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VIA ELECTRONIC MAIL

Los Angeles Planning and Land Use Management ("PLUM") Committee
Honorable Chair Marqueece Harris-Dawson
Los Angeles City Hall
Los Angeles, CA 90012
Via Email: clerk.plumcommittee@lacity.org

**Re: Appeal of Conditional Use, Density Bonus and Site Plan Review at 2111-2139
S. Pacific Ave; CPC-2019-4884-CU-DB-SPR-RDP and ENV-2019-4885-CE;
Appeal Case No. CPC-2019-4884-CU-DB-SPR-1A**

Honorable Chair Harris-Dawson and Committee Members:

This firm represents Appellant Citizens Protecting San Pedro ("CPSP") in its appeal of the City Planning Commission's approval of the Conditional Use Permit, Density Bonus incentives and waiver, and Site Plan Review for the Project at 2111 South Pacific Avenue in the San Pedro Community. As demonstrated below, the Project grab-bag of deviations from applicable development regulations beyond those contemplated even for affordable housing projects is a galling abuse of the City's Density Bonus Ordinance. Furthermore, the City violates its own Multiple Approvals Ordinance in refusing to hear Appellant's Density Bonus arguments, barring a meaningful hearing of Appellant's arguments. In a desperate attempt to justify Project approval under CEQA, the City advances three theories of CEQA compliance, each one less credible than the last. Finally, the July 29, 2022 letter from the Applicant's counsel ignores the plain language of the LAMC regarding appeal procedures and density bonus procedures, mischaracterizes Density Bonus Law, misapplies CEQA law and conceals the Project's significant environmental impacts. Appellant respectfully requests that the PLUM Committee grant the appeal, deny the granted exceptions and determine that the environmental review is inadequate.

I. FAILURE TO HEAR THE DENSITY BONUS APPEAL VIOLATES APPELLANT’S DUE PROCESS RIGHTS

Under LAMC Section 12.22 A.25(g)(3)(ii)(a), for a project with a request for waiver or modification of any development standard(s) not on the menu that also has other discretionary applications, such as the Project, the applicable procedures set forth in LAMC Section 12.36 (Projects Requiring Multiple Approvals) shall apply. The requirements of LAMC Section 12.36 apply to quasi-judicial approvals for which the initial decision becomes final unless the specific code sections listed are appealed. The list of land use approvals falling within LAMC 12.36 includes LAMC 12.22-A.25 (Density Bonus), LAMC Section 12.24 (Conditional Use Permits), LAMC Section 16.05 (Site Plan Review) and LAMC 11.5.14 (Redevelopment Plan Permits).

LAMC Section 12.36 further states that when the CPC is the initial decision-making authority for projects requiring multiple approvals that the appellate body is the City Council. City Charter Section 564, although silent on appeal procedures detailed in LAMC Section 12.36, further justifies hearing CPSP’s density bonus appeal claims, establishing that the City Planning Commission is the initial decision maker for purposes of the appeal procedures in LAMC Section 12.36. LAMC Section 12.36(1)(b) which provides in unambiguous terms that the “City Council shall decide all appeals of the City Planning Commission’s decisions or recommendations as the initial decision-maker on projects requiring multiple approvals.” Thus, all entitlements requested including Density Bonus approvals, Site Plan Review, Conditional Use Permits and Redevelopment Plan permits – are appealable to the City Council.

The Applicant improperly relies on LAMC Section 12.22-A.25(g)(3)(i)(b) to assert that the Density Bonus approvals are final and not appealable as it states: “The decision of the City Planning Commission shall be final.” This language section applies only to stand-alone Density Bonus Cases “that are not subject to other discretionary applications” per LAMC Section 12.22-A.25(g)(3)(i). For developments requesting Density Bonus approvals “and which include other discretionary applications,” the “applicable procedures set forth in Section 12.36 of this Code shall apply” per LAMC Section 12.22-A.25(g)(3)(ii). Therefore, developments with multiple approvals are not subject to the provision that the CPC decision is final, and the City Council must accept the Density Bonus appeal.

The CPC Letter of Determination (“LOD”) erroneously states on page 2 that the decision of the CPC related to the off-menu incentives and waiver of development standard is not appealable. This is not correct because, as described above, all entitlements for the entire Project are appealable under LAMC Section 12.36.

The failure to hear Appellant’s Density Bonus appeal arguments in violation of LAMC Section 12.36 violates appellant’s due process rights by precluding its arguments from being heard by the ultimate decision-making body, City Council. In particular, Appellant was

prevented from presenting supplemental claims arguing that the Project improperly approved the waiver of the loading space. The CPC findings asserted that the Project would lose two dwelling units by providing the loading space instead of parking, but failed to justify this claim. The floor plans on a four-story, 100-unit development are sufficiently broad to allow the Project to accommodate two units elsewhere in the Project. The Project already requested relief from parking regulations, so regulatory compliance was not a barrier. Nor could the loading space have been used as required usable open space, as it was below grade and adjacent to parking. Furthermore, the loss of two dwelling units in the context of a 100 dwelling unit development can hardly spell the difference between a development that is able to provide for affordable housing costs, and one that is not. The two dwelling units are a marginal change in the size of the project, and it does not intuitively follow that the loss of two dwelling units would preclude the Project providing for affordable housing costs. Fundamentally, the findings fail to show that the waiver of the loading space was necessary to provide for affordable housing costs *compared to a development already receiving the other incentives and waivers*.

The Project's incentives further violate State Density Bonus Law because the need for requesting the full extent of the incentives was generated by the Project's decision to request a Conditional Use Permit to allow additional density in the Project *beyond* that which is provided for by State Density Bonus Law. A comparison with the development at 1309 S. Pacific Avenue illustrates this point, as that development was approved with a comparable number of dwelling units (102) and affordable units (12 Very Low Income units), yet the development at 1309 S. Pacific Avenue did not request a CUP as its density increase was provided for by State Density Bonus Law. It is clear that the Project's incentives are the result of a self-created circumstance due to the additional density from the CUP request allowing additional dwelling units and a financial windfall, in direct violation of State Density Bonus law which allows approval of incentives only to provide for affordable housing costs.

Moreover, the Project does not comply with the State Density Bonus Law and the local implementing ordinance adopted by the City. Density Bonus projects are permitted a maximum of three incentives, or four incentives if the development is 100 percent affordable housing.¹ LAMC Section 12.22-A.25(f) contains the list of eight on-menu incentives for affordable housing. The City's grant of a waiver of development standard to permit a 15.5 foot and two-story increase in the permitted building height is a fourth incentive as it is no different from any other incentive. Labeling the requested height increase as a waiver of development standards is simply a means to enable the Project to request four, rather than three incentives, mooted the purpose of Government Code Section 65915(d) which permits only up to three incentives based on the density bonus for which a development is eligible. There is no logical difference between an off-menu height request and a height waiver, yet the City readily abuses its Density Bonus procedures to bypass the three incentive limit. The CPC therefore erred by approving a Density Bonus project with four incentives in violation of State Density Bonus Law and the local implementing ordinance. Furthermore, the Project does not comply with the Density Bonus

¹ LAMC Section 12.22-A.25(e)(1).

Ordinance because it utilizes a bicycle parking reduction in addition to Parking Option 1 as prohibited by LAMC Section 12.21-A. which provides that “the replacement of automobile parking with bicycle parking shall be implemented in lieu of the parking options in Section 12.22 A.25.(d).”

Finally, the Project fails to comply with requirements in the LAMC which limit incentives and concessions only to those requests which are required to provide for affordable housing costs as defined in Health & Saf. Code, § 50052.2 or § 50053 for rents for the affordable units per LAMC Section 12.22-A.25(g)(2)(c)(i). Here, the City has not only failed to require a pro forma consistent with LAMC Section 12-22-A.25(g)(3)(i)(a), it has also failed to present Project-specific evidence to justify the findings for each of the requested incentives and waivers. In particular, the findings failed to adequately justify the incentive for waiver of the loading space. In the sparse findings relied on to approve the waiver of the loading space, the City determines that provision of the loading space would require removal of two dwelling units. This analysis fails to define the analytical route by which the removal of two dwelling units would render the development unable to provide for affordable housings costs. *Topanga Ass’n. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.

The Applicant’s response letter cites *Schreiber v. City of Los Angeles* (2021) 69 Cal.App.5th 549, 558 for the proposition that the City’s pro forma requirement is pre-empted. However, State Density Bonus Law explicitly allows a local government to require documentation to establish eligibility for incentives or waivers:

A local government shall not condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law, including this section. This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p).²

Nothing in this Section precludes City from requesting a study to support the finding that the loading space removal physically precludes development of the requested density. The study could have been focused on architectural and schematic design rather than economic feasibility. City's failure to require a study fatally undermines its findings justifying the incentives and waivers. Without a study or any evidence at all, City lacks the one piece of evidence which could credibly support its findings.

² Gov. Code, § 65915, subd. (a)(2).

The CPC's approval of the Project nullifies the limitations on incentives and concessions required by State Density Bonus Law, including the finding that incentives must provide for affordable housing costs. Here, the City not only failed to request any evidence from the Applicant regarding the implications of removing any of the incentives, such as the waiver of loading space, the supposed evidence supporting its findings is speculative and addresses irrelevant issues such as the development rights under alternative entitlement schemes. Crucially, it fails to connect any of its analysis with the core requirement of the finding itself, to provide for affordable housing costs.

The Applicant's response letter asserts that "Although the City was not required to make any finding in support of the density bonus approval, the LOD's detailed findings explained the incentives were necessary." The City itself is operating within a framework in which it makes findings and purports to support those findings with substantial evidence. It cannot represent to the public that it has no obligation to make findings while simultaneously producing sparsely-justified findings lacking substantial evidence.

However, CPSP was never able to present these arguments because its appeal rights were unlawfully truncated by the City's refusal to consider appeals of the Density Bonus approval. CPSP has been prejudiced by this violation of applicable appeal procedures because it was precluded from advancing and fully developing this argument before the City Council, resulting in the removal of the loading space incentive and disapproval of the off-menu height incentives. To comply with due process and the LAMC's mandatory appeal procedures, CPSP requests the PLUM Committee re-notice the hearing to recognize the appeal of the Project's Density Bonus incentives. This prejudice to the Appellant is exacerbated by Applicant's last-minute submittal of an appeal response late on Friday, July 29 – leaving just one working day before the hearing which is inadequate time for the Appellant to fully analyze the letter and correct its inaccuracies in fact and law and mischaracterization of Appellant's arguments.

II. THE CONDITIONAL USE FINDINGS LACK SUBSTANTIAL EVIDENCE

The CPC erred and abused its discretion by approving, pursuant to LAMC Section 12.24-U-26, a Conditional Use Permit for a 46 percent increase in density over the Project site, in lieu of the otherwise permitted 35 percent increase in density allowable under LAMC Section 12.22-A.25. The CPC findings unreasonably rely on the existence of a single three-story building approximately 30 feet in height to justify its 45-foot, 5-inch height, ignore the development context of Pacific Avenue and generally fail to develop any analytical route to justify its conclusions. The following findings required by LAMC Section 12.24-E cannot be made.

A. The Project's Location, Size, Height, Operations and Other Significant Features Will Not Be Compatible with Adjacent Properties and the Neighborhood

1. The Project's Height Lacks Precedent and Impacts Adjacent Residences

The CPC findings failed to muster enough relevant evidence to allow a reasonable person to conclude the Project's height is compatible with adjacent residences. All evidence about the Project and its development context along Pacific Avenue demonstrate that there are material conflicts between the Project's proposed height and the use and enjoyment of adjacent properties, as the alley would be dominated by an imposing four-story structure. Furthermore, the Project's height implicates the aesthetic of Pacific Avenue and the surrounding community more generally, which is dominated by low-rise commercial or mixed use development ranging from one to three stories.

The Findings adopted by CPC accurately recognize that the Project's height rendered it taller than structures on adjacent properties, noting that adjacent uses range from one to three stories. Even this overstates the height of such developments which are limited to 30 feet within the "1XL" Height District. The Findings recite further facts purporting to justify the increased height, claiming incorrectly that the Project provides stepbacks compliant with the CPIO to ensure compatibility with adjacent developments. The minimal stepbacks provided by the Project are far from the 29-foot setback or stepback required by the CPIO, as demonstrated below.

After effectively acknowledging that the Project is substantially taller than all nearby development, the CPC's findings inexplicably conclude that the Project's height will not adversely affect adjacent properties. However, the findings fail to articulate how the existence of a nearby three-story structure renders the development compatible with an overwhelmingly low-rise neighborhood. The findings are deficient in that they fail to identify the analytical route to conclude that the Project's height is compatible with adjacent developments.

In fact, the Project's height would be materially incompatible with adjacent developments. Of the seven adjacent residential properties in the block between 21st and 22nd street, there are six one-story homes and one two-story home, which would all be approximately twenty feet away from, and completely in the shadow of, this proposed 45.4-foot apartment building lined with balconies to look down on them. The project's size is grossly and materially over the mass and scale of the surrounding neighborhood, which include modest one-story and two-story homes which will be dwarfed by the Project. The Project will shade adjacent residents' homes for much of the day, reducing their quality of life. It will significantly lessen sunlight and air flow and shut out the sunset views that are a defining characteristic of the neighborhood. The towering mixed-use structure is incompatible with its surroundings and will impair the integrity and character of the neighborhood and it will be detrimental to the public welfare.

2. The Lack of Loading Space is Incompatible with Adjacent Uses

Further, the elimination of the loading space requirement will cause conflicts by requiring necessary commercial deliveries to double-park in the street, not only obstructing traffic but risking injuries to bicyclists using the bike lanes on Pacific Avenue. Because Pacific Avenue is already on the City's High Injury Network, delivery vehicles double-parking in bicycle lanes is especially hazardous.

The provision of a loading space in the subterranean parking level *without a service door* renders it virtually useless. To ensure that loading spaces are usable for significant commercial loading and unloading operations, the Zoning Code requires that loading spaces "shall be directly accessible through a usable door not less than three feet in width and not less than six feet six inches in height opening from the building it is to serve."³ Here, the loading space has *no service door* so delivery persons would need to move the truck into the drive aisle to move items from the truck to the commercial areas. This path of travel requires delivery persons to transport deliveries across a drive aisle with highly limited visibility because it is at the bottom of a ramp at the Project entrance.

In addition, the practical value of the loading space in the lower subterranean level becomes clear when one traces the route a truck would take to *back into* the loading space and then leave the loading space, as it requires a three-point turn in a delivery truck while maneuvering between structural columns with limited visibility and several changes in grade. Rather than endure this gauntlet of risks and hassles, delivery drivers will predictably opt to save time by double parking in the street. As a result, the lack of a loading space increases risks to bicyclists and drivers on a High Injury Network and is materially incompatible with adjacent uses because it predictably results in regular double parking impeding neighbors' safe use of public streets.

3. The Project's Inadequate Parking Facilities Impact Residents and Businesses

The Project provides only 80 parking spaces for the 100 dwelling units, nearly half of which are tandem spaces. Appellant has obtained an expert report prepared by Infrastructure Group, Inc. attached hereto as **Exhibit 1** demonstrating that the Project's parking is both inadequate for the Project demand and noncompliant with applicable law. The reliance on tandem parking spaces dramatically reduces the utilization of the rear tandem parking spaces, as the inconvenience and time to coordinate with another household is simply not sustainable on a daily basis. In addition, the Project proposes to unbundle parking for the market units, further incentivizing residents to forego on-site parking and rely on street parking. To make matters worse, the Project includes many two-bedroom units which will likely include households with more than one vehicle. Thus, the Project is woefully deficient in parking spaces, as it provides approximately one half of a usable (individually accessible) parking space per dwelling unit.

³ LAMC Section 12.21-C.6(b).

Residents have testified that street parking is in critically short supply in the Project area, especially in the evenings. The lack of street parking has resulted in residents fighting for any available space they can find, double parking in narrow streets, blocking traffic, causing accidents and obstructing the two major tsunami evacuation routes relied in by police and fire assistance. **(Exhibit 2)** The Project will directly cause and exacerbate these nuisance behaviors based on the testimony of residents observing driver behaviors after development of comparable under-parked projects in the area. The existing road infrastructure in San Pedro gives rise to numerous conflicts between road users, including bicyclists, motorists and buses. Illustrations of inadequate infrastructure and resulting road conflicts are attached as **Exhibit 3**. The lack of adequate parking also causes risks to bicyclists as drivers will double park within bike lanes on Pacific Avenue, which is already is on the High Injury Network. Therefore, the Project's lack of a loading space is not compatible with adjacent properties or the neighborhood.

B. The Project Does Not Substantially Conform to the General Plan, CPIO and Redevelopment Plan

1. The Project Does Not Substantially Conform to the General Plan

The Project conflicts with core goals, objectives and policies of the General Plan, including the Framework Element, the San Pedro Community Plan and the Mobility Element. Appellant exhaustively documented the Project's conflicts with the General Plan while not only listing policies, but establishing the causal and analytical connections between the Project and the alleged inconsistencies. In contrast, the CPC's findings merely list the Project's zoning, the Project description and lists goals, objectives and policies without explanation. It describes the Project as consistent with Community Plan Goal LU3 which provides for multifamily neighborhoods that "exhibit the architectural characteristics and qualities that distinguish San Pedro." The findings never identify which characteristics and qualities are characteristic of San Pedro, and which the Project emulates. In fact, the overwhelming evidence supports the opposite conclusion: that the Project fails to incorporate key architectural characteristics of San Pedro architecture, such as its low-rise character or ample setbacks. Likewise, the findings identify the Project as consistent with Community Plan Goal LU5 which provides for "Strong and competitive commercial districts that are aesthetically appealing, pedestrian-oriented, easily accessible and serve the needs of the community while preserving the unique commercial and cultural character of the community." Once again, the findings fail to explain how the Project is consistent with this policy, when it is apparent the opposite conclusion is the case. The Project is not "easily accessible" because it fails to provide adequate parking or loading spaces, nor does it preserve the unique commercial and cultural character of the community by providing only token commercial space in a wildly oversized structure.

2. The Project Does Not Comply with the Zoning Code

a. The Project fails to provide one “individually accessible” parking space per dwelling unit and requests no relief

The Project relies on the State Density Bonus Law to permit tandem parking, but its request exceeded the mandates of the Density Bonus Law because it not only superseded local limitations on the use of tandem parking, but also local parking design standards requiring one accessible space per dwelling unit which are not pre-empted by the State Density Bonus Law.

The Zoning Code requires that every parking area providing required parking spaces shall be improved to standards established by LADBS.⁴ One Bulletin promulgated by LADBS pursuant to this authority, P/ZC 2002-001, provides that when tandem parking is used in a private parking garage, “[a]t least one parking stall per dwelling unit and all stalls required for any guest parking shall be individually and easily accessible.”

State Law does not entitle the Project to disregard local parking design standards, such as the requirement to provide one individually accessible space per dwelling unit, which are categorically distinct from tandem parking prohibitions. The expert traffic letter prepared by Infrastructure Group, Inc. concludes that the “individually and easily accessible” requirement is separate from the Zoning Code but is instead a Building and Safety standard implicating health and safety.⁵ Thus, the LADBS requirement to provide at least one individually accessible parking space per dwelling unit remains in effect. However, the Project’s request for relief to provide fewer parking spaces (80) than dwelling units (100) means it is not in compliance with the City’s Zoning Code. Furthermore, because the applicant did not request relief from the “individually accessible” standard, and because it is not pre-empted, this standard remains applicable. Therefore, the CPC erred by determining the Project is compliant with the Zoning Code, because its parking scheme conflicts with core LAMC parking design regulations.

b. The Project fails to provide queuing space for tandem spaces

The same LADBS Bulletin requires a queuing space for the rear tandem parking space to pull into and accommodate the “shuffling of cars” while specifying its required dimensions:

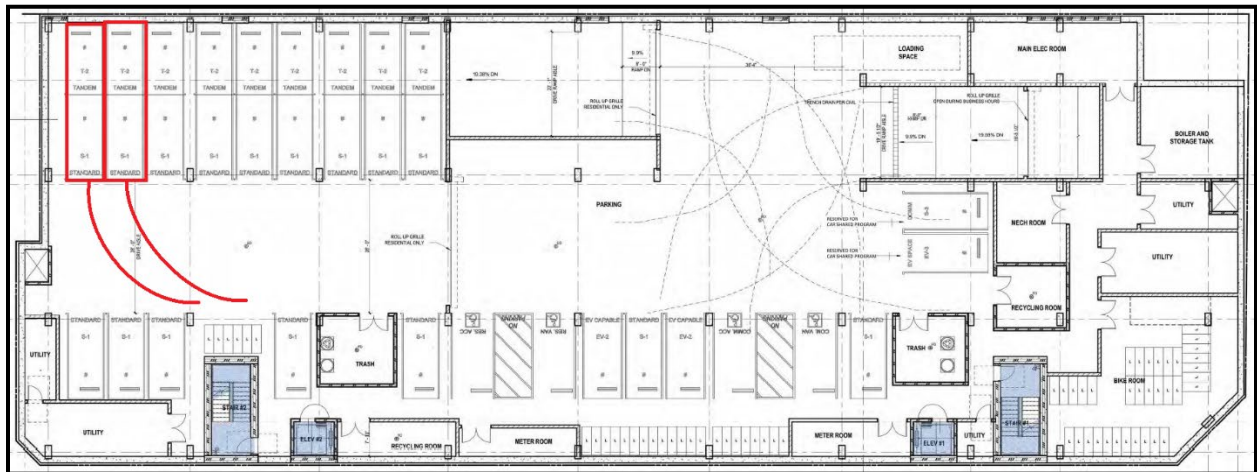
When tandem parking is provided, parking area shall be capable of accommodating required onsite queuing spaces for the shuffling of cars. The queuing spaces shall be arranged so to that the required driveway access aisle is not reduce to less than 10’ wide. Each of the queuing spaces shall be minimum 8’ wide and 18’ long.

⁴ LAMC Section 12.21-A.5.

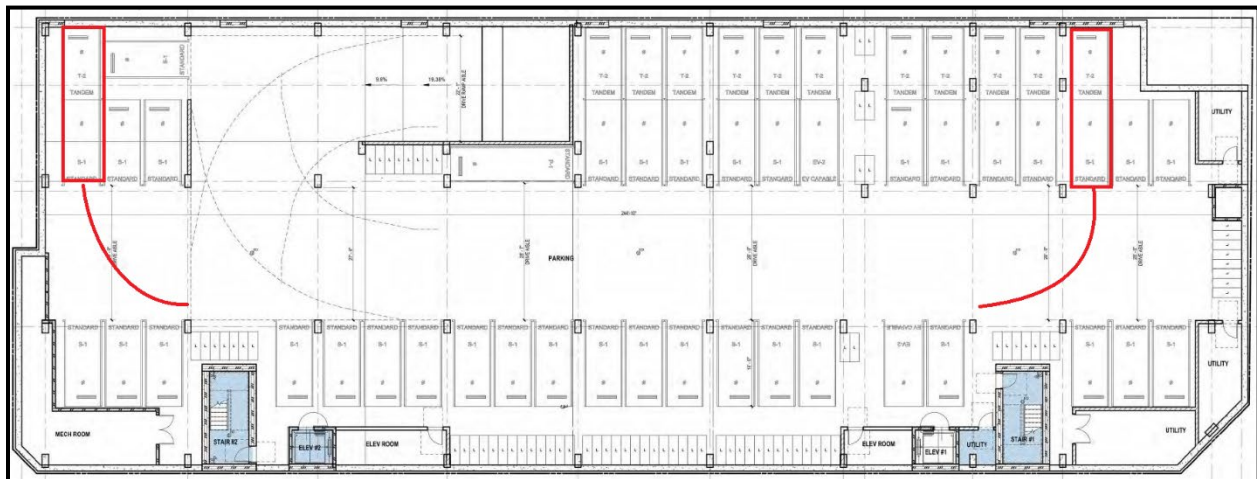
⁵ *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329 is distinguishable because it addressed a zoning modification granted by the City of Berkeley’s Zoning Adjustment Board, whereas here Appellant challenges, in part, compliance with *Building and Safety* parking standards for which no relief was granted.

As shown in the Upper Level and Lower Level Parking Plans, several pairs of tandem parking spaces lack adequate space for the shuffling of cars. In each case, the rear tandem vehicle has space to back into, but the front tandem vehicle is obstructed and cannot complete its maneuvers to exit the tandem parking space. It is clear from the arrangement of these spaces that there is insufficient space for an 8 foot wide and 18 foot long queuing space due to the location of tandem spaces in the corners of the garages.

Upper Level Parking Plan



Lower Level Parking Plan



3. The Project Does Not Comply with Redevelopment Plan.

The Pacific Corridors Redevelopment Plan establishes land use and development standards, including parking standards. In particular, the Redevelopment Plan provides that “in no case shall parking be less than the requirements of the Los Angeles Municipal Code, including reduced parking requirements at and around transit stations and reductions permitted

for shared parking.”⁶ Here, the Project fails to comply with the Redevelopment Plan parking standards because it proposes parking not in compliance with the requirements of the LAMC, specifically the requirement to provide one individually accessible space per dwelling unit. Therefore, the CPC erred by finding the Project is in substantial conformance with the Redevelopment Plan because it’s unwarranted tandem parking scheme conflicts with mandatory and unambiguous language requiring compliance with minimum LAMC standards.

4. The Project Does Not Comply with the CPIO.

The Staff Report inaccurately states that the applicant “has not requested, and has not been granted, any deviations from the CPIO regulations.” This is transparently false, as demonstrated by the approval grants in the CPC Letter of Determination which approved a FAR of 3.26 in lieu of 1.5:1 “as otherwise permitted in the C2-1XL-CPIO Zone and San Pedro ***Community Plan Implementation Overlay (CPIO) Section IV-2.B;***” and a 15.5 foot and two story increase in the maximum building height to allow 45 feet five inches and four stories in lieu of 30 feet and two stories as otherwise permitted in the C2-1XL-CPIO zone and ***CPIO Section IV-2.A.2.***” Despite these deviations, the Project was improperly approved with an Administrative Clearance which is appropriate only “for a Project that complies with the provisions of an adopted CPIO” per LAMC Section 13.14-G.2.

The CPIO requires that the “structure shall be set back or stepped back one foot for every foot in height as measured 15 feet above grade at the residentially zoned plot property line.”⁷ The Project’s height measured above Grade is 45 feet, 5 inches, with the adjacent property line at 1 foot, 5 inches above the Property’s Grade. Thus, the Project’s height as measured at the adjacent lot line is 44 feet, and its height measured 15 feet above the adjacent lot line is therefore 29 feet. Applying this standard, the structure shall be set back or stepped back 29 feet, with ten feet of this able to be accommodated within the alley, and thus the building must be stepped back 19 feet from the alley.⁸

Here, the City erroneously applied a 45-degree measurement to implement this regulation, but this interpretation is not grounded in the CPIO or in any diagram or Guidelines accompanying the CPIO. In fact, the only references to a 45-degree angle measurement within the CPIO Development Standards is for the Central Commercial Subarea, which provides an *intentionally distinct method of measurement* and which is not applicable to the Project. Within the Guidelines, the Building Scale guidelines recommend stepping back a structure at a 45 degree angle measured 30 feet at the development’s own lot line. The language at issue, however, requires a “setback or stepback” which is distinct language from the other references and provides some flexibility to accommodate the greater setbacks or stepbacks required – in this case, 29 feet. The CPC erred by finding the Project substantially conformed to the CPIO because

⁶ Pacific Corridors Redevelopment Plan, § 514.

⁷ CPIO Section IV-2.A.3(b).

⁸ LAMC Section 12.22-C.10.

it deviates from setback requirements specifically conceived to reduce the height and mass impacts of developments like the Project.

5. The Project Does Not Comply with the Density Bonus Ordinance.

As demonstrated above, the Project does not comply with the Density Bonus Ordinance in two respects. First, it improperly relies on a waiver of development standards to grant the Project a fourth incentive in violation of LAMC Section 12.22-A.25(1). Second, it utilizes both a bicycle parking reduction and Parking Option 1 in violation of LAMC Section 12.21-A.4. Further, as articulated in Appellant's prior correspondences, the Project cannot satisfy the findings to approve Density Bonus incentives.

III. THE SITE PLAN REVIEW FINDINGS LACK SUBSTANTIAL EVIDENCE

A. The Project is Not in Substantial Conformance with the Coastal Act and Land Use Plan

Coastal Act Section 30200(a) requires: "All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved." Here, the Project violates policies in the Coastal Act and Land Use Plan providing that public parking is a coastal resource and that Projects should not be approved where they result in an inconvenient traffic pattern that would implicate public access. Here, the Project would result in a severely under-parked development without adequate loading space adjacent to bicycle infrastructure and parking spaces used by the public to access the Coastal Zone, located just feet from the Project Site.

B. The Housing Accountability Act Does Not Preclude Appellant's Claims

The Applicant's response letter asserts that the Housing Accountability Act precludes denial of the Project because the required findings are subjective. This is in error. First, the Density Bonus Law and Housing Accountability Act do not preclude application of Coastal Act policies, such as those protecting public parking, including in areas outside the Coastal Zone that could have a direct impact on resources within the Coastal Zone. Second, the argument incorrectly assumes that the Site Plan Review findings are exclusively subjective, as its second finding requires consideration of aspects of the Project which are objectively not in compliance with LAMC standards, such as "off street parking facilities" and "loading areas." Finally, to the extent the Housing Accountability Act applies to the Appellant's arguments, the City erred and abused its discretion by failing to find that the Project would result in specific adverse impacts and on that basis denying the Project as authorized in Government Code Section 65589.5(j)(1)(A).

C. The Project is Not Compatible with Existing and Future Neighboring Developments.

As articulated above and in Appellant's previous correspondences, the Project's height and lack of parking and loading facilities renders it fundamentally incompatible with neighboring developments. Many adjacent uses consist of older multifamily building with nonconforming parking and lack adequate parking facilities for residences, forcing many to rely on street parking in increasingly congested local streets.

The findings fail to provide substantial evidence that the Project is compatible with neighboring developments, relying on faulty logic and misconstruing evidence. First, the findings assert that the Project's height is compatible with the neighborhood due to the existence of a three-story building, without noting that the Project's first floor alone is nearly half the height of that entire structure. Next, the findings fail to consider the broader context of Pacific Avenue and adjacent developments other than the often-referenced three-story structure. Finally, the findings provide irrelevant and misleading information by asserting what the Project's permitted height *would be* with the On-Menu incentives, claiming the Project requests "only a 4 foot 5 inch increase from the maximum height allowed through an On-Menu Incentive." The permitted development rights under an alternative entitlement scheme is irrelevant to the finding, and its inclusion in the findings distracts from the transparent conflicts between the Project and neighboring development. Furthermore, the proposed 45-foot, 5 inch height exceeds the 41-foot height limit permitted by incentive by *eleven percent*, which is a material difference in height especially in the context of a low-rise neighborhood such as San Pedro.

