



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

Jesse N. Marquez
Los Angeles-Wilmington Resident
Executive Director
Coalition for a Safe Environment
1601 N. Wilmington Blvd., Suite B
Wilmington, CA 90744

Dear Mr. Marquez:

Thank you for your March 12, 2018, letter requesting a criminal complaint and investigation, which was addressed to multiple employees of the United States Environmental Protection Agency, as well as a variety of other federal, state, and local agencies. Most of the allegations in your letter concern violations of state law over which EPA does not have jurisdiction. To the extent that you are claiming that there are violations of federal civil rights laws, please see <https://www.epa.gov/ocr/how-file-complaint-discrimination-brochure> for more information about how to file a complaint of discrimination. We will also send a copy of your letter to EPA's External Civil Rights Compliance Office in Washington, D.C.

Sincerely yours,

April 2, 2018

Sylvia Quast
Regional Counsel

Cc: U.S. EPA Office of General Counsel
External Civil Rights Compliance Office
Mail Code (2310A)
1200 Pennsylvania Ave., NW
Washington, D.C. 20460
(w/enclosure)

(b) (6) - Privacy

Anthony G. Patchett, Esq.

(b) (6) - Privacy

APR 13 2018

Request For Criminal Complaint Request For Investigation

March 12, 2018

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Re: San Pedro Waterfront Project 2009 Final EIS/EIR - San Pedro Public Market
ADP # 041122-208 State Clearing House # 2005061041
Port of Los Angeles-Los Angeles Harbor Department
https://www.portoflosangeles.org/EIR/SPWaterfront/FEIR/feir_spwaterfront.asp

Su: Request for Criminal Complaint and Request for Investigation of the Port of Los Angeles, Los Angeles Harbor Department, Board of Harbor Commissioners and City of Los Angeles for violations of Federal and State Laws, Executive Orders, Policies, Procedures, Regulations, Practices and Fiduciary Duties.

On behalf of the Port of Los Angeles Ports O' Call Village Tenants, Retail Shop Owners, Office Space Renters and Public's Interest we would like to submit information to support the probable cause of a formal Criminal Complaint and a Request for Investigation of the Port of Los Angeles, Los Angeles Harbor Department, Board of Harbor Commissioners and City of Los Angeles for violation of Port of Los Angeles, City of Los Angeles, State of California and Federal Laws, Executive Orders, Policies, Procedures, Regulations, Practices and Fiduciary Duties. Duty to Act Fairly, Duty of Care, Duty of Good Faith, Duty of Prudence, Duty of Full Disclosure and Duty of Reasonable Care.

For the record, the Port of Los Angeles recent and now former Ports of Call Village Tenants, Retail Shop Owners, Office Space Renters and the Public are not against a new San Pedro Waterfront Development Project. It has been the unprofessional, unauthorized, wrongful conduct, failure to perform fiduciary duties and the illegal actions of the Port of Los Angeles, Los Angeles Harbor Department, Board of Harbor Commissioners and the City of Los Angeles which has prompted this formal Request for Criminal Complaint and Request For Investigation.

We Request as Appropriate:

1. The Port of Los Angeles, Los Angeles Harbor Department, Board of Harbor Commissioners and City of Los Angeles be ordered to cease and desist any continued violation of all identified and verified violations in this formal Request for Criminal Complaint and Request for Investigation as described in Section B and C.
2. An immediate Temporary Injunction to stay and halt the planned demolition of the Ports O' Call Village Shops, Offices and Restaurants.
3. An immediate Temporary Injunction to stay and halt the planned construction of the San Pedro Public Market.
4. The establishment of a Independent 3rd Party Oversight Committee to review and revise all Port of Los Angeles and City of Los Angeles policies, procedures, regulations and practices as may be determine necessary to prevent future compromise and violations.
5. The Arrest or Summons, Subpoena, Indictment, Prosecution and/or Disciplinary Action against all individuals found to be guilty or a party thereof of any of our alleged and verified violations.
6. Your assistance for the release of all requested documentation which are "disclosable public records," under the Ralph M. Brown Act Government Code Title V Div. 2, Part 1, Chapter 9 Meetings, Section

54957.5 Public Records and requested under California Public Records Act (CPRA) (Government Code Section 6250 et seq.) and Federal Freedom of Information Act (FOIA) (Title 5 U.S.C. § 552) that the Port of Los Angeles and City of Los Angeles has refused to provide since October 23, 2017.

7. The temporary appointment of a Trustee over the Port of Los Angeles during the investigations.
8. The immediate notification to all Port of Los Angeles Tenants to not remove, transfer, hide, alter, destroy, withhold any documentation related to its contracts, agreements, proposals and correspondence with the Port of Los Angeles.
9. Assistance to immediately Nullify and Void the City of Los Angeles, Port of Los Angeles, Los Angeles Harbor Department and Board of Harbor Commissioners approved Permit and Lease Agreement to the San Pedro Public Market, LLC aka LA Waterfront Alliance aka Jericho Development, Inc. and The Ratkovich Company.
10. Assistance to immediately Nullify and Void the City of Los Angeles, Port of Los Angeles, Los Angeles Harbor Department and Board of Harbor Commissioners Developer selection of the San Pedro Waterfront Development Project - San Pedro Public Market Developer LA Waterfront Alliance aka San Pedro Public Market, LLC aka Jericho Development, Inc. and The Ratkovich Company.
11. Assistance to immediately Nullify and Void the previously unqualified approved Addendum(s) to the San Pedro Waterfront Project Final 2009 EIS/EIR, and especially the Addendum To The San Pedro Waterfront Project Environmental Impact Report For The San Pedro Public Market Project - May 2016, which we believe primary purpose was to avoid Public Notice, Supplemental EIR Recirculation, Public Review and Public Comment.
12. Assistance to require that a new Supplemental or Subsequent EIS/EIR and Mitigation Plan be prepared because over 8 years have elapsed since approval of the 2009 Final EIS/EIR with no construction started, new laws have been enacted regarding air pollution emissions and greenhouse gas reductions, community sustainability & others.
13. Assistance to require that a new Supplemental or Subsequent EIR/EIS and Mitigation Plan be prepared as the result of the recent receipt of 7 toxic site assessment reports from the Port of Los Angeles which has revealed both ocean water contamination and land contamination at Ports' O' Call. There have been several petroleum industry fuel and storage tank facilities on the properties at different locations for the past 40+ years. Past on-site oil well drilling was not identified and assessed. The assessments also disclose both land and ocean water contamination with toxic chemicals, hazardous materials and heavy metals. There is a high probability of wide ocean floor contamination due to tidal flows, storms, subsidence, oil drilling and drift. The report findings and recommendations in some reports warrant having a more comprehensive assessment, updated Mitigation Plan and special public hearing.
14. Assistance to require that a new Supplemental EIS/EIR and Mitigation Plan be prepared because there are now 22 new Port of Los Angeles and 13 new Port of Long Beach Project Proposals for a total of 34 and 47 other Los Angeles and Long Beach Harbor area city and governmental agency projects for a total of 81 projects. These projects were not previously identified nor their impacts assessed in the 2009 Final EIS/EIR, nor the Addendums and now warrant new updated environmental assessments to include but not limited to Air Pollution, Greenhouse Gases, Water Contamination, Public Health Impacts, Cumulative Impacts and Traffic Congestion Assessment.

16. Require the Port of Los Angeles to adopt formal written CEQA/NEPA Standard Practices and Procedures to include as a minimum: Public Notices, Posting of Public Notices, Conducting Scoping Meetings, Draft EIR/EIS, Final EIR/EIS, Supplemental EIR's, Subsequent EIR's, Addendums Public Notices, Conducting Public Meetings, Posting CEQA/NEPA Documents as a separate Board of Harbor Commissioner Agenda Item, Neighboring City and Communities Requests for Public Meetings.
17. The Port of Los Angeles be advised that it cannot require and threaten the Public and Ports O' Call Tenants to post a \$ 130 million bond if they file a civil court case against the Port challenging its CEQA/NEPA and other legal requirement violations which they have done.
18. That all Ports O' Call Tenants be given the option to return and be relocated to another Ports O' Call area during the demolition and construction of the new development project that they have identified.
19. That all Ports O' Call Tenants be given the first right-of-refusal to move into the new development project.
20. That all Ports O' Call Tenants and their attorneys be awarded Civil Damages and Financial Compensation for their Financial Loses and Legal Costs during the past 5 years.
21. The Port of Los Angeles be required to contribute \$ 10 million to the Harbor Community Benefit Foundation for community mitigation.

This Request for Investigation has three narrative sections:

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|--|--|-------------|
| A. Summary of Issues and Events | #'s | 1-98 |
| B. Legal Authorities Violation Descriptions | #'s | 1-43 |
| C. Exhibits | | |
| a. Addendum I. | San Pedro Waterfront Project Information & Supporting Request Evidence | |
| b. Addendum II. | Supporting Nicholas G. Tonsich Unethical Port of Los Angeles Activity Information | |

A. Summary of Issues and Events:

1. This Request for Investigation is the result of all 15 Ports O' Call Village Retail Shops and Office Space Renters located at the Port of Los Angeles (POLA) San Pedro Waterfront being notified on June 8, 2017 that they were being evicted on October 2, 2017 after up to over 50 years of being Tenants of the Port of Los Angeles.
2. The 15 Ports O' Call Village Retail Shop Owners and Office Space Renters do not object to a new San Pedro Waterfront Redevelopment Project, it is the manner and circumstances leading up to their evictions and future deprivation of their economic security and livelihood by the Port of Los Angeles which are now being questioned and legally challenged.
3. It is believed that the primary underlying reason the Port of Los Angeles is moving rapidly now is due to the fact the Developer has not shown "Financial Capacity " to begin construction due to the fact they have not raised the \$100 million for the project and they have not secured any new Major Anchor Tenants or new Major Tenants. At the March 2, 2016 Port of Los Angeles and Developer public meeting at the Grand Theater in San Pedro, Eric Johnson (Co-Developer) makes a statement that they are still trying to raise the \$ 100 million for the project. On November 29, 2017 at the Los Angeles

meeting at the Grand Theater in San Pedro, Eric Johnson (Co-Developer) makes a statement that they are still trying to raise the \$ 100 million for the project. On November 29, 2017 at the Los Angeles Yacht Club in San Pedro Wayne Ratkovich (Co-Developer) states that they are still trying to raise additional investment financing for the project. The Port of Los Angeles is under extreme pressure to get the project completed since it is now 8 years since approval of the 2009 Final EIS/EIR so we believe that if they get their site demolition completed and pad ready for the Developer it will force the Developer to deliver. The Port has already made the statement that if the Developer does not come through it would be easy for a new Developer to step-in at significant upfront less cost.

4. It is believed that a secondary underlying reason the Port of Los Angeles is moving forward now is that that all Statutes of Limitations for legally challenging them through CEQA and NEPA has passed.
5. It is believed that a tertiary underlying reason the Port of Los Angeles is moving forward now is that it is 100% confident that the Developer is in agreement to remove and eliminate all current Ports O' Call Retail Shop and Office Space Renter Tenants from being part of the new San Pedro Public Market Project. It is a fact that the majority of Ports O' Call Retail Shop Tenants are now Ethnic Minorities and the majority of Ports O' Call Visitors and Regular Customers are now Ethnic Minorities and that this is the Ports last chance initiate a "Racial Cleansing" which is an, "Illegal Act of Commercial Cultural Gentrification."
6. The Port of Los Angeles (POLA) is a department of the City of Los Angeles aka Los Angeles Harbor Department and is governed by a Board of Harbor Commissioners (BOHC) who all 5 members are all appointed by the City of Los Angeles Mayor at his discretion.
7. The Port of Los Angeles and the US Army Corps of Engineers first published a Notice of Intent (NOI) for the San Pedro Waterfront Project in the Federal Register on September 7, 2005.
8. The POLA held its first Public Scoping Meeting on October 11, 2005 at the Los Angeles Harbor Hotel in San Pedro.
9. Due to substantial changes to the project a second Supplemental NOI was published in the Federal Register on December 22, 2006.
10. The POLA held a second Public Scoping Meeting on January 23, 2007.
11. A Notice of Availability of the Draft EIS/EIR for review and comment was published in the Federal Register on 22 September 2008, with a separate USAGE public notice of the availability of the Draft EIS/EIR, receipt of application for a Department of the Army permit, and notice of a public hearing distributed by the USAGE on the same date. A public hearing to solicit comments on the Draft EIS/EIR was held on 27 October 2008 at Crowne Plaza Hotel in San Pedro. The public review period for this document ended on 8 December 2008.
12. Notices of Availability of the Final EIS/EIR were published in the Federal Register by the USAGE and the U.S. Environmental Protection Agency (USEPA) on 25 September 2009. The USAGE distributed a separate USAGE public notice of the availability of the Final EIS/EIR and reminder of the receipt of a Department of the Army permit application, including the latest Project-related information, on 29 September 2009. Comments on the Final EIS/EIR, which included a draft general conformity determination, were received until 29 October 2009. All comments received on the Final EIS/EIR², including the draft general conformity determination and responses to comments, are provided in

Appendix B to a Record of Decision (ROD) dated May 11, 2011 and signed by David J. Castanon, Chief, Regulatory Division, Los Angeles District, US Army Corps of Engineers.

13. On September 29, 2009 the Port of Los Angeles Board of Harbor Commissioners at its regular scheduled public noticed meeting voted to approve the San Pedro Waterfront Development Project and certify the Final EIS/EIR-Environmental Impact Statement and Environmental Impact Report. We are concerned with CEQA/NEPA compliance due to project demolition and construction starting in January 2018 over 8 years after the FINAL EIS/ER certification. There have been numerous new port and commercial projects approved and proposed that would significantly alter the original Environmental Assessments and Project Mitigation. Since the certified 2009 Final EIR/EIS the Port of Los Angeles has 21 new planned projects and the Port of Long Beach 13 new projects for a total of 33.
14. The September 29, 2009 San Pedro Waterfront Development Project Final EIS/EIR states that all Ports O' Call Village Shops would be relocated and/or renewal of existing Tenant leases and that they would be part of Phase 2 of the new San Pedro Public Market when the new San Pedro Public Market location would be constructed, completed or sections thereof. The Port of Los Angeles would begin its demolition and preparing of the new site pad for the Developer and the Developer would begin its Phase I of the San Pedro Public Market.
15. The San Pedro Waterfront Project consists primarily of the San Pedro Public Market the main project feature approximately in the center of the project. Then there is a northern area of new buildings, southern area consisting of a public park and amusement park project, roadway and parking improvements. If this initial project is successful the Final EIS/EIR allows for an additional hotel and convention center to also be built in the future.
16. In May 11, 2011 David J. Castanon, Chief, Regulatory Division, Los Angeles District of the U.S. Army Corp of Engineers issues a Record of Decision and Permit for the San Pedro Waterfront Project and Final EIS/EIR.
17. In June 13, 2012 the Port of Los Angeles submits a Request for Permit Modification to the U.S. Corps of Engineers for the inclusion of the USS Iowa in the San Pedro Waterfront Project and Final EIS/EIR. Evidence that the Port of Los Angeles knows that this is a procedural requirement but does not apply it to all the Addendums.
18. On June 20, 2012 David J. Castanon, Chief, Regulatory Division, Los Angeles District of the U.S. Army Corp of Engineers issues a Memorandum For Record and Permit Modification for the inclusion of the USS Iowa in the San Pedro Waterfront Project and Final EIS/EIR.
19. In July 25, 2012, the Port of Los Angeles releases the San Pedro Waterfront Request for Qualifications (RFQ). This was contrary to their standard practice of first releasing a Request for Proposal (RFP). This action initiates a long series of suspicious activities, improper and illegal actions by the Port of Los Angeles and City of Los Angeles on the Developer selection process. The RFQ lists as No. 1 the Ports O' Call Site in the, "Present and Future Elements of the Waterfront." The San Pedro Public Market Project Proposal eliminates the historic Ports O' Call Village and there will be no Ports O' Call Village. Under the Project Detail it states that, "Ports O' Call Village is well-known throughout the region," and "The adjacent San Pedro community supports a redevelopment vision to revitalize Ports O' Call." Under Project Highlights it states: The LA Waterfront will provide an array of infrastructure improvements... along with commercial developments sites including Ports O' Call." In addition, "The Port is

encouraging the prospective developer to consider the inclusion of successful existing tenants in their development plans. Depending on the ultimate vision and plan layout, it is recognized that these tenants may be relocated within the site.”

20. In the RFQ it states under the Evaluation Process that the, “Respondents are advised that all documentation submitted in the response to the RFQ will become available to the public as a public record.” The Port of Los Angeles has not released any information to the public. The Port of Los Angeles has a website where it traditionally posts all EIS/EIR project documentation.
21. On August 8, 2012 the Port of Los Angeles sponsors a pre-submittal RFQ meeting for potential applicants i.e. Developers at the Cabrillo Marina Community Building in San Pedro. September 21, 2012 is the deadline for Developers to submit their RFQ application which was changed to October 5, 2012.
22. On September 20, 2012 Alan Johnson and Eric Johnson owners of the Crail Company, Crail-Johnson Foundation and Jerico Development the future winning Developer donate \$ 1,300. each to Eric Garcetti who running for LA City Mayor.
23. On October 4, 2012 Port of Los Angeles sponsors a Ports O’ Call Village and Office Space Renter Tenant Information Meeting advising them that they have terminated the agreement with San Pedro Waterfront. LLC and will take over management of the Ports O’ Call Village, responsibility for all future Tenant lease agreements and receive rental payments.
24. On October 10, 2012, the Port of Los Angeles announces receipt of 8 proposals to develop 30-acre LA Waterfront property.
25. On December 20, 2012, the Port of Los Angeles announces the selection of the LA Waterfront Alliance as the Developer for the San Pedro Waterfront Project.
26. On January 8, 2013 legal counsel for the Developer Team McArthurGlen Group files a Public Records Act for copies of all proposals from all Developers and the scoring sheets of the Selection Committee. The Port of Los Angeles refuses to provide the documents and in their opinion a lack of transparency in the Developer Selection process.
27. On January 21, 2013 John Papadakis is given a copy of the Qualification section of the LA Waterfront Alliance proposal by Councilman’s Joe Buscaino chief-of-staff Doane Liu in a meeting requested by Doane Liu after the Port BOHC meeting. According to Mr. Papadakis the purpose of the meeting was to solicit his support for the LA Waterfront Alliance proposal after Mr. Papadakis voices strong opposition at the Port BOHC meeting. How was Doane Liu able to acquire this document when he was not part of the Selection Committee and when the Port of Los Angeles refused to provide a copy to legal counsel for the Developer Team McArthurGlen Group under their Public Records Act Request.
28. On February 8, 2013, Jeff McConnell and Peter Nash of the Developer Team McArthurGlen Group visit Los Angeles City Attorney Carmen Trutanich to discuss improprieties in the Developer Selection Process by the Port of Los Angeles. The City Attorney Trutanich told them that they needed to return with detailed facts in writing. We believe that the Port of Los Angeles and City of Los Angeles intervened to manipulate the final selection of the Developer LA Waterfront Alliance. They changed the scoring of the preferred Developer LA Waterfront Alliance so that they were the highest; they advised and allowed LA Waterfront Alliance to remove 2 project proposal elements that would have disqualified them from being a finalist. The LA Waterfront Alliance proposal included a public

residential development and the relocation of the Port of Los Angeles office to the San Pedro Waterfront both prohibited by the California Coastal Commission and State Lands Commission.

