



April 8, 2013

Submitted by email

Mr. Christopher Cannon
Director of Environmental Management
Los Angeles Harbor Department
425 S. Palos Verdes Street
San Pedro, CA 90731
Email: ceqacomment@portla.org

Re: Port of Los Angeles Master Plan Update Draft Program Environmental Impact Report (PEIR)

Dear Mr. Cannon:

On behalf of the Los Angeles Conservancy, thank you for the opportunity to comment on the Draft Program Environmental Impact Report (PEIR) for the Port of Los Angeles Master Plan Update (PMPU). Despite our years-long efforts to work with the Port to recognize and protect the many historic resources throughout its boundaries – particularly noteworthy at Terminal Island – the Conservancy is concerned as the PMPU continues to disregard these resources and instead designate incompatible land uses that threaten their future viability. The Port appears poised to proceed with this plan without providing a path forward for preservation, full consideration of adaptive reuse opportunities, and most concerning, no identification of impacts or preservation alternatives, as required by the California Environmental Quality Act (CEQA).

The Conservancy has repeatedly stated its concerns regarding the PMPU in our August 29, 2012 Notice of Preparation letter (attached), and our December 9, 2011 letter addressing the Draft Port of Los Angeles Terminal Island Land Use Plan – used as a framework for the PMPU -- and the Draft Built Environment Evaluation Report for Properties on Terminal Island (attached). Further, the Conservancy has brought up similar issues in numerous meetings with Port staff throughout 2012 and early 2013, community meetings convened by the Port (most recently on March 13, 2013), and at the April 4, 2013 meeting of the Los Angeles Board of Harbor Commissioners (testimony attached).

I. Prioritize preservation on par with other goals of the Master Plan Update

The PMPU lists “protection of historic resources” as one of its five stated goals within the master plan, but denotes this occurs only “when feasible.”¹ This qualifier undercuts the commitment to preserve historic resources and, unlike other stated goals, appears only to apply when the Port deems it important.

In terms of meeting the Public Trust Doctrine, the Conservancy strongly believes it is the Port’s responsibility to encourage preservation and do all it can to find feasible and creative solutions that protect the built heritage at the Port. This outcome ultimately benefits the public. We urge the Port to amend this goal to instead state, “The Port will identify and make every effort to preserve historic resources within the Port.”

We fully concur that significant events should also be memorialized, as stated in the PMPU, but this should be done first through retaining and reusing the remaining built fabric as well as through monuments. The sentence ending with “memorialized through monuments,” should add at the end “and associated existing buildings and sites.” These measures, as well as the formation and adoption of a Port-wide historic resources policy, will reaffirm the Port’s commitment to preservation as a goal equal to others in the PMPU.

II. Identify Port-wide historic resources through a comprehensive survey

Despite the Conservancy’s earlier Notice of Preparation comments urging a comprehensive survey, the PEIR and the PMPU reference an incomplete compilation of historic and cultural resources, and completely omit any archaeological resources (for instance, Japanese-American Village remains). In addition to the resources identified at Terminal Island, an extremely limited survey of only seven selected sites was included. The Conservancy understands that the Port has not yet been surveyed nor all eligible historic resources identified. In their January 25, 2013 memorandum to the Port, the City’s Office of Historic Resources states, “the [Port’s] survey does not appear to be all inclusive of potential resources in the [PMPU] project area.”

Whether the proposed uses are appropriate or will have a significant impact depends on knowing where and what the historic resources are from the beginning in terms of planning. The survey as part of the PEIR should act as the defining reference document that identifies and confirms the status of historic resources. It can also highlight adaptive reuse and rehabilitation opportunities as well as sites for potential new development. Where buildings were previously surveyed, the PMPU provides an opportunity to update and confirm the status of the resources, and collect all the information in one readily accessible location.

¹ Port of Los Angeles, “Draft Port Master Plan,” 2/13/2013, p.6.

a. The historic context and list of potential historic resources in the PMPU and PEIR are incomplete

The PEIR presents a narrow history of the Port area, focused primarily on the operational history of the Port. Other narratives, such as the commercial fishing history at the Port, including the tuna canning industry and the Japanese-American community on Terminal Island, are missing despite a brief mention in the appendix's Historic Resources Evaluation Report.

