

**MINUTES OF THE REGULAR MEETING OF THE  
PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE  
TUESDAY, NOVEMBER 20, 2007, 5:30-8:00 P.M.  
CROWNE PLAZA/LA HARBOR HOTEL  
601 S. PALOS VERDES STREET  
SAN PEDRO, CALIFORNIA**

**JAYME WILSON, CO-CHAIRPERSON**

**ATTENDEES**

**Jayne Wilson, PCAC Co-Chair**

**Joe Gatlin, Voting Member, Central San Pedro Neighborhood Council**

**Richard Havenick, Voting Member, Coastal San Pedro Neighborhood Council**

**Philip Nicolay, Alternate for Pat Nave, Northwest San Pedro Neighborhood Council**

**Dennis McCarbery, Voting Member, Wilmington Neighborhood Council**

**Donna Ethington, Voting Member, Wilmington Neighborhood Council**

**Richard Pavlick, Voting Member, Crescent Area Resident's Association**

**June Burlingame Smith, Voting Member, Point Fermin Resident's Association**

**Janet Gunter, Alternate for Noel Park, San Pedro & Peninsula Homeowners Coalition**

**Andrew Mardesich, Voting Member, San Pedro & Peninsula Homeowners Coalition**

**Kathleen Woodfield, Alternate for Dr. John Miller, S.P. & Peninsula Homeowners Co.**

**Skip Baldwin, Alternate for Lucy Mejia, Wilmington Citizens Committee**

**Cathy Beauregard, Voting Member, At-Large, S.P.**

**Frank Herrera, Voting Member, Wilmington Community Advisory Committee**

**Gary Kern, Voting Member, Wilmington Community Advisory Committee**

**Anthony Misetich, Voting Member, Harbor Association Commerce and Industry**

**William Lyte, Voting Member, Harbor Association Commerce and Industry**

**Frank O'Brien, Voting Member, L.A. Harbor/Watts EDC**

**Michelle Grubbs, Voting Member, Pacific Merchant Shipping Association**

**Patrick Wilson, Voting Member, Wilmington Chamber of Commerce**

**Kenneth Melendez, Voting Member, Wilmington Commercial District**

**Olivia Cueva Fernandez, Voting member, Education At Large**

**ABSENTEES**

**Joeann Valle, Voting Member, Harbor City Neighborhood Council**

**Pat Nave, Voting Member, Northwest San Pedro Neighborhood Council**

**Noel Park, Voting Member, San Pedro & Peninsula Homeowners Coalition**

**Dr. John Miller, Voting Member San Pedro & Peninsula Homeowners Coalition**

**Lucy Mejia, Voting Member, Wilmington Citizen's Committee**

**Chuck Hart, Voting Member, At-Large (S.P.)**

**Eleanor Montano, Voting Member, Wilmington Community Advisory Committee**

**Mark Waronek, Voting Member, Harbor City/Gateway Chamber**

**James Cross, Voting Member, San Pedro Peninsula Chamber of Commerce**

**David Beeman, Voting Member, ILWU Local #13**

**Gary Young, Voting Member, Non-I.L.W.U.**

**Linda Spink, Voting Member, Education At-Large**

**Lanny Nelms, Voting Member, At-Large**

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Andrew Fox, Voting Member, At-Large

**PORT STAFF IN ATTENDANCE**

Thomas Russell, General Counsel

David Mathewson, Director of Planning and Research

Kathryn McDermott, Deputy Executive Director, Business Development

Dr. Ralph Appy, Director Environmental Management

**COMMISSIONERS IN ATTENDANCE**

Commissioner S. David Freeman

- A. **CALL TO ORDER:** 5:40PM  
Jayme Wilson, the PCAC Co-Chair called the meeting to order.
- B. **OPENING STATEMENT - AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE (PCAC)**

AS PROVIDED BY THE BROWN ACT, PERSONS IN THE AUDIENCE MAY ADDRESS THE COMMITTEE IN CONNECTION WITH ANY AGENDA ITEM OR DURING THE PUBLIC COMMENT PERIODS. THE COMMITTEE, UNDER ITS RULES, SHALL NOT ADJOURN THE MEETING UNTIL ALL MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE COMMITTEE HAVE HAD THE OPPORTUNITY TO DO SO. ANYONE DESIRING TO SPEAK MUST COMPLETE A SPEAKER CARD AND SUBMIT IT TO THE PCAC SECRETARY