29. On February 21, 2013 the BOHC approves Agenda item No. 11 Resolution no. 13-7446 for Approval of an Exclusive Negotiating Agreement between the City of Los Angeles Harbor department and the recommended Ports O' Call Village Developer, LA Waterfront Alliance. We believe that the Port of Los Angeles Executive Director Dr. Geraldine Knatz intervened and made the final Developer Selection bypassing the independent Selection Committee recommendation and after manipulating of the Developer project proposal scoring criteria. The Port of Los Angeles also changed the Lease term which has traditionally been in the 20-40 year range to 50 years.
30. On February 21, 2013 Dave Matheson Assistant Director of Marketing, Planning & Research at the Port of Los Angeles is appointed to the Developer Selection Committee tells the Port BOHC that the selection of the Developer LA Waterfront Alliance was based on criteria clearly defined in the RFQ which indicates that he was being told to say anything to secure the LA Waterfront Alliance being selected even though they were the least qualified and experienced Developer.
31. On February 21, 2013 Michael Tumanjan representing a competing Developer Majestic Realty Co. objects at the Port BOHC to the selection of the LA Alliance stating that LA Alliance did not meet the established RFQ criteria.
32. On March 10, 2013 Thomas C. Amalfitano co-owner of the San Pedro Fish Market & Restaurant donates \$ 100. to Eric Garcetti who running for LA City Mayor. The San Pedro Fish Market & Restaurant is the only Ports O' Call Tenant not being evicted.
33. On March 18, 2013, Peter Nash of the Developer Team McArthurGlen Group who submitted a 10 page letter to the Los Angeles City Attorney Carmen Trutanich, titled, "Complaint of Improprieties in RFQ Selection of Ports O' Call Developer," requesting an investigation. We cannot find any information regarding any City Attorney investigation. We have submitted a FOIA/PRC Request to the Port of Los Angeles and it has been over 3 weeks and they have not provided any information regarding the Developer Selection Process. We believe that the Mayor's office and possibly Councilman Joe Buscaino's office intervened to support the Ports final Developer selection and directed the City Attorney to do nothing or a minimal inquiry with no official final investigation report.
34. On March 29, 2013 Thomas C. Amalfitano co-owner of the San Pedro Fish Market & Restaurant donates \$ 500. to City Attorney Carmen Trutanich who is running for District Attorney. Peter Nash requests City Attorney Carmen Trutanich to investigate the Port of Los Angeles San Pedro Waterfront Developer Selection improprieties on March 18, 2013. No investigation takes place that we can verify.
35. On March 29, 2013 Christine Amalfitano wife to Thomas C. Amalfitano co-owner of the San Pedro Fish Market & Restaurant donates \$ 500. to City Attorney Carmen Trutanich who is running for District Attorney. Peter Nash requests City Attorney Carmen Trutanich to investigate the Port of Los Angeles San Pedro Waterfront Developer Selection improprieties on March 18, 2013. No investigation takes place that we can verify.
36. On April 1, 2013 a Michael A. DiBernardo of DiBernardo Realty in Rancho Palos Verdes donates \$ 500. to City Attorney Carmen Trutanich who is running for District Attorney. We believe he is a cousin to Port of Los Angeles Michael DiBernardo. Son of Port of Los Angeles Michael DiBernardo. Peter Nash

- requests City Attorney Carmen Trutanich to investigate the Port of Los Angeles San Pedro Waterfront Developer Selection improprieties on March 18, 2013. No investigation takes place that we can verify.
37. On April 12, 2013 student Lauren Johnson daughter of Alan Johnson the winning Developer makes a \$ 1,300. donation to Eric Garcetti who running for LA City Mayor. We believe the Mayor's office gave the orders to the City Attorney not to investigate the Port of Los Angeles San Pedro Waterfront Developer Selection improprieties.
 38. On April 12, 2013 student Mathew Johnson son of Alan Johnson the winning Developer makes a \$ 1,300. donation to Eric Garcetti who running for LA City Mayor. We believe the Mayor's office gave the orders to the City Attorney not to investigate the Port of Los Angeles San Pedro Waterfront Developer Selection improprieties.
 39. On April 12, 2013 student Cory Johnson son of Eric Johnson the winning Developer makes a \$ 1,300. donation to Eric Garcetti who running for LA City Mayor. We believe the Mayor's office gave the orders to the City Attorney not to investigate the Port of Los Angeles San Pedro Waterfront Developer Selection improprieties.
 40. On April 12, 2013 Cory Johnson son of Craig Johnson and brother to Alan Johnson and Eric Johnson the winning Developer makes a \$ 1,300. donation to Eric Garcetti who running for LA City Mayor. We believe the Mayor's office gave the orders to the City Attorney not to investigate the Port of Los Angeles San Pedro Waterfront Developer Selection improprieties.
 41. On April 12, 2013 Suzanne Johnson wife of Eric Johnson the winning Developer makes a \$ 1,300. donation to Eric Garcetti who running for LA City Mayor. We believe the Mayor's office gave the orders to the City Attorney not to investigate the Port of Los Angeles San Pedro Waterfront Developer Selection improprieties. No investigation takes place that we can verify.
 42. On April 12, 2013 Jennifer Ungaro co-owner of the San Pedro Fish Market & Restaurant makes a \$ 500. donation to Eric Garcetti who running for LA City Mayor. The San Pedro Fish Market & Restaurant is the only Ports O' Call Tenant not being evicted. We believe the Mayor's office gave the orders to the City Attorney not to investigate the Port of Los Angeles San Pedro Waterfront Developer Selection improprieties.
 43. On May 14, 2013 an S. Johnson from Rancho Palos Verdes makes a \$ 1,300. donation to City Attorney Carmen Trutanich who is running for District Attorney. We believe it is Suzanne Johnson wife of Eric Johnson the winning Developer.
 44. On July 5, 2013 Mayor Garcetti appoints Doane Liu as Deputy Mayor of City Services responsible for the Dept. of Water & Power, Recreation & parks, Transportation and Dept. of Public Works.
 45. On February 1, 2015 Mayor Garcetti appoints Doane Liu as Deputy Executive Director and Chief of Staff at the Port of Los Angeles under Gene Seroka Executive Director.
 46. On February 19, 2015 the Board of Harbor Commissioners approve a Letter of Intent (LOI) for the redevelopment of the Ports O'Call site with the Developer. The LOI recognized progress made to date and the parties' intent to reach agreement on a defined project scope and term sheet within four months.
 47. On July 13, 2015 the Board of Harbor Commissioners approve the First Amended and Restated LOI with the Developer. The Harbor Department and the Developer had come to agreement on a term

sheet, and the parties shifted their focus to the delivery of a final project concept and other necessary steps including continued negotiations for a ground lease.

48. On November 4, 2015 Councilman Joe Buscaino running for re-election receives a donation of \$ 700. from Susan Johnson wife of Eric Johnson the selected Developer.
49. On November 4, 2015 Councilman Joe Buscaino running for re-election receives a donation of \$ 700. from Elizabeth Johnson wife of Alan Johnson the selected Developer.
50. On December 23, 2015, John Papadakis sends an email to Joseph Rich of Rich Development Enterprises, LLC titled, "Ports O' Call RFQ Complaint-Documents." He states in the email that in January 2013 he interviewed Wayne Ratkovich a principle in the Developer Team LA Waterfront Alliance in his office with two Port of Los Angeles executives in which Wayne Ratkovich disclosed that he did not even know Alan and Eric Johnson before submitting their application to the RFQ on October 5, 2012. In their submitted application they claimed having 25 years of working together on projects. Note: Joe Rich was on the Port Developer Selection Evaluation Committee.
51. On December 30, 2015 Councilman Joe Buscaino running for re-election receives a donation of \$ 700. from Cory Johnson son of Craig Johnson brother of Alan and Eric Johnson the selected Developer.
52. On March 2, 2016 a Press Conference is held where Los Angeles Mayor Eric Garcetti, Developer Wayne Ratkovich and Port of Los Angeles Executive Director Gene Seroka unveils an illustration on a huge banner which show the entrance to the San Pedro Public Market which shows that the San Pedro Public Market occupies Berths 80, 79 and 78. The Ports O' Call Village Shops and Office Space Renters are located south at Berths 77 and 76.
53. On March 2, 2016 the Port of Los Angeles holds a public meeting with the Developer the LA Waterfront Alliance at the San Pedro Warner Grand Theater to discuss the San Pedro Waterfront Project - San Pedro Public Market Project. The Developer Eric Johnson verbally states during the meeting, "that current Tenants who will remain in the project will be able to stay open throughout construction we expect to complete this first phase by mid 2019."
54. Beginning in March 31, 2016 through October 11, 2017 numerous full page advertisements were published in the local San Pedro-Harbor Newspaper Random Lengths News which shows the Developers illustration to the entrance of the San Pedro Public Market which shows that the San Pedro Public Market occupies Berths 80, 79 and 78. The Ports O' Call Village Shops are located south at Berths 77 and 76.
55. On May 16, 2016 The Port of Los Angeles releases its proposed Resolution No. ___ - Approval of a Permit Between the City of Los Angeles Harbor Department and San Pedro Public Market, LLC for the Commercial Redevelopment of the Ports O' Call Site. The Permit additionally states, "the Lease deviates from the Harbor Department Leasing Policy and Standard Lease Provisions in eleven aspects: rate of return (ROR) requirements, security deposit requirements; lease-end demolition of improvements by Tenant, standard environmental requirements, standard indemnity requirements, standard insurance requirements, standard restoration, compliance with Executive Directives requirements to Applicable Law, subleases, Tariff fees, and force majeure. These deviations are necessary to provide a framework in the Lease that will allow the Developer the ability to finance a high quality commercial development under current and future market conditions," "Staff also recommends approval of a 50-year ground lease (Lease) for the Ports O' Call site, between the City of Los Angeles Harbor Department (Harbor Department) and San Pedro Public Market, LLC (Developer)." The original and standard practice Lease proposal was for 30 years. The 50 year Lease required a

special city council approval. The Permit is signed by Eugene D. Seroka, Executive Director, Michael J. Galvin, Director of Waterfront & Commercial Real Estate and Doane Liu, Deputy Executive Director & Chief of Staff. In light of what appears to be a conspiracy by the Port and City of Los Angeles to preselect a Developer, we now ask if these Lease deviations were justified and would they have been offered to any the Developer.

56. On May 19, 2016 the BOHC approves Agenda item No. 11 Resolution No. ___ - Approval of a Permit Between the City of Los Angeles Harbor Department and San Pedro Public Market, LLC for the Commercial Redevelopment of the Ports O' Call Site dated May 16, 2016. The Permit is the Lease Agreement.
57. On May 19, 2016 BOHC Agenda No. 11 has 3 Transmittal attachments. Transmittal 3 is a 3rd Addendum to the San Pedro Waterfront Project Environmental Impact Report for the San Pedro Public Market Project. This Addendum makes major project changes to the San Pedro Waterfront Project Final EIS/EIR. The Port of Los Angeles fails to follow its standard practices and CEQA requirements in the release and approval of a Supplemental or Subsequent EIR. CEQA does not allow Addendums to make major changes to an certified Final EIS/EIR, Port fails to provide Public Notice of the Addendum, fails to post a Public Notice of the Addendum, fails to place the Addendum as a separate BOHC Agenda item for public comment and fails to re-circulate the Addendum to the US Army Corps of Engineers and all required governmental regulatory agencies and the Native American Heritage Commission for review, comment and approval. This Addendum is the third Addendum of five to the Final EIS/EIR.
58. On June 8, 2016 Councilman Joe Buscaino running for re-election receives a donation of \$ 700. from Tommy Amalfitano co-owner of the San Pedro Fish Market & Restaurant(SPFMAR). The San Pedro Fish Market & Restaurant is the only Ports O' Call Tenant not being evicted.
59. On June 8, 2016 Councilman Joe Buscaino running for re-election receives a donation of \$ 700. from Thomas Amalfitano Jr. manager of the SPFMAR son of Tommy Amalfitano. The San Pedro Fish Market & Restaurant is the only Ports O' Call Tenant not being evicted.
60. On June 8, 2016 Councilman Joe Buscaino running for re-election receives a donation of \$ 700. from Henry Ungaro co-owner of the San Pedro Fish Market & Restaurant. The San Pedro Fish Market & Restaurant is the only Ports O' Call Tenant not being evicted.
61. On June 8, 2016 Councilman Joe Buscaino running for re-election receives a donation of \$ 700. from Jennifer Ungaro accountant and co-owner of the San Pedro Fish Market & Restaurant. The San Pedro Fish Market & Restaurant is the only Ports O' Call Tenant not being evicted.
62. On June 8, 2016 Councilman Joe Buscaino running for re-election receives a donation of \$ 700. from John Ungaro father of Henry, Jennifer and Michael Unfaro co-owners of the San Pedro Fish Market & Restaurant(SPFMAR). The San Pedro Fish Market & Restaurant is the only Ports O' Call Tenant not being evicted.
63. On June 8, 2016 Councilman Joe Buscaino running for re-election receives a donation of \$ 700. from Michael Ungaro brother of Henry and Jennifer Ungaro co-owners of the San Pedro Fish Market & Restaurant. The San Pedro Fish Market & Restaurant is the only Ports O' Call Tenant not being evicted.
64. March 9, 2017 Mayor Garcetti appoints Doane Liu as the new Executive Director of the Department of Convention and Tourism Development.

65. On June 8, 2017 the Ports O' Call Shop Owners and Office Space Renters receive a letter from the Port of Los Angeles advising them of the Ports intent to not renew their month-to-month leases and they would have to vacate by October 2, 2017. This is the courtesy letter the Port refers to.
66. On June 15, 2017 at the BOHC public meeting 11 Ports O' Call Shop Owners and Office Space Renters attend the meeting and spoke during Agenda C. Comments from the Public on Non-Agenda Items, expressing their surprise and dismay over being informed that their leases would not be renewed as of October 2, 2017 and that their shops would be closed forever. Many stated that they were told that they would remain during Phase I and would be relocated to another Ports O' Call area during construction until the new San Pedro Public Market would be completed. They stated that only the small shop owners were being evicted and not any of the major large restaurants and they felt that this was discrimination. The BOHC then asked staff to meet with them and two Board members volunteered to also meet with them. A subsequent meeting was held within a week but did not resolve any issues because the intent of the meeting was to only relocate the Tenants somewhere else in San Pedro where they could not survive financially.
67. On June 15, 2017 Jesse N. Marquez also attended the BOHC public meeting and was also a public speaker on a different subject. He heard the Ports O' Call Shop Tenants comments and became concerned about losing the Ports O' Call Village Shops. He has also been a 40 year customer of many of the shops. During the next few days he meets with several of the shop owners to see if there was anything he can do to help them. He is also Executive Director of a non-profit Environmental Justice Organization the Coalition For A Safe Environment (CFASE) located in the neighboring Port of Los Angeles community of Wilmington. CFASE has been active for over 16 years in reviewing Port of Los Angeles projects and programs. CFASE is considered a public expert in CEQA and NEPA.
68. On June 22, 2017 the Port of Los Angeles attends the Future Ports meeting and in its power point presentation shows Slide 16 which is the San Pedro Public Market Implementation Schedule which shows no demolition in 2018.
69. In June 2017 Jesse N. Marquez begins to review the September 29, 2009 San Pedro Waterfront Project Final EIS/EIR on the Port of Los Angeles website and discovers that the Ports O' Call Shop Owners and Office Space Renters were correct in that the 2009 Final EIS/EIR did state that the shops would be relocated during constructed and brought back into the new San Pedro Public Market. Jesse N. Marquez also discloses this information to the Ports O' Call Shop Owners.
70. In July 2017 Jesse N. Marquez discovers that the Port of Los Angeles BOHC at their May 19, 2016 BOHC public meeting approved a Permit/Lease Agreement for the selected Developer LA Waterfront Alliance for the San Pedro Public Market. He also discovers that the Port attached a 3rd Addendum to the Final EIS/EIR as Transmittal 3. So when the BOHC approves the Permit/Lease Agreement all attached Transmittals are also approved and included. The Port intentionally hid the Addendum to avoid public review and comment on the Addendum. Addendums are not like a Subsequent and Supplemental EIS/EIR documents which are normally a separate BOHC Agenda Item, require a public hearing is held, requires a separate approval and requires re-circulation to the US Army Corps of Engineers, all governmental agencies and the public. Jesse N. Marquez also discloses this information to the Ports O' Call Tenants, Retail Shop Owners and Office Space Tenants.

71. In July 2017 Jesse N. Marquez further discovers that the Port of Los Angeles BOHC had approved 4 other Addendums to the September 29, 2009 San Pedro Waterfront Project Final EIS/EIR. None were re-circulated to the US Army Corps of Engineers, all governmental agencies and the public for public review and comment.
72. On August 3, 2017 the Ports O' Call Shop Owners receive a letter from the Port of Los Angeles advising them of the Ports intent to not renew their month-to-month leases and they would have to vacate by October 2, 2017. This is another second courtesy letter the Port refers to.
73. In August 2017 the Ports O' Call Shop Owners ask Jesse N. Marquez if he could assist them in finding legal counsel and helping them stay open at Ports O' Call Village. Jesse N. Marquez agrees and introduces them to Anthony Patchett, Esq. who agrees to represent them.
74. On September 2, 2017 the Ports O' Call Shop Owners receive a 30-day Notice to Terminate Revocable Permit letter from the Port of Los Angeles notifying them that their month-to-month lease is hereby terminated effective October 2, 2017.
75. On September 18, 2017 Anthony Patchett files on behalf of the Ports O' Call Village Shop Owners, Office Space Renters and the Coalition For A Safe Environment representing the public's interest an Administrative Claim against the Port of Los Angeles with the Los Angeles City Clerk.
76. On September 18, 2017 the Ports O' Call Village Shop Owners, Office Space Renters and the Coalition For A Safe Environment holds a Press Conference.
77. On November 1, 2017 the Office of The City Attorney delivers letters to all Ports O' Call Shop Owners and Office Space Renters rejecting the Administrative Claim.
78. On October 2, 2017 the Ports O' Call Village Shop Owners and Office Space Renters do not vacate under advisement of their attorney and legal counsel team. They continue to make their monthly rental payments.
79. On October 4, 2017 the City of Los Angeles files and delivers a Summons - Unlawful Detainer – Eviction to all Ports O' Call Village Shop Owners and Office Space Renters.
80. On October 5, 2017 the City of Los Angeles files and delivers a Notice of Unlawful Detainer to all Ports O' Call Village Shop Owners and Office Space Renters.
81. On October 10, 2017 the Ports O' Call Village Shop Owners and Office Space Renters begin filing an Answer to Unlawful Detainer.
82. On October 11, 2017 Anthony Patchett, ESQ. on behalf of the Ports O' Call Village Shop Owners and Office Space Renters files a California Public Records Act request with Port of Los Angeles for documentation related to the Risk Analysis Report regarding toxic contaminants at the berths surrounding the Ports O' Call Village and the Redevelopment Project area.
83. On October 11, 2017 Anthony Patchett, ESQ. on behalf of the Ports O' Call Village Shop Owners and Office Space Renters received 7 Ports O' Call Site Assessment Reports from the Port of Los Angeles. Six of the seven reports identify numerous categories of toxic chemical contamination in soil and water samples at Ports O' Call sites.
84. On October 20, 2017 Eugene Seroka sponsors a meeting with the Ports O' Call Tenants in which City Attorney Janet Karkanen is present. Mr. Seroka states that the purpose of the meeting was so that he personally could hear from the Tenants their issues, concerns, project schedule understandings and requests. After more than an hour of discussion, Mr. Seroka stated that he was going to talk to the real

estate division, engineering and the Developer to see if anything could be worked out and that there was no promises being made. At the beginning of the meeting Janet Karkanen made a statement that the CEQA and NEPA Statue of limitations had passed inferring that we could no longer file an Appeal or CEQA lawsuit. The Tenants have never heard from Mr. Seroka again.

85. On October 20, 2017 Jesse N. Marquez is delivered a document by a 3rd party from an anonymous original source which is a letter from Peter Nash of the Developer Team McArthurGlen Group who submitted a 10 page letter to the Los Angeles City Attorney Carmen Trutanich, titled, "Complaint of Improprieties in RFQ Selection of Ports O' Call Developer," requesting an investigation. We cannot find any information regarding any City Attorney investigation. See No. 16 March 18, 2013 comment.
86. On October 23, 2017 the City of Los Angeles files and delivers a Notice of Motion and Motion for Summary Judgment to all Ports O' Call Village Shop Owners.
87. On October 23, 2017 Anthony Patchett, ESQ. on behalf of the Ports O' Call Village Shop Owners and Office Space Renters files a California Public Records Act request with Port of Los Angeles for documentation related to the San Pedro Waterfront Project Developer Selection Process.
88. On October 24, 2017 Anthony Patchett, ESQ. receives a Letter from Mario Saborio of the Port of Los Angeles Commission Office CPRA Program acknowledging receipt of his California Public Records Act request for documentation related to the San Pedro Waterfront Development Project Developer Selection Process. LOG# 17-065. As of November 26, 2017 he has received no CPRA information.

The Port of Los Angeles is required by state and federal law to release of all requested documentation which are "disclosable public records," under the Ralph M. Brown Act Government Code Title V Div. 2, Part 1, Chapter 9 Meetings, Section 54957.5 Public Records and requested under California Public Records Act (CPRA) (Government Code Section 6250 et seq.) and Federal Freedom of Information Act (FOIA) (Title 5 U.S.C. § 552) that the Port of Los Angeles and City of Los Angeles has refused to provide since October 23, 2017.

89. On October 27, 2017 Anthony Patchett, ESQ. on behalf of the Ports O' Call Village Shop Owners and Office Space Renters files a California Public Records Act request with Port of Los Angeles for documentation related to Michael DiBernardo's ownership in the San Pedro Fish Market & Restaurant, the only business not being evicted at Ports O' Call. Michael DiBernardo is the Deputy Executive Director, Marketing and Customer Relations he Oversees Cargo Marketing, Cargo and Industrial Real Estate, Waterfront and Commercial Real Estate, Environmental Management, Planning and Strategy, and Wharfing divisions at the Port of Los Angeles, approximately the 2nd highest ranking manager at the Port of Los Angeles, there appears to be a conflict of interest and appears to be influencing Tenant eviction decisions. As of November 26, 2017 he has received no CPRA information.
90. On November 1, 2017 The Office of The City Attorney delivers letters to all Ports O' Call Shop Owners and Office Space Renters rejecting the Administrative Claim.
91. On November 3, 2017 Jesse N. Marquez and the Ports O' Call Village Shop Owners and Office Space Renters begin filing a Declaration in court in support of them remaining at Ports O' Call Village. Jesse N. Marquez in his Declaration includes attachments which contain pages from the 2009 San Pedro Waterfront Development Project Final EIS/EIR which show that the Ports O' Call Tenants were to be relocated during construction and were not part of Phase I.

