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September 3, 2025

Los Angeles City Council
c/o City Clerk Room 395
200 N. Spring Street
Room 395, City Hall
Los Angeles, CA 90012

Re: **CALIFORNIA ENVIRONMENTAL QUALITY ACT APPEAL AND
CERTIFICATION OF FINAL SUBSEQUENT ENVIRONMENTAL IMPACT
REPORT FOR WEST HARBOR MODIFICATION PROJECT (APP NO.
190529-080; SCH No. 2005061041) (BOARD OF HARBOR
COMMISSIONERS RESOLUTION NO. 25-10569 AND COUNCIL FILE NO.
25-0781)**

Honorable Members of the City Council of the City of Los Angeles:

I. INTRODUCTION

The Los Angeles Harbor Department (LAHD) hereby responds to the Appeal Letter dated July 11, 2025, from UNITE HERE Local 11 (Local 11), appealing the Board of Harbor Commissioners' (Board) decision to approve the Final Subsequent Environmental Impact Report (SEIR) for the West Harbor Modification Project (Project). The factual background for the Project and its associated environmental review can be found in the Summary Staff Report submitted separately.

Additionally, in comments on the Draft SEIR, Local 11 raised issues related to the analysis of impacts of the Project on transportation and greenhouse gas emissions (GHG), and LAHD's determination that the implementation of additional mitigation measures to reduce transportation impacts (and indirectly, air quality and GHG impacts) would be infeasible or unnecessary. Responses to comments made by Local 11 on the Draft SEIR can be found in the Final SEIR, Chapter 2, starting on page 2-45 (Attachment 3 to Summary Staff Report).

SUBJECT: APPEAL RESPONSE REPORT CF 25-0781

In its Appeal Letter, Local 11's comments are primarily concerned with Vehicle Miles Traveled, or VMT, the analysis used to determine if the project will have transportation-related impacts. VMT was calculated using patron transportation data from similar venues to find an average trip length to apply to the anticipated number of vehicles traveling to an event at the Amphitheater. Because this is a regional-serving project, any net increase in VMT results in a significant impact under the California Environmental Quality Act (CEQA). LAHD responded to similar comments in the Final SEIR. Local 11 representatives did not make additional public comments during the June 26, 2025, public hearing.

In its Appeal Letter (Attachment 1 to Summary Staff Report) Local 11 alleges several grounds for appeal, to which this Response provides rebuttal, below.

II. APPEAL RESPONSE TO LOCAL 11 LETTER DATED JULY 11, 2025, APPEALING BOARD OF HARBOR COMMISSIONERS' DECISION TO APPROVE THE FINAL SEIR FOR WEST HARBOR MODIFICATION PROJECT

A. THE SEIR'S ANALYSIS OF TRANSPORTATION IMPACTS MEETS THE REQUIREMENTS OF CEQA

1. LAHD's Transportation Assumptions Regarding Amusement Attractions and Parking Spaces are Supported by Evidence in the Record

Local 11 asserts that the SEIR's VMT-inducing assumptions should include the Ferris wheel and increased parking capacity, because these elements are incorrectly considered ancillary to the project and not trip-generating. The basis for this assertion appears to be that the increased parking availability will cause additional trip generation, whereas limited parking would constrain the capacity and therefore discourage trip generation. Because the VMT analysis was based upon a maximum capacity of 6,200 for the Amphitheater, this assertion is incorrect. Based on the Parking Management Plan prepared by West Harbor, the amphitheater and greater West Harbor development would have an anticipated peak day parking demand of 3,343 spots, which would be met by the currently available parking lots. Because there was not an existing parking constraint (based on estimates that did not include the development of the Project parking lot) the 208 E. 22nd street parking lot would not reasonably increase VMT. The parking lot at 208 E. 22nd Street will serve the greater San Pedro Waterfront area, not solely the amphitheater.

