

# **LAW OFFICE OF JORDAN R. SISSON**

LAND USE, ENVIRONMENTAL & MUNICIPAL LAW

3993 Orange Street, Suite 201  
Riverside, CA 92501

Office: (951) 405-8127  
Direct: (951) 542-2735

jordan@jrsissonlaw.com  
www.jrsissonlaw.com

July 11, 2025

**VIA EMAIL, HAND-DELIVERY**

City Clerk, City of Los Angeles  
200 N. Spring St., City Hall, Room 360  
Los Angeles, CA 90012  
[cityclerk@lacity.org](mailto:cityclerk@lacity.org)  
[clerk.cps.ceqa@lacity.org](mailto:clerk.cps.ceqa@lacity.org)

**RE: CEQA Appeal of West Harbor Modification Project; Port Permit No. 190529-080; State Clearinghouse No. 2005061041; Item 6, Harbor Board Meeting Held on June 26, 2025**

Dear City Clerk et al.:

UNITE HERE Local 11 (“Local 11” or “Appellant”) hereby respectfully appeals (“Appeal”) the Board of Harbor Commissioner (“Harbor Board”) approval of the above-referenced Subsequent Environmental Impact Report (“SEIR”) (inclusive of draft and final SEIR)<sup>1</sup> involving the modified San Pedro Public Market (“SPPM”) development located on a 42-acre site (“Site”) within the Port of Los Angeles (“POLA”). The SPPM development was subject to a prior 2016 approval, which is proposed for modification under the West Harbor Project (“Modified Project”), which would allow a 6,200-seat amphitheater (previously 500-seat), a 175-foot-diameter Ferris wheel (previously 100-foot Ferris wheel), installation of other attractions (e.g., carousel, wave swing, drop tower, etc.), as well as an additional 20 acres of paved parking adding more than 2,000-space increase from what was previously proposed under the SPPM development. On June 26, 2025, the Harbor Board approved the Modified Project,<sup>2</sup> which included the approval of a Resolution<sup>3</sup> to certify the SEIR, associated environmental findings (“CEQA Findings”),<sup>4</sup> and the modified Mitigation Monitoring and Reporting Program (“MMRP”)<sup>5</sup> (collectively “CEQA Approvals” or “Action”).

Consistent with the Los Angeles Municipal Code (“LAMC” or “Code”), Local 11 submits this Appeal along with the following: (a) Local 11’s prior comments dated January 10, 2025; (b) figures 1 through 3; (c) emailed appeal submission instructions from the Department of City Planning (“LADCP”) and Los Angeles Harbor District (“LAHD”); (d) LADCP CEQA Appeal Form and City Clerk LAMC § 197.01 Appeal Form (submitted out of abundance of caution [discussed further below]); and (e) a copy of the Harbor Board’s Resolution dated June 16, 2025 granting the CEQA Approvals

---

<sup>1</sup> Draft SEIR, [https://files.ceqanet.lci.ca.gov/85061-8/attachment/VzvbjCF0fm-IQks4H0kEH7ymyTfoS3An2zdakVcKqe7TsnGiY5zswRysYqIn\\_3EAwUPSpLy27YOGwgj0](https://files.ceqanet.lci.ca.gov/85061-8/attachment/VzvbjCF0fm-IQks4H0kEH7ymyTfoS3An2zdakVcKqe7TsnGiY5zswRysYqIn_3EAwUPSpLy27YOGwgj0); Final SEIR, [https://kentico.portoflosangeles.org/getmedia/15109a20-259d-4b9c-83f9-a446321b143a/06\\_Environmental\\_West-Harbor-Modification-SEIR-TRANSMITTAL-1](https://kentico.portoflosangeles.org/getmedia/15109a20-259d-4b9c-83f9-a446321b143a/06_Environmental_West-Harbor-Modification-SEIR-TRANSMITTAL-1).

<sup>2</sup> Harbor Board Agenda (6/26/25) Regular Item 6, <https://www.portoflosangeles.org/commission/agenda-archive-and-videos/agendas/2025/06262025-regular-agenda>.

<sup>3</sup> Resolution, [https://kentico.portoflosangeles.org/getmedia/cd8242c5-401d-41a5-bb99-a67def92361a/06\\_Environmental\\_West-Harbor-Modification-SEIR\\_Board-Report\\_FINAL](https://kentico.portoflosangeles.org/getmedia/cd8242c5-401d-41a5-bb99-a67def92361a/06_Environmental_West-Harbor-Modification-SEIR_Board-Report_FINAL).

<sup>4</sup> CEQA Findings, [https://kentico.portoflosangeles.org/getmedia/f34f4ce6-cc41-4b8e-8ce6-ebca3a1b05d4/06\\_Environmental\\_West-Harbor-Modification-SEIR-TRANSMITTAL-2](https://kentico.portoflosangeles.org/getmedia/f34f4ce6-cc41-4b8e-8ce6-ebca3a1b05d4/06_Environmental_West-Harbor-Modification-SEIR-TRANSMITTAL-2).

<sup>5</sup> MMRP, [https://kentico.portoflosangeles.org/getmedia/ee595fdc-3131-494d-b0c6-213a3e96e886/06\\_Environmental\\_West-Harbor-Modification-SEIR-TRANSMITTAL-3](https://kentico.portoflosangeles.org/getmedia/ee595fdc-3131-494d-b0c6-213a3e96e886/06_Environmental_West-Harbor-Modification-SEIR-TRANSMITTAL-3).

on June 26, 2025 (attached hereto as Exhibit A through E, respectively). These exhibits, referenced below, are incorporated into this Appeal in their entirety. Appellant also provides the following information and justifications for this Appeal of the Harbor Board's Action.

#### **A. CEQA APPEAL AUTHORITY**

This Appeal is submitted under the California Environmental Quality Act, Pub. Res. Code § 21000 et seq. ("CEQA"), which provides that the certification of an EIR by a nonelected decisionmaking body may be appealed to the agency's elected decisionmaking body. (See Pub. Res. Code § 21151(c).) Here, the Modified Project SEIR was approved by the Harbor Board (i.e., a nonelected decisionmaking body), and CEQA allows an appeal to the Los Angeles City Council (i.e., the elected decisionmaking body).

#### **B. CODE APPEAL AUTHORITY**

This Appeal is also filed pursuant to LAMC § 11.5.13.C, which incorporates § 13B.11 of the City's new Zoning Code under Chapter 1A ("Ch.1A"), which in turn incorporates general appeal procedures under Ch.1A § 13A.2.8, which provides the following:

1. CEQA clearances made by nonelected decisionmakers are appealable to the City Council. (See Ch. 1A § 13B.11.F.2.) Here, the Harbor Board is a nonelected decisionmaking body and, thus, the City Council is the appellate body.
2. CEQA appeals are not ripe until after all other appeals have been exhausted. (See Ch. 1A § 13B.11.F.3.) Here, this office is unaware of any further administrative appeals for the Modified Project from Harbor Board final actions and,<sup>6</sup> thus, this CEQA Appeal is ripe.
3. CEQA appeals are subject to a 15-day appeal period and other filing requirements. (See Ch. 1A §§ 13A.2.8.B.1, 13B.11.F.4.a.) Here, this Appeal is submitted by the July 11, 2025 deadline.

#### **C. APPEAL FILING INFORMATION (CH. 1A § 13B.11.F.4.c)**

As instructed by LADCP and LAHD, this Appeal is being submitted to the City Clerk. (See Exhibit C attached hereto.) This CEQA Appeal involves a non-planning environmental determination involving the Harbor Board (i.e., proprietary department). Therefore, neither the LADCP CEQA Appeal form nor the City Clerk's (LAMC § 197.01) Appeal form is applicable.<sup>7</sup> Nevertheless, out of an abundance of caution, Appellant provides both of these forms with this Appeal. (See Exhibit D attached hereto.) In addition, consistent with the filing information requirements under Ch. 1A § 13B.11.F.4.c), Appellant provides the following:

1. *The name, address, and telephone number of the appellant and the person filing the appeal if different from the appellant;*

Information request is provided in Exhibit D attached hereto.

---

<sup>6</sup> Project falls within the Port Master Plan (SEIR, p. 2-12), which does not describe any further non-coastal appeals from Board Actions. (See Port Master Plan §§ 6.7 [Board Actions], 6.11 [Coastal Appeals].)

<sup>7</sup> See also LAMC § 197.01.A ("This section shall apply to environmental determinations made by nonelected decisionmaking bodies or individuals, except that this section shall not apply to actions taken by departments established pursuant to Charter Section 600, or actions authorized by Chapter 1 of the Los Angeles Municipal Code." Emphasis added); Charter Section 600(a) (Proprietary departments include the Harbor Department).

*2. A statement that the appeal is made pursuant to this Section;*

This Appeal is filed pursuant to LAMC § 11.5.13.C, which incorporates § 13B.11.F of Chapter 1A (discussed supra section B). Additionally, this Appeal is filed in accordance with Pub. Res. Code § 21151(c) (discussed supra section A). Furthermore, to the extent applicable, this Appeal is filed pursuant to any other provision under the Code allowing CEQA appeals to the elected decision maker (e.g., LAMC § 197.01).

*3. The decision maker of the CEQA Clearance subject to the appeal;*

The information request is provided in Exhibit D, attached hereto.

*4. The CEQA Clearance to which the appeal is filed, including applicable case number(s), and the date of the certification, adoption or determination of the CEQA Clearance;*

The information request is provided in Exhibit D, attached hereto.

*5. A written statement setting forth all of the reasons for the appeal, and specifying in detail why the appellant believes the CEQA Clearance fails to comply with CEQA; and*

The reasons for the Appeal and specific points at issue are discussed further below (infra sections D and E).

*6. Any other information required by the office of the City Clerk or the Director.*

This office is unaware of any additional information requested for this Appeal.

**D. REASON FOR THE APPEAL**

The Modified Project's final SEIR fails to adequately address Appellant's concerns with the draft SEIR's analysis of impacts, including impacts and mitigation related to vehicle miles traveled ("VMT") and greenhouse gas ("GHG") emissions. Without a more complete SEIR, the proposed mitigation measures may not be adequate or complete.

**E. SPECIFIC POINTS IN ISSUE**

Consistent with the Code (Ch. 1A §§ 13A.2.8.A.2, 13B.11.F.4.c.v), Appellant's concerns were outlined in comments previously submitted on the draft SEIR, which show substantial evidence that the draft SEIR's assumptions related to VMT may underestimate impacts affecting traffic, air quality, and GHG emissions. (See Exh. A; see also Final SEIR, PDF pp. 467-471.) The Final SEIR fails to adequately respond to Local 11's comments (referenced therein as comments "LOCAL 11-1" through "LOCAL 11-10"). (See Final SEIR, PDF pp. 63-66 [response to comments].) For the sake of brevity, this Appeal incorporates prior comments (see Final SEIR, PDF pp. 467-471 [LOCAL 11-1 – LOCAL 11-10]), and provides the following table with the Final SEIR's substantive response to comments ("RTC") (i.e., left column) and Appellant's response (i.e., right column):