- C. **DETERMINATION OF A QUORUM BY ROLL CALL OF VOTING MEMBERS**  
Roll call was taken. There was a quorum of 20 members present. Two additional members arrived after roll call.
- D. **APPROVAL OF THE MINUTES OF THE SEPTEMBER 18, 2007 PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE MEETING ON MOTION OF RICHARD HAVENICK, SECOND BY RICHARD PAVLICK, IT WAS RESOLVED THAT THE MINUTES OF THE SEPTEMBER 18, 2007 PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE MEETING BE APPROVED.**

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The Minutes were approved with 20 Ayes, 0 Nays, and 0 Abstentions.

**E. GENERAL PUBLIC COMMENTS (3 minutes per speaker)**

Jayne Wilson, PCAC Co-Chair, opened the floor for public comments. The following individuals addressed the Committee:

Pat Rome addressed the Committee with regard to the Wilmington Aquatic Center for the YMCA. She asked the committee to consider the meaning of mitigation.

City Attorney, Thomas Russell, clarified for the record that the China Shipping Stipulated Judgment was very clear about the type of expenditures that were appropriate. First was Open Space and Parks, followed by Landscaping and Beautification, and Educational Arts and Athletic Facilities. While it is true that ordinarily CEQA mitigation is mitigating an actual harm, the nature of the negotiations surrounding the Stipulated Judgment, these broad categories were created for appropriate mitigate within the confines of that judgment.

**F. REPORTS OF CO-CHAIRPERSON AND PORT OF LOS ANGELES STAFF**

Co-Chair Wilson announced that at the November PCAC Steering Committee meeting, a suggestion was made to start alternating the location of PCAC meetings, both the Subcommittees and the full PCAC. We should be able to start alternating meetings between San Pedro and Wilmington in January 2008. The only meetings that are excluded from this plan are the Wilmington Waterfront Development Subcommittee and the San Pedro Coordinated Plan Subcommittee, as these two groups deal directly with specific areas.

David Mathewson reported that:

- Out of the 75 motions submitted to the Board of Harbor Commissioner, 16 were pending. There were no motions scheduled to go to the Board in December. Port staff was working on a staff report to go to the Board in January for motions that pertain to the North Gaffey Street Beautification project.
- Mr. Mathewson distributed a copy of a letter from Dr. Knatz, regarding the use of Aesthetic Mitigation Funds. Dr. Knatz shares

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the frustration of the Board and the PCAC and has asked the PCAC to try to come up with recommendations that could expedite the process with supportable projects. Port staff is willing to work with PCAC to develop sound proposals that can be implemented quickly.

**COMMITTEE RESPONSE TO LETTER FROM DR. KNATZ:**

Kathleen Woodfield asked for clarification on what type of information was inadequate within the proposed projects. She voiced her concern about applicants having to provide technical information (i.e. a business plan) that may be beyond their qualifications.

Janet Gunter stated that the amended Stipulated Judgment specifically states that Port staff is to assist the applicant in establishing a nexus. In her opinion this step has been lacking, and the proof is in the proposals that are being returned from State Lands for no nexus. More cooperation is needed from Port staff to assist the applicants in defining an acceptable nexus.

With regard to the Wilmington Youth Sailing Center, Donna Ethington stated that after having the business plan for the sailing center almost finished, she was asked to hold the plan because the Port was going to have to go out with an RFP. She asked for direction. Mr. Mathewson stated that he would have Port staff contact her.

- On Tuesday, November 27, 2007, from 6:00PM to 7:30PM, at the Port's Administration Building, there will be a public meeting to review some proposed recreational vessel requirements and a proposed tariff changes. Issues that will be addressed include requirements for annual recreational vessel berthing permits, insurance, criteria for vessel sea worthiness, authorization for liveboard status, and environmental standards consistent with the Clean Marina Program.
- November 21, 2007, at 10:00AM, in the Port Administration Building there will be a special Board meeting.
- November 29, 2007, at 4:00PM, there will be a Board meeting held at Bannings Landing to consider the TraPac EIR.
- December 1, 2007, from 11:00AM to 2:00PM, at Bayview Field, in

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Wilmington there will be the 3<sup>rd</sup> Annual Winter Wonderland Celebration.

