

COASTAL CONSERVANCY

Staff Recommendation

June 16, 2005

**LOS ANGELES HARBOR AREA PUBLIC ACCESS AND URBAN
WATERFRONT PLAN: IMPLEMENTATION**

File No. 03-032

Project Managers: Marc Beyeler and David Hayes

RECOMMENDED ACTION: Disbursement of up to \$1,800,000 to the Los Angeles Harbor/Watts Economic Development Corporation for implementation of specific elements of the Los Angeles Harbor Area Public Access and Urban Waterfront Plan and adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for this Plan.

LOCATION: Harbor Area communities of Los Angeles, including the communities of San Pedro, Wilmington, and Harbor City, surrounding the Port of Los Angeles (Exhibit 1)

PROGRAM CATEGORIES: Public Access and Urban Waterfronts

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: Los Angeles Harbor Area Public Access and Urban Waterfront Plan documents: Summary Report and Coastal Trail Analysis (reports enclosed)

Exhibit 3: Initial Study and Mitigated Negative Declaration

Exhibit 4: Mitigation Monitoring and Reporting Program

Exhibit 5: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31300-31315 and Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one million eight hundred thousand dollars (\$1,800,000) to the Los Angeles Harbor/Watts Economic Development Corporation (“EDC”) for implementation of

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specific elements of the Los Angeles Harbor Area Public Access and Urban Waterfront Plan; approves the Mitigated Negative Declaration, attached to the accompanying staff recommendation as Exhibit 3; and further adopts the Mitigation Monitoring and Reporting Program for the Plan, attached to the accompanying staff recommendation as Exhibit 4, subject to the following conditions:

1. Prior to the disbursement of Conservancy funds to the EDC, the EDC shall:
 - a. Submit for the review and written approval of the Executive Officer of the Conservancy a work plan, budget and schedule for the implementation project elements; a signing plan acknowledging the Conservancy's funding; the names and qualifications of any contractors to be employed to carry out the work plan; and evidence that all necessary permits and approvals for the project have been obtained; and
 - b. Enter into an agreement with the Conservancy sufficient to protect the public interest in any improvement or development constructed as part of this proposed project in accordance with the requirements of Public Resources Code Section 31116(c) and to assure public access and to qualify the EDC with limited tort immunity under California Government Code Sections 831.2, 831.4, 831.7, and 831.25.
2. The EDC shall erect and maintain a sign which acknowledges Conservancy funding on the project sites.
3. The EDC shall operate and maintain the project site(s) for a period of not less than 20 years."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria in Chapters 7 and 9 of Division 21 of the Public Resources Code (Sections 31300-31315 and 31400 *et seq.*) regarding the restoration of urban waterfront areas and the creation of a system of public accessways to and along the coast; and
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The project serves greater than local need.
4. The project, as mitigated, avoids, reduces, or mitigates the possible effect of the project to a level of insignificance.
5. There is no substantial evidence that the project, as revised, may have a significant effect on the environment.

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6. The Mitigated Negative Declaration, attached to the accompanying staff recommendation as Exhibit 3, reflects the Conservancy's independent judgment and analysis.
7. On the basis of substantial evidence, the Conservancy has rebutted the presumption of adverse effect contained in California Code of Regulations Section 753.5(d) regarding the potential for adverse effect on wildlife resources as defined under California Fish and Game Code Section 711.2.
8. The Los Angeles Harbor-Watts Economic Development Corporation is a nonprofit organization existing under provisions of U.S. Internal Revenue Code Section 501(c)(3) whose purposes are consistent with Division 21 of the Public Resources Code."

PROJECT SUMMARY:

Conservancy staff is recommending approval of funds to the Los Angeles Harbor–Watts Economic Development Corporation (“EDC”) to implement specific elements of Los Angeles Harbor Area Public Access and Urban Waterfront Plan (“Plan”). Staff is also recommending approval of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Plan.

The EDC and Coastal Conservancy have developed an overall Public Access and Urban Waterfront Plan for the Los Angeles Harbor Area, including an analysis of the linkages between the communities of San Pedro, Wilmington, and Harbor City and the waterfront areas of the Port of Los Angeles.

The EDC will implement specific elements of the Plan, including improvements to the Coastal Trail and final plans and specifications and initial improvements for a select number of community gateways, linking the communities of San Pedro, Wilmington, and Harbor City and the waterfront areas of the Port of Los Angeles.

