

**CENTRAL SAN PEDRO NEIGHBORHOOD COUNCIL  
PCAC REPORT  
March 10, 2009**

**Port Community Advisory Committee:**

The February 17 meeting had an informational presentation on the Action Items for March 17.

**Action item from February 20 PCAC meeting:**

**Inclusion of Construction Emissions in Health Risk Assessments**

(See January 13 PCAC report for full text of motion) . . . Therefore, be it resolved, the Air Quality Subcommittee requests the PCAC to advise the Board of Harbor Commissioners to require that the Baywide HRA be revised to include consideration of and re-calculation for the harmful and significant contribution to pollution and health risk resulting from Construction Emissions. **Motion passed 10-8-2.**

**Action Items for March 17 PCAC meeting:**

**1. Anchorage Road Soil Storage Site Land Use Feasibility Study** - from the Port Master Plan/Quality of Life Subcommittee

Whereas, the Port Master Plan/Quality of Life Subcommittee's previously recommended land use changes to the Port of Los Angeles Master Plan have not been adopted by the Port and are currently under review by the subcommittee, and; Whereas, the Port of LA's 40-acre Anchorage Road Soil Storage Site, designated as Planning Area 6 in the proposed amended Port Master Plan is inconsistent with the 2000 Wilmington-Harbor City Community Plan that states, "A substantial portion of the Cerritos Channel area of the Port shall continue to be reserved for recreational uses. Approximately 40 acres of land and water are currently developed for marina-related activities, and 40 adjacent acres east of the marina are designated for recreational uses under the Port of Los Angeles Plan, when oil extraction at this location has ceased," and; Whereas, oil extraction equipment on these 40 acres was removed in the 1990's, and; Whereas, the community wishes to develop a master plan for the Wilmington marina/recreational area in order to complete the redevelopment of the Wilmington waterfront, which potentially requires revisions to existing land use classifications.

**Therefore**, be it resolved, that the Port Master Plan/Quality of Life Subcommittee moves that PCAC recommend to the Board of Harbor Commissioners that a land use feasibility study be conducted for the 40-acre Anchorage Road Soil Storage Site to identify uses that are compatible with existing recreational uses, and; Be it further recommended that the evaluation include uses proposed in the 1987 Cal Hamilton, Wilmington Harbor Interface Study, the 2006 Cal Poly Wetlands Presentation as well as uses proposed by the Wilmington community and Port Master Plan Subcommittee that include: Boat Yard/Boat Building Facility, Wetlands, Visitor Serving Facilities, Park Space, Golf Course, Botanical Garden, Consolidated Slip Storm Water Treatment Facility, aquaculture (fish hatchery).

**2. Recreational Boat Ancillary Capacity Study** - from the Port Master Plan/Quality of Life Subcommittee

Whereas, according to the Port of Los Angeles website, there are 3935 recreational boat slips in the Port, and; Whereas, there are three boat yards in the Port that service recreational vessels; Colonial Yacht Anchorage, Eddie's Marine and Wilmington Marine Service (Larson's only services vessels over 70 feet), and; Whereas, recreational vessels require a haul out to maintain bottom paint, underwater fittings and/or mechanical apparatuses.

**Therefore**, be it resolved, that the Port Master Plan/Quality of Life Subcommittee moves that PCAC recommend to the Board of Harbor Commissioners that an ancillary study or survey be conducted to determine how much capacity is needed for the 3935 recreational boats moored in the Port of LA in order to comply with Tariff 4, Section 22, Seaworthy Vessel and Vessel Maintenance requirements.

**Next Meeting:** The next PCAC meeting will be held **Tuesday, March 17**, 5:30-8pm, at Banning's Landing in Wilmington. There will be a presentation on the status of Knoll Hill.

The **Reverend Oliver Bouie** sat at the table for the first time at the February 17 PCAC meeting. Well done!

**Carrie Scoville** has been named the Chair of the PCAC Lights, Aesthetics and Noise Subcommittee. As Subcommittee Chair she will also serve on the PCAC Steering Committee. Should you have any suggestions for LAN topics please contact Ms. Scoville.

#### **China Shipping Aesthetic Mitigation Fund Projects:**

**San Pedro** - Responses from the California State Lands Commission have been received on 6 of the 10 projects sent forward by the PCAC EIR/Aesthetic Mitigation Subcommittee. Excerpts from the State Lands Commission findings are included later in this report.

**Wilmington** – An RFP for project ideas for Wilmington closed February 23rd. Offerors are presenting their projects to a joint meeting of the PCAC Wilmington Waterfront Development Subcommittee and the PCAC EIR/Aesthetic Mitigation Subcommittee tonight at Banning's Landing. **\$4.9M** in project funding is available for these projects.

**China Shipping Terminal EIR Appealed:** On February 10 the City of Riverside filed an appeal of the approved China Shipping project. The reason stated was that the EIR did not take into account the negative impact of the increased truck/rail traffic on their City. The Army Corps of Engineers will not approve going forward with this project until the appeal is resolved.