RTC (EMPHASIS ADDED)	REBUTTAL
LOCAL 11-3 Comment (VMT-Inducing Assumptions)	
<p>The comment discusses VMT-inducing assumptions, such as concluding the Ferris wheel and other <u>amusement attractions are ancillary</u> to the amphitheater and previously approved retail and restaurant uses and would not generate vehicle trips/VMTs independently since patrons would already be on the Project site; and concluding that the parking at the 208 E. 22nd Street parking lot would <u>not constitute trip-generating uses</u>. The proposed amusement park attractions were part of the 2016 SPPM Project, included and assessed in the 2016 Addendum and approved by the Board in 2016. Therefore, while the Ferris wheel's diameter has increased, these <u>attractions are part of the already approved SPPM Project at West Harbor</u>. The up to 2,600 space parking lot at 208 E. 22nd Street is being included to support the entire San Pedro Waterfront Project, as assessed in the original SPW EIS/EIR. People are not anticipated to drive to the area <u>just to use the parking lot</u>. Additionally, the VMT estimate for the Proposed Project represents a <u>worst-case scenario for a daily</u>, annualized average. Annualized trip generation is used for almost all traffic studies.</p>	<p>The assumption that amusement attractions are ancillary to the amphitheater does not adequately consider how these two uses may generate VMTs independently of each other, increasing the total VMTs attracted to the Site. While the 208 E. 22nd Street parking lot would not constitute independent trip-generating uses (e.g., people driving to the lot to use it), the availability of parking is a constraint on the Site's serving capacity. By essentially doubling the available parking at the Site (Draft SEIR, pp. 2-15 – 2-17), the Modified Project removes a significant constraint that allows the Site to serve more patrons (i.e., more VMTs). Similarly, while the Ferris wheel and attractions may have been a part of the prior SPPM project approvals in 2016, the Ferris wheel has nearly doubled in size (i.e., from 100 to 175 feet), and the amphitheater has increased by a factor of 12+ (i.e., from 500 to 6,200 seats). These increases in attractions and removal of constraints are not part of the 2016 baseline conditions, which have not been adequately analyzed as independent VMT-inducing uses as a worst-case scenario.</p>
LOCAL 11-4 Comment (VMT Trip Length Assumptions)	
<p>The commenter criticizes the assumptions used for VMT which based its analysis upon four comparable operations (i.e. the Greek Theater, Long Beach Terrace Theater, Kia Forum, and City National Grove of Anaheim). Pages 3.9-15 through 3.9-27 of the Draft SEIR describe the methodology for choosing the appropriate venues for comparison purposes.</p> <p>As described in detail in Section 3.9.7.2, the methodology for the estimate of VMT for the Proposed Project is not only appropriate and justifiable, but it also yields a <u>very conservative VMT estimate since it is based upon notable regional entertainment venues</u>. For the VMT estimate calculations in the Project Vehicle Miles Traveled Calculation section, the two venues determined to be most similar to the</p>	<p>The RTC suggests its VMT analysis is conservative because it is based on purportedly comparable entertainment venues. However, it fails to acknowledge that it used, for the VMT calculation section, the two venues with shorter average trip lengths (i.e., Greek Theater, City National Grove), which is not the most conservative approach. Nor does the RTC explain why seating capacity and performance type are more relevant than unique features of a proposed location, which has a direct relationship to the Modified Project's VMT impact (i.e., VMT length and catchment). While inland venues located in densely populated areas may be able to fill their capacity from a tighter, high-density catchment area, less accessible venues in less populated areas tend to have a larger</p>

<p>Proposed Project in terms of <u>seating capacity</u> and <u>performance type</u>, the Greek Theater and City National Grove of Anaheim, were selected. The Long Beach Terrace Theater was removed for the Proposed Project VMT calculation because it typically serves recurring Long Beach Symphony events, as opposed to a variety of performances. The Kia Forum was removed for the Proposed Project VMT calculation due to its <u>substantially larger capacity</u> than the Proposed Project. Please refer to Appendix G to the Draft SEIR for more detailed information. Additionally, the Nederlander Organization, who would be the operator of the Proposed Project, is the operator of the <u>Greek Theater, so it is an appropriate comparison of the regional draw</u> anticipated for the Proposed Project amphitheater.</p>	<p>catchment area, independent of their capacity and performance type. For example, a 6,200-person concert performed by Beyonce at the Greek Theater would have a vastly smaller VMT profile than if it were hosted in Coachella.</p> <p><u>Attached hereto as "Exhibit B"</u> shows the approximate location from Google Earth (i.e., Fig. 1) and U.S. Census density (i.e., Fig. 2) of the Modified Project Site location (i.e., red icon) as compared to the four other venues and their respective catchment areas according to the Draft SEIR's traffic analysis (Fig. 3). Here, the Modified Project Site is located on the coast and less accessible to densely packed areas, which is more similar to the venues located closer to the POLA Site and the coast (from a crows fly). For example, the Long Beach Terrace Theater (i.e., green icon) is closest to the Site (i.e., appx. 6 miles), nearest to the coast (i.e., appx. 0.25 miles away), has less densely populated census tracts near it especially to its west (i.e., Pacific Ocean). The Kia Forum (i.e., purple icon) is next closest to the Site (i.e., appx. 16 miles), and near the coast (i.e., appx. 5.7 miles from Dockweiler Beach), and, notwithstanding being more inland, has less densely populated areas to its west (i.e., dominated by industrial uses like the LAX airport in the City of Los Angeles<sup>8</sup> and Chevron refinery<sup>9</sup> in the City of El Segundo). This is likely a significant factor why the Terrace Theater and Kia Forum have a smaller percentage of trips from within five miles (as compared to the Greek and National Grove). (See Exh. B, Fig. 3.)</p>
---	---

<sup>8</sup> See ZIMAS, (showing LAX and airport-adjacent areas generally northwest of 105/405 freeway interchange generally zoned for airport/industrial uses), <https://zimas.lacity.org/?loc=MDkwQjE2NSAgIDE4Nwo0MTI5MDI3OTAyCjQwMiBXT1JMRCBXQVkkCjY0MTI2MzguMzQxODEwNzA0LDE3OTA2NTkuNjgxOTQzODgxNiw2NDY1MDUzLjM0MTgxMDcwNCwxODE4NzA5LjY4MTk0Mzg4MTYKMDkwQjE2NSAgIDE4Nw%3D%3D>; LAX Plan, PDF p. 18 (Fig. 1 showing LAX Plan area), <https://www.lawa.org/media/30664>.

<sup>9</sup> City of El Segundo, Planning & Building Safety Web Map (showing heavy manufacturing M-2 zone) <https://experience.arcgis.com/experience/3ed4be6a98024a5f90a5451ef5fcc0f9>; Fenceline Monitoring Plan for the Chevron Refinery in El Segundo, California (Nov. 2018) PDF pp. 12 (Fig. 1 showing Chevron El Segundo refinery map), [https://www.aqmd.gov/docs/default-source/fenceline\\_monitroing/rule\\_1180\\_refinery\\_plans/chevron\\_elsegundo\\_draft\\_fenceline\\_plan.pdf](https://www.aqmd.gov/docs/default-source/fenceline_monitroing/rule_1180_refinery_plans/chevron_elsegundo_draft_fenceline_plan.pdf).

	<p>In contrast, the more distant and inland Greek Theater (i.e., orange icon) is approximately 27 miles from the Site (i.e., appx. 14 miles from Malibu coast), surrounded by numerous densely populated areas (e.g., Burbank, Glendale, Los Angeles). Similarly, the City National Grove of Anaheim (i.e., yellow icon) is approximately 23 miles from the Site (appx. 12.2 miles from the Huntington Beach coast), and surrounded by densely populated communities (e.g., Orange, Tustin, Garden Grove, Santa Ana, Fullerton, etc.). This is likely a significant factor why these venues have a higher percentage of trips within five miles (as compared to the Long Beach Theater and Forum). (See Exh. B, Fig. 3.)</p> <p>In sum, the POLA Site location is more like the Long Beach and Forum locations, which is more relevant from a VMT trip length and catchment perspective than the further away and more inland locations (e.g., Greek, National Grove). Additionally, to the extent the Kia Forum may have a larger capacity is not relevant when trip lengths are applied on a per-seat basis. (Draft SEIR, PDF p. 409.) Furthermore, to the extent that Nederland's data may be available and relevant for some purposes (e.g., mode splits, estimated employees, Transportation Network Companies (TNCs)), that does not mean it is the most relevant for all purposes, such as the percentage of trips at varying trip lengths. The RTC assumption of shorter trip lengths is not adequately supported.</p>
--	--

*(Continue next page)*



<b>LOCAL 11-5 Comment (VMT Assumptions Affect Emissions Analysis)</b>	
<p>The comment states that if the VMT assumptions were flawed as inferred in LOCAL 11-4, this not only affects the traffic analysis; but the Draft SEIR's air quality and GHG analysis where user-defined VMT assumptions were utilized. Please <u>refer to LOCAL 11-3 and LOCAL 11-4</u> for a response regarding VMT assumptions and trip length selection. As discussed in responses to comments LOCAL11-3 and LOCAL11-4, LAHD stands behind the methodology utilized to assess VMT potential impacts pursuant to CEQA Guidelines Section 15064.3(b) pertaining to VMT resultant from Proposed Project trips. As such, the Draft SEIR remains adequate with respect to the air quality and GHG emission impacts calculations that utilized VMT assumptions. Additionally, the Draft SEIR acknowledges that <u>significant and unavoidable impacts, as anticipated with the original SPW Project</u>, would continue to occur for Air Quality and Greenhouse Gas Emissions.</p>	<p>The RTC relies on its prior response, which, for the reasons discussed above, is inadequate. The VMT methods discussed above underestimate the Modified Project's increased VMT impacts, which in turn translate to greater GHG impacts from mobile emissions. These increased impacts <u>exacerbate</u> the significant and unavoidable impacts anticipated from the original SPW project (i.e., beyond <u>baseline conditions</u>).<sup>10</sup> Because the impacts of the Modified Project were not adequately assessed, the mitigation measures may also be inadequate.</p>
<b>LOCAL 11-6 Comment (Mitigation Measures MM-AQ-31)</b>	
<p>The comment states the Draft SEIR utilizes three main mitigation measures in order to minimize operational air quality, GHG, and VMT impacts (i.e. zero-emission shuttle buses; solar canopies over the main parking lot; and the transportation demand management (TDM) measures required by MM-TRAN-1). The comment states concern that future tenants could avoid the zero-emission shuttle buses requirement simply by reporting that they are not commercially available, or avoid the solar canopies requirement by using commercially reasonable efforts to replace the original solar contract. Lastly, the commenter states that for MM-TRAN-1 (the TDM program), there are few performance metrics provided and there is no discussion of other TDM measures that may be effective.</p>	<p>The RTC claims that the Los Angeles Harbor District ("LAHD") can enforce mitigation measures but fails to address the substantive issue raised in the comment. There is no definition of what constitutes commercially feasible or outlines what level of detail in the "tenant-provided information" is required. (See Draft SEIR, p. 3.2-19.) The lack of specific detail makes this mitigation less enforceable by the tenant and/or LAHD. Additionally, the RTC fails to adequately consider that the Modified Project modifies and/or revises other uses within the SPW development area by increasing the Site's capacity to attract and serve more visitors (e.g., increase parking capacity, larger attractions, bigger amphitheater). Because the Modified Project exacerbates these existing impacts, it is appropriate for LAHD to consider feasible mitigation measures to minimize them,</p>

<sup>10</sup> Existing environmental problems are part of the baseline if not exacerbated by the project. (See e.g., *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 377; *Paulek v Department of Water Resources* (2014) 231 Cal.App.4th 35, 44; *Save the El Dorado Canal v. El Dorado Irrigation Dist.* (2022) 75 Cal.App.5th 239, 264.)

<p>The Tenant and venue operator would work closely with the LAHD to implement the MMs for the Proposed Project. The Tenant would use zero emission shuttles <u>if commercially available</u> for amphitheater events and currently has a lease with a third- party supplier to provide solar canopy over portions of the main parking area. The Port has the <u>ability to review and enforce the terms</u> regarding Tenant’s compliance with the mitigation measures for the Proposed Project. The scope of the SEIR is limited to the West Harbor Modification Project components and does not <u>modify or revise other uses within the SPW development area</u>.</p>	<p>including, but not limited to, viable mitigation measures that were not previously considered but are now feasible.<sup>11</sup></p>
<p><b>LOCAL 11-7 Comment (Project Design Feature PF-GHG-1)</b></p>	
<p>The comment states that PF-GHG-1 has no discussion of what would constitute <u>commercially reasonable efforts</u> to guide future decisionmaking, and there is no explanation of whether more than 1.4 megawatts is feasible, such as by requiring solar panels at the overflow parking “Bluff Lot” and 208 E. 22nd Street parking lots. The amount of energy generated by the solar panels was calculated for informational purposes using the U.S. Environmental Protection Agency AVERT calculator, discussed under PF-GHG-1, provided in Table 3.5-3. GHG emissions (metric tons per year), “With Mitigation and Project Features,” are provided in Table B16 of Appendix C. Project <u>Feature GHG-1 is not a mitigation measure</u>, but a project feature that will be reviewed and tracked for implementation at the Proposed Project site. The planned 1.4 megawatts is maximized against underground utility overbuild constraints in the main parking lot. This project feature <u>does not limit the developer from installing greater than 1.4 megawatts of solar panel at the Site nor does it prevent LAHD from installing solar panels in other areas in the SPW, if appropriate and feasible</u>.</p>	<p>The RTC again fails to substantively address the lack of clear definitions of what constitutes commercially reasonable efforts or the potential for LAHD’s selective enforcement due to the lack of clear definitions. Additionally, to the extent the RTC claims the PF-GHG-1 is not mitigation, it overlooks the fact that it directly relates to the reduction of GHG emissions, which, if not adequately made enforceable, results in greater GHG emissions (as well as wasteful energy use) that are avoidable. To the extent that the Site’s leading contributor of GHG emissions may be from mobile emissions (which are potentially more challenging to mitigate), there is no discussion as to why these emissions could not be offset by other GHG reductions (e.g., reduced energy use by maximizing solar energy).</p>

(Continue next page)

<sup>11</sup> See e.g., CEQA Guidelines § 15162 subds., (a)(1), (a)(3)(C), (a)(3)(D).