The Los Angeles Harbor Area communities of San Pedro, Wilmington, and Harbor City are located adjacent to the Port of Los Angeles, within the City of Los Angeles. The Los Angeles Harbor Area waterfront and shoreline areas are one of southern California's last underdeveloped visitor-commercial and recreational waterfronts .

The EDC has been working jointly with the Port of Los Angeles to increase public access to the San Pedro waterfront and to create stronger visitor linkages between downtown San Pedro and the Port of Los Angeles. This public access planning effort has generated enormous enthusiasm on the part of everyone seeking closer physical and economic connections between the harbor area communities and the Port waterfront.

The proposed project focuses on several major Los Angeles Harbor Area waterfront areas including the Wilmington and San Pedro areas. An important goal of the Plan was to identify linkages between the waterfront and shorelines areas of each of these adjacent communities.

The Plan elements for Wilmington are to expand the East Wilmington Greenbelt, and identify and develop linkages with the Avalon corridor, the B Street, and the Banning's Landing waterfront area. The East Wilmington Greenbelt is a former rail right-of-way

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donated by the Southern Pacific Railroad to the City of Los Angeles in 1975. To date, only half of the Greenbelt has been improved for public access. The proposed initial implementation project Plan would develop final project plans and specifications to complete the Greenbelt, and initiate land acquisition for regional coastal trail and related park improvements.

The Plan elements for San Pedro focus on improving and connecting a series of fragmented public areas with the Los Angeles Harbor from the Point Fermin Coast to the Vincent Thomas Bridge and north along Gaffey Street to Machado Lake and Harbor Regional Park. The San Pedro linkages connect important natural canyons, including Bandini and Peck Park, to adjacent waterfront areas, linking storm drain and flood control corridors, rights-of-way along roads and freeways, and existing unimproved parcels of public land and neglected parks. The Plan links these fragmented natural and public open space areas into a cohesive network of natural areas, improved parks, and public access trails and parkways. Access from the waterfront to community destinations, such as Waterfront Gateway, will provide key linkage to the coastal trail from inland communities.

The Plan identifies several needed improvements to the California Coastal Trail, including interpretive viewpoints, designated rest areas with visitor amenities, and other design elements that reflect the statewide nature of the coastal trail.

Site Description: The residential communities of the Los Angeles Harbor Area, including San Pedro and Wilmington, are located adjacent to the Port of Los Angeles, within the City of Los Angeles. The Los Angeles Harbor Area is one of southern California's last underdeveloped visitor-commercial and recreational waterfronts. The Los Angeles Harbor area incorporates a portion of San Pedro Bay, extending from Point Fermin to the Los Angeles River (Exhibit 3-Summary Report and Coastal Trail Analysis).

Project History: For the past five years, residents in the harbor area have been working with representatives of the City and Port of Los Angeles to develop new community plans for increased physical and economic connections between the Port of Los Angeles and the adjacent communities of San Pedro and Wilmington.

Previous Conservancy financial support of the Port of Los Angeles and the EDC in 2001 resulted in the design for a continuous public access and pedestrian boardwalk along the San Pedro waterfront fronting on the Port of Los Angeles. In 2002, a community task force and the Harbor Commission of the Port of Los Angeles approved the Conservancy-funded Promenade Plan. The Port of Los Angeles is now in the initial phase of Promenade development, working with community representatives.

The Promenade is intended as a pedestrian oriented walkway and path along the nearly five-mile long waterfront in San Pedro. The "San Pedro 'Nade" would pass wharves and docks, public boat marinas, the Cruise Ship Terminal, and the Cabrillo Aquarium and Museum, and terminate at Point Fermin Park, which offers some of the best ocean views in the Harbor area. Planning for and designing a new public access promenade linking the Port and San Pedro become a catalyst for community waterfront planning efforts in the Los Angeles Harbor Area.

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In June 2003, the Coastal Conservancy approved planning funds to the EDC to complete an overall Los Angeles Harbor Area Public Access and Urban Waterfront Plan. The completed Plan is contained in the Coastal Trail Analysis and the Summary Report (Exhibit 3). Together these documents outline an integrated and comprehensive plan for coastal trail, coastal access and related urban waterfront projects which will link the shoreline at several points and provide a series of community “gateways” from and to adjacent communities.