IV. THE PROJECT'S APPROVAL VIOLATES CEQA

A. The Project is Not Eligible for Class 32 CE.

1. The Project is Not Consistent with the General Plan and Zoning Regulations.

a. General Plan

As described above, the Project violates the Framework Element, the San Pedro Community Plan and the Mobility Element. The City's findings list clearly inapplicable policies while failing to articulate any connection between the Project and the findings. The Project is therefore ineligible for a Class 32 Categorical Exemption.

b. Zoning Regulations

The Project requests, and has been granted, substantial deviations from the applicable zoning regulations. First, the Project was granted three off-menu incentives including (i) an FAR of 3.26 to 1 in lieu of 1.5 to 1 as permitted in the C2-1XL-CPIO Zone within the San Pedro

Community Plan Implementation Overlay (“CPIO”) Section IV-2.B; (ii) a reduction in required parking to provide 80 spaces in lieu of 121 spaces required by Density Bonus Parking Option 1 and LAMC Section 12.22-A.25(d)(1); (iii) elimination of loading space required by LAMC Section 12.21-C.6. Second, the Project was granted two waivers of development standards to permit a 45-foot five inch structure with four stories in lieu of 30 feet and two stories otherwise permitted in the C2-1XL-CPIO Zone. Third the Project has been granted a conditional use permit for a 46 percent increase in density over the Project site, in lieu of the otherwise permitted 35 percent increase in density allowable under LAMC Section 12.22-A.25.

The Project requests numerous deviations from the applicable zoning regulations. The Project requests relief beyond that authorized by on-menu incentives, requesting off-menu incentives, a waiver of development standards and a CUP to exceed underlying zoning regulations.

In addition, the Project maintains noncompliance with applicable zoning regulations without requesting relief. As Appellant has noted, the Project fails to comply with CPIO setback regulations requiring a 29-foot setback or setback and LAMC parking access standards requiring individually accessible spaces. Therefore, the Project is not consistent with applicable zoning regulations and is not eligible for the Class 32 Categorical Exemption.

2. Approval of the Project Would Result in Significant Traffic, Noise and Air Quality Impacts.

As documented above, the Project provides woefully inadequate parking and loading space facilities to accommodate its 100 dwelling units. As a result, the Project’s residents and delivery vehicles will circle blocks scouring public streets for non-existent parking spaces, causing more double parking and increasing hazards to vehicles and bicyclists along a recognized dangerous street. It is well established that a Project’s context is relevant to a determination of significance, and here the fact that Pacific Avenue is on the City’s High Injury Network means the community is especially vulnerable to poorly considered parking or loading facilities. Moreover, the additional traffic caused the Project operations and the additional obstructions to other traffic from its double-parked residents deliveries result in substantial air quality impacts.

The Project’s Traffic Impact Assessment and other transportation analysis inaccurately state that the previously existing use on the vacant Project site was a “restaurant/bar.” This false assumption results in a trip distribution pattern with high peak-hour trip generation with PM peak hour volume alone accounting for 10 percent of total trips, allowing the Project’s Traffic Impact Assessment to deduct these peak hour trips when analyzing the Project’s transportation impacts. However, no reasonable person would characterize this venue as a restaurant. The basis for the determination originates in a *Department of Housing and Community Investment* determination intended to determine the number of existing dwelling units in compliance with AB 2556. The

use code attached to the pre-existing use was 2100 corresponding broadly to “restaurant/lounge/tavern.” However, the Recommendation Report to the PLUM Committee describes the previous use as a “single-tenant bar” at page 12, which conforms to neighbor testimony. These uses have wildly different trip generation profiles, with restaurants producing a much greater share of PM peak-hour trips compared to a bar or tavern, in which trip generation is concentrated in later evening. Moreover, recent reductions in bus service within San Pedro and specifically on Pacific Avenue will increase reliance on vehicle trips, further exacerbating already significant Project impacts. As a result, the Traffic Impact Assessment understates peak hour vehicle trips and conceals significant impacts.

3. The Project is Subject to Exceptions Precluding Use of a Categorical Exemption

a. The Project causes significant cumulative impacts

There have been a succession of residential and mixed-use development projects in San Pedro which have, through their construction and operations, cumulatively caused substantial environmental impacts. First, the developer and applicant for the Project is also the applicant for two related projects: the development at 1309-1331 Pacific Ave. and the development at 1801 Mesa. Second, there are eleven additional related projects in the Project vicinity in San Pedro:

- 111 N. Harbor Blvd. – 120 units, seven stories
- 407 N. Harbor Blvd. – 63 units, six stories
- 511 N. Harbor Blvd. – 137 units, eight stories
- 222 W. 6th St. – 228 units
- 337 W. 7th St. – 32 units, five stories
- 444 W. 5th St. – 99 units, eight stories
- 420 W. 9th St. – 56 units
- 500 block of S. Palos Verdes St. – 375 units, seven stories
- 1309-1331 Pacific Ave. – 101 units, four stories
- 200 block of 8th St. – 24 townhomes, three stories
- 1801 Mesa, 22 townhomes, three stories

Cumulatively, these developments have caused substantial aesthetic, air quality, GHG, and transportation impacts. Their excessive heights and bulky masses, often accompanied by minimal yards, result in cumulatively significant aesthetic impacts. Their concurrent construction and additional vehicle emissions associated with increased population will contribute to local air quality impacts. The construction and operation of hundreds of thousands of square feet of development, and the emissions associated with its energy needs and vehicle emissions, constitute a cumulatively significant GHG impact. These related projects often lack adequate parking, a condition exacerbated by some requesting parking waivers. In conjunction with inadequate transit servicing the increased population result in significant transportation impacts, the Project and related projects result in significant transportation impacts.

The Project's contributions to these impacts are cumulatively considerable, as its contributions to cumulative impacts are qualitatively different from impacts caused by related projects. First, the Project is unique in being surrounded on four sides by streets or alleys. As a result, the Project will result in the "canyon effect" of a tall structure adjacent to an alley, and also result in heightened visual and aesthetic impact of the Project relative to other developments with limited frontage and thus limited public visibility.

b. The Project causes significant impacts due to unusual circumstances

Under CEQA Guidelines Section 15300.2, categorical exemptions shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The City erroneously concluded that the project's size and height is not unusual for the vicinity of the subject site, and is similar in scope to other existing multi-family dwellings and proposed future projects in the area. However, other commercial and multi-family dwellings in the area are consistent with height limits for the subarea.

Further, the City failed to adequately recognize the four unusual circumstances, which in combination with the proposed project have the potential to result in significant impacts. First, the project's location in an area with poor air quality, increased cancer risk, and high environmental hazards scores from several agencies is an unusual circumstance giving rise to significant air quality impacts. Second, the project's location on the City's High-Injury Network designated for bicycle use according to the Mobility Element, combined with its unusual loading space in the subterranean level, give rise to significant traffic and air quality impacts. Third, the Project is served by aging sewer lines which are a daily challenge for San Pedro residents who suffer from low water pressure, sewer backup and line breaks. San Pedro's water infrastructure is in unusually poor disrepair because some of its main lines are among the oldest in the City. Fourth, the Project is highly unusual in that it is located on a Tsunami Evacuation Route, so its double parked residents and delivery vehicles could be abandoned and block Pacific Avenue during an emergency.

The Project's unusual circumstances, further described herein, have the potential to result in a number of potentially significant project and cumulative impacts, including: (1) Increased cancer and health risks, (2) Increased pedestrian and bicyclist accident risks and (3) Increased risk of sewer pipe leaks.

The Applicant's response letter incorrectly asserts that the City determined that only developments within 500 feet would constitute "related projects" for purposes of determining cumulative impacts of developments in the "same place." This determination lacks substantial evidence because the alleged environmental impacts, including air pollution, noise and lack of parking for coastal access, are caused by developments having impacts far beyond a 500-foot

radius. In the Project vicinity, parking for access to the Coastal Zone is distributed throughout neighborhoods, requiring members of the public to often use parking spaces more than 500 feet from their destination. Air quality impacts from increased diesel and particulate emissions are localized across San Pedro, not merely within 500 feet of the Port. Similarly, the noise impacts from the amphitheater would reverberate across San Pedro; there is no evidence to support the conclusion that its impacts beyond 500 feet are not potentially significant. Finally, nothing in CEQA supports the City's decision to arbitrarily cut off related developments based on a 500-foot radius, which instead requires analysis focused substantively on accurate analysis of cumulative impacts and a determination of whether the Project's contributions are "cumulatively considerable[.]" CEQA Guidelines Section 15064(h)(1).

B. The Project Does Not Qualify for Streamlining Pursuant to Guidelines Section 15162.

- a. The Project is Subject to Changed Circumstances Requiring a Major Revision to the Community Plan EIR to Mitigate Air Quality Impacts
 - i. *Expanded Port of Los Angeles Operations Have Increased Air Pollution Burden Since EIR Approval*

The Project requires preparation of a subsequent EIR pursuant to CEQA Guidelines Section 15162(a)(2) because "substantial changes have occurred with respect to the circumstances under which the Project is undertaken that will require major revisions to the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects." Since the adoption of the Community Plan EIR, the Port of Los Angeles has expanded its hours to include operations 24 hours a day, 7 days per week, nearly doubling its loading hours and resulting in approximately a thousand truck trips daily through the San Pedro community.⁹

The Community Plan EIR recognized that the Port of Los Angeles "represents a Major source of off-road sources of air emissions."¹⁰ Further, the DEIR acknowledges that the "largest contributors to inhalation cancer risk are diesel engines from trucks and ships operating in and out of the adjacent ports of Los Angeles and Long Beach."¹¹ Encompassing more than 7,500 acres and containing 25 passenger and cargo terminals, the Port of Los Angeles generates enormous volumes of pollution directly impacting the San Pedro community. Based on the circumstances during preparation of the EIR, the City determined that the Community Plan would not conflict with implementation of an air quality management plan, and that the

⁹ The expansion of hours increased container processing by 3,500 containers per week, requiring 7,000 weekly one-way truck trips to the Port of Los Angeles through San Pedro. Seven thousand weekly truck trips yields one thousand daily truck trips. Container processing source available at: <https://www.cbsnews.com/news/supply-chain-issues-port-of-los-angeles-going-247/>

¹⁰ DEIR, p. 4.2-2.

¹¹ DEIR, p. 4.2-11.

Community Plan could cause potentially significant air quality impacts requiring Mitigation Measures MM4.2-1 through MM4.2-3.

The expansion of operations at the Port of Los Angeles has dramatically increased diesel exhaust in the Project vicinity, resulting in a wildly different background of air quality and health impacts compared to those analyzed in the EIR. As a result, residents of San Pedro can expect to suffer greater health impacts from the Project's contribution to air quality impacts compared to the assumptions in the EIR. The EIR's reliance on methodologies of the Southern California Air Quality Management District ("SCAQMD") results in inappropriately high thresholds of significance given the changed and unique circumstances adjacent to the Port of Los Angeles.

Since the overall pollution burden in San Pedro has increased due to Port of Los Angeles expanding operations, development of the Project under current circumstances will result in a new impacts conflicting with implementation of an applicable air quality management plan (Impact 4.2.1) and greater severity of previously identified impacts (Impact 4.2-3). Therefore, the Project requires preparation of a subsequent EIR pursuant to CEQA Guidelines Section 15162(a)(2).

ii. Subsequent Major Developments Increase the Noise Pollution Burden on San Pedro Since EIR Approval

Subsequent to approval of the Community Plan EIR, the San Pedro community has been subjected to a flurry of development proposals which have increased the noise environment of San Pedro generally, resulting in greater susceptibility to the construction noise impacts of the Project. In particular, the San Pedro Waterfront Project would result in a host of uses which would increase noise impacts on its neighborhoods, including a 6,200-seat amphitheater (**Exhibit 4**) that would amplify and direct noise impacts towards San Pedro's residential communities. As a result of the substantially higher background noise levels, the Project's analysis of construction noise impacts is fatally flawed. The Project's Technical Noise Report states that the threshold of significance for construction noise is established by LAMC Section 112.05, which prohibits construction noise exceeding 75 decibels more than 50 feet from the source unless noise reductions are technically infeasible. Higher levels of ambient noise must be factored into the City's determination of a threshold of significance, yet the City applied the same thresholds in the LA CEQA Thresholds Guide despite a substantially worsened noise environment. *Los Angeles Unified School District v. City of Los Angeles* (1997) 68 Cal. Rptr. 2d 367.

C. The Project Does Not Qualify for Streamlining Pursuant to Guidelines Section 15168.

1. The Project Requires a Subsequent EIR for Significant Air Quality and Noise Impacts

The Project requires a subsequent EIR because it would have air quality and noise impacts that were not examined in the program EIR for the San Pedro Community Plan pursuant to CEQA Guidelines Section 15168(c)(1). As described above, the Project's environmental settling has deteriorated materially since the Community Plan EIR was approved, as San Pedro's streets accommodate approximately 1,000 additional daily truck trips and their associated exhaust fumes which are strongly correlated with cardiovascular disease and cancer. Given this environment of deteriorated air quality, the thresholds for conflict with an air quality management plan (Impact 4.2-1) and violating air quality standards (Impact 4.2-3) are inappropriately high and should be reduced to account for the community's susceptibility to air quality health impacts. The Community Plan EIR incorrectly anticipated the Project's air quality impacts to be less than significant (Impact 4.2-1) or less than significant with mitigation (Impact 4.2-3). The deteriorated air quality results in increased health impacts for the equivalent amount of air pollution caused by the Project. Therefore, the Project does not qualify for streamlining pursuant to CEQA Guidelines Section 15168. Similarly, the increased noise pollution from major developments subsequent to approval of the EIR results in significant noise impacts for the same magnitude of noise determined to cause less than significant impacts in the Community Plan EIR.

2. The Project's Density Exceeds the Scope of the Community Plan EIR and Requires a Subsequent EIR

Furthermore, the Project requires a subsequent EIR because it requests a Conditional Use Permit for a density increase of 46 percent, exceeding the 35 percent permitted by the State Density Bonus Law and the implementing ordinance codified in LAMC Section 12.22-A.25. The Community Plan Final EIR responded to comments by including descriptions of sections of the LAMC relevant to population and density. In Page 10-91 of the Additions and Corrections, the Final EIR describes the background density regulations relevant to the Project. In its description of the LAMC, the Final EIR conclusively states that the LAMC determines the permitted density on a lot. ("Zoning regulations provide for the types and densities of residential uses permitted in each of the City of Los Angeles' zones... The City of Los Angeles residential density standards are defined by zone... Zones dictate the number of units allowed per lot." The Final EIR qualifies these conclusions with a description of the Density Bonus Ordinance, but not the Conditional Use pursuant to LAMC Section 12.24-U.26 as requested by the applicant. In contrast, the Final EIR correctly notes that the Density Bonus Ordinance provides for "up to a 35 percent density bonus." The Project requests an additional *eleven percent* density increase, in addition to taking advantage of any additional units it can obtain by rounding fractional units up

to the nearest whole number. To exacerbate the impact of this request, the applicant is able to manipulate the LAMC calculations to allow it to include the alley in its density calculations.

The additional density requested by the Project, and not contemplated by the Community Plan EIR, results in numerous environmental impacts not considered by the EIR. The proposed density conflicts with Framework Element and Community Plan density policies, as articulated in the Appellant's October 20, 2021 appeal letter. Additional dwelling units contribute to an unworkable and overcrowded floor plan which is incapable of accommodating a loading space, resulting in traffic and safety impacts. Therefore, a supplemental EIR is required pursuant to CEQA Guidelines Section 15168(c)(1).

The circumstances highlighted by appellant are precisely the same factors favoring preparation of a supplemental EIR according to CEQA Guidelines section 15168(c)(2), including "consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure[.]" Here, the appeal has raised compelling arguments that the Project's density is *not* consistent with the planned density of the site, as it requests a Conditional Use for additional density that became feasible only after stripping all setbacks, loading space and parking from the project. Moreover, the appeal has demonstrated that the Project would impact a geographic area highly susceptible to traffic and safety hazards caused by the Project's double-parking residents and commercial deliveries, as it is located on the City's High Injury Network and the tsunami evacuation route. Finally, the appeal presents credible testimony from residents most knowledgeable about sewer infrastructure deficiencies, as the Project's unwarranted Conditional Use for a 46% density increase would overload local sewer capacity. Therefore, the Project is not eligible for streamlining pursuant to CEQA Guidelines section 15168.

V. PROJECT APPROVAL VIOLATES THE COASTAL ACT

The Project violates core Coastal Act policies regarding the preservation of parking and fails to comply with Coastal Act requirements for approval of developments outside the Coastal Zone. The Project is located adjacent to the Coastal Zone, which extends to the midpoint of Pacific Avenue just a few feet from the Project site boundaries (**Exhibit 5**). As a result, the Letter of Determination utterly fails to account for the Project's impacts on valuable coastal resources. As noted above, Coastal Act Section 30200(a) requires:

All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved.

In particular, the availability of public parking is a coastal resource subject to the protections of the Coastal Act, recognizing the necessity of public parking to allow meaningful access to coastal resources in San Pedro. Here, the Appellants have presented ample evidence that there is a shortage of parking in the Project area which will implicate public access within the Coastal Zone, located just feet away from the Project site. In addition, the Project is only approximately 575 feet, or one block, from the Dual Permit Jurisdiction Coastal Zone, where parking access is even more protected. The Project proposes only 55 individually accessible stalls for 100 dwelling units, requiring nearly half of all dwelling units to rely on street parking rather than endure the circumstances of lacking regular access to the tenants' parking spaces. Despite these impacts, the City has failed to comply with its obligations under the Coastal Act to consider the Project's impacts to the adjacent Coastal Zone area.

VI. CONCLUSION

I may be contacted at 310-982-1760 or at jamie.hall@channellawgroup.com if you have any questions, comments or concerns.

Sincerely,

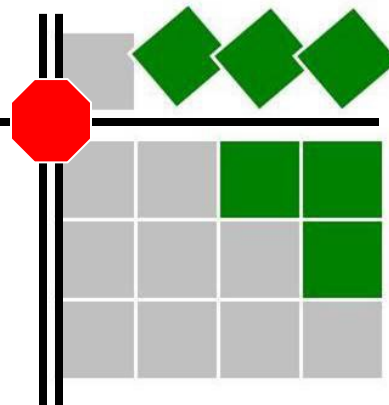
A handwritten signature in black ink, appearing to read "Jamie T. Hall", written in a cursive style.

Jamie T. Hall

EXHIBIT 1

INFRASTRUCTURE GROUP, INC.

2672 N. Vista Crest Road
Orange, CA 92867
(714) 749-6386



August 1, 2022

City of Los Angeles
Department of City Planning
Los Angeles, CA 90012

Subject: 2111-2039 South Pacific Avenue Residential Project
Case Number: CPC-2019-4884-CU-CB-SPR

The City is using CEQA Guidelines § 15332 (Class 32 Categorical Exemption) for infill housing. In order to utilize this exemption, “the project is consistent with the applicable general plan designation and all general plan policies, as well as with zoning designation and regulations.”

That is not the case. A waiver for building height is being granted, in addition to the other three incentives as provided in the density bonus law. Therefore, the building is not consistent with zoning regulations, absent a waiver. This makes it ineligible for a Class 32 exemption.

PARKING

The number of parking spaces and configuration of the spaces fails to conform to the municipal code and the building and safety code. Namely, the number of accessible stalls, and the width of the compact stalls. The parking structure stalls are “unbundled”, meaning that the stalls for use on a fee basis and are not associated with any specific unit. Tandem stalls are proposed in an operation where there is no valet, and spaces are for rent and unassigned. This proposed configuration is not functional and does not comply with the zoning code and LADBS regulations. Tandem spaces are only allowed when “At least one parking stall per dwelling unit and all stalls required for guest parking shall be individually and easily accessible”. And “At least one standard stall per dwelling unit shall be provided”. This parking lot is unbundled, and one stall is not assigned or provided per unit. Therefore tandem spaces should not be permitted. The applicable pages from the LA Building and Safety informational bulletin are published below. Note that while Gov’t Code Section 65915(p)(5) allows tandem parking to satisfy municipal code requirements, it does NOT override building and safety requirements.

Informational Bulletin-LA Building and Safety Department

E. TANDEM PARKING STALLS

1. Tandem parking stalls are permitted in public garages and public parking areas providing an attendant. A “Covenant and Agreement to Provide Parking Attendant” will be required.
2. Tandem stalls are permitted in private parking garages and private parking areas provided:
 - a. At least one parking stall per dwelling unit and all stalls required for any guest parking shall be individually and easily accessible.
 - b. At least one standard stall per dwelling unit shall be provided.
3. Tandem parking shall be limited to a maximum of two cars in depth except for additional parking required in accordance with Section 12.21A17(h).
4. When determining access aisle widths for tandem parking having both standard and compact stalls in tandem, the aisle widths for standard stalls shall be used.

In addition, the LA Building and Safety informational bulletin states that tandem parking is prohibited within a commercial corner lot development. The land-use designation for this project is “neighborhood commercial” and the project is a commercial corner development with retail and mixed use. Tandem parking is prohibited.

Furthermore, the bulletin states that when tandem parking is provided, parking area shall be capable of accommodating required onsite queuing spaces for the shuffling of cars. There are no such queuing spaces in the plan, such that utilizing several of the front tandem parking spaces at the corners of the garage is not possible. Therefore tandem spaces should not be permitted. The applicable pages from the LA Building and Safety informational bulletin are attached.

Informational Bulletin-LA Building and Safety Department (page 26)

8. Mechanical automobile parking lifts are considered tandem parking. Therefore, they shall not be installed where tandem parking is prohibited, such as within a commercial corner lot development, mini-shopping center, for recreational vehicles or guest parking.
11. When tandem parking is provided, parking area shall be capable of accommodating required onsite queuing spaces for the shuffling of cars. The queuing spaces shall be arranged so that the required driveway access aisle is not reduce to less than 10’ wide. Each of the queuing spaces shall be minimum 8’ wide and 18’ long.

The requirements in the LADBS Information Bulletin are Building and Safety requirements not within the zoning code and are intended to allow tandem parking spaces to function without causing hazards from maneuvering such vehicles in inadequate queuing areas to allow the front tandem vehicle to enter or enter the parking space.

The site plan also fails to identify the location of the required 4 EV charging stalls & 26 EV capable stalls. The only identified EV stall is also reserved for the car share program.

The use of unbundled parking and tandem parking leads to an absurd result. 21 of the parking spaces are essentially unusable as they are behind another unbundled space.

The report states the applicant is opting for the **Density Bonus Parking Option 1**, which requires parking to be set by a dwelling unit basis. This equates to a total of 121 parking spaces. However, they further state they will also be using the **Bicycle Parking Ordinance, LAMC Section 12.21.A.4**, which allows affordable residential projects to reduce required vehicle parking by up to 10 percent, bringing the parking spaces down by 13 spaces to a total of 109 spaces. The applicant is proposing 84 spaces.

LA City Ordinance 179681, amends Section 12.22, 12.24, 14.00, and 19.01 of the Los Angeles Municipal Code to implement Density Bonus program as required by State law., "Housing Development Project that is for sale or for rent and qualifies for a Density Bonus and complies with this subdivision may be provided by complying with whichever of the following options requires the least amount of parking: **applicable parking provisions of Section 12.21 A.4 of this Code, OR Parking Option 1 OR Parking Option 2, below.**"

The applicant is double dipping on the parking reduction, which is not allowable. Therefore, the 109 required parking spaces cannot be reduced thus making the 84 proposed parking spaces not enough for the housing development.

Loading Space

LAMC Section 12.21 C.6 requires that a loading space be provided and maintained for a building with a commercial use that is located on a C or M Zone abutting an alley. As a mixed-use building with a commercial component at the ground floor on a C2-1XL-CPIO zoned lot adjacent to an alley, the project is required to provide a loading space with a minimum height of 14 feet, be accessible through a usable door not less than 3 feet in width and not less than 6 feet 6 inches in height, with a minimum area of 400 square feet, and a minimum width of 20 feet as measured along the alley. The applicant has requested to eliminate the loading space requirements of LAMC Section 12.21 C.6, and contends that the locational requirements along the alley will affect the residential units on the ground floor. The applicant instead proposes a loading space in the subterranean parking garage which further reduces the number available to the residents. The applicant has stated, without substantiation, that up to 2 dwelling units may be lost to comply with the code. This is an absurd argument. Compliance with any code requirements will result in less dwelling units.

Within the City's Recommendation Report and the Letter of Determination, it is stated that compliance will be determined later. For example on page C-4 in the Letter of Determination dated October 5, 2021 it states:

36. Department of Building and Safety. The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to

plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

However, the numerous and obvious violations of LADBS code in this project, as outlined above in this letter, are so profound that the project cannot possibly be built as planned and will require major redesign. The City has ignored its responsibility to properly vet the project, and has erroneously recommended its approval.

Infrastructure Group Inc.

A California Corporation

Denis Bilodeau

Denis Bilodeau, PE



PARKING DESIGN

I. GENERAL REQUIREMENTS

A. STALL WIDTHS

1. Minimum 8 ft 6 inches wide for standard stalls serving dwelling units.
2. Minimum 8 ft 4 inches wide for all other standard stalls.
3. Minimum 8 ft 0 inches wide for all parallel parking standard stalls.
4. Minimum 7 ft 6 inches wide for all compact stalls.
5. For disabled access stall widths and other requirements, refer to Information Bulletin P/BC 2020-084.
6. Stall widths must be increased 10 inches for obstructions, except for stalls serving single family dwellings and duplexes, as shown in Figures 8 & 9 and shall be increased for end stall conditions as shown in Figures 2 and 3 in section N. For purposes of determining increases for obstructions, property lines shall be considered as obstructions. No increase for obstructions is required for parallel parking stalls.

B. STALL DEPTHS

1. Minimum 18 feet deep for all standard stalls.
2. Minimum 15 feet deep for all compact stalls.
3. Minimum 26 feet deep for all standard parallel stalls and 30 feet deep for end parallel stalls.
4. Minimum 23 feet deep for all compact parallel stalls and 27 feet deep for end parallel stalls.

C. COMPACT PARKING SPACES PERMITTED

In parking areas or garages containing 10 or more spaces for other than dwelling uses, up to 40% of the total required parking spaces and 100% of the non-required parking spaces may be compact. For dwelling uses, all parking stalls in excess of one stall per unit may be compact. Unless specified otherwise, required guest parking spaces may be compact spaces.

D. ACCESS AISLE AND PARKING BAY WIDTHS

1. The basic access aisle and parking bay widths for compact and standard stalls are shown in Tables 1 through 6.

2. Parking bay dimensions shall be determined using the required basic stall width before required increases for obstructions. Where required and non-required stalls are intermixed in a bay, the width of the bay shall be the larger of the bay widths shown in the tables for the required and non-required stalls. Where single access is provided for both entrance and exit to a parking bay and the bay contains 25 stalls or less, the bay may be designed using one-way traffic tables. Where the number of stalls exceeds 25 and single access for entrance is provided, the bay widths shall be determined using the two-way traffic tables.

E. TANDEM PARKING STALLS

1. Tandem parking stalls are permitted in public garages and public parking areas providing an attendant. A "Covenant and Agreement to Provide Parking Attendant" will be required.
2. Tandem stalls are permitted in private parking garages and private parking areas provided:
 - a. At least one parking stall per dwelling unit and all stalls required for any guest parking shall be individually and easily accessible.
 - b. At least one standard stall per dwelling unit shall be provided.
3. Tandem parking shall be limited to a maximum of two cars in depth, in a private garage or private parking area, except for additional parking required in accordance with Section 12.21A17(h) or 12.21C10(g)(4).
4. When determining access aisle widths for tandem parking having both standard and compact stalls in tandem, the aisle widths for standard stalls shall be used.

F. PARKING STALL LOCATION

1. Each parking stall shall be so located that no automobile is required to back into any public street or sidewalk to leave the parking stall, parking bay, or driveway, except where such parking stalls, parking bays, or driveways serve not more than two dwelling units and where the driveway access is to a street other than a major or secondary highway.
2. No automobile parking space shall be provided or maintained within the required front yard of an A or R zoned lot except for additional parking provided in accordance with Sections 12.21A17(h) or 12.21C10(g)(2).
3. No parking stall may be located within a 5 foot side yard along the side street lot line of an A or R zoned corner lot.

G. DRIVEWAY WIDTHS AND LOCATIONS

1. Department of Transportation approval for the location of the driveways shall be obtained on lots located in a P (including any combination with an A or R Zone) or PB Zone, for all residential driveways serving two or more dwelling units which front on major and secondary highways and for all new driveways serving all other uses.
2. 9 ft. minimum in the A, RE, RS, R1, RU, RZ, R2, RMP and RW Zones.
3. 10 ft. minimum in all other zones and when serving an apartment house in the R2 Zone.

4. 19 ft. minimum when serving more than 25 cars or, in lieu thereof, there shall be two 10 ft. minimum wide driveways.
5. Not more than 50% of a required front yard shall be designed, improved or used for access driveways unless the lot is developed with a building meeting the requirements of Section 12.08.3B1 (RZ Zone requirements).

H. SLOPES FOR DRIVEWAYS, RAMPS AND STALLS

1. 20% maximum slope on driveway or ramp.
2. 10% maximum cross slope of a driveway or ramp.
3. 6.67% maximum slope in any direction in a parking stall.
4. Transition slopes are required when the slope of the driveway or ramp exceeds 12.5%. See Figures 11A and 11B for acceptable transition slope designs.

I. GARAGE DESIGN

1. DOOR OPENING WIDTHS

- a. The required garage door opening width shall be increased in the event the stall widths are increased in order to accommodate a reduced access aisle width.

Exception: The required garage door opening width for a one car garage serving single family dwellings, duplexes and garages serving individual units shall be 8 feet minimum.

- b. The required garage door opening width for a two car garage serving single family dwellings, duplexes and garages serving individual units shall be 16 feet minimum.
- c. The opening shall be equal to the required stall width less 8 inches for a one car garage and the required stall width multiplied by 2, less 16 inches for a two car garage.
- d. The required garage door opening width for all other garages shall be equal to the required driveway width or stall width whichever is greater.