LOCAL 11-8 Comment (Mitigation Measures MM-TRAN-1)	
<p>The comment states that MM-TRAN-1 provides various general strategies but does not offer many <u>performance metrics</u>. The comment also states that there is no discussion of other TDM measures that may be effective, such as those recommended by CAPCOA, SCAG, CARB, OPR, and SCAQMD. The comment also states that <u>annual reporting</u> of the Site's VMT and trip generation, including the overflow lots, should be required. As discussed in the Draft SEIR, new significant and unavoidable transportation impacts would occur because the Proposed Project would result in a net increase in <u>regional VMT</u>. Transportation Demand Management (TDM) strategies are required as MM-TRAN-1. However, because of the operational and administrative <u>inefficiencies and challenges of implementing TDM for special-event venues</u>, TDM mitigation measures are <u>not expected to reduce the Proposed Project's VMT impact to less-than-significant levels</u>. Additionally, please refer to the response provided for LOCAL 11-6.</p>	<p>The RTC states that the impacts on VMTs are significant and unavoidable. However, to the extent that impacts are significant, it does not relieve a lead agency's responsibility to impose feasible mitigation measures. The RTC makes the blanket statement that TDMs for special events are challenging without identifying the specific TDM strategies considered and deemed infeasible. There is no discussion of the measures specifically considered to address regional VMTs, such as other TDM measures adopted by other jurisdictions in the context of other regional-serving uses (e.g., entertainment, tourism, event centers, special event uses, etc.).<sup>12</sup></p> <p>Additionally, the RTC claims that TDM strategies are required under MM-TRAN-1, which the RTC suggests are similar to suggestions proposed by Local 11 (i.e., LOCAL 11-9 comment discussed further below). However, only ten generic TDM measures are listed under MM-TRAN-1. (See Draft SEIR, PDF p. 412 [tbl. 3.9-l].). In contrast, Local 11 referenced multiple planning documents that reference a much larger suite of TDM strategies and VMT-reduction measures, such as CAPCOA, which lists over 50 transportation-related measures.<sup>13</sup> For example, CAPCOA measure T-6 is a mandatory commuter trip reduction ("CTR") program that is performance-based and includes reporting requirements, which is not among the TDM measures listed under mitigation measure MM-TRAN-1.<sup>14</sup></p>

(Continue next page)

<sup>12</sup> See e.g., Tahoe Regional Planning Agency, PDF pp. 2-7, <https://www.trpa.gov/wp-content/uploads/Attachment-D-Event-Center-VMT-trip-generation-and-mitigation.pdf>; Solano County, PDF p. 5, <https://files.ceqanet.lci.ca.gov/269729-1/attachment/Sdr7Jnw5yDBz9Cd2gEmCGYnyeWae6XIwb7kwAjgjfWyOeh-bC8kz1vsbUJ3BNZekBtHHxSdA3mBny7bC0>; City of San Diego, PDF p. 14, [https://www.sandiego.gov/sites/default/files/2025-03/dsd\\_appendix-d4-transportation-demand-management-plan.pdf](https://www.sandiego.gov/sites/default/files/2025-03/dsd_appendix-d4-transportation-demand-management-plan.pdf);

<sup>13</sup> CAPCOA (Dec. 2021) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, pp. 31-32, 73, 76, 80-96, 101, [https://caleemod.com/documents/handbook/full\\_handbook.pdf](https://caleemod.com/documents/handbook/full_handbook.pdf).

<sup>14</sup> Ibid., pp. 31, 86, 101.

LOCAL 11-9 Comment (Additional Feasible Measures are Available)	
<p>The comment suggests that the impacts on traffic, air quality, and GHGs would require additional mitigation measures to reduce operational impacts. The commenter suggests measures include <u>maximizing onsite solar panel</u> use on the Proposed Project site and overflow parking lots, achieving LEED Platinum and/or achieving Tier 1 or Tier 2 CalGreen status, implementing a local hiring program, and applying an area- wide mandatory commuter reduction program. The Draft SEIR acknowledges that <u>significant and unavoidable impacts would occur for Air Quality, Greenhouse Gas Emissions, and Transportation</u>. Please refer to responses provided for LOCAL 11-6 through LOCAL 11-8. With respect to implementing a hiring program, the <u>Tenant already has been working actively</u> with Council District 15, the local Boys and Girls Clubs, and Sharefest, another non-profit who works with local youth, to hold local job fairs to attract and employ local residents. The Tenant also has been working with Harbor Community College and its culinary arts program to attract and employ local residents by the West Harbor Project restaurant and food and beverage subtenants. While the VMT is primarily driven by <u>patron trips not employee trips, West Harbor is committed to employing local residents</u>. While employees associated with the amphitheater are numerous, they are not the <u>main VMT generating source</u>; the patrons of the amphitheater would be the largest source, by far, of VMT. As such, additional measures associated with <u>patron VMT reduction are infeasible</u> to implement and therefore the impact of VMT was determined to remain significant and unavoidable even with implementation of TDM measures. However, it should be noted that the bullets listed in comment (d) are essentially the same as those listed in MM-TRAN-1; which would be implemented to the <u>greatest extent feasible</u> even though it is acknowledged that it would not fully mitigate VMT-related impacts.</p>	<p>The RTC states that the impacts on air quality, GHG, and transportation are significant and unavoidable. Where impacts are significant, a lead agency has a responsibility to implement feasible mitigation measures. Local 11 has provided several suggestions on ways to significantly mitigate impacts, and the RTC fails to adequately explain why these suggestions are infeasible. Additionally, voluntary local hiring efforts are not enforceable absent mandatory conditions. The RTC stated that additional TDM measures are infeasible without a meaningful explanation. It does not address why additional TDM measures were not considered (e.g., CAPCOA measures T-6 calling for a mandatory CTR program) (discussed above).</p> <p>Furthermore, to the extent that amphitheater guests are the primary VMT generator and most difficult to mitigate, it does not mean that these VMTs cannot be offset by VMT reductions from other significant sources (e.g., employees, guests to other attractions at the Site). Because these uses are arguably exacerbated by the Modified Project, it would be appropriate to consider enhanced TDM measures to reduce overall VMTs.</p>

(Continue next page)

<b>LOCAL 11-10 Comment (Request for Notification):</b>	
The comment thanks LAHD for the opportunity to comment. The comment also urges the Port to incorporate additional mitigation measures to reduce the Proposed Project's operational impacts. The comment closes by requesting they receive notice of all CEQA actions and approvals, Project CEQA determinations, or any other public hearings. The comment specifies they would like to receive notice via electronic and regular mail. LAHD confirms that the commenting party will receive notice of the upcoming public hearing via email; and it should also be noted that Board agendas are available on the Port's website. LAHD acknowledges this comment and will include it in the Proposed Project record for the Board of Harbor Commissioners to consider.	This office is unaware of any notification provided either by mail or email.

In sum, the SEIR underestimates the VMT/GHG impacts associated with the Modified Project. The Modified Project arguably exacerbates significant impacts from the previously approved Project. The RTC does not adequately address additional feasible mitigation measures through enforceable conditions, including but not limited to those previously suggested.

#### **F. HOW ARE YOU AGGRIEVED BY THE DECISION**

Local 11 has members that live, work, and or recreate in the vicinity of the POLA Site, breathe the air, suffer traffic congestions, and will suffer other environmental impacts of the Modified Project unless it is properly analyzed and mitigated, such as additional VMT and GHG-reduction measures. Additionally, the Appellant organization is committed to the assurance of responsible development in Los Angeles and informed decisionmaking by public officials regarding development projects that may cause significant impacts to the environment in the City of Los Angeles. Hence, granting this Appeal will confer substantial benefit on Local 11, further its organizational goals, benefit the public affected by the Modified Project, and result in the enforcement of important public rights.

#### **G. THE LOS ANGELES CITY COUNCIL SHOULD SEND THE MATTER BACK TO THE BOARD FOR FURTHER REVIEW**

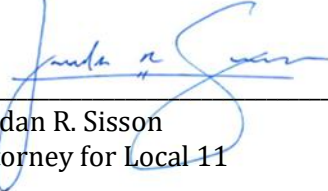
The Harbor Board certified the SEIR despite substantial evidence demonstrating that the SEIR failed to adequately analyze Project impacts or consider feasible mitigation measures, which infects the CEQA Findings. (See e.g., CEQA Findings, pp. 39-40 [GHG impacts], 46-48 [VMT impacts], 48-50 [MM-TRAN-1].)

/ / /

In conclusion, Local 11 respectfully requests the City Council grant this Appeal and remand the environmental review back to LAHD and the Harbor Board to consider additional mitigation measures tethered to a revised SEIR that more completely addresses the Project's VMT/GHG impacts (in addition to other deficiencies the City Council may find in its de novo review of the Appeal). (See Ch. 1A §§ 13A.2.8.C.5.b, 13B.11 subds. F.9 & G.3.)

Appellant respectfully reserves the right to supplement this appeal justification at future hearings and proceedings for this Project. (See *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 [CEQA litigation not limited only to claims made during EIR comment period].) Finally, Appellant requests to be notified regarding CEQA actions and any approvals, determinations, or public hearings to be held on the Project. Local agencies are required to mail such notices to any person who has filed a written request for them. (See Pub. Res. Code §§ 21092.2, 21167(f) and Gov. Code § 65092 and LAMC § 197.01.F.) Please send notice by electronic and regular mail to the address identified on page one of this letter.

Sincerely,



---

Jordan R. Sisson  
Attorney for Local 11

**ATTACHMENT:**

- Exh. A: Local 11 Comment Letter dated January 10, 2025
- Exh. B: Figures 1-3
- Exh. C: LAHD & LADCP Emails
- Exh. D: LADCP & City Clerk CEQA Appeal Forms
- Exh. E: Harbor Board Resolution dated June 16, 2025 (granted on June 26, 2025)

CC: Nicole Enciso, Los Angeles Harbor Department ([NEnciso@portla.org](mailto:NEnciso@portla.org))  
Joey Pallares ([jpallares@portla.org](mailto:jpallares@portla.org))  
Anna M. Vidal ([anna.vidal@lacity.org](mailto:anna.vidal@lacity.org))

## **EXHIBIT A**

# **LAW OFFICE OF JORDAN R. SISSON**

## **LAND USE, ENVIRONMENTAL & MUNICIPAL LAW**

3993 Orange Street, Suite 201  
Riverside, CA 92501

Office: (951) 405-8127  
Direct: (951) 542-2735

jordan@jrsissonlaw.com  
www.jrsissonlaw.com

January 10, 2025

**VIA EMAIL:**

Nicole Enciso, Los Angeles Harbor Department (NEnciso@portla.org)

**RE: Draft SEIR Comments for West Harbor Modification Project (SCH # 2005061041)**

Dear Ms. Enciso:

On behalf of UNITE HERE Local 11 (“Local 11”), this office respectfully submits these comments<sup>1</sup> to the Los Angeles Harbor Department (“LAHD”) regarding the above-referenced Draft Subsequent Environmental Impact Report (“SEIR”),<sup>2</sup> which considers the impacts of modifications of a previously approved project calling for the redevelopment of San Pedro Waterfront (“SPW”) located on a 42-acre, former site of Ports O’ Call Village between the Port’s Main Channel and Harbor Boulevard, from Berth 73-Z to 83 located within the Port of Los Angeles (“POLA”) (“Site”).

For background, the SPW project was subject to the Final Environmental Impact Statement/Environmental Impact Report (“EIS/EIR”) certified by the Board of Harbor Commissioners (“Harbor Board”) in 2009. (SEIR, PDF p. 14.) In May 2016, the Board approved an addendum to the 2009 SPW EIS/EIR for the San Pedro Public Market (“SPPM”) project (“2016 SPPM Addendum”), which has been renamed the West Harbor Project. (id.) The Draft SEIR considers the changes from the SPW and SPPM projects (the “Proposed Project”), which includes but not limited to: (i) a larger relocated amphitheater of approximately 100,000 square feet (“sf”) with capacity to accommodate 6,200 patrons (as compared to previously approved 500-seat amphitheater); (ii) a larger 175-foot tall Ferris wheel (previously approved 100-foot Ferris wheel) and installation of other attractions (e.g., carousel, wave swing, drop tower, etc.); (iii) additional 20 acres of paved parking adding more than 2,000-space increase from what was previously proposed. (Id., at PDF p. 18-20, 60-64, 69-90.)