92. On November 6, 2017 Anthony Patchett, Esq. on behalf of the Ports O' Call Village Shop Owners and Office Space Renters files an Opposition To Motion For Summary Judgment.
93. On November 15, 2017 Anthony Patchett, Esq. on behalf of the Ports O' Call Village Shop Owners and Office Space Renters files a first Defendants Supplemental Opposition To Motion For Summary Judgment. There are three attachments which show that the new San Pedro Public Market is located at Berths 80, 79, 78 and that the Ports O' Call Tenants are located at Berths 77 and 76. They also show that there are two areas one north and one south of the new San Pedro Public Market where the Ports O' Call Tenants can be relocated temporarily during construction.
94. On November 15, 2017 Anthony Patchett, Esq. on behalf of the Ports O' Call Village Shop Owners and Office Space Renters files a Motion For Continuance of the court from Monday Nov. 20, 2017 to Wednesday Nov. 22, 2017 to allow co-counsel Steve Cooley, Esq. to attend the court hearing. The City Attorney Janet Karkanen objects. Judge Ross M. Klein allows 1-2 weeks for Plaintiff legal counsel to meet with the Port of Los Angeles to work out a Settlement.
95. On November 20, 2017 Anthony Patchett, Esq. on behalf of the Ports O' Call Village Shop Owners and Office Space Renters files a second Defendants Supplemental Opposition To Motion For Summary Judgment.
96. On November ---, 2017 Anthony Patchett, Esq. on behalf of the Ports O' Call Village Shop Owners and Office Space Renters is notified by the Port of Los Angeles that the Judge has issued a final Summary Judgment.
97. Beginning on Monday January 1, 2018 the Ports O' Call Village Retail Shop Owners and Office Space Renters begin to have a Notice to Vacate posted at their businesses by the Port of Los Angeles/County of Los Angeles Sheriff's Department. They are ordered to vacate by January 13, 2018.
98. March, 1, 2018 All Ports O' Call Village Ethnic Minority Tenants, Retail Shop Owners and Office Space Renters have all been evicted and have all moved out.

B. Legal Authorities Violation Descriptions

1. Violation of Port of Los Angeles - Contracts and Purchasing Mission Statement

- a. The Port failed to provide a, "fair, objective selection process for all agreements and procurement opportunities."
- b. The Port failed in, "adhering to the highest standards of ethical conduct."

2. Violation of Port of Los Angeles - Contracts and Purchasing Code of Ethics

- a. The Port failed, "To regard public service as a sacred trust, giving primary consideration to the interests of the public agency that employs us."
- b. The Port failed, "To avoid unfair practices, giving all qualified vendors equal opportunity."

3. Violation of the Port of Los Angeles - Real Estate Leasing Policy

- a. The Port failed to, "Leasing and rental decisions will be made in a transparent environment, while maintaining compliance with City, State and Federal laws."

- b. The Port failed to, “appropriate use, optimal utilization and competitive allocation of real property assets under the jurisdiction of the Port.”
- c. The Port failed in, “treating similar maritime tenants on a fair and equal basis.”
- d. The Port failed to, “Recognize existing relationships with current tenants and their investment in the occupied terminal and premises.”
- e. The Port failed to, “Maintain fair and equitable methods for potential and existing tenants to conduct business with the Port.”
- f. The Port failed to, “Establish a process for assembling, sharing, and maintaining information related to the proposed selection and negotiation processes in an open and transparent manner.”
- g. The Port failed to, “Require provisions to prevent and minimize environmental impacts.”
- h. The Port failed to, “foster a spirit of partnership with its tenants in the application of this leasing policy, while fulfilling its duties as steward of vital public enterprises, assets, and resources.
- i. The Port failed to, “make Port properties available on fair and reasonable terms without unjust discrimination.”
- j. The Port failed to, “establish minimum operational and maintenance standards for users of Port property in order to promote safety, maintain appropriate levels and quality of service, and promote the orderly development of Port properties.”

4. Violation of the Port of Los Angeles - Standard Contract Provisions

The Port failed to comply with the, “Conflict of Interest” provision. Michael Di Bernardo Deputy Executive Director who is considered the number two highest ranking manager under Eugene Seroka the Executive Director of the Port of Los Angeles is a co-owner of the San Pedro Fish Market and Restaurant since 2007.

5. Violation of Port of Los Angeles - 2012-2017 Strategic Plan

- A. The Port failed to comply with, “Objective 4 Strong Relationship with Stakeholders – Initiative 2 Attract visitors to the LA Waterfront of Wilmington and San Pedro.”

The Port of LA discriminated against the San Pedro Waterfront Ports O’ Call Village shops by:

- a. Significantly supporting and promoting special events, the battleship Iowa, the seafood restaurants and not the Ports O’ Call Village.
- b. Denying the Ports O’ Village shops request to provide freeway and major harbor street entrances to Ports O’ Call Village banners and signage that the shops were still open during special events.
- c. Rerouting of visitors to special events to parking at the 22nd street parking area in order to prevent visitors from passing through and visiting the Ports O’ Call Village. Also to charge visitors for parking at the 22nd when parking is free at Ports O’ Call Village. In addition, providing buses to take visitors to special events in order to prevent them from walking though Ports O’ Call Village.

- d. Making the Ports O' Ca' Village Shops a low priority of support for attracting and increasing the number of waterfront visitors.
 - e. Providing little to no advertising and marketing for Ports O' Ca' Village Shops in any local community newspapers or media.
 - f. Allowing the Ports o' Call Village infrastructure to deteriorate rapidly in order to encourage them to leave earlier of planned construction and for visitors to not to want to return.
- B. The Port failed to comply with the, "Strategic Plan Overview-Social Responsibility."
- a. The Port of LA eviction of all San Pedro Waterfront Ports O' Call Village shops and targeted ethnic minority owned restaurants will cause the loss of over 200 local jobs which could have been prevented if the Port had honored the original 2009 Final EIR to relocate all Tenants during the demolition and construction of the new San Pedro Public Market and not illegally change the original 2009 Final EIS/EIR in 2016.
 - b. The Port of LA eviction of all San Pedro Waterfront Ports O' Call Village shops and Office Space Renters and targeted ethnic minority owned restaurants will cause the loss of loss city tax revenues and local shopping which could have been prevented if the Port had honored the original 2009 Final EIR to relocate all Tenants during the demolition and construction of the new San Pedro Public Market and not illegally change the Final EIR in 2016.
 - c. The Developer has stated several times that he has retained no new anchor Tenants and no new Tenants.
 - d. The Port has only recently announced in January 2018 the retention of four current operating businesses. The four do not include not one Ports O' Call Village Shop, ethnic minority shop or restaurant business.

6. Violation of the City of Los Angeles - Contractor Responsibility Program - Ordinance 173677 Sec. 10.40.2 Determination of Contractor Responsibility

- A. The Port failed to comply with (a), "Prior to awarding a contract, the City shall make a determination that the prospective contractor is one that has the necessary quality, fitness and capacity to perform the work set forth in the contract. Responsibility will be determined by each awarding authority from reliable information concerning a number of criteria, including but not limited to: management expertise; technical qualifications; experience; organization, material, equipment and facilities necessary to perform the work; financial resources; satisfactory performance of other contracts: satisfactory record of compliance with relevant laws and regulations: and satisfactory record of business integrity.
- a. The LA Waterfront Alliance was the least qualified of all seven Developers and had the least commercial property development experience.
 - b. The LA Waterfront Alliance proposal had two project design elements that should have disqualified them but the Port allowed them to remove them. No other Developer was allowed this favor. The original LA Waterfront Alliance proposal included building residential units on the Ports O' Call property and relocating and building a new Port of LA office building on the Ports O' Call property.

- c. The Developer has stated repeatedly since 2016 in public and at Port sponsored public meetings that they did not have and have not raised the \$ 100 million necessary to build the San Pedro Public Market. The Project Final EIR was approved in 2009.
 - d. The Port failed to provide all Developer applications and information to the public.
- B. The Port failed to comply with (b), "If, after execution of a contract, the City learns that the contractor submitted false information on the questionnaire, the City may terminate the contract and pursue the remedies set forth in Section 10.40.6 of this Article."
- a. The Port of LA and City of LA was aware and was notified that the LA Waterfront Alliance did not have a 20 year working relationship as stated in their application and had in fact only been introduced to each other a few weeks before the bid proposal deadline.
 - b. The LA Waterfront Alliance did not update their questionnaire as required and the Port allowed them to continue.
 - c. The Port failed to provide all Developer applications and information to the public.

7. Violation of the City of Los Angeles - Bureau of Contract Administration - Mission

- A. The Port of LA and City of LA failed to comply with, "Our Mission To maintain a transparent and consistent contracting environment that delivers quality work in compliance with governing laws while encouraging an environment that promotes personal and business opportunity."
- a. In the RFQ it states under the Evaluation Process that the, "Respondents are advised that all documentation submitted in the response to the RFQ will become available to the public as a public record." The Port of Los Angeles has not released any information to the public
 - b. The Port advised and allowed the Developer LA Waterfront Alliance to delete two major Disqualifying Elements in their proposal but no allowance to other Developers.
 - c. The Port chose the least qualified Developer.
 - d. The Port chose a Developer without the financial capacity to begin the project.
 - e. We believe that the Port of Los Angeles Executive Director Dr. Geraldine Knatz intervened and made the final Developer Selection bypassing the independent Selection Committee recommendation and after manipulating of the Developer project proposal scoring criteria.
 - f. The Port intentionally violated CEQA and NEPA law by utilizing an EIR Addendum to make changes to the original 2009 Final EIR in order to circumvent the Final EIR and not using a Supplemental EIR or Subsequent EIR and having to re-circulate the SEIR and hold a public meeting as standard practice.
 - g. The Port conspired with the Developer to eliminate all ethnic minority owned businesses at the Port of Call Village which included retail shops and restaurants.
- B. The Port of LA and City of LA failed to comply with, "Our Motivation To establish an environment that eliminates barriers to achieving quality, opportunity, and compliance for all we serve."
- a. The Port obviously had a preferred and preselected candidate Developer and allowed changes to their Bid Application.

- b. The Port chose the least qualified Developer.
- c. The Port intentionally violated CEQA and NEPA law by utilizing an EIR Addendum to make changes to the original 2009 Final EIR in order to circumvent the Final EIR and not using a Supplemental EIR or Subsequent EIR and having to re-circulate the SEIR and hold a public meeting as standard practice.
- d. The Port conspired with the Developer to eliminate all ethnic minority owned businesses at the Port of Call Village which included retail shops and restaurants.

8. Violation of the City of Los Angeles - Code of Ethics

- a. The Port violated, "I - General Rule with Respect to Conflicts of Interest," by allowing Michael Di Bernardo Deputy Executive Director who is considered the number two highest ranking manager under Eugene Seroka the Executive Director of the Port of Los Angeles to be a co-owner of the San Pedro Fish Market and Restaurant since 2007 knowing Port staff would protect his business interests.
- b. The Port violated, "I - General Rule with Respect to Conflicts of Interest," by allowing San Pedro Fish Market and Restaurant owners and family to make campaign donations to the City Attorney, City Councilman and City Mayor Campaigns. It appears that a request for investigation by a non-selected Developer of the Port Developer Selection improprieties was never conducted, selection of the least qualified Developer occurred and permission to make changes to original Bid Application was allowed.
- c. The Port violated, "II - Actions and Conduct Designed to build Public Confidence," by allowing port staff Michael Galvin and others to misrepresent the truth and facts regarding that the 2009 Final EIR which specifically stated that the Port Tenants would be relocated during construction and brought back when the new San Pedro Public Market was completed. He and other staff new that the Port used an EIR Addendum in 2016 to make major changes to the 2009 Final EIR.
- d. The Port violated, "IV - Use of Confidential Information, " by allowing Doanne Liu to have access to confidential Developer Bid information. On January 21, 2013 John Papadakis is given a copy of the Qualification section of the LA Waterfront Alliance proposal by Los Angeles City Councilman's Joe Buscaino chief-of-staff Doane Liu in a meeting requested by Doane Liu after a Port Board of Harbor Commissioners meeting. According to Mr. Papadakis the purpose of the meeting was to solicit his support for the LA Waterfront Alliance proposal after Mr. Papadakis voices strong opposition at the Port BOHC meeting.
- e. We suspect that Michael Di Bernardo violated, "VI - Contracts With the City, " as a co-owner of the San Pedro Fish Market and Restaurant where he may have influenced Port staff and the Developer not to evict his business.
- f. The Port and City staff violated, "XIII – Loyalty. " Port of Los Angeles Staff and City of Los Angeles Staff knowingly and intentionally violated numerous Port, City, State and Federal laws, policies, rules, regulations as described in this RFI.

9. Violation of the Ralph M. Brown Act California Government Code Title V Div. 2, Part 1, Chapter 9 Meetings, Section 54957.5 Public Records

On October 23, 2017 Anthony Patchett, ESQ. on behalf of the Ports O' Call Village Shop Owners and Office Space Renters files a California Public Records Act request with Port of Los Angeles for documentation related to the San Pedro Waterfront Project Developer Selection Process.

October 24, 2017 Anthony Patchett, ESQ. receives a Letter from Mario Saborio of the Port of Los Angeles Commission Office CPRA Program acknowledging receipt of his California Public Records Act request for documentation related to the San Pedro Waterfront Development Project Developer Selection Process. LOG# 17-065.

As of November 26, 2017 he has received no CPRA requested information. The Port of Los Angeles is required by state and federal law to release of all requested documentation which are disclosable public records and materials.

10. Violation of the California Public Records Act (CPRA) California Government Code Section 6250 et seq.

On October 23, 2017 Anthony Patchett, ESQ. on behalf of the Ports O' Call Village Shop Owners and Office Space Renters files a California Public Records Act request with Port of Los Angeles for documentation related to the San Pedro Waterfront Project Developer Selection Process.

October 24, 2017 Anthony Patchett, ESQ. receives a Letter from Mario Saborio of the Port of Los Angeles Commission Office CPRA Program acknowledging receipt of his California Public Records Act request for documentation related to the San Pedro Waterfront Development Project Developer Selection Process. LOG# 17-065.

As of November 26, 2017 he has received no CPRA requested information. The Port of Los Angeles is required by state and federal law to release of all requested documentation which are disclosable public records and materials.

11. Violation of the Federal Freedom of Information Act (FOIA) Title 5 U.S.C. § 552

On October 23, 2017 Anthony Patchett, ESQ. on behalf of the Ports O' Call Village Shop Owners and Office Space Renters files a California Public Records Act request with Port of Los Angeles for documentation related to the San Pedro Waterfront Project Developer Selection Process.

October 24, 2017 Anthony Patchett, ESQ. receives a Letter from Mario Saborio of the Port of Los Angeles Commission Office CPRA Program acknowledging receipt of his California Public Records Act request for documentation related to the San Pedro Waterfront Development Project Developer Selection Process. LOG# 17-065.

As of November 26, 2017 he has received no CPRA requested information. The Port of Los Angeles is required by state and federal law to release of all requested documentation which are disclosable public records and materials.

12. Violation of Civil Rights, Civil Liberties and Equal Protection

A. Legal Statutes

- a. Civil Rights Act of 1964 Title 42, Chapter 21 (See 42 U.S.C. § 2000a)

- b. Title 14 Section 1 Equal Protection Clause (*See* 42 U.S.C. § 1983)
- c. Title 42 Equal Rights Under the Law Section 1981 protects individuals from discrimination based on race in making and enforcing contracts, participating in lawsuits, and giving evidence. *See* 42 U.S.C. § 1981.
- d. Civil Action for Deprivation of Rights (*See* 42 U.S.C. § 1983)
- e. Conspiracies to Interfere With Civil Rights (*See* 42 U.S.C. § 1985)
- f. Conspiracy Against Rights of Citizens (*See* 18 U.S.C. § 241)
- g. Deprivation of Rights Under Color of Law, (*See* 18 U.S.C. § 242)
- h. The Jurisdictional Statue for Civil Rights Cases (*See* 28 U.S.C. § 1443)
- i. California Constitution Article I, § 7 and 13
- j. California Civil Code § 52.1 Common Law Tort Claims

B. Violations

- a. The Port of Los Angeles under the color of law intentionally changed the approved project and certified San Pedro Waterfront Development Project 2009 Final EIR in 2016 using a CEQA Addendum as a Transmittal # 3 attachment to the Permit/Lease Agreement in order to justify its desire and intent to remove all Ports O' Call Village Retail Shops knowing that the majority of Retail Shop Owners were ethnic minority owned. This is an act of Commercial Gentrification.
- b. We allege that the Port of Los Angeles additional reason to remove all ethnic minority owned businesses and Office Space Renters was to try to decrease the ethnic minority visitors, clients and customer visitation to the Ports O' Call because it was once a majority non-minority visitor and customer base which has now become a majority ethnic minority attendance and customer Base. This is an act of Commercial and Cultural Gentrification.
- c. The Port of Los Angeles under the color of law intentionally colluded and conspired with the Developers to remove all Ports O' Call Village Tenants, Shops and Office Space Renters knowing that the majority of Retail Shop Owners were ethnic minority owned. This is an act of Commercial and Cultural Gentrification.
- d. The Port of Los Angeles and the Developers under the color of law intentionally violated the civil rights of Ethnic Minority Tenants, Shop Owners and Office Space Renters to engage in business and service ethnic minority visitors and customers interests and needs.
- e. The Port of Los Angeles under the color of law intentionally caused the Ports O' Call Tenants, Retail Shop Owners and Office Space Renters the majority of whom are ethnic minorities to incur significant economic financial loses, lost earnings, lost profits, medical expenses, lost customers, lost client, unable to provide public services, public assistance, physical pain and mental distress.
- f. The Port of Los Angeles under the color of law intentionally caused the Ports O' Call Tenants, Retail Shop Owners and Office Space Renters employees the majority of whom are ethnic minorities to lose their jobs, incur significant personal economic financial loses, lost earnings, lost medical health program insurance benefits, lost social security insurance benefits contributions, lost workman's compensation benefits, physical pain and mental distress.

- g. The Port of Los Angeles under the color of law intentionally discriminated against and violated the civil rights of Ports O' Call Village Tenants, Retail Shop Owners and Office Space Renters who are US Citizens, the majority of whom are ethnic minorities, different race, color, religion, ancestry, national origin and foreign language speaking.
- h. The purpose of this intentional malice, racist and invidious discrimination is to eliminate ethnic minority businesses, decrease ethnic minority employees and foremost decrease the number of ethnic minority visitors, customers and clients at the new San Pedro Public Market.
- i. The Port of Los Angeles under the color of law intentionally denied the Ports O' Call Village Tenants, Retail Shop Owners and Office Space Renters who the majority are ethnic minorities the equal opportunity to conduct business as non-minority ethnic owned businesses at Ports O' Call.
- j. The Port of Los Angeles under the color of law intentionally evicted all of the Ports O' Call Village Tenants, Retail Shop Owners and Office Space Renters who are the majority ethnic minorities the equal opportunity to remain during construction of the new San Pedro Public Market as non-minority ethnic owned businesses.
- k. The Port of Los Angeles under the color of law intentionally denied all of the Ports O' Call Village Tenants, Retail Shop Owners and Office Space Renters who are the majority ethnic minorities the opportunity to be relocated during construction to a temporary on-site location as originally approved in the San Pedro Waterfront Final EIR/EIS and later changed in 2016 by the use of a CEQA Addendum to the Port/Lease Agreement.
- l. The Port of Los Angeles under the color of law intentionally knew that the eviction of the Ports O' Call Village Tenants, Retail Shop Owners and Office Space Renters who are the majority ethnic minorities would cause the unemployment of 100's of ethnic minority workers and that future selected businesses would be predominantly non-ethnic minority owned and therefore hire no or significantly less ethnic minorities.
- m. The Port of Los Angeles under the color of law intentionally knew that the eviction of the Ports O' Call Village Tenants, Retail Shop Owners and Office Space Renters would prevent and/or discourage ethnic minorities, low income visitors, customers and clients to coming to the new San Pedro Public Market.
- n. That the racial discrimination by the Port of Los Angeles and Developer San Pedro Public Market, LLC aka LA Waterfront Alliance would intentionally cause the Ports O' Call Tenants, Retail Shop Owners and Office Space Renters the majority of whom are ethnic minorities to incur significant economic financial loses, lost earnings, lost profits, deprivation of livelihood, medical expenses, lost customers, lost clients, unable to provide public services, public assistance, possible loss of financed homes & transportation vehicles, children academic benefits, physical pain and mental distress.
- o. That the racial discrimination by The Port of Los Angeles and Developer would intentionally cause the Ports O' Call Tenants, Retail Shop Owners and Office Space Renters employees the majority of whom are ethnic minorities to lose their jobs, deprivation of livelihood, incur significant personal economic financial loses, lost earnings, lost medical health program insurance benefits, lost social security insurance benefits contributions, lost workman's

compensation benefits, possible loss of financed homes & transportation vehicles, children academic benefits, physical pain and mental distress.

- p. The Port of Los Angeles violated the civil rights of Environmental Justice Community Business Owners by evicting and eliminating all ethnic minority businesses at Ports O' Call and the future San Pedro Public Market with the malice and racist intent to prevent their economic benefits and service to customers and visitors who are of the same ethnicity, cultural heritage, language and who enjoy the unique merchandise and services of these ethnic minority businesses.

C. Ports O' Call Village Tenant, Retail Shop Owner, Office Renter Ethnicity

1. African-American Gifts	African-American
2. Maha Enterprises	Afghanistan-American
3. MexiLatin Gifts	Mexican-American
4. Arts & Music	Iranian-American
5. Purple Store	Egyptian-American
6. Sweats Shop	Egyptian-American
7. Candy Town	Korean-American
8. Alaskan Seafood Restaurant	Korean-American
9. Pan Pacific Seafood Restaurant	Korean-American
10. Botanica Mystical Shop	Puerto Rican-American
11. Art By Diaz	Puerto Rican-American
12. Seabreeze Shells I	Mexican-American/Italian-American
13. Seabreeze Shells II	Mexican-American/Italian-American
14. Seabreeze Shells III	Mexican-American/Italian-American
15. Dryers Fun Ice Cream	Mexican-American/Italian-American
16. Figments	Czechoslovakian /Bohemian-American
17. Calvillo Photos	Mexican-American
18. Victims for Murdered Children	African-American

13. California Business and Professional Code Chapter 5. Enforcement § 17200 - Unfair Competition

- a. The Port of Los Angeles violated § 17200, "As used in this chapter, unfair competition shall mean and include any unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising and any act prohibited by Chapter 1 of Part 3 of Division 7 of the Business and professional Code," by:
- b. Tenants were put on Month-to-Month Leases for years not knowing their future status, economic security and well being.
- c. Tenants were told and it was in the San Pedro Waterfront Final EIR that they would be relocated temporarily during construction and brought back and now they have all been evicted.
- d. Tenants were told and it was in the San Pedro Waterfront 2009 Final EIR that they would be part of Phase II and were told in 2016 they were part of Phase I.
- e. The Port let the Ports O' Call Village shop and Office Space Renters buildings deteriorate with no repairs. Termites were eating the wooden infrastructure.