- December 9, 2007, at 4:00PM, there will be a celebration of the Port's 100<sup>th</sup> Anniversary, along the San Pedro Harbor Promenade.

**G. INFORMATIONAL PRESENTATIONS:**

- I. **Wilmington Truck Enforcement Program**  
Port of Los Angeles, Lieutenant Titus Smith, and Sergeant Robert Myers gave a presentation on the status of the Wilmington Truck Enforcement Program. Sergeant Myers introduced the following motor officers; Officer Armijo, Officer Renteria, Officer Canias, Officer Imoto, and Officer Culbertson. The department is expanding at a tremendous pace, especially the motor program where officers concentrate on commercial enforcement in Wilmington.

The motor program started in 2005 with one officer, expanded with 4 more officers in October 2005, and two more in November 2007. We anticipate 6 additional officers this year, with 2 more in 2008. Some of the violations that officers look for are hazardous material violations, vehicle code violations, penal code violations, tariff sections, and municipal code violations.

On a daily basis, one motor officer is assigned to the Wilmington area, where he concentrates on local municipal code violations (i.e. commercial parking in residential areas, commercial vehicles parking on city streets for more than three hours, and commercial vehicles driving on roads where they exceed the posted weight restrictions). Delivery trucks, moving vans and the like are exempt from posted weight limitations when they are doing business.

Community relation officers in the Wilmington area have issued over 105 parking tickets, and 113 moving violations this year. The motor officers have issued over 1,387 parking violations, and 2,385 moving violations in total.

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**On a monthly basis, the Port Police work in conjunction with the LAPD, CHP, LBPB, US Coast Guard, US Customs and Border Protection and other agencies to form a special enforcement task force that enforces commercial traffic codes. Between 200 and 300 citations can be written up in one day.**

**Committee members suggested that the Port provide better signage for trucks to get to the Harbor area.**

**II. TraPac EIR**

**a. POLA Staff Report**

**Dr. Ralph Appy, from the POLA Environmental Management, gave a presentation on Berth 136-147, the TraPac Container Terminal EIS/EIR.**

**The highlights of the EIS/EIR are as follows:**

- **Project is in the West Basin of the Port of Los Angeles**
- **Dredging and Wharf Upgrades**
- **Crane Replacements**
- **30 Year Lease to TraPac to 2038**
- **New On-Dock Rail Yard**
- **Gold LEED-Certified Building**
- **Energy Efficient/Shielded Lighting**
- **New Truck Entry Gate**
- **Buffer area between Terminal and the Community (30 Acre Landscaped Area)**
- **Harry Bridges Boulevard will remain in place, but will be widened from 50 to 84 feet, with two lanes of traffic in each direction**
- **Pier A Rail Yard Relocation NW of Consolidated Slip**
- **Broad Range of Alternatives in addition to the proposed project**
  - o **Alternative 1 – No Project**
  - o **Alternative 2 – Project without 10 acre fill**
  - o **Alternative 3 – Reduced Wharf**
  - o **Alternative 4 – OMNI Terminal**
  - o **Alternative 5 – Landside Terminal Improvements**

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- **Baseline, Project & Alternatives**
- **Environmental Assessment/Impact Assessment of the Proposed Project**
  - **Less than Significant Impacts**
    - ❖ **Aesthetic and Visual Resources**
    - ❖ **Hazards and Hazardous Materials**
    - ❖ **Marine Vessel Transportation**
  - **Less than Significant Impacts after Mitigation**
    - ❖ **Cultural Resources**
    - ❖ **Groundwater and Soils**
    - ❖ **Land Use**
    - ❖ **Utilities and Public Services**
  - **Unavoidable Significant Impacts from Construction and/or Operations**
    - ❖ **Air Quality – Difficulty implementing all the mitigation measures fast enough to get emissions down as cargo goes up. Green House Gases are being assessed. We cannot get the GHG down to the 0 baseline. The Buffer area has potentially higher emissions. So, it is identified as a significant affect.**
    - ❖ **Biology – Unavoidable impact. Potential for transference of exotic species via ship hulls / ballast water. Identified as a significant affect.**
    - ❖ **Geology – Significant affect due to the way CEQA checklist is structured and exposes people to seismic risk, due to the fault here at the Port.**
    - ❖ **Noise – Will exceed noise levels during the construction phase of the buffer next to the marinas/consolidated slip.**
    - ❖ **Transportation – One location/delay in regional traffic and rail activity across a roadway**
    - ❖ **Water Quality – Significant affects all through California (discharges from storm water from upland into the harbor as well as the potential for vessel spills and leaching from hulls.**
- **The Executive Summary in the Final Document explains**