**Port of LA Electric Truck Program:** The POLA and South Coast Air Quality Management District have funded a demonstration project of an electric drayage truck by Balqon Corp. for short haul operations. It can pull a 60,000-pound container at a max. 40 mph, and has a range of 30 to 60 miles per battery charge. Balqon's plant is in Harbor City and the Port receives a royalty for every truck sold or leased. The first trucks were received by the Port February 24th. This program was developed by the Technology Advancement Program established under the POLA/LB Clean Air Action Plan. Proceeds will go towards further TAP projects.

#### **Upcoming Events:**

**10th (and final) CITT State of the Trade and Transportation Town Hall "The Decade Ahead: Jobs, Cargo, Competition and You"** - March 11, 2009, at 6:00 PM at the Carpenter Center at CSULB. Admission and parking are free of charge.

**Port Community Advisory Committee Meeting** – Tues, March 17, 5:30-8pm, Banning's Landing, Wilmington

**Faster Freight – Cleaner Air California 2009** – March 23-25, 2009, Long Beach Convention Center.

#### **Los Angeles Harbor Commission Meetings:**

- Thurs, March 19, 6:00 pm, Banning's Landing, Wilmington
- Thurs, April 2, 8:30 am, POLA Headquarters, San Pedro
- Thurs, April 16, 6:00 pm, Banning's Landing, Wilmington
- Thurs, May 7, 6:00 pm, POLA Headquarters, San Pedro

**PCAC Subcommittees (open to the public):**

- **San Pedro Waterfront Coordinated Plan** – Weds, March 11, 5-7 pm, POLA High School
- **Port Master Plan/Quality of Life** – *March 12 meeting cancelled*
- **Traffic** – Weds, March 18 – Banning Museum, 401 E. “M” St., Wilmington
- **Water Quality** – *meetings cancelled in lieu of WRAP meeting until further notice*
- **EIR Aesthetic Mitigation** – Thurs, March 26, 4-6 pm, Bannings Landing
- **Air Quality** – Weds, April 1, 4:30-6:30 pm, POLA High School.
- **PCAC Steering Committee** – Tues, April 7, 6:30-8pm, POLA High School
- **Lights, Aesthetics and Noise** – Mon, April 13, POLA High School
- **Wilmington Waterfront Development** – Tues, April 14, 5:30-6:30 pm, Banning’s Landing

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**EXCERPTS - CA STATE LANDS COMMISSION COMMENTS ON SELECTED SAN PEDRO MITIGATION PROPOSALS**

**Black Hill Stabilization/Greenbelt Park**  
***PCAC EIR/Aesthetic Mitigation Committee Ranked #1 / CSPNC Priority Project #2***

... “Analysis of the proposal by CSLC staff indicates that portions of the proposal may be consistent with the Public Trust Doctrine if certain conditions are met. The proposal states the potential for acquisition of lands by the Port for the development of a green belt park. The expenditure of trust funds (China Shipping Mitigation money) for the acquisition of lands to serve as a buffer between Port activities and the residential community is consistent with the Public Trust Doctrine and the legislative grant to the Port if the parcels are adjacent to Port operations. The proposal also looks to designate several of the hilltop roads as scenic highways. Additional information will be required to render a trust consistency determination for this portion of the project. Will there be a scenic vista or open space component for the users of the roadways to view the Port operations? This portion of the proposal fails to adequately explain the demonstrable nexus between Port operations and the project. Second, absent a demonstrable nexus, this portion of the proposal fails to adequately explain how it is consistent with the Public Trust Doctrine.

CSLC staff review of this proposal for determination of consistency with the Public Trust Doctrine finds that portions of the proposal, with the above mentioned modifications, is generally consistent with uses authorized under the Doctrine and is consistent with Chapter 656, Statutes 1911, as amended by Chapter 2769, Statutes of 2002. Additional information is requested for the portions of the project dealing with the scenic highway designation. It is important to stress that proposals for use of Public Trust resources must serve a statewide or at least a regional benefit and caution must be taken to not confuse purely local or municipal benefits with public trust benefits.

While the above statements relate to the CSLC staff review of the proposed project nexus with Port operations and the Public Trust Doctrine, other concerns that must be addressed by the Board of Harbor Commissioners include consistency with the Port Master Plan and how the proposed use, site and costs will fit in with current and future Port operations, planning efforts, and budget priorities. . . .”

**Angels Gate Cultural Center and Park**  
***PCAC EIR/Aesthetic Mitigation Committee Ranked #2***

... “The proposal states that there is a demonstrable nexus between port operations and the proposal because the Angels Gate Park is a cultural and historic open space landmark located directly adjacent to and overlooking the Port of Los Angeles. The proposal further meets the objective of the Public Trust Doctrine by working to develop and promote commerce in the Port of Los Angeles through its planned restaurant, visitor information center and parking facilities.