2. CLEAR HEIGHT IN GARAGE

- a. All parking garages shall have an unobstructed headroom clearance of not less than 7 feet above the finished floor to any ceiling, beam, pipe or similar obstruction.
- b. All entrances to and vertical clearances within parking structures shall have a minimum vertical clearance of 8 feet 2 inches where required for accessibility to parking spaces for persons with physical disabilities.

J. PAVING, LANDSCAPING, AND CAR STOPS

1. Every parking area and parking garage including access driveways thereto, shall be paved with hard, durable asphaltic paving which has been mixed at a plant and is at least two inches thick after compaction or with portland cement paving at least three inches thick. **Exception:** Access driveways to the areas referenced above may be paved with a permeable material such as pavers, porous concrete, a combination of 45% concrete and 55% holes filled with grass distributed uniformly (commonly known as grasscrete), or any material deemed equivalent by the Department of City Planning.
2. All areas shall have appropriate bumper guards, wheel stops, steel posts, walls, curbs, suitable landscaping, or other installations adequate to prevent vehicles from parking or maneuvering on those portions of a lot upon which a driveway or parking area is prohibited, or into a public right of way, or where those portions of a lot are needed to prevent encroachment on walkways or adjoining properties.
3. All portions of a required front yard shall be landscaped as required by LAMC Section 12.21C1(g). A City Planning approval is required for all such landscaped areas in the RD, R3, RAS3, R4, RAS4, R5, or C zones, and when landscaping is required by any other provision of the LAMC.

K. INTERNAL CIRCULATION

All portions of a public parking area or public garage shall be accessible to all other portions thereof without requiring the use of any public street, unless the Department of Transportation determines that such use is not detrimental to the flow of traffic.

TABLE 1: STANDARD CARS - PARKING BAY WIDTHS FOR ONE-WAY TRAFFIC * AND DOUBLE LOADED AISLES, BASED ON CHART NO. 1 IN ORDINANCE NO. 142,306

Parking Angle	8'-4" Stalls	8'-6" Stalls	8'-8" Stalls	8'-10" Stalls	9'-0" Stalls	9'-2" Stalls	9'-4" Stalls
30	43'-0"	43'-0"	43'-0"	43'-0"	43'-0"	43'-0"	43'-0"
32.5	44'-2"	44'-2"	44'-2"	44'-2"	44'-2"	44'-2"	44'-2"
35	45'-3"	45'-3"	45'-3"	45'-3"	45'-3"	45'-3"	45'-3"
37.5	46'-3"	46'-3"	46'-3"	46'-3"	46'-3"	46'-3"	46'-3"
40	47'-4"	47'-0"	47'-0"	47'-0"	47'-0"	47'-0"	47'-0"
42.5	48'-10"	48'-4"	47'-10"	47'-8"	47'-8"	47'-8"	47'-8"
45	50'-3"	49'-10"	49'-5"	49'-0"	48'-7"	48'-5"	48'-5"
47.5	51'-6"	51'-1"	50'-8"	50'-3"	49'-10"	49'-5"	49'-0"
50	52'-8"	52'-3"	51'-10"	51'-5"	51'-0"	50'-6"	50'-1"
52.5	53'-8"	53'-3"	52'-10"	52'-5"	52'-0"	51'-6"	51'-1"
55	54'-7"	54'-2"	53'-9"	53'-4"	52'-11"	52'-5"	52'-0"
57.5	55'-6"	55'-0"	54'-7"	54'-1"	53'-8"	53'-2"	52'-9"
60	56'-5"	55'-11"	55'-5"	55'-0"	54'-8"	54'-0"	53'-7"
62.5	57'-4"	56'-10"	56'-4"	55'-10"	55'-4"	54'-9"	54'-5"
65	58'-2"	57'-8"	57'-2"	56'-8"	56'-2"	55'-8"	55'-2"
67.5	58'-10"	58'-3"	57'-9"	57'-3"	56'-9"	56'-3"	55'-9"
70	59'-7"	59'-0"	58'-6"	58'-0"	57'-6"	57'-0"	56'-6"
72.5	60'-3"	59'-8"	59'-2"	58'-7"	58'-1"	57'-7"	57'-1"
75	60'-11"	60'-4"	59'-9"	59'-2"	58'-8"	58'-1"	57'-7"
77.5	61'-7"	61'-0"	60'-5"	59'-10"	59'-3"	58'-8"	58'-2"
80	62'-2"	61'-7"	61'-0"	60'-5"	59'-10"	59'-3"	58'-8"
82.5	62'-8"	62'-0"	61'-5"	60'-10"	60'-3"	59'-8"	59'-1"
85	63'-2"	62'-8"	61'-11"	61'-3"	60'-8"	60'-1"	59'-6"
87.5	63'-7"	62'-11"	62'-3"	61'-7"	61'-0"	60'-4"	59'-9"
90	64'-0"	63'-4"	62'-8"	62'-0"	61'-4"	60'-8"	60'-0"

* NOTE: All values on this table are for required parking stalls. To determine parking bay widths for non-required stalls, merely use a column showing a stall width dimension that is 4 inches more. The values above the darkened lines are governed by minimum aisle width. The stall widths (8'-6", 8'-10", and 9'-2") are not shown in the ordinance, but are available for use.

TABLE 2: STANDARD CARS - PARKING BAY WIDTHS FOR ONE-WAY TRAFFIC AND SINGLE LOADED AISLES, BASED ON CHART NO. 2 IN ORDINANCE NO. 142,306 *

Parking Angle	8'-4" Stalls	8'-6" Stalls	8'-8" Stalls	8'-10" Stalls	9'-0" Stalls	9'-2" Stalls	9'-4" Stalls
30	27'-6"	27'-6"	27'-6"	27'-6"	27'-6"	27'-6"	27'-6"
32.5	28'-1"	28'-1"	28'-1"	28'-1"	28'-1"	28'-1"	28'-1"
35	28'-7"	28'-7"	28'-7"	28'-7"	28'-7"	28'-7"	28'-7"
37.5	29'-1"	29'-1"	29'-1"	29'-1"	29'-1"	29'-1"	29'-1"
40	29'-11"	29'-6"	29'-6"	29'-6"	29'-6"	29'-6"	29'-6"
42.5	30'-11"	30'-6"	30'-1"	29'-10"	29'-10"	29'-10"	29'-10"
45	31'-11"	31'-6"	30'-8"	30'-8"	30'-3"	30'-3"	30'-5"
47.5	32'-11"	32'-6"	32'-1"	31'-8"	31'-3"	31'-10"	30'-5"
50	33'-10"	33'-5"	33'-0"	32'-7"	32'-2"	31'-9"	31'-4"
52.5	34'-9"	34'-3"	33'-9"	33'-4"	32'-11"	32'-6"	32'-1"
55	35'-7"	35'-1"	34'-7"	34'-2"	33'-8"	33'-3"	32'-10"
57.5	36'-5"	35'-11"	35'-5"	35'-0"	34'-6"	34'-0"	33'-7"
60	37'-3"	36'-9"	36'-3"	35'-9"	35'-3"	34'-9"	34'-4"
62.5	38'-0"	37'-6"	37'-0"	36'-6"	36'-0"	35'-6"	35'-0"
65	38'-9"	38'-2"	37'-8"	37'-2"	36'-8"	36'-2"	35'-8"
67.5	39'-6"	38'-11"	38'-5"	37'-11"	37'-4"	36'-10"	36'-4"
70	40'-3"	39'-8"	39'-2"	38'-7"	38'-1"	37'-6"	37'-0"
72.5	40'-11"	40'-4"	39'-10"	39'-3"	38'-9"	38'-2"	37'-8"
75	41'-8"	41'-1"	40'-7"	40'-0"	39'-5"	38'-10"	38'-4"
77.5	42'-5"	41'-10"	41'-3"	40'-8"	40'-1"	39'-6"	39'-0"
80	43'-1"	42'-6"	41'-11"	41'-4"	40'-9"	40'-2"	39'-7"
82.5	43'-9"	43'-1"	42'-6"	41'-11"	41'-4"	40'-9"	40'-2"
85	44'-6"	43'-10"	43'-3"	42'-7"	42'-0"	41'-4"	40'-9"
87.5	45'-3"	44'-7"	43'-11"	43'-4"	42'-8"	42'-0"	41'-5"
90	46'-0"	45'-4"	44'-8"	44'-0"	43'-4"	42'-8"	42'-0"

* NOTE: All values on this table are for required parking stalls. To determine parking bay widths for non-required stalls, merely use a column showing a stall width dimension that is 4 inches more. The values above the darkened lines are governed by minimum aisle width. The stall widths (8'-6", 8'-10", and 9'-2") are not shown in the ordinance, but are available for use.

TABLE 3: STANDARD CARS - PARKING BAY WIDTHS FOR TWO-WAY TRAFFIC AND DOUBLE LOADED AISLES, BASED ON CHART NO. 3 IN ORDINANCE NO. 142,306 *

Parking Angle	8'-4" Stalls	8'-6" Stalls	8'-8" Stalls	8'-10" Stalls	9'-0" Stalls	9'-2" Stalls	9'-4" Stalls
30	51'-2"	51'-2"	51'-2"	51'-2"	51'-2"	51'-2"	51'-2"
32.5	52'-4"	52'-4"	52'-4"	52'-4"	52'-4"	52'-4"	52'-4"
35	53'-3"	53'-3"	53'-3"	53'-3"	53'-3"	53'-3"	53'-3"
37.5	54'-2"	54'-2"	54'-2"	54'-2"	54'-2"	54'-2"	54'-2"
40	54'-10"	54'-10"	54'-10"	54'-10"	54'-10"	54'-10"	54'-10"
42.5	55'-7"	55'-7"	55'-7"	55'-7"	55'-7"	55'-7"	55'-7"
45	56'-4"	56'-4"	56'-4"	56'-4"	56'-4"	56'-4"	56'-4"
47.5	57'-0"	57'-0"	57'-0"	57'-0"	57'-0"	57'-0"	57'-0"
50	57'-8"	57'-8"	57'-7"	57'-7"	57'-0"	57'-6"	57'-6"
52.5	58'-4"	58'-3"	58'-2"	58'-2"	58'-1"	58'-0"	58'-0"
55	58'-11"	58'-9"	58'-8"	58'-7"	58'-6"	58'-5"	58'-4"
57.5	59'-6"	59'-4"	59'-2"	59'-1"	58'-11"	58'-9"	58'-8"
60	59'-11"	59'-9"	59'-7"	59'-5"	59'-3"	59'-1"	58'-11"
62.5	60'-5"	60'-2"	60'-0"	59'-9"	59'-7"	59'-4"	59'-2"
65	60'-11"	60'-8"	60'-5"	60'-2"	59'-11"	59'-8"	58'-5"
67.5	61'-5"	61'-1"	60'-9"	60'-6"	60'-2"	59'-10"	59'-7"
70	61'-10"	61'-5"	61'-1"	60'-9"	60'-5"	60'-1"	59'-9"
72.5	62'-3"	61'-10"	61'-5"	61'-0"	60'-7"	60'-2"	59'-10"
75	62'-7"	62'-1"	61'-8"	61'-3"	60'-9"	60'-4"	59'-11"
77.5	62'-11"	62'-5"	61'-11"	61'-5"	60'-11"	60'-5"	60'-0"
80	63'-3"	62'-8"	62'-2"	61'-7"	61'-1"	60'-6"	60'-0"
82.5	63'-6"	62'-11"	62'-4"	61'-9"	61'-2"	60'-7"	60'-0"
85	63'-9"	63'-1"	62'-6"	61'-10"	61'-3"	60'-7"	60'-0"
87.5	63'-11"	63'-3"	62'-7"	61'-11"	61'-3"	60'-7"	60'-0"
90	64'-0"	63'-4"	62'-8"	62'-0"	61'-4"	60'-8"	60'-0"

* NOTE: All values on this table are for required parking stalls. To determine parking bay widths for non-required stalls, merely use a column showing a stall width dimension that is 4 inches more. The values above the darkened lines are governed by minimum aisle width. The stall widths (8'-6", 8'-10", and 9'-2") are not shown in the ordinance, but are available for use.

TABLE 4: STANDARD CARS - PARKING BAY WIDTHS FOR TWO-WAY TRAFFIC AND SINGLE LOADED AISLES, BASED ON CHART NO. 4 IN ORDINANCE NO. 142,306 *

Parking Angle	8'-4" Stalls	8'-6" Stalls	8'-8" Stalls	8'-10" Stalls	9'-0" Stalls	9'-2" Stalls	9'-4" Stalls
30	35'-6"	35'-6"	35'-6"	35'-6"	35'-6"	35'-6"	35'-6"
32.5	36'-0"	36'-0"	36'-0"	36'-0"	36'-0"	36'-0"	36'-0"
35	36'-6"	36'-6"	36'-6"	36'-6"	36'-6"	36'-6"	36'-6"
37.5	37'-0"	37'-0"	37'-0"	37'-0"	37'-0"	37'-0"	37'-0"
40	37'-6"	37'-6"	37'-6"	37'-5"	37'-5"	37'-5"	37'-5"
42.5	38'-0"	38'-0"	37'-11"	37'-11"	37'-11"	37'-10"	37'-10"
45	38'-6"	38'-6"	38'-5"	38'-5"	38'-4"	38'-4"	38'-3"
47.5	39'-0"	38'-11"	38'-10"	38'-10"	38'-9"	38'-8"	38'-8"
50	39'-5"	39'-4"	39'-3"	39'-3"	39'-2"	39'-1"	39'-0"
52.5	39'-10"	39'-9"	39'-8"	39'-7"	39'-6"	39'-5"	39'-4"
55	40'-3"	40'-1"	40'-0"	39'-11"	39'-10"	39'-9"	39'-8"
57.5	40'-8"	40'-6"	40'-5"	40'-4"	40'-2"	40'-1"	40'-0"
60	41'-1"	40'-11"	40'-10"	40'-8"	40'-7"	40'-5"	40'-4"
62.5	41'-6"	41'-4"	41'-2"	41'-0"	40'-10"	40'-8"	40'-7"
65	41'-11"	41'-8"	41'-6"	41'-4"	41'-2"	41'-0"	40'-10"
67.5	42'-4"	42'-1"	41'-11"	41'-8"	41'-6"	41'-3"	41'-1"
70	42'-9"	42'-6"	42'-3"	42'-0"	41'-9"	41'-6"	41'-4"
72.5	43'-2"	42'-10"	42'-7"	42'-4"	42'-0"	41'-9"	41'-6"
75	43'-7"	43'-3"	42'-11"	42'-7"	42'-3"	41'-11"	41'-8"
77.5	44'-0"	43'-7"	43'-3"	42'-11"	42'-6"	42'-2"	41'-10"
80	44'-5"	44'-0"	43'-7"	43'-2"	42'-9"	42'-4"	41'-11"
82.5	44'-10"	44'-4"	43'-10"	43'-5"	42'-11"	42'-5"	42'-0"
85	45'-3"	44'-8"	44'-2"	43'-7"	43'-1"	42'-6"	42'-0"
87.5	45'-8"	45'-0"	44'-5"	43'-10"	43'-2"	42'-7"	42'-0"
90	46'-0"	45'-4"	44'-8"	44'-0"	43'-4"	42'-8"	42'-0"

* NOTE: All values on this table are for required parking stalls. To determine parking bay widths for non-required stalls, merely use a column showing a stall width dimension that is 4 inches more. The values above the darkened lines are governed by minimum aisle width. The stall widths (8'-6", 8'-10", and 9'-2") are not shown in the ordinance, but are available for use.

TABLE 5A: PARKING BAY DIMENSIONS FOR COMPACT CARS - REQUIRED STALLS

REQUIRED STALLS					
ONE WAY TRAFFIC			TWO WAY TRAFFIC		
ANGLE α	DOUBLE LOADED BAY WIDTH	SINGLE LOADED BAY WIDTH	ANGLE α	DOUBLE LOADED BAY WIDTH	SINGLE LOADED BAY WIDTH
30	40'-0"	26'-0"	30	48'-2"	34'-0"
32.5	40'-11"	26'-6"	32.5	49'-1"	34'-5"
35	41'-10"	26'-10"	35	49'-10"	34'-9"
37.5	42'-7"	27'-3"	37.5	50'-6"	35'-2"
40	43'-2"	27'-7"	40	50'-11"	35'-6"
42.5	43'-7"	27'-10"	42.5	51'-6"	35'-10"
45	44'-4"	28'-2"	45	52'-1"	36'-3"
47.5	45'-5"	29'-0"	47.5	52'-7"	36'-6"
50	46'-5"	29'-10"	50	52'-11"	36'-10"
52.5	47'-3"	30'-6"	52.5	53'-4"	37'-2"
55	48'-10"	31'-3"	55	53'-7"	37'-4"
57.5	48'-7"	31'-11"	57.5	53'-10"	37'-8"
60	49'-4"	32'-8"	60	54'-1"	37'-11"
62.5	50'-0"	33'-4"	62.5	54'-3"	38'-2"
65	50'-9"	33'-11"	65	54'-6"	38'-5"
67.5	51'-3"	34'-7"	67.5	54'-8"	38'-9"
70	51'-10"	35'-3"	70	54'-9"	38'-11"
72.5	52'-4"	35'-10"	72.5	54'-10"	39'-2"
75	52'-10"	36'-6"	75	54'-11"	39'-4"
77.5	53'-4"	37'-3"	77.5	55'-1"	39'-7"
80	53'-11"	37'-10"	80	55'-2"	39'-10"
82.5	54'-4"	38'-4"	82.5	55'-3"	39'-11"
85	54'-8"	39'-0"	85	55'-3"	40'-1"
87.5	55'-0"	39'-8"	87.5	55'-3"	40'-2"
90	55'-4"	40'-4"	90	55'-4"	40'-4"

TABLE 5B: PARKING BAY DIMENSIONS FOR COMPACT CARS - NON-REQUIRED STALLS

NON-REQUIRED STALLS					
ONE WAY TRAFFIC			TWO WAY TRAFFIC		
ANGLE α	DOUBLE LOADED BAY WIDTH	SINGLE LOADED BAY WIDTH	ANGLE α	DOUBLE LOADED BAY WIDTH	SINGLE LOADED BAY WIDTH
30	40'-0"	26'-0"	30	48'-2"	34'-0"
32.5	40'-11"	26'-6"	32.5	49'-1"	34'-5"
35	41'-10"	26'-10"	35	49'-10"	34'-9"
37.5	42'-7"	27'-3"	37.5	50'-6"	35'-2"
40	43'-2"	27'-7"	40	51'-0"	35'-6"
42.5	43'-7"	27'-10"	42.5	51'-6"	35'-10"
45	44'-2"	28'-1"	45	52'-1"	36'-2"
47.5	44'-7"	28'-3"	47.5	52'-7"	36'-5"
50	45'-6"	29'-0"	50	52'-11"	36'-8"
52.5	46'-3"	29'-10"	52.5	53'-2"	37'-0"
55	47'-0"	30'-5"	55	53'-5"	37'-3"
57.5	47'-8"	31'-1"	57.5	53'-7"	37'-6"
60	48'-5"	31'-9"	60	53'-9"	37'-8"
62.5	49'-1"	32'-4"	62.5	53'-10"	37'-11"
65	49'-9"	32'-11"	65	54'-0"	38'-1"
67.5	50'-3"	33'-7"	67.5	54'-0"	38'-4"
70	50'-10"	34'-2"	70	54'-0"	38'-6"
72.5	51'-4"	34'-10"	72.5	54'-0"	38'-8"
75	51'-10"	35'-5"	75	54'-0"	38'-9"
77.5	52'-4"	36'-1"	77.5	54'-0"	38'-11"
80	52'-9"	36'-8"	80	54'-0"	39'-0"
82.5	53'-2"	37'-2"	82.5	54'-0"	39'-0"
85	53'-6"	37'-9"	85	54'-0"	39'-0"
87.5	53'-9"	38'-5"	87.5	54'-0"	39'-2"
90	54'-0"	39'-0"	90	54'-0"	39'-2"

TABLE 6: ACCESS AISLE WIDTH FOR 90 DEGREE COMPACT AND STANDARD STALLS

STANDARD STALLS- RESIDENTIAL		STANDARD STALLS-ALL OTHERS		COMPACT STALLS	
STALL WIDTH	AISLE WIDTH	STALL WIDTH	AISLE WIDTH	STALL WIDTH	AISLE WIDTH
8'-6"	27'-4"	8'-4"	28'-0"	7'-6"	25'-4"
8'-8"	26'-8"	8'-8"	26'-8"	7'-10"	24'-0"
9'-0"	25'-4"	9'-0"	25'-4"	8'-2"	22'-8"
9'-4"	24'-0"	9'-4"	24'-0"	8'-4"	22'-0"
9'-6"	23'-4"	9'-6"	23'-4"	8'-6"	21'-4"
9'-8"	22'-8"	9'-8"	22'-8"	8'-8"	20'-8"
9'-10"	22'-0"	9'-10"	22'-0"	8'-10"	20'-0"

L. CALCULATION OF PARKING SPACES

To determine the number of parking spaces possible on a given sized lot or to determine the lot size required for a certain number of spaces, refer to Figure 3 and the following procedures:

1. To find the required Length (L) for a certain Number (N) of parking stalls:
 - a. Select Bay Width (B) from lot area that is available.
 - b. Using the parking bay charts or tables choose a trial Parking Angle, α (use maximum) and Stall Width, W (W is 8'-4" minimum for commercial required and non-required parking, 8'-6" minimum for residential required and non-required parking.)

NOTE: See Table 1 thru 4 for standard car stall and Tables 5A, 5B, and 6 for compact car stall bay width dimensions.

- c. From Figure 3 calculate the following values:

$$X = S \cos \alpha \quad Y = W / \sin \alpha \quad Z = W \sin \alpha$$

Then the Length (L) is the sum of the X, Y, and Z dimensions.

$$L = X + Z + (N-1) Y, \text{ which is (one stall) + (all stalls but one) } Y$$

2. To determine the Number (N) of parking stalls possible for an available parking bay of Length (L)

$$\text{Total number of parking spaces, } N = \frac{L - (X + Z)}{Y} + 1$$

3. For multiple parking bays where the bays overlap and interlock, the net bay widths may be determined by the parking bay relationships shown below:
 - a. Parking lot width for overlapping, interlocking bay widths, M (See Figure 3).
 - b. Compute parking bay overlap width, $Q = W \cos \alpha$ then determine required parking area width as follows:
 - i. For 2 interlocking bays, both double loaded: lot width = $2B - Q$, where b = width of single loaded bay
 - ii. For double and single loaded lot width = $B + b + Q$
 - iii. For multiple bays, all double loaded: lot width = $r (B - Q) + Q$, where r = number of bays
 - iv. One single loaded end bay: lot width = $r (B - Q) - b$
both end bays single loaded: lot width = $r (B - Q) + b$
4. Supplementary dimensions:
 - a. For angle α , parking stall depth, $P = S \sin \alpha + Q$
 - b. Driveway aisle width, D
double loaded bays, $D = B - 2P$
single loaded bays, $D = b - P$
5. Double loaded means parking on both sides of the driveway access aisle. Single loaded means parking on one side of the driveway access aisle.

M. STRIPING FOR ALL PARKING STALLS OTHER THAN THOSE SERVING A ONE FAMILY DWELLING

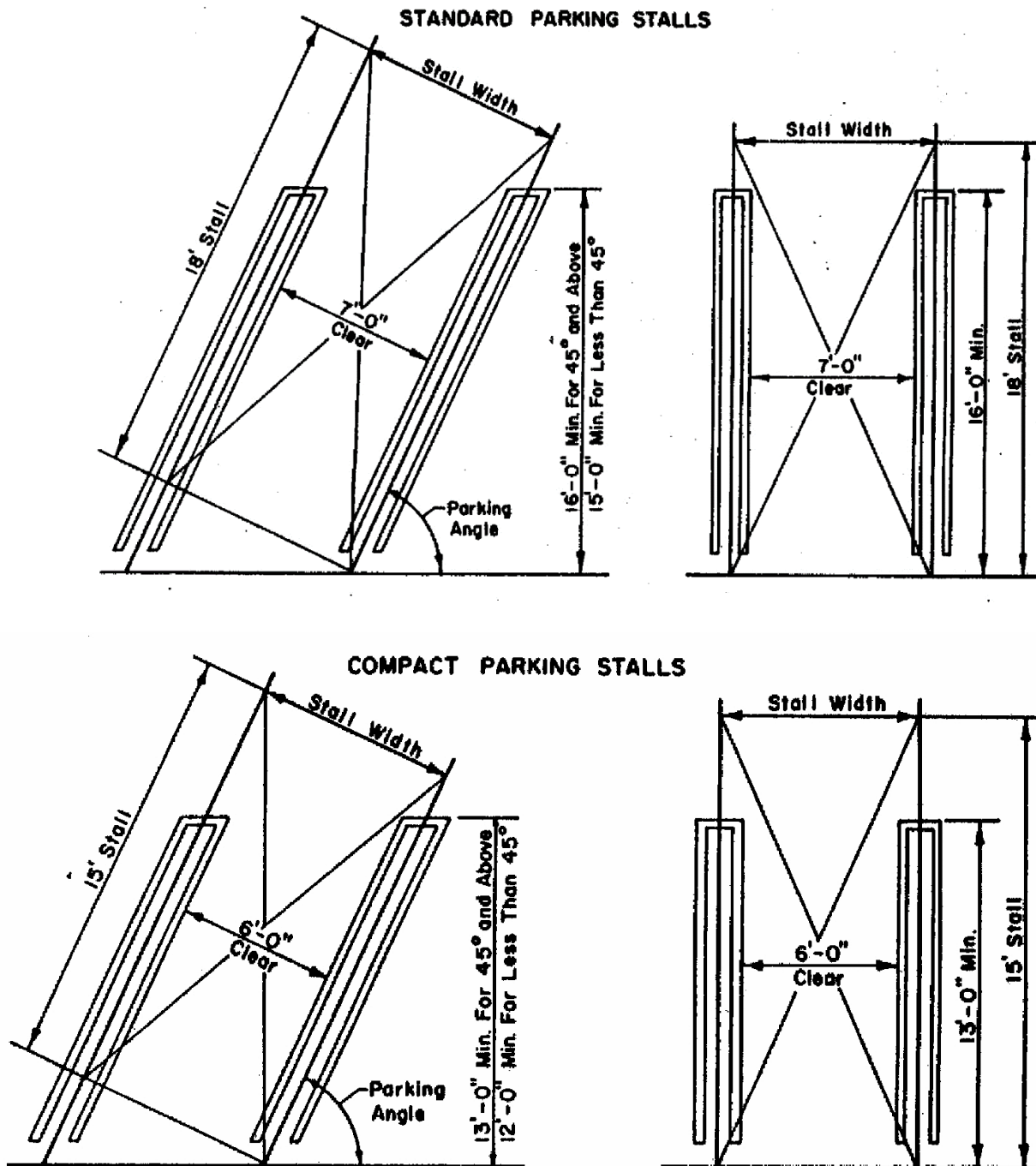
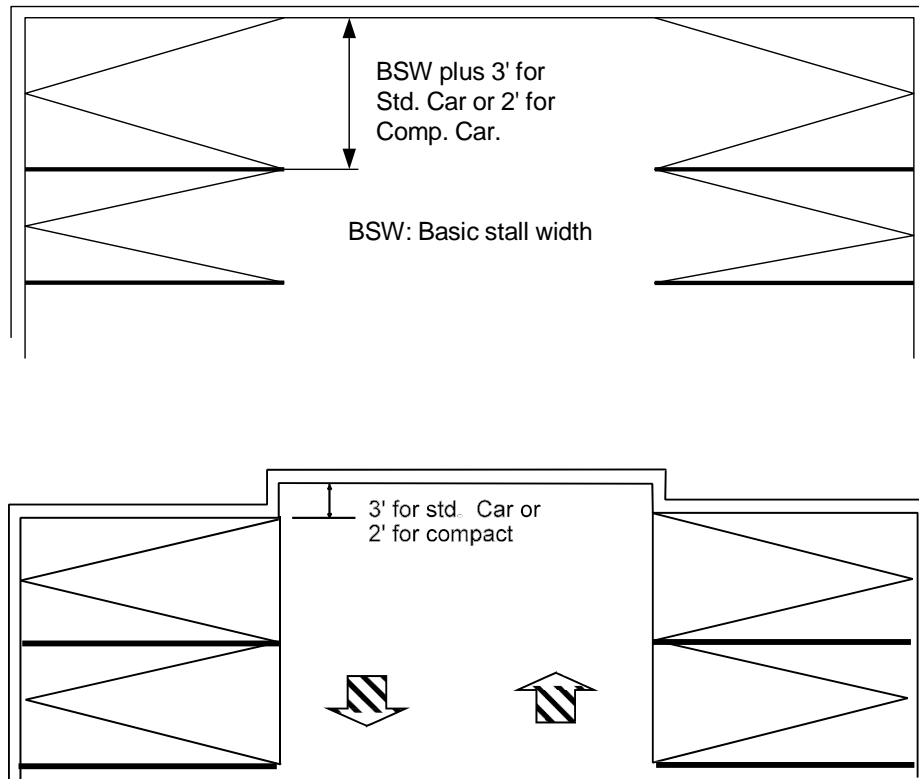


FIGURE 1

N. END STALL CONDITIONS

1. For end parking stalls placed at angles greater than 80 degrees, an increase of 3 ft. for standard stalls and 2 ft. for compact stalls to the Basic Stall Width (BSW) is required.
2. If access aisle extends a minimum of 3 ft. for standard stalls and 2 ft. for compact stalls beyond the end parking stall, no increase in stall width is required other than the 10 inch increase for obstructions. (See Figure 2 below)
3. The increase in stall width for end stall conditions or the extension of the access aisle beyond the end parking stall may be omitted if a minimum of 32 ft. wide access aisle is provided.
4. For standard stall with access aisle widths between 28 ft. and 32 ft., you can decrease the 3 ft. increase in stall width or extension of the access aisle by 6 ½ inches per foot of width of access aisle width beyond 28 ft.
5. For compact stalls, you can decrease the 2 ft. increase in stall width or extension of access aisle by 3 ½ inches per foot of width beyond 28 ft. of access aisle width.