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**the details on the assessment findings of Criteria Pollutants, Green House Gases, Health Risk Assessment (10 in a million) and emissions that are reduced considerably by 2015. Overall, there is a reduction in health risk as a result of the project and the application of the mitigation measures (except for one point over the Wilmington marina which is due to the relocation of the Pier A Rail Yard).**

**The EIS/EIR is scheduled to go to the POLA Board of Harbor Commissioners on November 29, 2007 at 4:00PM, at the Banning Community Center.**

**COMMITTEE CONCERNS:**

- **Peak in Air Quality in 2009 before achieving a reduction below baseline**
  - **Request to direct TraPac to hold the project until the issues regarding the use of low sulfur fuel are resolved**
  - **Inquiry whether the Port would subsidize the cost of Crane Storage off the Coast of Mexico**
- b. EIR Subcommittee Report on TraPac EIS/EIR**  
The report from the EIR Subcommittee was distributed to the committee. The key points were based on findings from 2002 when the EIR Subcommittee examined past EIRs. Issues that have not been adequately addressed in the TraPac EIR pertain to cumulative impacts, both on and off-Port property, and Statement of Overriding Considerations. The committee acknowledges a big improvement from other EIRs, particularly in air quality; however, there are still some pretty serious issues that need to be brought to the attention of the Board. The committee continues to recommend that a cost benefit study be done. At minimum there should be an analysis of off-port impacts.

**H. INFORMATIONAL ITEMS:**

- I. The EIR Aesthetic Mitigation Subcommittee adopted this motion**

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on November 8, 2007. The motion was moved by Ken Melendez, Second by Pat Nave. Carried: 6 Ayes, 5 Nays, 0 Abstentions. The Wilmington Waterfront Development Subcommittee adopted this motion on November 13, 2007. The motion was moved by Gary Kern, Second by Eleanor Montano, and adopted with 4 Ayes, and 0 Nays.

**Recommendation:**

The PCAC recommends to the Los Angeles Board of Harbor Commissioners that the following projects be funded with Wilmington's share of the China Shipping Aesthetic Mitigation Funds:

1. **#5 Ocean Water Resource Center - \$3.7 Million**
  - State Lands Commission Official Response – Yes
  - Wilmington Representatives Ranking – 40
  - Proposal is compatible with the Wilmington Waterfront Development Program
2. **#9 Landscaping – Alameda and Harry Bridges - \$1.8 Million**
  - State Lands Commission Official Response – Yes
  - Wilmington Representatives Ranking – 38
  - Proposal is compatible with the Wilmington Waterfront Development Program
3. **#12 Banning Museum Transportation Exhibit - \$900,000**
  - State Lands Commission Official Response – Yes
  - Wilmington Representatives Ranking – 40
  - Proposal is compatible with the Wilmington Waterfront Development Program
4. **#13 Wilmington Boathouse – Rowing Facility - \$2 Million**
  - State Lands Commission Official Response – Yes
  - Wilmington Representatives Ranking – 35
  - Proposal is compatible with the Wilmington Waterfront Development Program
5. **#14 Aquatics Center/Programs Wilmington YMCA - \$2.7 Million**
  - State Lands Commission Official Response/Yes, with Conditions
  - Wilmington Representatives Ranking – 38.5
  - Proposal is compatible with the Wilmington Waterfront Development Program

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**The Wilmington Representatives were Ken Melendez, Eleanor Montano, Olivia Cueva Fernandez, and Gary Kern, all of whom attended the EIR Subcommittee Working Group Meeting on June 11, 2007. The scores given for each project are out of a maximum possible score of 45.**