- f. The Port failed to adequately maintain the Ports O' Call Village Shops and Office Space Renters grounds, discouraging the public from visiting and shopping causing economic financial loses, lost earnings, lost profits, lost customers, medical expenses and mental stress.
- g. The Port was not advertising the Ports O' Call Village in local newspapers, discouraging the public from visiting and shopping causing economic financial loses, lost earnings, lost profits, lost customers, medical expenses and mental stress..
- h. The Ports O' Call Village Shop Owners - Tenants asked for Banners and Signs to be placed notifying the public that they were open and the Port refused, causing economic financial loses, lost earnings, lost profits, lost customers, medical expenses and mental stress.
- i. The Port was diverting potential customers coming to special events to the 22nd Street parking lot, causing economic financial loses, lost earnings and lost profits.
- j. The Port closed the Ports O' Call Village Port Police Office and incidents have occurred where the police were needed for assistance and were not available.
- k. Many of the Tenants had to go to their doctors for medical care at extra expense due to emotion distress, mental anguish, physical pain stress, anxiety, grief, worry, nervousness, dizziness, loss of sleep, loss of appetite, humiliation and shock.
- l. The Ports O' Call Village Shop Owners and Office Space Renters requested that the Port of Los Angeles Board of Harbor Commissioners grant them 20 minutes to give a power point presentation to discuss their concerns, questionable Port business practices, violations of CEQA , NEPA, Civil Rights, City Ethics, other laws, rules and regulations and they were refused.
- m. It was appearing that only the ethnic minority owned Ports O' Call Shops, Office Space Renters and Restaurants were targeted by the Port and Developer for eviction with no promise of being offered an opportunity to come back to the new San Pedro Public Market.
- n. The Port of Los Angeles staff and legal counsel knew that the San Pedro Waterfront 2009 Final EIS/EIR section 1.5.2.2 states, "relocation and/or renewal of existing tenant leases." The staff and legal counsel have misrepresented the facts and truth by their failure to acknowledge this and disclose that the 2009 Final EIS/EIR was intentionally changed in 2016 by a 3rd Addendum to fraudulently eliminate this requirement. Port staff continues to only present information based on the 3rd Addendum changes to deceive and mislead the Tenants and Public.
- o. The Port of Los Angeles staff and legal counsel knew that the San Pedro Waterfront 2009 Final EIS/ EIR has two illustrations, one shows Phase I Figure 1-15 and the other Phase II Figure 1-16. Phase I clearly shows that the Ports O' Call Village Shops and Office Space Renters are not part of Phase I, they are part of Phase II. The staff and legal counsel have misrepresented the facts and truth by their failure to acknowledge this and disclose that the 2009 Final EIR was intentionally changed in 2016 by a 3rd Addendum to fraudulently eliminate this requirement. Port staff continues to only present information based on the 3rd Addendum changes to deceive and mislead the Tenants and Public .
- p. The Port of Los Angeles staff and legal counsel knew that on March 2, 2016 the Port of Los Angeles held a public meeting with the Developer at the San Pedro Warner Grand Theater to discuss the San Pedro Waterfront project Redevelopment-San Pedro Public Market. The Developer Eric Johnson verbally states during the meeting: "so that current tenants who will remain in the project will be able to stay open throughout construction we expect to complete this first phase by mid 2019." (See video 29:30), "We are fortunate to have existing successful tenants who we are counting on to be the backbone of our preleasing activities."(See video 31:47). Port staff continues

to only present information based on the fraudulent 3rd Addendum changes to deceive and mislead the Tenants and Public.

- q. The Port of Los Angeles staff and legal counsel knew that on July 25, 2012, the Port of Los Angeles released the San Pedro Waterfront Request for Qualifications (RFQ). The RFQ lists as No. 1 the Ports O' Call Site in the, "Present and Future Elements of the Waterfront." Under the Project Detail it states that, "Ports O' Call Village is well-known throughout the region," and "The adjacent San Pedro community supports a redevelopment vision to revitalize Ports O' Call." Under Project Highlights it states: The LA Waterfront will provide an array of infrastructure improvements... along with commercial developments sites including Ports O' Call." In addition, "The Port is encouraging the prospective developer to consider the inclusion of successful existing tenants in their development plans. Depending on the ultimate vision and plan layout, it is recognized that these tenants may be relocated within the site." Port staff continues to only present information based on the fraudulent 3rd Addendum changes to deceive and mislead the Tenants and Public. The San Pedro Public Market Project Proposal eliminates the historic Ports O' Call Village and there will be no Ports O' Call.
- r. The Ports O' Call Tenants relied on the San Pedro Waterfront 2009 Final EIS/EIR for their future business, economic prosperity and retirement planning.
- s. The Ports O' Call Shop Owners and Office Space Renters have incurred significant economic financial loses, lost earnings, lost profits, medical expenses, lost customers, lost clients, physical pain and mental stress.
- t. The Public and Elected Officials relied on the San Pedro Waterfront 2009 Final EIS/EIR as the key document for local economic development and employment.
- u. The Public and City of Los Angeles as represented by the Port of Los Angeles have incurred significant economic financial lost revenues and employment.
- v. The Port of Los Angeles concealed and failed to disclose that they had preselected a Developer the LA Waterfront Alliance over the other six.
- w. The Port of Los Angeles concealed and failed to disclose that they allowed the LA Waterfront Alliance to delete to disqualifying features in their bid proposal. The inclusion of a residential development and the building of a new Port of LA Office building.
- x. The Port of Los Angeles concealed and failed to disclose that they selected the least qualified Developer by manipulating the scores and scoring system.
- y. The Port of Los Angeles concealed and failed to disclose that the selected Developer does not have the \$ 100 million to begin the project which has been disclosed by the Developer at several Ports sponsored public meetings and public meetings. This is the reason why there has been an 8 year delay in starting the project.
- z. The Port of Los Angeles and City of Los Angeles concealed and failed to disclose that the City Attorney had been requested to investigate improprieties in the Developer Selection Process and no investigation took place. The City Attorney, City Councilman and City Mayor received campaign contributions during this time from the Developer LA Waterfront Alliance and the San Pedro Fish Market and Restaurant owners and family.

- aa. The Port of Los Angeles concealed and failed to disclose that the Executive Director Geraldine Knatz made the final selection of the Developer the LA Waterfront Alliance, even though they were the least qualified.
- bb. The Port of Los Angeles concealed and failed to disclose that the LA Waterfront lied on their application that they had a 20 year working relationship, when in fact they only met a few weeks before the Bid Application Proposal was submitted.
- cc. The Port of Los Angeles concealed and failed to disclose that they were making major changes to the San Pedro Waterfront 2009 Final EIS/EIR by utilizing a CEQA Addendum in 2016 the Permit/Lease Agreement which does not require a public hearing and recirculation.
- dd. The Port of Los Angeles staff and specifically Michael Galvin have omitted and intended to deceive during public meetings, meetings with Ports O' Call Shop Owners and before the Board of Harbor Commissioners that the Port made major changes in the 2009 Final EIR in the Addendum to the EIR in 2016.
- ee. The Port of Los Angeles and City Attorney's office have failed to, are suppressing and preventing release of information to the attorneys representing the Ports O' Call Village Tenants requested in a Public Records Act information that would validate many of the allegations stated in this RFI.
- ff. The Port of Los Angeles and City Attorney's office have failed to, are suppressing and are preventing release of information to the Random Lengths Newspaper who requested in a Public Records Act information that would validate many of the allegations stated in this RFI.

The result of this concealment has caused all Ports O' Call Village Retail Shops and Office Space Renters to be evicted and incurring significant economic financial loses, lost earnings, lost profits, medical expenses, lost customers, physical pain and mental distress.

The result of this concealment has caused the Public and City of Los Angeles as represented by the Port of Los Angeles to incur significant economic financial lost revenues and local employment.

- gg. The competing Developers relied on a fair and impartial review and selection process.
- hh. The Port of Los Angeles and Developer San Pedro Public Market LLC aka LA Waterfront Alliance conspire and collude beginning in 2016 to eliminate all ethnic minority Ports O' Call Shops, Office Space Renters and restaurants.

14. Violation of the California Health & Safety Code § 25249.6 - Prop 65 Safe Drinking Water & Toxic Enforcement Act.

- a. The Port of Los Angeles violated § 25249.6, "Required Warning Before Exposure To Chemicals Known to Cause Cancer Or Reproductive Toxicity. No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual, except as provided in Section 25249.10," by exposing Ports O' Call Shop Owners, Office Space Renters, Employees and the Public to toxic chemicals and substances such as asbestos, VOC's, heavy metals, and chemicals identified in Toxic Site Reports in the possession of the POLA.
- b. The Port of Los Angeles violated § 25249.14, "Proposition 65, officially known as the Safe Drinking Water and Toxic Enforcement Act of 1986, requires businesses to provide a clear and reasonable

warning before knowingly and intentionally exposing anyone to chemicals and hazardous materials that are known to the state to cause cancer or birth defects or other reproductive harm," by failing to post notice at Ports O' Call and providing information to the Ports O' Call Village Shop Owners and Office Space Renters in their Lease Agreements.

15. Violation of the California Health & Safety Code § 25601 - Prop 65 Clear and Reasonable Warnings

The Port of Los Angeles violated § 25601, "Clear and Reasonable Warnings. Whenever a clear and reasonable warning is required under Section 25249.6 of the Act, the method employed to transmit the warning must be reasonably calculated, considering the alternative methods available under the circumstances, to make the warning message available to the individual prior to exposure. The message must clearly communicate that the chemical in question is known to the state to cause cancer, or birth defects or other reproductive harm." The Port failed to post Public Notice at Ports O' Call for public visitors and in providing information to the Ports O' Call Village Shop Owners and Office Space Renters in their Lease Agreements for them to know, their employees, service providers and suppliers.

- a. **Site Investigation at the Ports O' Call Rail Yard** - September 2004 - Soil Samples identified SVOC's, VOC's, Arsenic, Lead, diesel, motor oil and pesticides and Ground Water Samples detected Arsenic, Selenium, Chromium and VOC's.
- b. **Report of Soil-Gas Investigation Ports O' Call Village** – February 26, 2013 - Soil Samples detected: Petroleum Hydrocarbons, Benzene, Ethylbenzene, Isopropylbenzene, Toluene, Xylenes, 2-Methylinaphthalene, Naphthalene, 1,2,4-Trimethybenzene, 1,3,5 -Trimethybenzene, 1,1-Dichloroethene, Trans-1,2-Dichloroethene, Tetrachloroethene, 1,1,1-Trichloroethene, Trichloroethene, Vinyl Chloride and 1,4-dioxane.
- c. **Phase I and Phase II Environmental Site Assessment - The Jankovich Company Berth 74** – April 2, 2013 - Soil Samples detected: SVOC's, VOC's, MTBE, Arsenic, TPH and Ground Water Samples detected: Arsenic, Barium, Molybdenum, TPH.
- d. **Phase I Environmental Assessment Ports O' Call Village** - April 12, 2013 - Primarily An Environmental History Document Search.
- e. **Phase II Environmental Assessment Ports O' Call Village** - November 2013 - Soil Samples detected: TPH, VOC's, PAH's, Arsenic, Barium, Cadmium, Lead, Nickel and Water Samples detected: TPH, VOC's, PAH's, Arsenic, Barium, Cadmium, Lead and Nickel.
- f. **Soil Management Plan Redevelopment of Ports O' Call Village** - February 19, 2016 - Contaminants of Potential Concern: Total Petroleum Hydrocarbons (TPH) as gasoline, diesel, and oil-range hydrocarbons, Volatile organic compounds (VOCs); Polycyclic aromatic hydrocarbons (PAHs); and Title 22 metals.
- g. **Draft Site Investigation Report - Sampson Way Roadway Improvements 7th Street & Harbor Blvd. Intersection** - April 2016 – Soil Samples Detected: Antimony, Arsenic, Barium, Beryllium, Cadmium, Chromium, Cobalt, Copper, Lead,

Mercury, Molybdenum, Nickel, Selenium, Silver, Thallium, Vanadium, Zinc, TPHg, TPHd, and TPHo.

h. Port Reference to Asbestos in the Ports O' Call Village Buildings

The Port made this reference as part of the justification for the urgency in evicting the Ports O' Call Village Shops. There has not been an Asbestos Assessment performed.

16. Violation of the California Health & Safety Code § 25605.1 - Environmental Exposure Warnings - Methods of Transmission

The Port of Los Angeles violated § 25605.1, "(a) The method employed to transmit the warning must include the most appropriate of the following alternative methods under the circumstances:

- (1) A warning that appears on a sign in the affected area.
 - (2) A posting of signs in the manner described in Section 6776(d) of Title 3 of the California Code of Regulations as amended on May 10, 1999 shall be sufficient for purposes of this paragraph.
 - (3) A warning which is in a notice mailed or otherwise delivered to each occupant in the affected area. Such notice shall be provided at least once in any three-month period.
 - (4) A warning provided by public media announcements which target the affected area. Such announcements shall be made at least once in any three-month period.
- (b) Environmental exposure warnings shall be provided in a conspicuous manner and under such conditions as to make it likely to be read, seen or heard and understood by an ordinary individual in the course of normal daily activity, and reasonably associated with the location and source of the exposure," by failing to post notice at Ports O' Call and providing information to the Ports O' Call Village Shop Owners and Office Space Renters in their Lease Agreements.

17. Violation of PRC Code Section 71110-71116 Duties of California Environmental Protection Agency

- A. The Port of Los Angeles in its failure to use a CEQA Supplemental or Subsequent EIR that requires recirculation of the EIR vs using an Addendum deprived the California Environmental Protection Agency of its legal mandate to protect and uphold CEQA, the Public Trust Doctrine, Environmental Justice and Native American Cultural Heritage Rights.

71110. The California Environmental Protection Agency, in designing its mission for programs, policies, and standards, shall do all of the following:

- a. Conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state.
- b. Promote enforcement of all health and environmental statutes within its jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state.
- c. Ensure greater public participation in the agency's development, adoption, and implementation of environmental regulations and policies.
- d. Improve research and data collection for programs within the agency relating to the health of,

and environment of, people of all races, cultures, and income levels, including minority populations and low-income populations of the state.

- e. Coordinate its efforts and share information with the United States Environmental Protection Agency.

18. Violation of CEQA-California Environmental Quality Act- Public Resources Code § 21000-21177 specifically § 21166 Subsequent or Supplemental Impact Report, § 21168.5 Abuse of Discretion and § 21092 Public Notice.

A. § 21166 Subsequent or Supplemental Impact Report

- a. A Subsequent or Supplemental Impact Report is required when there are substantial changes and new information.
- b. The Port made substantial changes to the project. Phase II in essence has now become Phase I. The original concept design has been changed significantly. Locations of various project features has changed significantly. The Port approved 5 CEQA Addendums to the original 2009 Final EIS/EIR with some intended bypass using a Subsequent or Supplemental Impact Report and avoid a public review, public comment and public hearing.
- c. The project has been delayed approximately 8 years. Since 2009 the Port of Los Angeles has 22 new planned or initiated projects and the Port of Long Beach 13 new planned or initiated projects for a total of 34 not counting 47 Los Angeles and Long Beach Harbor area city and governmental agency for a total of 81 projects since the certified 2009 EIS/EIR. New updated assessment studies are now required: Traffic Congestion, Air Quality, Greenhouse Gases, Toxic Site Assessment and Cumulative Impact Assessment.
- d. Through a Public Records Act Request the Port has provided and disclosed that it had conducted 7 Toxic Site Studies at Ports O' Call that were not disclosed to the public.

B. § 21168.5 Abuse of Discretion

- A. The Port engaged in the Abuse of Discretion by not following its CEQA/NEPA Standard Practices and Procedures and using an Addendum to circumvent using a Subsequent or Supplemental Impact Report. "Abuse of Discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence."
- B. The Port of Los Angeles (POLA) has followed a Standard Practice and Procedure as to how it complies with CEQA/NEPA. As a minimum for every CEQA/NEPA major project:
 - a. The POLA releases and distributes a Public Notice of the intent to release a Draft EIS/EIR.
 - b. The Public Notice of the intent to release a Draft EIS/EIR is posted on the Ports website and distributed to local public libraries for posting. POLA also distributes the Public Notice to those registered on its Email List.
 - c. The POLA conducts one or more community informational Scoping meeting in San Pedro or Wilmington or both to discuss the preparation of a Draft EIS/EIR and to ask for public input as

to what should be included in its assessments. The public may provide verbal or submit written comment.

- d. The POLA releases and distributes a Public Notice of the release of a Draft EIS/EIR for public review and comment. The Public Notice of the release of the Draft EIS/EIR is posted on the Ports website and distributed to local public libraries for posting. POLA also distributes the Public Notice to those registered on its Email List and mails a copy and CD of the DEIS/EIR to those who have registered to receive a copy.
 - e. The POLA conducts one or more community informational meeting in San Pedro or Wilmington or both to discuss the Draft EIR/EIS and to ask for public comments. The public may provide verbal or submit written comment.
 - f. The POLA releases and distributes a Public Notice of the release of a Final EIS/EIR for public review and comment and a Public Hearing Date at an upcoming Board of Harbor Commission meeting. The Public Notice of the release of the Final EIS/EIR is posted on the Ports website and distributed to local public libraries for posting. POLA also distributes the Public Notice to those registered on its Email List and mails a copy and CD of the FEIS/EIR to those who have registered to receive a copy.
 - g. The POLA Board of Harbor Commissioners have the CEQA/NEPA Final EIS/EIR listed as an Agenda item for public comment and a vote for project approval and EIR certification.
 - h. The POLA follows the same procedure for a Subsequent or Supplemental Impact Reports.
- C. The Port of Los Angeles intentionally circumvented using a Subsequent EIS/EIR or Supplemental EIR/EIS in order to avoid any Public Notices, Public Meetings, Public Review and Comment by using a Addendums to the 2009 Final EIS/EIR.
- D. The Port failed to notify, “consult with and obtain comments from each responsible agency, trustee agency, any public agency that has jurisdiction by law with respect to the project and any city or county that borders on a city or county within which the project is located,” on the 5 Addendums to the 2009 Final EIS/EIR, the 7 Toxic Site Reports, 8 year delay in starting project and the additional 33 Port of Los Angeles and Port of Long Beach Projects. This Reliance on the Port of Los Angeles Standard Practices for Public Notice and Public Meetings has caused them to default on their legal CEQA/NEPA review and comment responsibilities and public interests protection representation responsibilities.

C. § 21092 Public Notice

The Ports failure to comply with CEQA in preparing a Supplemental EIR to the Certified 2009 Final EIS/EIR also caused them to not comply with the requirements under Public Notice. The Port used a CEQA Addendum in order to circumvent using a Supplemental EIR.

19. Violation of Guidelines for Implementation of the CEQA - California Code of Regulations Title 14, Division 6, Chapter 3, Sections § 15000-15387 - EIR Requirements specifically § 15162 Subsequent

EIRS, § 15163 Supplement To An EIR, § 15164 Addendum To An EIR, § 15201 Public Participation and § 15130 Cumulative Impacts.

§ 15162 Subsequent EIRS

- a. The Port of Los Angeles abused its Authority and Discretion in not preparing a Supplemental or Subsequent EIR/EIS which requires a Public Notice, Public Review, Public Comment Period and SEIR/EIS Recirculation and instead approved Addendums to bypass these requirements.
- b. (d) A Subsequent EIR...shall be given the same notice and public review as required under Section 15087 or Section 15072."
- c. The Port made substantial changes to the project. Phase II in essence has now become Phase I. The original proposed design has been changed significantly. Locations of varies major project features has changed significantly. The Port approved 5 CEQA Addendums to the original 2009 Final EIR intentionally bypass using a Subsequent or Supplemental Impact Report and avoid a public notice, public review, public comment and public hearing.
- d. The project has been delayed more than 8 years. Since 2009 the Port of Los Angeles has 21 new planned or initiated projects and the Port of Long Beach 13 for a total of 33 new planned or initiated projects not counting other city and county projects. New updated assessment studies are now required since these cumulative impacts will have more severe project impacts: Traffic Congestion, Air Quality, Greenhouse Gases, Toxic Site Assessment and Cumulative Impact Assessment.
- e. Through a Public Records Act Request the Port has provided and disclosed that it had conducted 7 Toxic Site Studies at Ports O' Call that were not disclosed to the public.
- f. New emerging state-of-the art mitigation measures and alternatives are now available to offset and reduce project design and operation environmental impacts to air quality, greenhouse gases, water conservation, zero waste, zero emission public and freight transportation and community sustainability.