PROJECT FINANCING:

Coastal Conservancy:	\$1,800,000
Other Sources:	
Federal HUD	297,000
Proposition 40-DPR	\$1,500,000
City of Los Angeles	<u>\$300,000</u>
Total Project Funding	\$3,597,000

The proposed project would be funded through the Conservancy’s FY 2002-2003 budget appropriation for urban waterfront and public access projects from Proposition 40. The City of Los Angeles has been awarded \$1,500,000 in competitive funds from Proposition 40 from the California Department of Parks and Recreation. The EDC has been granted nearly \$300,000 from the federal Department of Housing and Urban Development. In addition, the City of Los Angeles has committed another \$300,000 for additional planning to connect downtown San Pedro to the central Los Angeles Harbor waterfront. Finally, the EDC has worked with local community organizations and the office of Los Angeles City Councilwoman Janice Hahn to submit applications totaling \$11 million dollars to the Port’s China Mitigation fund. If awarded, these funds would support implementation of the coastal linkages projects at the East Wilmington Greenbelt, Waterfront Gateway and San Pedro Plaza Park.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

This project is undertaken pursuant to Chapters 7 and 9 of the Conservancy’s enabling legislation, Division 21 of the Public Resources Code (Sections 31400-31405), regarding the restoration of urban waterfront areas and public access and enjoyment of coastal resources.

Section 31301 declares that “that developing the state’s urban waterfronts into environmentally sound areas, through, but not limited to, the creation of parks, open space, visitor serving facilities, and housing for all income levels will promote tourism, public access, and private sector development in these areas.” In addition, §31301 declares “that the encouragement of tourism, public access to the coast, and planned private sector development to be a benefit to the citizens of the state, as well as the local citizenry in affected urban waterfront areas. It is, therefore, the intent of this chapter to promote the restoration of the state’s vital urban waterfronts.” The Public Access and Urban Waterfront Plan provides concept and design plans for waterfront restoration projects that will

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encourage local and regional public access and recreation, as well as increased coastal tourism.

Section 31305 states that “the Conservancy shall seek to promote excellence of design and shall stimulate projects which exhibit innovation in sensitively integrating man-made features into the natural coastal environment.” The Public Access and Urban Waterfront Plan provides concept and design plans for waterfront restoration projects that will encourage the conservation, restoration and enhancement of natural resources and the development of visitor-serving improvements.

Section 31307 states that the “Conservancy may award grants to public agencies and nonprofit organizations for the restoration of urban coastal waterfront areas.” The Conservancy funds will leverage other grant funds for project specific plan preparation and implementation. The Port of Los Angeles has provided funds to the EDC to support community planning. The EDC has received funds for implementing plan elements in Wilmington as part of federal HUD appropriation. In addition, the City of Los Angeles has received funds for implementation of the Wilmington project.

Section 31400 states that the Conservancy shall have a principal role in the implementation of a system of public accessways to and along the state’s coastline. Through implementing initial elements of the Plan, the Conservancy will play a primary role in developing a public access plan for important public coastal properties in the Los Angeles Harbor Area of Los Angeles County, including the communities of San Pedro and Wilmington.

Section 31400.1 allows the Conservancy to award grants for accessways that serve more than local public needs. The Los Angeles Harbor Area of Los Angeles is a major destination point for millions of visitors each year from throughout the State and around the world.

Section 31400.3 states that the Conservancy may assist public and nonprofit organizations in implementing public access to and along the coast. Implementing the initial elements of the Plan are the first steps towards improving public access to this part of the coastline.

CONSISTENCY WITH CONSERVANCY’S STRATEGIC PLAN GOAL(S) AND OBJECTIVE(S):

Consistent with **Goal 2, Objective A**, the proposed project would develop additional public access improvements at various shoreline locations with the Los Angeles Harbor Area. Consistent with **Goal 2, Objective B**, the project would open an area that is currently inaccessible or has only limited access to public use while respecting the rights of nearby residents and property owners and respects the safety and security needs of harbor operations and recognizing the need to minimize impacts on sensitive natural resources.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Program Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. Promotion of the Conservancy's statutory programs and purposes: As described in the paragraphs above, the proposed project is consistent with Sections 31300-31315 and 31400-31405 of Chapters 7 and 9 of the Conservancy's enabling legislation (Division 21 of the Public Resources Code) regarding urban waterfront restoration and public access and enjoyment of coastal resources.