**The Subcommittee requests that the Wilmington Boathouse – Rowing Facility (Item 4 above) be combined with the Wilmington Youth Sailing Center, which was already approved for funding under the China Shipping Aesthetic Mitigation Fund. Therefore, the total funding requested in this motion is \$9.1 Million.**

**Ken Melendez introduced the motion and stated that it was based on State Lands Response, the Wilmington Representative Ranking and the compatibility of the proposal with the Wilmington Waterfront Development Program. We hope that everyone will support this recommendation.**

**Frank O'Brien stated that there were two core issues, 1.) that the China Shipping Settlement requires PCAC to make a recommendation to the Board of Harbor Commissioners. Each stakeholder has a month to communicate with their respective group before taking any action in December. 2.) How the mitigation fund is be used? This ties into the issue of State Lands and off-port mitigation. Mr. O'Brien recommended that the greenbelt proposal be considered as one of the projects to move forward, and subsequently withdrew the recommendation upon learning that the LAUSD School Board was considering that site for the development of a school. If the school board chooses not to use that site, Mr. O'Brien will readdress his recommendation at the December EIR Subcommittee meeting.**

**Janet Gunter stated that the Homeowner's Coalition, the litigants in the settlement, opposed this particular slate of projects based on the fact that none of them really go to the core issue of performance of mitigation off of Port lands. Choosing these projects does nothing to illustrate the most important point that is that the Port has to begin the process to**

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**create a precedent to perform off Port / off City property mitigation to improve surrounding communities.**

**Skip Baldwin explained that his proposal had been number one on the list from the very beginning of this process. The only objection that the committee could raise was that State Lands did not approve it. He shared a letter from the NRDC and the Coalition pointing out to State Lands other park like projects that had been approved. The project is for green space. It fills a need in the community and it serves the intent of the China Shipping Settlement.**

**Mr. Baldwin addressed another issue pertaining to meeting locations and lack of communication. He and Lucy Mejia were not informed about a location change for the meeting on November 8<sup>th</sup>, the meeting at which the committee selected the above projects to go forward. Had Ms. Mejia been informed of this change and been at the meeting the vote would have turned out differently. This is a viable legitimate project that we have been cheated out of.**

**Dennis McCarbery reminded the PCAC that the Wilmington Community put forth the projects that they want in their community. The decision has come from the Wilmington Waterfront Development Subcommittee. As for the Greenbelt Project, it has been re-circulated and denied by State Lands over and over again. State Lands is not going to change its mind. If you want to fight with State Lands on off Port mitigation, don't do it on Wilmington's projects. It's time to help Wilmington obtain more amenities and create a better quality of life for the community.**

**Ken Melendez asked when the money for Wilmington would revert back to air quality. Port staff responded with June 2009. Mr. Melendez commented on how Wilmington supported San Pedro's choice of projects and that it would be appreciated if they would support Wilmington's choice.**

**Gary Kern remarked on the fact that the San Pedro project that had been funded through the mitigation money was on Port property. Three of the five projects that the Wilmington community has chosen are off Port land,**

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and will be very beneficial to our community. We hope that you will support our choice.

Donna Ethington remarked on how Port growth and Port expansion into Wilmington has left very little space for project locations. It is really hard to mitigate off-Port property. Wilmington lacks recreational facilities, theaters and the like. The committee believes that the recreational proposals that they have chosen do mitigate Port impacts, and the loss of land. Ms. Ethington supports this recommendation.

Andrew Mardesich, representing San Pedro Peninsula Homeowner's Coalition, unconditionally stated that had he been present at the vote for San Pedro in 2005 that he would not have supported the North San Pedro project because it was on Port land.

Mr. Mardesich reminded the Committee that the China Shipping litigants, who were from San Pedro, unilaterally agreed in the negotiations to share the money with the Wilmington Community. As for the EIR Subcommittee report, it speaks volumes of truth with the Port, historically failing to do due diligence under CEQA in identifying the negative impacts. The settlement agreement requires the Port to work with the applicants to evaluate and determine a nexus, which has not been done. This was not a contest to choose the most popular project, but rather an opportunity to choose appropriate projects to mitigate the impacts. The whole process has been a failure because of the Port's management of PCAC in the entire process.