SUBJECT: APPEAL RESPONSE REPORT CF 25-0781

Additionally, the amusement attractions were already part of the previously approved project analysis. The Ferris wheel and amusement attractions component of the Project is expected to be ancillary to the amphitheater and adjacent retail uses. As a result, they are not expected to generate new vehicle trips (nor VMT) independent of these other uses given that visitors to the amusement attractions would be visiting other uses and adjacent to the Project. Thus, the Ferris wheel and amusement attractions would not change the worst-case scenario of new VMT attributable to the Amphitheater. The approach used for the VMT analysis was reviewed and approved by Los Angeles Department of Transportation (LADOT) for appropriateness and utilized LADOT's StreetLight license for the VMT analysis. StreetLight Data is an on-demand mobility analytics platform that takes big data from mobile devices to fuel transportation analyses (<https://www.streetlightdata.com>).

2. LAHD's Transportation Assumptions used Appropriate Venue Data for Comparison

Local 11 also suggests that the comparable entertainment venues used for VMT calculation are not conservative enough. To estimate anticipated VMT for the Project, four comparable venues in southern California were used as samples in a catchment area analysis. These venues included Greek Theater, Long Beach Terrace Theater, Kia Forum, and City National Grove of Anaheim. Two of the four venues, Greek Theater and City Grove of Anaheim, were selected and the Draft SEIR combined the two venues' average trip lengths to estimate the Project's VMT. The Greek Theater was selected because of its similar size and because it is also operated by Nederlander, presumably resulting in a similar variety of events, and the City Grove of Anaheim was chosen because it represents a similar population density. As a peer venue, the Proposed project is likely to serve a similar catchment area to these venues and similarly be classified as a regionally serving event center (Draft SEIR, p. 3.9-27). The Long Beach Terrace Theater was not selected because there were only 11 shows included in the dataset which were all Long Beach Symphony shows, which represents a niche market. The Kia Forum was removed because it is approximately three times the size of the Amphitheater. Trips being applied on a per-seat basis does not negate the understanding that patrons will typically travel farther for a more popular artist, more commonly in a larger venue. In addition, the project site is not considered to be "less accessible to densely packed areas," given demographics such as auto ownership and roadway system that includes the I-710 and I-110. Also, it should be emphasized that, even if the Kia Forum VMT was used in the analysis, it would not change the impact determination. The Draft SEIR concluded that transportation impacts would be significant and unavoidable, based on the significance threshold of any increase in VMT for regional-serving projects.

SUBJECT: APPEAL RESPONSE REPORT CF 25-0781

3. LAHD's Air Quality and GHG Analysis Adequately Considered Impacts from Traffic-Related Emissions

Local 11 also considers the air quality and GHG analyses to be invalid based on the increase in VMT impacts related to the above approach. For reasons stated above, LAHD believes that the venues selected provide a justified and appropriate approach for estimating trip generation and VMT. In addition, the increase to 19.3 miles for patron vehicle trips (as suggested by the data from the Kia Forum) would result in an approximately 14.2% increase in peak daily operational emissions that still remain below South Coast Air Quality Management thresholds for criteria pollutants. Significance determinations for GHG emission were determined through evaluation of consistency with GHG plans, policies, and regulations. GHG emissions quantified in the environmental document were provided for informational purposes and were not used to determine impact significance. Without a significant increase in criteria pollutants, GHG impacts are not expected to conflict with plans, policies or regulations targeting reductions in GHG emissions. Should the increased average trip length suggested by the commenter be used for evaluation, the Project would still not conflict with any plans, policies, or regulations. Therefore, impact determinations would remain unchanged.