In short, Local 11 has some concerns about the Proposed Project’s environmental review under the California Environmental Quality Act (“CEQA”).<sup>3</sup> As discussed below, Local 11 is concerned with some of the Draft SEIR’s assumptions related to vehicle miles traveled (“VMT”), which may underestimate impacts affecting traffic, air quality, and greenhouse gas (“GHG”) emissions. There are also some concerns with the enforceability of several mitigation measures and design features intended to reduce operational impacts affecting air quality, GHG, and traffic. Collectively, these flaws may underestimate impacts that warrant further mitigation—particularly those feasible measures that can reduce VMTs and associated emissions—such as the following:

- a. Maximizing onsite solar panel use on the Site and overflow parking lots (i.e., Bluff Lot, 22<sup>nd</sup> Street lots);
- b. Achieving LEED Platinum and/or achieving Tier 1 or Tier 2 CalGreen status;

<sup>1</sup> Herein, page citations are either the stated pagination (i.e., “p. #”) or PDF-page location (i.e., “PDF p. #”)

<sup>2</sup> See [https://files.ceqanet.opr.ca.gov/85061-8/attachment/VzvbqJCF0fm-IQks4H0kEH7ymyTfoS3An2zdakVcKqe7TsnGiY5zswRysYqln\\_3EAwUPSpLy27YOGwgj0](https://files.ceqanet.opr.ca.gov/85061-8/attachment/VzvbqJCF0fm-IQks4H0kEH7ymyTfoS3An2zdakVcKqe7TsnGiY5zswRysYqln_3EAwUPSpLy27YOGwgj0).

<sup>3</sup> Pub. Res. Code § 21000 et seq. and 14 Cal. Code Regs. (“CEQA Guidelines”) § 15000 et seq.



- c. Implementing a local hiring program, which could lead to reduced VMTs and emissions by reducing potential worker commutes; and
- d. Applying an area-wide mandatory commuter reduction program,<sup>4</sup> which could include:
  - A specific performance level to be reached (e.g., specific VMT or average daily trip reduction or both);
  - A specified participation level (e.g., 100% of employees);
  - Participation in guaranteed ride programs;
  - Incentives such as employee carpool/vanpool access to preferential parking spaces;
  - Subsidized transit passes for workers and patrons taking public transit; and
  - A dedicated shuttle service (available during non-ticketed events) for workers and patrons toward nearby destinations.<sup>5</sup>

Local 11 has a significant interest in the Proposed Project given that they represent more than 25,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California and Phoenix, Arizona—including thousands who live in Long Beach, Los Angeles, and areas surrounding POLA. Local 11 respectfully urges LAHD to consider a revised Draft SEIR that addresses the following issues and considers implementing additional mitigation measures (like those listed above and referenced on pages 4-5 of this comment letter).

**1. VMT-Inducing Assumptions:** The Draft SEIR assumes that the Ferris wheel and other amusement attractions are ancillary to the amphitheater and retail and would not generate vehicle trips/VMTs independently since patrons would already be on the Site. (Draft SEIR, PDF pp. 389, 411.) The Draft SEIR also states that the increased parking at the 208 E. 22<sup>nd</sup> Street parking lot would not constitute “trip-generating uses in and of itself” based on the assumption that it would serve as overflow parking for the amphitheater and other uses. (PDF p. 411.) However, these assumptions seem unsubstantiated given that the Ferris wheel and other attractions seem to be operational throughout the year (i.e., 100 % of the time) while the amphitheater would be limited to 100 ticket events per year with one event per day (i.e., 27% of the time) mainly during April through November. (PDF p. 84.) Additionally, while sea-adjacent Ferris wheels and attractions are relatively unique,<sup>6</sup> retail and restaurants are more generic and comparable to other coastal and inland offerings. Furthermore, the addition of 2,000-plus additional parking spaces (PDF p. 395) would clearly increase the Site’s capacity to accommodate more patrons throughout the year with improvements proposed at the 22<sup>nd</sup> Street Parking lot. (PDF pp. 1050, 1055.) Thus, it is reasonable to assume patrons would be drawn to the Site by the Ferris wheel and other attractions independent of the retail and amphitheater, including during non-event theater days, which does not appear to be included in the Project’s VMT analysis.

---

<sup>4</sup> See e.g., CAPCOA (Dec. 2021), *ibid.*, pp. 77, 100-102 (Measure T-6 including Measures T-7 through T-11 plus additional requirements like monitoring, plus additional enhancements like T-12 and T-13 measures).

<sup>5</sup> See e.g., Santa Monica Municipal Code § 9.5.130(B)(2)(b); <https://www.octa.net/getting-around/rideshare/oc-rideshare/employers/guaranteed-ride-home-program/>; <https://www.ci.healdsburg.ca.us/AgendaCenter/ViewFile/Item/3098?fileID=21731>.

<sup>6</sup> See e.g., See Visit California listing three similar attractions near the ocean including the Balboa Fun Zone Ferris Wheel (Newport Beach), the Pike Outlets Ferris Wheel (Long Beach), and the Pacific Wheel (Santa Monica). (See Visit California Website, 7 Fabulous California Ferris Wheels, <https://www.visitcalifornia.com/now/7-fabulous-california-ferris-wheels/>.)

**2. VMT Trip Length Assumptions:** The Draft SEIR provided an estimated VMT for event days based on four comparable operations (i.e., the Greek Theater, Long Beach Terrace Theater, Kia Forum, and City National Grove of Anaheim). (PDF p. 398.) While the Draft SEIR states that the Proposed Project and these four other operations are regional serving (PDF p. 408), it primarily relied on trip length and other VMT data from the Greek Theater and National Grove of Anaheim to provide an estimated VMT analysis, which have a lower average trip length (i.e., 16.3 and 16.9, respectively). (PDF pp. 398, 408.) It excluded the Long Beach Terrace Theater (i.e., 18.3-mile average length) and the Kia Forum (i.e., 19.3-mile average length) because, unlike the Proposed Project, these locations either serve recurring symphony events or have a larger capacity (respectively). (PDF p. 408.) However, this justification ignores the fact that the Long Beach Theater and Kia Forum are the most similar to the Proposed Project in terms of location (i.e., roughly a 6- and 16-mile distance as the crow flies from POLA, respectively) as compared to the National Grove and Greek Theater (i.e., roughly a 23- and 27-mile distance as the crow flies from POLA, respectively), which is an important consideration in estimation of vehicle trips here. Additionally, the Proposed Project's 6,200-guest amphitheater (PDF p. 396) is arguably more comparable to the more-nearby 17,505-seat Kia Forum (2.8 times larger than the Proposed Project) than to the 1,700-seat National Grove (3.64 times smaller than the Proposed Project). Thus, it is reasonable to assume that VMTs generated by the amphitheater would have a larger average trip length than the 16.6 average trip length used in the Draft SEIR (PDF p. 408), which may have resulted in an underestimation of the Proposed Project's estimated 83,292 event-day VMTs. (PDF pp. 408-410.)

**3. VMT Assumptions Affect Emissions Analysis:** Collectively, the above-mentioned issues may have resulted in the underestimation of VMTs. This not only affects the Draft SEIR's traffic analysis but also infects its air quality and GHG analysis where user-defined VMT assumptions were utilized in the air quality/GHG emissions modeling (via CalEEMod) (see e.g., PDF p. 685) and mobile sources (i.e., vehicles) are a major contributor of operational air emissions (see e.g., PDF pp. 132-134, 145, 146) and the chief contributor in GHG emissions (see e.g., PDF pp. 253, 266). Thus, this may result in the need for additional mitigation measures to address operational air quality and GHG impacts.

**4. Additional Mitigation Measures:** To minimize operations impacts on air quality emissions, GHG, and VMTs, the Draft SEIR relies significantly on three main measures, including: (i) a new mitigation measure using zero-emission shuttle buses from POLA parking lots to the Site during ticketed events (i.e., MM-AQ-31) (see e.g., PDF pp. 23, 130, 145, 148, 153, 172, 251); (ii) a new design feature of installing solar canopies over the main parking lot (i.e., PF-GHG-1) (PDF pp. 23, 267, 273); and (iii) new mitigation measures of implementing a Transportation Demand Management ("TDM") Strategies (i.e., MM-TRANS-1) (PDF pp. 24, 414-416). However, there are several concerns with these proposed measures, including:

- a. For MM-AQ-31 (Zero-Emission Shuttle Buses), the measure would not be implemented if the future tenant reports that zero-emission shuttle buses are not commercially available to rent within the local and greater Los Angeles region. (PDF pp. 172-173, 251.) However, there is no discussion of what will constitute commercially available to guide future decision-making. Nor does it explain why a zero-emissions shuttle fleet is infeasible, especially if utilized for the entire Site operations and not limited to only amphitheater events—such as scheduled shuttles from the Site to major transit locations (e.g., Metrolink Blue and Silver stops). Nor does the Draft SEIR identify alternative mitigation measures in the event shuttle busses are not implemented.

- b. For PF-GHG-1 (Install Solar Canopies over Main Parking Lot), the measure states it requires approximately 1.4 megawatts of electric generation, but if the future tenant fails to implement the solar improvement, the future tenant need only use commercially reasonable efforts to replace the original solar contract. (PDF p. 273.) However, there is no discussion of what will constitute commercially reasonable efforts to guide future decision-making. Nor is there an explanation whether more than 1.4 megawatts is feasible, such as by requiring solar panels at the overflow parking “Bluff Lot” and 208 E. 22<sup>nd</sup> Street parking lots. (PDF pp. 557, 1047, 1058, 1061.)
- c. For MM-TRANS-1 (Implementation of TDM Program), the measure provides various general strategies (e.g., coordinating with LADOT, providing transit information, wayfinding, social media, etc.). (PDF pp. 412-413.) However, there are few performance metrics provided, nor is there discussion of other TDM measures that may be effective (with the co-benefit of reducing air/GHG emissions)—such as those recommended by the California Air Pollution Control Officers Association (“CAPCOA”), Southern California Association of Governments (“SCAG”), California Air Resources Board (“CARB”), Office of Planning Research (“OPR”), and South Coast Air Quality Management District (“SCAQMD”).<sup>7</sup> Additionally, annual reporting of the Site’s VMT/trip generation should be required, including the Site’s usage of overflow lots (i.e., Bluff Lot, 22<sup>nd</sup> Street parking lots). (PDF pp. 557, 1047, 1058, 1061.)

**5. Additional Feasible Measures are Available:** Collectively, the above-mentioned issues may indicate the need for additional feasible mitigation measures to reduce operational impacts on traffic, air quality, and GHGs. In addition to the measures recommended by various public agencies (referenced herein and explained in greater detail in referenced documents),<sup>8</sup> Local 11 urges LAHD to consider the following measures:

- a. Maximizing onsite solar panel use on the Site and overflow parking lots (i.e., Bluff Lot, 22<sup>nd</sup> Street lots);
- b. Achieving LEED Platinum and/or achieving Tier 1 or Tier 2 CalGreen status;
- c. Implementing a local hiring program, which could lead to reduced VMTs and emissions by reducing potential worker commutes; and

---

<sup>7</sup> See e.g., CAPCOA (Dec. 2021) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, pp. 31-32, 73, 76, 80-96 (listing numerous strategies related to transportation, energy, water, lawn and landscaping, solid waste, natural and working lands, construction, refrigerants, and miscellaneous strategies), [https://www.airquality.org/ClimateChange/Documents/Final%20Handbook\\_AB434.pdf](https://www.airquality.org/ClimateChange/Documents/Final%20Handbook_AB434.pdf); CAPCOA (Aug. 2010) Quantifying GHGs and Mitigation, pp. 64-74 (same), <https://www.contracosta.ca.gov/DocumentCenter/View/34123/CAPCOA-2010-GHG-Quantification-PDF>; SCAG (Dec. 2019) Final Program EIR, pp. 2.0-18 – 2.0-71 (see project-level mitigation measures (“PMM”) for air quality, GHG, and transportation impacts), [https://scag.ca.gov/sites/main/files/file-attachments/fpeir\\_connectsocial\\_complete.pdf?1607981618](https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocial_complete.pdf?1607981618); SCAG (May 2020) PEIR MMRP, pp. 2-52 (same), [https://scag.ca.gov/sites/main/files/file-attachments/exhibit-a\\_connectsocial\\_peir.pdf?1606004156](https://scag.ca.gov/sites/main/files/file-attachments/exhibit-a_connectsocial_peir.pdf?1606004156); SCAG (Apr. 2024) Final Program EIR, MMRP, pp. A-7 – A-47 (same), [https://scag.ca.gov/sites/main/files/file-attachments/exhibit\\_a\\_mmrp\\_508\\_final.pdf?1712003625](https://scag.ca.gov/sites/main/files/file-attachments/exhibit_a_mmrp_508_final.pdf?1712003625); CARB (Dec. 2022) 2022 Scoping Plan, pp. 267-271, <https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf>; id., Appendix D, pp. 27-33, <https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf>; CARB’s 2017 Scoping Plan, Appendix B-Local Action, pp. 7-10, [https://www.arb.ca.gov/cc/scopingplan/app\\_b\\_local\\_action\\_final.pdf](https://www.arb.ca.gov/cc/scopingplan/app_b_local_action_final.pdf); OPR (Dec. 2018) Technical Advisory, pp. 27, [https://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf);

<sup>8</sup> Ibid.