**PUBLIC COMMENT:**

Co-Chair Wilson opened the floor for public comments. The following individuals addressed the Committee:

Alley Godinez, a Wilmington resident, supported the greenbelt mitigation proposal to replace a blighted Port container truck yard in east Wilmington with a (greenbelt) park and open space.

Sylvia Garibay, a Wilmington resident, spoke in support of the east Wilmington greenbelt proposal, and asked the Committee to consider

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this proposal.

**Simie Seaman, a Wilmington resident, commented on the selection of mitigation proposals for Wilmington and stated that the Committee was choosing a short term fix, an easy way out. These projects will not fulfill the needs of the Wilmington Community. Mitigation and Aesthetics should be done off of Port property. The Port has destroyed our community with visual / industrial blight and now needs to revitalize the Community with off Port mitigation.**

**Tim Grabel, an attorney representing the Natural Resource Defense Council (NRDC), spoke in support of the Wilmington Greenbelt proposal. This proposal is the only open space project that was submitted. The State Lands Commission misrepresented this project, failing to differentiate it from a proposal submitted back in 2004. This project definitely has a clear nexus. He encouraged the PCAC, and the BHC to ignore the State Lands recommendation.**

**Lucia Moreno-Linares, a Wilmington resident for over 33 years, spoke in support of the projects that had been selected by the Committee. The selection reflects the needs of the community. Please support these mitigation proposals.**

**Bob Trullico, representing the Wilmington YMCA, spoke in support of the selected mitigation projects. He stated that drowning was the second leading cause of accidental death among children. There are 22,000 children under the age of 18 in Wilmington. All members of the public are eligible to participate in the YMCA programs without regard to a facility membership, residency, or ability to pay. A favorable consideration for these projects would be appreciated.**

**Yolanda Delatorre, the Executive Director of the Wilmington YMCA, spoke in support of the Aquatic Center in Wilmington. Back in 1995, a study was done that showed that there was a great need for a swimming pool in Wilmington. Through swimming we promote water safety, and survival skills, as well as, many job opportunities. No one is turned away because of an inability to pay. This program will make a difference**

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in our community.

**Arthur Hernandez, spoke in support of the development of the LAUSD School in east Wilmington, as well as a small park with the school.**

**Jose Arroyo, a lifetime resident in Wilmington, spoke in support of the Wilmington Aesthetics Mitigation projects.**

**JAYME WILSON, PCAC CO-CHAIR, EXTENDED THE MEETING by ten minutes to allow all members of the public wishing to address the committee the opportunity to do so.**

**JoAnn Wysocki, a Wilmington resident, spoke in support of the Greenbelt Park / open space project in east Wilmington.**

**II. The EIR Subcommittee adopted the following motion on November 8, 2007. The motion was moved by Pat Nave with a second by Ken Melendez. Motion carried with 9 Ayes, 0 Nays, and 1 Abstention.**

**The PCAC recommends to the Board of Harbor Commissioners that Aesthetic Mitigation proposals #2, the Wilmington Gateway Beautification Project, #6, the Welcome to Wilmington LED Sign, #7, the Storm Drain Improvements for Alameda Street, and #8, the Street Improvement Project for Alameda Street, move forward to the Board of Harbor Commissioners with a recommendation that these projects be funded with money other than the Aesthetic Mitigation Funds.**

**Ken Melendez explained that this motion addresses some other issues regarding mitigation that they would like to see move forward.**

**Janet Gunter informed the Committee that she abstained from this particular motion based on the fact that she was not going to promote the other projects in advance of anything that was there, in particularly anything that might be off Port property that could be one of the projects**

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ultimately brought forward. She agreed that there were multiple mitigation projects that have been brought forward that, in fact, should and can be projects for mitigation off of future EIRs.

Andrew Mardesich stated that in recognizing that the Port has negatively impacted Wilmington, sharing the Mitigation funds was a way to set a precedent to get off Port land mitigation in Wilmington. Unfortunately that strategy has failed.

Kathleen Woodfield stated that appropriate projects that were on Port land were likely to fall into an EIR as mitigation rather than those off of Port property. San Pedro put forward projects that were not approved by State Lands based on the fact that they were not on Port property. We still tried to push them through. She stated that it was her understanding that a project did not need State Land's approval in order for the PCAC to move forward on it.