§ 15163 Supplement To An EIR

- a. The Port of Los Angeles abused its Authority and Discretion in not preparing a Supplemental EIR/EIS which requires a Public Notice, Public Review, Public Comment Period and SEIR/EIS Recirculation and instead approved an Addendum to bypass these requirements.
- b. (c) "A Supplement to an EIR shall be given the same notice and public review as is given to a draft EIR Section 15087."
- c. (d) "A supplemental to an EIR may be circulated by itself without recirculating the previous draft of final EIR."
- d. (e) "When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.
- e. The Port made substantial changes to the project. Phase II in essence has now become Phase I. The original proposed design has been changed significantly. Locations of varies

- major project features has changed significantly. The Port approved 5 CEQA Addendums to the original 2009 Final EIS/EIR intentionally bypass using a Subsequent or Supplemental Impact Report and avoid a public notice, public review, public comment and public hearing.
- f. The project has been delayed more than 8 years. Since 2009 the Port of Los Angeles has 22 new planned or initiated projects and the Port of Long Beach 13 new planned or initiated projects for a total of 34 not counting 47 other Los Angeles and Long Beach Harbor area city and governmental agency projects for a total of 81 projects. New updated assessment studies are now required since these cumulative impacts will have more severe project impacts: Traffic Congestion, Air Quality, Greenhouse Gases, Toxic Site Assessment and Cumulative Impact Assessment.
 - g. Through a Public Records Act Request the Port has provided and disclosed that it had conducted 7 Toxic Site Studies at Ports O' Call that were not disclosed to the public.
 - h. New emerging state-of-the art mitigation measures and alternatives are now available to offset and reduce project design and operation environmental impacts to air quality, greenhouse gases, water conservation, zero waste, zero emission public and freight transportation and community sustainability.

§ 15164 Addendum To An EIR

- a. The Port of Los Angeles abused its Authority and Discretion in preparing Addendums in lieu of a required Subsequent or Supplemental EIR/EIS which requires Public Notice, Public Review, Public Comment Period and SEIR/EIS Recirculation and instead approved 5 Addendums to the 2009 Final EIR some with the intent to bypass these requirements.
- b. Some of the 5 POLA approved Addendums for the San Pedro Waterfront Development Project Final 2009 Final EIR/EIS contain major changes, new disclosures and additions to the 2009 Final EIR/EIS.
- c. The 5 POLA approved Addendums ranged from 2 years to 8 years after the approved project and certified 2009 Final EIR/EIS. (c) "An Addendum need not be circulated for public review but can be included or attached to the final EIR."
- d. (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR. The lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

§ 15201 Public Participation

- A. "Public participation is an essential part of the CEQA process. Each public agency should include provisions in its CEQA procedures for wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to the agency's activities. Such procedures should include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the public agency."
- B. Port of Los Angeles CEQA/NEPA Standard Practices and Procedures:

- a. The POLA releases and distributes a Public Notice of the intent to release a Draft EIS/EIR.
 - b. The Public Notice of the intent to release a Draft EIS/EIR is posted on the Ports website and distributed to local public libraries for posting. POLA also distributes the Public Notice to those registered on its Email List.
 - c. The POLA conducts one or more community informational Scoping meeting in San Pedro or Wilmington or both to discuss the preparation of a Draft EIS/EIR and to ask for public input as to what should be included in its assessments. The public may provide verbal or submit written comment.
 - d. The POLA releases and distributes a Public Notice of the release of a Draft EIS/EIR for public review and comment. The Public Notice of the release of the Draft EIS/EIR is posted on the Ports website and distributed to local public libraries for posting. POLA also distributes the Public Notice to those registered on its Email List and mails a copy and CD of the DEIS/EIR to those who have registered to receive a copy.
 - e. The POLA conducts one or more community informational meeting in San Pedro or Wilmington or both to discuss the Draft EIS/EIR and to ask for public comments. The Public may provide verbal or submit written comment. The Port has also on occasion Held meetings in other neighboring cities. As an FYI the City of Carson in 2017 requested that the Port hold a public meeting in Carson to discuss the Clean Air Action Plan update and the Port refused, they did agree however, to participate in a City of Long Beach public meeting.
 - f. The POLA releases and distributes a Public Notice of the release of a Final EIS/EIR for public review and comment and a Public Hearing Date at an upcoming Board of Harbor Commission meeting. The Public Notice of the release of the Final EIS/EIR is posted on The Ports website and distributed to local public libraries for posting. POLA also distributes the Public Notice to those registered on its Email List and mails a copy and CD of the FEIS/EIR to those who have registered to receive a copy.
 - g. The POLA Board of Harbor Commissioners have the CEQA/NEPA Final EIS/EIR listed as a stand alone Agenda item for public comment and a vote for project approval and EIR certification.
 - h. The POLA follows the same procedure for a Subsequent or Supplemental Impact Reports.
- C. The Port of Los Angeles deviated from its Standard Practices and Procedures for CEQA/NEPA Public Notice, Scoping Meetings, Public Informational Meetings and placing CEQA/NEPA Documents on the Board of Harbor Commissioners Meetings as a separate Agenda Item. The Port used an Addendum to circumvent using a Supplemental or Subsequent EIS/EIR and requirements for Public Notice, Public Informational Meetings and placing CEQA Documents on the Board of Harbor Commissioners Meetings as a separate Agenda Item.
- D. The Port additionally placed a 3rd Addendum to the San Pedro Waterfront Project

2009 Final EIS/EIR as a # 3 Transmittal to the 2016 San Pedro Waterfront Project Permit/Leas Agreement in order to avoid public awareness that it was making major changes to the approved project and certified 2009 Final EIS/EIR. The Port knew that the Project Permit/Lease Agreement was a non-controversial public item and that the public would not review any Transmittals since they are historically only provided additional supporting informational items.

- E. The Port has historically rarely used Addendums and never before that we can recall as a Transmittal attachment to a Permit/Lease Agreement.
- F. The Addendums were also not attachments to the 2009 Final EIS/EIR. They were added and approved 2 to 8 years after the certified 2009 Final EIS/EIR.
 - 1. November 2011 **Addendum to the San Pedro Waterfront Project Final EIR/EIS Warehouse Nos. 9 and 10, Crafted at the Port of Los Angeles**
 - 2. June 22, 2015 **EIR Addendum San Pedro Waterfront Project, Harbor Boulevard/7th Street/Sampson Way Intersection Improvements**
 - 3. May 2016 **Addendum To The San Pedro Waterfront Project Environmental Impact Report For The San Pedro Public Market Project**
 - 4. August 2016 **Addendum To The San Pedro Waterfront Project Environmental Impact Report For The Los Angeles Maritime Institute Relocation Project**
 - 5. June 2017 **Addendum To The San Pedro Waterfront Project Environmental Impact Report For The Jankovich Company Relocation Project**

§ 15130 Cumulative Impacts

- A. “(b) The discussion of the cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence...The following elements are necessary to an adequate discussion of significant cumulative impacts. (1)(A) ”A list of past, present and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency.”
- B. The Port of Los Angeles has started the San Pedro Waterfront Project 8 years after the certified 2009 Final EIS/EIR of which there have been numerous past, current and pending future new port and local projects, Addendums and Site Assessments which warrant a new updated and re-circulated Supplemental or Subsequent EIR/EIS.
 - a. The Port of Los Angeles concealed and failed to disclose that they were making major

changes to the San Pedro Waterfront 2009 Final EIS/EIR by utilizing CEQA Addendums. The Port has issued and approved 5 CEQA Addendums ranging in 2 to 8 years after the approved project and certified 2009 Final EIR/EIS.

1. November 2011 **Addendum to the San Pedro Waterfront Project Final EIR/EIS Warehouse Nos. 9 and 10, Crafted at the Port of Los Angeles**
2. June 22, 2015 **EIR Addendum San Pedro Waterfront Project, Harbor Boulevard/7th Street/Sampson Way Intersection Improvements**
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5. June 2017 **Addendum To The San Pedro Waterfront Project Environmental Impact Report For The Jankovich Company Relocation Project**

- b. The Port of Los Angeles concealed and failed to disclose that they had conducted seven (7) Ports O' Call Toxic Site Assessments ranging from September 2004 to April 2016. Six (6) were completed after the approved project and certified 2009 Final EIS/EIR which identify potential and probable public exposure to numerous toxic chemicals, hazardous materials and heavy metals, environmental impacts, public health impacts and public safety risks which have gone unmitigated. The report findings and recommendations in some reports warranted having a special separate public hearing.

There have been several petroleum industry fuel and storage tank facilities on the properties at different locations for the past 40+ years. The assessments also disclose both land and ocean water contamination with toxic chemicals, hazardous materials and heavy metals. There is a high probability of wide ocean floor contamination due to tidal flows, storms, subsidence, oil drilling and drift. Past on-site oil well drilling was not identified and assessed. The report findings and recommendations in some reports warrant having a more comprehensive assessment, updated Mitigation Plan and special public hearing.

The Port of Los Angeles concealed and failed to disclose that they knew that the Ports O' Call Village Shop building had Asbestos which means there is a high probability that all or many buildings in the San Pedro Waterfront and Ports O' Call have Asbestos.

1. September 2004 **Site Investigation at the Ports O' Call Rail Yard**
2. February 26, 2013 **Report of Soil-Gas Investigation Ports O' Call Village**

- | | |
|----------------------|---|
| 3. April 2, 2013 | Phase I and Phase II Environmental Site Assessment - The Jankovich Company Berth 74 |
| 4. April 12, 2013 | Phase I Environmental Assessment Ports O' Call Village |
| 5. November 2013 | Phase II Environmental Assessment Ports O' Call Village |
| 6. February 19, 2016 | Soil Management Plan Redevelopment of Ports O' Call Village |
| 7. April 2016 | Draft Site Investigation Report - Sampson Way Roadway Improvements 7th Street & Harbor Blvd. Intersection |

- c. The Port of Los Angeles concealed and failed to disclose that they had retained ERM to prepare a Human Health Risk Assessment (HHRA) in July 2014 for the Ports O' Call area Berths 75-83. The HHRA was very limited in scope and did not even include data from the areas occupied by the current tenants. The assessments conclusions that there were no elevated risks is highly questionable. The HHRA could have been updated in 2016 when more San Pedro Waterfront Project information was made available and should be updated again in 2018 since there have been additional significant design changes. The assessment report warranted having a special separate public hearing.
- d. The Port of Los Angeles concealed and failed to disclose that there are now 22 new POLA Projects, 13 new Port of Long Beach Project Proposals for a total of 34 and 47 Los Angeles and Long Beach Harbor Area city and governmental agency projects for a total of 81 projects since the certified 2009 Final EIS/EIR which warrant a new updated Supplemental or Subsequent EIS/EIR:

PORT OF LOS ANGELES

1. Berth 164 Valero Marine Oil Terminal Wharf Improvements Project (MOTEMS)
2. Berth 167-168 Shell Marine Oil Terminal Wharf Improvements Project (MOTEMS)
3. Berths 187-190 Vopak Terminals Wharf Improvements Project (MOTEMS)
4. Berths 118-120 Kinder Morgan Wharf Improvements Project (MOTEMS)
5. Berths 148-151 Phillips 66 Wharf Improvements Project (MOTEMS)
6. Berth NuStar Energy LP Wharf Improvements Project (MOTEMS)
7. Berths 238-240C PBF Energy Wharf Improvements Project (MOTEMS)
8. POLA/Caltrans SR 47 Improvement Project
9. Berths 195-200A WWL Vehicle Services Americas
10. Harbor Boulevard Roadway Improvements Project
11. Removal of Underground Storage Tanks at Cabrillo Marina
12. Marine Research Center Project
13. Wilmington Marina Parkway
14. Berths 177-178 Transit She Demolition Project
15. SA Recycling Crane Replacement & Electrification Project
16. Avalon Freight Services Relocation Project
17. U.S. Navy Commission Building Demolition Project
18. Reeves Avenue Marine Services Support Yard
19. John S. Gibson Blvd. Port Development Truck Parking Center
20. Harbor Performance Enhancement Center

21. Draft Amendment To the Port of Los Angeles Master Plan-Maritime Support Services 2017

PORT OF LONG BEACH

1. Pier F Berth F209-Chemical Marine Terminal (MOTEMS)
2. Pier B Berths B82, B83-Petro-Diamond (MOTEMS)
3. Pier B Berths B76-B80, B84-B87-Tesoro Logistics -Operations LLS (MOTEMS)
4. Pier T Berth T121-Tesoro Logistics Operations LLS (MOTEMS)
5. Pier S Berth S101-Volpak Terminal Long Beach Inc (MOTEMS)
6. Southern California Edison Transmission Lines Replacement.
7. PCMC Chassis Support Facility Project.
8. Mitsubishi Cement Facility Project.
9. Baker Cold Storage Facility Project.
10. Eagle Rock Aggregate Terminal Project.
11. Sulex, Inc. Negative Declaration/Application Summary Report.
12. On-Dock Rail Support Facility Project
13. Fireboat Station 20

Los Angeles & Long Beach Harbor Commercial Projects

1. Long Beach Exchange - Commercial Development
2. 2nd & PCH - Long Beach Residential/Commercial Development
3. The Current - Long Beach 221 Unit Residential Development
4. Queen Mary Entertainment Complex - Long Beach
5. New Long Beach Civic Center
6. Cal. State University Long Beach Mixed Use Project - 800 Housing Units
7. Pacific Avenue Residential Complex - 325 Residential Units Long Beach
8. OceanAire - 216 Unit Residential Long Beach
9. Aquarium of the Pacific Expansion Project - Long Beach
10. Glassy Hotel Tower - 500 Rooms - Long Beach
11. 7 Story Apartment Complex - 142 Units Long Beach
12. 5 Floors - 95 Units - Long Beach
13. Apartment Complex With Bridge - 112 Units - Long Beach
14. Broadway Block - 141 Affordable Units, 375 Apartments - Long Beach
15. The Beacon - 160 Units Residential - Long Beach
16. Mesa Street Properties – 22 Unit Residential - San Pedro
17. Nelson One – Mixed Use Commercial High Rise - San Pedro
18. 550 Palos Verdes Apartments – 375 Residential Units & Commercial - San Pedro
19. La Terra Apartments - 24 Residential Homes - San Pedro
20. LaTerra Normandie - 120 Homes - Harbor City
21. Harbor Village - 400 Family Residential Units - Harbor City
22. Clearwater Project- Sanitation Districts of Los Angeles County - Carson
23. The Avalon - 357 Residential Units - Carson
24. Capital Pacific Homes - 18 Residential Units - Carson

25. Equassure - 13 Residential Homes - Carson
26. CMP Warehouse - 44,000sf Warehouse Building - Carson
27. Affirmed Housing - 65 Affordable Senior Units - Carson
28. Goodyear Tire & Rubber – Construction new Hanger & Maintenance Building
29. Davita - Dialysis Clinic - Carson
30. Panattoni - 120,486sf Warehouse Building - Carson
31. Alere - 137,000sf Warehouse & 10,000 Office - Carson
32. Meta Housing - 46 Affordable Multifamily Units for Artists - Carson
33. Thomas Saffron - 51 Affordable Multifamily Units for Veterans - Carson
34. Carson Companies - 47,000sf University Village & Retail Center - Carson
35. MBK - 300 Multifamily Housing Units - Carson
36. RGA - New 400,000sf Warehouse Building - Carson
37. JJER - New 94,731sf warehouse building - Carson
38. Prologis - 443,000sf Redevelopment Project & Warehouses - Carson
39. Hooman Mosher - 10 Multifamily Condominium Units - Carson
40. Laney LA - 32 Residential Condominium Units - Carson
41. Piecerne Apt. - 220 Units - Lomita
42. Water System Capital Improvement Project - Lomita
43. Dana Strand Public Housing Project - Wilmington
44. Dana Strand Senior Apartment - Wilmington
45. Pacific Coast Hwy. Improvement Project - Wilmington
46. Machdo lake Ecosystem Rehabilitation Project - Wilmington
47. Portofino Townhomes - Wilmington

e. Port of Los Angeles conceals and fails to take action to address that the selected Developer San Pedro Public Market LLC does not have the \$ 100 million to begin the project which has been disclosed by the Developer at several Port and Developer sponsored public meetings. This is the reason why there has been an 8 year delay in starting the project. The Port has initiated its legal mandate to prepare a pad for development knowing that the Developer does not have the money.

C. The New Promenade Eliminates Significant Greenscaping, Bird Havens, Butterflies & Air Pollution Carbon Sinks.

The new San Pedro Public Market Promenade design will be an all concrete slab which is eliminating all the aesthetically pleasing trees, plants, bird havens and butterflies that now exist throughout the meandering walkways of Ports O' Call Village. Green trees provide visitor welcomed shade, shrubbery and flowers also help create new clean oxygen, are air pollution carbon sinks and help prevent climate change heat islands. Although the project may state that there is a green landscaping element or plan, it is unclear if there will be more or less greenscaping in the new project and at the waterfront edge. What is the ratio of tall canopy trees to shrubbery and flowers.

20. Violation of NEPA - National Environmental Policy Act - 42 U.S.C. § 4321 - 4347, 40 CFR Parts § 1500 - 1508 - EIS Requirements Specifically § 1502.9 (c) Supplements, § 1502.19 Circulation of EIS, § 15202 Public Hearings and § 1506.6 Public Involvement and Public Notice.

- A. The Port of Los Angeles abused its Authority and Discretion in not preparing a Supplemental EIR/EIS to the certified Final EIR/EIS which requires a Public Notice, Public Review, Public Comment Period and SEIR/EIS Recirculation and instead approved Addendums to bypass these requirements.
- B. The Port of Los Angeles has started the San Pedro Waterfront Project 8 years after the certified 2009 Final EIR/EIS of which there have been numerous past, current and pending future new port and local projects, Addendums and Site Assessments which warrant a new updated and re-circulated Supplemental EIR/EIS.
 - a. The Port of Los Angeles concealed and failed to disclose that they were making major changes to the San Pedro Waterfront 2009 Final EIR by utilizing CEQA Addendums. The Port has issued and approved 5 CEQA Addendums ranging in 2 to 8 years after the approved project and certified 2009 Final EIS/EIR. Addendums are required to be part of the Final EIS/EIR.
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which have gone unmitigated.

There have been several petroleum industry fuel and storage tank facilities on the properties at different locations for the past 40+ years. The assessments also disclose both land and ocean water contamination with toxic chemicals, hazardous materials and heavy metals. There is a high probability of wide ocean floor contamination due to tidal flows, storms, subsidence, oil drilling and drift. Past on-site oil well drilling was not identified and assessed. The report findings and recommendations in some reports warrant having a more comprehensive assessment, updated Mitigation Plan and special public hearing.

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19. John S. Gibson Blvd. Port Development Truck Parking Center
20. Harbor Performance Enhancement Center
21. Draft Amendment To the Port of Los Angeles Master Plan-Maritime Support Services 2017
22. Berth 240 Transportation Vessels Manufacturing Facility Project

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 44. Dana Strand Senior Apartment - Wilmington
 45. Pacific Coast Hwy. Improvement Project - Wilmington
 46. Machdo lake Ecosystem Rehabilitation Project - Wilmington
 47. Portofino Townhomes - Wilmington
- 17. Violation of Executive Order 12898 - 59 FR 7629 February 16, 1994 - Federal Actions to Address Environmental Justice In Minority Population and Low Income Populations.**

- A. The Port of Los Angeles in its failure to use a CEQA/NEPA Supplemental or Subsequent EIR/EIS that requires recirculation of the Final EIR/EIS vs using an Addendum deprived the US Army Corps of Engineers, US EPA, US DOT, US Dept. of the Interior and other federal and state agencies of their legal mandate to protect, uphold and comply with all requirements of Presidential Executive Order 12898 including Native American programs.
- B. The Port of Los Angeles as a regular recipient of federal funds is mandated to comply with all requirements of Presidential Executive Order 12898, the Civil Rights Act, Clean Air Act and Clean Water Act.
- C. The Port of Los Angeles violated the civil rights of Environmental Justice Community Business Owners by evicting and eliminating all ethnic minority businesses at Ports O' Call and the future San Pedro Public Market with the malice and racist intent to prevent their economic benefits and Service to customers and visitors who are of the same ethnicity, race, culture, language and who enjoy the unique merchandise and services of these ethnic minority businesses.

Ports O' Call Village Shop Owner/Office Renter Ethnicity

1. African-American Gifts	African-American
2. Maha Enterprises	Afghanistan-American
3. MexiLatin Gifts	Mexican-American
4. Arts & Music	Iranian-American
5. Purple Store	Egyptian-American
6. Sweats Shop	Egyptian-American
7. Candy Town	Korean-American
8. Alaskan Seafood Restaurant	Korean-American
9. Pan Pacific Seafood Restaurant	Korean-American
10. Botanica Mystical Shop	Puerto Rican-American
11. Art By Diaz	Puerto Rican-American
12. Seabreeze Shells I	Mexican-American/Italian-American
13. Seabreeze Shells II	Mexican-American/Italian-American
14. Seabreeze Shells II	Mexican-American/Italian-American
15. Dryers Fun Ice Cream	Mexican-American/Italian-American
16. Figments	Czechoslovakian /Bohemian-American
17. Calvillo Photos	Mexican-American
18. Victims for Murdered Children	African-American

- D. The Port of Los Angeles violated the civil rights of Environmental Justice Community Residents and Low Income Visitors by evicting and eliminating all ethnic minority businesses at Ports O' Call and the future San Pedro Public Market with the malice and racist intent to minimize their patronage, deprive residents and low income visitors the opportunity to enjoy, recreate and appreciate the beauty of the San Pedro Bay and California Coastal vistas, waters and wildlife.