FIGURE 2



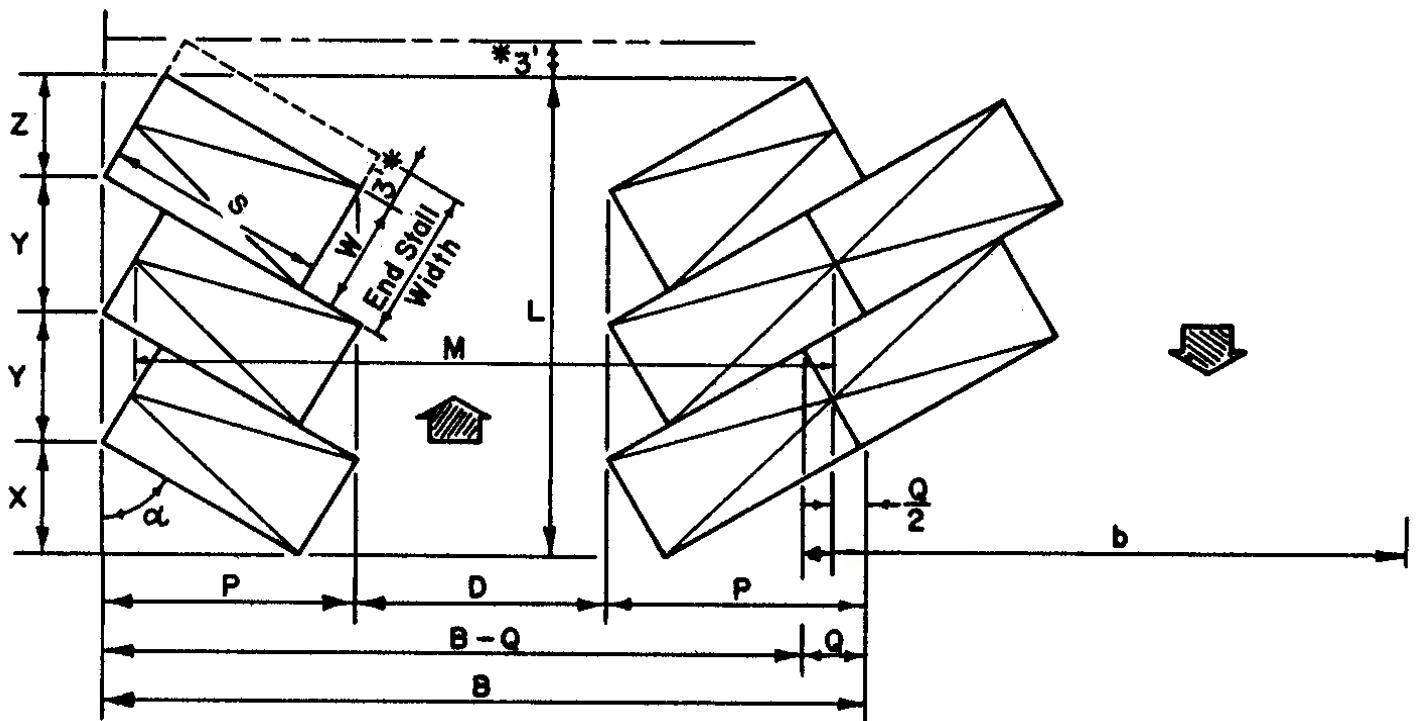


FIGURE 3

* End stalls for 82.5° to 90° parking shall be 3'-0" wider, or the access aisle shall extend 5' minimum beyond bay ($L + 3'$).

O. PARKING WALL HEIGHT

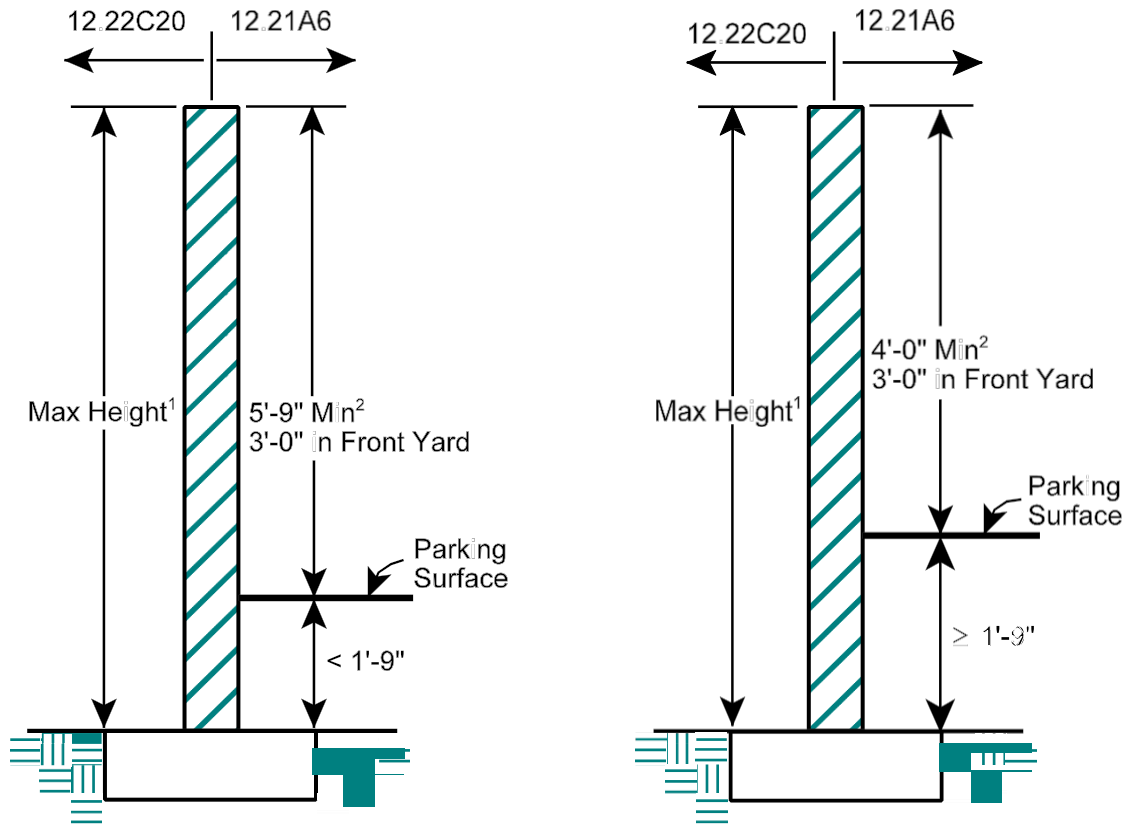


FIGURE 4

¹ Wall cannot exceed the height limitation as specified in 12.22C20(f) for "A" or "R" zones.

² Minimum height for parking wall is measured from the finished grade of the parking surface.

P. DRIVEWAY AND TURNING AREAS

FIGURE 5 - FOR PARALLEL PARKING

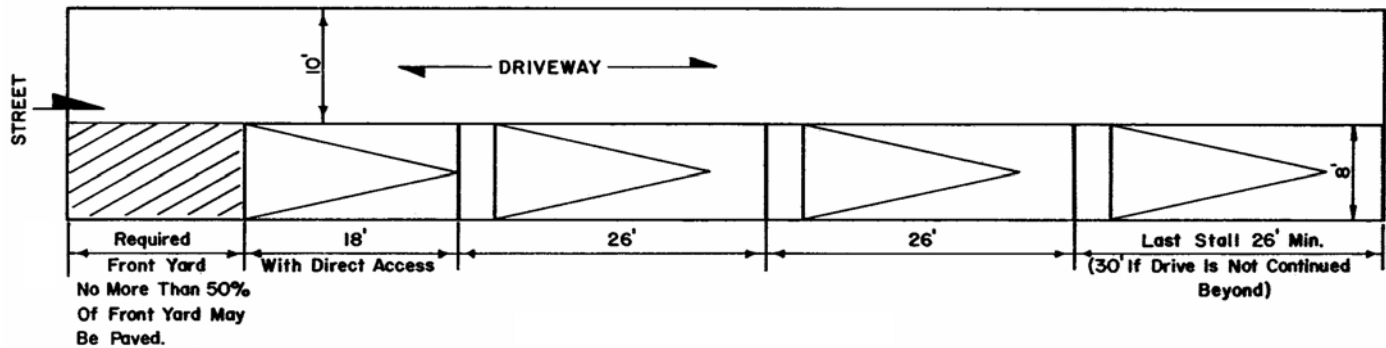


FIGURE 6 - CIRCULATION DRIVEWAYS FOR VARIOUS PARKING ANGLES

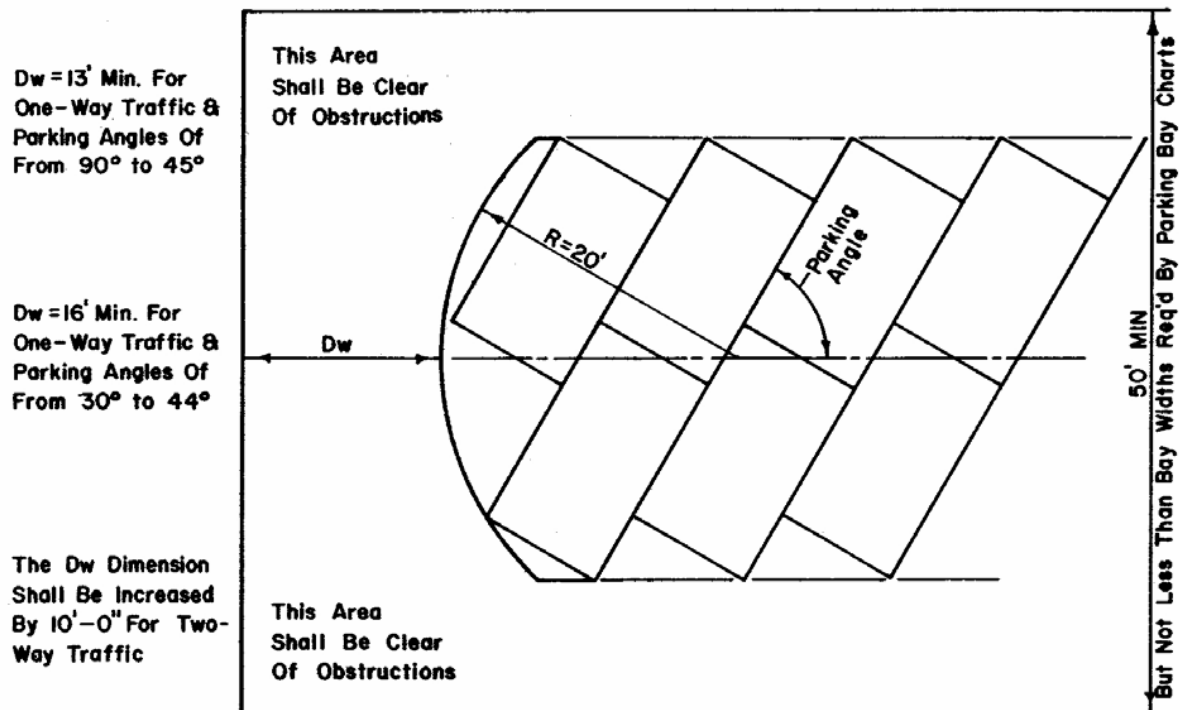
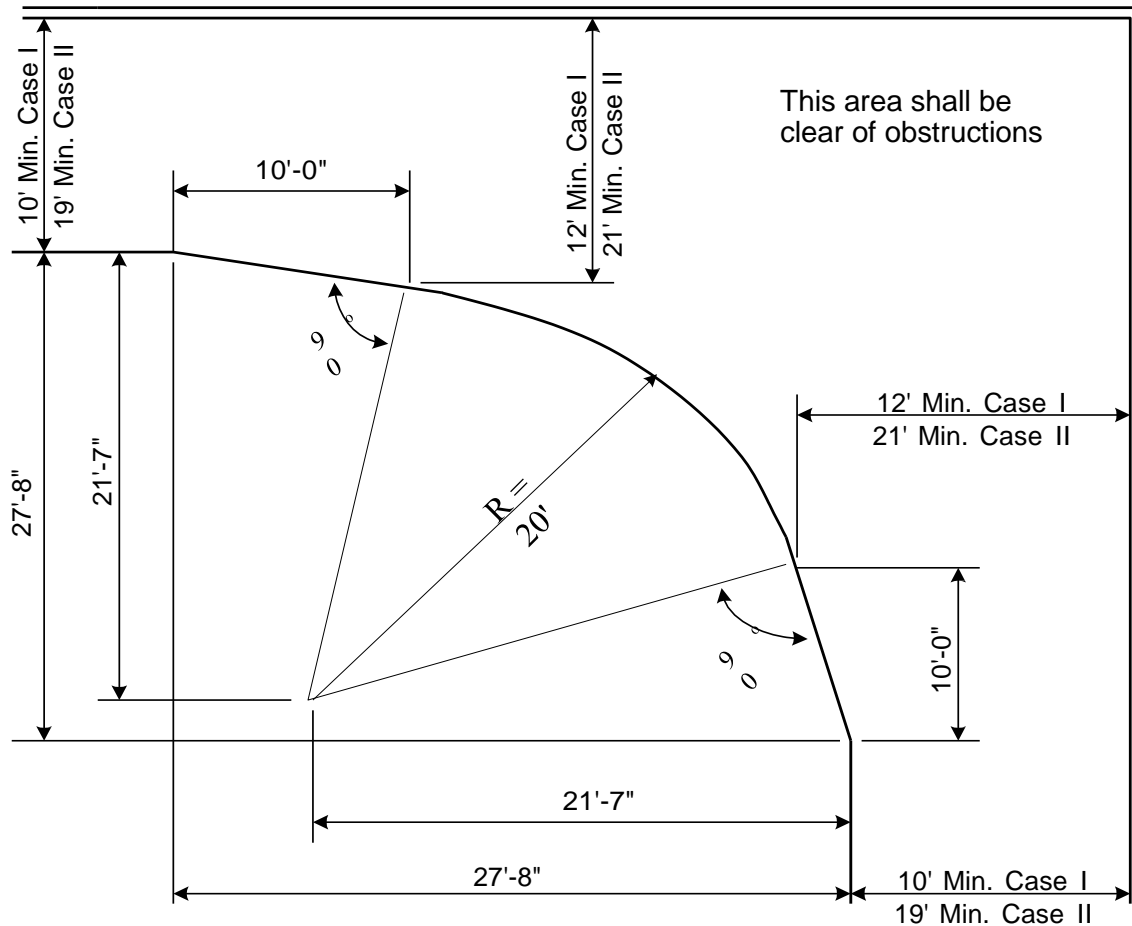


FIGURE 7 - CIRCULATION DRIVEWAYS

90° Turn

(No Scale)



Case I - One-way traffic or two-way traffic where no more than 25 cars go around the turn.

Case II - Two-way traffic and more than 25 cars go around the turn.

FIGURE 8 -MINIMUM ACCESS AISLE PER TABLES 1 THROUGH 6

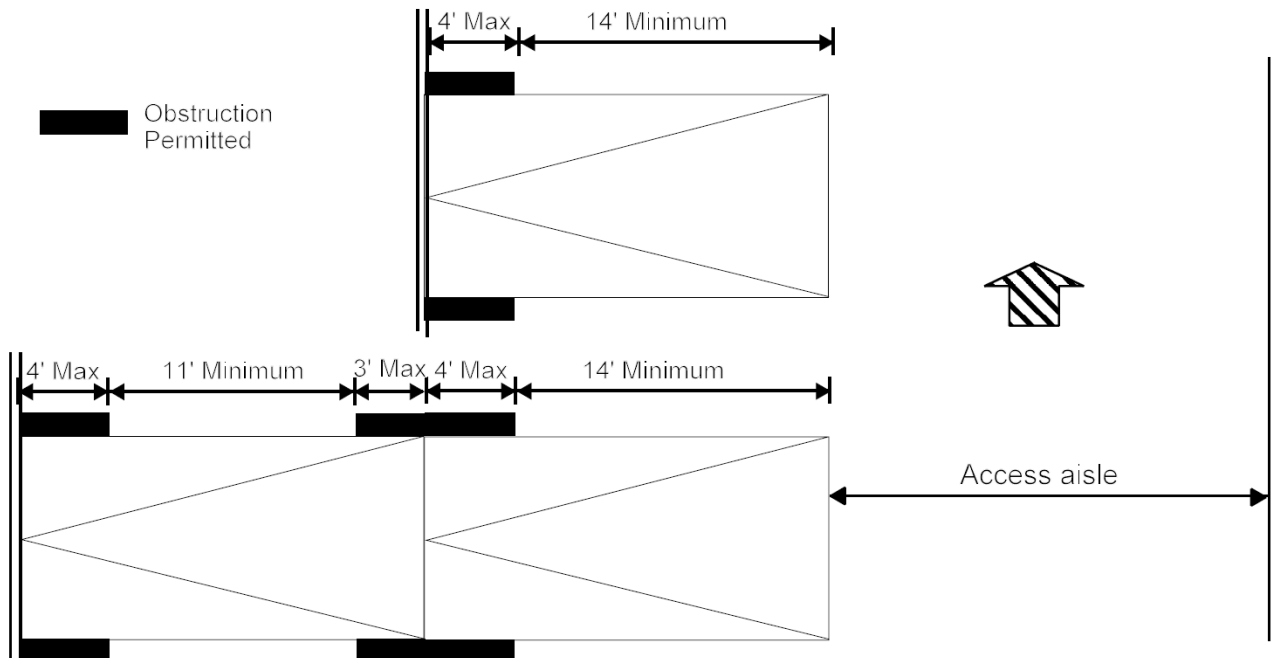
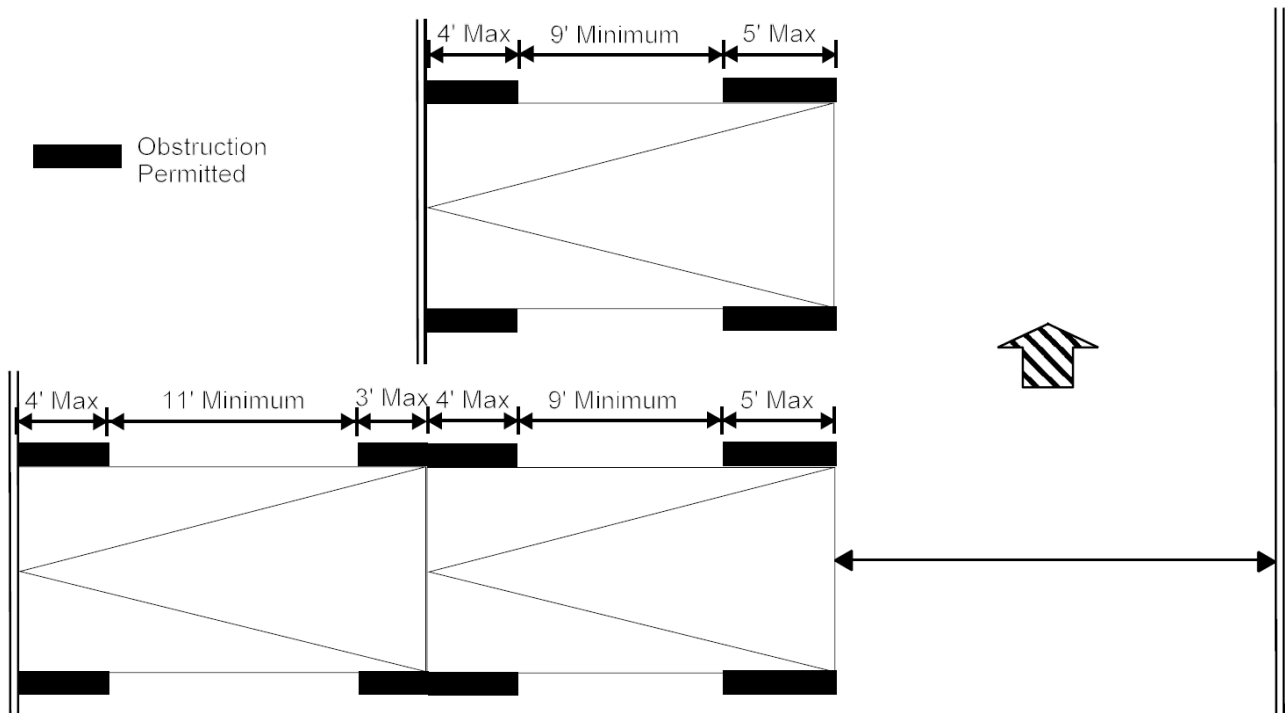


FIGURE 9 - MINIMUM ACCESS AISLE OF 28'-0" REQUIRED APARTMENTS AND CONDOMINIUM UNITS ONLY



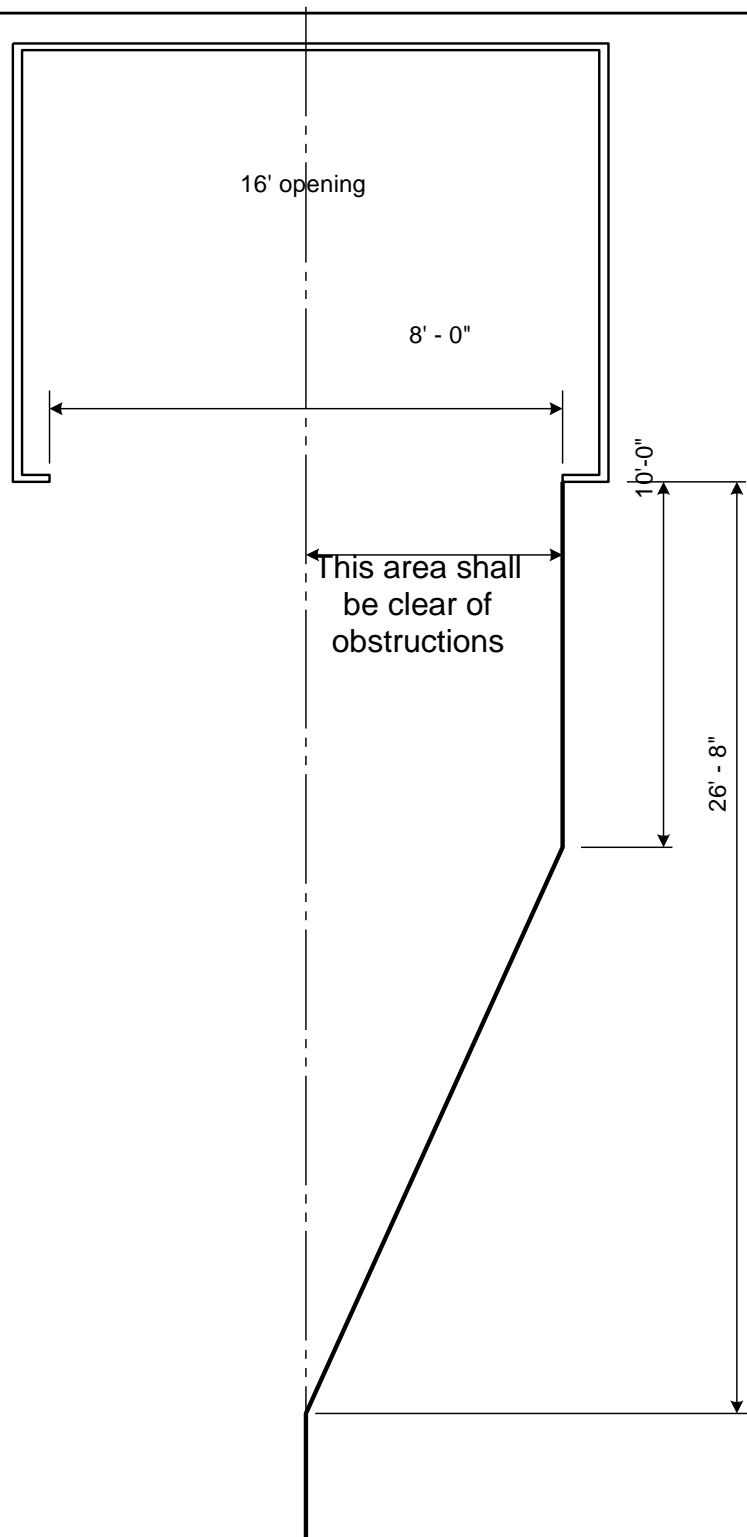
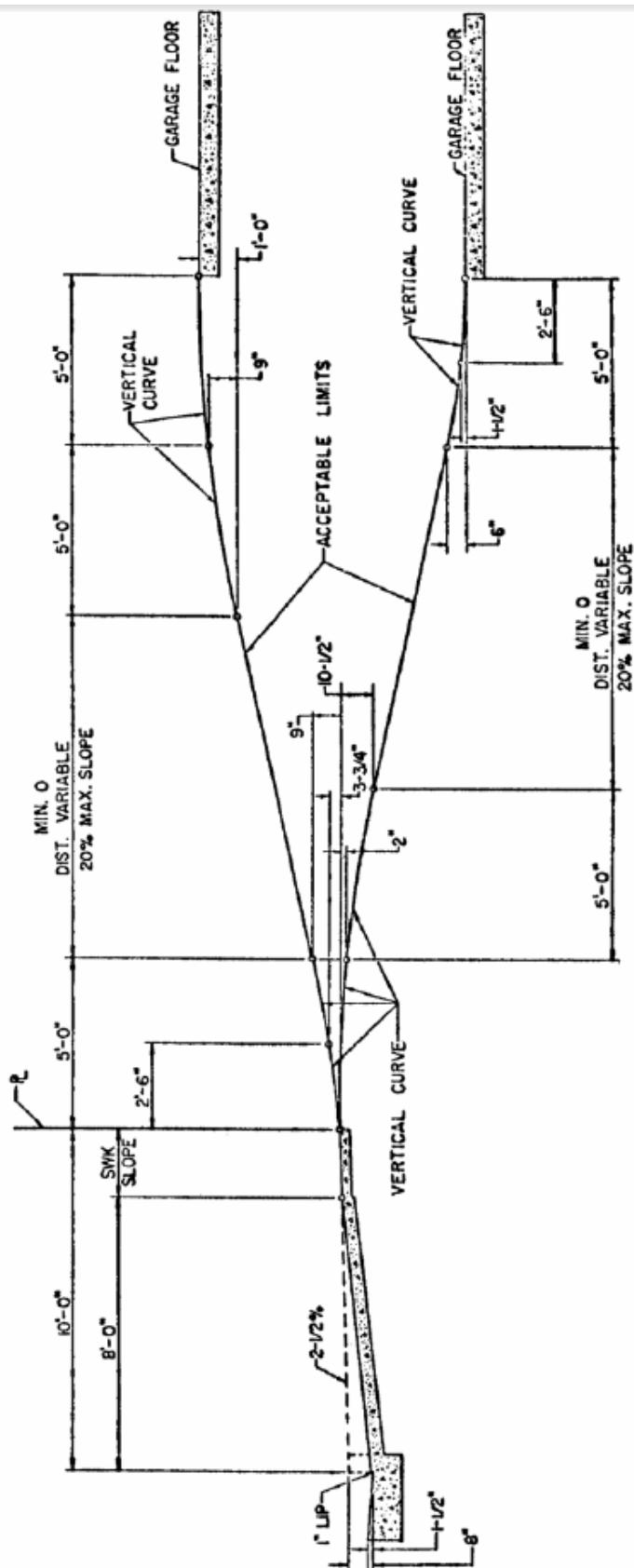
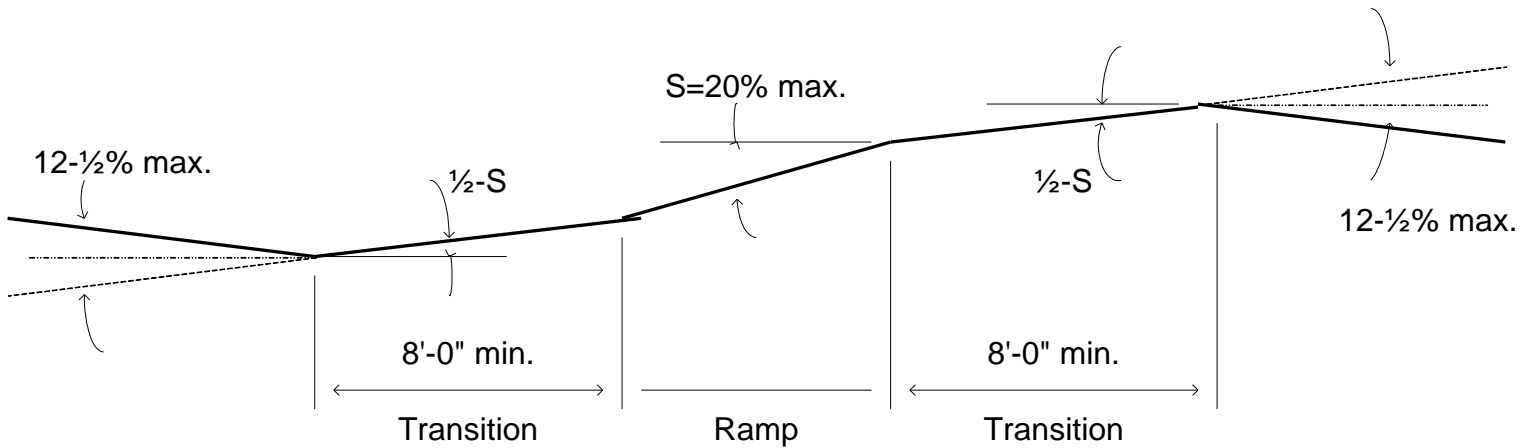


FIGURE 10: RESIDENTIAL GARAGE - TURNING CLEARANCE (FOR SINGLE FAMILY WELLINGS)

FIGURE 11A: ACCEPTABLE DRIVEWAY SLOPES ON PRIVATE PROPERTY





Note:

Where ramp intersects the public way, the transition shall be designed as required by the Department of Public Works.

FIGURE 11B: DRIVEWAY TRANSITIONS (SIMPLIFIED DIAGRAM)

Q. MECHANICAL AUTOMOBILE PARKING LIFTS

Mechanical automobile parking lifts can be used to provide required parking spaces with the following conditions:

1. Types of mechanical automobile parking lifts that are covered by this section are:
 - a. 2- post lifts
 - b. Scissor lifts
 - c. 4-post lifts

Other types of mechanical automobile parking lift system may be considered on case-by-case bases. See **Figure 12** below for graphical representation of the typical lifts.