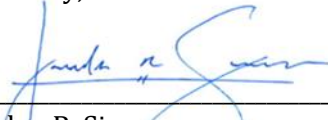
d. Applying an area-wide mandatory commuter reduction program,<sup>9</sup> which could include:

- A specific performance level to be reached (e.g., specific VMT or average daily trip reduction or both);
- A specified participation level (e.g., 100% of employees);
- Participation in guaranteed ride programs;
- Incentives such as employee carpool/vanpool access to preferential parking spaces;
- Subsidized transit passes for workers and patrons taking public transit; and
- A dedicated shuttle service (available during non-ticketed events) for workers and patrons toward nearby destinations.<sup>10</sup>

In closing, Local 11 thanks LAHD for the opportunity to provide these comments and urges it to consider the incorporation of additional feasible measures to reduce the Proposed Project's operational impacts (such as those listed above). Local 11 reserves the right to supplement these comments at future hearings and proceedings for this Project. (See *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 [CEQA litigation not limited only to claims made during EIR comment period].) This office requests, to the extent not already on the notice list, all notices of CEQA actions and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. (See Pub. Res. Code §§, 21092.2, 21167(f) and Gov. Code § 65092.) Please send notice by electronic and regular mail to the address identified on page one of this letter.

Thank you for consideration of these comments. We ask that this letter be placed in the administrative record for the Project.

Sincerely,

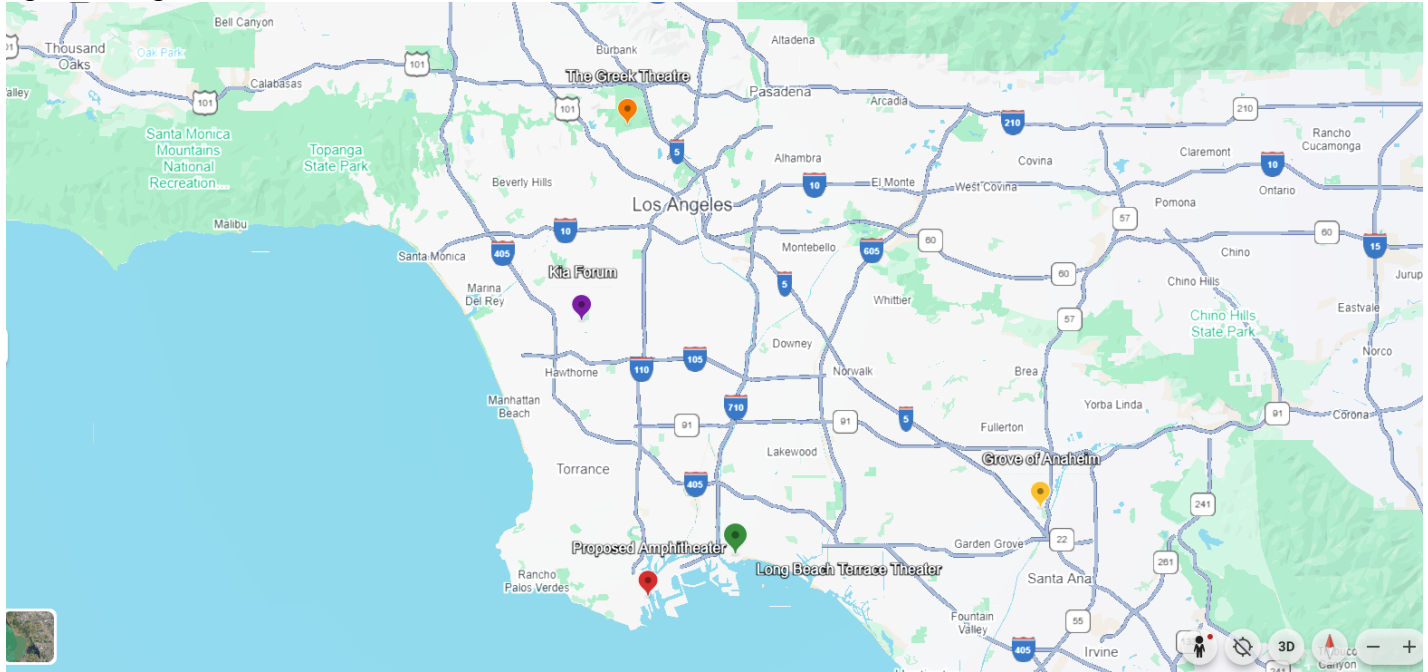
  
\_\_\_\_\_  
Jordan R. Sisson  
Attorney for Local 11

<sup>9</sup> See e.g., CAPCOA (Dec. 2021), *ibid.*, pp. 77, 100-102 (Measure T-6 including Measures T-7 through T-11 plus additional requirements like monitoring, plus additional enhancements like T-12 and T-13 measures).

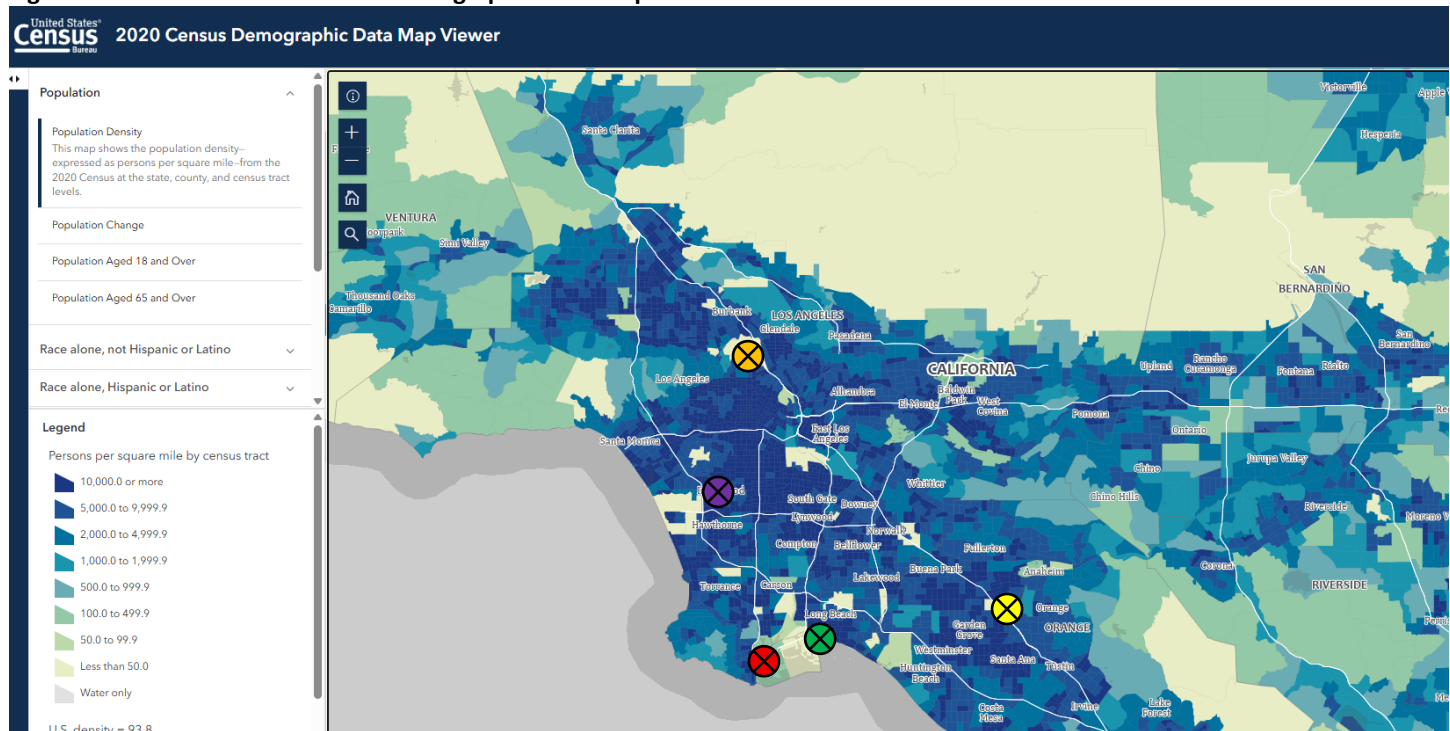
<sup>10</sup> See e.g., Santa Monica Municipal Code § 9.5.130(B)(2)(b); <https://www.octa.net/getting-around/rideshare/oc-rideshare/employers/guaranteed-ride-home-program/>; <https://www.ci.healdsburg.ca.us/AgendaCenter/ViewFile/Item/3098?fileID=21731>.

## **EXHIBIT B**

**Figure 2: Google Earth<sup>1</sup>**



**Figure 1: U.S. Census 2020 Census Demographic Data Map Viewer<sup>2</sup>**



**NOTES (approximate locations):**

- Orange Icon: Los Angeles Greek Theater (2700 N Vermont Ave, Los Angeles, CA 90027)
- Purple Icon: Inglewood Kia Forum (3900 W Manchester Blvd, Inglewood, CA 90305)
- Red Icon: Modified Project (Proposed Amphitheater) (33°43'50"N 118°16'34"W)
- Green Icon: Long Beach Terrace Theater (33°45'54"N 118°11'21"W)
- Yellow Icon: Anaheim City National Grove (2200 E Katella Ave, Anaheim, CA 92806)

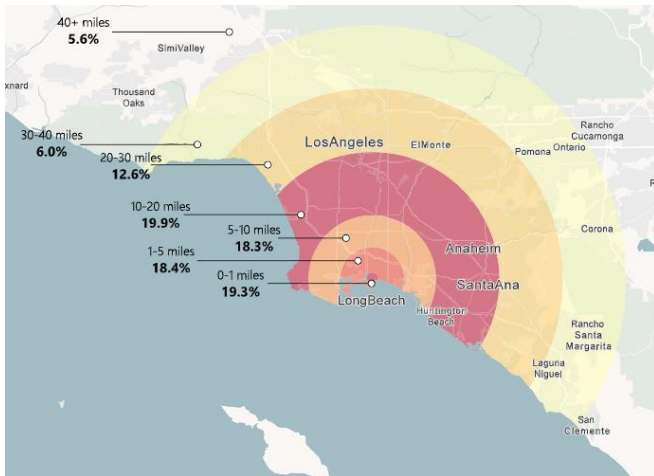
<sup>1</sup> [https://earth.google.com/web/search/san+pedro+port+of+los+angeles/@33.78856503,-118.30523997,0a,65580.07333281d,35y-0h,0t,0r/data=CiwjgokCTHHLuYM50BAESdU1QWN5kBAGWmwPwZneF3AIYbHQ73\\_eF3AQgIIAjpCicKJQohMWpHcjZVukNRTm81b3VDUkILbWdXcU1GN05UcFjpSmJPIAE6AwoBMEICCABKCAibrKG4AxAB](https://earth.google.com/web/search/san+pedro+port+of+los+angeles/@33.78856503,-118.30523997,0a,65580.07333281d,35y-0h,0t,0r/data=CiwjgokCTHHLuYM50BAESdU1QWN5kBAGWmwPwZneF3AIYbHQ73_eF3AQgIIAjpCicKJQohMWpHcjZVukNRTm81b3VDUkILbWdXcU1GN05UcFjpSmJPIAE6AwoBMEICCABKCAibrKG4AxAB).

<sup>2</sup> <https://maps.geo.census.gov/ddmv/map.html>.