4. LAHD's Greenhouse Gas Emission Mitigation is Adequately Enforceable.

Local 11 also claims that the mitigation targeting GHG reduction is not adequately specific or enforceable based on the description provided for MM-AQ-31: Zero-Emission Shuttle Buses. This is clarified in the Mitigation Monitoring and Reporting Program (MMRP) on pages 6-7 (Attachment 5 to Summary Staff Report): "This measure will be incorporated into the Tenant's lease. Enforcement will include oversight by LAHD Environmental Management and Real Estate Divisions". The Tenant will comply with the measure through contracts and/or agreements with selected vendors. In the event zero-emission shuttle buses are not commercially available within the local and greater Los Angeles region, written verification from the Tenant will be provided to LAHD on an annual basis. This methodology requires the Tenant to provide proof of infeasibility to the Harbor Department on an annual basis until a fleet of zero-emission shuttle buses are commercially available for rent locally. The comment also suggests that because the Project will draw a larger number of patrons than originally suggested by the 2009 SPW EIS/EIR plan for the area, that "it is appropriate for LAHD to consider feasible mitigation measures to minimize them, including, but not limited to, viable mitigation measures that were not previously considered but are now feasible." LAHD has considered and

SUBJECT: APPEAL RESPONSE REPORT CF 25-0781

implemented all feasible mitigation measures to reduce significant air quality, GHG, and transportation impacts of the Project as part of the Final SEIR in accordance with CEQA.

5. LAHD's Greenhouse Gas Emission Project Feature is Enforceable and Exceeds Requirements of CEQA

Local 11 also takes issue with the Project feature (PF) GHG-1, Install Solar Canopies over West Harbor Main Parking Lot. This comment asserts that a lack of clear definitions could present the possibility of selective enforcement by LAHD. It should be noted that the PF-GHG-1 is not mitigation for a new substantial impact, but a voluntary Project component proposed by the Tenant that LAHD chose to highlight and track through this document. The GHG impacts related to the Project did not exceed thresholds to be considered significant, so the reduction in GHG related to the solar panel installation is included for informational purposes only and its removal would not cause this impact area to be significant. Nevertheless, the Tenant currently has an agreement with a True Green Capital and intends to install 1.4 megawatts (MW) of solar panel capacity as part of the Project. To allow for flexibility given current fluctuations in the commercial solar panel market, PF-GHG-1 provides as follows: "Prior to the opening of the amphitheater, the Tenant will have entered into a binding contract with a third-party solar developer to construct and install solar-panel canopies (i.e., photovoltaic system) that are designed to generate approximately 1.4 MW of direct current (DC) electricity. In the event Tenant's solar developer defaults and fails to deliver the solar improvements, Tenant will inform the Executive Director and use commercially reasonable efforts to identify and replace the solar developer on terms substantially similar to original solar contract." Additionally, previous air quality mitigation measures (MM) that have GHG reducing effects applicable to the Project include:

- MM-AQ-3: Fleet Modernization for On-Road Trucks During Construction;
- MM-AQ-4: Fleet Modernization for Construction Equipment;
- MM-AQ-6: Best Management Practices;
- MM-AQ-7: General Mitigation Measure During Construction; and
- MM-AQ-27: Light-Emitting Diode (LED) Light Bulbs.

6. LAHD Considered all Feasible Mitigation for Vehicle Miles Traveled and Incorporated all Applicable Measures

Local 11 also claims that the Final SEIR failed to adequately consider their suggestions for mitigation measures to reduce air quality, GHG and transportation impacts. Local 11 suggested incorporating the California Air Pollution Control Officers Association (CAPCOA) Transportation Demand Managements (TDM) strategies such as i)

SUBJECT: APPEAL RESPONSE REPORT CF 25-0781

Implementing a mandatory commuter trip reduction program that is performance-based and includes reporting requirements, ii) Implementing commute trip reduction marketing, iii) providing a ridesharing program, implementing subsidized or discounted transit, iv) providing end-of-trip bicycle facilities, and v) providing an employer-sponsored vanpool. The implementation requirements for implementing a vanpool service in the CAPCOA recommendations document state that vanpool programs are more appropriate for the building occupant or tenant to implement rather than the building owner or developer. This also requires the employer to purchase vehicles and arrange carpooling for employees from different areas to arrive at presumably different times to report in to work at the Amphitheater and ancillary amusement area. The infeasibility referenced in the SEIR refers to the difficulty scheduling regular carpooling options for non-regular events (e.g. once a week). This strategy is oriented toward owners of office buildings, where most employees commute at the same time five days a week to accomplish the emissions reduction associated with this strategy. While the document offers an additional 40+ TDM strategies, there are many that are outside of the scope of this project or whose reductions in impacts are exceptionally speculative when considering the operations of the Project, for example i) increase residential density, ii) increase job density, iii) integrate affordable and below market rate housing, iv) construct or improve bike boulevard, v) increase transit service frequency, and vi) active modes of transportation for youth. (Attachment 6 to Summary Staff Report). Many of the strategies listed in this document are already proposed as part of MM-TRAN-1 and some of the larger infrastructure-related improvements are planned for the greater San Pedro Waterfront Project, such as end-of-trip facilities, bicycle parking, carpooling incentives, improvements to pedestrian access and transit, and providing traffic calming measures.