2. Consistency with purposes of the funding source: The source of funds for the proposed project would be the Coastal Conservancy's FY 02/03 budget appropriation for coastal access and urban waterfront projects from Proposition 40.

3. Support from the public: The proposed project enjoys a high level of support from a wide variety of private citizens, local and state legislators, and nonprofit organizations (see Exhibit 5).

4. Location: The project area is in and affects the Coastal Zone.

5. Need: As discussed in the "Project Description" section above, the proposed Conservancy grant is needed in order to facilitate the initial implementation of urban waterfront and public access facilities that serve a greater than local need in an area presently underserved by coastal recreation and public access opportunities.

6. Greater-than-local-interest: The Los Angeles Harbor Area is located in the heart of a region that is a major destination point for millions of visitors each year from throughout the State and around the world.

Additional Criteria

7. Resolution of more than one issue: Implementation of the Plan for the public access and urban waterfront restoration will also serve as a basis for related community recreation and public access facilities as well as waterfront visitor facilities.

8. Realization of prior Conservancy goals: The Conservancy has funded public access improvements at Cabrillo Beach in the past, and has sought to improve public access to the Harbor area of Los Angeles for some time. Previous Conservancy financial support provided to the Port of Los Angeles and the EDC in 2001 resulted in the design for a continuous public access and pedestrian boardwalk along the San Pedro waterfront fronting on the Port of Los Angeles. In 2002, a community task force and the Harbor Commission of the Port of Los Angeles approved the Conservancy-funded Promenade Plan. The Port of Los Angeles is now completing the initial phase of Promenade development, working with community representatives.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The San Pedro Specific Plan and the San Pedro Local Coastal Land Use Plan (LUP) are components of the Local Coastal Program. Within the Specific Plan and the LUP public access and public recreational opportunities are to be maximized. Goal 6 of the San Pedro Local Coastal Program Specific Plan calls for the preservation of the scenic and visual quality of the coastal areas. Objective 6-4 of the San Pedro Local Coastal Program Specific Plan seeks to “maximize public access and recreational opportunities to and within the Coastal Zone consistent with sound resource conservation principles and the rights of private property owners.” Finally, Policy 6-5.1 states that “existing coastal-oriented recreational facilities be maintained, developed, and expanded where needed to provide local as well as regional access to and enjoyment of San Pedro’s unique coastal resources.”

The Port of Los Angeles Port Master Plan also provides for additional public recreation facilities within the Port of Los Angeles consistent with sound and compatible port planning. The western port areas adjacent to the San Pedro community have been identified as areas appropriate for increased public access and public recreation facilities.

COMPLIANCE WITH CEQA:

As the lead agency under California Environmental Quality Act (CEQA), the Conservancy staff prepared a draft Mitigated Negative Declaration (See Exhibit 3) for the implementation of specific elements of the Los Angeles Harbor Area Public Access and Urban Waterfront Plan (“Plan”). The draft Initial Study and Mitigated Negative Declaration were noticed and circulated for public review on April 28, 2005. The 30-day comment period ended on June 1, 2005. No comment letters were received.

The Mitigated Negative Declaration identified possible significant effects of the project related to archeological/historical resources, traffic/circulation and geology/soils. Proposed mitigation measures that will be incorporated into the project design and/or will avoid, reduce or minimize the possible effect to a level of insignificance are described in detail in the Mitigation Measures, pages 5-7 of Exhibit 3.

Conservancy staff recommends that the Conservancy approve the Mitigated Negative Declaration for the project and that the Conservancy: (1) find that the project, as mitigated, avoids, reduces, or mitigates the possible effect to a level of insignificance; (2) find that there is no substantial evidence that the project, as revised, may have a significant effect on the environment; (3) find that the proposed Negative Declaration reflects the Conservancy’s independent judgment and analysis; (4) find that there is, on the basis of substantial evidence, no evidence before the Conservancy that the project will have a potential adverse effect on wildlife resources as defined under Cal. Fish and Game Code Section 711.2 and 14 Cal. Code of Regulations Section 753.5(d); and (5) adopt the Mitigation Monitoring Program (Exhibit 4) pursuant to 14 Cal. Code of Regulations Section 15074(d).

Upon approval, staff will file a Notice of Determination for the project.