As a result, at least two sites the Conservancy previously identified as potentially historic on Terminal Island were excluded in the PEIR. These are the Japanese American Commercial Village at 700-702 and 712-716 Tuna Street, and the Canner's Steam Plant. The Port of Los Angeles Dive Team Building (Fireboat House 1/Fire Station No. 11) was also not included and others are not indicated on various Port maps and illustrations within the PMPU.

On December 9, 2011 the Conservancy wrote to the Port (attached) addressing these long-standing oversights. And on January 13, 2012 the Conservancy and Janet Hansen from the City's Office of Historic Resources met with Port consultants to discuss the issues in detail. We asked to reevaluate eligibility of the Japanese-American Village and to survey for archaeological purposes. In previous analysis, this site was indicated to be eligible as a historic resource. The Conservancy believes it to be nationally significant from a cultural standpoint. In this same meeting the Conservancy also pressed for a greater understanding regarding the Port's recent internal decision stating Canner's Steam Plant was no longer eligible as an historical resource. We asked for further explanation and reevaluation and to date have not received a written response.

The Conservancy continues to believe these sites are eligible as historic resources, and should be treated as such in the PEIR and the PMPU. The City's Office of Historic Resources generally concurs and has also stated concerns with ineligibility findings for the DWP Distribution Station and the Wilmington Marine Service property. At a minimum, the exclusion of these various properties should be addressed.

In our August 29, 2012 letter to the Port regarding the Notice of Preparation, the Conservancy stated:

“To ensure the survey results are compatible with the citywide SurveyLA project, we urge the Port to coordinate survey activities with the City of Los Angeles' Office of Historic Resources. As SurveyLA will be evaluating buildings and sites up to 1980, the Port may wish to adopt a similar scope. Given the master plan update is expected to be in effect for over twenty years, we also recommend the inclusion of policies mandating periodic survey updates so that buildings that may become historic before the planned expiration in 2035 are properly identified.”

SurveyLA has yet to complete its Industrial Context so an opportunity presents itself to work with the City to complete a comprehensive inventory should the Port pursue this option.

III. Identify indirect and direct impacts on historic resources and provide a reasonable range of alternatives

Without a comprehensive and updated survey, and its inclusion in the PMPU, it is premature for the PEIR to conclude less than significant impacts on historic resources when the potential conflicts between historic resources and the PMPU land uses are unknown. Further, where known conflicts exist due to designated land uses, there is no acknowledgement of these consequences and evaluation of impacts on historic resources, or the consideration of preservation alternatives.

Conflicts between the PMPU proposed land use and historic resources are evident. The most blatant example is with the Southwest Marine Terminal site (Berth 240) in Planning Area 4, which includes a number of buildings and structures that contribute to a National Register-eligible historic district. The PMPU proposes two separate land uses for this district -- Maritime Support and Break Bulk -- yet the boundaries of the two different land uses bisect several buildings. This raises questions about the Port's intention for this site and for the individual buildings, as land use boundaries typically do not run through existing structures.

It is also unclear whether either Maritime Support or Break Bulk is an appropriate use for the industrial buildings at Southwest Marine. We ask that the Port provide examples where similar buildings have been used or adaptively reused for Break Bulk and/or Maritime Support to demonstrate those uses can be accommodated at Southwest Marine. There is no reason to declare that the Southwest Marine site shall be only used for Break Bulk or Maritime Support. Other viable uses have occurred at this location previously and are sufficiently related to water-dependent uses to survive scrutiny by the California Coastal Commission.

Such land use designation implies that the Port may be considering a particular project for the Southwest Marine area – as evidenced within the Draft Port of Los Angeles Terminal Island Land Use Plan -- and is not disclosing to the public what the effects will be on historic resources. CEQA requires more analysis, including project descriptions that include reasonably foreseeable future activities that may become part of the project. *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376.

Other identified historic resources will also be directly impacted by incompatible land use designations, essentially guaranteeing their demise and loss. For instance, where "Container" cargo land uses are indicated the following historic resources will be significantly impacted: Canner's Steam Plant, portions of the Japanese-American Village, the Sewage Pump Station #669 (Harris Place Sewage Pumping Plant), and the American Marine Corporation (Los Angeles Yacht Club).

A significant impact on the environment may result due to these overly prescriptive and limited land uses, ultimately to the point where there is no economically viable means of adaptive reuse. Pub Res. Code § 24084.1; Guideline § 15064.5 As a result, the Port must determine if there are “feasible alternatives or feasible mitigation measures available that would substantially lessen [those] environmental effects.” Pub Res. Code § 21002.