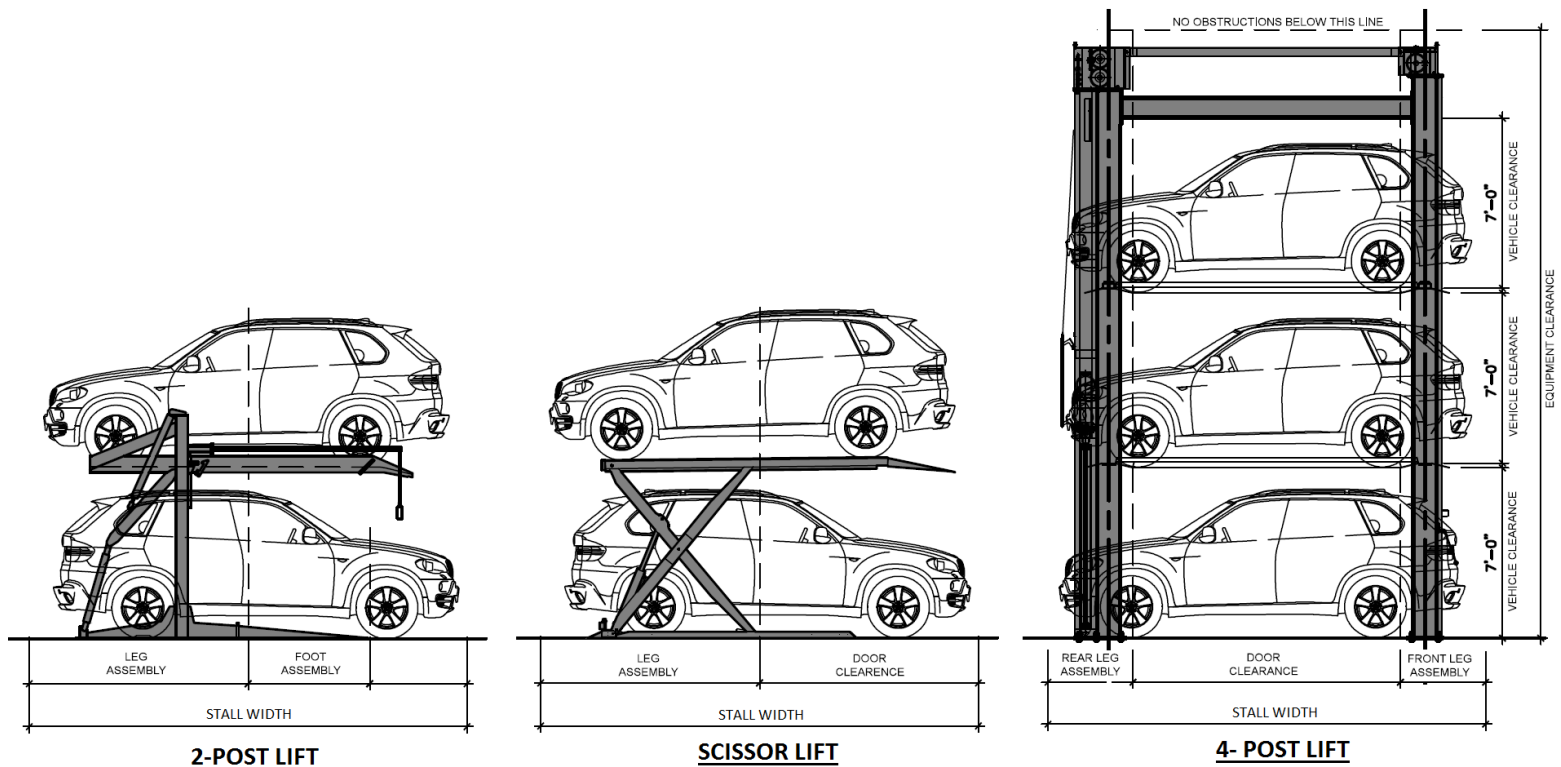


FIGURE 12- TYPES OF MECHANICAL AUTOMOBILE PARKING LIFTS

2. The platform of the mechanical lift on which the automobile is first places shall be individually and easily accessible and shall be placed so that the location of the platform and vehicular access to the platform meets the LAMC Section 12.21A5(a), (b), and (i) requirements.
3. Electrical Testing Laboratory approval is required for a mechanical automobile parking lifts. All of the conditions of approval shall be complied with.

4. Mechanical automobile parking lifts must maintain the following clear width between vertical supports or any obstructions:
 - a. Minimum 8'- 0" clear width for standard stalls
 - b. Minimum 7'- 0" clear width for compact stalls.

See **Figure 13** below for additional information.

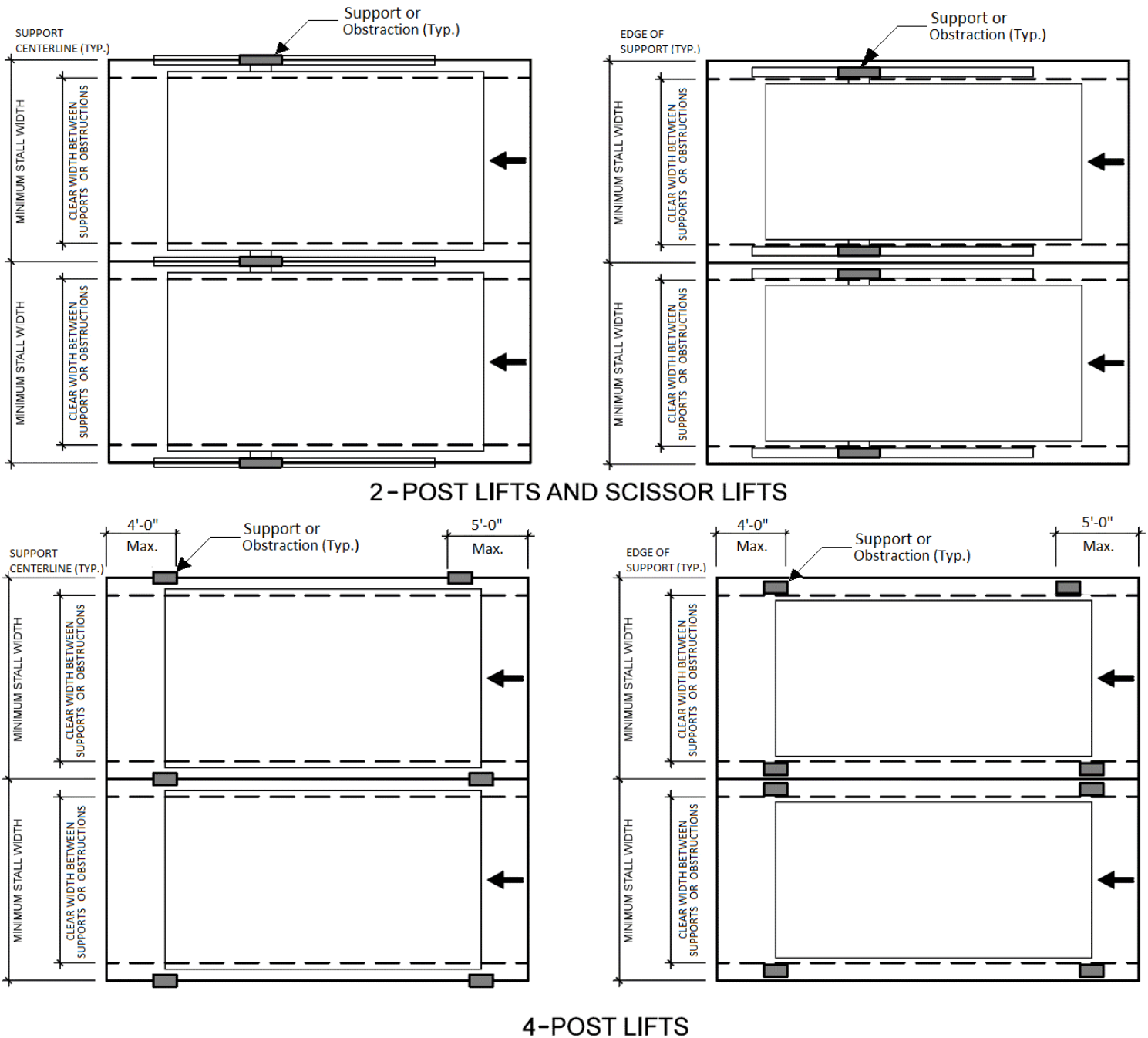
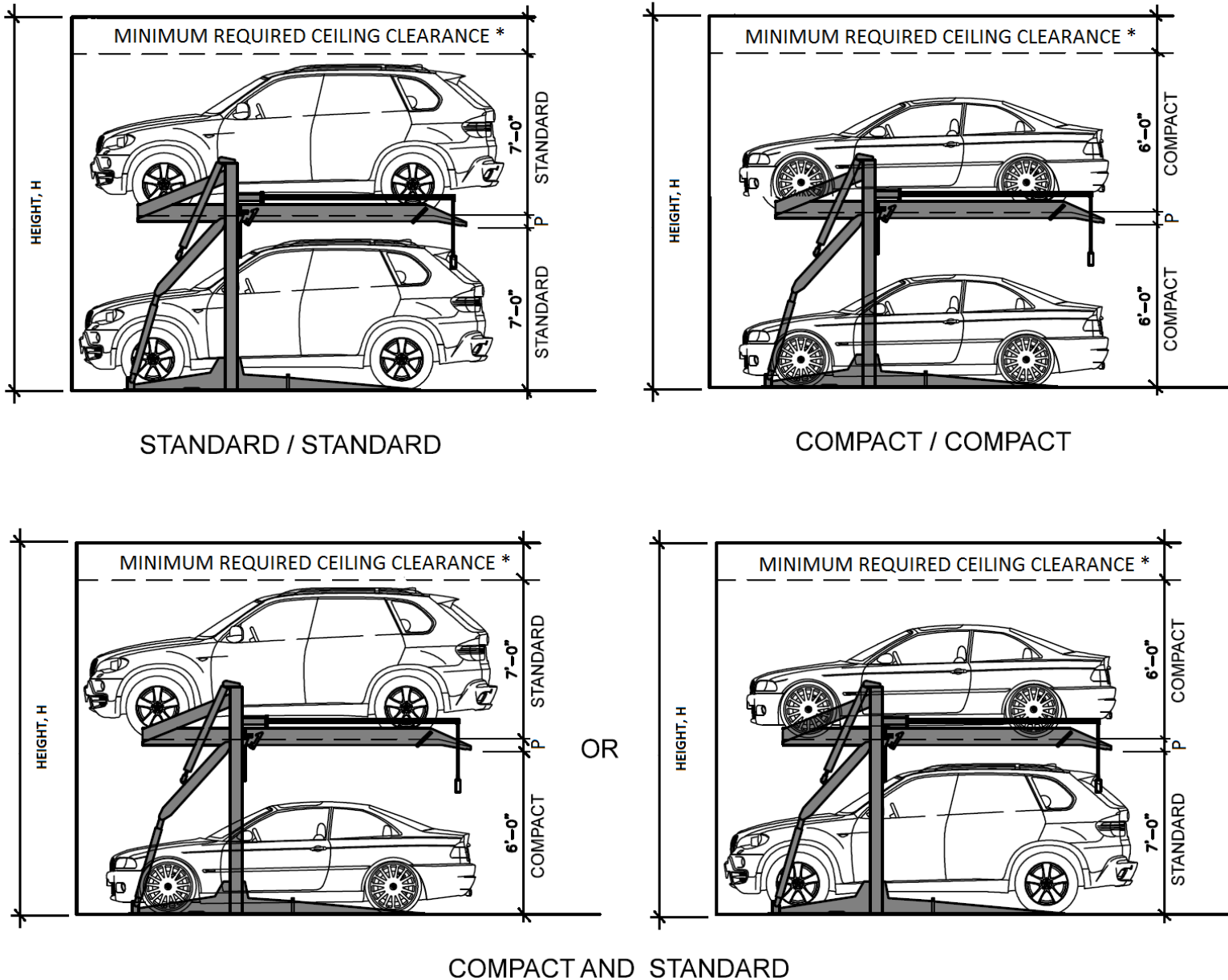


FIGURE 13- MINIMUM CLEAR WIDTH BETWEEN SUPPORTS AND OBSTRUCTIONS

5. The stall heights within the mechanical automobile parking lifts shall be as follows:
 - a. Minimum clear height of 7'-0" for standard stalls
 - b. Minimum clear height of 6'-0" for compact stalls

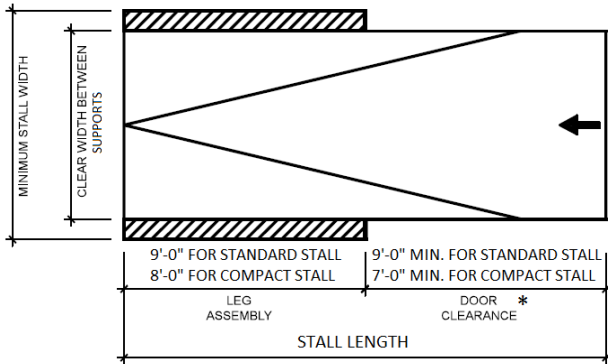
See **Figure 14** below for additional requirements.



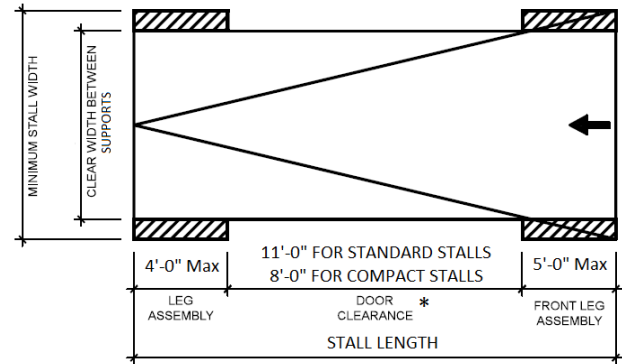
- * Minimum required clearance shall be 18" for sprinklers, or as-needed for roll-up doors.
 P = Platform thickness (See Manufacturer's Specifications)
 H = Height of any combination of the car type in stacked + P + Ceiling Clearance = Minimum clear floor to ceiling height required.

FIGURE 14- MINIMUM CLEAR HEIGHTS

6. Mechanical automobile parking lifts must provide adequate door clearance for an attendant to exit a vehicle per manufactures specifications. See **Figure 12 and Figure 15** for additional information.



2-POST/SCISSOR LIFTS



4-POST LIFTS

- * Obstructions are not allowed within this area

FIGURE 15- VEHICLE DOOR CLEARANCES

7. Mechanical automobile parking lifts shall be arranged in such a manner as to allow full operation of the sprinkler system. The required ceiling height may be reduced by up to 18 inches if the mechanical automobile parking lift is installed in a non-sprinklered garage, or when approval has been obtained from the Mechanical Plan Check for wall mounted Fire sprinklers **prior to Building Plan Check approval**. Additional headroom may be required to accommodate installation of roll-up garage doors.
8. Mechanical automobile parking lifts are considered tandem parking. Therefore, they shall not be installed where tandem parking is prohibited, such as within a commercial corner lot development, mini-shopping center, for recreational vehicles or guest parking.
9. In a private garage or private parking area, the tandem parking shall not be more than two-cars in depth [LAMC Section 12.21 A.5 (h)(2)]. Therefore, no parking spaces are permitted at the front and/or back of mechanical automobile parking lifts.
10. A "Covenant and Agreement to Provide Parking Attendant" shall be recorded with LA County Recorder's Office for tandem parking in public parking areas.
11. When tandem parking is provided, parking area shall be capable of accommodating required onsite queuing spaces for the shuffling of cars. The queuing spaces shall be arranged so to that the required driveway access aisle is not reduce to less than 10' wide. Each of the queuing spaces shall be minimum 8' wide and 18' long.

12. A "Covenant and Agreement Regarding Maintenance of Vehicle Lift System" shall be recorded with LA County Recorder's Office to maintain vehicle lift system in operable conditions at all times. [Affidavit# 43A for a 2- level lifts](#) and [Affidavit# 43B for 3-level lifts](#). The copies of the forms can be obtained from www.LADBS.org.
13. Installation of the mechanical automobile parking lift shall comply with the applicable provisions of the Los Angeles City Codes (Building, Electrical, Mechanical, Plumbing, and Fire Codes).
14. Mechanical automobile parking lift shall comply with Los Angeles Fire Department (LAFD), Fire Prevention Bureau Requirement No. 101. Refer to LAFD for additional information.
15. Separate permit and approvals shall be obtained for the mechanical and electrical work.
16. The mechanical automobile parking lift shall be installed on a level surface. The supporting structure and connections to the supporting structure shall be designed by the State of California licensed civil or structural engineer. The weight of the automobiles shall be included in determining the design seismic load.
17. Mechanical Automobile parking lifts are not permitted within required front, side, or rear yards.

EXHIBIT 2

Port of Los Angeles Tsunami Evacuation Routes & Signs

Based on [Port of Los Angeles Tsunami Evacuation Routes & Signs](#)

LAPD & LAPP Tsunami evacuation map. Location of Tsunami evacuation signs posted throughout the Port, San Pedro and Wilmington area. Data will be refresh if there's a change to the evacuation routes and signs.

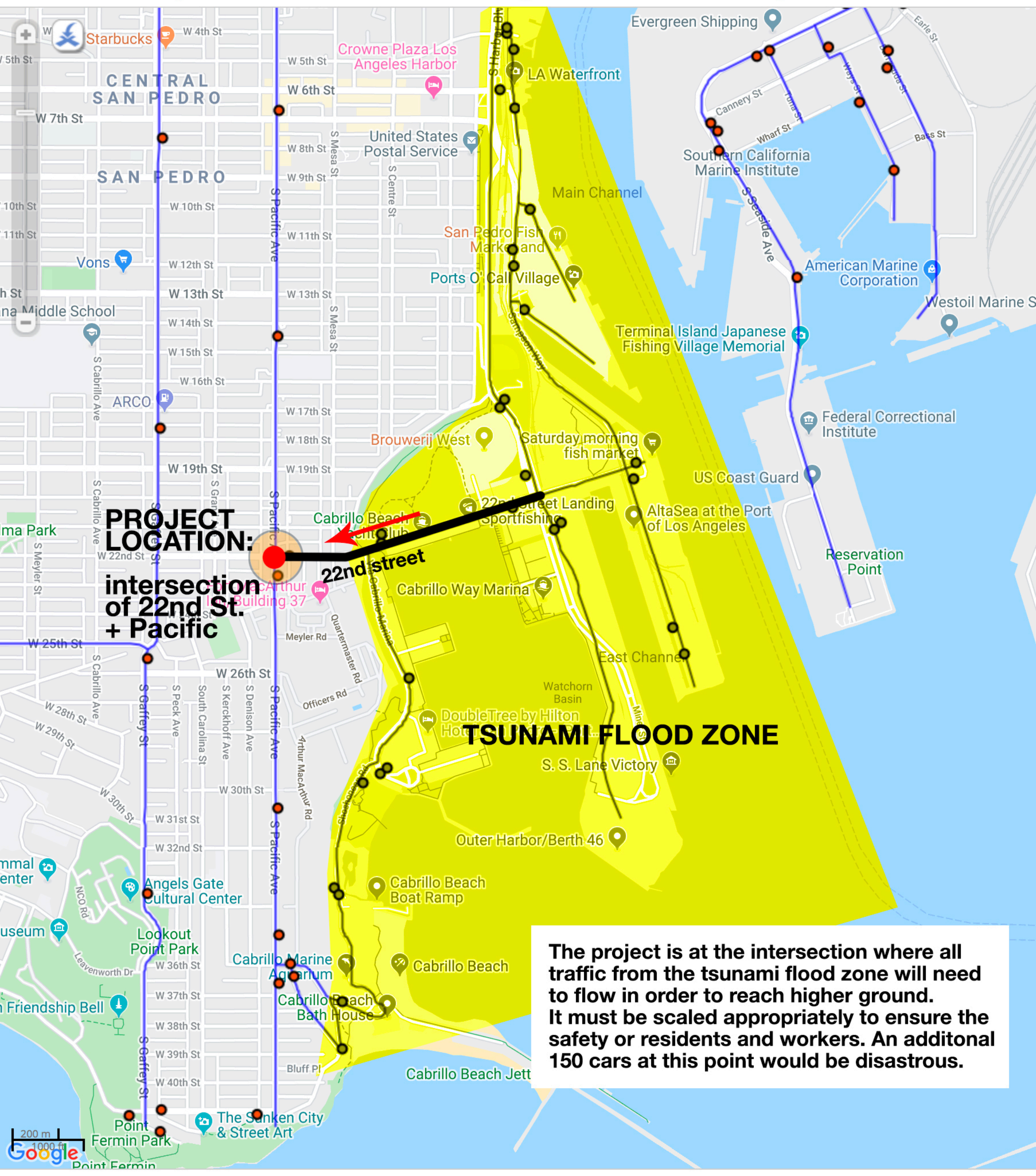


EXHIBIT 3





EXHIBIT 4

WEST HARBOR MODIFICATION PROJECT INITIAL STUDY/ NOTICE OF PREPARATION

**APP#190529-080
SCH No: 2005061041**

PREPARED FOR:

Environmental Management Division
Los Angeles Harbor Department
425 S. Palos Verdes Street
San Pedro, CA 90731

WITH ASSISTANCE FROM:

ICF
49 Discovery, Suite 250
Irvine, CA 92618

April 2022



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Acronyms and Abbreviations

2016 SPPM Addendum	Addendum to the SPW EIS/EIR for the SPPM Project
2019 SPPM Addendum	Second Addendum to the SPW EIS/EIR for the SPPM Project
AB	Assembly Bill
Amphitheater	6,200-seat outdoor amphitheater and entertainment lawn venue
BMP	best management practice
Board	Board of Harbor Commissioners
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CO ₂ e	carbon dioxide equivalent
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
GHG	greenhouse gas
GWh	gigawatt-hour
LADWP	Los Angeles Department of Water and Power
LAFD	Los Angeles Fire Department
LAHD	Los Angeles Harbor Department
LAPD	City of Los Angeles Police Department
LED	light-emitting diode
LEED	Leadership in Energy and Environmental Design
LID	low-impact development
MMRP	Mitigation Monitoring and Reporting Program
MS4	Municipal Separate Storm Sewer System
NAHC	Native American Heritage Commission
NOP	Notice of Preparation
PMP	Port Master Plan
Port	Port of Los Angeles
PRC	Public Resources Code
project	West Harbor Modification Project
RWQCB	Regional Water Quality Control Board
S.P. Slip	Southern Pacific Slip
SCAQMD	South Coast Air Quality Management District
SEIR	Supplemental Environmental Impact Report
SLF	Sacred Lands File
SPPM	San Pedro Public Market
SPW	San Pedro Waterfront
SWPPP	Stormwater Pollution Prevention Plan
Tower Attraction	tower attraction/observation deck

1.0 Project Overview and Background

1.1 Project Overview

The Los Angeles Harbor Department (LAHD), as the lead agency under the California Environmental Quality Act (CEQA), has prepared this Notice of Preparation (NOP) to inform responsible and trustee agencies, public agencies, and the public that a Supplemental Environmental Impact Report (SEIR) to the San Pedro Waterfront (SPW) Project Environmental Impact Statement/Environmental Impact Report (EIS/EIR), which was certified on September 29, 2009 (SCH# 2005061041), is being prepared for a proposed modification to the San Pedro Public Market (SPPM) Project, now known as the West Harbor Project, previously approved in May 2016. The proposed modification would include a 6,200-seat outdoor amphitheater and entertainment lawn venue (Amphitheater), and it would replace the previously analyzed 100-foot diameter Ferris wheel with a tower attraction/observation deck approximately 150 feet tall by 50 feet wide (Tower Attraction). In addition, modifications to previously approved mitigation measures are also being proposed to update certain requirements to current regulatory standards and to assess their effectiveness and need.

Enacted in 1970, CEQA (Public Resources Code [PRC] Section 21000, *et seq.*) and its implementing guidelines (State CEQA Guidelines, 14 California Code of Regulations [CCR] Section 15000, *et seq.*) require that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority prior to taking action on those projects. As authorized by Section 15050 of the State CEQA Guidelines, LAHD will serve as the lead agency for the environmental review.

An Initial Study Checklist is included with this NOP and has been prepared in accordance with current *City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act of 1970* (Article I), the State CEQA Guidelines, and CEQA, to assess the potential environmental impacts associated with the proposed modifications to the previously analyzed and approved SPPM Project and modifications to the previously approved mitigation measures.

In May 2016, LAHD approved an Addendum to the SPW EIS/EIR for the SPPM Project (2016 SPPM Addendum). A second Addendum was approved by LAHD in November 2019 (2019 SPPM Addendum). Since that time, the developer (Applicant) has proposed to expand the 500-seat outdoor amphitheater to 6,200 seats and also use the Amphitheater area as an entertainment lawn venue for public and private events and as a passive open park space when not otherwise programmed. In addition, the Applicant has proposed a Tower Attraction in lieu of the Ferris wheel and other entertainment attractions in the Discovery Sea Amusement Area previously analyzed in the 2016 SPPM Addendum. LAHD has also determined that certain mitigation measures approved in the Mitigation Monitoring and Reporting Program (MMRP) for the 2009 SPW EIS/EIR and 2016 SPPM Addendum may need to be updated or reanalyzed to determine their effectiveness and need in the areas of air quality, utilities and public services, and transportation.

1.2 Background and Previous Environmental Documentation

A Final EIS/EIR for the SPW Project was certified by the Board of Harbor Commissioners (Board) on September 29, 2009 (SCH No. 2005061041). It addressed potential impacts associated with implementation of the redevelopment of the SPW area. In May 2016, the Board approved the 2016 SPPM Addendum. The proposed West Harbor Modification Project, as more particularly described below, represents changes to the SPPM Project and SPW Project previously reviewed in accordance with CEQA. No changes are proposed that would affect any federal permits or require any federal approvals. Therefore, no National Environmental Policy Act (NEPA) evaluation is required for the proposed West Harbor Modification Project.

One of the primary objectives of the SPW Project was to provide enhanced visitor-serving commercial opportunities within the Ports O' Call area along the main channel. Many of the potentially significant environmental impacts identified in the SPW EIS/EIR were determined to be less than significant or were reduced to a less-than-significant level through either the adoption of mitigation measures or the incorporation of project revisions. Impacts related to aesthetics, air quality and meteorology, biological resources, geology, noise, recreation, ground transportation and circulation, and water quality sediments and oceanography, however, were identified as significant and unavoidable. For those impact areas, LAHD adopted a Statement of Overriding Considerations and an MMRP containing 91 mitigation measures to address these impacts, both during construction and operation of the SPW Project.

The SPPM Project included a more specific concept for the former Ports O' Call Village site. In May 2016, LAHD prepared the 2016 SPPM Addendum to address development of a smaller building area, the inclusion of a portion of the Town Square originally evaluated in the SPW EIS/EIR, reconfiguration of the waterfront promenade, extension of the proposed lease term from 30 years to 50 years, and possible modifications to the U.S. Army Corps of Engineers permits. The 2016 SPPM Addendum found that 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 EIS/EIR. A revised MMRP identifying 28 mitigation measures that apply specifically to the SPPM Project was incorporated into the 2016 SPPM Addendum. The 2019 SPPM Addendum was prepared to extend the duration of the lease for an additional 16 years.

1.2.1 Previous Environmental Documents Incorporated by Reference

Consistent with State CEQA Guidelines Section 15150, the following documents were used in preparation of this NOP and Initial Study and are incorporated herein by reference.

- Port of Los Angeles. 2008. *San Pedro Waterfront Project Draft EIS/EIR* (SCH No. 2005061041). September.
- Port of Los Angeles. 2009a. *San Pedro Waterfront Project Findings of Fact and Statement of Overriding Considerations*. September.

- Port of Los Angeles. 2009b. *San Pedro Waterfront Project Mitigation Monitoring Report and Program*. September.
- Port of Los Angeles. 2009c. *San Pedro Waterfront Project Final EIS/EIR (SCH No. 2005061041)*. September.
- Port of Los Angeles. 2016. *EIR Addendum to the San Pedro Waterfront Project Final EIR for the San Pedro Public Market Project (SCH No. 2005061041)*. May.
- Port of Los Angeles. 2019. *EIR Addendum to the San Pedro Waterfront Project Final EIR for the San Pedro Public Market 2 (SCH No. 2005061041)*. November.

1.3 Purpose and Use of a Supplemental EIR

Because the West Harbor Modification Project and modifications to previously approved mitigation measures represent changes to a project previously reviewed and approved under CEQA, the LAHD must determine whether additional environmental documentation is necessary to address the proposed changes. The LAHD has reviewed the application in accordance with Sections 15162 and 15163 of the State CEQA Guidelines to determine whether the proposed changes are within the scope of the previously certified SPW EIS/EIR, the 2016 SPPM Addendum, and the 2019 SPPM Addendum, or whether a subsequent or supplemental EIR may be required.

LAHD has determined that a supplemental EIR shall be prepared to address potentially significant environmental impacts associated with the proposed changes to the SPW and SPPM Projects.

Pursuant to CEQA, the LAHD will serve as the lead agency for the preparation of a Supplemental EIR for its consideration of the West Harbor Modification Project within its jurisdiction. Pursuant to CEQA Guidelines Section 15163, a supplement to an EIR need only contain the information necessary to make the previous EIR adequate for the project as revised. The Supplemental EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087 and may be circulated by itself without recirculating the previous Draft or Final EIR or Addendums (i.e., the 2009 SPW EIS/EIR, the 2016 SPPM Addendum, and the 2019 SPPM Addendum).

The LAHD has prepared, as part of this Initial Study/NOP, an Environmental Checklist in support of the Supplemental EIR documentation to identify the resource areas to be reanalyzed, in accordance with the current City of Los Angeles Guidelines for the Implementation of the California Environmental Quality Act of 1970, (Article I); the State CEQA Guidelines (Title 14, California Code of Regulations); and the California Public Resources Code (Section 21000, *et seq.*). The Supplemental EIR will contain only the information necessary to make the previously approved 2009 Final EIR adequate for the West Harbor Modification Project. When the agency decides whether to approve the project, the decision-making body, in this case the Board of Harbor Commissioners and LAHD, shall consider the previous EIR as revised by the supplemental EIR and shall make findings under Section 15091 for each significant effect shown in the previous EIR as revised (CEQA Guidelines Section 15163(e)).

2.0 Project Description

2.1 Project Objectives

Project objectives include enhancement and revitalization of the existing San Pedro Waterfront (SPW) area by including an outdoor concert amphitheater and entertainment lawn venue and Tower Attraction (hereinafter referred to as the West Harbor Modification Project) to attract visitors to the SPW area, thereby increasing the positive public visibility of San Pedro in general and the waterfront specifically. Additionally, the proposed West Harbor Modification Project has an objective to update previously adopted mitigation measures to reflect changes since their consideration.

