significant cumulative impacts or unavoidable adverse impacts.

Record of Proceedings - When adopting an MND as required by State CEQA Guidelines Section 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, 222 West 6<sup>th</sup> Street, San Pedro, CA 90731.

Notice of Determination - In accordance with Los Angeles City CEQA Guidelines, Article I, and the State CEQA Guidelines Section 15075, a Notice of Determination (NOD) will be filed with the Los Angeles City and County Clerks if the Project is approved. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA.

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**ECONOMIC BENEFITS:**

The proposed Project is anticipated to have employment benefits for the five-county region. At this time, it is premature to estimate economic benefits without any knowledge of the costs associated with the construction. Staff will be able to fully evaluate economic benefits of the Project when the construction contract is brought before the Board.

**FINANCIAL IMPACT:**

Costs associated with the preparation of the IS/MND amounted to approximately \$145,000 and were borne by the Harbor Department. Award of the construction contract will be brought before the Board in a separate future action. Funding for the Project is provided through China Shipping Settlement Agreement aesthetic mitigation funds, of which \$2.6 million will be used for construction of the facility and \$500,000 will be used to operate and maintain the facility over a three-year period. No capital funds will be used. Approval of an operating lease will be brought before the Board in a separate future action.

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**CITY ATTORNEY:**

Based upon the information presented to the City Attorney's Office, the Board may certify that the Final Initial Study/Mitigated Negative Declaration has been completed in compliance with the California Environmental Quality Act.

**TRANSMITTALS:**

1. Final Initial Study/Mitigated Negative Declaration
2. Site map

FIS Approval: EJ (initials)

CA Approval: JRC (initials)



CHRISTOPHER CANNON  
Director of Environmental Management



MICHAEL R. CHRISTENSEN  
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APPROVED:



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BOARD MEETING: 11/15/2012

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