The Conservancy does not believe the California Coastal Act requires the Port to prescribe a narrow and limited range of land uses. Within the PEIR the Port cites four provisions of the Coastal Act as its basis for limiting uses in the way it proposes in the PMPU. However, the preservation of historic industrial Port facilities is entirely consistent with the goal of providing “coastal-related” developments. In terms of ensuring CEQA requirements are met and assessing impacts, the California Coastal Act contains a reference in Sections 20260 by permitting deviations if a proposed project would violate CEQA’s mandate:

where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

In reference to the Port’s goal of providing uses that support “port purposes,” Section 30708 requires that Port-related projects are located, designed, and constructed as to “minimize substantial adverse environmental impacts.”

a. Propose land uses in PMPU that are compatible with historic resources and allow for flexibility and adaptive reuse

Ultimately, the best option for protecting the historic resources while meeting the other goals of the Port is to allow the most flexible reuse options. Unlike the existing master plan, the PMPU aims to allocate a single land use to most specific parcels for land use efficiency. The Conservancy maintains that a single land use will unnecessarily limit reuse options for historic resources. Viable reuses of historic resources may be dismissed because they are outside the narrowly defined land use in the PMPU, or alternatively, a proposed use consistent with the PMPU will lead to the demolition of a historic resource.

This is particularly troublesome as existing and new industries evolve and economic factors shift demand over time. For instance, the commercial fishing land use in Planning Area 4 is appropriate for the current buildings and industry as is, but may not be adequate as this industry changes in the next twenty years. The Port acknowledges as much in its PMPU, stating “it does not seem likely that there will be additional demand for commercial fishing facilities at the Port over the next few decades.”

This severely limits the ability to adaptively reuse the historic cannery buildings within Fish Harbor. While maintaining commercial fishing as the main use, we urge the Port to allow additional and ancillary uses that complement commercial fishing *and* the existing historic buildings. Neither the PMPU nor the PEIR explain why these new land use constraints are necessary.

b. Adopt overlay “hatching” or protection zones for historic resources

The Port should also consider adopting an overlay zone for buildings identified as historic resources to allow for a wider range of uses if the buildings are sensitively adapted and rehabilitated. This can be implemented Port-wide to attract creative reuse ideas without impinging on the Port’s operations. Alternatively, the Port can create protected land use areas for historic resources, similar to the open space zoning set aside in Planning Area 3 for a biologically sensitive area.

IV. Strengthen Mitigation Measures

With a limited historic resources survey, the incompatible land uses at Southwest Marine elsewhere, and the number of pending projects, additional mitigation in the PEIR is needed to avoid further significant impacts to historic resources. These include formal adoption of the historic resources policy that is mentioned in the PMPU’s Goal 5, as well as more specific procedures for project review and approvals that impact historic resources. As a first step, elements of the draft historic preservation policy should be incorporated into the PEIR as mitigation measures.

We also recommend the Port create a preservation staff position for in-house expertise that can guide the Port on overall planning and streamline the review process. The Port should also commit to remedying structural, environmental, or other perceived barriers in order to incentivize appropriate adaptive reuse of historic resources, as well as engage stakeholders early to seek creative and viable solutions for historic buildings.

About the Los Angeles Conservancy

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with over 6,500 members. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County.

The PMPU severely and unduly limits the ability to allow for preservation to occur at the Port in the future, which would then require a lengthy process to secure amendments and action by the California Coastal Commission. Because this aspects are not acknowledged as a significant impact and preservation alternatives are not provided – for instance, as alternative land use designations, overlay zones, or the Port’s hatching – the Conservancy believes the PEIR is inadequate and represents a flawed process in terms of CEQA.

What we have been and are presently asking for is a level playing field, recognizing the historic and cultural resources that currently exist and providing land use designations that allow for some level of flexibility and expanded uses.

Thank you for the opportunity to comment on the Program EIR (PEIR) for the Port of Los Angeles Master Plan Update (PMPU). We look forward to working with the Port to provide a framework for growth at the Port while protecting the existing historic resources. Please feel free to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Adrian Scott Fine". The signature is written in a cursive, slightly slanted style.

Adrian Scott Fine
Director of Advocacy

Attachment(s)

cc: National Trust for Historic Preservation
San Pedro Historical Society
City of Los Angeles, Office of Historic Resources