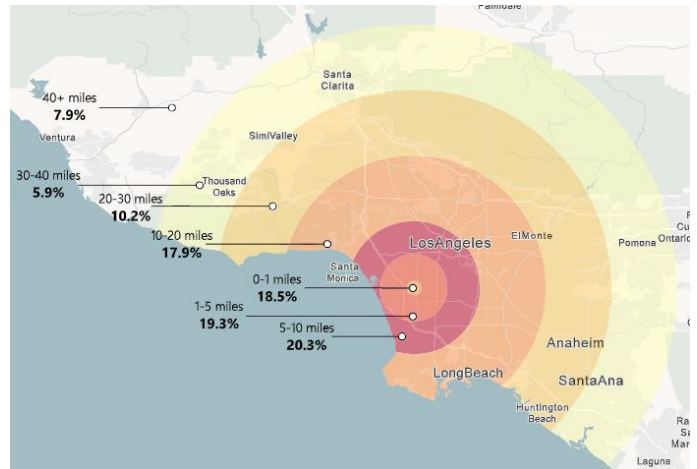


**Figure 3: Draft SEIR Excerpts<sup>3</sup>**

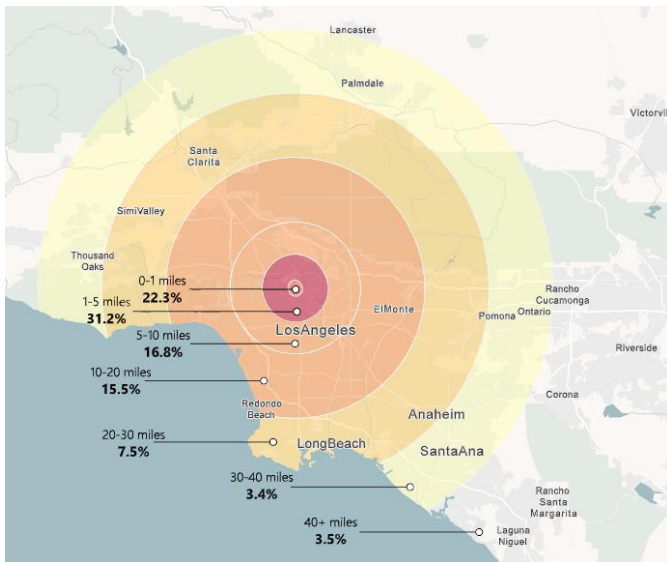
**Long Beach Terrace Theater Catchment Area**



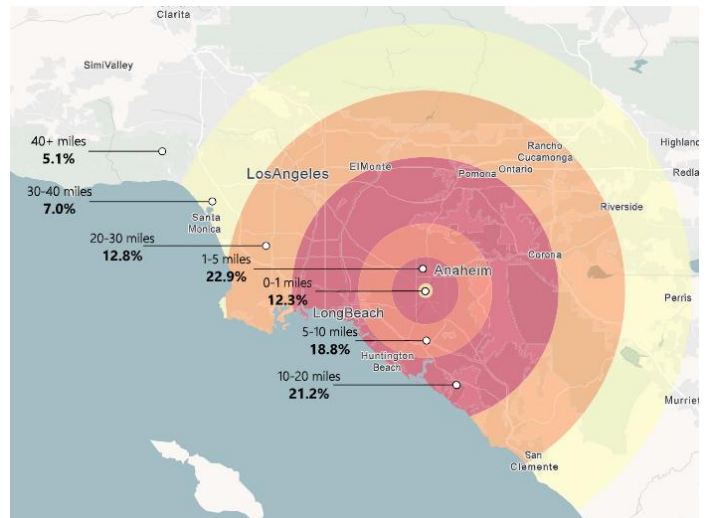
**Kia Forum Catchment Area**



**Greek Theater Catchment Area**



**City National Grove of Anaheim Catchment Area**



**NOTES:**



<sup>3</sup> Draft SEIR, PDF pp. 400-406 (Figs. 3.9-1 through 3.9-4 of Traffic Appendix G), [https://files.ceqanet.lci.ca.gov/85061-8/attachment/VzvbqJCF0fm-lQks4H0kEH7ymyTfoS3An2zdakVcKqe7TsnGiY5zswRysYqIn\\_3EAwUPSpLy27YOGwgi0](https://files.ceqanet.lci.ca.gov/85061-8/attachment/VzvbqJCF0fm-lQks4H0kEH7ymyTfoS3An2zdakVcKqe7TsnGiY5zswRysYqIn_3EAwUPSpLy27YOGwgi0).

## **EXHIBIT C**

**From:** Anna Vidal <anna.vidal@lacity.org>  
**Sent:** Thursday, July 10, 2025 3:07 PM  
**To:** Jordan R. Sisson <jordan@jrsissonlaw.com>  
**Cc:** Ruben Vasquez <ruben.c.vasquez@lacity.org>  
**Subject:** Re: Harbor Commission CEQA Appeal: Logistics

Hello Mr. Sisson,

You are advise to file your appeal with the City Clerk as directed by the Harbor Department. The appeal on LAWA case is not in our records. If we did accept it there would be a case number. Do you have the case number for the LAWA CEQA appeal?

Thank you.

**Effective July 1, 2025, City Planning fees will increase by 3.4% based on the Consumer Price Index for Urban Consumers.** Please review the updated Fee Schedule for [Article 9 of the Original Zoning Code](#) and [Article 15 of the New Zoning Code](#). Applicants should plan ahead for any new filings as deemed appropriate.



**Anna M. Vidal**  
Pronouns: She, Her, Hers, Ella - hablo español  
Senior City Planner | Metro DSC  
**Los Angeles City Planning**  
201 N. Figueroa St., 4th Floor  
Los Angeles, CA 90012  
T: (213) 482-7079 | [Planning4LA.org](http://Planning4LA.org)  
Holiday: Sept. 1



**From:** Pallares, Joey <JPallares@portla.org>  
**Sent:** Thursday, July 10, 2025 1:21 PM  
**To:** jordan@jrsissonlaw.com  
**Subject:** Information on Appeal Process for Board of Harbor Commissioners Items

Hi Jordan,

I just wanted to follow up on our call earlier today regarding your question for the appeal process for an SEIR that was approved by the Board of Harbor Commissioners back on June 26, 2025.

As you mentioned, you have done one before with LAWA where you filed the appeal with the City Clerk, since both are proprietary City departments, it would be done the exact same way for us too.

The link below has information on filing an appeal with the City Clerk.

<https://clerk.lacity.gov/clerk-services/council-and-public-services/cps-resources/file-ceqa-appeal>

I hope this information helps, but if you need anymore information, please feel free to reach out.

Have a great day!

Best,  
Joey

*Joey Pallares*

**Board of Harbor Commissioners Office**

**The Port of Los Angeles**

(310) 732-3444 – Main

(310) 732-4038 – Direct

[JPallares@portla.org](mailto:JPallares@portla.org)

[www.PortOfLosAngeles.org](http://www.PortOfLosAngeles.org)



---

-----Confidentiality Notice-----

This electronic message transmission contains information from the Port of Los Angeles, which may be confidential. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited. If you have received this communication in error, please notify us immediately by e-mail and delete the original message and any attachment without reading or saving in any manner.

## **EXHIBIT D**

# LOS ANGELES CITY CLERK APPLICATION FORM FOR CEQA APPEAL TO CITY COUNCIL (LAMC §197.01)

**DO NOT USE THIS FORM** to initiate an appeal of a determination made under the Planning and Zoning Code (LAMC Chapter 1) or a determination made by a proprietary department (Airports, Harbor or Water and Power). To initiate an appeal of a determination made under the Planning and Land Use Code or by a proprietary department, please contact the department or individual who made the determination.

**USE THIS FORM** to initiate an appeal to City Council (pursuant to Los Angeles Municipal Code (LAMC) §197.01) of a nonelected decisionmaking body or individual's (1) certification of an environmental impact report; (2) adoption of a negative declaration or mitigated negative declaration; or (3) written determination that a project is not subject to the California Environmental Quality Act (CEQA).

## 1. LOWER NONELECTED DECISIONMAKING BODY/INDIVIDUAL INFORMATION

Lower Nonelected Decisionmaking Body/Individual (check one):

☐ Board of Public Works ☐ Board of Recreation and Parks Commissioners

☐ Bureau of Engineering ☐ Department of Transportation

☒ Other (print): LA Harbor Board

Regarding Case Number: LA Harbor App. No. 90529-080 (SCH No. 2005061041)

Project Title: West Harbor Modification Project

Project Address: 1420 S HARBOR BLVD (Port of Los Angeles)

Check type of Environmental Determination (only these can be appealed to City Council):

☒ Environmental Impact Report ☐ Negative Declaration/Mitigated Negative Declaration  
☐ Written Determination That Project Is Not Subject To CEQA

Date of approval of Environmental Determination: 6/26/25



## LOS ANGELES CITY CLERK APPLICATION FORM FOR CEQA APPEAL TO CITY COUNCIL (LAMC §197.01)

### 2. APPELLANT INFORMATION

Appellant's name (print): Juan Munuz

Company: UNITE HERE Local 11

Mailing Address: 464 S. Lucas Ave.

City: Los Angeles, State: CA Zip: 90017

Telephone: 310-714-3813 Email\*: jmuno@unitehere11.org

*\* By submitting this form electronically, you agree to accept communications from the City at the electronic mail address provided.*

- Is the appeal being filed on your behalf or on behalf of another party or organization?

☐ Self ☒ Other (print): UNITE HERE Local 11

### 3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Jordan R. Sisson, Esq.

Company: Law Office of Jordan R. Sisson

Mailing Address: 3993 Orange St., STE 201

City: Riverside State: CA Zip: 92501

Telephone: 951-542-2735 Email\*: jordan@jrsissonlaw.com

*\* By submitting this form electronically, you agree to accept communications from the City at the electronic mail address provided.*

### 4. LEGAL BASIS FOR THE CEQA APPEAL

Attach a separate sheet providing a brief summary of the legal basis for the CEQA Appeal.

### 5. APPELLANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant's Signature: Juan Munuz Date: 7/11/25

### 6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- The following documents are required for each appeal filed:
  - Complete appeal application (this form completely filled in)
  - Legal basis for the CEQA Appeal (attached to this form)
  - Copy of the challenged decision to certify an environmental impact report, adopt a negative declaration or mitigated negative declaration, or written determination that the project is not subject to CEQA (attach to this form)

## LOS ANGELES CITY CLERK APPLICATION FORM FOR CEQA APPEAL TO CITY COUNCIL (LAMC §197.01)

- All documents comprising this appeal must also be filed concurrently with the nonelected decisionmaking body or individual whose environmental determination is being appealed [LAMC 197.01 D]
- A CEQA Appeal can only be filed if the challenged decision is not otherwise appealable to the City Council [LAMC 197.01 B]
- A CEQA Appeal can only be filed within the earliest of: (i) 10 days following the filing of either a Notice of Exemption or Notice of Determination in compliance with CEQA; or (ii) 180 days following the Environmental Determination if no Notice of Exemption or Notice of Determination is filed [LAMC 197.01 C]
- Within 10 days of filing the CEQA Appeal, Appellant shall submit to the City Clerk all documentary evidence, other supporting material, and argument that Appellant wishes to present to the City Council [LAMC 197.01 E.2]

This Section for City Clerk Staff Use Only	
Reviewed & Accepted by (City Clerk):	Date:
<input type="checkbox"/> Internal review completed	
Deemed Complete/Referred for Assignment by (City Clerk):	Date:

## APPLICATIONS

# APPEAL APPLICATION CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) Instructions and Checklist



## RELATED CODE SECTIONS

The Los Angeles Municipal Code (LAMC) [Section 13B.11.F. of Chapter 1A](#) establishes the appeal procedure to the City Council for California Environmental Quality Act (CEQA) determinations.

## PURPOSE

A CEQA determination can only be appealed if a non-elected, decision-making body (ZA, APC, CPC, DIR) makes a determination for a project that is not further appealable. If a final decision on a project was made by the City Council, either as the initial decisionmaker or on appeal, the related CEQA determination is not appealable.

To initiate appeal of a CEQA appeal, this form must be completed with the required materials attached and filed within 15 calendar days from the final administrative decision of the entitlement application.

## GENERAL INFORMATION

### **Appealable CEQA determinations:**

- Certified Environmental Impact Report (EIR)
- Sustainable Communities Environmental Assessment (SCEA)
- Mitigated Negative Declaration (MND)
- Negative Declaration (ND)
- Categorical Exemption (CE)
- Statutory Exemption (SE)

### **Non-appealable CEQA determinations:**

- Addenda to any of the above-listed CEQA determinations
- Findings made pursuant to [CEQA Guidelines Section 15162](#)
- An action in which the determination does not constitute a project under CEQA

All CEQA appeals are heard by the City Council. This form is only for appeals related to determinations made by Los Angeles City Planning. All other CEQA appeals shall be filed with the City Clerk pursuant to [LAMC Section 197.01](#).