21. Violation of Cal. Gov. Code, § 65040.12(e) Environmental Justice means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies.

a. The Port of Los Angeles violated the civil rights of Environmental Justice Ethnic Minority Community Business Owners by evicting and eliminating all ethnic minority businesses at Ports O’ Call and the future San Pedro Public Market with the malice and racist intent to prevent their economic benefits and Service to customers and visitors who are of the same ethnicity, race, culture, language and who enjoy the unique merchandise and services of these ethnic minority businesses.

Ports O’ Call Village Shop Owner/Office Renter Ethnicity

1. African-American Gifts	African-American
2. Maha Enterprises	Afghanistan-American
3. MexiLatin Gifts	Mexican-American
4. Arts & Music	Iranian-American
5. Purple Store	Egyptian-American
6. Sweats Shop	Egyptian-American
7. Candy Town	Korean-American
8. Alaskan Seafood Restaurant	Korean-American
9. Pan Pacific Seafood Restaurant	Korean-American
10. Botanica Mystical Shop	Puerto Rican-American
11. Art By Diaz	Puerto Rican-American
12. Seabreeze Shells I	Mexican-American/Italian-American
13. Seabreeze Shells II	Mexican-American/Italian-American
14. Seabreeze Shells II	Mexican-American/Italian-American
15. Dryers Fun Ice Cream	Mexican-American/Italian-American
16. Figments	Czechoslovakian /Bohemian-American
17. Calvillo Photos	Mexican-American
18. Victims for Murdered Children	African-American

b. The Port of Los Angeles violated the civil rights of Environmental Justice and Ethnic Minority Community Residents and Low Income Visitors by evicting and eliminating all ethnic minority businesses at Ports O’ Call and the future San Pedro Public Market with the malice and racist intent to minimize their patronage, deprive residents and low income visitors the opportunity to enjoy, recreate and appreciate the beauty of the San Pedro Bay and California Coastal vistas, waters and wildlife.

22. Violation of the Cal/EPA Policy for Working With California Indian Tribes - CIT-09-01.

A. Guiding Principles

- a. The POLA failed to, “Understand the importance of communication and collaboration with California Indian Tribes,” by using a CEQA Addendum to amend the San Pedro Waterfront 2009 Final EIR/EIS in order to circumvent using a Supplemental or Subsequent EIR/EIS which requires the recirculation of the SEIR/EIS for public review, comment and public meeting and/or hearing.
- b. The POLA failed to, “Seek to identify and include federally-recognized and non-federally recognized California Indian Tribes in decision-making processes that affect cultural resources,” by using a CEQA Addendum to amend the San Pedro Waterfront 2009 Final EIR/EIS in order to circumvent using a Supplemental or Subsequent EIR/EIS which requires the recirculation of the SEIR/EIS for public review, comment and public meeting and/or hearing.
- c. The POLA failed to, “Recognize and respect the cultural resources of California Indian Tribes, whether or not on tribal lands,” by using a CEQA Addendum to amend the San Pedro Waterfront 2009 Final EIR/EIS in order to circumvent using a Supplemental or Subsequent EIR/EIS which requires the recirculation of the SEIR/EIS for public review, comment and public meeting and/or hearing.

B. Action Plan

- a. The POLA failed to, “Establish a process to disseminate public documents, notices and information to California Indian Tribes, and make these documents readily accessible to tribes that may not have electronic capabilities,” by not making an effort to identify, contact local tribes and by using a CEQA Addendum to amend the San Pedro Waterfront 2009 Final EIR/EIS in order to circumvent using a Supplemental or Subsequent EIR/EIS which requires the recirculation of the SEIR/EIS for public review, comment and public meeting and/or hearing.
- b. The POLA failed to, “Establish a process to conduct meetings, outreach and workshops at times and in locations that facilitate tribal participation,” by not making an effort to identify, contact local tribes and by using a CEQA Addendum to amend the San Pedro Waterfront 2009 Final EIR/EIS in order to circumvent using a Supplemental or Subsequent EIR/EIS which requires the recirculation of the SEIR/EIS for public review, comment and public meeting and/or hearing.
- c. The POLA failed to, “Establish a mechanism to obtain relevant and available information, studies and data from California Indian Tribes when conducting research or environmental studies that relate to, or could impact, tribal lands or cultural resources,” by not making an effort to identify, contact local tribes and by using a CEQA Addendum to amend the San Pedro Waterfront 2009 Final EIR/EIS in order to circumvent using a Supplemental or Subsequent EIR/EIS which requires the recirculation of the SEIR/EIS for public review, comment and public meeting and/or hearing.

23. Violation of the California State Lands Commission - Public Trust Doctrine.

- A. The Port of Los Angeles in its failure to use a CEQA Supplemental or Subsequent EIR that requires recirculation of the EIR vs using an Addendum deprived that State Lands Commission of its legal mandate to protect and uphold CEQA, the Public Trust Doctrine, Environmental Justice and Native American Cultural Rights.
- B. The Port of Los Angeles deprived that State Lands Commission of its legal mandate to follow its adopted Environmental Justice Policy. *“The Commission pledges to continue and enhance its processes, decisions, and programs with environmental justice as an essential consideration by:”*

1. Identifying relevant populations that might be adversely affected by Commission programs or by projects submitted by outside parties for its consideration.
2. Seeking out community groups and leaders to encourage communication and collaboration with the Commission and its staff.
3. Distributing public information as broadly as possible and in multiple languages, as needed, to encourage participation in the Commission's public processes.
4. Incorporating consultations with affected community groups and leaders while preparing environmental analyses of projects submitted to the Commission for its consideration.
5. Ensuring that public documents and notices relating to human health or environmental issues are concise, understandable, and readily accessible to the public, in multiple languages, as needed.
6. Holding public meetings, public hearings, and public workshops at times and in locations that encourage meaningful public involvement by members of the affected communities.
7. Educating present and future generations in all walks of life about public access to lands and resources managed by the Commission.
8. Ensuring that a range of reasonable alternatives is identified when siting facilities that may adversely affect relevant populations and identifying, for the Commission's consideration, those that would minimize or eliminate environmental impacts affecting such populations.
9. Working in conjunction with federal, state, regional, and local agencies to ensure consideration of disproportionate impacts on relevant populations, by instant or cumulative environmental pollution or degradation.
10. Fostering research and data collection to better define cumulative sources of pollution, exposures, risks, and impacts.
11. Providing appropriate training on environmental justice issues to staff and the Commission so that recognition and consideration of such issues are incorporated into its daily activities.
12. Reporting periodically to the Commission on how environmental justice is a part of the programs, processes, and activities conducted by the Commission and proposing modifications as necessary.

C. The Port of Los Angeles violated the Public Trust Doctrine rights of Ethnic Minorities, Environmental Justice Community Residents and Low Income Visitors with the malice and racist intent to minimize their visiting, access and patronage of the San Pedro Waterfront, Ports O' Call, the future San Pedro Public Market, the San Pedro Bay and California Coast.

24. Violation of the California Civil Jury Instructions - CACI 1600 - Intentional Infliction of Emotional Distress

The Port Board of Harbor Commissioners approved the San Pedro Waterfront Final EIR in September 2009, selected the Developer LA Waterfront Alliance in December 2012 and approved the Permit/Lease Agreement in May 2016 with the San Pedro Public Market, LLC aka LA Waterfront Alliance. This long drawn-out process has caused extreme emotional stress on Ports O' Call Village shops and restaurant owners, employees, suppliers and the public.

25. Violation of the California Civil Jury Instructions - CACI 1603 - Intentional Infliction of Emotional Distress - Reckless Disregard

- a. Tenants were put on Month-to-Month Leases for years not knowing their future status, economic security and well being.
- b. Tenants were told and it was in the San Pedro Waterfront Final EIR that they would be relocated

- temporarily during construction and brought back and now they have all been evicted.
- c. Tenants were told and it was in the San Pedro Waterfront 2009 Final EIR that they would be part of Phase II and were told in 2016 they were part of Phase I.
 - d. The Port let the Ports O' Call Village Shops buildings deteriorate with no repairs. Termites were eating the wooden infrastructure.
 - e. The Port failed to adequately maintain the Ports O' Call Village Shops grounds, discouraging the public from visiting and shopping causing economic financial loses, lost earnings and lost profits.
 - f. The Port was not advertising the Ports O' Call Village in local newspapers, discouraging the public from visiting and shopping causing economic financial loses, lost earnings and lost profits .
 - g. The Tenants asked for Banners and Signs to be placed notifying the public that they were open and the Port refused, causing economic financial loses, lost earnings and lost profits.
 - h. The Port was diverting potential customers coming to special events to the 22nd Street parking lot, causing economic financial loses, lost earnings and lost profits.
 - i. The Port closed the Ports O' Call Village Port Police Office and incidents have occurred where the police were needed for assistance and were not available.
 - j. Many of the Tenants had to go to their doctors for medical care at extra expense due to emotion distress, mental anguish, physical pain, stress, anxiety, grief, worry, nervousness, dizziness, loss of sleep, loss of appetite, humiliation and shock.
 - k. The Ports O' Call Village Shop Owners and Office Space Renters requested that the Port of Los Angeles Board of Harbor Commissioners grant them 20 minutes to give a power point presentation to discuss their concerns, questionable Port business practices, violations of CEQA , NEPA, Civil Rights, City Polices, City Ethics etc. and they were refused.
 - l. It was appearing that only the ethnic minority owned Ports O' Call Shops, Office Space Renters and Restaurants were targeted by the Port and Developer for eviction with no promise of being offered an opportunity to come back to the new San Pedro Public Market.

26. Violation of the California Civil Jury Instructions - CACI 1620 - Negligence

- a. The Port let the Ports O' Call Village Shops buildings deteriorate with no repairs. Termites were eating the wooden infrastructure.
- b. The Port failed to adequately maintain the Ports O' Call Village Shops grounds, discouraging the public from visiting and shopping causing economic financial loses, lost earnings and lost profits.
- c. The Port was not advertising the Ports O' Call Village in local newspapers, discouraging the public from visiting and shopping causing economic financial loses, lost earnings and lost profits.
- d. The Ports O' Call Shop Owners-Tenants asked for Banners and Signs to be placed notifying the public that they were open and the Port refused, causing economic financial loses, lost earnings, lost profits, medical expenses, lost customers, physical pain and mental stress.
- e. The Port was diverting potential customers coming to special events to the 22nd Street parking lot, causing economic financial loses, lost earnings and lost profits.
- f. The Port closed the Ports O' Call Village Port Police Office and incidents have occurred where the police were needed for assistance and were not available.

27. Violation of the California Civil Jury Instructions - CACI 1900 - Civil Code § 1710(1) - Intentional Misrepresentation.

- a. The Port of Los Angeles staff and legal counsel knew that the San Pedro Waterfront 2009 Final EIR section 1.5.2.2 states, 'relocation and/or renewal of existing tenant leases.'" The staff and legal counsel have misrepresented the facts and truth by their failure to acknowledge this and disclose

- that the 2009 Final EIR was intentionally changed in 2016 by a 3rd Addendum to fraudulently eliminate this requirement. Port staff continues to only present information based on the 3rd Addendum changes to deceive and mislead the Tenants and Public.
- b. The Port of Los Angeles staff and legal counsel knew that the San Pedro Waterfront 2009 Final EIR has two illustrations, one shows Phase I Figure 1-15 and the other Phase II Figure 1-16. Phase I clearly shows that the Ports O' Call Village Shops and Office Space Renters are not part of Phase I, they are part of Phase II. The staff and legal counsel have misrepresented the facts and truth by their failure to acknowledge this and disclose that the 2009 Final EIR was intentionally changed in 2016 by a 5th Addendum to fraudulently eliminate this requirement. Port staff continues to only present information based on the 5th Addendum changes to deceive and mislead the Tenants and Public .
 - c. The Port of Los Angeles staff and legal counsel knew that on March 2, 2016 the Port of Los Angeles held a public meeting with the Developer at the San Pedro Warner Grand Theater to discuss the San Pedro Waterfront Redevelopment-San Pedro Public Market. The Developer Eric Johnson verbally states during the meeting: "so that current tenants who will remain in the project will be able to stay open throughout construction we expect to complete this first phase by mid 2019." (See video 29:30), "We are fortunate to have existing successful tenants who we are counting on to be the backbone of our preleasing activities."(See video 31:47). Port staff continues to only present information based on the fraudulent 3rd Addendum changes to deceive and mislead the Tenants and Public.
 - d. The Port of Los Angeles staff and legal counsel knew that on July 25, 2012, the Port of Los Angeles released the San Pedro Waterfront Request for Qualifications (RFQ). The RFQ lists as No. 1 the Ports O' Call Site in the, "Present and Future Elements of the Waterfront." Under the Project Detail it states that, "Ports O' Call Village is well-known throughout the region," and "The adjacent San Pedro community supports a redevelopment vision to revitalize Ports O' Call." Under Project Highlights it states: The LA Waterfront will provide an array of infrastructure improvements... along with commercial developments sites including Ports O' Call." In addition, "The Port is encouraging the prospective developer to consider the inclusion of successful existing tenants in their development plans. Depending on the ultimate vision and plan layout, it is recognized that these tenants may be relocated within the site." Port staff continues to only present information based on the fraudulent 3rd Addendum changes to deceive and mislead the Tenants and Public. The San Pedro Public Market Project Proposal eliminates the historic Ports O' Call Village and there will be no Ports O' Call.
 - e. The Ports O' Call Tenants relied on the San Pedro Waterfront 2009 Final EIR for their future business, economic prosperity and retirement planning.
 - f. The Ports O' Call Shop Owners and Office Space Renters have incurred significant economic financial loses, lost earnings, lost profits, medical expenses, lost customers, lost clients, physical pain and mental stress.
 - g. The Public and Elected Officials relied on the San Pedro Waterfront 2009 Final EIR as the key document for local economic development and employment.

- h. The Public and City of Los Angeles as represented by the Port of Los Angeles have incurred significant economic financial lost revenues and employment.

28. Violation of the California Civil Jury Instructions - CACI 1901 - Civil Code § 1710(3) - Concealment.

- a. The Port of Los Angeles concealed and failed to disclose that they had preselected a Developer the LA Waterfront Alliance over the other six.
- b. The Port of Los Angeles concealed and failed to disclose that they allowed the LA Waterfront Alliance to delete to disqualifying features in their bid proposal. The inclusion of a residential development and the building of a new Port of LA Office building.
- c. The Port of Los Angeles concealed and failed to disclose that they selected the least qualified Developer by manipulating the scores and scoring system.
- d. The Port of Los Angeles concealed and failed to disclose that the selected Developer does not have the \$ 100 million to begin the project which has been disclosed by the Developer at several Ports sponsored public meetings and public meetings. This is the reason why there has been an 8 year delay in starting the project.
- e. The Port of Los Angeles and City of Los Angeles concealed and failed to disclose that the City Attorney had been requested to investigate improprieties in the Developer Selection Process and no investigation took place. The City Attorney, City Councilman and City Mayor received campaign contributions during this time from the Developer LA Waterfront Alliance and the San Pedro Fish Market and Restaurant owners and family.
- f. The Port of Los Angeles concealed and failed to disclose that the Executive Director Geraldine Knatz made the final selection of the Developer the LA Waterfront Alliance, even though they were the least qualified.
- g. The Port of Los Angeles concealed and failed to disclose that the LA Waterfront lied on their application that they had a 20 year working relationship, when in fact they only met a few weeks before the Bid Application Proposal was submitted.
- h. The Port of Los Angeles concealed and failed to disclose that they were making major changes to the San Pedro Waterfront 2009 Final EIR by utilizing CEQA Addendums. The Port has issued and approved 5 Addendums ranging in 2 to 8 years after the approved project and certified 2009 Final EIS/EIR:

I. Addendum to the San Pedro Waterfront Project Final EIS/EIR Warehouse Nos. 9 and 10, Crafted at the Port of Los Angeles - November 2011

- a. The Port of Los Angeles has underestimated impacts as a result of the modified project causing significant and major impacts. There would be increased traffic congestion based on increased Day and Peak Hour Trips, increased visitor vehicle and vendor merchandise and supplies delivery vehicles air emissions and greenhouse gas emissions as a minimum.

- b. The Port claims that no more than 25% of the Crafted customers will occupy off-site parking during any day. It is impossible to expect a vendor to monitor let alone enforce this.
- c. The Port regularly uses the parking for special events parking. Thousands will arrive for an event searching for parking, filling up the parking lot and looking for over-flow parking when the lot is full.
- d. There will be 600 visitor parking spaces. The referenced sub-lessees and employees parking lot does not have 500 parking spaces. There will be 500 vendor stalls and each will have a minimum of 1 owner and/or employee working at any given hour who will to park their vehicle where ever they can. There is no parking enforcement police on-site.
- e. Conservatively if each of the 500 vendors has 1 customer or visitor per hour times an average 8hr. day that would be 4,000 vehicles or visitors a day not 1,500 visitors expected per week day as stated in the Addendum.
- f. Every morning and close of business day there will be a minimum of 500 employer and/or employee vehicles arriving and leaving.
- g. Conservatively if each of the 500 vendors has 1 merchandise supplier per day visiting that would be another 500 vehicles a day.
- h. The Addendum also fails to consider that all adjacent servicing streets are only two-lanes.
- i. There will be an increase in trash and solid waste from visitors that will require more frequent maintenance and waste disposal than previously estimated.
- j. Traffic congestion, noise, air pollution and greenhouse gas emission have been significantly underestimated.

II. EIR Addendum San Pedro Waterfront Project, Harbor Boulevard/7th Street/Sampson Way Intersection Improvements - June 22, 2015

III. Addendum To The San Pedro Waterfront Project Environmental Impact Report For The San Pedro Public Market Project - May 2016

- A. The Port states in 1.5 Summary of Findings in the Addendum, "Based on the findings of this Addendum, the SPPM Project would not result in any new significant impacts or a substantial increase in the severity of previously identified impacts that were analyzed in the SPW Project EIS/EIR, and none of the conditions set forth in Section 15162 of the State CEQA Guidelines that would otherwise require reparation of a subsequent EIR are met in this instance."
- B. The Port of Los Angeles concealed and failed to disclose that there are now 21 new POLA Projects and 13 new Port of Long Beach Project Proposals for a total of 33 since the certified 2009 Final EIR/EIS which warrant a new updated Supplemental or Subsequent EIR/EIS in order to assess the Cumulative Impacts for these 33 additional port projects and 48 city and governmental agency commercial projects which were not assessed nor mitigated in the 2009 Final EIS/EIR or in any subsequent document. These projects would have significant impacts on the San Pedro Waterfront Project.

- C. The Addendum claims in 2.4 Proposed Modifications, "All modifications are being developed and designed in coordination with the respective resource agencies (U.S. Army Corps of Engineers and California Department of Fish and Wildlife)." There is no information on the project website of any coordination or evidence of forwarding of the Addendum for their review, comment and approval. Nor is it included in the Table 2-1 Ports O' Call Development Comparison: SPW Project EIS/EIR vs. SPPM Project.
- D. The Port failed to include in its Table 2-1 Ports O' Call Development Comparison: SPW Project EIS/EIR vs. SPPM Project:
 - a. That the existing Port O' Call Village Shops and Office Space Tenants would not stay and be relocated to another POCV Site Location during construction.
 - b. That all the Port O' Call Village Shop and Office Space Tenants would be permanently evicted.
 - c. That the Port O' Call Village Shop and Office Space Tenants who are majority ethnic minorities were being evicted.
 - d. That all the Port O' Call Village Shop and Office Space Tenants being evicted were not asked to return to the new SPPM.
 - e. That the Port had six new Ports O' Call Village Toxic Site Assessment Reports that listed significant findings of toxic chemicals, heavy metals and substances.
 - f. That Phase II in the SPW Project EIS/EIR was now Phase I in the SPPM.
 - g. That the new SPPM is a major redesign of the SPW Project EIS/EIR.
 - h. That the new SPPM design has relocated many major buildings and layout features.
 - i. That the Visitor Trip Generation information for both project designs is in error. Weekend Daily Visitor Trips is typically 5X or more than the daily trip generation. On days of special events over 30,000 visitors come to Ports O' Call. Traffic congestion, noise, air pollution and greenhouse gas emission have been significantly underestimated.
 - j. There will be an increase in trash and solid waste from increased visitors that will require more frequent maintenance and significant increased waste disposal than previously estimated.
 - k. The Port and Developer have eliminated one of the successful visitor harbor boat cruise operators who operate two 150 passenger cruise ships, which will cause a longer waiting lines of 300 passengers. There were incidents in 2017 involving waiting irritated waiting passengers. The Port had closed its Ports O' Call Village police office which made the situation worse. There is no information as to the number of Port police offices, their locations and number of Port police servicing the SPPM.

IV. Addendum To The San Pedro Waterfront Project Environmental Impact Report For The Los Angeles Maritime Institute Relocation Project - August 2016

V. Addendum To The San Pedro Waterfront Project Environmental Impact Report For The Jankovich Company Relocation Project - June 2017

- a. The Port of Los Angeles did not consider available technologies to reduce VOC emissions and Greenhouse Gas Emissions from storage tanks and during fueling such as Vapor Recovery Systems.
- b. The Port of Los Angeles concealed and failed to disclose that they had conducted seven (7) Ports O' Call Toxic Site Assessments ranging from September 2004 to April 2016. Six (6) were completed after the approved project and certified 2009 Final EIS/EIR which identify potential and probable public exposure to numerous toxic chemicals, hazardous materials and heavy metals, environmental impacts, public health impacts

and public safety risks which have gone unmitigated. The assessments also disclose both land and ocean water contamination with toxic chemicals, hazardous materials and heavy metals. There is a high probability of wide ocean floor contamination due to tidal flows, storms, subsidence, oil drilling and drift which warrant having a more comprehensive assessment, updated Mitigation Plan and special public hearing.