Dennis McCarbery reminded the committee that these projects were different from the projects listed in item #1 above, and that most of them were off Port property. The Wilmington community is asking for your support.

**PUBLIC COMMENTS:**

Dick Pawlowski, the applicant for the Mariner's Garden at Banning's Village, spoke about the need to reinvent a new purpose for the Avalon Boulevard area and that this project was a true mitigation proposal that will solve the blight in the area. Please consider this project if not now, then later.

**III. Brotherhood Raceway in the Wilmington Marinas**

The Wilmington Waterfront Development Subcommittee adopted the motion below on November 13, 2007. The motion was moved by Olivia Cueva Fernandez, Second by Skip Baldwin, and passed with 6 Ayes, 1 Nay, and 0 Abstentions.

The PCAC recommends to the Board of Harbor Commissioners that they not grant a temporary or permanent use permit or issue a lease to the Team Sheriff Racing and/or Brotherhood Raceway

**MINUTES OF THE REGULAR MEETING OF THE  
PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE  
TUESDAY, NOVEMBER 20, 2007, 5:30-8:00 P.M.  
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601 S. PALOS VERDES STREET  
SAN PEDRO, CALIFORNIA**

or any other proposed operator to use the Anchorage Road Soil Storage Site for a raceway.

As a member of the Wilmington Neighborhood Council, Gary Kern informed the Committee that they supported the motion above, to not have a raceway approved.

- IV. The following motion was adopted by the EIR Subcommittee on October 25, 2007. The motion was moved by Pat Nave, Second by Janet Gunter and passed with 7 Ayes, 1 Nay, and 0 Abstentions.**

The EIR/Aesthetic Mitigation Subcommittee recommends that, at their November 8<sup>th</sup> Subcommittee meeting, the Port provide clear written information on impacts, mitigated impacts and impacts which cannot be mitigated, concerning the TraPac EIR.

There were no questions or comments on this item. It will be placed on the December Agenda for action, along with the other three informational items above.

Mr. David Freeman personally addressed the PCAC and commented on the roll of State Lands. He emphasized that the State Lands Commission was not going to change, and that they had the authority to sue the Port, which they have done in the past. Their interpretation of nexus conflicts with most of the views of PCAC. Changing the views of State Lands requires changing the law or the interpretation of the law through a legislative or political process. If State Lands says no, the Port is legally obligated to abide by that decision. The Port has no authority to override State Lands on off-Port projects and ignoring their response is not an option.

For the record, Andrew Mardesich stated that he did agree with State Lands, and their laws. The fact that the Port has refused to put on the record, negative impacts, is the cause that there is no mitigation.

**JAYME WILSON, PCAC CO-CHAIR, EXTENDED THE MEETING another 5 minutes to allow one more member of the public to address the**

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committee.

**I. SUBCOMMITTEE REPORTS - were postponed due to the late hour.**

- 1. Port Master Plan Subcommittee**
- 2. Air Quality Subcommittee**
- 3. San Pedro Coordinated Plan Subcommittee**
- 4. Water Quality Subcommittee**
- 5. EIR/Aesthetic Mitigation Subcommittee**
- 6. Wilmington Waterfront Development Subcommittee**

**J. GENERAL PUBLIC COMMENT (3 MINUTES PER SPEAKER)**

**Jayne Wilson, PCAC Co-Chair, opened the floor for public comments.  
The following individual addressed the Committee:**

**Arthur Hernandez, introduced for the record a potential future action  
item for access to the Pacific Ocean by way of Machado Lake.**

**K. THERE WAS NO DISCUSSION OF AGENDA ITEMS FOR THE TUESDAY,  
DECEMBER 18, 2007, PCAC MEETING**

**L. ADJOURNMENT:**

**THERE BEING NO FURTHER BUSINESS, AT APPROXIMATELY 8:20PM  
THE TUESDAY, NOVEMBER 20, 2007 MEETING OF THE PORT OF LOS  
ANGELES COMMUNITY ADVISORY COMMITTEE WAS ADJOURNED.**

**Signature on File**

\_\_\_\_\_  
**Jayne Wilson, Chair  
Port of Los Angeles Community Advisory Committee**

**Signature on File**

\_\_\_\_\_  
**Debra Babcock-Doherty, PCAC Executive Assistant**