A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council. Persons affiliated with a CNC may only file as an individual on behalf of self.

## CASE INFORMATION

Environmental Case Number: State Clearinghouse No. 2005061041

Related Entitlement Case Number(s): LA Harbor App. No. 90529-080

Project Address: 1420 S HARBOR BLVD (Port of Los Angeles)

Date of Final Entitlement Determination: 6/26/25 (Harbor Board Agenda, Regular Item 6)

The CEQA Clearance being appealed is a(n):

☒ EIR ☐ SCEA ☐ MND ☐ ND ☐ CE ☐ SE

## APPELLANT

Check all that apply.

☐ Representative ☐ Property Owner ☒ Other Person  
☐ Applicant ☐ Operator of the Use/Site

## APPELLANT INFORMATION

Appellant Name: Juan Munuz

Company/Organization: UNITE HERE Local 11

Mailing Address: 464 S. Lucas Ave., Los Angeles, CA 90017

City: Los Angeles State: CA Zip Code: 90017

Telephone: 310-714-3813 E-mail: jmunoz@unitehere11.org

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☐ Self ☒ Other: UNITE HERE Local 11

Is the appeal being filed to support the original applicant's position?

☐ YES ☐ NO

## REPRESENTATIVE / AGENT INFORMATION

Representative/Agent Name (if applicable): Jordan R. Sisson, Esq.

Company: Law Office of Jordan R. Sisson

Mailing Address: 3993 Orange St., STE 201

City: Riverside State: CA Zip Code: 92501

Telephone: 951-542-2735 E-mail: jordan@jrsissonlaw.com

## JUSTIFICATION / REASON FOR APPEAL

Attach a separate sheet providing the specific reasons for the appeal. The reasons must state how CEQA was incorrectly applied, providing a legal basis for the appeal.

## APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true.

**Appellant Signature:** Juan Muñoz **Date:** 7/11/25

## GENERAL NOTES

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

*The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

### THIS SECTION FOR CITY PLANNING STAFF USE ONLY

**Base Fee:** \_\_\_\_\_ **Date :** \_\_\_\_\_

**Reviewed & Accepted by (DSC Planner):** \_\_\_\_\_

**Receipt No.:** \_\_\_\_\_ **Date :** \_\_\_\_\_

**Deemed Complete by (Project Planner):** \_\_\_\_\_

## ENVIRONMENTAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

*Note: City Clerk prepares the mailing list for CEQA appeals per LAMC Section 11.5.13 E of Chapter 1.*

### APPEAL DOCUMENTS

#### 1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- ☐ Environmental Appeal Application
- ☐ Justification/Reason for Appeal
- ☐ Copies of the written Letter of Determination (LOD), from the final appellate body, which must be a non-elected decision-making body

#### 2. Electronic Copy

- ☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., “Appeal Form”, “Justification/Reason Statement”, or “Original Determination Letter”). No file should exceed 70 MB in size.

#### 3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a) (Appeal Fees) of Chapter 1, or LAMC Section 15.1.1F.1.a. (Appeal Fees) of Chapter 1A; or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) (Appeal Fees) of Chapter 1, or LAMC Section 15.1.1F.1.b. (Appeal Fees) of Chapter 1A.



## **EXHIBIT E**

**DATE: JUNE 16, 2025**

**FROM: ENVIRONMENTAL MANAGEMENT**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - CERTIFICATION OF  
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT TO THE SAN  
PEDRO WATERFRONT ENVIRONMENTAL IMPACT REPORT FOR THE  
WEST HARBOR MODIFICATION PROJECT (LOS ANGELES HARBOR  
DEPARTMENT APPLICATION FOR PORT PERMIT NO. 190529-080;  
STATE CLEARINGHOUSE NO. 2005061041)**

**SUMMARY:**

Staff requests certification of the Final Subsequent Environmental Impact Report (SEIR) for the West Harbor Modification Project (Project) prepared in accordance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, §§ 21000 et seq., 21166; CEQA Guidelines, § 15162).

The Proposed Project is located within the San Pedro Public Market (SPPM) site and at a parking lot at 208 E. 22<sup>nd</sup> Street. The proposed Project would construct a 6,200-person capacity amphitheater and lawn area and parking lot with up to 2,600 additional spaces for the greater San Pedro Waterfront development. In addition, the proposed Project includes a 175-foot-diameter Ferris wheel, which differs from the 100-foot-diameter Ferris wheel that was included in and analyzed in the 2016 SPPM Addendum.

In this action, the Board of Harbor Commissioners (Board) will need to independently review and consider the adequacy of the Final SEIR and, if deemed adequate under CEQA, certify the SEIR and adopt a Findings of Fact (Findings), Statement of Overriding Considerations (SOC) and Mitigation Monitoring and Reporting Program (MMRP). With the application of mitigation measures and lease measures, the proposed Project would result in significant new impacts to noise and transportation.

**RECOMMENDATION:**

It is recommended that the Board:

1. Certify the Final Subsequent Environmental Impact Report to the San Pedro Waterfront Environmental Impact Report for the West Harbor Modification Project (a) has been completed in compliance with CEQA (Public Resources Code §21000 et seq.), with the CEQA Guidelines (14 Cal. Code Regs. §15000 et. seq.), and the City

**SUBJECT: FINAL SEIR FOR THE WEST HARBOR MODIFICATION PROJECT**

of Los Angeles California Environmental Quality Act Guidelines; (b) was presented to the Board for review and the Board considered the information contained in the Final Subsequent Environmental Impact Report prior to approving the proposed Project; and (c) reflects the independent judgment and analysis of the City of Los Angeles Harbor Department, and that all required procedures have been completed;

2. Adopt the Findings of Fact and Statement of Overriding Considerations;
3. Find that, in accordance with the information contained in the Final Subsequent Environmental Impact Report, the proposed Project will have new significant environmental effects on the environment related to transportation and noise as defined by Public Resources Code Sections 21068 and 21082.2, and the State California Environmental Quality Act Guidelines, Sections 15064, 15064.4, 15064.5, and 15382;
4. Find that in accordance with the provisions of the CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project, which substantially lessens or avoids one or more of the significant adverse environmental impacts identified in the Final Environmental Impact Report;
5. Find that all information added to the Final Subsequent Environmental Impact Report after public notice of the availability of the Draft Subsequent Environmental Impact Report for public review but before certification, merely clarifies, amplifies, or makes insignificant modifications in an adequate Subsequent Environmental Impact Report and recirculation is not necessary;
6. Adopt the Mitigation Monitoring and Reporting Program as required by Public Resources Code, Section 21081.6. The Mitigation Monitoring and Reporting Program is designed to ensure compliance with the mitigation measures and project features adopted to avoid or lessen significant effects on the environment, pursuant to and identifies the responsibilities of the City for Los Angeles Harbor Department, as lead agency, to monitor and verify project compliance with those mitigation measures and project features;
7. Approve the proposed Project identified in the Subsequent Environmental Impact Report including all feasible mitigation measures and project features with consideration of the Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program;
8. Direct the Waterfront Real Estate Division to incorporate by reference the Subsequent Environmental Impact Report, mitigation measures, project features, and Mitigation Monitoring and Reporting Program into any and all lease agreements or assignments encompassed in the approved Project;

**SUBJECT: FINAL SEIR FOR THE WEST HARBOR MODIFICATION PROJECT**

9. Authorize the Environmental Management Division to post a Notice of Determination with the Los Angeles County Clerk and the State Clearinghouse; and

10. Adopt Resolution No. \_\_\_\_\_.

**DISCUSSION:**

Background/Context – West Harbor (Applicant) is developing the area identified in the proposed Project as part of the larger San Pedro Waterfront (SPW) Project, for which the Final EIR was certified in 2009. The proposed Project would involve modifications to proposed redevelopment of a portion of the former Ports O' Call Village area, as described in the 2009 SPW Environmental Impact Statement (EIS)/EIR. In May 2016, the City of Los Angeles Harbor Department (Harbor Department) 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 2009 SPW EIS/EIR, reconfiguration of the waterfront promenade, extension of the term of the lease from 30 years to 50 years, and possible modification to the U.S. Army Corps of Engineers permits. The 2016 SPPM Addendum found that the SPPM Project, with incorporation of mitigation identified in the 2009 SPW EIS/EIR, would not result in any significant new impacts or a substantial increase in the severity of previously identified impacts that were analyzed in the 2009 SPW EIS/EIR. In November 2019, a second addendum to the 2009 SPW EIS/EIR was prepared to extend the duration of the lease for an additional 16 years. In 2019, the Applicant applied for Port Permit (Permit) (APP No. 190529-080) to the Harbor Department expressing interest in modifying the development of the former Ports O' Call Village area. The proposed Project site 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), along with the proposed 20-acre overflow parking lot and Red Car maintenance facility at 208 E. 22nd Street. Multiple comments were received on the Draft EIR, with the majority being in support of the proposed Project. Please refer to item five of the Environmental Assessment section below for a summary of environmental concerns raised in the comments.

Project Objectives - The primary objectives of the Project are to:

- Enhance and revitalize the existing SPW area by including a substantially larger outdoor concert Amphitheater and entertainment lawn venue and additional attractions to draw visitors to the SPW area, thereby increasing the public visibility of San Pedro in general and the waterfront specifically;
- Update previously adopted mitigation measures to reflect changes since their consideration;
- Provide public access to the SPW through increased parking amenities and pedestrian walkways;
- Provide for a variety of waterfront uses including recreational, commercial, and Port-related waterfront uses; and

**SUBJECT: FINAL SEIR FOR THE WEST HARBOR MODIFICATION PROJECT**

- Provide for enhanced visitor-serving commercial opportunities within the former site of Ports O' Call Village, complementary to those found in downtown San Pedro.

Project Description – The proposed Project involves development modifications to 2.5 acres of the previously approved 6.4-acre Discovery Sea Amusement Area in the southern portion of the SPPM Project site located between the Los Angeles Harbor's Main Channel and Harbor Boulevard from Berths 73-Z to 83 within the Port of Los Angeles (Port). The developer (Tenant) has proposed expanding the 500-seat outdoor amphitheater to 6,200 seats, using 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 Tenant has proposed a 175-foot-diameter Ferris wheel, which differs from the 100-foot-diameter Ferris wheel that was included and analyzed in the 2016 SPPM Addendum. The Ferris wheel would be located on the northern portion of the Project site, in the former City Park area currently referred to as North Park. The proposed Project also includes improvements to the 20-acre overflow parking lot and the demolition of the Red Car maintenance facility located at 208 E. 22nd Street.

**ENVIRONMENTAL ASSESSMENT:**

CEQA Responsibilities – The Harbor Department is the CEQA lead agency for the proposed Project. As such, the Board is responsible for reviewing and considering the Final SEIR (Transmittal 1) and, at its discretion, certifying that the Final SEIR has been completed in accordance with CEQA, the State CEQA Guidelines, and the Los Angeles City CEQA Guidelines; has been presented to the Board for review and the Board considered the information contained in the Final SEIR, and that it reflects the independent judgment and analysis of the Harbor Department. Certification of the Final SEIR must precede the project approval. Project approval requires that the Board first independently review and certify the Final SEIR as adequate; then adopt the Findings and SOC for the proposed Project (Transmittal 2) and the feasibility of mitigation measures and alternatives; and adopt a MMRP (Transmittal 3).

Scope and Content of Environmental Document – The Draft SEIR, released November 6, 2024, incorporates, as appropriate, information received on the Notice of Preparation (NOP) for the proposed Project, assesses environmental impacts of the proposed Project, and analyzes mitigation measures to reduce or avoid significant environmental effects. The Final SEIR clarifies and amplifies the Draft SEIR, incorporates modifications and corrections, contains responses to all public comments made on the Draft SEIR, and contains records of the public process.

Intended Uses of the SEIR – The SEIR informs public agency decision-makers and the general public of the significant environmental effects of the proposed Project and recommends mitigation measures to minimize the significant effects. The SEIR assesses the potential impacts, including cumulative impacts, related to the proposed Project. The analysis in the SEIR supports future potential discretionary actions of the Board. For the

**SUBJECT: FINAL SEIR FOR THE WEST HARBOR MODIFICATION PROJECT**

Harbor Department, these actions could include but are not limited to, issuance of coastal development permits, issuance of engineering permits, and approval of Permit amendments.