The Angels Gate Cultural Center and Park Project Proposal, as described, fails to demonstrate how such a project is consistent with the Public Trust Doctrine and the various granting statutes, as well as, describe a demonstrable nexus or connection to the environmental, aesthetic, and/or public health impacts of the Port’s operations and facilities. As described, the Angels Gate Cultural Center proposal seeks to improve lands, not owned or controlled by the Port of Los Angeles. However, staff suggests the consideration of the acquisition of lands at the Angels Gate Cultural Center by the Port of Los Angeles. Acquisition of the land by the Port of Los Angeles may create a demonstrable nexus and Public Trust monies may then be used to improve the area consistent with the Public Trust. . . .”

**Restoration and Reutilization of "Hey Rookie" Pool  
PCAC EIR/Aesthetic Mitigation Committee Ranked #3**

... "The proposal may be consistent with the Public Trust Doctrine as it is waterdependent and related if certain conditions are met. The proposal states that the Restoration and Reutilization of "Hey Rookie" pool would partner with the Department of Recreation and Parks to manage, staff, and maintain the pool and would provide swimming lessons and introduce water related skills. Therefore, these programs have a sufficient nexus because the skills they teach are water dependent.

CSLC staff has concerns regarding the availability of this facility to the general public. In order for this proposal to receive Port funding, pool use must be promoted or advertised to the statewide general public, not merely be made available. Further, the facility and its programs must be operated in a manner consistent with the Port's legislative grants, which are cited below. Specifically, there shall be no discrimination in rates or availability based on residency. The facility and its programs must be open to the general public.

Therefore, CSLC staff review of this proposal for determination of consistency with the Public Trust Doctrine finds that the proposal, with the above mentioned conditions, is generally consistent with uses authorized under the Doctrine and is consistent with Chapter 656, Statutes 1911, as amended by Chapter 2769, Statutes of 2002. However, it is important to stress that proposals for use of Public Trust resources must serve a statewide or at least a regional benefit and caution must be taken to not confuse purely local or municipal benefits with public trust benefits.

While the above statements relate to the CSLC staff review of the proposed project nexus with Port operations and the Public Trust Doctrine, other concerns that must be addressed by the Board of Harbor Commissioners include consistency with the Port Master Plan and how the proposed use, site and costs will fit in with current and future Port operations, planning efforts, and budget priorities. . . ."

**Front Street-Harbor Boulevard Landscaped Gateway Improvements  
PCAC EIR/Aesthetic Mitigation Committee Ranked #5 (tie) / CSPNC Priority Project #1**

... "CSLC staff review of this proposal for determination of consistency with the Public Trust Doctrine finds that the proposal, under the following condition, is generally consistent with uses authorized under the Doctrine and is consistent with Chapter 656, Statutes 1911, as amended by Chapter 2769, Statutes of 2002. Improvements to lands must occur on lands under the jurisdiction of the Port. Capital improvements off Port property are generally inconsistent with the Public Trust Doctrine and the city of Los Angeles granting statutes.

While the above statements relate to the CSLC staff review of the proposed project nexus with Port operations and the Public Trust Doctrine, other concerns that must be addressed by the Board of Harbor Commissioners include consistency with the Port Master Plan and how the proposed use, site and costs will fit in with current and future Port operations, planning efforts, and budget priorities. . . ."

**N. Front Street/N. Pacific Avenue Scenic Highway Improvements  
PCAC EIR/Aesthetic Mitigation Committee Ranked #5 (tie) / CSPNC Priority Project #3**

... "CSLC staff review of this proposal for determination of consistency with the Public Trust Doctrine finds that the proposal, under the following condition, is generally consistent with uses authorized under the Doctrine and is consistent with Chapter 656, Statutes 1911, as amended by Chapter 2769, Statutes of 2002. Improvements to land, including the removal of utility poles, removal of billboards and landscaping must occur on land under the jurisdiction of the Port. Capital improvements off Port property are inconsistent with the Public Trust Doctrine and the city of Los Angeles granting statutes.

While the above statements relate to the CSLC staff review of the proposed project nexus with Port operations and the Public Trust Doctrine, other concerns that must be addressed by the Board of Harbor Commissioners include consistency with the Port Master Plan and how the proposed use, site and costs will fit in with current and future Port operations, planning efforts, and budget priorities. . . ."

**Reconstruction of Historic Outbuildings at Point Fermin Lighthouse  
PCAC EIR/Aesthetic Mitigation Committee Ranked #9**

... "The Reconstruction of Historic Outbuildings at Point Fermin Lighthouse proposal fails to demonstrate how such a proposal will serve a statewide benefit and is inconsistent with the Public Trust Doctrine and the various granting statutes, as well as, describe a demonstrable nexus or connection to the environmental, aesthetic, and/or public health impacts of the Port's operations and facilities. As described, the Reconstruction of Historic Outbuildings at Point Fermin Lighthouse proposal seeks to improve lands, not owned by or controlled by the Port of Los Angeles. CSLC staff had previously recommended acquisition of portions of the Angels Gate Park by the Port using mitigation monies. In effect this would give the Port of Los Angeles a property interest in the land to be occupied by the Historic Outbuildings at Point Fermin Lighthouse and create a demonstrable nexus." . . .