2.2 Project Location

2.2.1 Regional Setting

The proposed West Harbor Modification Project is within the Port of Los Angeles (Port), which is in the San Pedro Bay in the city of Los Angeles, approximately 20 miles south of downtown Los Angeles. The Port is adjacent to the communities of San Pedro to the west, Wilmington to the north, the Port of Long Beach to the east, and the Pacific Ocean to the south. In total, the Port encompasses approximately 7,300 acres of land and water along 43 miles of waterfront. Figure 1 shows the regional location of the proposed West Harbor Modification Project area.

The West Harbor Modification Project is located in the southern portion of the West Harbor Project site, which comprises a total of approximately 42 acres, formerly the site of the Ports O' Call Village, located between the Los Angeles Harbor's Main Channel and Harbor Blvd. from Berths 73-Z to 83 within the Port (see Figure 1 for the project location).

2.2.2 Surrounding and Nearby Land Uses

The proposed West Harbor Modification Project site is within the SPW area. Steep bluffs to the northwest provide a natural physical edge between portions of the San Pedro community and the West Harbor Modification Project site. There are residences approximately 1,450 feet west of the West Harbor Modification Project site. Just southwest of the West Harbor Modification Project site, in the Southern Pacific Slip (S.P. Slip), is an active commercial fishing fleet. For over 100 years, the Port has been a premier location for commercial fishing. Today, although smaller than it once was, the commercial fishing fleet at the Port is intact, providing fresh fish to both U.S. and Asian markets. The Municipal Fish Market at Berth 72, and adjacent to the S.P. Slip, is associated with these fishing operations.

The Los Angeles Maritime Museum is located at Berth 84. Berths 91 to 93 to the north of the West Harbor Modification Project site are currently used by the World Cruise Center, which has been active at the Port for over 50 years (Port of Los Angeles 2020). The World Cruise Center comprises of two terminal buildings in an 18-acre dedicated cruise facility.

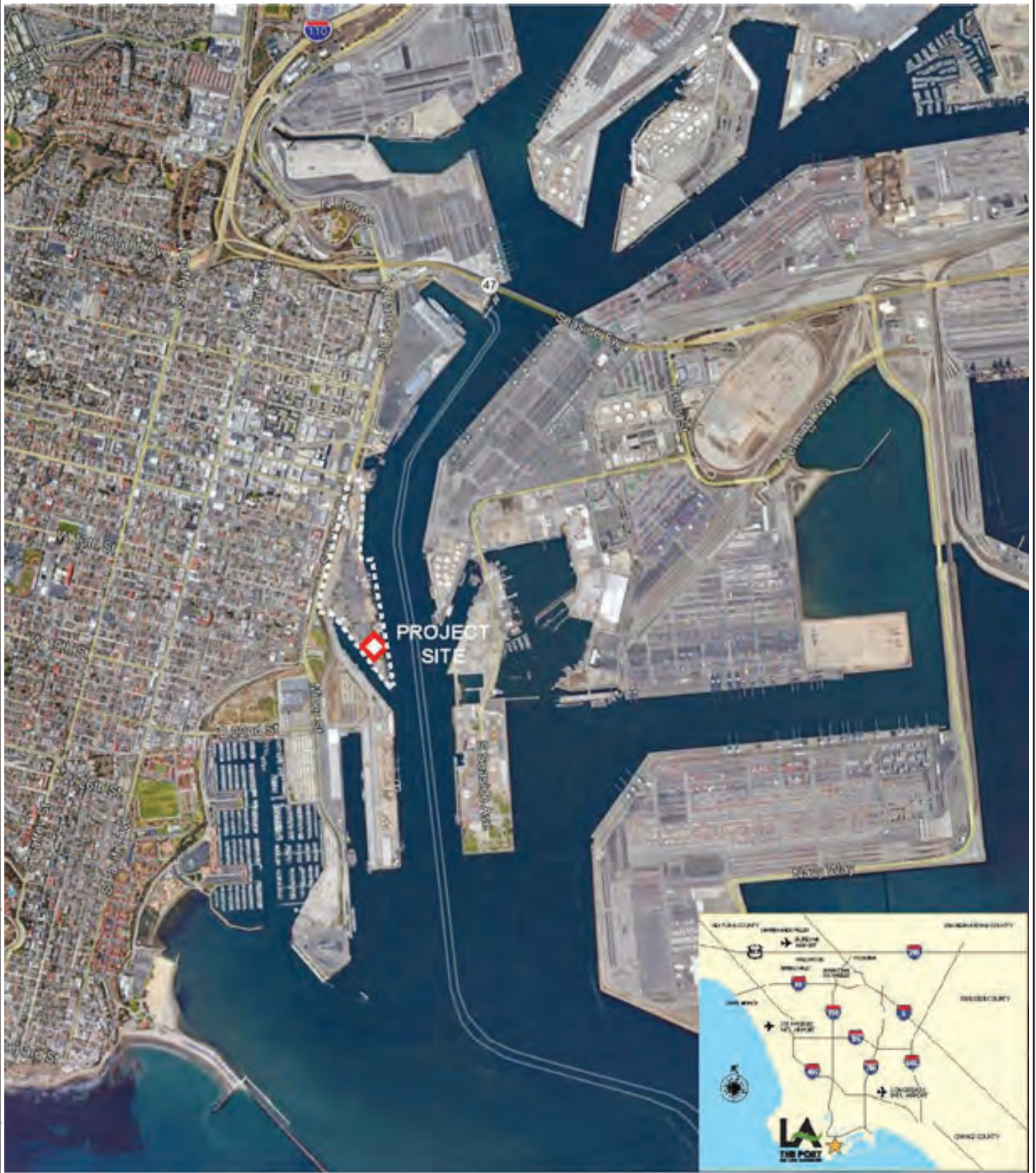


Figure 1
Regional and Project Vicinity
West Harbor Modification Project

2.2.3 Existing General Plan Designation

The West Harbor Modification Project site lies within an area covered by the City of Los Angeles General Plan (General Plan), Port of Los Angeles Plan. The plan provides an official 20-year guide to continued development and operation of the Port. The West Harbor Modification Project site has a General Plan designation of General/Bulk Cargo - Non-Hazardous (Industrial/Commercial). General Cargo includes container, unit, break-bulk, neo-bulk, passenger facilities, and related uses (City of Los Angeles 1982). Industrial uses pertain to those lands that are either owned or leased by institution activities and related uses or federal, state, and city governments. Commercial uses allowed under the designation include restaurants and tourist attractions (i.e., Ports O' Call), office facilities, retail facilities, and related uses.

2.2.4 Port of Los Angeles Master Plan

The West Harbor Modification Project site is within Planning Area 1 of the Port of Los Angeles Port Master Plan (PMP) (Port of Los Angeles 2018). Planning Area 1 encompasses the SPW area, from the breakwater to the Vincent Thomas Bridge along the western boundary of the Port. The area extends from Berths 19 to 95 and includes cruise operations, institutional uses, and recreational activities. Planning Area 1 primarily includes land uses focused on public access to the waterfront, but also has limited cargo operations and commercial fishing activities. Planning Area 1 emphasizes waterfront access through a waterfront promenade, parks, museums, academic uses, and visitor-serving commercial uses and attractions. Within Planning Area 1, the West Harbor Modification Project site is designated as Visitor-Serving Commercial. The PMP defines this designation as a visitor-serving commercial use for the public and lists examples of this use as community centers/conference centers, visitor-serving retail, and exhibit space, among others. Figure LU-1 of the PMP shows the PMP land use designations for the West Harbor Project site and surrounding area.

2.2.5 Existing Zoning Designations

The West Harbor Modification Project site is zoned [Q]M2-1, Light Industrial, according to the City of Los Angeles Zoning Code (City of Los Angeles 2019a).

2.3 Proposed Modifications

The West Harbor Modification Project involves a modification of the proposed redevelopment of a portion the Ports O' Call area as described in the SPW EIS/EIR and as further defined in the 2016 and 2019 SPPM Addenda. The West Harbor Modification Project site is located on approximately 2.5 acres of the West Harbor Project site within the previously approved 6.4-acre Discovery Sea Amusement Area (as described in the 2016 SPPM Addendum).

As more particularly described below, the West Harbor Modification Project would create an outdoor Amphitheater. The Amphitheater would occupy approximately 108,000 square feet, including an over 50,000-square-foot area consisting of a sloped and terraced artificial lawn

with an approximately 35,000-square-foot stage, backstage, and box office area; an approximately 22,000-square-foot space accommodating concessions and restrooms located south of the lawn; and circulation space located east and west of the lawn area. Amphitheater capacity would be up to 6,200 seats. The artificial lawn would be cleaned (e.g., power washed) as needed and would be a permeable surface to promote infiltration.

Additionally, the West Harbor Modification Project would include a 150-foot-tall Tower Attraction. A conceptual plan of the Tower Attraction estimates that the foundation would be approximately 5,000 square feet and would be located between Buildings 1A and 1B on the southern portion of the West Harbor Project site.

With approval of the West Harbor Modification Project, no other amusement park attractions previously approved for the Discovery Sea Amusement Area would be developed, which included a 100-foot-diameter Ferris wheel, carousel, and a previously approved 500-seat amphitheater in the southern area of the West Harbor Project site. The West Harbor Modification Project would maintain other elements and uses previously approved for the 6.4-acre Discovery Sea Amusement Area, including new building improvements, green spaces, and garden areas on the remaining approximately 4 acres. Other previously analyzed project elements—such as the retail, restaurant, and commercial uses—would remain the same under the West Harbor Modification Project as described and analyzed for the SPPM Project in the 2016 and 2019 SPPM Addenda. A detailed description of the West Harbor Modification Project features is provided below. Table 1 compares previously analyzed project elements.

Table 1. Comparison of Project Features

Project Features	SPW EIS/EIR	2016 and 2019 SPPM Addenda	Proposed West Harbor Modification Project
Total development square footage	375,000 total square feet (sf): 125,000 sf restaurant space 175,000 sf commercial 75,000 sf conference center	300,000 total sf: 100,000 sf restaurant 38,600 sf retail 30,000 sf maritime-related office uses 131,400 sf of retail, restaurant, or commercial uses	No changes proposed to build out of city park and marketplace.
City park	Formerly Fisherman's Park, with 3 acres of lawn, including a 500-seat amphitheater.	4.3-acre multi-purpose plaza with landscaping, hardscape, outdoor furniture, and lighting.	The lawn and amphitheater would be relocated to the proposed 6,200-seat amphitheater location. The children's play area and other park space would remain in the City Park area (renamed North Park).

Project Features	SPW EIS/EIR	2016 and 2019 SPPM Addenda	Proposed West Harbor Modification Project
Discovery Sea Amusement Area	Not included.	6.4-acre amusement area with playground facilities, Ferris wheel, carousel, entertainment attractions, gardens, and a 500-seat amphitheater.	On approximately 2.5 acres, an Amphitheater that includes an outdoor entertainment lawn with seating for up to 6,200 patrons would replace the previously approved 500-seat amphitheater and the Discovery Sea Amusement Area previously analyzed in the 2016 SPPM Addendum. A 150-foot tall Tower Attraction would replace the 100-foot-diameter Ferris wheel. Buildings and green space and garden areas would remain.
Parking	2,638 spaces	1,909 spaces. Phase 2 with total spaces to be determined based on land use mix. The surface parking lot at 22 nd Street and Sampson Way with 256 spaces was completed in 2009.	The parking previously designated for the SPPM project would be used for the West Harbor Modification Project. Other parking lots within the Port area may be used on certain days when events occur at the amphitheater. Additional parking requirements, if any, will be discussed further in the Draft SEIR.
Visitor trip generation	Weekday daily: 8,632 trips Weekend daily: 8,517 trips	Weekday daily: 5,798 trips Weekend daily: 6,285 trips	Estimated visitor trip generation to be included in the Draft SEIR analysis.
Terms of lease	Through 2037	Through 2082 (per the 2019 SPPM Addendum).	No change.

2.3.1 Amphitheater Changes

The West Harbor Modification Project is located on approximately 2.5 acres within the previously approved 6.4-acre Discovery Sea Amusement Area (as described in the 2016 SPPM Addendum) on the southern portion of the West Harbor Project site (refer to Figure 2 for the overall site plan).

The approximately 2.5-acre Amphitheater site plan is shown in Figure 3 and would include the creation of an approximately 50,000-square-foot sloped and terraced lawn area to be used as an outdoor amphitheater and entertainment venue. The Amphitheater area would

include an approximately 35,000-square-foot stage, backstage, and box office area; an approximately 22,000-square foot space accommodating concessions and restrooms located south of the lawn; and circulation space located east and west of the lawn area. The back-of-house facilities and stage would be on the north end of the Amphitheater site, with the stage, bandshell, speakers, video screens, and stage lighting directed toward the southeast. Temporary seats placed on the sloped and terraced lawn areas would face north toward the stage and overlook the Port waterfront. Figures 4A, 4B, and 4C show a rendering of the Amphitheater and entertainment lawn looking north.

Functional Area Breakdowns and Details (all dimensions and areas are approximate)

Back-of-House and Stage Facilities

- 6,600-square-foot raised (4 to 6 feet) stage
- Show semi-truck load-in/load-out area consisting of loading docks and covered canopies on either side of the stage plus bus and equipment staging areas
- Dressing and green room areas
- Electric, lighting, and sound system infrastructure
- Permanent restrooms, some with showers
- Offices and back-of-house support space
- 825-square-foot box office

Entertainment Lawn/Amphitheater Seating Area

- 40-foot-tall, 10,000-square-foot bandshell
- Sloped 23,000-square-foot lawn area directly in front of the stage
- 28,000-square-foot terraced seating area immediately behind the sloped seating
- Six 30-foot-tall speaker and stage lighting pylon structures
- 370-square-foot mixing board location in the center-rear portion of the sloped lawn

Concession/Storage Area with Patron Restrooms

- 4,000-square-foot indoor storage and catering facility area located below the southern portion of the terraced lawn area
- An outdoor hardscaped area for food trucks and small food and beverage service structures
- Temporary, portable restrooms behind the outdoor concession area on show nights

All seats would be temporary, as they would be set up for show nights and taken down shortly after the show. Approximately 35-foot-high video screens would flank both sides of the stage. The backstage area would be secured by fixed perimeter fencing, and access to the Amphitheater area would be controlled by removable fencing on event-related days for paid events.

The Amphitheater would host approximately 100 paid concert and major events per year, generally from April through November (outdoor concert season). The venue also could host smaller, local community, and sponsored events year-round.



Figure 2
Overall Site Plan
West Harbor Modification Project



Figure 3
Amphitheater Layout
West Harbor Modification Project



Figure 4A
Project Rendering of Amphitheater
West Harbor Modification Project



Figure 4B
Project Rendering of Amphitheater
West Harbor Modification Project



Figure 4C
Project Rendering of Amphitheater
West Harbor Modification Project

2.3.2 Construction

Project construction is expected to last approximately 10 to 12 months. A maximum of fifty construction workers may be needed on-site on any given day. Construction tasks are expected to include the following: constructing the sloped and terraced lawn; constructing stage and concession areas; installing fencing, lighting, and sound system; and building out the backstage structures and hardscape area, including a loading dock/truck and bus staging area.

2.3.3 Operations

The Amphitheater would host approximately 100 paid events annually, generally from April through November. No more than one event per day is expected. Concerts would typically start between 7:00 p.m. and 8:00 p.m. and last approximately 3 hours. Where possible, sustainable products and practices, such as biodegradable confetti, would be used during events, and care would be taken to direct the spray away from the main channel. This material, along with other trash, would be cleaned up after each event to prevent debris from entering the storm drain system and ocean. Pyrotechnics may also occur at certain events. Fireworks may be launched from a barge at approximately 25 events per year and may last up to 10 minutes. Each event would undergo appropriate permitting from the U.S. Coast Guard, as necessary. The Amphitheater location also could be used for community, charity, and sponsored events, which could be held year-round.

Although exact routes and locations have not been determined at this time, shuttle services are expected to be available for patrons using off-site parking lots during events at the amphitheater, if needed.

Tower Attraction

The West Harbor Modification Project would include the construction and operation of a Tower Attraction in the heart of the southern portion of the West Harbor Project site. Figures 5 and 6 show a conceptual plan and image of the Tower Attraction. The Tower Attraction's construction would include a spiral tubular steel tower structure up to 150 feet tall and up to 50 feet in diameter, a 10-foot-tall by 23-foot-diameter balloon-like lit feature, and a passenger gondola for seating. In the center of the gondola would be a beverage and snack service bar. The Tower Attraction would allow up to 15 passengers to enjoy a panoramic view of an operating Port environment from approximately 115 feet in the air. Each ride would last approximately 15 minutes. The tubular steel structure would allow for minimal obstruction of views from the ground level. Additionally, it would allow for the attraction's balloon to remain visible throughout the duration of the attraction's ascent and descent. The attraction's balloon would have integrated light-emitting diode (LED) lighting as well as ultraviolet ray and rain protection. (Aerophile 2014.)

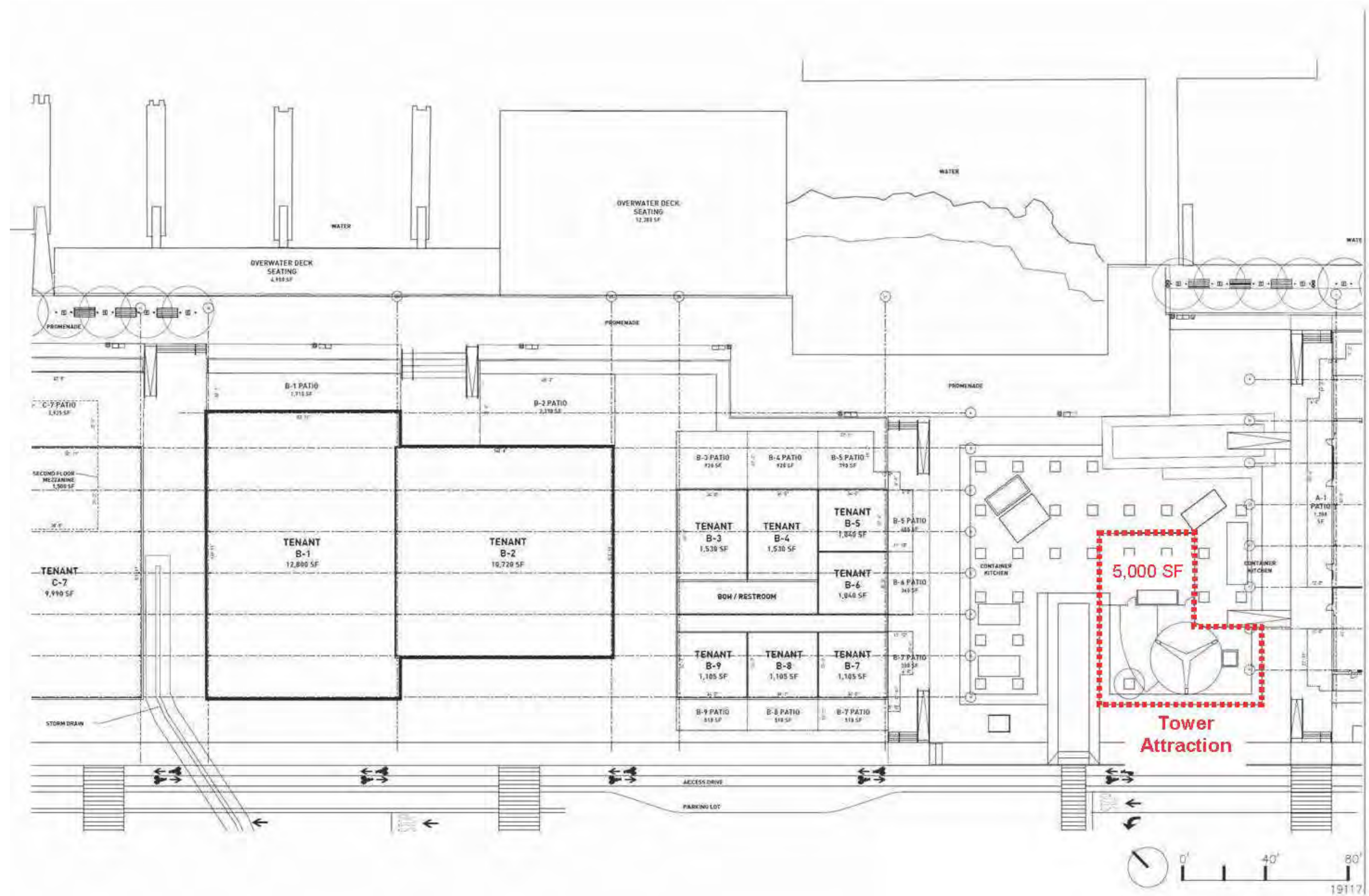


Figure 5
Project Rendering of Amphitheater
West Harbor Modification Project



Figure 6
Example Tower Attraction Renderings
West Harbor Modification Project

Tower Attraction Construction

Construction of the Tower Attraction would be expected to last approximately 2 to 6 months. A maximum of 20 construction workers per day may be needed for tower assembly and construction. Construction tasks are expected to include the following: installation of concrete piles and foundation, connection to electric utilities, installation, assembly of tower components, and commissioning of the device.

Tower Attraction Operations

The Tower Attraction's gondola would travel vertically at a speed of 0.5 meters/second, with a full ride completed in approximately 15 minutes. The fan and lighting on the attraction would use electrical power supply, which would be recharged at the end of the operational day. Rides can occur in most weather conditions, including rain and when wind speeds are less than 44 miles per hour.

2.3.4 Mitigation Measure Changes

The Draft SEIR will also evaluate modifications to the previously approved MMRP for the 2009 SPW Project EIS/EIR and the revised MMRP for the 2016 SPPM Addendum. These modifications are necessary to update previous mitigation measures to current regulatory standards or modify them based on their effectiveness and need. Mitigation measures proposed for modification in this Initial Study/NOP are listed below for air quality and utilities and public services. Changes to transportation-related mitigation measures are not analyzed in this Initial Study/NOP and will be addressed in the transportation chapter of the Draft SEIR. Proposed modifications to these mitigation measures are provided in ~~strike-out~~ and underline format.

Air Quality

MM AQ-25: Recycling.

This mitigation measure is proposed to be removed because the implementation dates have passed and the measure is duplicative of another adopted mitigation measure, MM PS-4: Comply with AB 939, which also has mandatory recycling rates. Since certification of the SPW EIS/EIR in 2009, Assembly Bill (AB) 341 was passed, requiring commercial businesses to separate recyclable materials from solid waste and subscribe to recycling services. Additionally, AB 341 went into effect on July 1, 2012. It requires all businesses and public entities that generate 4 cubic yards or more of waste per week to have a recycling program in place, to be coordinated by the RecycLA program within the City of Los Angeles. AB 341 also set forth a "policy goal of the state that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020." Finally, LA's *Green New Deal Sustainable City pLAN*, released in 2019, includes a target goal to increase landfill diversion rate to 90 percent by 2025; 95 percent by 2035; and 100 percent by 2050. Therefore, the original intent of the previously approved mitigation measure has been met with existing regulatory requirements and goals.

MM AQ-25: Recycling.

The terminal buildings shall achieve a minimum recycling rate of 40% by 2012 and 60% by 2015. Recycled materials shall include:

- ~~white and colored paper;~~
- ~~Post-it notes;~~
- ~~magazines;~~
- ~~newspaper;~~
- ~~file folders;~~
- ~~all envelopes, including those with plastic windows;~~
- ~~all cardboard boxes and cartons;~~
- ~~all metal and aluminum cans;~~
- ~~glass bottles and jars; and~~
- ~~all plastic bottles.~~

The 2009 SPW Project EIS/EIR MMRP specifies that this measure applies to cruise ship lines, the cruise terminal, Catalina Express, tug companies, and Ports O'Call tenants during operation.

Because this measure is proposed to be removed per the above discussion, the relevant language in the West Harbor Modification Project MMRP will be modified to reflect this proposed removal.

MM AQ-27: Compact Fluorescent Light Bulbs.

This proposed modification would allow for the use of more energy-efficient light-emitting diode (LED) light bulbs instead of the now obsolete compact fluorescent light bulbs. Proposed modifications are shown below.

MM AQ-27: Compact ~~Fluorescent~~ Light-Emitting Diode (LED) Light Bulbs.

All interior terminal buildings shall use compact ~~fluorescent~~ LED light bulbs.

The 2009 SPW Project EIS/EIR MMRP specifies that this measure applies to LAHD during building construction. The West Harbor Modification Project will revise this mitigation measure to also apply to the developer.

MM AQ-28: Energy Audit.

This mitigation measure is proposed to be removed as the proposed buildings are anticipated to be compliant with the Port of Los Angeles Green Building Policy (POLA 2007), which was certified by the Board of Harbor Commissioners in 2007. This policy is based on the Leadership in Energy and Environmental Design (LEED) Certification Rating System, and focuses on sustainability, energy efficiency, and water efficiency. This policy also requires the LAHD to use energy and water efficiency elements on their construction

projects. In 2008, the City of Los Angeles adopted Ordinance No. 179820, the first amendment to the Los Angeles Municipal Code, Chapter 1. Sections 16.10 and 16.11, which established the Green Building Program (City of Los Angeles 2008). The Green Building Program focuses on sustainable building practices and addresses five key areas: site, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality. In 2020, the 2019 California Green Building Standards Code (California Building Standards Commission 2019) and the 2019 Building Energy Efficiency Standards (California Energy Commission 2019) came into effect. The California Green Building Standards Code encourages sustainable construction practices for five main categories: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. The Building Energy Efficiency Standards include updates to many key areas regarding energy efficiency of newly constructed and altered builds, including the introduction of photovoltaic into the prescriptive package. By complying with these policies, sustainability, energy efficiency, water efficiency and innovation is considered during building construction. Additionally, Title XXIV of the California Code of Regulations has been updated multiple times since this mitigation measure was created and includes additional requirements than the version that was in effect at the time of adoption. In 2019 L.A.'s Green New Deal was released, which includes targets for carbon neutral buildings and reduced energy consumption that would be followed, as applicable regulations are implemented. Current policies, plans, and design standards require more sustainable construction than was available at the time the MMRP for the 2009 SPW EIS/EIR was certified. Therefore, the original intent of the previous mitigation measure has been met through current design regulations and existing state and local ordinances, policies and plans.

Therefore, the intent of the original mitigation measure is met with the implementation of local and state ordinances and policies.

MM AQ-28: Energy Audit

~~The tenant shall conduct a third-party energy audit every 5 years and install innovative power-saving technology where feasible, such as power-factor correction systems and lighting power regulators. Such systems help maximize usable electric current and eliminate wasted electricity, thereby lowering overall electricity use.~~

The 2009 SPW Project EIS/EIR MMRP specifies that this measure applies to cruise ship lines, the cruise terminal, Catalina Express, tug companies, and Ports O' Call tenants during operation.

Because this measure is proposed for removal per the above discussion, the relevant language in the West Harbor Modification Project MMRP will be modified to reflect this proposed removal.

Utilities and Public Services

MM PS-4: Comply with AB 939.

This mitigation measure is proposed for removal because compliance with AB 939 is required by legislature. Proposed modifications are shown below.

~~MM PS-4: Comply with AB 939.~~

~~LAHD and Port tenants will implement a Solid Waste Management including the following measures to achieve a 50% reduction of current waste generation percentages by 2037 and ensure compliance with the California Solid Waste Management Act (AB 939).~~

- ~~a. Provide space and/or bins for storage of recyclable materials on the project site. All garbage and recycle bin storage space will be enclosed and plans will show equal area availability for both garbage and recycle bins in storage spaces.~~
- ~~b. Establish a recyclable material pick-up area for commercial buildings.~~
- ~~c. Participate in a curbside recycling program to serve the new development.~~
- ~~d. Develop a plan for accessible collection of materials on a regular basis.~~
- ~~e. Develop source reduction measures that indicate the method and amount of expected reduction.~~
- ~~f. Implement a program to purchase materials that have recycled content for project construction and operation (e.g., lumber, plastic, office supplies).~~
- ~~g. Provide a resident tenant/employee education pamphlet to be used in conjunction with available Los Angeles County and federal source reduction educational materials. The pamphlet will be provided to all commercial tenants by the leasing/property management agency.~~
- ~~h. Include lease language requiring tenant participation in recycling/waste reduction programs, including specification that janitorial contracts support recycling.~~

The 2009 SPW Project EIS/EIR MMRP specifies that this measure applies to cruise ship lines, the cruise terminal, Catalina Express, and tug companies during operation. The 2016 SPPM Addendum MMRP revised this measure to apply to the SPPM developer.

Because this measure is proposed for removal per the above discussion, the relevant language in the West Harbor Modification Project MMRP will be modified to reflect this proposed removal.

MM PS-5: Water Conservation and Wastewater Reduction.

This proposed modification is necessary because there is no supply source available or proposed, according to the *City of Los Angeles Recycled Water Master Planning* document prepared by the Los Angeles Department of Water and Power (LADWP) and Department of Public Works (2012). If the project is constructed with specific recycled water hook-up capabilities, and once recycled water is available, that water will be used for irrigation and toilet flushing. Proposed modifications are shown below.

MM PS-5: Water Conservation and Wastewater Reduction.

LAHD and Port tenants will implement the following water conservation and wastewater reduction measures to further reduce impacts on water demand and wastewater flows.

- a. The landscape irrigation system will be designed, installed, and tested to provide uniform irrigation coverage for each zone. Sprinkler head patterns will be adjusted to minimize overspray onto walkways and streets. Each zone (sprinkler valve) will water plants having similar watering needs (i.e., shrubs, flowers, and turf will not be in the same watering zone). Automatic irrigation timers will be set to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Irrigation run times will be adjusted for all zones seasonally, reducing length and frequency of watering in the cooler months (i.e., fall, winter, spring). Adjust sprinkler timer run time to avoid water runoff, especially when irrigating sloped property. Sprinkler times will be reduced once drought tolerant plants have been established.
- b. Drought-tolerant, low water consuming plant varieties will be used to reduce irrigation water consumption.
- c. Recycled water will be used for irrigation and toilet flushing (dual-flushing) upon notification from LADWP that recycled water is available and upon notification from Port Engineering that necessary connections are available prior to construction.
- d. Ultra-low-flush toilets, ultra-low-flush urinals, and water-saving showerheads must be installed in both new and replacement construction ~~and when remodeling~~. Low flow faucet aerators will be installed on all sink faucets.
- e. Significant opportunities for water savings exist in air conditioning systems that utilize evaporative cooling (i.e., employ cooling towers). LADWP will be contacted for specific information of appropriate measures.
- f. Re-circulating or point-of-use hot water systems will be installed to reduce water waste in long piping systems where water must be run for considerable period before heated water reaches the outlet.