Environmental Documentation Process and Public Involvement – The proposed Project was subject to the required environmental documentation process that included public disclosure as required by CEQA. The procedural steps of the process are described below.

1. Notice of Preparation (NOP) – In accordance with the Los Angeles City CEQA Guidelines, Article VI, Section 1.5, and the State CEQA Guidelines, Section 15082, the responsible agencies, participating City agencies, and other concerned parties were consulted through an NOP released on April 14, 2022 and public scoping meeting held on May 15, 2022 via Zoom. Six comments were received during the scoping meeting, all in support of the proposed Project, and a total of twenty-three written comment letters were received from various agencies and the public during the comment period, which closed on June 15, 2022. Eighteen comment letters were in support of the proposed Project.

Copies of the NOP were available for review online at [www.portoflosangeles.org/ceqa](http://www.portoflosangeles.org/ceqa) and at the Harbor Department's Environmental Management Division office.

2. Draft SEIR – The Draft SEIR was released for public review on November 6, 2024. The document was made available on the Port website and notices were mailed and emailed to over 100 interested parties. The 45-day comment period was extended to a 65-day comment period per public request and closed on January 10, 2025.

Public notices of availability stating that the Draft SEIR was available for review were published in six newspapers: Los Angeles Times, Torrance Daily Breeze, Long Beach Press Telegram, Random Lengths, Metropolitan News Enterprise, and HOY.

A public hearing was held on November 14, 2024 via Zoom to present the findings of the environmental analysis and accept oral comments. Twenty-four oral comments were received at the public hearing. A total of 232 written comments were received from various agencies and the public during the 65-day public comment period, 174 of which were in support and 59 of which expressed concern about the Proposed Project's impacts.

3. Responses to Comments – As required by Public Resources Code Section 21092.5, all public responsible and trustee agencies who commented on environmental issues in the Draft SEIR were provided with proposed responses to those comments at least 10 days prior to the Final SEIR being submitted to the Board for certification.

SUBJECT: FINAL SEIR FOR THE WEST HARBOR MODIFICATION PROJECT

4. Final EIR – In accordance with the Los Angeles City CEQA Guidelines, Article I, and the State CEQA Guidelines, Section 15088, comments received on the Draft SEIR were evaluated. The comment letters, public meeting transcript, and responses to comments, along with minor modifications to the Draft SEIR are presented in the Final SEIR. The Final SEIR was completed in May 2025.
5. Findings and Conclusions – The Final SEIR transmitted herewith, identifies major findings and conclusions, including a discussion of areas of environmental concern, feasible mitigation measures, and unavoidable impacts. The discussion below summarizes the proposed Findings and SOC for the Board's consideration.

Areas of Environmental Concern – Through the public review process, 204 comment letters were received during the public review period and 24 comments were presented at the public hearing held on November 14, 2024. This section summarizes the key areas of environmental concern expressed by commenters and the Harbor Department's resolution of the issues. Detailed responses to all comments received on the document are included in Chapter 2, Responses to Comments, of the Final SEIR.

*Air Quality Impacts* – Commenters criticized the Draft SEIR's analysis of Air Quality impacts from the use of Fireworks. The comments stated that the use of Fireworks will create air and water pollution. In response to these and similar comments, MM-NOI-11 through MM-NOI-14 were altered to reflect a reduction in the use of fireworks from 25 shows up to 20 minutes in duration, to a total of 13 shows, eleven of which will be up to 10 minutes in duration and two of which will be permitted up to 20 minutes in duration, and to encourage the use of drone displays to replace fireworks shows. Additionally, firework shows will be subject to the pollution reduction management practices outlined in the LA Regional Water Quality Control Board (LARWQCB) General Fireworks Permit for firework discharge, which outlines acceptable firework materials, discharge management, and cleanup requirements.

*Biological Impacts* – Commenters criticized the evaluation of noise impacts on local marine wildlife including marine mammals and California Least Terns, as well as the input of trash into the harbor because of events. The use of fireworks and amplified sound were analyzed and determined to have potential for significant impacts on marine mammals. As a result, the following project feature (PF) and mitigation measures (MM) were included in the Final EIR to reduce noise impacts to wildlife: PF-NOI-1, MM-NOI-3, MM-NOI-4, MM-NOI-8, MM-NOI-10 through MM-NOI-14, MM-BIO-8 and MM-BIO-9. Additionally, the mitigation measures MM-BIO-7 and -10 will be implemented to prevent trash from entering local waterways and impacting marine wildlife.

*Noise Impacts* – Commenters criticized the evaluation of noise impacts related to amphitheater operations and fireworks shows. Comments typically highlighted the



**SUBJECT: FINAL SEIR FOR THE WEST HARBOR MODIFICATION PROJECT**

frequency of proposed performances (100 shows annually) as well as the proposed decibel limit of 100 dBA and local experiences with past performances in the harbor, which occurred at a different location with less specialized sound systems. The Draft SEIR analysis in Chapter 3.8, *Noise* provided sound modeling data that accounted for the local topography, variations in atmospheric conditions, and proposed decibel limits. As a result, PF-NOI-1 and MM-NOI-3 through MM-NOI-10 have been included to reduce impacts on neighboring communities. Prior events taking place in the harbor have had less stringent requirements due to their temporary nature. Events taking place at the Amphitheater will be subject to the use of specialized sound-focusing equipment, volume limits, penalties for violations, volume adjustments in response to the complaint hotline, and curfews as outlined in the mitigation measures. Commenters also expressed concern with noise generated by traffic increases due to events. As a result, clarifying information regarding project trip distribution was added to Chapter 3.8 of the SEIR and concluded that additional noise related to traffic would not be significant.

*Transportation Impacts* – Commenters criticized the analysis of traffic impacts in Chapter 3.9 - *Transportation*, which concluded that the project would have significant and unavoidable impacts after the implementation of feasible mitigation. Comments received were concerned with congestion due to event-related traffic, pedestrian access, and effects on neighboring residential streets and alternate routes besides Harbor Boulevard. Operational deficiency evaluations (i.e. level of service) for intersections in the project vicinity have also been added for information purposes to the Final SEIR as Appendix K. Additionally, MM-TRAN-1 will implement transportation management strategies to reduce event-related traffic and promote bicycle and pedestrian access and safety.

*Use of Artificial Turf* – Commenters criticized the proposed use of artificial turf rather than natural grass for the Amphitheater lawn area. While an analysis of using artificial turf did not identify any significant CEQA impact, an analysis of utilizing natural grass as a potential substitute or replacement for the 50,000-square-foot amphitheater lawn area was performed and is included in Appendix K should the Tenant decide to incorporate natural grass in lieu of artificial turf. Significant impacts are not expected as a result of implementing either artificial turf or natural grass in the Amphitheater lawn area of the proposed Project.

6. Proposed Mitigation Measures – In accordance with the provisions of the Los Angeles City CEQA Guidelines, Article I, the State CEQA Guidelines Section 15091, and the information contained in the SEIR, changes or alterations have been required in, or incorporated into the Project as recommended for approval in the form of feasible mitigation which substantially lessen or avoid significant adverse environmental impacts identified in the SEIR.

**SUBJECT: FINAL SEIR FOR THE WEST HARBOR MODIFICATION PROJECT**

Mitigation measures and Project features contained in the SEIR would be incorporated as appropriate in permits, such as engineering specifications, engineering construction permits, real estate entitlements, and/or coastal development permits for the proposed Project. All mitigation measures, lease measures and any standard conditions of approval can be found in the MMRP.

Unavoidable Significant Impacts - Significant impacts as a result of the proposed Project that could not be reduced below a level of significance are described in the Findings and SOC with findings for each impact. Impacts already determined to be significant and unavoidable by the 2009 SPW EIS/EIR that apply to this Project will remain significant and unavoidable, but the proposed Project was determined to not create new or substantially more severe impacts when Project-specific mitigation is applied for some impact areas, including Air Quality, Biological Resources, and Greenhouse Gas Emissions. With all feasible mitigation applied, the proposed Project will still have significant new impacts to Noise and Transportation.

<b>Environmental Impact</b>	<b>Prior Determination (2009 SPW EIS/EIR)</b>	<b>New MM or PF Added in Final SEIR</b>	<b>Impacts of Proposed Project (After Mitigation)</b>
Air Quality	Significant and Unavoidable	Yes	No new or substantially more severe impacts would occur
Biological Resources	Significant and Unavoidable	Yes	No new or substantially more severe impacts would occur
Greenhouse Gas Emissions	Significant and Unavoidable	Yes	No new or substantially more severe impacts would occur
Noise	Significant and Unavoidable	Yes	<b>New significant impacts would occur</b>
Transportation	Significant and Unavoidable	Yes	<b>New significant impacts would occur</b>

Significant Impacts that can be Mitigated, Avoided, or Substantially Lessened – The following significant impacts can be reduced to below a level of significance under CEQA through implementation of mitigation measures as described in the Findings and SOC:

- Cultural Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Public Services
- Tribal Cultural Resources

Additional changes added to the Final SEIR after the public review period are minor and merely clarify, amplify, or make minor modifications.

**SUBJECT: FINAL SEIR FOR THE WEST HARBOR MODIFICATION PROJECT**

7. SEIR Certification and Project Approval – In light of these findings and conclusions, staff recommends certification of the Final SEIR as prepared in accordance with CEQA and implementing guidelines and recommends approval of the proposed Project and adoption of all feasible mitigation measures and lease measures.
8. Implementation of Mitigation – When making the CEQA findings required by Public Resources Code Section 21081(a), a public agency shall adopt a reporting or monitoring program in accordance with Public Resources Code Section 21081.6 for changes to the proposed Project which it has adopted or made a condition of Project approval to mitigate or avoid significant effects on the environment. A MMRP is transmitted for Board consideration and adoption. In addition, should the Board elect to approve the proposed Project, the mitigation measures and project features contained in the SEIR would be incorporated as appropriate in permits, such as, engineering specifications, engineering construction permits, real estate entitlements, and/or coastal development permits for the proposed Project.
9. Record of Proceedings – When making CEQA findings required by Public Resources Code Section 21081(a), a public agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based. These records are in the care of the Director of Environmental Management, City of Los Angeles Harbor Department, 425 S Palos Verdes Street, San Pedro, California 90731.
10. Notice of Determination – In accordance with Los Angeles City CEQA Guidelines, Article I, and the State CEQA Guidelines Section 15094, a Notice of Determination will be filed with the Office of Planning and Research and the County Clerk's Office after Project approval. Public Resources Code Section 21167(c) provides that any action or proceeding alleging that an EIR does not comply with the provisions of CEQA shall be commenced within 30 days after filing the Notice of Determination.

**FINANCIAL IMPACT:**

Certification of the Final SEIR and approval of the proposed Project is an administrative action that would pave the path forward for implementation of the Project. Total cost associated with the preparation of the environmental document to date is \$899,000. This expense is the financial responsibility of San Pedro Public Market, LLC under Agreement No. 19-3706. San Pedro Public Market, LLC has reimbursed the Harbor Department \$673,000. The remaining balance due will be billed monthly per the Harbor Department's process.

**CITY ATTORNEY:**

Based on the information provided to it, the Office of the City Attorney has reviewed and approved the subject FEIR as to form.

DATE: JUNE 16, 2025

PAGE 10 OF 10

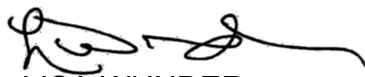
SUBJECT: FINAL SEIR FOR THE WEST HARBOR MODIFICATION PROJECT

**TRANSMITTALS:**

1. Final Subsequent Environmental Impact Report
2. Findings of Fact and Statement of Overriding Considerations
3. Mitigation Monitoring and Reporting Program

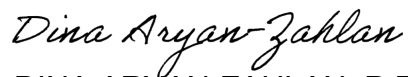
FIS Approval: MM (initials)

CA Approval: SO (initials)



LISA WUNDER

Acting Director of Environmental Management



DINA ARYAN-ZAHLAN, P.E.

Deputy Executive Director of Development

APPROVED:

*Erica M. Calhoun* for

EUGENE D. SEROKA

Executive Director

AUTHOR: S. Workman  
APP No.: 190916-128

FILE: Y:\\_ADMIN\\_BOARD REPORTS\CEQA\SPW- WEST HARBOR MODIFICATION PROJECT\Environmental\_West Harbor Modification SEIR \_Board Report\_FINAL .docx  
UPDATED: 6/16/2025 11:46AM - MRX