To reiterate, the reduction (if any) in VMT related to employee commutes would be a small fraction of the overall impact, and because of the infrequent nature of guests attending an event, many of the strategies suggested by this and other documents would not be applicable. While the suggested CAPCOA TDM strategies can be helpful to project planners seeking to reduce impacts of proposed development projects, they are not mandatory or feasible in all circumstances. Nevertheless, all feasible TDM strategies that could reasonably and potentially reduce VMT have been thoroughly considered and added to MM-TRAN-1.

7. LAHD Considered and Included all Feasible Mitigation and a Mandatory Commuter Transportation Reduction (CTR) Program is Infeasible as Described in the Referenced Document

As stated above, the additional suggested measures are not feasible to mitigate the major contributor to VMT impacts, which is event guest trip generation. Other TDMs included in the referenced CAPCOA list are also integrated into the larger San Pedro Waterfront project to facilitate carpooling, pedestrian and bicycle access, and promote public transit to the site. Additionally, the VMT reduction plan for the Bally Keal Winery referenced in the Appeal Letter provides the following mitigation options: to suspend all ancillary operations (in Bally Keal Winery's case, wine tasting) on days where special events are

SUBJECT: APPEAL RESPONSE REPORT CF 25-0781

taking place, or to reduce the number of annual events. Because this SEIR is only for the Project which includes the North Park area, the amphitheater, and the parking lot at 208 E. 22nd Street, this mitigation would be impracticable. This would have no reduction in VMT and preventing other operations in the waterfront area is outside of the scope of this SEIR, neither of these mitigation strategies is feasible. As discussed above these operations were not included as counting toward increased VMT given that they were previously approved in prior environmental documents in substantially similar form.

B. THE COMMENTER WAS NOTIFIED OF THE FINAL SEIR POSTING AND BOARD OF HARBOR COMMISSIONERS HEARING

The commenter is referred to an email sent June 13, 2025 to jordan@jrsissonlaw.com titled "Availability of the Responses to Comments for the West Harbor Modification Project Subsequent Environmental Impact Report" which contained a link to the Final SEIR posted on the Port's website as well as information about the Board of Harbor Commissioner's meeting with the SEIR agendized (Attachment 7 to Summary Staff Report).

III. CONCLUSION

LAHD appreciates the Council's consideration of this important project. For all of the reasons set forth herein, LAHD urges the Council to deny the appeal, certify the Final Subsequent Environmental Impact Report and adopt the recommendations of the Board of Harbor Commissioners from its regular meeting held on June 26, 2025, relative to the West Harbor Modification Project.

If the City Council grants the appeal, this matter will be remanded to the Board for reconsideration of its certification of the FEIR and approval of the Project.

For further information regarding this CEQA appeal, please contact Dina Aryan-Zahlan, Deputy Executive Director of Development, at 310-732-3510.

Sincerely,

Erica M. Calhoun for

EUGENE D. SEROKA
Executive Director

APP. No.: 190529-080

SUBJECT: APPEAL RESPONSE REPORT CF 25-0781

cc: Lucille Royball-Allard, President, Board of Harbor Commissioners
Dina Aryan-Zahlan, Deputy Executive Director of Development, Los Angeles Harbor Department
Steve Otera, General Counsel, Los Angeles Harbor Department