The 2009 SPW Project EIS/EIR MMRP specifies that this measure applies to the cruise ship lines, cruise terminal, Catalina Express, and tug companies during operation. The 2016 SPPM Addendum MMRP revised this measure to apply to the SPPM developer.

MM PS-6: Employ Energy Conservation Measures.

The proposed buildings are required to comply with the Port of Green Building Policy, which is based on the LEED Certification Rating System and focuses on sustainability, energy efficiency, and water efficiency. This policy also requires the LAHD to use energy and water efficiency elements on their construction projects. In 2008, the City of Los Angeles adopted Ordinance no. 179820, the first amendment to the Los Angeles Municipal Code, Chapter 1, Sections 16.10 and 16.11, which established the Green Building Program (City of Los Angeles 2008). The Green Building Program focuses on sustainable building practices and addresses five key areas: site, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality. In 2020, the 2019 California Green Building Standards Code (California Building Standards Commission 2019) and the 2019 Building Energy Efficiency Standards (California Energy Commission 2019) came into effect. The California Green Building Standards Code encourages sustainable construction practices for five main categories: planning and design; energy efficiency; water efficiency and

conservation; material conservation and resource efficiency; and environmental quality. The Building Energy Efficiency Standards include updates to many key areas regarding energy efficiency of newly constructed and altered builds, including the introduction of photovoltaic into the prescriptive package. By complying with these policies, sustainability, energy efficiency, water efficiency and innovation is considered during building construction. Additionally, Title XXIV of the California Code of Regulations has been updated multiple times since this mitigation measure was created and includes additional requirements than the version that was in effect at the time of adoption. In 2019 L.A.'s Green New Deal was released, which includes targets for carbon neutral buildings and reduced energy consumption that would be followed, as applicable regulations are implemented. Current policies, plans, and design standards require more sustainable construction than was available at the time the MMRP for the 2009 SPW EIS/EIR was certified. Therefore, this mitigation measure is proposed for removal because the original intent of the previous mitigation measure has been met through current design regulations and existing state and local policies and plans. Proposed modifications are shown below.

~~MM-PS-6: Employ energy conservation measures.~~

~~During the design process, LAHD will consult with LADWP's Efficiency Solutions Business Group regarding possible energy efficiency measures. LAHD and its tenants will incorporate measures to meet or, if possible, exceed minimum efficiency standards for Title XXIV of the California Code of Regulations, such as:~~

- ~~a. Built-in appliances, refrigerators, and space-conditioning equipment will exceed the minimum efficiency levels mandated in the California Code of Regulations.~~
- ~~b. High-efficiency air conditioning will be installed that is controlled by a computerized energy-management system in office and retail spaces and provides the following: a variable air-volume system that results in minimum energy consumption and avoids hot water energy consumption for terminal reheat, a 100% outdoor air-economizer cycle to obtain free cooling in appropriate climate zones during dry climatic periods, sequentially staged operation of air-conditioning equipment in accordance with building demands, the isolation of air conditioning to any selected floor or floors, and considers the applicability of the use of thermal energy storage to handle cooling loads.~~
- ~~c. Ventilation air will be cascaded from high-priority areas before being exhausted, thereby decreasing the volume of ventilation air required. For example, air could be cascaded from occupied space to corridors and then to mechanical spaces before being exhausted.~~
- ~~d. Lighting system heat will be recycled for space heating during cool weather. While exhaust lighting system heat will be recycled from the buildings, via ceiling plenums, to reduce cooling loads in warm weather.~~
- ~~e. Low and medium static-pressure terminal units will be installed, as well as ductwork to reduce energy consumption by air-distribution systems.~~

- f. ~~Buildings must be well sealed to prevent outside air from infiltrating and increasing interior space-conditioning loads. Where applicable, design building entrances with vestibules to restrict infiltration of unconditioned air and exhausting of conditioned air.~~
- g. ~~A performance check of the installed space-conditioning system will be completed by the developer/installer prior to issuance of the certificate of occupancy to ensure that energy-efficiency measures incorporated into the proposed Project operate as designed.~~
- h. ~~Exterior walls will be finished with light-colored materials and high-emissivity characteristics to reduce cooling loads. Interior walls will be finished with light-colored materials to reflect more light and, thus increase light efficiency.~~
- i. ~~White reflective material will be used for roofing meeting California standards for reflectivity and emissivity to reject heat.~~
- j. ~~Thermal insulation that exceeds requirements established by the California Code of Regulations will be installed in walls and ceilings.~~
- k. ~~Window systems will be designed to reduce thermal gain and loss, thus reducing cooling loads during warm weather and heating loads during cool weather.~~
- l. ~~Heat-rejecting window treatments will be installed, such as films, blinds, draperies, or others on appropriate exposures.~~
- m. ~~Fluorescent and high-intensity discharge lamps that give the highest light output per watt of electricity consumed will be installed wherever possible, including all street and parking lot lighting, to reduce electricity consumption. Reflectors will be used to direct maximum levels of light to work surfaces.~~
- n. ~~Photosensitive controls and dimmable electronic ballasts will be installed to maximize the use of natural daylight available and reduce artificial lighting load.~~
- o. ~~Occupant-controlled light switches and thermostats to permit individual adjustment of lighting, heating, and cooling will be installed to avoid unnecessary energy consumption.~~
- p. ~~Time-controlled interior and exterior public area light will be installed, limited to that which is necessary for safety and security.~~
- q. ~~Mechanical systems (HVAC and lighting) in the building will be controlled with timing systems to prevent accidental or inappropriate conditioning or lighting of unoccupied space.~~
- r. ~~Windowless walls or passive solar inset of windows will be incorporated, where feasible, in building design.~~
- s. ~~Project will focus pedestrian activity within sheltered outdoor areas.~~

The 2009 SPW Project EIS/EIR MMRP specifies that this measure applies to cruise ship lines, the cruise terminal, Catalina Express, and tug companies during operation. The 2016 SPPM Addendum MMRP revised this measure to apply to the SPPM developer.

Because this measure is proposed for removal per the above discussion, the relevant language in the West Harbor Modification Project MMRP will be modified to reflect this proposed removal.

3.0 Anticipated Project Approvals and Permits

The approvals or permits that could be required for the proposed West Harbor Project are anticipated to include, but not be limited, to:

- City of Los Angeles building, occupancy, electrical, and mechanical permits
- Los Angeles Fire Department (LAFD): approval of fire suppression system
- LAHD: issuance of a Harbor Engineer Permit, Coastal Development Permit or Coastal Development Permit amendment, and site lease amendments (as necessary)
- South Coast Air Quality Management District (SCAQMD): permit for emergency generator
- State Water Resources Control Board: Construction General Permit

4.0 Environmental Checklist – Initial Study

1. **Project Title:** West Harbor Modification Project
2. **Lead Agency Name and Address:** Los Angeles Harbor Department
Environmental Management Division
425 S. Palos Verdes Street
San Pedro, CA 90731
3. **Contact Person and Phone Number:** Nicole Enciso
310.732.3615
4. **Project Location:** Port of Los Angeles, from Berths 73-Z to 83
San Pedro, CA 90731
5. **Project Sponsor's Name and Address:** Los Angeles Harbor Department
Environmental Management Division
425 S. Palos Verdes Street
San Pedro, CA 90731
6. **General Plan Designation:** Visitor-Serving Commercial
7. **Zoning:** [Q]M2-1, Light Industrial
Enterprise Zone/Employment and Economic
Incentive Program Area (EZ) No. 2130

8. Description of Project:

LAHD is proposing modifications to the West Harbor Modification Project involving development of an approximately 108,000-square-foot, 6,200-seat outdoor amphitheater and entertainment lawn venue, as well as an approximately 150-foot tall by 50-foot wide Tower Attraction that would replace the previously analyzed 100-foot diameter Ferris wheel. The modifications would occur on approximately 2.5 acres within the previously approved 6.4-acre Discovery Sea Amusement Area of the site formerly known as the San Pedro Public Market, which is between the Main Channel and Harbor Boulevard from Berths 73-Z to 83 within the Port. The Amphitheater would replace the previously approved Discovery Sea Amusement Area and 500-seat amphitheater. The other entertainment attractions previously proposed within the Discovery Sea Amusement Area included playground facilities and entertainment attractions such as various temporary and permanent rides (i.e., a Ferris wheel, a carousel, and arcade-style games). LAHD is also proposing modifications to mitigation measures in the SPW Project MMRP and the 2016 SPPM Addendum MMRP in the areas of air quality, utilities and public services, and transportation.

9. Surrounding Land Uses and Setting:

The West Harbor Modification Project is within the Port, which is in San Pedro Bay within the city of Los Angeles, approximately 20 miles south of downtown Los Angeles. The Port is adjacent to the community of San Pedro to the west, the Wilmington community to the north, the Port of Long Beach to the east, and the Pacific Ocean to the south. In total, the Port encompasses approximately 7,300

acres of land and water along 43 miles of waterfront. The proposed West Harbor Modification Project site is within the SPW area and involves development modifications to approximately 2.5 acres within the 6.4-acre Discovery Sea Amusement Area in the southern portion of the SPPM. The West Harbor comprises a total of approximately 45 acres, including the former site of Ports O'Call Village, located between the Los Angeles Harbor's Main Channel and Harbor Boulevard from Berths 73-Z to 83. Steep bluffs to the northwest provide a natural physical edge between portions of the San Pedro community and the project site. There are residences approximately 1,450 feet west of the project site. Just southwest of the project site, in the S.P. Slip, is an active commercial fishing fleet. The Municipal Fish Market at Berth 72, adjacent to the S.P. Slip, is associated with these fishing operations. Berths 91 to 93 to the north of the project site are currently used by the World Cruise Center.

10. Other Public Agencies Whose Approval Is Required:

- City of Los Angeles building, occupancy, electrical, and mechanical permits
- LAFD: approval of fire suppression system
- LAHD: issuance of a Harbor Engineer Permit, Coastal Development Permit or Coastal Development Permit amendment, and site lease amendments (as necessary)
- SCAQMD: permit for emergency generator
- State Water Resources Control Board: approval of Construction General Permit

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, has consultation begun?

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts on tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process (see PRC § 21083.3.2.). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per PRC Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that PRC Section 21082.3(c) contains provisions specific to confidentiality.

LAHD sent certified AB 52 letters on January 8, 2020, to the Gabrieleno Band of Mission Indians-Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrielino/Tonga Nation, Gabrielino Tongva Indians of California Tribal Council, and Gabrielino-Tongva Tribe. No responses were received within the 30-day consultation request period, which ended on February 7, 2020.

Environmental Factors Potentially Affected

The environmental factors checked below could be affected by this project (i.e., the project would involve at least one impact that is a “Potentially Significant Impact”), as indicated by the checklist on the following pages.

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils/
Paleontological Resources | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Determination

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☒ I find that the proposed project MAY have a significant effect on the environment, and a SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have an impact on the environment that is “potentially significant” or “potentially significant unless mitigated” but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and (2) has been addressed by mitigation measures based on the earlier analysis, as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards; and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed on the project, nothing further is required.



Signature

Chris Cannon, Director
Environmental Management Division
City of Los Angeles Harbor Department

04-07-2022

Date

Evaluation of Environmental Impacts

1. A brief explanation is required for all answers, except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained if it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less than Significant with Mitigation Incorporated” applies when the incorporation of mitigation measures has reduced an effect from a “Potentially Significant Impact” to a “Less-than-Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level. (Mitigation measures from Earlier Analyses, as described in #5, below, may be cross referenced.)
5. Earlier analyses may be used if, pursuant to tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where earlier analyses are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards and state whether such effects were addressed by mitigation measures, based on the earlier analysis.
 - c. Mitigation Measures. For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, when appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to a less-than-significant level.

I. Aesthetics

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the project:

a. Have a substantial adverse effect on a scenic vista?

No Impact. The West Harbor Modification Project site is not within or near any protected or designated scenic vistas. Therefore, there would be no impact, and this issue will not be addressed further in the SEIR.

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?

No Impact. The West Harbor Modification Project site is not near an eligible or designated scenic highway. Therefore, the proposed project would not have the potential to damage scenic resources within a state scenic highway. The California Department of Transportation is responsible for official nomination and designation of eligible scenic highways. The nearest officially designated State Scenic Highway is approximately 21 miles north of the proposed project (State Route 1, from Venice Boulevard to the city boundary of Santa Monica) (Caltrans 2019). The West Harbor Modification Project site is not visible from this location; therefore, proposed West Harbor Modification Project activities would not affect the quality of scenic views from this location.

No scenic trees or rock outcroppings exist at the West Harbor Modification Project site. Demolition activities proposed at the project site would be consistent with the existing visual context of a working port. Therefore, there would be no impacts on scenic resources and this issue will not be addressed further in the SEIR.

The amphitheater stage and associated scaffolding would be approximately 45 feet and display screens would not exceed approximately 35 feet in height. Grandstand seating would increase in height, with the front row starting at approximately 7 feet above ground level and the back row reaching approximately 35 feet above ground level. Development of the West Harbor Modification Project would not obstruct critical public views from a designated scenic highway or within recognized or valued views. Therefore, there would be no impact, and this issue will not be addressed further in the SEIR.

c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less-than-Significant Impact. Development of the West Harbor Modification Project would not conflict with applicable zoning or other regulations governing scenic quality. Its construction would also be subject to and comply with the San Pedro Waterfront and Promenade Design Guidelines (Port of Los Angeles 2014). These guidelines were developed to provide the framework for quality and appropriate design to ensure that SPW features would not adversely affect visual quality by introducing highly contrasting, inharmonious, or unsuitably scaled architecture. LA Waterfront Design Guidelines (Port of Los Angeles 2014b) related to maintaining views and building heights include the following:

- Buildings should protect upland views to the water and adhere to the existing scale of development in Wilmington and San Pedro.
- The maximum building height for development should comply with the City of Los Angeles Zoning Ordinance. Where deemed appropriate by the Port, however, buildings can exceed this height through a variance.
- Roof elements such as poles and masts and other structures that occupy no more than 10% of the roof area are exempt from building height limits.
- Buildings should generally decrease in height as they approach the waterfront, with taller buildings away from the water and shorter buildings nearer the promenade.
- Tower elements or those portions of a building over 60 feet should be designed as slender structures to minimize view obstructions from inland areas and maintain upland views and east-west view corridors from existing streets.

In addition, LA Waterfront Design Guidelines (Port of Los Angeles 2014) related to signage include the following:

- Signs should be scaled based on their environment and intended user. For example, larger signs should be used for drivers moving at faster speeds while smaller signs should be used for pedestrians.
- Signs should be located where most effective in terms of decision points and information needs. They should be located for prominence and readability.

- Signs should be illuminated uniformly and use appropriate contrasting backgrounds to ensure visibility and legibility, even during night hours. Glare and reflection should be minimized.

These design standards were determined to result in visual improvements to the current facilities at Ports O'Call. The West Harbor Modification Project would adhere to standards associated with the above-referenced design guidelines to ensure that the existing visual character or quality of public views of the site and its surroundings are not adversely degraded. Therefore, impacts would be less than significant, and this issue will not be addressed further in the SEIR.

d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

Potentially Significant Impact. The West Harbor Modification Project could create a new source of substantial light or glare due to lighting and screens being used during concert events. Therefore, this issue will be evaluated in the SEIR.

II. Agricultural and Forestry Resources

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
<p>In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts on forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forestland, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project, and forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forestland or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The California Department of Conservation's Farmland Mapping and Monitoring Program develops maps and statistical data for analyzing impacts on California's agricultural resources. The Farmland Mapping and Monitoring Program categorizes agricultural land according to soil quality and irrigation status; the best land is identified as Prime Farmland. According to the Farmland Mapping and Monitoring Program, the West Harbor Modification Project site is an area that has been designated as Urban and Built-Up Land, which is defined as land with structures that have a variety of uses, including industrial, commercial, institutional, and railroad or other transportation uses (California Department of Conservation 2018). There is no Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance in the West Harbor Modification Project vicinity or on the project site. Therefore, the West Harbor Modification Project would not convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance to nonagricultural use. Consequently, no impacts would occur, and this issue will not be addressed further in the SEIR.

b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?

No Impact. The West Harbor Modification Project site is zoned for light industrial uses ([Q]M2-1). There are no agricultural zoning designations or agricultural uses within the project limits or adjacent areas. The Williamson Act applies to parcels with at least 20 acres of Prime Farmland or at least 40 acres of land that is not designated as Prime Farmland. The project site is not within a Prime Farmland designation and does not consist of more than 40 acres of farmland (California Department of Conservation 2018). No Williamson Act contracts apply to the West Harbor Modification Project site. As such, the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract. Therefore, no impacts would occur, and this issue will not be addressed further in the SEIR.

c. Conflict with existing zoning for, or cause rezoning of forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No Impact. The West Harbor Modification Project site is currently zoned as for light industrial uses ([Q]M2-1) (City of Los Angeles 2019a). It does not support timberland or forestland. Therefore, the West Harbor Modification Project would not conflict with existing zoning for, or cause rezoning of, forestland, timberland, or timberland zoned Timberland Production. As such, no impact would occur, and this issue will not be addressed further in the SEIR.

d. Result in the loss of forestland or conversion of forestland to non-forest use?

No Impact. The West Harbor Modification Project would not result in a loss of forestland or the conversion of forestland to non-forest use. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

e. Involve other changes in the existing environment that, because of their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use?

No Impact. As discussed above, no farmland or forestland occurs within the surrounding area or at the West Harbor Modification Project site. The project would not disrupt or damage the existing environment or result in the conversion of farmland to non-agricultural use or conversion of forestland to non-forest use. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

III. Air Quality

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation	Less-than- Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the project:

a. Conflict with or obstruct implementation of the applicable air quality plan?

Potentially Significant Impact. The West Harbor Modification Project could result in increased emissions of criteria air pollutants due to possible higher trip generation. Therefore, this issue will be evaluated in the SEIR.

b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard?

Potentially Significant Impact. The West Harbor Modification Project could result in a cumulatively considerable net increase in a criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard due to potentially higher trip generation rates. Therefore, this issue will be evaluated in the SEIR.

c. Expose sensitive receptors to substantial pollutant concentrations?

Potentially Significant Impact. The West Harbor Modification Project could expose sensitive receptors to substantial pollutant concentrations due to additional vehicle traffic during concert events. Therefore, this issue will be evaluated in the SEIR.

d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Potentially Significant Impact. The West Harbor Modification Project could result in other emissions (such as those leading to odors) adversely affecting a substantial number of people due to the use of pyrotechnics and fireworks during events. Therefore, this issue will be evaluated in the SEIR.

IV. Biological Resources

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetland (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Potentially Significant Impact. No candidate, sensitive, or special-status species are known to occur on the West Harbor Modification Project site, and there is no federally

designated critical habitat in the harbor area. The West Harbor Modification Project would construct an outdoor venue hosting concerts and other special events. The project would include an amplified sound system, fireworks, and lighting displays. Noise from the sound system, audiences attending the events, and fireworks could propagate into the surrounding community and be audible to nearby species, such as marine mammals in the channel and endangered California least terns (*Sternula antillarum*) at the Pier 400 Nesting site. The installation and operation of the Tower Attraction will also be included in this assessment for its potential for perching and nesting and impacts from lighting. As a result, the West Harbor Modification Project could create a substantial adverse effect on marine mammals and the California least tern colony. Therefore, this issue will be evaluated in the SEIR.

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. There is no riparian habitat at the West Harbor Modification Project site or in the vicinity; therefore, no impact on riparian habitats would occur. Neither construction nor operation of the amphitheater would involve any in-water or over-water work. Therefore, no impacts on any other sensitive natural communities such as eelgrass would occur and this issue will not be addressed further in the SEIR.

c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. The West Harbor Modification Project would not affect federally protected wetlands (as defined by Section 404 of the Clean Water Act) because there are no federally protected wetlands in the area. Implementation of the project would not affect riparian habitat or require in-water or over-water work. Therefore, no impact would occur and this issue will not be addressed further in the SEIR.

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less-than-Significant Impact. No known wildlife migration corridors are present at the West Harbor Modification Project site. Further, if construction is to occur between February 15 and September 1, a qualified biologist will conduct surveys for the presence of species protected under the Migratory Bird Treaty Act, such as black-crowned night herons, and blue herons within Berth 78-Ports O'Call or other appropriate and known locations within the study area that contain potential nesting bird habitat, consistent with Mitigation Measure BIO-2. Therefore, the project would have a less-than-significant impact and this issue will not be addressed further in the SEIR.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The only biological resources protected by City of Los Angeles ordinance (City of Los Angeles 2006) are certain tree species, none of which are present on the West Harbor Modification Project site. Therefore, the project would not conflict with any local

policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. As such, no impact would occur, and this issue will not be addressed further in the SEIR.

f. Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?

No Impact. Neither the West Harbor Modification Project site nor any adjacent areas are included as part of an adopted natural communities conservation plan or habitat conservation plan. Therefore, project would not adversely affect any areas identified in an adopted plan. The project would not conflict with the provisions of an adopted community conservation, habitat conservation, or other plan. As such, no impact would occur, and this issue will not be addressed in the SEIR.

V. Cultural Resources

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

No Impact. The West Harbor Modification Project would not require the demolition or removal of any structures. Therefore, no impacts on historical resources would occur, and this issue will not be addressed further in the SEIR.

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less-than-Significant Impact. The Ports O'Call area overlies land that includes artificial fill (U.S. Department of Agriculture 2022). Because of the highly disturbed nature of the site and the minimal ground disturbance anticipated as a part of the West Harbor Modification Project, interaction with archaeological resources is unlikely. Therefore, impacts would be less than significant, and this issue will not be addressed further in the SEIR.

c. Disturb any human remains, including those interred outside of dedicated cemeteries?

No Impact. No prehistoric sites or cemeteries have been identified in the West Harbor Modification Project site or within a 0.25-mile radius of the site. Based on the results of the cultural resource records search and Native American consultation process, there is no evidence of any human remains, including those interred outside of dedicated cemeteries, within the West Harbor Modification Project site that would be affected by the proposed project. Furthermore, as this location is on artificial fill, impacts on buried human remains would be unlikely.

Therefore, no impacts on any human remains would occur, and this issue will not be addressed further in the SEIR.

VI. Energy

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

Less-than-Significant Impact. The West Harbor Modification Project would not use nonrenewable energy resources in a wasteful or inefficient manner during construction or operation. The project would require the use of diesel and gasoline to operate equipment during construction and for construction worker vehicles. Gasoline for worker and patron vehicles would be the primary energy resources needed during operation. In addition, diesel would be needed for the trucks and emergency generator, natural gas for food vendors, and electricity for concert operations.

During construction, diesel would be used to operate onsite construction equipment and offsite delivery and hauling vehicles. Gasoline would be used in construction worker vehicles. Electricity would be used to operate minor electrical equipment, such as lighting. Substantial electricity use would not occur during construction activities because construction would occur primarily during daylight hours, thus limiting the need for lighting. Construction of the proposed project would consume an estimated 26,677 gallons of fuel (23,639 gallons diesel, 3,038 gallons gasoline). Energy expenditures during construction would be short in duration, lasting approximately 10 to 12 months.

During operation, propane fuels would be used to operate onsite food vendors. Gasoline fuel would be used to operate worker and patron automobiles, as well as for an emergency generator for the Tower Attraction. Electricity would be used to operate onsite lighting, sound equipment, the Tower Attraction, and other concert-related equipment. Operation of the project would annually consume an estimated 393,879 gallons of fuel (8,075 gallons diesel, 246,915 gallons of gasoline), 750,000 cubic feet per year of natural gas, and 1 gigawatt-hour (GWh) of electricity. The electricity demand in 2020 was 65,650 GWh for Los Angeles County (CEC 2020a). Natural gas consumption in Los Angeles County in 2020

was 2,937 million British thermal units (CEC 2020b). Therefore, due to the limited amount of electricity and natural gas use compared to that available for use, the project would not result in a wasteful use of energy. In 2017, 3,659 million gallons of gasoline and 301 million gallons of diesel were sold in Los Angeles County (County of Los Angeles 2019).

Based on the maximum projected use of fuels for this project as compared to overall sales in the county, the project would not result in a wasteful use of energy. Therefore, these energy uses do not constitute wasteful, inefficient, or unnecessary consumption and impacts would be less than significant. This issue will not be addressed further in the SEIR.

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The West Harbor Modification Project would incorporate energy conservation measures in compliance with the California Building Standards Code, CCR Title 24, and any other applicable local, state, and federal energy efficiency requirements. Therefore, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and no impact would occur. This issue will not be addressed further in the SEIR.

VII. Geology and Soils

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the project:

a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- 1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

Less-than-Significant Impact. The Palos Verdes Fault Zone traverses the Port in a northwest-to-southeast manner from the West Turning Basin to Pier 400 and beyond. The Palos Verdes Fault Zone roughly encompasses a 50-mile-long area that travels through the communities of San Pedro, Palos Verdes Estates, Torrance, and Redondo Beach (USGS 2022). According to Figure 2, *Palos Verdes Fault Zone*, of the 2018 PMP, the Palos Verdes fault crosses the project area. In addition to the Palos Verdes Fault Zone, the northern terminus of the Wilmington blind thrust fault line is immediately adjacent to and just northeast of the project. According to the 2017 *Activity and Earthquake Potential of the Wilmington Blind Thrust, Los Angeles, CA Final Technical Report* submitted to the U.S. Geological Survey, the fault line is between Cannery Street and the project site (Wolfe et al. 2017). The West Harbor Modification Project would not include the addition of any new structures meant for human occupancy (consequently, potential impacts on people and structures would be negligible) and would not contain features that would directly or indirectly cause or intensify effects associated with fault rupture. Therefore, impacts would be less than significant, and this issue will not be addressed further in the SEIR.

2. Strong seismic ground shaking?

Less-than-Significant Impact. The West Harbor Modification Project area lies near the Palos Verdes Fault Zone; therefore, potential hazards exist because of seismic activity associated with active faults and the presence of engineered fill¹ throughout the area. The exposure of people to seismic ground shaking is a potential risk with or without the project. The risk of seismic hazards such as ground shaking cannot be avoided. Building and construction design codes are meant to minimize structural damage resulting from a seismic event. The West Harbor Modification Project would comply with applicable engineering standards and building codes, as well as applicable sections of the Los Angeles Building Code. Emergency planning and coordination would also contribute to reducing injuries to onsite personnel and patrons during seismic activity. With incorporation of emergency planning and compliance with current regulations and standard engineering practices, this impact would be less than significant and will not be addressed further in the SEIR.

¹ According to the 2018 PMP, the Port has been physically modified through past dredge-and-fill projects. The Natural Resources Conservation Service's Web Soil Survey identifies soils in the project area as Urban Land, 0 to 2 percent slopes, dredged fill substratum.

3. Seismic-related ground failure, including liquefaction?

Less-than-Significant Impact. Liquefaction occurs when saturated, low-density loose materials (e.g., sand or silty sand) are weakened and transformed from a solid to a near-liquid state as a result of increased pore water pressure. The increase in pressure is caused by strong ground motion from an earthquake. Liquefaction most often occurs in areas underlain by silts and fine sands and where shallow groundwater exists. Similar to Threshold XIX(a)(2), above, the harbor area, including the SPPM and West Harbor Modification Project site, is identified as an area that is susceptible to liquefaction, per the California Geological Survey's Earthquake Zones of Required Investigation (1999). This is due to the presence of engineered fill and shallow groundwater at the West Harbor Modification Project site. The exposure of people to liquefaction is a potential risk with or without the proposed project. The risk of seismic hazards such as liquefaction cannot be avoided. Building and construction design codes are meant to minimize structural damage resulting from a seismic event. The West Harbor Modification Project would comply with applicable engineering standards and building codes, as well as applicable sections of the Los Angeles Building Code. Emergency planning and coordination would also contribute to reducing injuries to onsite personnel and patrons during seismic activity. With incorporation of emergency planning and compliance with current regulations and standard engineering practices, this impact is considered less than significant, and will not be addressed further in the SEIR. In addition, per the California Supreme Court in its *California Building Industry Association v. Bay Area Air Quality Management District* decision, "CEQA generally does not require an analysis of how existing environmental conditions will impact a project's future users or residents." The proposed West Harbor Modification Project would not change or exacerbate the potential to expose people or structures to seismic hazards. This impact would be less than significant and will not be addressed further in the SEIR.

4. Landslides?

No Impact. Topography in the vicinity of the West Harbor Modification Project site is flat and not subject to landslides. As described in the 2009 Final SPW EIS/EIR, a slope that ranges from 0 to approximately 20 feet in height is approximately 1,500 feet northwest of the proposed project near South Harbor Boulevard and 11th Street. Because of the relatively small size of the slope, the potential for a landslide to occur on this slope is considered low. In addition, the project site is not in an area susceptible to earthquake-induced landslides (California Geological Survey 1999). Therefore, no impacts related to landslides would occur, and this issue will not be addressed further in the SEIR.

b. Result in substantial soil erosion or the loss of topsoil?

No Impact. The West Harbor Modification Project site is currently covered with permeable and impermeable surfaces that drain to harbor waters; implementation of the project would not modify the site's existing drainage patterns. Project construction would occur under the General Construction Activity Stormwater Permit (2009-0009-DWQ, as amended) issued by the State Water Resources Control Board. This permit requires preparation of and compliance with a Storm Water Pollution Prevention Plan (SWPPP) and associated best management practices (BMPs) to prevent pollutants in stormwater discharges from causing

or contributing to violations of water quality objectives. The proposed West Harbor Modification Project would also comply with the City of Los Angeles' low-impact development (LID) ordinance. Operations would occur in compliance with the Municipal Separate Storm Sewer System (MS4) permit (R4-2012-0175-A01 and future iterations). Therefore, no impacts related to soil erosion or loss of topsoil would occur, and this issue will not be addressed further in the SEIR.

c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less-than-Significant Impact. As discussed above, the West Harbor Modification Project area is near the active Palos Verdes fault and within liquefaction-prone engineered fill. The exposure of people to liquefaction is a potential risk with or without the project. The risk of seismic hazards such as liquefaction cannot be avoided. Building and construction design codes are meant to minimize structural damage resulting from a seismic event. The West Harbor Modification Project would comply with applicable engineering standards and building codes, as well as applicable sections of the Los Angeles Building Code. The project site is also flat and not subject to landslides. The closest landslide zone to the project site is approximately 1,500 feet away. Through compliance with current regulations and standard engineering practices, this impact would be less than significant and will not be addressed further in the SEIR.