- c. The Developer recently mentioned the possibility of moving the Iowa to this area which would also justify several new impact assessments.
- d. The Addendum mentions that Mike's fueling station handles and stores hazardous materials but does not state if this operation will continue with Jankovich's operation. It also does not state what type or quantities are stored there or will be stored there or the projected increase in the future. Although MM Risk-1 states that it will cease handling hazardous materials with flashpoints below 140 degrees, it does state what hazardous material will be allowed and what those flash points or other hazardous characteristics would be.
- e. A new Risk Assessment should be conducted for each new location of operation.
- f. There are new zero-emission tanker trucks which could replace diesel fueled trucks.
- g. There are zero-emission back-up power supplies now available.
- h. There are now no and low VOC paintings and coating available.
- i. The Addendum does not address ocean sea level rise in the future impacts at all locations of operation.

29. Violation of the California Civil Jury Instructions - CACI 1902 - Civil Code § 1710(4) - False Promise.

- a. The Port of Los Angeles in the original approved San Pedro Waterfront Development Project 2009 Final EIR stated that the Ports O' Call Village Shops would be relocated to another Ports O' Call area during construction. This was secretly changed in the May 18, 2016 Port of LA Permit/Lease Agreement Transmittal # 3 CEQA Addendum.
- b. The Port of Los Angeles in the original approved San Pedro Waterfront Development Project 2009 Final EIR stated that the Ports O' Call Village Shops would be brought back to the new development project. This was secretly changed in the May 18, 2016 Port of LA Permit/Lease Agreement Transmittal # 3 CEQA Addendum.
- c. The Port of Los Angeles in the original approved San Pedro Waterfront Development Project 2009 Final EIR stated that the Ports O' Call Village Shops would have their existing Tenant leases renewed. This was secretly changed in the May 18, 2016 Port of LA Permit/Lease Agreement Transmittal # 3 CEQA Addendum.
- d. The Port of Los Angeles in the original approved San Pedro Waterfront Development Project 2009 Final EIR shows in two illustrations that the Ports O' Call Village Shops and Office Space Renters would be part of Phase II. This was secretly changed in the May 18, 2016 Port of LA Permit/Lease Agreement Transmittal # 3 CEQA Addendum.
- e. The Developer Eric Johnson states that current Tenants who will remain in the project will be able to stay open throughout construction. This was secretly changed in the May 18, 2016 Port of LA Permit/Lease Agreement Transmittal # 3 CEQA Addendum.

30. Violation of the California Civil Jury Instructions - CACI 1903 - Civil Code § 1710(2) - Negligent Misrepresentation.

- a. The Port of Los Angeles and Developer intentionally engaged in Negligent Misrepresentation and Intentional Misrepresentation of information and facts.
- b. The Ports O' Call Village Shop Owners and Office Space Renters relied on the San Pedro Waterfront Development Project 2009 Final EIR, RFQ requirements and Developer statements at Port of Los Angeles public meetings.
- c. The Ports O' Call Village Shop Owners and Office Space Renters continued to invest in purchasing merchandise, store supplies, building and fixture maintenance, advertising, marketing, providing assistance services and employing local residents based on the Port of Los Angeles 2009 Final EIR, RFQ requirements and Developer statements.
- d. The result of this Negligent Misrepresentation and Intentional Misrepresentation has caused all Ports O' Call Village Retail Shops and Office Space Renters to be evicted and incurring significant economic financial loses, lost earnings, lost profits, medical expenses, lost customers, physical pain and mental distress.
- e. The result of this Negligent Misrepresentation and Intentional Misrepresentation has caused the Public and City of Los Angeles as represented by the Port of Los Angeles to incur significant economic financial lost revenues and local employment.

31. Violation of the California Civil Jury Instructions - CACI 1906 - Civil Code § 1711 - Misrepresentations Made to Persons Other Than The Plaintiff.

- a. The Port of Los Angeles and Developer intentionally engaged in Negligent Misrepresentation and Intentional Misrepresentation of information and facts told to and released to the Public, Elected Officials and Governmental Agencies.
- b. The Public, Elected Officials and Governmental Agencies relied on the San Pedro Waterfront Development Project 2009 Final EIR, RFQ requirements and Developer statements at Port of Los Angeles public meetings.
- c. The Public, Elected Officials and Governmental Agencies continued to support the San Pedro Waterfront Development Project based on the Port of Los Angeles 2009 Final EIR, RFQ requirements and Developer statements.
- d. The result of this Negligent Misrepresentation and Intentional Misrepresentation has caused the Public to incur significant economic financial loses, lost employment earnings, medical expenses, lost customers, physical pain, mental distress, loss of trust and confidence in the Port of Los Angeles and City of Los Angeles.
- e. The result of this Negligent Misrepresentation and Intentional Misrepresentation has caused Past and new Potential Developers from investing in the San Pedro Waterfront Development Project due to loss of trust and confidence in the Port of Los Angeles and City of Los Angeles.

32. Violation of the California Civil Jury Instructions - CACI 1907 - Civil Code § 1710(1), § 1710(3), § 1710(2) - Reliance.

- a. The Port of Los Angeles and Developer intentionally engaged in Concealment, False Promise, Negligent Misrepresentation and Intentional Misrepresentation of information and facts told to Ports O' Call Village Shop Owners and Office Space Renters.
- b. The Port of Los Angeles and Developer intentionally engaged in Concealment, False Promise, Negligent Misrepresentation and Intentional Misrepresentation of information and facts told to and released to the Public, Elected Officials and Governmental Agencies.
- c. The Ports O' Call Village Shop Owners and Office Space Renters Reliance on the San Pedro Waterfront Development Project 2009 Final EIR, RFQ requirements and Developer statements at Board of Harbor Commissioners Public Meeting and Port of Los Angeles Public Meetings and Public Notices has caused them significant harm, damage, health impacts, loss of clients, loss of customers, unable to provide their public services, public assistance.
- d. Governmental Agencies who are on the CEQA/NEPA Circulation List for EIR review and comments Reliance on the Port of Los Angeles Standard Practices for Public Notice and Public Meetings and the San Pedro Waterfront Development Project 2009 Final EIR, RFQ requirements and Developer statements at Board of Harbor Commissioners Public Meeting and Port of Los Angeles Public Meetings and Public Notices has caused them to default on their CEQA/NEPA Review and comment responsibilities and public interests protection representation responsibilities.
- e. The Ports O' Call Village Shop Owners and Office Space Renters continued to invest in purchasing merchandise inventory, store supplies, building and fixture maintenance, advertising, marketing, providing public services, public assistance and employing local residents based on the Port of Los Angeles 2009 Final EIR, RFQ requirements and Developer statements.
- f. The result of this Reliance has caused all Ports O' Call Village Retail Shops and Office Space Renters to be evicted and incurring significant economic financial losses, lost earnings, lost profits, medical expenses, lost customers, loss of clients, unable to provide public services, public assistance, physical pain and mental distress.
- g. The result of this Reliance has caused the Public and City of Los Angeles as represented by the Port of Los Angeles to incur significant economic financial lost revenues, lost community economic development and lost local employment.

33. Violation of the California Civil Jury Instructions - CACI 1908 - Civil Code § 1710(2) - Reasonable Reliance.

- A. The Port of Los Angeles (POLA) has followed Standard Practices and Procedures as to how it complies with CEQA/NEPA. As a minimum for every CEQA/NEPA major project:
 - a. The POLA releases and distributes a Public Notice of the intent to release a Draft EIR/EIS.
 - b. The Public Notice of the intent to release a Draft EIR/EIS is posted on the Ports website and distributed to local public libraries for posting. POLA also distributes the Public Notice to those registered on its Email List.
 - c. The POLA conducts one or more community informational meeting in San Pedro or Wilmington or both to discuss the preparation of a Draft EIR/EIS and to ask for public input as to what

should be included in its assessments. The public may provide verbal or submit written comment.

- d. The POLA releases and distributes a Public Notice of the release of a Draft EIR/EIS for public review and comment. The Public Notice of the release of the Draft EIR/EIS is posted on the Ports website and distributed to local public libraries for posting. POLA also distributes the Public Notice to those registered on its Email List and mails a copy and CD of the DEIR/EIS to those who have registered to receive a copy.
 - e. The POLA conducts one or more community informational meeting in San Pedro or Wilmington or both to discuss the Draft EIR/EIS and to ask for public comments. The public may provide verbal or submit written comment.
 - f. The POLA releases and distributes a Public Notice of the release of a Final EIR/EIS for public review and comment and a Public Hearing Date at an upcoming Board of Harbor Commission meeting. The Public Notice of the release of the Final EIR/EIS is posted on the Ports website and distributed to local public libraries for posting. POLA also distributes the Public Notice to those registered on its Email List and mails a copy and CD of the FEIR/EIS to those who have registered to receive a copy.
 - g. The POLA Board of Harbor Commissioners have the CEQA/NEPA Final EIR/EIS listed as an Agenda item for public comment and a vote for project approval and EIR certification.
 - h. The POLA follows the same procedure for a Subsequent or Supplemental Impact Reports.
- B. The Port of Los Angeles intentionally circumvented using a Subsequent EIR or Supplemental EIR in order to avoid any Public Notices, Public Meetings, Public Review and Comment by using an Addendum to the 2009 Final EIS/EIR.
- C. The Port of Los Angeles and Developer intentionally engaged in Concealment, False Promise, Negligent Misrepresentation and Intentional Misrepresentation of information and facts told to Ports O' Call Village Shop Owners.
- D. The Port of Los Angeles and Developer intentionally engaged in Concealment, False Promise, Negligent Misrepresentation and Intentional Misrepresentation of information and facts told to and released to the Public, Elected Officials and Governmental Agencies.
- E. The Ports O' Call Village Shop Owners Reliance on the San Pedro Waterfront Development Project 2009 Final EIR, RFQ requirements and Developer statements at Board of Harbor Commissioners Public Meeting and Port of Los Angeles Public Meetings and Public Notices has caused them significant harm, damage and health impacts.
- F. Governmental Agencies who are on the CEQA/NEPA Circulation List for EIR review and comments Reliance on the Port of Los Angeles Standard Practices for Public Notice and Public Meetings and the San Pedro Waterfront Development Project 2009 Final EIR, RFQ requirements and Developer statements at Board of Harbor Commissioners Public Meeting and Port of Los Angeles Public Meetings

and Public Notices has caused them to default on their CEQA/NEPA Review and comment responsibilities and public interests protection representation responsibilities.

- G. The Ports O' Call Village Shop Owners and Office Space Renters continued to invest in purchasing merchandise inventory, store supplies, building and fixture maintenance, advertising, marketing, providing public services, public assistance and employing local residents based on the Port of Los Angeles 2009 Final EIR, RFQ requirements and Developer statements.
- H. The result of this Reliance and Breach of Faith in Port staff and the Developer has caused all Ports O' Call Village Retail Shops and Office Space Renters to be evicted and incurring significant economic financial loses, lost earnings, lost profits, medical expenses, lost customers, lose of clients, unable to provide public services, public assistance, physical pain and mental distress.
- I. The result of this Reliance and Breach of Faith has caused the Public and City of Los Angeles as represented by the Port of Los Angeles to incur significant economic financial lost revenues, lost community economic development, lost local employment, lost community trust and relations.

34. Violation of the California Civil Jury Instructions - CACI 3600 - Conspiracy - Essential Factual Elements.

- A. The Port of Los Angeles staff conspired with the City of Los Angeles Mayors office and staff to assure that the LA Waterfront Alliance would be the selected Developer:
 - a. POLA conspired with the City of Los Angeles staff to manipulate the Developer Selection Process in order to select the LA Waterfront Alliance aka San Pedro Public Market, LLC.
 - b. POLA allowed the LA Waterfront Alliance to change its original Bid Application to remove two elements that would have disqualified them. The two prohibited elements were: building of residential units at the Ports o' Call site location and the building of a new Port of LA Administrative Building.
 - c. POLA allowed the LA Waterfront Alliance Bid Application to not comply with the RFQ requirements. In July 25, 2012, the Port of Los Angeles releases the San Pedro Waterfront Request for Qualifications (RFQ). The RFQ lists as No. 1 the Ports O' Call Site in the, "Present and Future Elements of the Waterfront." The San Pedro Public Market Project Proposal eliminates the historic Ports O' Call Village, Ports O' Call Restaurant and there will be no Ports O' Call Village. Under the Project Detail it states that, "Ports O' Call Village is well-known throughout the region," and "The adjacent San Pedro community supports a redevelopment vision to revitalize Ports O' Call." Under Project Highlights it states: The LA Waterfront will provide an array of infrastructure improvements... along with commercial developments sites including Ports O' Call." In addition, "The Port is encouraging the prospective developer to consider the inclusion of successful existing tenants in their development plans. Depending on the ultimate vision and plan layout, it is recognized that these tenants may be relocated within the site."
 - d. POLA changed the Developer bid scoring system in order to facilitate the LA Waterfront Alliance to qualify with the highest points.

- e. The LA Waterfront Alliance was the least qualified Bid Application of the seven submitted. It is also a fact that the two Developers Wayne Ratkovich Company and the Johnson brothers Jerico Development only met a few weeks before the Bid Application deadline and did not know or have a business working relationship for 20 years as claimed in their application..
- f. It appears that the POLA may have waived or changed the Financial Qualifications of the Developer the LA Waterfront Alliance. This is supported by the fact that the San Pedro Waterfront Development Project and San Pedro Public Market is moving forward 8 years after the approval of the 2009 Final EIR. This is further supported by the announcement in 2016 and 2017 by the Developers that they are still trying to raise the \$100 million for the project. So when the POLA has completed the demolition and new site pad the Developer may still not have the funds to build the San Pedro Public Market.
- g. On January 21, 2013 John Papadakis is given a copy of the Qualification section of the LA Waterfront Alliance proposal by Councilman's Joe Buscaino chief-of-staff Doane Liu in a meeting requested by Doane Liu after the Port BOHC meeting. According to Mr. Papadakis the purpose of the meeting was to solicit his support for the LA Waterfront Alliance proposal after Mr. Papadakis voices strong opposition at the Port BOHC meeting. How was Doane Liu able to acquire this document when he was not part of the Selection Committee and when the Port of Los Angeles refused to provide a copy to legal counsel for the Developer Team McArthurGlen Group under their Public Records Act Request.
- h. The past POLA Executive Director Geraldine Knatz made the final Developer selection eliminating the Developer Selection Committee.
- i. All the Ports O' Call Village Shop Owners and Office Space Renters were evicted from the Ports O' Call Village, none were recommended by the POLA to the Developer to remain or be brought back to the new San Pedro Public Market. Currently
- j. The majority of all Ports O' Call Village Shop Owners and Office Space Renters are ethnic minorities and many offer ethnic cultural merchandise, gifts, foreign language communication and common cultural relationships.
- k. One of the Developers not selected by the POLA files a Public Record Act Request for all documentation related to the Developer Selection Process and the POLA refuses to comply and provide them information. It is illegal for the POLA not to provide information to the public under the Brown Act.
- l. One of the Developers not selected by the POLA files a complaint with the City of Los Angeles District Attorney Office requesting an investigation of the POLA Developer Selection Process and the city attorney's office conducts no investigation and provides no information.
- m. On October 23, 2017 Anthony Patchett, ESQ. on behalf of the Ports O' Call Village Shop Owners and Office Space Renters files a California Public Records Act request with Port of Los Angeles for documentation related to the San Pedro Waterfront Development Project Developer Selection Process. POLA refuses to comply and provides no information.
- n. A review of 2013 Campaign Statements reveals that donations were made the LA Waterfront Alliance Developer Johnson Family and San Pedro Fish Market and Restaurant Owners and

family to the City Attorney Carmen Trutanich's race for District Attorney, Eric Garcetti for Mayor and Joe Buscaino for City Councilman which appear to support this conspiracy.

- o. The result of this Conspiracy between the POLA and the City of Los Angeles has caused all Ports O' Call Village Retail Shops to be evicted and incurring significant economic financial loses, lost earnings, lost profits, medical expenses, lost customers, physical pain and mental distress.

B. The Port of Los Angeles staff conspired with the Developer LA Waterfront Alliance aka San Pedro Public Market, LLC to assure their selection and agree to eliminate the Ports O' Call Village Shops:

- a. POLA allowed the LA Waterfront Alliance to change its original Bid Application to remove two elements that would have disqualified them. The two prohibited elements were: building of residential units at the Ports O' Call site location and the building of a new Port of LA Administrative Building.
- b. POLA allowed the LA Waterfront Alliance Bid Application to not comply with the RFQ requirements. In July 25, 2012, the Port of Los Angeles releases the San Pedro Waterfront Request for Qualifications (RFQ). The RFQ lists as No. 1 the Ports O' Call Site in the, "Present and Future Elements of the Waterfront." The San Pedro Public Market Project Proposal eliminates the historic Ports O' Call Village, Ports O' Call Restaurant and there will be no Ports O' Call Village. Under the Project Detail it states that, "Ports O' Call Village is well-known throughout the region," and "The adjacent San Pedro community supports a redevelopment vision to revitalize Ports O' Call." Under Project Highlights it states: The LA Waterfront will provide an array of infrastructure improvements... along with commercial developments sites including Ports O' Call." In addition, "The Port is encouraging the prospective developer to consider the inclusion of successful existing tenants in their development plans. Depending on the ultimate vision and plan layout, it is recognized that these tenants may be relocated within the site."
- c. POLA changed the Developer bid scoring system in order to facilitate the LA Waterfront Alliance to qualify with the highest points.
- d. The POLA Executive Director Geraldine Knatz made the final Developer selection eliminating the Developer Selection Committee.
- e. All the Ports O' Call Village Shop Owners were evicted from the Ports O' Call Village, none were recommended by the POLA to the Developer to remain or brought back to the new San Pedro Public Market.
- f. The majority of all Ports O' Call Village Shop Owners are ethnic minorities and many offer ethnic cultural merchandise, gifts, hand-made arts & crafts, foreign language communication and common interest cultural relationships.
- g. A review of 2013 Campaign Statements reveals that donations were made by the LA Waterfront Alliance Developer Johnson Family and San Pedro Fish Market and Restaurant Owners and family to the City Attorney Carmen Trutanich's race for District Attorney, Eric Garcetti for Mayor and Joe Buscaino for City Councilman which appear to support this conspiracy.
- h. The result of this Conspiracy between the POLA and the Developer has caused all Ports O' Call Village Retail Shops and Office Space Renters to be evicted and incurring significant economic

financial loses, lost earnings, lost profits, medical expenses, lost customers, lost clients, unable to provide public services, public assistance, have endured physical pain and mental distress.

35. Violation of the California Civil Jury Instructions - CACI 3601 – Ongoing Conspiracy

- A. The Port of Los Angeles staff conspired with the City of Los Angeles Mayors office and staff to assure that the LA Waterfront Alliance would be the selected Developer:
- a. POLA conspired with the City of Los Angeles staff to manipulate the Developer Selection Process in order to select the LA Waterfront Alliance aka San Pedro Public Market, LLC.
 - b. POLA allowed the LA Waterfront Alliance to change its original Bid Application to remove two elements that would have disqualified them. The two prohibited elements were: building of residential units at the Ports o' Call site location and the building of a new Port of LA Administrative Building.
 - c. POLA allowed the LA Waterfront Alliance Bid Application to not comply with the RFQ requirements. In July 25, 2012, the Port of Los Angeles releases the San Pedro Waterfront Request for Qualifications (RFQ). The RFQ lists as No. 1 the Ports O' Call Site in the, "Present and Future Elements of the Waterfront." The San Pedro Public Market Project Proposal eliminates the historic Ports O' Call Village, Ports O' Call Restaurant and there will be no Ports O' Call Village. Under the Project Detail it states that, "Ports O' Call Village is well-known throughout the region," and "The adjacent San Pedro community supports a redevelopment vision to revitalize Ports O' Call." Under Project Highlights it states: The LA Waterfront will provide an array of infrastructure improvements... along with commercial developments sites including Ports O' Call." In addition, "The Port is encouraging the prospective developer to consider the inclusion of successful existing tenants in their development plans. Depending on the ultimate vision and plan layout, it is recognized that these tenants may be relocated within the site."
 - d. POLA changed the Developer bid scoring system in order to facilitate the LA Waterfront Alliance to qualify with the highest points.
 - e. The LA Waterfront Alliance was the least qualified Bid Application of the seven submitted. It is also a fact that the two Developers Wayne Ratkovich Company and the Johnson brothers Jerico Development only met a few weeks before the Bid Application deadline and did not know or have a business working relationship for 20 years as claimed in their application..
 - f. It appears that the POLA may have waived or changed the Financial Qualifications of the Developer the LA Waterfront Alliance. This is supported by the fact that the San Pedro Waterfront Development Project and San Pedro Pubic Market if moving forward 8 years after the approval of the 2009 Final EIR. This is further supported by the announcement in 2016 and 2017 by the Developers that they are still trying to raise the \$100 million for the project. So when the POLA has completed the demolition and new site pad the Developer may still not have the funds to build the San Pedro Public Market.
 - g. On January 21, 2013 John Papadakis is given a copy of the Qualification section of the LA Waterfront Alliance proposal by Councilman's Joe Buscaino chief-of-staff Doane Liu in a

meeting requested by Doane Liu after the Port BOHC meeting. According to Mr. Papadakis the purpose of the meeting was to solicit his support for the LA Waterfront Alliance proposal after Mr. Papadakis voices strong opposition at the Port BOHC meeting. How was Doane Liu able to acquire this document when he was not part of the Selection Committee and when the Port of Los Angeles refused to provide a copy to legal counsel for the Developer Team McArthurGlen Group under their Public Records Act Request.