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

No Impact. The West Harbor Modification Project would be designed and constructed consistent with implementation of Chapter IX, Building Regulations, of the Los Angeles Municipal Code, in conjunction with criteria established by LAHD, and would not result in substantial direct or indirect risks to life or property. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

No Impact. The use of septic tanks is not proposed as part of the West Harbor Modification Project. Restroom facilities would either be connected directly to the sewer system or portable facilities would be used, which would be removed and treated, as needed. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less-than-Significant Impact. As mentioned in Section V, *Cultural Resources*, the Ports O'Call area overlies land that includes artificial fill (U.S. Department of Agriculture 2022). Because of the highly disturbed nature of the site and the minimal ground disturbance anticipated as a part of the West Harbor Modification Project, interaction with paleontological resources is unlikely. Therefore, impacts would be less than significant, and this issue will not be addressed further in the SEIR.

VIII. Greenhouse Gas Emissions

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Potentially Significant Impact. The West Harbor Modification Project could generate greenhouse gas (GHG) emissions due to combustion sources associated with the proposed project during both construction and operation that may have a significant impact. Therefore, this issue will be evaluated in the SEIR.

b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less-than-Significant Impact. State CEQA Guidelines Section 15064.4(b) provides that one factor to be considered in assessing the significance of GHG emissions on the environment is “the extent to which a project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.”

Several state, regional, and local plans have been developed that set goals for the reduction of GHG emissions over the next few years and decades. Some of these plans and policies (notably, Executive Order S-3-05 and AB 32) were taken into account by SCAQMD in developing the threshold of 10,000 metric tons per year of carbon dioxide equivalent (CO₂e). However, no regulations or requirements have been adopted by relevant public agencies to implement those plans for specific projects within the meaning of State CEQA Guidelines Section 15064.4(b)(3). (See *Center for Biological Diversity v. Cal. Dept. of Fish and Wildlife* [Newhall Ranch] [2015] 62 Cal.4th 204, 223.). For the purpose of disclosure, LAHD has considered whether the proposed West Harbor Modification Project’s activities and features would be consistent with federal, state, or local plans, policies, or regulations for the reduction of GHG emissions, as set forth below.

The State of California is leading the way in the United States with respect to GHG reductions. Several legislative and municipal targets for reducing GHG emissions below 1990 levels have been established. Key examples include:

- Senate Bill 32
 - 1990 levels by 2020
 - Forty percent below 1990 levels by 2030
- AB 32
 - Eighty percent below 1990 levels by 2050
- City of Los Angeles Sustainable City pLAn
 - Forty percent below 1990 levels by 2030
 - Eighty percent below 1990 levels by 2050
- City of Los Angeles Green New Deal (4-Year Update to the Sustainable City pLAn)
 - Reduce Port-related GHG emissions by 80 percent by 2050

LAHD has been tracking GHG emissions, in terms of CO₂e, since 2005 through the LAHD municipal GHG inventory and the annual inventory of air emissions. Port-related GHG emissions started making significant reductions in 2006, reaching a maximum reduction in CO₂e of 15 percent below 1990 levels in 2013 (Figure 7). Subsequently, 2014 and 2015 saw GHG levels rise due to a period of Port congestion that arose from circumstances outside of the control of either LAHD or its tenants. Emissions have dropped slightly since the 2015 peak, despite record-breaking cargo throughput over the last few years. As of 2018, Port-related GHG emissions are 3 percent below 1990 levels. Figure 8 presents a visual representation of current GHG emissions compared to future compliance with Senate Bill 32, AB 32, and the City of Los Angeles Green New Deal.

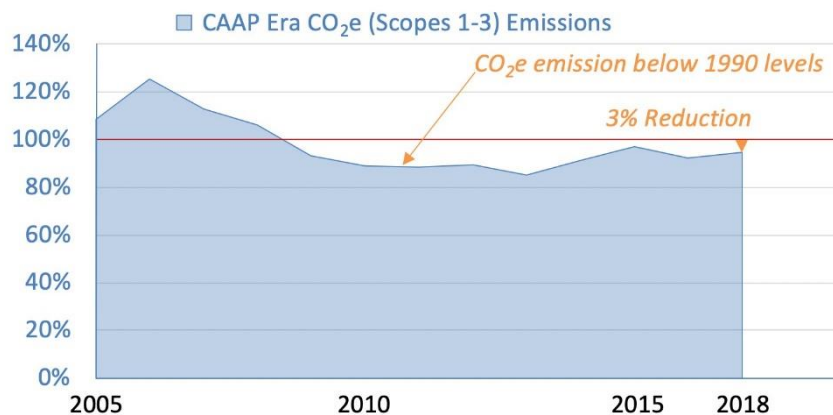


Figure 7 GHG Emissions, 2005–2018

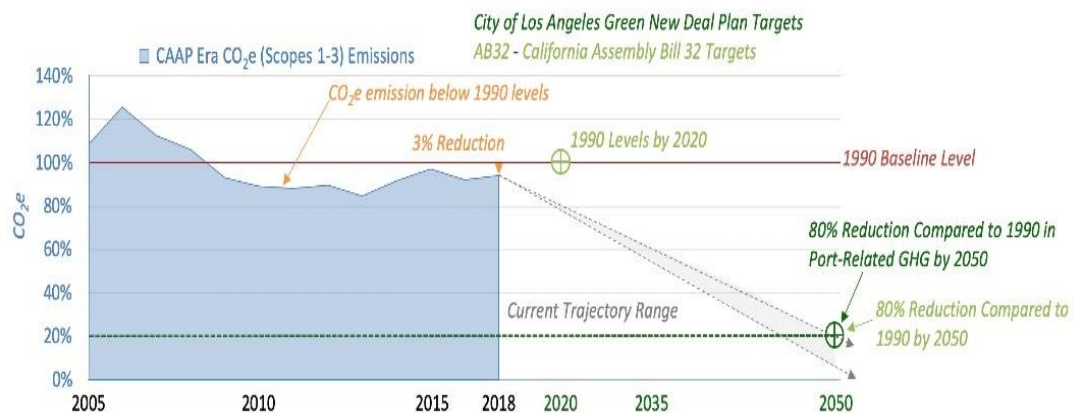


Figure 8 Actual GHG Emissions, 2005–2018 and 2018 GHG Compliance Trajectory

LAHD and its tenants have initiated a number of wide-ranging strategies to reduce Port-related GHGs, which include the benefits associated with the Clean Air Action Plan, Zero Emission Roadmap, Energy Management Action Plan, operational efficiency improvements, and land use and planning initiatives. Looking toward 2050, there are several unknowns that will affect future GHG emission levels. These unknowns include grid power portfolios; the goods movement industry's preferences of power sources and fuel types for ships, harbor craft, terminal equipment, locomotives, and trucks; advances in cargo movement efficiencies; the locations of manufacturing centers for products and commodities moved; and increasing consumer demand for goods. The key relationships that have led to operational efficiency improvements to date are the cost of energy, current and upcoming regulatory programs, and the competitive nature of the goods movement industry. LAHD anticipates these relationships will continue to produce benefits with regard to GHG emissions for the foreseeable future.

Nevertheless, with the very aggressive targets shown on Figure 8 above and the interconnected nature of GHG emissions, it is not possible at this time to determine whether Port-wide emissions or any particular project applicant will be able to meet the compliance trajectory shown. Compliance will depend on future regulations or requirements that may be adopted, future technologies that have not been identified or fully developed at this time, or any other Port-wide GHG reduction strategies that may be established. Although it is unclear if the Port-wide GHG reduction goals and timeline can be met due to future regulations or requirements that may be adopted or future technologies that have not been identified or fully developed at this time, the proposed West Harbor Modification Project is not expected to conflict with any GHG reduction initiative that is developed to help the City of Los Angeles and LAHD meet the above GHG reduction goals. The impact would be less than significant, and this issue will not be addressed further in the SEIR.

IX. Hazards and Hazardous Materials

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less-than-Significant Impact. The West Harbor Modification Project would not involve the routine transport, use, or disposal of hazardous materials. Fireworks would occasionally be delivered to the site for use in pyrotechnic displays during concerts. Therefore, the impacts would be less than significant, and this issue will not be addressed further in the SEIR.

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

No Impact. As mentioned above, the West Harbor Modification Project would not include the transport, use, or disposal of hazardous materials. Therefore, no upset conditions would be expected. No impact would occur, and this issue will not be addressed further in the SEIR.

c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. The West Harbor Modification Project location is not within one-quarter mile of an existing or proposed school. No impact would occur, and this issue will not be addressed further in the SEIR.

d. Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The West Harbor Modification Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control 2020; State Water Resources Control Board 2020). As such, the proposed project would not create a significant hazard to the public or the environment. No impact would occur, and this issue will not be addressed further in the SEIR.

e. Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The West Harbor Modification Project is not within an airport land use plan area or within 2 miles of a public airport or public use airport. The closest airport, Torrance Municipal Airport – Zamperini Field, is approximately 5 miles to the northwest of the West Harbor Modification Project site. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less-than-Significant Impact. The West Harbor Modification Project operations would be required to adhere to all Homeland Security, Port Police, and LAFD and other applicable local, state, and federal emergency response and evacuation regulations. Therefore, a less-than-significant impact would occur, and this issue will not be addressed further in the SEIR.

g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

No Impact. The West Harbor Modification Project is not in a Very High Fire Hazard Severity Zone according to the California Department of Forestry and Fire Protection (2021). The project site is in a developed area and would not have a substantial risk of wildland fires. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

X. Hydrology and Water Quality

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:				
1. Result in substantial erosion or siltation on or off site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Less-than-Significant Impact. The West Harbor Modification Project would not violate any water quality standards or waste discharge requirements. Project construction would occur

under the General Construction Activity Stormwater Permit (2009-0009-DWQ, as amended) issued by the State Water Resources Control Board. This permit requires the preparation of and compliance with a SWPPP and associated BMPs to prevent pollutants from the West Harbor Modification Project from mobilizing through stormwater, or run-off, which may cause or contribute to violations of water quality objectives. The proposed West Harbor Modification Project would also comply with the City of Los Angeles' LID ordinance. Operations would occur in compliance with the MS4 permit (R4-2012-0175-A01 and future iterations). In addition, standard Port permit conditions would require the provision of adequate onsite waste collection, contained trash enclosures, and minimization of waste from concessions through compliance with city ordinances for single-use items and food recycling. Standard BMPs would also be part of the permit conditions to ensure trash is picked up and the entire site would be cleaned after each event to minimize mobilization of pollutants from concert events. Where possible, sustainable practices and products, such as biodegradable confetti, would be used during events and care would be taken to direct the spray away from the main channel. This material, along with other trash, would be cleaned up after each event to prevent debris from entering the storm drain system and ocean. Therefore, impacts related to water quality standards and waste discharge requirements would be less than significant, and this issue will not be addressed further in the SEIR.

b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less-than-Significant Impact. The West Harbor Modification Project would not deplete groundwater supplies or interfere substantially with groundwater recharge. Currently, the proposed project area is predominantly paved. Construction will result in increased permeable surfaces and increased infiltration. This design will also decrease the urban heat island effect. The City of Los Angeles LID ordinance will be followed to allow stormwater and other allowable non-stormwater discharges to flow through the appropriate BMPs.

Groundwater in the harbor area is south of the Dominguez Gap Barrier and is generally affected by saltwater intrusion (salinity); therefore, it is unsuitable for use as drinking water. Furthermore, the West Harbor Modification Project site is not used or designated for groundwater recharge. The project site does not support groundwater recharge; therefore, implementation of the proposed project would not have an effect on groundwater recharge. In addition, development of the West Harbor Modification Project would not have an effect on groundwater supplies. As such, impacts would be less than significant, and this issue will not be addressed further in the SEIR.

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:

1. Result in substantial erosion or siltation on or off site?

No Impact. The West Harbor Modification Project site is currently covered with permeable and impermeable surfaces that drain to harbor waters, and implementation of the project would not modify the site's existing drainage patterns. Stormwater runoff at the site would comply with applicable LID requirements. The site would be paved, so

additional erosion is not expected to result from implementation of the West Harbor Modification Project. No soil known to contain silt (i.e., rock and mineral particles larger than clay, but smaller than sand) (National Geographic 2021) are on or near the proposed outdoor concert venue location. Therefore, siltation (silt runoff) is not expected to result from construction and implementation of the West Harbor Modification Project. While undergoing construction, the project area would be required to comply with the SWPPP and all associated BMPs, including those related to erosion and sediment control and water quality standards. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

2. *Substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site?*

No Impact. The West Harbor Modification Project would not modify the site's existing drainage patterns conditions. During construction, drainage patterns are not significantly altered. Similar to existing conditions, the project site would remain predominantly paved. Green spaces and garden areas would minimize stormwater runoff rates and volume and would treat stormwater runoff through biological uptake. Stormwater runoff at the site would comply with applicable LID requirements. No impacts related to alteration of drainage patterns, resulting in flooding, would occur. Impacts would be no greater than previously assessed in the SPW EIS/EIR and 2016 SPPM Addendum. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

3. *Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

No Impact. The project site is currently composed of mostly impervious surfaces that drain to harbor waters. The proposed West Harbor Modification Project would comply with the City of Los Angeles's LID ordinance and the MS4 permit (R4-2012-0175-A01 and future iterations). Stormwater would be treated using appropriate LID methods. Patron vehicles would be parked off site at existing designated parking lots. Parking lot construction and associated impacts were analyzed in the original SPW EIS/EIR and 2016 SPPM Addendum. The West Harbor Modification Project site as proposed is not larger than the site previously analyzed. The West Harbor Modification Project would have no impact with respect to exceeding capacity of the stormwater drainage system, nor would it be a substantial source of polluted runoff. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

4. *Impede or redirect flood flows?*

No Impact. The West Harbor Modification Project site is not within a special flood hazard area and would experience a moderate to low risk of being flooded. However, as mentioned above, implementation of the project would not increase the potential for flooding or significantly alter the existing drainage on site. The West Harbor Modification Project would not impede or redirect flood flows. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less-than-Significant Impact. According to Flood Hazard Map FM06037C2032F, the entire project site occurs within Zone X, Other Flood Areas, which is defined as including areas of 0.2 percent annual chance flood (500-year flood); areas of 1 percent annual chance flood (also known as the base flood) with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1 percent annual chance flood (Federal Emergency Management Agency 2008). However, the West Harbor Modification Project does not involve the construction of habitable structures. Also, the project would not increase risks associated with tsunami or seiche. Seiches are seismically induced water waves that surge back and forth in an enclosed basin. Seiches could occur in the harbor as a result of earthquakes. A Port Complex model that assessed tsunami and seiche scenarios determined that impacts from a tsunami were equal to or more severe than those from a seiche in each case modeled (Moffatt and Nichol 2007). Therefore, the discussion below refers to tsunami as the worst-case scenario for potential impacts. Potential impacts related to seiche would be the same as or less than those identified below.

The amphitheater is not designed for use as a habitable structure that would be subject to inundation by tsunami. Project contractors and tenants would be required to adhere to all Homeland Security, Port Police, and LAFD emergency response and evacuation regulations, ensuring compliance with existing emergency response plans. Therefore, implementation of the West Harbor Modification Project would not substantially interfere with an existing emergency response or evacuation plan or increase the risk of injury or death, and impacts were found to be less than significant.

In addition, the potential for spilled hazardous materials from the West Harbor Modification Project during a tsunami is expected to be relatively low and of a manageable amount to clean up that would not result in significant environmental impacts. Therefore, implementation of the project would not result in a substantially increased public health and safety concern as a result of the accidental release, spill, or explosion of hazardous materials due to a tsunami, and impacts were found to be less than significant. Furthermore, because the amount of hazardous materials to be used during construction and operational activities is relatively minor, implementation of the proposed project would not result in a substantial increase in the likelihood of a spill, release, or explosion of hazardous material(s) due to a terrorist action, and impacts were found to be less than significant.

Therefore, there would be a less-than-significant impact associated with the risk of release of pollutants from project inundation due to a flood hazard, tsunami, or seiche. This issue will not be addressed further in the SEIR.

e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact. The West Harbor Modification Project site currently complies with water quality requirements, including the MS4 permit and City of Los Angeles' LID ordinance, as described under Impact (a). As part of compliance with permit requirements, implementation of water quality control measures and BMPs would ensure that water quality standards would be achieved, including the water quality objectives that protect designated beneficial

uses of surface and groundwater, as defined in the applicable regional water quality control plan. No groundwater management plans are in place for the site because no groundwater suitable for human use exists below the site. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

XI. Land Use and Planning

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

a. Physically divide an established community?

No Impact. The West Harbor Modification Project is at the former Ports O'Call area and does not contain any established communities. The project would not physically divide an established community. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The West Harbor Modification Project would be at the Port of Los Angeles, within an area covered by the City of Los Angeles General Plan, Port of Los Angeles Plan (City of Los Angeles 1982), City of Los Angeles Zoning Code, and PMP (Port of Los Angeles 2018). The project site has a PMP designation of Visitor-Serving Commercial. Visitor-Serving Commercial includes uses for the public, such as restaurants, maritime-related office, visitor-serving retail, harbor tour vessels, sport fishing, museums, community centers/conference centers, and exhibit space (Port of Los Angeles 2018).

The West Harbor Modification Project is consistent with the PMP, which includes goals to provide enhanced public access to the waterfront and visitor-serving facilities including retail, restaurants, museums, and parks. Specifically, the Ports O'Call/SPPM area in Planning Area 1 emphasizes waterfront access through a waterfront promenade, parks, museums, academic uses, and visitor-serving commercial uses and attractions. Therefore, the West Harbor Modification Project is expected to continue to provide these opportunities and would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. As such, no impact would occur, and this issue will be not be addressed further in the SEIR.

XII. Mineral Resources

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. The West Harbor Modification Project area is not in an aggregate resource zone or oil field drilling area, and no mineral resource extraction occurs on site or in the larger SPPM area. There are no active oil wells on or near the project site (California Department of Conservation 2020). Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. As described above, there are no active oil wells on or near the project site. The West Harbor Modification Project would not result in the loss of availability of a mineral resource recovery site. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

XIII. Noise

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Generate excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

a. Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?

Potentially Significant Impact. The West Harbor Modification Project would construct an outdoor venue hosting concerts and other special events. The project would include an amplified sound system. Noise from the sound system, as well as from audiences attending the events, could propagate into the surrounding community and would be audible at nearby noise-sensitive land uses. As a result, the West Harbor Modification Project could increase ambient noise levels in the vicinity. Therefore, this issue will be evaluated in the SEIR.

b. Generate excessive groundborne vibration or groundborne noise levels?

Less-than-Significant Impact. The West Harbor Modification Project does not propose high-impact construction techniques such as pile driving or blasting. The project also does not propose any operational elements that would generate high groundborne vibration levels, such as railroad operations or heavy industrial machinery. In addition, the project site is over 1,000 feet from the nearest residential buildings. The West Harbor Modification Project would not generate excessive groundborne vibration or groundborne noise levels. Therefore, impacts would be less than significant, and this issue will not be addressed further in the SEIR.

c. Be located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?

No Impact. The West Harbor Modification Project site is not within a 2-mile radius of any airport. The closest airport, Torrance Municipal Airport – Zamperini Field, is approximately 5 miles to the northwest of the West Harbor Modification Project site. Additionally, the project site is not in the vicinity of a private airstrip. As a result, the project would not expose people residing or working in the project area to excessive noise related to airports or private airstrips. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

XIV. Population and Housing

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace a substantial number of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?

No Impact. The West Harbor Modification Project would not induce substantial population growth or contribute to direct or indirect population growth because it would not involve the development of transportation system improvements. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

b. Displace a substantial number of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. No existing residential units are within the West Harbor Modification Project area. Therefore, implementation of the project would not result in the displacement of any people or housing. As such, no impact would occur, and this issue will not be addressed in the SEIR.

XV. Public Services

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

Fire protection?

Less-than-Significant Impact. LAFD currently provides fire protection and emergency services to the West Harbor Modification Project site and surrounding area. LAFD facilities in the Port include land-based fire stations and fireboat companies. The nearest station with direct fireboat access is Fire Station No. 112 in the Main Channel, about 0.9 mile west of the Project site. The approximate travel distance to the West Harbor Modification Project site is about 2.5 miles. The closest station with land access is Fire Station No. 40, to the north at 330 Ferry Street. The approximate travel distance to the West Harbor Modification Project site is approximately 1 mile. This station is on Terminal Island and equipped with a single engine company, an assessment engine, a rescue ambulance, and a rehab air tender. This station would provide fire service by land.

Furthermore, construction would occur within the West Harbor Modification Project site and harbor and would not affect service ratios, response times, or other performance objectives of LAFD. Moreover, implementation of the project would remove safety and fire hazards from the site. Although some emergency medical technician personnel would be available during concerts and events, this impact would not be significant enough to warrant construction or additional fire department facilities. Therefore, impacts would be less-than-significant, and this issue will not be addressed further in the SEIR.

Police protection?

Less-than-Significant Impact. The City of Los Angeles Police Department (LAPD) and Port Police provide police services at the Port, with the latter being the primary law enforcement agency within the Port. Specifically, Port Police officers are responsible for patrol and surveillance within the Port's boundaries, including Port-owned properties in the communities of Wilmington, San Pedro, and Harbor City. Port Police officers maintain 24-hour land and water patrols and enforce federal, state, and local public safety statutes, Port tariff regulations, and environmental and maritime safety regulations. The Port Police headquarters is at 330 South Centre Street in San Pedro.

Although Port Police are the first responders in an emergency, LAPD is also responsible for police services in the project vicinity because the Port is part of the city of Los Angeles. The LAPD Harbor Division is at 2175 John S. Gibson Boulevard in San Pedro, which is approximately 2.1 miles northwest of the project site. The Harbor Division is responsible for patrols throughout San Pedro, Harbor City, and Wilmington.

The West Harbor Modification Project would be the same distance from service providers as the existing facilities and, therefore, would not increase emergency response times. It would not substantively alter terminal activities, increase long-term employment, or result in indirect growth such that additional police protection would be necessary. In addition, implementation of the West Harbor Modification Project would remove safety and attractive nuisance hazards from the site that could attract unlawful activity. Therefore, impacts would be less than significant, and this issue will not be addressed further in the SEIR.

Schools?

No Impact. No residential uses are associated with the West Harbor Modification Project, and operation of the project would not affect school enrollment. San Pedro High School is located approximately 1 mile from the project. However, due to distance, construction impacts would not occur. Concert activity associated with the project would not occur during the same time school is in session, thus operational impacts would not impact school activities. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

Parks?

No Impact. The West Harbor Modification Project includes construction of a park area, as well as an up to 6,200-seat outdoor concert venue. Therefore, no impacts on current parks are expected and the project would not create a need for any new parks. Consequently, no impact would occur, and this issue will not be addressed further in the SEIR.

Other public facilities?

No Impact. The West Harbor Modification Project would not result in impacts on any public facilities and this issue will not be addressed further in the SEIR.

XVI. Recreation

	Potentially Significant Impact	Less-than- Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project:

a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. The West Harbor Modification Project would not directly or indirectly result in physical deterioration of parks or other recreational facilities. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

No Impact. The West Harbor Modification Project would not include recreational facilities or new residential development that would require construction or expansion of recreational facilities. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

XVII. Transportation

	Potentially Significant Impact	Less-than- Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project:				
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with State CEQA Guidelines section 15064.3, subdivision (b)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards because of a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the project:

a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Potentially Significant Impact. Implementation of the West Harbor Modification Project could conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities as a result of increased trips, and could require transportation management and event control. Therefore, this issue will be evaluated in the SEIR.

b. Conflict or be inconsistent with State CEQA Guidelines section 15064.3, subdivision (b)?

Potentially Significant Impact. Implementation of the West Harbor Modification Project could conflict or be inconsistent with State CEQA Guidelines Section 15064.3, subdivision (b) as a result of increased trips and vehicle miles traveled from concerts and special events. Therefore, this issue will be evaluated in the SEIR.

c. Substantially increase hazards because of a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact. The West Harbor Modification Project does not involve or require any changes to the geometric design of any streets within the project area. In addition, as mentioned under Section IV, *Biological Resources*, no in-water work is proposed or required as part the project and it would not alter marine transportation operations. The West Harbor Modification Project would not increase ground or marine transportation hazards. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

d. Result in inadequate emergency access?

Less-than-Significant Impact. Emergency access to the site would be provided via proposed driveways constructed as part of the SPPM Project and on roads within the West Harbor Modification Project area. As part of the West Harbor Modification Project, fire and law enforcement services would have access to all areas of the project site. Also, as part of the project approval process, LAFD would review and approve all project plans to ensure that they comply with all applicable access requirements. Therefore, a less-than-significant impact would occur, and this issue will not be addressed further in the SEIR.

XVIII. Tribal Cultural Resources

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency will consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?***

No Impact. A request for a check of the Sacred Lands File (SLF) was made to the California Native American Heritage Commission (NAHC), and a response was received on December 30, 2019. The NAHC reported that there are no known tribal cultural resources at the project site.

On January 8, 2020, LAHD provided notification of the West Harbor Modification Project, pursuant to the provisions of AB 52 and PRC Section 21080.3.1(d). No responses were received within the 30-day consultation request period, which ended on February 7, 2020.

No impacts on tribal cultural resources, as defined in PRC Section 21074, are anticipated as a result of the West Harbor Modification Project. The project would not cause a change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources, as defined in PRC Section 5020.1(k). Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

No Impact. No tribal cultural resources have been identified in or within a 0.25-mile radius of the project site. As discussed above, the NAHC responded that a SLF records search was negative. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

XIX. Utilities and Service Systems

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation	Less-than- Significant Impact	No Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Would the project:

a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less-than-Significant Impact. The West Harbor Modification Project would not generate significant increases in water or wastewater demand. Based on information provided by the applicant, on event days, if full restrooms are built, the project would require approximately 23,000 gallons of water per day and generate approximately 19,000 gallons of wastewater per day. By comparison, the City of Los Angeles uses approximately 355,333,491 gallons of water per day (or approximately 87 gallons per capita per day) and generates approximately 400 million gallons of wastewater per day (or approximately 98 gallons per capita per day)

(Pacific Institute 2020; City of Los Angeles 2022). As such, the West Harbor Modification Project would intermittently generate approximately 0.005 percent of the daily water and wastewater generation in the city. Therefore, impacts would be less than significant, and this issue will not be addressed further in the SEIR.

b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Less-than-Significant Impact As discussed in Threshold XIX(a) above, the West Harbor Modification Project is not anticipated to require a significant additional amount of water usage within the city of Los Angeles or Southern California in general. Current water supplies are expected to be sufficient even in dry years. Anticipated water demand is outlined in item (a) above. Therefore, impacts would be less than significant, and this issue will not be addressed further in the SEIR.

c. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less-than-Significant Impact. As discussed in Threshold XIX(a) above, the West Harbor Modification Project is not anticipated to result in a significant additional amount of wastewater discharge within the city of Los Angeles or Southern California in general. Current wastewater discharge is not expected to exceed the capabilities of local wastewater treatment providers. Please see response (a) above. Therefore, impacts would be less than significant, and this issue will not be addressed further in the SEIR.

d. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less-than-Significant Impact. The West Harbor Modification Project would comply with all applicable codes pertaining to solid waste disposal including Port-wide standard conditions of approval requiring recycling of construction materials. Construction of the project would generate a relatively small amount of construction debris, because the project site would already be graded and all utilities installed prior to initiation of construction. In addition, operation of the West Harbor Modification Project would comply with the City of Los Angeles's Green New Deal Sustainable City pLAn (City of Los Angeles 2019), which includes a target to reduce municipal solid waste by 15 percent by 2030 and phase out single-use plastics (plastic straws, plastic utensils, plastic take-out containers, and polystyrene) by 2028. Therefore, impacts would be less than significant, and this issue will not be addressed further in the SEIR.

e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less-than-Significant Impact. The West Harbor Modification Project would be required to comply with all applicable codes pertaining to solid waste disposal, including AB 939, the California Solid Waste Management Act, and AB 341, which establish waste stream diversion and recycling goals. Therefore, impacts would be less than significant, and this issue will not be addressed further in the SEIR.

XX. Wildfire

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation Incorporated	Less-than- Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as Very High Fire Hazard Severity Zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks of, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

If located in or near state responsibility areas or lands classified as Very High Fire Hazard Severity Zones, would the project:

a. Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The West Harbor Modification Project site is not within a designated Very High Fire Hazard Severity Zone according to the California Department of Forestry and Fire Protection (2011). The project site is in a developed area and would not have a substantial risk of wildland fires. As such, no impact would occur, and this issue will not be addressed further in the SEIR.

b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks of, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. The West Harbor Modification Project site is not in or near a fire hazard severity zone. The project site is within a fully developed portion of the Port, and no wildlands occur

within or adjacent to the project site. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts on the environment?

No Impact. As mentioned above, the West Harbor Modification Project site is not in or near a fire hazard zone. The project site would be in an already developed area of the SPPM. Implementation of the West Harbor Modification Project would not require the installation or maintenance of additional infrastructure such as roads, fuel breaks, emergency water sources, power lines, or other utilities that would exacerbate fire risk or result in temporary or ongoing impacts on the environment. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. The West Harbor Modification Project would not expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes due to wildfires. As discussed in the analyses above, the West Harbor Modification Project site is flat and has no significant natural or graded slopes. It is not within a California Geological Survey–designated landslide zone or a Very High Fire Hazard Severity Zone. Additionally, the project would not change drainage patterns that would increase flood risks. Therefore, no impact would occur, and this issue will not be addressed further in the SEIR.

XXI. Mandatory Findings of Significance

	Potentially Significant Impact	Less-than- Significant Impact with Mitigation	Less-than- Significant	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Potentially Significant Impact. The West Harbor Modification Project has the potential to result in significant impacts on biological resources. Therefore, this issue will be evaluated in the SEIR.

b. Does the project have impacts that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Potentially Significant Impact. The West Harbor Modification Project, in conjunction with other related projects, has the potential to result in significant cumulative impacts. Therefore, this issue will be evaluated in the SEIR.

c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Potentially Significant Impact. The West Harbor Modification Project could result in adverse impacts on human beings, either directly or indirectly, related to aesthetics, air quality, biological resources, GHG emissions, noise, and transportation. Therefore, this issue will be evaluated in the SEIR.

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EXHIBIT 5