- h. The POLA Executive Director Geraldine Knatz made the final Developer selection eliminating the Developer Selection Committee.
 - i. POLA staff specifically Michel Galvin and others continued to support the eviction of Ports O' Call Village Shop Tenants to the Board of Harbor Commissioners and Public by referring only to the 2016 CEQA Addendum and failing to disclose that major changes were made.
 - j. All the Ports O' Call Village Shop Owners and Office Space Renters were evicted from the Ports O' Call Village, none were recommended by the POLA to the Developer to remain or brought back to the new San Pedro Public Market.
 - k. The majority of all Ports O' Call Village Shop Owners and Office Space Renters are ethnic minorities and many offer ethnic cultural merchandise, gifts, foreign language communication and common interest cultural relationships.
 - l. One of the Developers not selected by the POLA files a Public Record Act Request for all documentation related to the Developer Selection Process and the POLA refuses to comply and provides no information.
 - m. One of the Developers not selected by the POLA files a complaint with the City of Los Angeles District Attorney Office requesting an investigation of the POLA Developer Selection Process and the city attorney's office conducts no investigation and provides no information.
 - n. On October 23, 2017 Anthony Patchett, ESQ. on behalf of the Ports O' Call Village Shop Owners files a California Public Records Act request with Port of Los Angeles for documentation related to the San Pedro Waterfront Development Project Developer Selection Process. POLA refuses to comply and provides no information.
 - o. A review of 2013 Campaign Statements reveals that donations were made the LA Waterfront Alliance Developer Johnson Family and San Pedro Fish Market and Restaurant Owners and family to the City Attorney Carmen Trutanich's race for District Attorney, Eric Garcetti for Mayor and Joe Buscaino for City Councilman which appear to support this conspiracy.
 - p. The result of this Conspiracy between the POLA and the City of Los Angeles has caused all Ports O' Call Village Retail Shops to be evicted and incurring significant economic financial loses, lost earnings, lost profits, medical expenses, lost customers, physical pain and mental distress.
- B. The Port of Los Angeles staff conspired with the Developer LA Waterfront Alliance aka San Pedro Public Market, LLC to assure their selection and agree to eliminate the Ports O' Call Village Shops:
- a. POLA allowed the LA Waterfront Alliance to change its original Bid Application to remove two

elements that would have disqualified them. The two prohibited elements were: building of residential units at the Ports O' Call site location and the building of a new Port of LA Administrative Building.

- b. POLA allowed the LA Waterfront Alliance Bid Application to not comply with the RFQ requirements. In July 25, 2012, the Port of Los Angeles releases the San Pedro Waterfront Request for Qualifications (RFQ). The RFQ lists as No. 1 the Ports O' Call Site in the, "Present and Future Elements of the Waterfront." The San Pedro Public Market Project Proposal eliminates the historic Ports O' Call Village, Ports O' Call Restaurant and there will be no Ports O' Call Village. Under the Project Detail it states that, "Ports O' Call Village is well-known throughout the region," and "The adjacent San Pedro community supports a redevelopment vision to revitalize Ports O' Call." Under Project Highlights it states: The LA Waterfront will provide an array of infrastructure improvements... along with commercial developments sites including Ports O' Call." In addition, "The Port is encouraging the prospective developer to consider the inclusion of successful existing tenants in their development plans. Depending on the ultimate vision and plan layout, it is recognized that these tenants may be relocated within the site."
- c. POLA changed the Developer bid scoring system in order to facilitate the LA Waterfront Alliance to qualify with the highest points.
- d. The POLA Executive Director Geraldine Knatz made the final Developer selection eliminating the Developer Selection Committee.
- e. All the Ports O' Call Village Shop Owners were evicted from the Ports O' Call Village, none were recommended by the POLA to the Developer to remain or brought back to the new San Pedro Public Market.
- f. The majority of all Ports O' Call Village Shop Owners are ethnic minorities and many offer ethnic cultural merchandise and gifts.
- g. A review of 2013 Campaign Statements reveals that donations were made by the LA Waterfront Alliance Developer Johnson Family and San Pedro Fish Market and Restaurant Owners and family to the City Attorney Carmen Trutanich's race for District Attorney, Eric Garcetti for Mayor and Joe Buscaino for City Councilman which appear to support this conspiracy.
- h. The result of this Conspiracy between the POLA and the Developer has caused all Ports O' Call Village Retail Shops to be evicted and incurring significant economic financial loses, lost earnings, lost profits, medical expenses, lost customers, physical pain and mental distress.

36. Violation of the California Civil Jury Instructions - CACI 1100 - Civil Code § 1710(2) - Dangerous Condition of Public Property.

- a. The Port of Los Angeles new for decades that the Ports O' Call Village buildings infrastructure had asbestos and failed to warn Tenants, Visitors and Customers of risk, health dangers and failed to remove asbestos. There is no Asbestos Assessment Study that can be found.
- b. The Port of Los Angeles new for decades that the Ports O' Call Village building infrastructure was infested with Termites and failed to warn tenants of the risks, dangers of falling rafters, roofs, walls, door and Window frames, glass windows, deteriorating hand rails and health dangers from

exposure to Termite droppings.

- c. The Port of Los Angeles new for decades that the Ports O' Call Village was built upon and adjacent to contaminated toxic land and failed to warn Tenants, Visitors and Customers of the risks, health dangers, exposure to toxic chemicals and fugitive VOC's from past and current petroleum industry operations which could ignite and explode. The Port had a minimum of seven toxic site reports that it never notified the Tenants or Public of their existence.
- d. The Ports O' Call Shop Owners, Employees, Visitors and Customers were harmed from exposure with various permanent and temporary health impacts such as allergies, skin rashes, itchy & burning eyes, body aches & pains, coughs and respiratory problems.

37. Violation of the California Civil Jury Instructions - CACI 1101 - Control.

- a. The Port of Los Angeles is the owner/custodian of the Ports O' Call Village property, liable for any and all negligence and dangerous conditions.
- b. The Port of Los Angeles had the power to prevent, remedy and guard against dangerous conditions and failed to do so in a timely manner.

38. Violation of the California Civil Jury Instructions - CACI 2202 - Intentional Interference With Prospective Economic Relations - Essential Factual Elements.

The Port of Los Angeles intentionally interfered with Ports O' Call Village Shops real and potential economic benefit:

- a. The Port intentionally failed to adequately maintain the Ports O' Call Village Shops grounds and infrastructure, discouraging the public from visiting and regular customers to return shopping causing economic financial losses, lost earnings and lost profits.
- b. The Port intentionally did not advertise the Ports O' Call Village in local newspapers and media, discouraging the public from visiting and shopping causing economic financial losses, lost earnings and lost profits
- c. The Ports O' Call Shop Owners asked the Port to put-up Banners and Signs to be placed at freeway exists and major streets notifying the public that they were open during special events and the Port refused, causing economic financial losses, lost earnings and lost profits.
- d. The Port was diverting potential new visitors and customers coming to special events to the 22nd Street parking lot instead of the Ports O' Call Village parking lot, causing economic financial losses, lost earnings and lost profits.
- e. The Port closed the Ports O' Call Village Port Police Office and incidents have occurred where the police were needed for assistance and were not available.
- f. The Port changed the original San Pedro Waterfront Development Project 2009 Final EIR with an Addendum in 2016 in order to evict the Ports O' Call Shop Owners during construction and to prevent them from returning to the new San Pedro Public Market.
- g. The Port conspired and colluded with the City of Los Angeles and Developer to agree to the elimination of all ethnic minority owned Ports O' Call Village businesses.

39. Violation of the California Civil Jury Instructions - CACI 2204 - Negligent Interference With Prospective Economic Relations.

- a. The Port of Los Angeles intentionally interfered and conducted activities that would prevent and discourage current Ports O' Call Village Shop customers.
- b. The Port of Los Angeles knew that some Ports O' Call Village Shops have been opened over 50 years, offer items that can only be purchased there and have numerous returning customers.
- c. The Port intentionally failed to adequately maintain the Ports O' Call Village Shops grounds and infrastructure, discouraging the public from visiting and regular customers to return shopping causing economic financial losses, lost earnings and lost profits.
- d. The Port intentionally did not advertise the Ports O' Call Village in local newspapers and media, discouraging the public from visiting and shopping causing economic financial losses, lost earnings and lost profits.
- e. The Ports O' Call Shop Owners asked the Port to put-up Banners and Signs to be placed at freeway exits and major streets notifying the public that they were open during special events and the Port refused, causing economic financial losses, lost earnings and lost profits.
- f. The Port was diverting potential new visitors and customers coming to special events to the 22nd Street parking lot instead of the Ports O' Call Village parking lot, causing economic financial losses, lost earnings and lost profits.
- g. The Port closed the Ports O' Call Village Port Police Office and incidents have occurred where the police were needed for assistance and were not available.
- h. The Port changed the original San Pedro Waterfront Development Project 2009 Final EIR with an Addendum in 2016 in order to evict the Ports O' Call Shop Owners during construction and to prevent them from returning to the new San Pedro Public Market.
- i. The Port conspired and colluded with the City of Los Angeles and Developer to agree to the elimination of all ethnic minority owned Ports O' Call Village businesses and Office Space Renters.

40. Violation of Civil Rights - CACI 3000 - In General - Essential Factual Elements - 42 U.S.C. § 1983.

- a. The Port of Los Angeles under the color of law intentionally changed the approved project and certified San Pedro Waterfront Development Project 2009 Final EIR in 2016 using a CEQA Addendum as a Transmittal # 3 attachment to the Permit/Lease Agreement in order to justify its desire and intent to remove all Ports O' Call Village Retail Shops knowing that the majority of shop owners were ethnic minority owned. This is an act of Commercial Gentrification.
- b. We allege that the Port of Los Angeles additional reason to remove all ethnic minority owned businesses and Office Space Renters was to try to decrease the ethnic minority visitors, clients and customer visitation to the Ports O' Call because it was once a majority non-minority visitor and customer base which has now become a majority ethnic minority attendance and customer Base. This is an act of Commercial and Cultural Gentrification.
- c. The Port of Los Angeles under the color of law intentionally colluded and conspired with the Developers to remove all Ports O' Call Village Tenants, Shops and Office Space Renters knowing that The majority of shop owners were ethnic minority owned. This is an act of Commercial and Cultural Gentrification.
- d. The Port of Los Angeles and the Developers under the color of law intentionally violated the civil rights of Ethnic Minority Tenants, Shop Owners and Office Space Renters to engage in business and service ethnic minority visitors and customers interests and needs.
- e. The Port of Los Angeles under the color of law intentionally caused the Ports O' Call Tenants, Shop

Owners and Office Space Renters the majority of whom are ethnic minorities to incur significant economic financial losses, lost earnings, lost profits, medical expenses, lost customers, lost client, unable to provide public services, public assistance, physical pain and mental distress.

- f. The Port of Los Angeles under the color of law intentionally caused the Ports O' Call Tenants, Shop Owners and Office Space Renters employees the majority of whom are ethnic minorities to lose their jobs, incur significant personal economic financial losses, lost earnings, lost medical health program insurance benefits, lost social security insurance benefits contributions, lost workman's compensation benefits, physical pain and mental distress.

41. Violation of Civil Rights - CACI 3060 - Unruh Civil Rights Act - Essential Factual Elements - Civ. Code § 51, § 52.

- a. The Port of Los Angeles under the color of law intentionally discriminated against and violated the civil rights of Ports O' Call Village Tenants, Retail Shop Owners and Office Space Renters who are US Citizens, the majority of whom are ethnic minorities, different race, color, religion, ancestry, national origin and foreign language speaking.
- b. The purpose of this intentional malice, racist and invidious discrimination is to eliminate ethnic minority businesses, decrease ethnic minority employees and foremost decrease the number of ethnic minority visitors, customers and clients at the new San Pedro Public Market.
- c. The Port of Los Angeles under the color of law intentionally denied the Ports O' Call Village Tenants, Retail Shop Owners and Office Space Renters who the majority are ethnic minorities the equal opportunity to conduct business as non-minority ethnic owned businesses at Ports O' Call.
- d. The Port of Los Angeles under the color of law intentionally evicted all of the Ports O' Call Village Tenants, Retail Shop Owners and Office Space Renters who are the majority ethnic minorities the equal opportunity to remain during construction of the new San Pedro Public Market as non-minority ethnic owned businesses.
- e. The Port of Los Angeles under the color of law intentionally denied all of the Ports O' Call Village Tenants, Retail Shop Owners and Office Space Renters who are the majority ethnic minorities the opportunity to be relocated during construction to a temporary on-site location as originally approved in the San Pedro Waterfront Final EIR/EIS and later changed in 2016 by the use of a CEQA Addendum to the Port/Lease Agreement.
- f. The Port of Los Angeles under the color of law intentionally knew that the eviction of the Ports O' Call Village Tenants, Retail Shop Owners and Office Space Renters who are the majority ethnic minorities would cause the unemployment of 100's of ethnic minority workers and that future selected businesses would be predominantly non-ethnic minority owned and therefore hire no or significantly less ethnic minorities.
- g. The Port of Los Angeles under the color of law intentionally knew that the eviction of the Ports O' Call Village Tenants, Retail Shop Owners and Office Space Renters would prevent and/or discourage ethnic minorities, low income visitors, customers and clients to coming to the new San Pedro Public Market.
- h. That the racial discrimination by the Port of Los Angeles and Developer San Pedro Public Market,

- LLC aka LA Waterfront Alliance would intentionally cause the Ports O' Call Tenants, Retail Shop Owners and Office Space Renters the majority of whom are ethnic minorities to incur significant economic financial loses, lost earnings, lost profits, deprivation of livelihood, medical expenses, lost customers, lost clients, unable to provide public services, public assistance, possible loss of financed homes & transportation vehicles, children academic benefits, physical pain and mental distress.
- i. That the racial discrimination by The Port of Los Angeles and Developer would intentionally cause the Ports O' Call Tenants, Retail Shop Owners and Office Space Renters employees the majority of whom are ethnic minorities to lose their jobs, deprivation of livelihood, incur significant personal economic financial loses, lost earnings, lost medical health program insurance benefits, lost social security insurance benefits contributions, lost workman's compensation benefits, possible loss of financed homes & transportation vehicles, children academic benefits, physical pain and mental distress.
 - J. The Port of Los Angeles violated the civil rights of Environmental Justice Community Business Owners by evicting and eliminating all ethnic minority businesses at Ports O' Call and the future San Pedro Public Market with the malice and racist intent to prevent their economic benefits and Service to customers and visitors who are of the same ethnicity, cultural heritage, language and who enjoy the unique merchandise and services of these ethnic minority businesses.

Ports O' Call Village Tenant, Retail Shop Owner, Office Renter Ethnicity

1. African-American Gifts	African-American
2. Maha Enterprises	Afghanistan-American
3. MexiLatin Gifts	Mexican-American
4. Arts & Music	Iranian-American
5. Purple Store	Egyptian-American
6. Sweats Shop	Egyptian-American
7. Candy Town	Korean-American
8. Alaskan Seafood Restaurant	Korean-American
9. Pan Pacific Seafood Restaurant	Korean-American
10. Botanica Mystical Shop	Puerto Rican-American
11. Art By Diaz	Puerto Rican-American
12. Seabreeze Shells I	Mexican-American/Italian-American
13. Seabreeze Shells II	Mexican-American/Italian-American
14. Seabreeze Shells III	Mexican-American/Italian-American
15. Dryers Fun Ice Cream	Mexican-American/Italian-American
16. Figments	Czechoslovakian /Bohemian-American
17. Calvillo Photos	Mexican-American
18. Victims for Murdered Children	African-American

42. Violation of Civil Rights - CACI 3061 - Discrimination in Business Dealings - Essential Factual Elements - Civ. Code § 51.5

- a. The Port of Los Angeles under the color of law intentionally discriminated against and denied the Ports O' Call Village Tenants, Shop Owners and Office Space Renters who are US Citizens, the majority of whom are ethnic minorities, different race, color, religion, ancestry, national origin and foreign language speaking from conducting their business as non-minority White-Anglo American owned businesses.
- b. The purpose and motivation reason for this racist and invidious discrimination is to deny equal rights and eliminate ethnic minority businesses, decrease ethnic minority employees and foremost decrease the number of ethnic minority visitors, customers and clients at the new San Pedro Public Market.

The Port of Los Angeles is under the misguided racist perception that Ethnic Minorities are the cause for non-ethnic minority White-Anglo American Owned businesses leaving Ports O' Call over the past 20 years and non-ethnic minority White-Anglo Americans not wanting to come to Ports O' Call.

The truth is that the Port of Lo Angeles has failed in its policies and planning process to support the commercial economic redevelopment of Ports O' Call. The Port approved the San Pedro Waterfront Development Project Final EIR in 2009 and it is now in 2018 they are starting on the new San Pedro Public Market which will be completetd in 2021 hopefully. The Ports priority has been the expansion of containerization.

Non-ethnic minority White-Anglo Americans have left to go to more attractive and modern venues and as a result the ethnic minority population has been growing and enjoyed going to the Ports O' Call Village venue.

What has occurred is that the City of Long Beach has supported major investment in the redevelopment of its Ocean Blvd.- Beach Waterfront which has resulted a beautiful, modern and successful public venue. The City of Los Angeles has supported the redevelopment of its downtown which has resulted in the creation of LA Live, Nokia and the Staples Center and ignored Ports O' Call.

- c. The Port of Los Angeles under the color of law intentionally evicted all of the Ports O' Call Village Shop Owners and Office Space Renters who are the majority ethnic minorities the equal opportunity to remain during construction of the new San Pedro Public Market as non-minority ethnic owned businesses.
- d. The Port of Los Angeles under the color of law intentionally denied all of the Ports O' Call Village Shop Owners and Office Space Renters who are the majority ethnic minorities the opportunity to be relocated during construction to a temporary on-site location as originally approved in the San Pedro Waterfront Final EIR/EIS and later changed in 2016 by the use of a CEQA Addendum to the Port/Lease Agreement.
- e. The Port of Los Angeles under the color of law intentionally denied and refused to issue long term Lease Agreements to the Ports O' Call Village Shop Owners and Office Space Renters and illegally

changed the San Pedro Waterfront 2009 Final EIR in 2016 requirement that all of the Ports O' Call Village Shops be allowed to come back to the new San Pedro Public Market.

- f. The Port of Los Angeles under the color of law intentionally knew that the eviction of the Ports O' Call Village Shop Owners and Office Space Renters who are the majority ethnic minorities would cause the unemployment of 100's of ethnic minority workers and that future selected businesses would be predominantly non-ethnic minority owned and therefore hire no or significantly less ethnic minorities.
- g. The Port of Los Angeles under the color of law intentionally knew that the eviction of the Ports O' Call Village Shop Owners and Office Space Renters would prevent and/or discourage ethnic minority visitors, customers and clients to coming to the new San Pedro Public Market.
- h. That the racial discrimination by the Port of Los Angeles and Developer San Pedro Public Market, LLC aka LA Waterfront Alliance would intentionally cause the Ports O' Call Shop Owners and Office Space Renters the majority of whom are ethnic minorities to incur significant economic financial loses, lost earnings, lost profits, deprivation of livelihood, medical expenses, lost customers, lost clients, unable to provide public services, public assistance, possible loss of financed homes & transportation vehicles, children academic benefits, physical pain and mental distress.
- i. That the racial discrimination by The Port of Los Angeles and Developer would intentionally cause the Ports O' Call Shop Owners and Office Space Renters employees the majority of whom are ethnic minorities to lose their jobs, deprivation of livelihood, incur significant personal economic financial loses, lost earnings, lost medical health program insurance benefits, lost social security insurance benefits contributions, lost workman's compensation benefits, possible loss of financed homes & transportation vehicles, children academic benefits, physical pain and mental distress.

43. Violation of Fiduciary Duties - Duty of Care, Duty of Good Faith, Duty of Loyalty, Duty of Impartiality, Duty of Prudence, Duty of Accountability, Duty of Reasonable Care, Duty to Perform Due Diligence and Duty to preserve public's trust in government.

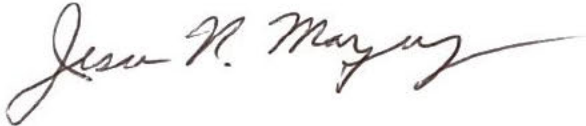
The Port of Los Angeles, Los Angeles Harbor Department and Board of Harbor Commissioners have violated their Fiduciary Duties - Duty of Care, Duty of Good Faith, Duty of Loyalty, Duty of Impartiality, Duty of Prudence, Duty of Accountability, Duty of Reasonable Care, Duty to Perform Due Diligence and Duty to preserve public's trust in government as described in the information provided herein.

There is a USB Memory Drive which contains 242 documents totaling over 5,000 pages which is an attachment to this document that includes:

1. Digital copy of the Request for Criminal Compliant and Request for Investigation
2. Addendum I - San Pedro Waterfront Project Information & Supporting Request Evidence
3. Addendum II - Supporting Nicholas G. Tonsich Unethical Port of Los Angeles Activity Information

The principal contacts for the Ports O' Call Tenants, Retail Shop Owners and Office Space Renters is Jesse N. Marquez who is the principal author of the Request for Investigation and Request for Criminal Compliant and legal counsel Anthony G. Patchett.

Respectfully submitted on behalf of the public interests and justice for the Ports O Call Village Tenants, Retail Shop Owners and Office Space Renters.



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(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy



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(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy



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